

SURVEILLANCE ARCHITECTURES

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From a municipal perspective, architecture and urban planning decisions dictate the presence and use of physical structures in our world. But architecture and urban planning decisions are also used to constrain and regulate the behavior of people and communities. While urban planning principles have been explored in the literature, there remains a gap between connecting urban design principles with a municipality's decision to enact urban surveillance. As this symposium contends, there is a "shadow carceral state" where carceral power exists in systems of administration and social control. This Essay argues that urban planning and architecture principles are part of the shadow carceral state and are indeed linked to the decisions to enact urban surveillance.

By viewing physical and virtual geographies from a critical perspective, this Essay locates the invisible link between the design and behavioral regulation of physical space with the decision to enact virtual surveillance. This Essay situates urban surveillance enactment within the urban planning, criminology, and critical geographies scholarship. The intertwined decisions of how to structure the physical design of a community and whether to enact urban surveillance are best described by a paradigm this Essay calls "surveillance by environmental design."

Instead of separating urban planning decisions from a city's decision to enact urban surveillance, this Essay argues that surveillance by environmental design is one of the primary mechanisms that has created the ever-present, all-seeing surveillance state that we live in today. The surveillance by environmental design paradigm informs us that surveillance is an essential element, and indeed inextricable from a municipality's urban design decisions, allowing us to locate the normative impacts of an urban surveillance by environmental design practice. Thus, if we are to resist the installation of surveillance technologies in our communities, we must first make visible the ways in which our architecture and urban planning principles contribute to our decisions to enact virtual carceral surveillance.

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INTRODUCTION

As I see it, technology has built the house in which we all live. The house is continually being extended and remodeled. More and more of human life takes place within its walls, so that today there is hardly any human activity that does not occur within this house. All are affected by the design of the house, by the division of its space, by the location of its doors and walls. Compared to people in earlier times, we rarely have a chance to live outside this house. And the house is still changing; it is still being built as well as being demolished.

—Ursula M. Franklin, 1990¹

It was during my time in municipal elected office that I realized the quiet power of architecture and urban planning decisions. A discussion about whether our municipal government should spend money on installing benches at the public bus stops somehow turned into a conversation about unhoused people using benches as places to sleep. I realized then that architecture and urban planning decisions were not benign choices, but rather forces used to control when, how, and where people can exist in a community. Architecture and urban planning decisions dictate the presence and use of physical structures that constrain the behavior of people and communities. For example, the decision of whether to install a public bench can result in a bench being installed that prevents someone from fully reclining or enjoying the full use of the bench. Architecture that constrains behavior to prevent “undesirable use” is often called “hostile” or “defensive” architecture.²

1. URSULA FRANKLIN, *THE REAL WORLD OF TECHNOLOGY* 11 (Ann Fullerton ed., 1990).

2. See, e.g., Faith Ruetas, *Anti-Homeless Architecture / 15 Examples of Hostile Architecture*, RETHINKING THE FUTURE, <https://www.re->

Just as hostile architecture categorizes, marginalizes, and displaces “undesirable” people, surveillance architectures work in a similar fashion to categorize, track, and constrain the movements of undesirable people within a community.³ But surveillance doesn’t just randomly or spontaneously appear on our city streets, without any thought as to its location. Surveillance technology is installed with the goal of identifying, categorizing, and tracking individuals as they make their way through a neighborhood. This Essay contends that our urban environments have been and are designed with surveillance in mind. In other words, surveillance is a core feature of today’s urban planning practices—it is not an afterthought. This phenomenon of surveillance being a core part of urban planning and design is captured in a frame this Essay calls “surveillance by environmental design.” Utilizing the frame of surveillance by environmental design allows us to situate how urban planning and municipal architecture decisions impact the use of virtual surveillance in our urban communities.

There are well-known surveillance architectures that have been previously discussed in the literature, perhaps the most famous being Bentham’s Panopticon. The Panopticon was an architectural prison design with the primary goal of maintaining constant visibility over its prisoners.⁴ For Michel Foucault, the primary impact of Bentham’s Panopticon was “to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power.”⁵

thinkingthefuture.com/designing-for-typologies/hostile-architecture-anti-homeless-architecture (last visited Feb. 21, 2026) (describing various examples of hostile architecture designed to exclude certain types of people from using public structures); Winnie Hu, *‘Hostile Architecture’: How Public Spaces Keep the Public Out*, N.Y. TIMES (Nov. 14, 2019), <https://www.nytimes.com/2019/11/08/nyregion/hostile-architecture-nyc.html> (showing examples of hostile architecture in New York City); THE NEW YORK TIMES, *Why City Benches Are Becoming More Hostile*, at 02:33–02:49 (YouTube, Oct. 24, 2025), <https://www.youtube.com/watch?v=KB8RWULtiQc> (on file with author) (“The spread of the leaning bench and the lack of seating at places like Moynihan or around the city signals to homeless individuals that they are not welcome in these places. It signals to all New Yorkers that these are not social places. These are places to simply pass through.”).

3. See Bert-Jaap Koops, *Law, Technology, and Shifting Power Relations*, 25 BERKELEY TECH. L.J. 973, 995 (2010) (“The second face of the collateral damage to citizens is the disciplining effect of surveillance architectures. New forms of restraint, more subtle and varied than physical imprisonment, are imposed on groups encompassing more than just sophisticated criminals and terrorists.”).

4. See JEREMY BENTHAM, *THE PANOPTICON WRITINGS* 33–35 (Miran Bozovic ed., 1995) (describing plans for a circular building with cells and an inspector’s lodge that is structured to ensure the greatest visibility, even at night, of prisoners within the building).

5. MICHEL FOUCAULT, *DISCIPLINE AND PUNISH: THE BIRTH OF THE PRISON* 200 (Alan Sheridan trans., Second Vintage Books 1991) (1977).

Although Bentham's actual Panopticon structure was never built, the manifestations of Panopticism have surrounded us for generations.⁶

Professor Simone Browne's scholarship "[c]ompl[ic]at[es] Foucault's panopticism through the archive of slavery and black feminist scholarship,"⁷ arguing that "[t]he historical formation of surveillance is not outside of the historical formation of slavery."⁸ In Professor Browne's work, the slave ship, plantation structures, the census, biometric identification of enslaved peoples, and lantern laws are just a few examples of surveillance architectures rooted in racializing surveillance—"a technology of social control where surveillance practices, policies, and performances concern the production of norms pertaining to race and exercise a 'power to define what is in or out of place.'"⁹ Today, surveillance architectures are all around us—from the way our public schools are designed,¹⁰ to the way our family regulation system functions,¹¹ to even the way our public service systems engage

6. For more on Bentham's Panopticon, see *id.* at 208 ("Panopticism is the general principle of a new 'political anatomy' whose object and end are not the relations of sovereignty but the relations of discipline."), Bart Simon, *The Return of Panopticism: Supervision, Subjection and the New Surveillance*, 3 SURVEILLANCE & SOC'Y 1, 10 (2005) ("All that panopticism arguably requires of us is segmentation and differentiation, the marking of our passage from one spatial and cultural zone to the next."), and SIMONE BROWNE, DARK MATTERS: ON THE SURVEILLANCE OF BLACKNESS 24 (2015) ("Panopticism . . . is the Panopticon as a social practice.").

7. BROWNE, *supra* note 6, at 42.

8. *Id.* at 50.

9. *Id.* at 16 (quoting John Fiske, *Surveilling the City: Whiteness, the Black Man, and Democratic Totalitarianism*, 15 THEORY, CULTURE & SOC'Y 67, 81 (1998)).

10. See generally DAVID OMOTOSO STOVALL, BORN OUT OF STRUGGLE: CRITICAL RACE THEORY, SCHOOL CREATION, AND THE POLITICS OF INTERRUPTION (2016) (describing the ways in which surveillance and criminalization have been built into, and not separate from the structure and functioning of our public schools); EVE L. EWING, ORIGINAL SINS: THE (MIS)EDUCATION OF BLACK AND NATIVE CHILDREN (2025) (exploring the history of how public schools were designed with the white intellectual superiority with the goal of surveilling and subjugating Black and Native children).

11. See generally DOROTHY E. ROBERTS, TORN APART: HOW THE CHILD WELFARE SYSTEM DESTROYS BLACK FAMILIES—AND HOW ABOLITION CAN BUILD A SAFER WORLD (2022) (exploring how the child welfare system, or as Roberts argues is better called the family regulation or policing system, places Black families under state surveillance and regulation, and arguing for the abolition of the child welfare system); Melissa Murray, *Marriage as Punishment*, 112 COLUM. L. REV. 1 (2012) (arguing that marriage and criminal law work together as panoptic forces to enforce "state imposed sexual discipline"). See S. Lisa Washington, *Survived & Coerced: Epistemic Injustice in the Family Regulation System*, 122 COLUM. L. REV. 1097, 1107 (2022) (exploring how the surveillance apparatus of the family regulation system perpetuates epistemic injustice on survivors of domestic violence, which "facilitates damaged knowledge production by requiring false or inauthentic victimhood narratives and excluding alternate knowledge").

with people needing public services.¹² But there still remains an underexplored link between why and how our urban environments are structured the way they are and the rise of virtual surveillance in our urban environments.

This Essay contributes to the surveillance architecture scholarship by exploring how urban planning and municipal architecture praxes impact and dictate the use of surveillance.¹³ While there are many urban design practices, this Essay focuses on two urban design approaches that originated in the 1960s and 1970s, both of which specifically highlight the use of surveillance: the work of Jane Jacobs, and C. Ray Jeffery.¹⁴ Both of these urban planning scholars had an outsized influence on not only urban design, but also in the evolution of urban surveillance, both from a physical and virtual perspective.

