

From: lee@leevandever.com
To: [CityCouncilListPublic](#)
Subject: [EXTERNAL] stop the real time crime center
Date: Monday, July 22, 2024 1:13:13 PM

Hello City Council Members:

I am writing as an extremely concerned citizen.

I urge you to consider how increased investment in militarization and surveillance are a threat to democracy. I urge you to reject the Real Time Crime center. The only legacy that comes from this sort of increased surveillance on a community is a bad one. Please do the right thing, invest in the people who are in the most need. Use money to create TRUE safety for all NOT just the wealthiest among us.

Give us hope and infrastructure and parks and all things that stop fascism. Please do not use your time as an elected official to benefit the private prison industry, make your legacy one of change and care. We are begging you.

As of now, you are known for being ones who would sooner see rocks embedded in concrete with the names of homeless folks who died on YOUR watch (in places where they once camped) than invest in community supported care. Change course for the good of everyone. Please invest in community care.

Sincerely,

Lee Vandever

From: [Alyn](#)
To: [Public Safety Subcommittee Comment](#)
Subject: [EXTERNAL] Opposition to the Real Time Crime Center
Date: Monday, July 22, 2024 1:19:20 PM

Hello,

I am writing for the strongest form of opposition to the proposed Real Time Crime Center as possible. I understand that it is being done in the name of public safety, but what has been proposed comes straight from the greatest minds of dystopian science fiction novels. Things like predictive policing and gunfire detection monitors like shotspotter are proven to not work, and end up unfairly targeting minority communities, who are already harassed and targeted by Law Enforcement Officers in far greater numbers than the majority population. This is being proposed with ZERO citizen oversight of either the process or implementation. It is a clear violation of every Santa Rosan's privacy.

The City of Sebastopol passed a Surveillance Use Policy years ago, which outlaws some of the most egregious practices that the Real Time Crime Center will be using, such as facial recognition and predictive policing. I highly urge that we look to our neighbors to the west and follow suit.

Earlier this year, Santa Rosa City School was forced to lay off more than 80 position. It's absolutely unconscionable that we would then spend close to a million dollars on such an unnecessary and privacy-violating project such as this. In creating this crime center, we are attacking the effects of the problem of crime, instead of the roots - lack of investment in education and basic needs of our community.

Alyn Wolves
Member - North Bay Organizing Project Police Accountability Task Force

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] NO to Real Time Crime Center
Date: Monday, July 22, 2024 3:42:44 PM

From: Ma'ayan Peer <[REDACTED]>
Sent: Monday, July 22, 2024 3:08 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] NO to Real Time Crime Center

Hi SR City Council,

I'm a Sonoma County resident and frequent visitor, and buyer in Santa Rosa. I'd like to ask you all to vote against tomorrow, July 23rd,'s item 6.2 Real Time Crime Center. An increase in police surveillance is a disservice to us all, and will disproportionately affect our marginalized communities. Folks who are black, brown, disabled, unhoused, or trans do not need the police to have more weapons to wield against them. Vote for your community and vote against the Real Time Crime Center.

Thanks

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] No surveillance via Real Time Crime Center
Date: Monday, July 22, 2024 3:43:01 PM

From: C Sofranko <[REDACTED]>
Sent: Monday, July 22, 2024 3:00 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] No surveillance via Real Time Crime Center

Hi, my name is Cecilia Sofranko and I'm a Santa Rosa resident. I'm writing to ask that you strongly oppose the "Real Time Crime Center," item 6.2, tomorrow at your July 23rd meeting. We do not need increased opportunities for police forces to pick and choose who to punish, especially when we have seen devastating police violence here in Sonoma County with the weapons they already have. I do not feel safe giving them more leverage against Black, brown, and Indigenous communities, as well as neurodivergent people who might need mental health aid, and transgender people - all of whom are known to sustain escalated brutality from LEOs.

I'm writing to ask that you truly think of the people, and who you are protecting, when making decisions on this item. Let's be realistic about who tends to be targeted, and have their lives violently disrupted, when police decide they want to.

Thank you,

Cecilia Sofranko

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] Re: Meeting on 7/23/24: Item 6.2
Date: Monday, July 22, 2024 3:43:27 PM

From: Revelle Mast <[REDACTED]>
Sent: Monday, July 22, 2024 3:39 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] Re: Meeting on 7/23/24: Item 6.2

To be clear, I urge you to oppose the proposed "real time crime center."

Thank you for the work you do,

R

On Mon, Jul 22, 2024, 3:32 PM Revelle Mast <revelle.mast@gmail.com> wrote:

To all the city councilors,

I am very concerned about increasing the capabilities of surveillance infrastructure.

These tools are not inherently good and can be used malevolently.

I do not think our democracy is healthy enough for this responsibility.

Act with caution, for all our sakes, please.

Revelle Mast

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] City surveillance
Date: Monday, July 22, 2024 3:44:00 PM

-----Original Message-----

From: [REDACTED] >
Sent: Monday, July 22, 2024 3:41 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] City surveillance

Good afternoon,

My name is Shell Baker and I am a life long resident of Sonoma County/ Santa Rosa area for 32 years. I would like to express my disapproval of the increased surveillance that is being proposed by the "real time crime center". I feel this will be weaponized against some of our most vulnerable citizens and I urge the council to turn resources towards better programs that would assist with those populations instead of increasing opportunities to criminalize them. Think with the heart and not with the shield.

Thank you for your time.

Sincerely,
Shell Baker

Sent from my iPhone

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] real time crime center
Date: Monday, July 22, 2024 3:52:06 PM

From: Madalyn Berg <[REDACTED]>
Sent: Monday, July 22, 2024 3:48 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] real time crime center

Dear Santa Rosa City Council,
I am writing to express my fervent belief that we should not increase surveillance in our community. I think an increase in surveillance represents a threat to our safety while claiming to serve it. And it definitively impinges on our community's freedom and right to privacy. Please consider me in your discussion tomorrow.
Warmly,
Madalyn Berg
Fountaingrove Resident

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] re: 7/23/24 Meeting, Item 6.2
Date: Monday, July 22, 2024 4:12:54 PM

From: T Wagner <[REDACTED]>
Sent: Monday, July 22, 2024 4:10 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] re: 7/23/24 Meeting, Item 6.2

Hello,

My name is T Wagner. I'm a Sonoma County resident who works and recreates in Santa Rosa. I'm writing to ask that you oppose the "Real Time Crime Center" (item 6.2) at your meeting on 7/23. We do not need increased police surveillance when we have already seen devastating violence at the hands of the police. I do not feel safe giving LEOs additional means of harm against already marginalized communities, such as black, brown, and indigenous people. All of these communities, and neurodivergent people in need of mental health aid, all receive escalated brutality from police with the weapons they already have.

