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PERILS OF PLACE: GEOFENCES AND PREDATORY PLATFORM INTIMACIES

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Abstract

Geofencing is a practice of establishing virtual perimeters around target locations embedded in digital maps. As a type of digital tripwire, the geofence marks who and what crosses its threshold on the ground based on sensory networks of location awareness, facilitated by a cellphone connection. This paper examines two applications of geofences in the United States: 1) the first in the context of tenant eviction process via self-proclaimed “property preservation” platform, CIVVL; 2) and the second is in the context of policing abortions via data brokers such as CellHawk who extrapolate and sell Google Maps locational data using geofences. In this paper, we argue that CIVVL and CellHawk illustrate perils of geofencing as more than a technical system of sensory surveillance but as a cultural system used to organize relations to space according to property and risk. In this paper we track how geofencing is used to register the body’s occupation and mobility, and in so doing organizes space according to terms of trespass and belonging, via the “data intimacies” geofences afford (Rambukkana and de Verteuil, 2021; Ley, & Rambukkana, 2021).

The first application of our analysis begins in 2020, when the United States government announced the termination of the CARES ACT eviction moratorium, a public health mandate originally put in place to ensure American tenants had continued access to housing during the early months of COVID-19 pandemic. Anticipating an influx in tenant evictions in the wake of this upended moratorium, OnQall, an American property management company, launched its platform, CIVVL. The CIVVL platform promises to make the tenant eviction process easy by connecting property owners, estate agents, and banks with the platform’s “network” of independent contractors tasked with fulfilling forced home removals like extracting and disposing of a home’s contents (what CIVVL calls “debris”), serving court documents, and visiting properties to post notices

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(Rodrigues, 2020). Via this platformed coordination of tenant evictions, CIVVL uses locational data to orchestrate the practice of displacing people from their homes.

The second application begins in the summer of 2022, when the US Supreme Court announced the *Dobbs v. Jackson Women's Health Organization* decision overturning the abortion protections granted by *Roe v. Wade* precedent, which since 1973 had upheld a person's constitutional right to an abortion. The Dobbs decision effectively removed legal protections for any abortion seekers in several American states. At this time, Hawk Analytics, a locational profiling software company, launched CellHawk to monitor the entrances and exits of reproductive health clinics and sexual assault centers on behalf of anti-abortion organizations in the United States such as California-based RealOptions (Nix & Dwoskin, 2022). These anti-abortion groups would then use the data to mark and prosecute abortion seekers in line with new state bans. Both CIVVL and CellHawk are platforms that feed off access to locational data, specifically intimate locational data— to facilitate swift and targeted responses to contested changes in governance and policy. Both collect location data through the geofence.

Madelaine Ley and Nathan Rambukkana's (2021) concept of *digital intimacies* is one way to understand the techniques through which geofences access private locational details of a user's life. Ley and Rambukkana argue that digital platforms mediate new spatial relations of intimacy based on changes in connectivity and interactivity mediated via the platform that are still reflective of emotional and embodied closeness and knowingness. Via the geofence, space itself is made intimate. Lauren Berlant (1997, 1998) argues that intimacies can be tied to narratives of nationality, manifested within borders and territories of belonging and institutional reciprocity. Accordingly, intimacies are always spatial, formed through logics of insider and outsider, or of publics and counterpublics. These forms of intimacy, of institutional belonging, enforce the subjectivities that "institutionally index" bodies "in relation to the state and property laws." The paper conceptualizes the geofence apparatus of non-consensual acts of data intimacy undergirding digital infrastructures of space, and points to the material impacts of location-driven algorithmic systems and the infrastructures that enable them.

In our analysis of the brokering of intimate data about embodied experiences, we identify how seemingly 'offline' and embodied experiences of space are asymmetrically valued for their intimacy and are made available via the geofence. The geofence does not keep out but becomes a mode to access and transgress. CIVVL and CellHawk reinforce and amplify a dispossessionary coding of space that preys on precarity and exploits fluctuating legal status of marginalized populations. Geofences illustrate just how plentiful and valuable embodied location information is within this digital landscape, while presuming locational information is simply there for the taking. Like its antecedent, the fence, geofences mediate the securing of space— either containing risk or keeping it out. Geofences are also a boundary mechanism through which platforms gain access to intimate data and then use this intimacy as a means to assign the values of risk and safety as well as trespasser and property based on *how* one occupies space or *where* one moves through space. The geofence itself is hard to 'sense-back' while it senses, and as a result has real material consequences that profit from the criminalization of poverty and the surveillance of reproductive autonomy. These case studies serve as the

harbingers signaling how geofencing could evolve in the future. The paper draws awareness to the geofence as a dangerous apparatus to initiate awareness of the non-consensual acts of platform intimacy.

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