Jacobs' seminal work, *The Life and Death of Great American Cities*, was written in the early 1960s out of her curiosity about what made some city streets safe, vibrant centers of life, and other city streets dull and quiet areas where there was a greater likelihood of street

12. See generally Khiara M. Bridges, *Towards a Theory of State Visibility: Race, Poverty, and Equal Protection*, 19 COLUM. J. GENDER & L. 965 (2010) (developing the concept of "state visibility" to show how surveillance and tracking of people needing state services is embedded within public service programs that force people needing state assistance to forgo privacy in exchange for access to state benefits).

13. While surveillance technologies are certainly present in suburban, rural, and even tribal areas, this Essay focuses on the study of urban design and urban surveillance, given that it is in urban American cities that much of our present-day surveillance technologies were first deployed. See Taylor Shelton, *City of Cameras*, MAPPING ATLANTA (June 9, 2025), <https://mappingatlanta.org/2025/06/09/city-of-cameras> [<https://perma.cc/8BJB-SULN>] ("Atlanta is the most surveilled city in the United States. With 124.14 surveillance cameras per 1,000 people, we not only lead the country, we have more than twice as many cameras per capita as 2nd ranked Washington, DC and more than four times as many as 3rd ranked Philadelphia, Pennsylvania. But no matter how surveilled we are here in Atlanta, it never seems to be enough for our city's leaders."); Matthew Guariglia, *The Overlapping Infrastructure of Urban Surveillance, and How to Fix It*, ELEC. FRONTIER FOUND. (June 24, 2021), <https://www.eff.org/deeplinks/2021/06/graphic-overlapping-infrastructure-urban-surveillance-and-how-fix-it> [<https://perma.cc/MNA7-MHJP>] ("[I]f you could take a cross-section of the average city block, you would see the ways that the built environment of surveillance—its physical presence in, over, and under our cities—makes this [surveillance] an entwined problem that must be combatted through entwined solutions.").

14. See generally JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* (1st Vintage Books 1992) (1961) (critiquing urban planning approaches that fail to prioritize the lived experience and needs of urban residents); C. RAY JEFFERY, *CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN* (1971) (arguing that our physical environment should be structured to prevent crime or reduce the opportunity for crimes to occur).

violence, such as robbery, theft, or assault.¹⁵ Jacobs didn't start her research as an urban planner or city architect; instead, she used her journalism background to observe the differences between vibrant city blocks and underutilized city blocks.¹⁶ In first observing, and then theorizing, Jacobs provides a blueprint for a vision of urban city life where everyone can use city streets, where "[t]he streets must not only defend the city against predatory strangers, they must protect the many, many peaceable and well-meaning strangers who use them, insuring their safety too as they pass through."¹⁷ While Jacobs' full treatise on how to create vibrant city life is worthy of a complete analysis, this Essay focuses on one of the three criteria that Jacobs argues is necessary to create well-used, safe city streets—"eyes upon the street."¹⁸ This model of surveillance at first glance appears to be traditional panopticism, but as this Essay argues, is differentiated from the natural surveillance model found in another prominent urban planning practice, Crime Prevention Through Environmental Design (CPTED).

CPTED is an urban planning practice created by criminologist C. Ray Jeffery and others in the 1970s, which centers crime prevention and crime reduction as the core value that must be considered when designing urban centers in the 1970s.¹⁹ Jeffery had a very different perspective compared to Jacobs about the uses of city streets and how public space should be structured. Importantly, Jeffery believed in creating crime control methodologies that worked to "prevent crime before it occurs, not deal with it after it has occurred," establish "direct controls" over criminal behavior, and change the "criminal environment in which crime occurs."²⁰ Jeffery's CPTED model included four criteria for how to design safe communities, with Jeffery's "natural surveillance" model as the core focus of this Essay.²¹

The differences in Jacobs' eyes upon the street and Jeffery's natural surveillance urban planning praxes are critical to explore in order to understand the link between urban planning praxes and decisions to enact virtual surveillance architectures. Both Jacobs' and Jeffery's approaches to surveillance and urban planning have played a major role in defining urban planning, architecture, and design as we know it today. While

15. See generally JACOBS, *supra* note 14 (exploring the question of what elements make some city streets safe, vibrant, and full of sidewalk life). See *infra* Section I.A.

16. Jane Jacobs, PROJECT FOR PUB. SPACES (Jan. 2, 2010), <https://www.pps.org/article/jjacobs-2> [<https://perma.cc/VHX3-GG4J>].

17. JACOBS, *supra* note 14, at 36.

18. See *id.* at 35.

19. See *infra* Section I.B.

20. C. Ray Jeffery, *Social Change and Criminal Law*, 13 AM. BEHAV. SCI. 523, 530 (1970).

21. See *infra* Section I.B.

there are other urban planning practices worthy of exploration, this Essay focuses on Jacobs' and Jeffery's approach to urban planning because both of their urban planning models have surveillance as a central part of their practice. Specifically, this Essay uses a critical legal geography (CLG) frame to explore the difference between Jacobs' and Jeffery's approach to surveillance and urban planning. CLG situates how "space, law, and (in)justice are the means of the co-production of each other."²² Using a lens that allows us to situate the interplay between space (our physical space), law, and power helps explore the differences between eyes upon the street surveillance and CPTED natural surveillance and importantly the impact of these surveillance practices on racialized and othered community members. In exploring this link, this Essay argues that our current surveillance state has been built in part, through a surveillance by environmental design practice where urban planning is part of the surveillant assemblage,²³ and where surveillance is integrated into how our cities have been built. In this way, surveillance by environmental design is a framework that allows us to visualize how surveillance is not an afterthought in the urban design process.

There are two primary contributions this Essay makes to the surveillance literature. First, this Essay uses a CLG lens to explore the differences between eyes upon the street surveillance and CPTED's natural surveillance and to situate how surveillance by environmental design is the urban planning practice that has been used to create the urban surveillance state that we have today.²⁴ Second, this Essay uses the surveillance by environmental design frame to situate three impacts of surveillance by environmental design: (1) an erosion of the line between public and private space, (2) the creation of virtual sundown towns that exacerbate and reify existing racial segregation in our communities, and (3) an increase in state violence against individuals deemed as othered or unwanted.²⁵

This Essay proceeds in three parts. Part I explores a brief history of two urban planning and urban surveillance theories: Jane Jacobs' eyes upon the street and C. Ray Jeffery's natural surveillance. Part II uses a CLG approach to situate the surveillance by environmental design frame and differentiate between Jacobs' and Jeffery's urban surveillance approaches. Finally, Part III locates three implications of surveillance by environmental design, by exploring the current contours of the urban surveillance state and situating how racialized urban surveillance shapes marginality. By bringing to light how urban design practices are part of

22. David Delaney, *Legal Geography II: Discerning Injustice*, 40 *PROGRESS HUM. GEOGRAPHY* 267, 268 (2016).

23. See *infra* Section II.B.

24. See *infra* Parts I–II.

25. See *infra* Part III.

the shadow carceral state, surveillance by environmental design can help locate targets for surveillance resistance efforts so that we can slow or stop the installation of virtual surveillance technologies in our communities.

I. A BRIEF EXPLORATION OF URBAN PLANNING AND SURVEILLANCE THEORIES

“Can you tell me how to get, how to get to Sesame Street?” And when I get there, will there be surveillance technologies on Sesame Street? Those two questions were bouncing around my head as I watched a brilliant video from *New York Times* journalist Anna Kodé exploring the urban design history of the beloved children’s show, Sesame Street.²⁶ Sesame Street aired its first episode on November 10, 1969, and takes place on a street that looks like a real New York City street.²⁷ As Kodé explains, the creators and set designers of Sesame Street wanted the show to be set in an urban environment to represent “an idealized version of what city life could be.”²⁸

In exploring the history of Sesame Street’s set design Kodé mentions one of the most influential works describing American urban city life—Jacobs’ seminal 1961 book, *The Death and Life of Great American Cities*.²⁹ In the video, Kodé explores the intriguing link between Jacobs’ urban design theories and the set design and character interactions on Sesame Street, describing how the public sidewalk interactions can help to build community and public safety.³⁰ But Sesame Street is an imaginary street, one that hasn’t undergone redevelopment or displacement of its key characters and one that has never had surveillance technology installed on its buildings. So how does Jacobs’ urban design theory play out in our urban environments of today, and how does urban surveillance fit into Jacobs’ and Jeffery’s urban design and surveillance theories? This Part provides a brief analysis of Jacobs’ and Jeffery’s urban planning and urban surveillance theories, starting with an exploration of Jacobs’ eyes upon the street surveillance model.

26. See generally THE NEW YORK TIMES, *The Urban Design of ‘Sesame Street,’* (YouTube, July 29, 2025), <https://www.youtube.com/watch?v=e3BZdmNXmyo> (on file with the Wisconsin Law Review) (discussing the set design history of Sesame Street and its roots in Jacobs’ theories of urban life, mixed-use neighborhoods, and the sidewalk ballet).

27. See *Five Things You May Not Know About Sesame Street*, SESAME WORKSHOP, <https://sesameworkshop.org/about-us/news/five-things-you-may-not-know-about-sesame-street/> [<https://perma.cc/HM7V-5CJJ>] (last visited Feb. 21, 2026).