I'm writing to ask that you oppose this item, and stop to think about who will be affected by measures like this and how they will be affected - there is a clear history already written across the States and in this county of violence allowed and perpetuated.

Thank you,
T Wagner

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] WE DO NOT WANT INCREASED SURVEILLANCE!!!!
Date: Monday, July 22, 2024 4:13:10 PM

-----Original Message-----

From: Tanya Marsh [REDACTED]
Sent: Monday, July 22, 2024 4:11 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] WE DO NOT WANT INCREASED SURVEILLANCE!!!!

Santa Rosa Council Members,

In this time of wild division, it is crucial that city council members understand the true pulse of their community. That there is even consideration of increasing surveillance on a population severely under resourced because our tax dollars are funding police instead of supporting community members.

Stop the surveillance!!! Stop over policing people and Increase social programs for your community members!

Sincerely,

An extremely concerned parent in Sonoma County paying for a student to attend school in Santa Rosa.

Tanya Marsh

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL]
Date: Monday, July 22, 2024 4:14:16 PM

From: Campbell Sepiida [REDACTED]
Sent: Monday, July 22, 2024 4:11 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL]

I understand that an item on the agenda for a meeting at 9:00am 7/23/24 about the Real Time Crime Center. Reading about this technology, it seems that it requires extra surveillance. I strongly oppose increasing surveillance.

Let's focus on "housing first" and other proven initiatives that boost the economy and build community. Increasing the power of law enforcement has proven to have the opposite effect on crime. There are entire courses taught about these things in our nation's universities and colleges. Please bring some reason, and consider reducing law enforcement, and increasing social services.

We should consider alternatives to police enforcement, instead of increasing their scope of power.

Please, follow the social science. Expanding law enforcement will not make out communities safer.
Thank you,
Campbell

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] Increased surveillance
Date: Monday, July 22, 2024 4:48:42 PM

From: Claire Addleman <[REDACTED]>
Sent: Monday, July 22, 2024 4:34 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] Increased surveillance

Writing in to say I DO NOT want increased surveillance in Santa Rosa.
Thank you,
Claire A

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] Real Time Crime Center
Date: Monday, July 22, 2024 4:49:08 PM

From: Martie Fried-Lee <[REDACTED]>
Sent: Monday, July 22, 2024 4:34 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] Real Time Crime Center

Dear City Council,

My name is Martie Fried-Lee and I'm a constituent of District 2 in Santa Rosa. I'm concerned about the potential establishment of a proposed Real Time Crime Center in the city and I'm writing to ask that you oppose moving forward with this plan. I'm worried that there won't be adequate consideration in respecting and protecting the privacy of citizens as well as reinforcing the existing biases of law enforcement toward the Black and brown people that live here. I don't want more people to be targeted by predictive third-party algorithms that may be intended to prevent gun violence but in actuality are just going to further harm our communities that are already at risk.

Thank you for your time,

Martie Fried-Lee

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] ATTN: 7/23/24 MEETING ITEM 6.2
Date: Monday, July 22, 2024 4:49:27 PM

From: Levon Crook <[REDACTED]>
Sent: Monday, July 22, 2024 4:34 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] ATTN: 7/23/24 MEETING ITEM 6.2

Council Members,

I am deeply disturbed by item 6.2 on your agenda for tomorrow's meeting. Santa Rosa does not have any need for a "Real Time Crime Center", and I'm honestly not sure what you think you're doing.

The city of Santa Rosa does not need increased surveillance. It does not need a "crime center". At a time when fascism is on the rise in this country, aided by an increasingly militarized police force that brutalizes and terrorizes, your choice to build a "crime center" says you are either fascists yourselves or callous and selfish. Perhaps both.

I understand that you are politicians and therefore only care about money and power. I understand that you are sociopathic and unempathetic to the problems of the people that you claim to represent--the people who elected you. And it is clear to me that y'all are a bunch of cowards who are more interested in lining your pockets with the money from the rich people destroying this county with their greed. So to be completely honest, while I am disgusted by this, I have no faith in your humanity.

The very fact that you put this meeting, with this point on your agenda, on Tuesday morning when people will be at work, shows me how manipulative and evil you are.

We do not need a crime center. We need housing costs to be lowered, we need food prices lowered, we need compassion and empathy and community. Not an increase of spouse-beating morons with badges they shouldn't have and guns they are too eager to shoot.

Shame on you, sincerely.

Levon G. Crook

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] Proposed Crime Center
Date: Monday, July 22, 2024 5:04:57 PM

-----Original Message-----

From: [REDACTED]
Sent: Monday, July 22, 2024 5:00 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] Proposed Crime Center

Dear Santa Rosa City Council,

I'm disgusted to learn about the new "crime center" that you're weighing wasting taxpayer's dollars on.

Increasing surveillance on communities does not have any meaningful impact on curtailing crime. Rather, it strains the already fragile relationship between police forces and civilians.

This is an outrageous waste of taxpayer dollars, when it could be better spent benefitting and enriching our communities: providing housing, mutual aid, mental health services, etc.

Why not invest funding into measures that have demonstrably been proven to reduce crime such as these, instead of giving additional funds to an already increasingly militarized police force, solely utilizing band-aid solutions that either don't create impactful change, or worse, make conditions for the communities they're supposed to serve even more difficult?

If you wish to do your jobs and serve the interests of the Santa Rosa community, I strongly implore you consider reallocating these funds away from this crime center. There are demonstrably more helpful ways the taxpayer's dollars could serve the community.

Do better.

Devon Soltani

From: [Tracy Rosenberg](#)
To: PSS-comments@srcity.org; [Public Safety Subcommittee Comment](#)
Subject: [EXTERNAL] Fwd: Real Time Crime Center
Date: Monday, July 22, 2024 7:38:06 PM

Hello,

My name is Tracy Rosenberg and I am the advocacy director for Oakland Privacy, a regional citizens coalition that works statewide to defend the right to privacy, enhance public transparency and promote oversight regarding the use of surveillance techniques and equipment. We were instrumental in the creation of the first standing municipal citizens' privacy advisory commission in the City of Oakland and we have engaged in privacy enhancing legislative efforts with several Northern California cities and regional entities. As experts on municipal privacy reform, we have written use policies and impact reports for a variety of surveillance technologies, conducted research and investigations, and developed frameworks for the implementation of equipment with respect for civil rights, privacy protections and community control.

I apologize for not being able to join you in person on Tuesday night, but hopefully these comments will be helpful. We have several constituent members in your city and the surrounding county so these comments are offered both from that perspective and with a broader lens to the statewide and national surveillance conversation.

Having reviewed the Police Department's Powerpoint, there are a few comments that I'd like to provide.