28. THE NEW YORK TIMES, *supra* note 26, at 00:34.

29. *Id.* at 00:03; see *supra* notes 14–15 and accompanying text.

30. THE NEW YORK TIMES, *supra* note 26, at 00:03.

A. "Eyes Upon the Street" Surveillance

In her seminal book, Jacobs takes a journalistic point of view to describe the nature of cities, the uses of public structures like sidewalks, and the forces of decline and regeneration that contribute to city life.³¹ Jacobs' book is an observational account of American city life in the 1960s, exploring how people interact with one another and how physical structures either help to facilitate or inhibit these interactions. In describing life in New York City, and in particular the life of the street in areas with mixed use development, Jacobs discusses the importance of designing cities and the buildings within those cities to ensure access to public spaces that facilitate interactions between community members and strangers alike.³²

There is a real love for cities and the people who inhabit them present in Jacobs' work, and concurrently, a very negative view of city planners and developers who in the 1960s were engaged in economic rebuilding efforts that "pushed about, expropriated, and uprooted" people who were deemed undesirable or unwanted in redeveloped neighborhoods.³³ In Jacobs' view, cities work best when there are "intricate and close-grained diversity of uses that give each other constant mutual support, both economically and socially," and the developers of the 1960s and 1970s were failing to appreciate this intricate web of connections that was necessary to creating vibrant city life.³⁴ Through her study of city life, Jacobs observed that well-used city streets, where people were constantly present inside and outside the buildings on the street, were generally considered the safer streets in a neighborhood.³⁵ Well-used streets had three main characteristics: (1) a clear demarcation between public and private space, (2) eyes upon the street, and (3) continuous use of city sidewalks.³⁶ While all of these characteristics are worthy of an in-depth exploration, this Essay focuses on the second characteristic of well-used cities: eyes upon the street.

According to Jacobs, city streets must have the following:

eyes upon the street, eyes belonging to those we might call the natural proprietors of the street. The buildings on a street equipped to handle strangers and to insure the safety of both residents and strangers, must be oriented to the street. They

31. See JACOBS, *supra* note 14 and accompanying text.

32. *Id.*

33. See *id.* at 4–5.

34. See *id.* at 14–15.

35. See *id.* at 34.

36. *Id.* at 35.

cannot turn their backs or blank sides on it and leave it blind.

37

What Jacobs is referring to is a type of surveillance whereby people, both residents of the streets and strangers, work together in a kind of symphony to secure the safety of streets. Jacobs' model of surveillance³⁸ is one built on community members using and enjoying public city sidewalks and streets. It is a protective and human observation or vigilance, not a punitive and inhuman surveillance.

For Jacobs, surveillance didn't happen using technology that tracks everyone's movements, but rather from "a substantial quantity of stores and other public places sprinkled along the sidewalks of a district."³⁹ Eyes upon the street requires a constant use of city sidewalks (characteristic number (3)), and a clear demarcation between public and private space (characteristic number (1)) to create the safe vibrant environment that defines Jacobs' view of safe and thriving urban city life. We can thus see how the set designers of Sesame Street were influenced by Jacobs' work, given that as Kodé points out, much of the character interactions that occur between passersby on Sesame Street are the same interactions that Jacobs argues provide public safety and a sense of community.⁴⁰ This community-centered eyes upon the street surveillance and urban planning model is in stark contrast to the urban planning practices that arose during the 1970s War on Drugs era of crime prevention (or, more accurately, prosecution and punishment), which is explored in the next section.

B. Crime Prevention Through Environmental Design and Natural Surveillance

In the 1970s, criminologist C. Ray Jeffery and other urban planners envisioned an urban planning scheme that was centered on crime reduction. The plan was called Crime Prevention Through Environmental Design and its origins are based on the work of Jeffery, Jacobs, and Oscar Newman, in particular Newman's "theory of 'defensible space,'" which is defined as "an environment whose physical characteristics function to allow individuals to become key agents in

37. *Id.*

38. Jacobs uses the word "surveillance" to describe the act of watching the streets. *See id.* at 36 ("To try to secure streets where the public space is unequivocally public, physically unmixed with private or with nothing-at-all space, so that the area needing surveillance has clear and practicable limits; and to see that these public street spaces have eyes on them as continuously as possible.").

39. *Id.* at 36.

40. *See* THE NEW YORK TIMES, *supra* note 26; JACOBS, *supra* note 14, pt. 1.

ensuring their safety.”⁴¹ CPTED has four core principles: (1) natural surveillance, (2) natural access control, (3) territorial reinforcement, and (4) maintenance and management.⁴²

Natural surveillance can be seen as an extension of Jacobs’ eyes upon the street model of surveillance and occurs when the design of a community—particularly the layout of structures along the street—creates opportunities for community watch by pedestrians, bystanders, and people who live and work on the street.⁴³ Natural access control utilizes physical access features such as fences and locks to block admission.⁴⁴ Territorial reinforcement is the use of landscaping to demarcate between public streets and private areas, such as the use of shrubs or trees to block the view of a private house.⁴⁵ Maintenance and management ensures upkeep and management of structures to deter crime.⁴⁶

These four CPTED principles work individually and in concert to enact a model of crime control and environmental engineering that was at the core of Jeffery’s behavioral criminology approach. According to Jeffery, an “adequate model of crime control” must meet three criteria.⁴⁷ First, the crime control model must aim to “prevent crime before it occurs, not deal with it after it has occurred.”⁴⁸ Second, an adequate crime control model must “establish direct controls rather than indirect controls over criminal behavior.”⁴⁹ The third criterion of a crime control model is that it must “change the criminal environment in which crimes occur, rather than dealing with the personality of the individual criminal.”⁵⁰

The idea that cities need to have defensible space and that crime prevention should be a primary focus of environmental design is indicative of the era during which this urban planning paradigm arose: the 1970s War on Drugs era of criminalization and mass incarceration, which resulted in a massive expansion of the police state and the largest

41. Vania Ceccato, *The Circumstances of Crime and Fear in Public Places: A Review of Theories*, in *CRIME AND FEAR IN PUBLIC PLACES: TOWARDS SAFE, INCLUSIVE AND SUSTAINABLE CITIES* 16, 18 (Vania Ceccato & Mahesh K. Nalla eds., 2020).

42. TIMOTHY D. CROWE & LAWRENCE J. FENNELLY, *CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN* 46–48 (3d ed. 2013).

43. *Id.* at 42–51.

44. *Id.*

45. *See id.*

46. *Id.*

47. Jeffery, *supra* note 20, at 530.

48. *Id.*

49. *Id.*

50. *Id.*

increase of incarcerated people in the modern era.⁵¹ During this period, the predominant narrative about America's urban centers was that they were "crime-riddled" slums that needed urgent revitalization.⁵² The CPTED principles arose during an era where the media, politicians, and even some community members were pushing for more policing in their neighborhoods.⁵³

51. See, e.g., Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2025*, PRISON POL'Y INST. (Mar. 11, 2025), <https://www.prisonpolicy.org/reports/pie2025.html> [<https://perma.cc/T53S-WFMU>] (showing the current numbers of incarcerated people in state, local, and federal prisons and jails); THE SENTENCING PROJECT, MASS INCARCERATION TRENDS 1 (2024), <https://www.sentencingproject.org/reports/mass-incarceration-trends/> [<https://perma.cc/59EF-6RLL>] ("The United States is unparalleled historically and ranks among the highest worldwide in its dependence on incarceration. Over five million people in total are under supervision by the criminal legal system. Of these, nearly two million people, disproportionately Black, are living in prisons and jails instead of their communities. Compare this to the figures of the early 1970s when this count was 360,000. . . . In 1972, the imprisonment rate was 93 per 100,000 people. The prison population expansion that commenced in 1973 reached its peak in 2009, achieving a seven-fold increase over the intervening years." (footnotes omitted)); Mona Lynch, *Theorizing the Role of the "War on Drugs" in US Punishment*, 16 THEORETICAL CRIMINOLOGY 175, 189 (2012) ("[T]his 'war [on drugs]' has allowed law enforcement to maintain and even expand its institutionalized place in American social life, despite dramatic decreases in crime in the USA. Because of the highly discretionary nature of drug law enforcement, the sustained prioritization of drug crime has allowed police agencies to expand their force size and budgets. While non-drug arrests fell dramatically from 1992–2008, the nation's pool of sworn police officers grew by 26 percent, and costs for local policing (excluding federal) doubled from \$131 per US resident annually to \$260 per resident in the 14 years from 1993 to 2008.").

52. For a random selection of *New York Times* articles on crime in New York, see generally Carol Botwin, *Violence and the City Child*, N.Y. TIMES (Jan. 11, 1970), <https://www.nytimes.com/1970/01/11/archives/violence-and-the-city-child-violence-and-the-city-child.html>, Sheila Rule, *A Citizens Anticrime Mobilization Is Begun at a Rally in Foley Square*, N.Y. TIMES (Nov. 30, 1979), <https://www.nytimes.com/1979/11/30/archives/a-citizens-anticrime-mobilization-is-begun-at-a-rally-in-foley.html>, and Michael M. Grynbaum, *Remembrances of Empty Subways of Weekends Past*, N.Y. TIMES (July 10, 2011, at 21:50 CT) <https://archive.nytimes.com/cityroom.blogs.nytimes.com/2011/07/10/remembrances-of-empty-subways-of-weekends-past/>.