1. We appreciate the written commitment to a citywide surveillance policy and a specific written policy for the RTCC. These are crucially important. However, we generally advise City Councils of two things: a) you should have the actual policies, at least working drafts of them, in front of you when you make acquisition decisions. Not just a report of a policy to come, but the actual policies. A tool is just that, a tool. The crux of the matter is how it will be used and operated which is what a policy documents. We strongly believe that policies must not be an afterthought, but must be prominent in the decision-making phase. Which is now. b) The policies involved should not just be written by the police department and filed, but should be brought to the City Council for a ratification vote and an agreement that the policies are not materially altered without a return to the City Council for a new ratification. The act of greatly enhancing the spying on and surveillance of the City's residents is a grave act and it is incumbent on the elected officials as the voice of the people to affirmatively approve it and to understand the details of what they are approving. And to do so before it is a fait accompli.

2. The Powerpoint discussed increasing the timeliness and reliability of 911 dispatch. That is a worthwhile goal. We do feel obligated to inform you that one of the tools being proposed to do that, gunshot detection with a tool called Shotspotter, has been extensively documented to in fact, do the opposite. Recent audits from [New York City](#)

and [Chicago](#), and a [Boston study](#) reported that the tool sent officers on wild goose chases the vast majority of the time and in fact, slowed 911 response times. It is important to invest scarce public safety resources into things that actually work towards the stated goals.

3. The Powerpoint also discussed increasing the use of historical data to solve crimes. Technology obviously makes that easier, but what technology does not do is erase the historical over-representation of people of color, particularly black people, in the criminal justice system. One clear example is with cannabis prosecutions, where overwhelmingly white kids got away with cannabis possession and sale with a slap on the wrist and Black kids got criminal records. The danger of heavy reliance on historical crime data is that we perpetuate these kinds of injustices and disparate impacts into present day policing and don't even realize it because it feels "objective" and "data driven". Predictive policing, a tech based entirely on the use of historical crime data, has been largely discredited due to this reality.

4. Information-sharing. A look at your existing automated license plate reader policy shows that the City of Santa Rosa is aware of the dangers of sharing law enforcement information with ICE. Good for you. But the world is an extremely complicated place, and we are finding out that the same kinds of precautions need to be taken with sharing law enforcement data with agencies that enforce bans on reproductive care and gender-affirming care. For exactly the same reason, that the information will be mis-used and harm Santa Rosans and their families, friends and networks. These are the kinds of things that need to be thought about and delineated in policy before things get rolling, not afterwards when harm may become irreparable.

5. We also generally recommend that policies be explicit about 1st Amendment protected activities, as differentiated from "public gatherings" because people engaged in them have Constitutional rights that must not be violated just because surveillance tech exists. The track record on abuses, writ large, is not good and that is why policies must be explicit. We didn't see that in your existing policies.

We hope these comments are helpful and we will repeat our encouragement to do the policy work on the front end and not skip to purchase or deployment until the policy work is done and vetted publicly by the elected representatives.

Sincerely,

Tracy Rosenberg
On behalf of Oakland Privacy

[REDACTED]
Oakland CA 94609

<https://oaklandprivacy.org>

[REDACTED]

From: [Tracy Rosenberg](#)
To: [Public Safety Subcommittee Comment](#)
Subject: [EXTERNAL] Real-Time Crime Center
Date: Monday, July 22, 2024 8:02:19 PM

This public comment seems to be bouncing back to me, although the address provided for public comments on the Santa Rosa City Council web page is PSS-comments@srcity.org. Hopefully this alternate email address will work.

Hello,

My name is Tracy Rosenberg and I am the advocacy director for Oakland Privacy, a regional citizens coalition that works statewide to defend the right to privacy, enhance public transparency and promote oversight regarding the use of surveillance techniques and equipment. We were instrumental in the creation of the first standing municipal citizens' privacy advisory commission in the City of Oakland and we have engaged in privacy enhancing legislative efforts with several Northern California cities and regional entities. As experts on municipal privacy reform, we have written use policies and impact reports for a variety of surveillance technologies, conducted research and investigations, and developed frameworks for the implementation of equipment with respect for civil rights, privacy protections and community control.

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Having reviewed the Police Department's Powerpoint, there are a few comments that I'd like to provide.

1. We appreciate the written commitment to a citywide surveillance policy and a specific written policy for the RTCC. These are crucially important. However, we generally advise City Councils of two things: a) you should have the actual policies, at least working drafts of them, in front of you when you make acquisition decisions. Not just a report of a policy to come, but the actual policies. A tool is just that, a tool. The crux of the matter is how it will be used and operated which is what a policy documents. We strongly believe that policies must not be an afterthought, but must be prominent in the decision-making phase. Which is now. b) The policies involved should not just be written by the police department and filed, but should be brought to the City Council for a ratification vote and an agreement that the policies are not materially altered without a return to the City Council for a new ratification. The act of greatly enhancing the spying on and surveillance of the City's residents is a grave act and it is incumbent on the elected officials as the voice of the people to affirmatively approve it and to understand the details of what they are approving. And to do so before it is a fait accompli.

2. The Powerpoint discussed increasing the timeliness and reliability of 911 dispatch. That is a worthwhile goal. We do feel obligated to inform you that one of the tools being proposed to do that, gunshot detection with a tool called Shotspotter, has been extensively documented to in fact, do the opposite. Recent audits from [New York City](#) and [Chicago](#), and a [Boston study](#) reported that the tool sent officers on wild goose chases the vast majority of the time and in fact, slowed 911 response times. It is important to invest scarce public safety resources into things that actually work towards the stated goals.

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and don't even realize it because it feels "objective" and "data driven". Predictive policing, a tech based entirely on the use of historical crime data, has been largely discredited due to this reality.

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We hope these comments are helpful and we will repeat our encouragement to do the policy work on the front end and not skip to purchase or deployment until the policy work is done and vetted publicly by the elected representatives.

Sincerely,

Tracy Rosenberg
On behalf of Oakland Privacy

████████████████████
Oakland CA 94609

<https://oaklandprivacy.org>
████████████████████

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] No Surveillance via Real Time Crime Center
Date: Tuesday, July 23, 2024 7:24:58 AM

From: Martina Vargas <[REDACTED]>
Sent: Monday, July 22, 2024 5:54 PM
To: Stapp, Mark <MStapp@srcity.org>; _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] No Surveillance via Real Time Crime Center

Dear Vice Mayor Mark Stapp & City Council Members,

My name is Martina Vargas and I am a Santa Rosa resident. I am writing to ask that you strongly oppose Item 6.2 "Real Time Crime Center" on the agenda for tomorrow's meeting on July 23rd. We do not need increased opportunities for police forces to pick and choose who to punish, especially when we have seen devastating police violence here in Sonoma County with the weapons they already have.

I do not feel safe giving them more leverage against Black, brown, and Indigenous communities, as well as neurodivergent people, who might need mental health aid, and transgender people. All of whom are known to sustain escalated violence from LEOs.