53. See, e.g., Fred P. Graham, *Both Parties Press Crime as 1970 Campaign issue*, N.Y. TIMES (Jan. 4, 1970), <https://www.nytimes.com/1970/01/04/archives/both-parties-press-crime-as-1970-campaign-issue-both-parties.html> ("The new year is bringing an old problem—crime—to the fore front as a major issue of the 1970 Congressional campaign. The Republican 'ins,' in contrast to the normal situation, appear most likely to benefit from the continuing crime controversy, and the Democratic 'outs' are scrambling to build an anticrime image."). Sound familiar? We are currently in another tough-on-crime era with President Trump sending in National Guard troops to cities that he deems are "crime-ridden." See Ellie Quinlan Houghtaling, *D.C. Families Call BS on Trump's Biggest Claim About National Guard*, NEW REPUBLIC (Dec. 29, 2025, at 15:21 ET), <https://newrepublic.com/post/204790/donald-trump-washington-dc-national-guard-murders-victims> (Trump has "claimed that crime has fallen to 'virtually nothing' and that the city has 'no crime'—unfounded assertions that have left real victims feeling utterly forgotten.").

The War on Drugs saw not only the largest expansion of police powers, but also the erosion of Fourth Amendment protection from unreasonable searches and seizures.⁵⁴ The social, legal, and political conditions surrounding the genesis of CPTED as an urban planning practice are vital to consider when connecting urban planning and urban design principles to the rise of municipal surveillance. During the War on Drugs era, and even now, architecture and urban planning have been used to regulate and constrain behavior of people in our communities.⁵⁵ It is also important to note that CPTED principles are still a core principle of modern urban planning, with many municipalities implementing CPTED-driven community development plans as part of municipal revitalization and gentrification projects.⁵⁶

That CPTED is still used by police departments and municipalities to guide community policing and urban development shows the lasting impacts of Jeffery's urban design practice. However, it is CPTED's goal of crime prevention and its natural surveillance model that warrant further evaluation using a CLG frame.

54. See *Skinner v. Ry. Lab. Execs.' Ass'n*, 489 U.S. 602, 641 (1989) (Marshall, J., dissenting) (noting how Supreme Court Justice Thurgood Marshall called the War on Drugs era erosion of Fourth Amendment protection the "drug exception to the Constitution"). See generally *Terry v. Ohio*, 392 U.S. 1, 36 (1968) (Douglas, J., dissenting) (noting the erosion of probable cause standard, arguing that the Court's holding gives "the police . . . greater authority to make a 'seizure' and conduct a 'search' than a judge has to authorize such action").

55. See Arti Walker-Peddakotla, *How Crime Statistics Regulate Behavior*, 65 WASHBURN L.J. (forthcoming Mar. 2026) (manuscript at 34) (on file with author) ("Perhaps more than any other modality of regulation, architecture, or rather the decisions we make as to how we wish to physically structure our society and thereby the people within it, shows the fullest manifestation of our society's embedded fear around crime.").

56. See, e.g., Sherry Plaster Carter, Stanley L. Carter & Andrew L. Dannenberg, *Zoning Out Crime and Improving Community Health in Sarasota, Florida: "Crime Prevention Through Environmental Design"*, 93 AM. J. PUB. HEALTH 1442, 1442 (2003) (describing how Sarasota used CPTED principles, such as increased police patrols, in order to identify people suspected of drug dealing and prostitution as part of plan to revitalize a "crime-ridden" area). See generally OSHKOSH POLICE DEP'T, CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) (n.d.), https://www.oshkoshpd.com/Resources/pdf/Publications/Crime_Prevention_Through_Environmental_Design_Handbook.pdf [<https://perma.cc/5Z6A-U5D8>] (laying out strategies for home and business owners to implement CPTED principles in their communities); *Crime Prevention Through Environmental Design (CPTED)*, CITY OF MENLO PARK, <https://www.menlopark.gov/Government/Departments/Police/Crime-safety-and-prevention/Crime-Prevention-Through-Environmental-Design> [<https://perma.cc/5XL8-2398>] (last visited Mar. 8, 2026) (noting how Menlo Park offers residents a "CPTED or a 'security survey'" to help assess properties and propose changes aimed at reducing the fear and incidence of crime).

II. SURVEILLANCE BY ENVIRONMENTAL DESIGN

While both Jacobs' and Jeffery's urban design praxes are seminal paradigms, there are key distinctions in their approach to surveillance that warrant further evaluation. This Part situates the urban planning paradigms explored in Part I within the CLG scholarship to explore how urban planning, law, and the design of our communities shape marginality. As Professor Browne argues, "an understanding of the ontological conditions of blackness is integral to developing a general theory of surveillance" and that "rather than seeing surveillance as something inaugurated by new technologies . . . to see it as ongoing . . . [and] factor in how racism and antiblackness undergird and sustain the intersecting surveillances of our present order."⁵⁷ Thus, this Part first introduces the CLG approach and then applies a CLG frame to evaluate the key differences between eyes upon the street and natural surveillance.

A. *Critical Legal Geography*

To understand the impact of urban planning paradigms on the modern-day decisions to enact and expand surveillance, this Essay uses a CLG approach to situate how urban planning decisions intersect with the decisions to enact surveillance. CLG seeks to "unmask power, demonstrate inequality, uncover resistance and foster emancipatory politics and social change."⁵⁸ CLG can be seen as a subfield of critical legal studies—ultimately, like critical legal studies, CLG seeks to explore "the interactions between space, power, and the law."⁵⁹ The major focus of CLG scholarship is to understand how the law fundamentally produces spatiality and to remove the veneer of neutrality to show how law and space shape power and marginality in our society.⁶⁰ Importantly, CLG scholarship "rejects the belief that law reflects any preexisting or natural division of people or place and argues that law and space are mutually and inexorably generative of each other."⁶¹ For example, Professor Keith

57. BROWNE, *supra* note 6, at 8–9.

58. *About Critical Legal Geography*, CLG PLACE <https://www.clg.place/apps/e4d31b4b25b34992b49dbf7f989832ed/explore> [https://perma.cc/VH7J-NY4G] (last visited Feb. 21, 2026).

59. MATTEO NICOLINI, *LEGAL GEOGRAPHY: COMPARATIVE LAW AND THE PRODUCTION OF SPACE* 130 (Mortimer Sellers & James Maxeiner eds., 2022).

60. *See id.* at 125–61 (overviewing several theories of CLG). *See generally* DAVID DELANEY, *THE SPATIAL, THE LEGAL AND THE PRAGMATICS OF WORLD-MAKING: NOMOSPHERIC INVESTIGATIONS* (2010) (taking a nomospheric approach to CLG); NICHOLAS K. BLOMLEY, *LAW, SPACE, AND THE GEOGRAPHIES OF POWER* (1994) (exploring how law is not a neutral force and how it deploys power to structure social life).

61. Jacquelyn Amour Jampolsky, *Property, Sovereignty, and Governable Spaces*, 34 MINN. J.L. & INEQ. 87, 91–92 (2016).

Aoki's scholarship used a CLG approach to understand the impact of architecture and urban planning on spatial distribution of gentrification and segregation.⁶² In evaluating how ideological shifts of urban planners affected spatial distribution of urban and suburban communities, Professor Aoki highlights how local urban planning decisions "became vehicles for maintaining homogeneity in the face of strong countervailing social pressures for change."⁶³

Two recent pieces of scholarship that focus on spatiality and its intersections with law and marginality help to situate the importance of infrastructure and public space in defining who belongs within a given space. Professors Deborah Archer and Yuvraj Joshi use the frame of "infrastructure equality" to explore "the critical intersection of physical, social, and legal infrastructures that feed racial inequality."⁶⁴ In creating the frame of infrastructure equality, Professors Archer and Joshi are able to evaluate the "individual and collective harms experienced by marginalized communities that often go unrecognized within traditional legal frameworks."⁶⁵ Importantly, their work highlights how Black communities have been historically excluded from infrastructure investments, were forced to build massive infrastructure projects during the era of enslavement, and have been segregated by infrastructure developments. Professors Archer and Joshi utilize the infrastructure equality frame as a potential remedy to the U.S. Supreme Court's decision in *SFFA v. Harvard*,⁶⁶ where the Court held that race-sensitive admissions programs in higher education were no longer constitutional.⁶⁷ Utilizing an infrastructure equality frame as a post-*SFFA* remedy allows for the possibility of addressing generations of state-enacted longitudinal structural violence on Black and Brown communities—an infrastructure inequality that Professors Archer and Joshi argue the Court failed to take into account in *SFFA*.⁶⁸

Professor Jameila Morgan uses the housing crisis as a case study to explore the "public ordering function of criminal law"—a function of

62. See generally Keith Aoki, *Race, Space, and Place: The Relation Between Architectural Modernism, Post-Modernism, Urban Planning, and Gentrification*, 20 *FORDHAM URB. L.J.* 699 (1993) (using CLG approach).

63. *Id.* at 701.

64. Deborah N. Archer & Yuvraj Joshi, *Infrastructure Equality*, 120 *NW. U. L. REV.* 135, 135 (2025).

65. *Id.* at 138.

66. *SFFA v. Harvard*, 143 S. Ct. 2141 (2023).