I'm writing to ask that you think of the people you represent here in Santa Rosa and contemplate who you are protecting when deciding on this agenda item. Please be realistic about who tends to be targeted and have their lives violently disrupted when police decide they want to.

Thanks for considering,

Martina Vargas

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] No surveillance via Real Time Crime Center
Date: Tuesday, July 23, 2024 7:25:36 AM

From: Simone Barnard <[REDACTED]>
Sent: Monday, July 22, 2024 7:50 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] No surveillance via Real Time Crime Center

Hi, my name is Simone Barnard and I'm a Santa Rosa resident. I'm writing to ask that you strongly oppose the "Real Time Crime Center," item 6.2, tomorrow at your July 23rd meeting. We do not need increased opportunities for police forces to pick and choose who to punish, especially when we have seen devastating police violence here in Sonoma County with the weapons they already have. I do not feel safe giving them more leverage against Black, brown, and Indigenous communities, as well as neurodivergent people who might need mental health aid, and transgender people - all of whom are known to sustain escalated brutality from LEOs.

I'm writing to ask that you truly think of the people, and who you are protecting, when making decisions on this item. Let's be realistic about who tends to be targeted, and have their lives violently disrupted, when police decide they want to.

-Simone Barnard

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] Real Time Crime Center
Date: Tuesday, July 23, 2024 7:25:51 AM

From: Janelle Ogg <[REDACTED]>
Sent: Monday, July 22, 2024 8:17 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] Real Time Crime Center

Dear City Council Members,

This is such a great plan to help deal with crime. Just a quick note to express support for Chief Cregan's plan. Thank you for your consideration.

Janelle Ogg

--

Sent from my Android device with K-9 Mail. Please excuse my brevity.

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] Real time crime ctr
Date: Tuesday, July 23, 2024 7:27:51 AM

From: Jordan Byrd [REDACTED]
Sent: Monday, July 22, 2024 11:57 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] Real time crime ctr

Dear City Council,

I am a constituent who is writing to you all to express my deep opposition to the Real Time Crime Center. Our community needs more access to positive resources that lifts people out of poverty, not more surveillance & punishment. Please stick to investing in our people in positive ways.

Thank you,
Jordan Byrd

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] Real crime time center
Date: Tuesday, July 23, 2024 7:28:16 AM

From: Michelle Bell <[REDACTED]>
Sent: Tuesday, July 23, 2024 1:02 AM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] Real crime time center

Good day, Santa Rosa City Council,

My name is Michelle Bell and I've been living in Santa Rosa for four plus years. I'm writing because I saw that tomorrow you will be having a discussion about Real Crime Time Center and how to best incorporate it into everyday life in Santa Rosa. It greatly concerns me because I believe that an increase of police surveillance would be very harmful to our community. Increased surveillance would spread more fear amongst the general public and cause even more harm to vulnerable communities that are already at risk for being violently targeted by the police (Black and Indigenous Peoples, Transgender Peoples, homeless individuals, and neurodivergent people). I implore you to use the money/ resources not to aide the Real Crime Center. Those valuable resources would best be used for education, public programs that help neurodivergent and or disabled people, programs that provide meals for children in need, other forms of aid. These programs have proven to effectively reduce crime and provide real tangible results. I can not overstate the harm that increased police surveillance would inflict on our dear community in Santa Rosa.

Thank you,
Michelle Bell

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] Real time crime center
Date: Tuesday, July 23, 2024 7:28:45 AM

From: Dan Ford <[REDACTED]>
Sent: Tuesday, July 23, 2024 6:09 AM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] Real time crime center

My name is Dan Ford, and I am a Santa Rosa resident in the Southpark neighborhood. I do not want the real time crime center increasing surveillance on civilians. I do not want the real time crime center.

Thank you for your time.

From: [Carol Ciavonne](#)
To: PSS-comments@srcity.org; [CityCouncilListPublic](#)
Cc: [Public Safety Subcommittee Comment](#)
Subject: [EXTERNAL] Real Time Crime Center
Date: Tuesday, July 23, 2024 7:30:40 AM

To Whom It May Concern,

I am writing to oppose the installation of the RTCC, and the usage of the \$898,000 grant to support such surveillance. Crime in Santa Rosa has been going down, not up; for reference see the Press Democrat, according to Sgt. Patricia Steffens, for statistics from 2021-2023. One of the additional problems with this idea is that it has vast potential for misuse, particularly in the area of surveillance on communities of color, which, quite frankly, the SRPD already has a tenuous relationship with. And since the sources for these technologies are private companies, there is a possibility that people other than government entities can also access these surveillances.

I urge you to do more research on this action. The ACLU has concerns, and even the city of Sebastopol, amongst others, has come up with a set of rules that will protect its citizens from undue, there is no other way to say it, snooping. As a starting point, I include this piece by Rollie Atkinson, former owner and editor of the Healdsburg Tribune and the Sonoma West Times and News. I hope you will read and consider its many salient points.

[https://open.substack.com/pub/rollieatkinson/p/real-time-surveillance-is-here?
r=cij9&utm_campaign=post&utm_medium=web](https://open.substack.com/pub/rollieatkinson/p/real-time-surveillance-is-here?r=cij9&utm_campaign=post&utm_medium=web)

Thank you for your time,

Carol Ciavonne

From: [Carol Ciavonne](#)
To: [CityCouncilListPublic](#); [Public Safety Subcommittee Comment](#)
Subject: [EXTERNAL] Real Time Crime Center
Date: Tuesday, July 23, 2024 7:37:23 AM

To Whom It May Concern,

I am writing to oppose the installation of the RTCC, and the usage of the \$898,000 grant to support such surveillance. Crime in Santa Rosa has been going down, not up; for reference see the Press Democrat, according to Sgt. Patricia Steffens, for statistics from 2021-2023. One of the additional problems with this idea is that it has vast potential for misuse, particularly in the area of surveillance on communities of color, which, quite frankly, the SRPD already has a tenuous relationship with. And since the sources for these technologies are private companies, there is a possibility that people other than government entities can also access these surveillances.