67. Archer & Joshi, *supra* note 64, at 137–38; *SSFA*, 143 S. Ct. at 2175.

68. Archer & Joshi, *supra* note 64, at 138–39; see also David Stovall, *Condemnations of Chicago "Looting" Prioritize Property over Black Lives*, *TRUTHOUT* (Aug. 16, 2020), <https://truthout.org/articles/condemnations-of-chicago-looting-prioritize-property-over-black-lives/> [<https://perma.cc/DWU6-97XD>] (referencing the harms of longitudinal structural violence/infrastructure inequality).

criminal law that targets “marginalized groups deemed as ‘out of place,’ disruptive, disorderly, or dangerous.”⁶⁹ Within criminal law are a group of offenses that police the status of persons, or quality of life, such as nuisance laws, laws prohibiting loitering or soliciting, and laws prohibiting certain uses of public spaces.⁷⁰ These quality-of-life offenses have been shown to disproportionately target unhoused community members and members of historically marginalized groups. By evaluating how the criminalization of space and place impacts the policing of marginality, Professor Morgan uses a CLG approach to explore how the public ordering function of criminal law is not a neutral or passive function, but one that has been designed to “reinforce social or status hierarchies including those based on race, gender identity, and disability.”⁷¹ Professor Morgan argues that the failure to recognize public ordering as a central function of criminal law—as the Court has often done—“may lead to overstatements of the reach of constitutional protections against acts that are ‘involuntary and inseparable from status,’ as welcomed as those protections may be for opponents of criminalization.”⁷²

Thus, the CLG perspective brings sharply into the foreground how law and space work together to create and shape marginality, regulating not only the behavior of marginalized individuals, but also defining who gets to be in which public spaces and what levels of access they have to shared resources. It is with a CLG lens, then, that we evaluate how urban planning is a part of the surveillant assemblage and the shadow carceral state.

B. Urban Planning as a Part of the “Surveillant Assemblage”

Part I explored the urban design and surveillance paradigms of Jacobs and Jeffrey. Jacobs’ approach to urban design was to focus on the vibrancy of neighborhoods and ensure that they had a diversity of uses that provided mutual support to the business owners, residents, and users of the neighborhood.⁷³ Jacobs’ eyes upon the street surveillance model used everyday proprietors of the street and relied on the constant use of city sidewalks to create a vibrant city environment where everyone looks out for one another and helps create safety and a strong sense of

69. Jamelia N. Morgan, *Policing Marginality in Public Space*, 81 OHIO ST. L.J. 1045, 1047 (2020).

70. *Id.*

71. *Id.* at 1061.

72. *Id.* at 1060 (quoting *Martin v. City of Boise*, 920 F.3d 584, 617 (9th Cir. 2019)).

73. *See supra* Section I.A.

community.⁷⁴ On the other hand, Jeffery's natural surveillance model utilizes the design and layout of the street to create defensible space and opportunities for community watch—with the goal of preventing crime before it occurs.⁷⁵ But how does the analysis and impact of these urban planning and surveillance approaches change when viewed through a CLG lens?

In order to answer this question, we must first briefly explore surveillance from a Foucauldian perspective. For Foucault, surveillance is an integral part of modern life, often invisible to the person being surveilled, and is a form of disciplinary power.⁷⁶ Disciplinary power is exercised through invisibility, and imposes on its subjects a “compulsory visibility,” that “assures the hold of the power that is exercised over them.”⁷⁷ Foucault's “punitive city” model contained “hundreds of tiny theaters of punishment” where every criminal act is observed and penalties are publicized, reminding the subjugated of the hierarchies of power in which they reside.⁷⁸ The prospect of maintaining order through public punishment creates “‘docile’ bodies” disassociating power from the body, and turning the body “into a relation of strict subjection.”⁷⁹

Surveillance is thus a tool of punitive power—as Professor Steve Mann notes, surveillance is “[o]bservation . . . by an entity in a position of power . . . over the subject” being surveilled.⁸⁰ Importantly, as scholar John Fiske argued, the surveillance is “racially differentiated, and that it zones the city differently for Blacks and whites, eroding the Black freedoms of movement and association, while leaving those of whites intact,” and that “today's seeing eye is white.”⁸¹ Additionally, Professor Browne's scholarship on racializing surveillance—surveillance that “concern[s] the production of norms pertaining to race and exercise” to categorize, classify, and determine who “is in or out of place”⁸²—provides the basis to understand racialized surveillance as having been built directly into the structures of our society. As Browne argues, “[w]here public spaces are shaped for and by whiteness, some acts in public are abnormalized by way of racializing surveillance and then

74. See *supra* Section I.A.

75. See *supra* Section I.B.

76. See generally FOUCAULT, *supra* note 5 (overviewing Foucault's theory of disciplinary power).

77. *Id.* at 187.

78. *Id.* at 113.

79. *Id.* at 138.

80. Steve Mann, *Veillance and Reciprocal Transparency: Surveillance versus Sousveillance, AR Glass, Lifeglogging, and Wearable Computing*, IEEE INT'L SYMP. ON TECH. & SOC'Y 1, 3 (2013).

81. Fiske, *supra* note 9, at 69.

82. BROWNE, *supra* note 6, at 16.

coded for disciplinary measures that are punitive in their effects.”⁸³ Thus, urban planning theories and practices should not be seen as neutral benign practices, designed only to structure the flow of people through our cities. Instead, urban planning practices like eyes upon the street or CPTED’s natural surveillance when viewed through a CLG approach show how these urban planning practices are informed by and contribute to racializing surveillance. This Essay argues that urban planning decisions of how to structure our neighborhoods are an integral part of what Professors Kevin Haggerty and Richard Ericson refer to as the “surveillant assemblage”—a collection of structures that seek to standardize “the capture of flesh/information flows of the human body.”⁸⁴

Viewing urban planning praxes as part of the surveillant assemblage, we can start to see the differences between eyes upon the street surveillance and CPTED’s natural surveillance. To start, Jacobs’ notion of surveillance is very different than Foucauldian panopticism that pervades our society today. Jacobs’ eyes upon the street surveillance was rooted in knowing your neighbors, creating community, and caring for your neighborhood. Jacobs’ view of a healthy city street included what Jacobs’ called a “sidewalk ballet,” an intricate, unplanned, unchoreographed dance that occurs amongst the users of a city street.⁸⁵ The sidewalk ballet is people bumping into each other, saying “hi” or “get out of my way,” sometimes stopping to talk to a person, a neighbor hanging out on the stoop, or the shopkeeper refilling produce on the outside stands.⁸⁶ Jacobs’ argues that the constant use of city streets and the sidewalk ballet that occurs on a fully used city sidewalk provides a “constant succession of eyes,” that provide safety to public acquaintances and strangers alike.⁸⁷ It is this constant succession of people and the relations built between them as they walk through the city streets that creates community safety.⁸⁸ Thus, Jacobs’ eyes upon the street model of surveillance isn’t a punitive surveillance model—it is a relational surveillance where people look out for one another, and subconsciously and consciously work together to ensure the safety of everyone traversing through their communities.⁸⁹ What Jacobs’ advocates for may also be

83. *Id.* at 17.

84. Kevin D. Haggerty & Richard V. Ericson, *The Surveillant Assemblage*, 51 BRIT. J. SOCIO. 605, 610–613 (2000).

85. JACOBS, *supra* note 14, at 50–54.

86. *Id.* at 51–53.

87. *Id.* at 50, 54.

88. *Id.*

89. It is important to note the role that police played in Jacobs’ model of eyes upon the street surveillance. To quote Jacobs, “[t]he first thing to understand is that the public peace—the sidewalk and street peace—of cities is not kept primarily by the police,

misnamed: for what Jacobs really describes is eyes *on* the street, not artificial eyes *over* or *upon* the street.

In comparison, the CPTED model of natural surveillance, although on the one hand could be seen as an extension of Jacobs' eyes upon the street model of surveillance, instead invokes Foucauldian surveillance given that the aim of this surveillance is ultimately rooted in disciplinary power and subjugation. Recall Jeffery's model of crime control, which aims to prevent crime before it happens by establishing direct controls over what is deemed criminal behavior.⁹⁰ In Jeffery's CPTED, disciplinary power is evoked within the name of the urban design approach itself: crime prevention through environmental design. How is crime prevention enforced today? Through policing and surveillance. Additionally, we know through the work of critical legal and critical criminology scholars that crime prevention—the idea that we can “prevent” crime—is rooted in the false logics of who creates a criminal act, and the subjugated individuals the criminal act is targeting.⁹¹ Furthermore our “crime prevention” efforts have resulted in the U.S. having the largest population of incarcerated people per capita in the world.⁹² Much of what our society considers “crime prevention” is what Professor Morgan argues is the enforcement of the public ordering function of criminal law.⁹³ Additionally, the rise in mass incarceration has occurred concurrently with, and has been supported by, the rise of surveillance technologies.⁹⁴ Thus, one could argue that crime prevention

necessary as police are. It is kept primarily by an intricate, almost unconscious, network of voluntary controls and standards among the people themselves, and enforced by the people themselves.” *See id.* at 31–32.

90. *See supra* Section I.B.

91. *See* Aya Gruber, *Policing and “Bluelining,”* 58 HOU. L. REV. 867, 873–74 (2021) (“The conventional narrative, even among reformers, has long been that the police primarily exist to vindicate the community’s interest in solving, reducing, and preventing crime. . . . However, it is evident that the designation of what is and is not crime; which crimes within overbroad penal codes are enforced or tolerated; and who, when, and where enforcement takes place are not the products of democratic community input. Political priorities and police practices, from the Black Codes of old to the stop-and-frisk practices of today, make clear that crimes and criminal enforcement have never stemmed from a neutral overlapping consensus about community need.”); Mari J. Matsuda, *Crime and Affirmative Action*, 1 J. GENDER, RACE & JUST. 309, 311–12 (1998) (“The failure to achieve equality—the failure to use aggressive, affirmative means to redress inequality—constructs both the material and the ideal nature of crime in our nation. It shapes the material world of crime: whose bodies receive violence, who is incarcerated, who is killed by the state in the name of crime prevention, who engages in activity we call criminal, whose crimes pay. All of these consequences reflect structures of subordination.”).