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[https://open.substack.com/pub/rollieatkinson/p/real-time-surveillance-is-here?
r=cij9&utm_campaign=post&utm_medium=web](https://open.substack.com/pub/rollieatkinson/p/real-time-surveillance-is-here?r=cij9&utm_campaign=post&utm_medium=web)

Thank you for your time,

Carol Ciavonne

From: [Chapters](#)
To: [Public Safety Subcommittee Comment](#); [Okrepkie, Jeff](#); [Alvarez, Eddie](#); [Rogers, Natalie](#)
Cc: [CityCouncilListPublic](#); [Alvarez, Eddie](#); [Stapp, Mark](#); [MacDonald, Dianna](#); [Fleming, Victoria](#); [Rogers, Chris](#); [Okrepkie, Jeff](#); [Rogers, Natalie](#); [Cregan, John](#); [Lauren](#)
Subject: [EXTERNAL] RE: ACLU NorCal - Sonoma County Comment re: Item 6.2, Real Time Crime Center, Public Safety Subcommittee meeting on July 23, 2024
Date: Tuesday, July 23, 2024 11:18:18 AM
Attachments: [image001.png](#)
[SoCo ACLU-NC Letter RE Real Time Crime Center 07.22.24.pdf](#)
[Chapter 8.80 SMC.pdf](#)
[Seeing Through Surveillance Report Web.pdf](#)

Good morning,

Re-circulating this information at the request of Mayor Rogers. I'm also attaching ACLU's report, "Seeing Through Surveillance." Thank you.

ACLU NorCal Sonoma County Chapter



Email: info@sonomaaclu.org

From: Chapters
Sent: Monday, July 22, 2024 8:49 AM
To: 'pss-comment@srcity.org' <pss-comment@srcity.org>; 'JOkrepkie@srcity.org' <JOkrepkie@srcity.org>; 'ealvarez@srcity.org' <ealvarez@srcity.org>; 'nrogers@srcity.org' <nrogers@srcity.org>
Cc: 'citycouncil@srcity.org' <citycouncil@srcity.org>; 'ealvarez@srcity.org' <ealvarez@srcity.org>; 'MStapp@srcity.org' <MStapp@srcity.org>; 'dmacdonald@srcity.org' <dmacdonald@srcity.org>; 'vfleming@srcity.org' <vfleming@srcity.org>; 'crogers@srcity.org' <crogers@srcity.org>; 'JOkrepkie@srcity.org' <JOkrepkie@srcity.org>; 'nrogers@srcity.org' <nrogers@srcity.org>; 'jcregan@srcity.org' <jcregan@srcity.org>; 'info@sonomaaclu.org' <info@sonomaaclu.org>
Subject: ACLU NorCal - Sonoma County Comment re: Item 6.2, Real Time Crime Center, Public Safety Subcommittee meeting on July 23, 2024

Dear Santa Rosa Public Safety Subcommittee:

Attached, please find public comment from the Sonoma County Chapter of the ACLU of Northern California on agenda item 6.2, "Real Time Crime Center" of the Santa Rosa Public Safety Subcommittee meeting on July 23, 2024.

Respectfully,

The Sonoma County Chapter of the ACLU of Northern California

ACLU

Northern
California

Sonoma County Chapter

Email: info@sonomaaclu.org

Chapter 8.80

SURVEILLANCE TECHNOLOGY AND COMMUNITY SAFETY ORDINANCE

Sections:

- 8.80.010 Title.**
- 8.80.015 Purpose and findings.**
- 8.80.020 Definitions.**
- 8.80.030 City Council review mandatory for surveillance technology decisions.**
- 8.80.040 Temporary acquisition during exigent circumstances.**
- 8.80.050 Surveillance impact report and surveillance use policy submission.**
- 8.80.060 Standard for approval and compliance for existing surveillance technology.**
- 8.80.065 Oversight following Council approval.**
- 8.80.070 Prevention of secret surveillance technology contracts and agreements.**
- 8.80.075 Prohibition of certain surveillance technologies.**
- 8.80.080 Whistleblower protections and enforcement.**
- 8.80.090 Severability.**

8.80.010 Title.

This chapter shall be known as the “Surveillance Technology and Community Safety Ordinance.” (Ord. 1145, 2022)

8.80.015 Purpose and findings.

Biometric surveillance and predictive policing technologies have the potential to grant government entities the unprecedented power to secretly identify, monitor, and locate people simply going about their daily lives, threatening Californians’ privacy, liberty, safety and freedom as guaranteed by the [California Constitution](#).

While surveillance technology may threaten the privacy of all of us, throughout history, surveillance efforts have been used to intimidate and oppress certain communities and groups more than others, including those that are defined by a common race, ethnicity, religion, national origin, income level, sexual orientation, or political perspective.

The use of biometric surveillance systems and predictive policing technology to watch, categorize, monitor and record the activities and movements of all Californians disproportionately impacts people of color, women, immigrants, LGBTQ people, and political activists of all backgrounds. Bias, accuracy issues, and stereotypes built into biometric surveillance systems and predictive policing technology have been shown to be flawed thus raising the potential for significant harm and injury to the groups previously mentioned.

No decisions relating to surveillance technology should occur without strong consideration being given to the impact such technologies may have on civil rights and civil liberties, including those rights guaranteed by the [First](#), [Fourth](#), and [Fourteenth](#) Amendments to the United States Constitution, as well as Sections [1](#), [2](#), and [13](#) of Article I of the California Constitution.

Due to the potential for abuse and misuse, it is imperative and as a matter of best practices that legally enforceable safeguards, including robust transparency, oversight, and accountability measures, must be in place to protect civil rights and civil liberties before any surveillance technology is deployed.

Whenever a surveillance technology is approved for use in the City of Sebastopol, data reporting measures must be adopted that empower the City Council and public to verify that mandated civil rights and civil liberties safeguards have been strictly adhered to.

The Sebastopol City Council finds that the public has a right to know about any funding, acquisition, or use of surveillance technologies within the City of Sebastopol. This chapter codifies and guarantees that the acquisition and use of these technologies are subject to rigorous review, public debate, oversight and annual reporting by any City department utilizing these technologies.

This chapter bans the use of certain technologies within the City of Sebastopol absent clearly defined exigent circumstances that would expose our citizens to a major risk to the public safety. Should the technologies be required to be implemented during a public safety emergency, the chapter provides for both limited use and duration with mandated public reporting requirements and significant levels of review regarding their use or any continued use. (Ord. 1145, 2022)

8.80.020 Definitions.

For purposes of this chapter, the following words, terms and phrases shall have these definitions:

“Annual surveillance report” means an annual written report concerning each of the specific surveillance technologies used by the City. The annual surveillance report will include all of the following:

1. A general description of how the surveillance technology was used;
2. A general description of whether and how often data acquired through the use of the surveillance technology item was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s);
3. A summary of community complaints or concerns about each surveillance technology item;
4. The results of any internal audits required by the surveillance use policy, any information about violations of the surveillance use policy, and a general description of any actions taken in response;

5. Information, including crime statistics, that helps the City Council assess whether the surveillance technologies used by the City have been effective at achieving their identified purposes;
6. Statistics and information about any related Public Records Act requests;
7. Total annual costs for the surveillance technologies, including personnel and other ongoing costs, and what source of funding will fund the technologies in the coming year;
8. Any requested modifications to the surveillance use policy and a detailed basis for the request;
9. Where applicable, a general breakdown of what physical objects each surveillance technology hardware was installed upon, using general descriptive terms; and for each surveillance technology software, a general breakdown of what data sources the surveillance technology was applied to;
10. The summary of all requests for City Council approval for the use of any surveillance technology item, including whether the City Council approved or rejected the proposal and/or required changes to a proposed surveillance use policy before approval;
11. The annual surveillance report will not contain the specific records that a surveillance technology item collects, stores, exchanges, or analyzes and/or information protected, restricted and/or sealed pursuant to State and/or Federal laws, including information not required to be released by the Public Records Act.

“Biometric surveillance technology” means any computer software that uses face recognition technology or other remote biometric recognition in real time or on a recording or photograph.

“City” means the City of Sebastopol, and “City Department” means any City department and its officers and employees.

“Face recognition technology” or “FRT” means an automated or semiautomated process that:

1. Assists in identifying or verifying an individual based on an individual’s face; or
2. Identifies or logs characteristics of an individual’s face, head, or body to infer emotion, associations, expressions, or the location of an individual.

“Other remote biometric recognition” means:

1. An automated or semiautomated process that assists in identifying an individual, capturing information about an individual, or otherwise generating or assisting in generating information about an individual based on physiological, biological, or behavioral characteristics ascertained from a distance;
2. Uses voice recognition technology; or
3. Identifies or logs such characteristics to infer emotion, associations, activities, or the location of an individual; and does not include identification based on fingerprints or palm prints that have been manually obtained during the course of a criminal investigation or detention.

“Personal communication device” means a cellular telephone that has not been modified beyond stock manufacturer capabilities, a personal digital assistant, a wireless-capable tablet or similar wireless two-way communications and/or portable internet-accessing devices, whether procured or subsidized by a City entity or personally owned, that is used in the regular course of conducting City business.

“Predictive policing technology” means computer algorithms that use preexisting data to forecast or predict places or times that have a high risk of crime, or individuals or groups who are likely to be connected to a crime. This definition does not include computer algorithms used solely to visualize, chart, or map past criminal activity (e.g., heat maps).

“Surveillance impact report” means a written report including at a minimum the following:

1. Information describing the surveillance technology and how it works, including product descriptions from manufacturers;
2. Information on the proposed purpose(s) for the surveillance technology;
3. If applicable, the location(s) it may be deployed and crime statistics for any location(s);
4. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding;
5. An assessment identifying with specificity any potential adverse impacts the surveillance technology, if deployed, might have on civil liberties and civil rights; and what specific, affirmative measures will be implemented to safeguard the public from those potential adverse impacts;
6. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis; and
7. A summary of the experience, if any, other governmental entities have had with the proposed technology, including information about the effectiveness, and any known adverse information about the technology such as unanticipated costs, failures, civil rights, or civil liberties abuses.

“Surveillance technology” means any software, electronic device, system utilizing an electronic device, or similar, used, designed, or primarily intended to collect, retain, process, or share audio, electronic, visual, location, thermal, biometric, olfactory or similar information specifically associated with, or capable of being associated with, any individual or group. “Surveillance technology” includes but is not limited to:

1. International mobile subscriber identity (IMSI) catchers and other cell site simulators;
2. Automatic license plate readers;
3. Electric toll readers;
4. Closed-circuit television cameras;
5. Gunshot detection hardware and services;

6. Video and audio monitoring and/or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras;
7. Mobile DNA capture technology;
8. Biometric surveillance technology, including facial, voice, iris, and gait-recognition software and databases;
9. Software designed to monitor social media services;
10. X-ray vans;
11. Software designed to forecast criminal activity or criminality;
12. Radio-frequency ID (RFID) scanners;
13. Tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network.

“Surveillance technology” does not include the following devices, hardware or software:

1. Office hardware, such as televisions, computers, credit card machines, copy machines, telephones, and printers, that are in widespread use by City departments and used for routine City business and transactions;
2. City databases and enterprise systems that contain information kept in the ordinary course of City business, including, but not limited to, human resources, permits, licenses, and business records;
3. City databases and enterprise systems that do not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by surveillance technology, including payroll, accounting, or other fiscal databases;
4. Information technology security systems, including firewalls and other cybersecurity systems;
5. Physical access control systems, employee identification management systems, and other physical control systems;
6. Infrastructure and mechanical control systems, including those that control or manage street lights, traffic lights, electrical, natural gas, or water or sewer functions;
7. Manually operated technological devices used primarily for internal City and department communications and are not designed to surreptitiously collect surveillance data, such as radios, personal communication devices, and email systems;
8. Manually operated, nonwearable, handheld cameras, audio recorders and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings;

9. Surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision equipment;
10. Computers, software, hardware, or devices used in monitoring the work and work-related activities involving City employees, contractors and volunteers or used in conducting internal investigations involving City employees, contractors and volunteers;
11. Parking ticket devices;
12. Police department interview room and holding cell;
13. Police department computer-aided dispatch (CAD), records/case management, Live Scan, booking, Department of Motor Vehicles, California Law Enforcement Telecommunications Systems (CLETS), 9-1-1, and related dispatch and operation or emergency services systems;
14. Police department early warning systems.

“Surveillance use policy” means a publicly released, legally enforceable written policy governing the City department’s use of a specific surveillance technology that, at a minimum, includes all of the following:

1. *Purpose.* The specific purpose(s) that the surveillance technology item is intended to advance.
2. *Authorized Use.* The uses that are authorized, and the rules and processes required prior to such use and uses of the surveillance technology that will be expressly prohibited.
3. *Data Collection.* What types of surveillance data will be collected, captured, recorded, intercepted, or retained by the surveillance technology, what types of data may be inadvertently collected during the authorized uses of the surveillance technology, and what measures will be taken to minimize and delete such data.
4. *Data Access.* The category of individuals who can access or use the collected information, how and under what circumstances data collected with surveillance technology can be analyzed and reviewed, and the rules and processes required prior to access or use of the information.
5. *Data Protection.* The general safeguards that protect information from unauthorized access, including encryption and access control mechanisms.
6. *Data Retention.* The limited time period, if any, that information collected by the surveillance technology will be routinely retained, the reason such retention period is appropriate to further the purpose(s) enumerated in the surveillance use policy, the process by which the information is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.
7. *Public Access.* How collected information can be accessed or used by members of the public, including criminal defendants.
8. *Third-Party Data Sharing.* Which governmental agencies, departments, bureaus, divisions, or units may receive data collected by the surveillance technology operated by the City department, including any required

justification or legal standard necessary to share that data, and how it will ensure that any entity sharing or receiving such data complies with the surveillance use policy.

9. *Training.* The training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.

10. *Auditing and Oversight.* The mechanisms to ensure that the surveillance use policy is followed, including internal personnel assigned to ensure compliance with the policy, internal record-keeping of the use of the technology or access the information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the legally enforceable sanctions for violations of the policy.