92. *See supra* Section I.B.

93. *See supra* Section II.A; Morgan, *supra* note 69, at 1047.

94. *See* Diana Elagina, *Surveillance Technology Market Size Worldwide from 2022 to 2027*, STATISTA (Dec. 15, 2025), <https://www.statista.com/statistics/>

through environmental design is enacted primarily by increasing opportunities for greater surveillance. Indeed, as cities implement CPTED principles, they do so with the goal of increasing police patrols and surveillance of so called “crime-ridden” areas.⁹⁵

At present, our municipal governments use surveillance by environmental design to create moments of virtual surveillance contact where the state can track, identify, and categorize every person traveling through a municipality, creating what Professor Lewis Gordon refers to as a “denied subjectivity,” which is a form of structured violence.⁹⁶ From a privacy perspective, this denied subjectivity can also be seen as a loss of the ability to remain obscure to the state as we traverse our neighborhoods, thereby eroding our collective and individual privacy.⁹⁷

III. NORMATIVE IMPACTS OF SURVEILLANCE BY ENVIRONMENTAL DESIGN

The surveillance by environmental design frame allows us to situate how urban planning and architecture decisions have led to the racialized surveillance state we have today, and to understand the impact of CPTED’s natural surveillance and Jacobs’ eyes upon the street surveillance. This Part explores the normative impacts of surveillance by environmental design, locating three of the primary impacts of this paradigm. First, surveillance by environmental design creates a dragnet, all-seeing, all-capturing and indelible surveillance state—one that erodes the line between public and private space. Second, when we construct our municipalities using a surveillance by environmental design lens, this exacerbates and reifies existing racial segregation in our communities.

1251839/surveillance-technology-market-global/ [https://perma.cc/B3ZQ-352V] (“In 2022, the global surveillance technology market was valued at over 130 billion U.S. dollars and expected to exceed 148 billion U.S. dollars in 2023. The market is then expected to amount to around 235 billion U.S. dollars by 2027.”).

95. See Carter, Carter & Dannenberg, *supra* note 56, at 1442.

96. Lewis Gordon, *Is the Human a Teleological Suspension of Man?: A Phenomenological Exploration of Sylvia Wynter’s Fanonian and Biodicean Reflections*, in AFTER MAN, TOWARDS THE HUMAN: CRITICAL ESSAYS ON THE THOUGHT OF SYLVIA WYNTER 237, 240 (Anthony Bogues ed., 2006); BROWNE, *supra* note 6, at 110.

97. See Woodrow Hartzog & Evan Selinger, *Surveillance as a Loss of Obscurity*, 72 WASH. & LEE L. REV. 1343, 1358 (2015) (quoting Woodrow Hartzog & Evan Selinger, *Obscurity: A Better Way to Think About Your Data Than “Privacy,”* ATLANTIC (Jan. 17, 2013), <https://www.theatlantic.com/technology/archive/2013/01/obscurity-a-better-way-to-think-about-your-data-than-privacy/267283/> (“Obscurity is the idea that when information is hard to obtain or understand, it is, to some degree, safe.”); see also Woodrow Hartzog, Evan Selinger & Judy Hyojoo Rhee, *Normalizing Facial Recognition Technology and The End of Obscurity*, 6 EUR. REV. DIGIT. ADMIN. & L. 163, 166 (2025) (“Obscurity allows us to have something like group privacy and privacy in public.”).

Finally, surveillance by environmental design amplifies state violence against individuals deemed as unwanted or othered in a community.

A. Eroding the Line Between Public and Private Space

Surveillance by environmental design—an urban design practice that prioritizes the surveillance as the main feature in the design of urban communities—has led to the creation of cities where everyone’s movements are tracked, everywhere they go. This “all-seeing” surveillance is known as dragnet surveillance and is “where huge groups of people—entire cities—are swept into the surveillance apparatus indiscriminately.”⁹⁸ A recent *New York Times* article by attorney Elizabeth Daniel Vasquez highlights the pervasive and tautological nature of today’s dragnet surveillance state.⁹⁹ As a former public defender, Vasquez experienced firsthand the immense amount of personal data collected on defendants charged with crimes.¹⁰⁰ But as Vasquez argues, the police aren’t just collecting data on people charged with criminal acts—they are using dragnet surveillance to collect data on everybody, persistently, without the need for consent or a warrant.¹⁰¹

Cities today have a plethora of relatively inexpensive police surveillance technologies at their disposal. These technologies include body cameras, security cameras, cell phones which are used to record and identify people using facial recognition technology, drones which provide aerial surveillance, police dashboard cameras, fingerprint and DNA collection technology, location and cell-site trackers, devices that mimic cell towers (also known as “StingRays”), sound recognition technology (also known as gunshot detection or “shot spotters”), along with social media surveillance and internet tracking technology.¹⁰² While this list is not complete, it is nevertheless a chilling reminder that our ability to remain obscure from the state when moving about our neighborhoods is either very quickly eroding away, or in the case of highly surveilled cities, obscurity no longer exists. Additionally, this

98. Robert Donald Fairbanks, *Eyes in the Sky: The Dangers of Dragnet Government Surveillance, the Inadequacy of the Mosaic Theory, and the Need for a Legislative Solution*, 33 ALB. L.J. SCI. & TECH. 236, 237 (2023); see also Sarah Brayne, *The Criminal Law and Law Enforcement Implications of Big Data*, 14 ANN. REV. L. & SOC. SCI. 293, 296 (2018) (“The key distinction between directed and dragnet surveillance is that whereas directed surveillance is focused on individuals and places under suspicion, dragnet surveillance is unparticularized and gathers information on everyone.”).

99. Elizabeth Daniel Vasquez, *The N.Y.P.D. Is Teaching America How to Track Everyone Every Day Forever*, N.Y. TIMES (Sep. 15, 2025), <https://www.nytimes.com/interactive/2025/09/15/opinion/nypd-surveillance.html>.

100. *Id.*

101. *Id.*

102. *Id.*

indiscriminate surveillance data is collected and aggregated and sent to fusion centers, where the data is shared with other law enforcement agencies. A fusion center allows municipal, tribal, and state governments as well as the federal government the ability to gather data and to process, analyze, and share it on a mass scale.¹⁰³

It is also important to note that surveillance by environmental design isn't only enacted by the state, but also by private home and business owners who engage in participatory surveillance. In the last decade, the number of private individuals using Ring, Nest, and other home surveillance systems has exploded to nearly every neighborhood in America.¹⁰⁴ In many municipalities, police departments have started asking home and business owners to share their personal home surveillance recordings, and many homeowners easily acquiesce to the police department's request.¹⁰⁵ Additionally, some municipalities have proposed laws that would force private business owners to install surveillance cameras on their property and share the surveillance data with the municipal police department.¹⁰⁶

These developments where every building is now a surveillance surface and every movement a person makes throughout a community is tracked creates, for Black people especially, a "problem[] of a denied subjectivity."¹⁰⁷ Surveillance by environmental design is the virtual manifestation of Jeffery's crime prevention through environmental design—where surveillance companies and governments are attaching surveillance to every physical structure available with the stated goal of preventing crime before it happens—one of Jeffery's stated criteria for an adequate model of crime control.¹⁰⁸ When every surface becomes a

103. See Alejandra Caraballo, Cynthia Conti-Cook, Yveka Pierre, Michelle McGrath & Hillary Aarons, *Extradition in Post-Roe America*, 26 CUNY L. REV. 1, 24 (2023).

104. Dan Calacci, Jeffrey J. Shen & Alex Pentland, *The Cop in Your Neighbor's Doorbell: Amazon Ring and the Spread of Participatory Mass Surveillance*, 6 PROCS. ACM ON HUM.-COMPUT. INTERACTION 1, 2, 28 (2022).

105. Jason Kelley & Matthew Guariglia, *Amazon Ring Must End Its Dangerous Partnerships with Police*, ELEC. FRONTIER FOUND. (June 10, 2020), <https://www EFF.ORG/deeplinks/2020/06/amazon-ring-must-end-its-dangerous-partnerships-police> [<https://perma.cc/KN6V-MRLQ>].

106. See Press Release, Chi. Cmty. Comm'n for Pub. Safety & Accountability, Statement on Ordinance 02025-0018186: A Dangerous Expansion of Surveillance Power (July 1, 2025), <https://ccpsa.chicago.gov/press-releases/announcement/statement-on-ordinance-02025-0018186-a-dangerous-expansion-of-surveillance-power/> [<https://perma.cc/489X-32JB>] (This is a statement from a group of local police district council members raising concerns about a proposed Chicago ordinance that "would mandate that all licensed businesses open to the public install and maintain surveillance cameras and require them to turn over footage to city departments upon request." At present, the ordinance has not been enacted by the Chicago City Council.).

107. Gordon, *supra* note 96.

108. See Jeffery, *supra* note 20, at 530.

place where a surveillance camera can be (and often is) installed, where is the beginning and end of public and private space? Surveillance by environmental design effectively erodes one of Jacobs' key criteria for well-used streets: a clear demarcation between public and private space. This loss of public space, where everyone could engage in a sidewalk ballet, run into neighbors, strangers, and acquaintances alike without fear of being recorded, leads to the second implication of surveillance by environmental design: the creation of virtual sundown towns.