11. *Complaints.* What procedures will be put in place by which members of the public can register complaints or concerns, or submit questions about the deployment or use of a specific surveillance technology, and how the municipal entity will ensure each question and complaint is responded to in a timely manner. (Amended as part of January 2023 update; Ord. 1145, 2022)

8.80.030 City Council review mandatory for surveillance technology decisions.

A City department must obtain City Council approval by ordinance of a surveillance use policy following a public hearing conducted at a regular City Council meeting, prior to engaging in any of the following:

- A. Seeking funds for a surveillance technology, including, but not limited to, applying for a grant or soliciting or accepting State or Federal funds or in-kind or other donations for the purpose of acquiring surveillance technology;
- B. Acquiring or borrowing a new surveillance technology, including, but not limited to, acquiring such technology without the exchange of monies or consideration;
- C. Using a new or existing surveillance technology for a purpose, in a manner or in a location not previously approved by the City Council in accordance with this chapter; or
- D. Entering into an agreement, including a written or oral agreement, with a non-City entity to acquire, share or otherwise use surveillance technology or the information it provides, including data-sharing agreements. (Ord. 1145, 2022)

8.80.040 Temporary acquisition during exigent circumstances.

- A. A department may temporarily acquire or temporarily use surveillance technology in exigent circumstances without following the provisions of this chapter. Nothing in this section or chapter shall preclude law enforcement from utilizing these technologies or utilizing mutual aid from a law enforcement partner who may opt to utilize

these technologies during exigent circumstances, which for the purposes of this chapter is defined as an emergency involving imminent danger of death or serious physical injury to any person that requires the immediate use of surveillance technology or the information it provides. Any surveillance technology temporarily acquired in exigent circumstances shall be returned within seven days following the conclusion of the exigent circumstances, unless the department acquires the surveillance technology in accordance with the requirements of this chapter.

B. If a department acquires or uses surveillance technology for exigent circumstances, the department shall do all of the following:

1. Use the surveillance technology solely to respond to the exigent circumstances;
2. Cease using the surveillance technology within seven days, or when the exigent circumstances end, whichever is sooner;
3. Keep and maintain only data related to the exigent circumstances, and dispose of any data that is not relevant to an ongoing investigation, unless its retention is (a) authorized by a court based on a finding of probable cause to believe the information constitutes evidence of a crime; or (b) otherwise required by law;
4. Not disclose to any third party any information acquired during exigent circumstances unless such disclosure is (a) authorized by a court based on a finding of probable cause to believe the information constitutes evidence of a crime; or (b) otherwise required by law; and
5. Submit a written report summarizing that acquisition and/or use of surveillance technology under this section to the City Council within 60 days following the inception of the exigent circumstances. (Ord. 1145, 2022)

8.80.050 Surveillance impact report and surveillance use policy submission.

- A. The City department seeking approval under SMC [8.80.030](#) shall submit to the City Council a surveillance impact report and a proposed surveillance use policy via an informational staff report on a regular City Council meeting consent calendar at least 45 days prior to the public hearing required under SMC [8.80.030](#). The informational staff report shall be posted on the City website with the relevant City Council agenda at least 30 days prior to the public hearing.
- B. The City Council may request revisions to the surveillance impact report or surveillance use policy submitted by the City department. (Ord. 1145, 2022)

8.80.060 Standard for approval and compliance for existing surveillance technology.

- A. The City Council shall only approve a request to fund, acquire, or use a surveillance technology under SMC [8.80.030](#) if it determines the benefits of the proposed surveillance technology outweigh its costs, that the surveillance use policy will safeguard civil liberties and civil rights, that no alternative with lesser economic cost or impact on civil rights or liberties would be as effective, and that the uses and deployments of the surveillance technology will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or group.
- B. A City department or departments possessing or using surveillance technology prior to the effective date of the ordinance codified in this chapter shall submit or jointly submit a proposed surveillance use policy no later than 120 days following the effective date of the ordinance codified in this chapter for review and approval by the City Council pursuant to SMC [8.80.030](#).
- C. If a City department is unable to meet this 120-day timeline, the department may notify the Council in writing of the department's request to extend this period and the reasons for that request. The City Council may grant City departments extensions of up to 90 days beyond the 120-day timeline to prepare and submit a proposed surveillance use policy.
- D. If the City Council has not approved the continuing use of surveillance technology, including the surveillance impact report and surveillance use policy, within 180 days of their submission to the City Council, the City department shall cease its use of the surveillance technology and the sharing of surveillance data therefrom until such time as City Council approval is obtained in accordance with this chapter. (Ord. 1145, 2022)

8.80.065 Oversight following Council approval.

- A. A City department that obtains approval under SMC [8.80.030](#) must submit to the City Council, and make available on its website, an annual surveillance report for each surveillance technology used by the City department within 12 months of Council approval, and annually thereafter on or before November 1st. The annual report shall be a single report detailing each type of technology that was utilized by the City. If the City department is unable to meet the deadline, the department head shall notify the City Council in writing of staff's request to extend this period, and the reasons for that request. The City Council may grant reasonable extensions for good cause.
- B. Based upon information in the annual surveillance report, the City Council will, at a public hearing during a regular City Council meeting, reassess whether that surveillance technology as used continues to meet the standard of approval set forth in SMC [8.80.060](#). If it does not, the City Council shall consider:
1. Directing that the use of the surveillance technology cease;

2. Requiring modifications to the surveillance use policy that are designed to address the Council's concerns; and/or
3. Directing a report back from the department regarding steps taken to address the Council's concerns. (Ord. 1145, 2022)

8.80.070 Prevention of secret surveillance technology contracts and agreements.

A. It shall be unlawful for the City or any City department to enter into any surveillance-related contract or other agreement that conflicts with the provisions of this chapter, and any conflicting provisions in such future contracts or agreements, including, but not limited to, nondisclosure agreements, shall be deemed void and legally unenforceable. The City and any City department shall have one year from the effective date of the ordinance codified in this chapter to bring any existing contracts or agreements into compliance with this chapter; after that date, any conflicting provisions in contracts or agreements signed prior to the enactment of the ordinance codified in this chapter shall be deemed void and legally unenforceable to the extent permitted by law. This section shall not apply to collective bargaining agreements and related memorandums of agreement or understanding that predate this chapter.

B. To the extent permitted by law, the City shall publicly disclose all of its surveillance-related contracts, including any and all related nondisclosure agreements, if any, regardless of any contract terms to the contrary. (Ord. 1145, 2022)

8.80.075 Prohibition of certain surveillance technologies.

A. It shall be unlawful for any City department to obtain, retain, access, or use:

1. Biometric surveillance technology; or
2. Predictive policing technology; or
3. Facial recognition technology; or
4. Any information obtained from biometric surveillance or predictive policing technologies.