B. Creating Virtual Sundown Towns

Given that surveillance turns every public space into a space of state-sanctioned information capture, this creates communities where, as Professor Ángel Díaz has argued, a person's "presence is viewed with suspicion, and that even a safe neighborhood can be deadly for those perceived to be out of place."¹⁰⁹ This Essay argues that surveillance by environmental design recreates the targeted profiling, othering, and exclusion of sundown towns, but does so in an invisible way with the use of virtual surveillance technologies. Sundown towns were created during the post-Reconstruction era when municipal governments passed ordinances that restricted the free movement of Black people and other racial and religious groups within their municipal borders after dark, with the threat of extralegal violence, serious injury, and/or death for being present in a sundown town after dark.¹¹⁰ Sundown towns enacted and enforced both de jure and de facto racial segregation, where White people "openly communicated that minorities should not make their homes in particular areas."¹¹¹

Virtual sundown towns are towns where instead of openly communicating that certain people aren't welcome in a community, surveillance is used to supplant overt exclusion and instead facilitate virtual interactions that identify, categorize, and track undesired people within a community. Gone are the sidewalk ballets of Jacobs' era. Instead, the sidewalk ballet is replaced with interactions that happen through doorbell cameras, recorded and sometimes shared publicly for social consumption on the internet.¹¹² There is even an Alexa + Greetings

109. Ángel Díaz, *The Public Harms of Private Surveillance*, 72 UCLA L. REV. 904, 906 (2025).

110. Norrinda Brown, *Black Liberty in Emergency*, 118 NW. U. L. REV. 689, 710 (2023).

111. See Jeannine Bell, *The Fair Housing Act and Extralegal Terror*, 41 IND. L. REV. 537, 540 (2008).

112. There is a curious and alarming trend on social media of sharing Ring and Nest doorbell footage of children, elderly neighbors, delivery drivers, and others interacting with homeowners through the virtual doorbell camera. See Martin Kaste,

feature on Amazon Ring doorbell cameras that “allows Ring doorbells to respond to people at your door using conversational AI” even when the homeowner is not at home.¹¹³ Jacobs’ eyes upon the street surveillance, which required physical, verbal, and social interactions with people you didn’t know to create collective safety on the street, has been replaced by interactions with non-human entities, which track, record, and reduce every person interacting with a virtual doorbell into a data point for easy consumption and sharing into surveillance databases and social media posts.

These virtual greetings are more frequent because of gentrification, which can involve a community change involving both class and racial dynamics.¹¹⁴ With gentrification, neighborhoods that were once teeming with life can become quiet, upscale, redeveloped, communities—slowly reducing the number of eyes on the street and decreasing the chances for sidewalk ballet interactions to occur.¹¹⁵ Gentrifying neighborhoods can develop a sense of “white space” where White social norms of interaction, presence, and noise replace the vibrant street life that Jacobs’ argues keeps cities safe.¹¹⁶ Instead of random sidewalk interactions where neighbors get to know one another, gentrification brings in a new form of social control where surveillance is used to facilitate interactions between strangers and neighbors. When people who have lived for decades in gentrifying communities are shunned and shushed for being too loud¹¹⁷ or have the police called on them over and over again,¹¹⁸ this has the effect of a virtual sundown town—a denied subjectivity whereby Black and Brown people are no longer able to be themselves and their

Doorbell Cameras Are Popular, but Should We Be Sharing the Videos Online?, NPR (Dec. 2, 2019, at 18:59 ET), <https://www.npr.org/2019/12/02/784225316/doorbell-cameras-are-popular-but-should-we-be-sharing-the-videos-online> [https://perma.cc/W8HY-38Y6].

113. Pranob Mehrotra, *Your Ring Doorbell Now Lets Alexa + Answer the Door for You*, DIGIT. TRENDS (Dec. 19, 2025), https://www.digitaltrends.com/home/your-ring-doorbell-now-lets-alexa-answer-the-door-for-you/?utm_source=chatgpt.com [https://perma.cc/U4E7-JYPG].

114. AJ Golio, *Whose Neighborhood Now? Gentrification and Community Life in Low-Income Urban Neighborhoods*, SOC. PROBS. (advance access publication 2025) (manuscript at 4–6), <https://academic.oup.com/socpro/advance-article/doi/10.1093/socpro/spaf014/8063658>.

115. See Xochitl Gonzalez, *Why do Rich People Love Quiet?*, ATLANTIC (Aug. 1, 2022), <https://www.theatlantic.com/magazine/archive/2022/09/let-brooklyn-be-loud/670600/> [https://perma.cc/YN6C-NQWT].

116. Golio, *supra* note 114.

117. *Id.*; Gonzalez, *supra* note 115.

118. See Jessica Winter, *The Lessons of “The Perfect Neighbor,”* NEW YORKER (Oct. 17, 2025), <https://www.newyorker.com/culture/on-television/the-lessons-of-the-perfect-neighbor> [https://perma.cc/A8SZ-4YFN].

everyday, normal actions are deemed as suspicious.¹¹⁹ Virtual sundown towns recreate the exclusion, racial profiling, and othering of sundown towns a century and more ago, but do so in less overt, but more pernicious ways—an exclusion that can lead to escalating state violence and even death.

C. Escalating State Violence

On August 2, 2020, four young Black girls, ages six, twelve, fourteen, and seventeen years old, were forced to lay on their stomachs face down in a parking lot. Two of them were handcuffed with their hands behind their back, while four police officers (some holding their guns) stood over them.¹²⁰ In a viral video shared on social media, the four young Black girls are sobbing, with two of them crying “I want my father,” and “can I hug my sister next to me?” The girls are the daughters and nieces of Brittney Gilliam, who was driving at the time the police stopped her vehicle.¹²¹ The crime? There wasn’t any.¹²² After stopping Gilliam, her children, and here nieces, the Aurora, Colorado police realized that they had made a mistake.¹²³ The police relied on information from an Automated License Plate Reader (ALPR) alert, which recorded the license plate, make, and model of Gilliam’s car as it drove by the ALPR camera. The ALPR system sent the police an alert for Gilliam’s

119. See Díaz, *supra* note 109, at 927–30 (on the chilling and self-policing effects of surveillance); Devon W. Carbado & Daria Roithmayr, *Critical Race Theory Meets Social Science*, 10 ANN. REV. L. & SOC. SCIS. 149, 152–154 (2014) (on the “Black Suspicion Paradigm”). See generally Chaz Arnett, *Crowdsourcing Surveillance*, 72 UCLA L. REV. DISC. 362 (2024) (explores how the proliferation of surveillance—both of public and private use—had created a crowdsourced surveillance phenomenon which widens the reach of the racialized surveillance and police state).

120. See Elise Schmelzer & Sam Tabachnik, “*It Was Done Wrong*”: Aurora Police Chief Explains Mistakes that Led to Officers Handcuffing Children, DENV. POST (Aug. 4, 2020), <https://www.denverpost.com/2020/08/04/aurora-police-handcuff-children-video/> [https://perma.cc/AD8F-NK7L]; INDISPUTABLE WITH DR. RASHAD RICHEY, *Cops Hold Black Mom & 6-Year-Old at GUNPOINT, Misidentifying Them as Carjackers*, at 00:13–00:30 (YouTube, Feb. 7, 2024), <https://www.youtube.com/watch?v=JLJGmhBPjUE> (on file with author).

121. INDISPUTABLE WITH DR. RASHAD RICHEY, *supra* note 120.

122. Legal scholars long have argued that there is a phenomenon of “Driving While Black” which commonly refers to the pretextual and as some would argue, purposeful stops of Black motorists by police. See generally this series of commentary that delves into this phenomenon from the intersection of property and criminal law, Taja-Nia Y. Henderson & Jamila Jefferson-Jones, *#LivingWhileBlack: Blackness as Nuisance*, 69 AM. U. L. REV. 863 (2020), Jamila Jefferson-Jones, “*Driving While Black*” As “*Living While Black*,” 106 IOWA L. REV. 2281 (2021), and Lolita Buckner Inniss, *Race, Space, and Surveillance: A Response to #LivingWhileBlack: Blackness As Nuisance*, 69 AM. U. L. REV. F. 213 (2020), <https://aulexreview.org/blog/race-space-and-surveillance-a-response-to-livingwhileblack-blackness-as-nuisance/>.

123. Schmelzer & Tabachnik, *supra* note 120.

license plate and reported that Gilliam's license plate was the same license plate number as a previously reported stolen vehicle.¹²⁴ The mistake, one that could have been easily checked by police *before* they stopped Gilliam and traumatized her and the children, was that the license plate number that was reported stolen was for a motorcycle with a Montana license plate—Gilliam was driving a sports utility vehicle with a Colorado license plate.¹²⁵ The officers failed to check whether the description and plates of the stolen vehicle matched the state plate and vehicle description recorded by the ALPR.¹²⁶

After a review by the District Attorney's Office, the District Attorney (DA) determined that "there is not evidence beyond a reasonable doubt that the [Aurora Police Department] officers involved unlawfully, intentionally, knowingly, or negligently violated any Colorado criminal law. . . . What happened to the innocent occupants is unacceptable and preventable, but that alone is an insufficient basis to affix criminal culpability."¹²⁷ The DA's report also included the expert opinion of Professor Paul Taylor, PhD, "as to whether the conduct of the officers was objectively reasonable in light of the circumstances."¹²⁸ Professor Taylor concluded that the officers acted in a manner that was "reasonable, prudent, and safe in their choice and use of tactics, weapons, and restraints."¹²⁹ "While there were certainly areas in which performance [of the officers] could have been improved and additional training should be considered, I am not convinced that they would have substantially altered the outcome of the encounter."¹³⁰ Thus, even with the trauma caused to Gilliam, her children, and her nieces, the DA's office determined that the officers, who clearly made a mistake that was "unacceptable and preventable," wouldn't face any charges for their potentially life-ending error.¹³¹

124. *Id.*

125. *Id.*

126. *Id.*

127. Letter from Clinton McKinzie, Chief Deputy Dist. Att'y, to Vanessa Wilson, Chief of Police, Aurora Police Dep't 1-2 (Jan. 7, 2021), <https://kdvr.com/wp-content/uploads/sites/11/2021/01/DA-Review-of-APD-GO-2020-26380-2.pdf> [<https://perma.cc/K2WK-QMJA>] (involving a traffic stop by Aurora Police Department Officers Darian Dasko and Madisen Moen).

128. *Id.* at 1.

129. *Id.* at 8.

130. *Id.*

131. Vanessa Romo, *No Charges for Colorado Officers Who Held Black Children at Gunpoint*, NPR (Jan. 8, 2021), <https://www.npr.org/2021/01/08/955165485/no-charges-for-colorado-officers-who-held-black-children-at-gunpoint> [<https://perma.cc/TXM5-2YGD>]. Three years after the incident, the city of Aurora, Denver agreed to a \$1.9 million settlement with Gilliam after Gilliam filed a lawsuit claim that the officer's actions "were evidence of 'profound and systematic' racism." *See* Associated Press, *City*

Surveillance by environmental design has led to a massive expansion in the use of surveillance systems—followed by a concurrent increase in false-positive mistakes that predominately affect Black and Brown people in America. Mistakes using carceral surveillance technology don't occur with just ALPRs, but other widely used police surveillance systems too. For example, take the mistaken facial recognition police stops of Robert Williams in Detroit, Michigan, and Alonzo Sawyer in Baltimore, Maryland, and the mistaken sound recognition stop of Michael Williams, who spent a year in jail based on mistaken evidence from a ShotSpotter sound alert.¹³² All of these “mistaken” stops were of Black people, all causing an indescribable amount of trauma, and in the case of Michael Williams, the trauma of wrongful incarceration.¹³³

Additionally, in the current political moment when migrant communities are being targeted by the Trump administration, surveillance is being used to track, detain, and deport people in mass deportation raids. Under the second Trump administration, U.S. Immigration and Customs Enforcement (ICE) has started using a new biometric mobile phone app called “Mobile Fortify” that employs facial

Agrees \$1.9m Settlement with Black Family Held at Gunpoint by Police, GUARDIAN (Feb. 6, 2024, at 07:59 ET), <https://www.theguardian.com/us-news/2024/feb/06/aurora-settlement-black-family-held-gunpoint-police> [<https://perma.cc/E6MT-MALH>].

132. In each of these cases, the trauma caused by these mistaken police stops, is irreparable. See Garance Burke, Martha Mendoza, Juliet Linderman & Michael Tarm, *How AI-Powered Tech Landed Man in Jail with Scant Evidence*, A.P. (Mar. 5, 2022), <https://apnews.com/article/artificial-intelligence-algorithm-technology-police-crime-7e3345485aa668c97606d4b54f9b6220> [<https://perma.cc/ES59-TJNG>] (“Williams remains shaken by his ordeal [of going to prison on faulty ShotSpotter evidence]. He said he doesn't feel safe in his hometown anymore.”); Robert Williams, *I Did Nothing Wrong. I Was Arrested Anyway*, ACLU (July 15, 2021), <https://www.aclu.org/news/privacy-technology/i-did-nothing-wrong-i-was-arrested-anyway> [<https://perma.cc/K892-2Z28>] (“How does one explain to two little girls that a computer got it wrong, but the police listened to it anyway — even if that meant arresting me for a crime I didn't commit?”); Khari Johnson, *Face Recognition Software Led to His Arrest. It Was Dead Wrong*, WIRED (Feb. 28, 2023, at 07:00 CT), <https://www.wired.com/story/face-recognition-software-led-to-his-arrest-it-was-dead-wrong/> (“How many people are sitting in jail now for something they didn't do because of facial recognition and law enforcement agencies not doing their due diligence?”).

133. There are many studies that show how police stops cause trauma for racialized and Black people. See Dylan B. Jackson, Chantal Fahmy, Michael G. Vaughn & Alexander Testa, *Police Stops Among At-Risk Youth: Repercussions for Mental Health*, 65 J. ADOLESCENT HEALTH 627, 627–32 (2019) (“Youth who have been stopped more frequently were more likely to report heightened emotional distress and posttraumatic stress symptoms.”); Kristin N. Henning, *Policing as Trauma*, 42 CRIM. JUST. 42, 45 (2022) (“If we are serious about reducing the trauma associated with the hyper-surveillance and over-policing of Black youth, then we have to rewrite the laws that make it a crime to be Black and to be a child.”); Josephine Ross, *Warning: Stop-and-Frisk May Be Hazardous to Your Health*, 25 WM. & MARY BILL RTS. J. 689, 727 (2016) (noting that stop-and-frisk policing causes physical and mental bodily harm with a “higher correlation between the intensity of police stops” and PTSD).

recognition technology to identify people in nonconsensual street detentions to determine a person's citizenship status.¹³⁴ ICE has also spent over \$5 million on social media surveillance tools that search the open and dark web and use AI to connect together data on people.¹³⁵ ICE also has access to municipal surveillance databases, with recent reporting showing that local law enforcement officers are conducting searches of ALPR databases in support of ICE.¹³⁶ The targeting of migrant communities using surveillance is occurring after a decades-long effort to enact anti-immigrant ordinances, in what Professor Tom Romero argues evokes the same sentiment of sundown towns: “[A]nti-immigration ordinances and other similarly toned anti-immigrant legislation in many ways are the latest manifestation of the Sundown Town phenomenon.”¹³⁷

* * *

Surveillance by environmental design is a frame that makes visible the unseen harms of the shadow carceral state—in this case, the urban planning and architecture decisions that regulate behavior in our society. What happens when our urban environments are designed with the goal of watching, categorizing, tracking, and ultimately excluding those deemed as unwanted or othered in a community? Today's dragnet surveillance state which erodes the boundary between public and private space, the creation of virtual sundown towns, and the amplification of state violence are the normative implications of surveillance by environmental design. All three implications complicate the “crime

134. See Dave Maass, *Rights Organizations Demand Halt to Mobile Fortify, ICE's Handheld Face Recognition Program*, ELEC. FRONTIER FOUND. (Nov. 26, 2025), <https://www.eff.org/deeplinks/2025/11/rights-organizations-demand-halt-mobile-fortify-ices-handheld-face-recognition> [https://perma.cc/Y8S2-B2V4]; Ron Wyden, *Wyden, Wyden, Merkley and Markey Demand ICE Stop Using Mobile Facial Recognition App*, RON WYDEN U.S. SENATOR FOR OR. (Sep. 11, 2025), <https://www.wyden.senate.gov/news/press-releases/wyden-merkley-and-markey-demand-ice-stop-using-mobile-facial-recognition-app> [https://perma.cc/9AJP-7YCH].

135. Thomas Brewster, *ICE Just Spent Millions on Surveillance Tech Banned by Facebook*, FORBES (Sep. 18, 2025), <https://www.forbes.com/sites/thomasbrewster/2025/09/18/ice-spends-millions-on-social-media-spy-tech-banned-by-meta-facebook/>.

136. Jason Koebler & Joseph Cox, *ICE Taps into Nationwide AI-Enabled Camera Network, Data Shows*, 404 MEDIA (May 27, 2025), <https://www.404media.co/ice-taps-into-nationwide-ai-enabled-camera-network-data-shows/> [https://perma.cc/JPK2-FFSM].

137. Tom I. Romero, II, *No Brown Towns: Anti-Immigrant Ordinances and Equality of Educational Opportunities for Latina/os*, 12 J. GENDER, RACE & JUST. 13, 33 (2008). While many cities have successfully passed anti-immigrant ordinances, there are successful litigation efforts to push back against these ordinances. See *Local Anti-Immigrant Ordinance Cases*, ACLU (Jan. 5, 2007), <https://www.aclu.org/documents/local-anti-immigrant-ordinance-cases> [https://perma.cc/MNG5-FWKD].

prevention” narrative of CPTED, in that surveillance by environmental design makes visible the fact that surveillance, not crime prevention, is a core feature of CPTED.

CONCLUSION

What would a world without external and state-sanctioned urban surveillance look like? This is an incredibly impossible question to fathom given that our urban cities are shrouded in surveillance of one form or another. This Essay provides a brief synopsis of two urban design and surveillance theories, arguing that we must view these frameworks through a critical legal geographies lens in order to understand the normative impacts of surveillance by environmental design. This Essay brings to light how urban design and surveillance practices are part of the shadow carceral state. Organizers, local elected officials, and community members can use the surveillance by environmental design frame to understand how surveillance is embedded into the design of their communities and resist the installation of surveillance technologies.

* * *

We must protest until there is change in the structures and practices of the real world of technology, for only then can we hope to survive as a global community. If such basic changes cannot be accomplished, the house that technology built will be nothing more than an unlivable techno-dump.

—Ursula M. Franklin, 1990¹³⁸

138. FRANKLIN, *supra* note 1, at 130.

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