B. A City department's inadvertent or unintentional receipt, retention, access to, or use of any information obtained from subsections [\(A\)\(1\)](#) through [\(A\)\(4\)](#) of this section shall not be a violation of this subsection; provided, that:

1. The City department does not request or solicit its receipt, access to, or use of such information; and

2. The City department creates a log of such receipt, access to, or use and, within seven days of the event, submits that log to the City Council for inclusion in the City Council's subsequent regular meeting agenda.
- C. Any violation of this chapter constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this chapter. An action instituted under this subsection shall be brought against the City of Sebastopol.
- D. No data collected or derived from any use of technology in violation of this chapter, and no evidence derived therefrom, may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority subject to the jurisdiction of the State of California. Data collected or derived in violation of this chapter shall be considered unlawfully obtained, and shall be deleted upon discovery.
- E. A court shall award costs to the prevailing plaintiff in any action brought to enforce this chapter and any reasonable attorney's fees as may be awarded pursuant to State law. (Ord. 1145, 2022)

8.80.080 Whistleblower protections and enforcement.

- A. Neither the City nor anyone acting on behalf of the City may take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment, including but not limited to discriminating with respect to compensation, terms and conditions of employment, access to information, restrictions on due process rights, or civil or criminal liability, because:
1. The employee or applicant was perceived to, about to, or assisted in any lawful disclosure of information concerning the funding, acquisition, or use of a surveillance technology or surveillance data based upon a good faith belief that the disclosure evidenced a violation of this chapter; or
 2. The employee or applicant was perceived to, about to, or assisted or participated in any proceeding or action to carry out the purposes of this chapter.
- B. It shall be grounds for disciplinary action for a City employee or anyone else acting on behalf of the City to retaliate against another City employee or applicant who makes a good-faith complaint that there has been a failure to comply with any surveillance use policy or administrative instruction promulgated under this chapter.
- C. Any employee or applicant who is injured by a violation of this section may institute a proceeding for monetary damages and injunctive relief against the City in any court of competent jurisdiction.
- D. *Enforcement.*
1. Any violation of this chapter constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this chapter. An action instituted under this subsection shall be brought against the City of Sebastopol, and if necessary to effectuate compliance with this chapter or a surveillance use policy (including to expunge

information unlawfully collected, retained, or shared thereunder), any third party, except a City employee, with possession, custody, or control of data subject to this chapter.

2. Prior to the initiation of any legal proceeding under subsection [\(D\)\(1\)](#) of this section, the City of Sebastopol shall be given written notice of the violation(s) and an opportunity to correct such alleged violation(s) within 30 days of receipt of the notice.

3. If the alleged violation is substantiated and subsequently cured, a notice shall be posted in a conspicuous space on the City's website that generally describes the corrective measure(s) taken to address the violation(s).

E. A court shall award costs to the prevailing plaintiff in any action brought to enforce this chapter and any reasonable attorney's fees as may be awarded pursuant to State law.

F. Nothing in this chapter is intended to, or shall be interpreted to, conflict with the Constitution of the United States, the Constitution of the State of California, or with any State or Federal law. (Ord. 1145, 2022)

8.80.090 Severability.

A. The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances.

B. The City Council hereby declares that it would have passed this chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this chapter or application thereof would be subsequently declared invalid or unconstitutional.

C. The City Clerk shall certify to the adoption of the ordinance codified in this chapter and shall cause the same or a summary thereof to be published as required by law.

D. The ordinance codified in this chapter shall take effect and be in full force and effect 30 days from and after the date of its final passage and adoption. (Ord. 1145, 2022)

The Sebastopol Municipal Code is current through Ordinance 1149, passed October 3, 2023.

Disclaimer: The City Clerk's Office has the official version of the Sebastopol Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.ci.sebastopol.ca.us](http://www.ci.sebastopol.ca.us)

[Hosted by General Code.](#)

SEEING THROUGH SURVEILLANCE

WHY POLICYMAKERS SHOULD
LOOK PAST THE HYPE

ACLU

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Northern
California

SEEING THROUGH SURVEILLANCE

WHY POLICYMAKERS SHOULD
LOOK PAST THE HYPE

Surveillance is not safety. Yet, too often, police and other government agencies deploy invasive surveillance — from license plate readers and cell phone trackers to face surveillance and drones — without policymakers asking the right questions to understand the dangers of these systems. Whenever surveillance might be at issue, there should be a robust public conversation about non-surveillance alternatives, careful consideration of the long-term costs of surveillance and its impact on people’s lives, and a clear understanding that surveillance systems often fail to live up to their promise. If these issues aren’t raised, community members pay the price.

The evidence is clear that while surveillance has increased exponentially, public safety has not. On the contrary, surveillance systems often make people less safe, especially for groups that have historically been in the government’s crosshairs. Modern surveillance technology makes it possible for the government to track who we are, where we go, what we do, and who we know. It fuels high-tech profiling and perpetuates systems of biased policing. It facilitates deportations, chills speech, and imperils the rights of activists, religious minorities, and people who need reproductive and gender-affirming care.

Policymakers who care about racial justice, immigrants’ rights, reproductive justice, LGBTQ rights, privacy and free speech, and civil rights must pay attention to how surveillance may affect different members of their community. You have a responsibility to not allow surveillance systems that invite harm and create more problems than they solve.

The community, not the police, must be the leader in any decision about the acquisition or use of surveillance technology. Those who may be most impacted need to know when and why surveillance is being considered, what it is intended to do, and what it will cost them — both in dollars, and in their rights. And they need to be empowered to limit or reject surveillance if the costs outweigh the benefits.

We released the first edition of this guide and its model surveillance oversight legislation in 2014. Since then, many communities in California and across the country have used this guide to enact laws that bring independent oversight to surveillance technology and ban dangerous systems such as facial recognition.

This guide revisits the lessons learned about the real impacts and failures of surveillance and provides a framework for scrutinizing and understanding surveillance proposals. Its checklist walks policymakers and community members through essential questions to ask and answer — including whether the surveillance system should be used at all. Throughout, case studies highlight lessons to remember and missteps to avoid.

We hope this document, along with additional resources available at www.aclunc.org/SeeThroughTheHype, will serve as a helpful guide for making informed decisions and focusing on real public safety in your community.

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SURVEILLANCE TECHNOLOGY

OVERVIEW

ARTIFICIAL INTELLIGENCE (AI):

Algorithms and software models that are trained on large datasets and are often fine-tuned by humans. AI may be incorporated into other software and systems and deployed in a variety of contexts to attempt to predict outcomes or to automate decision making. AI may also be incorporated into other surveillance systems. When developed or used in ways that do not adequately consider existing inequities, built-in algorithmic bias can perpetuate and potentially exacerbate discrimination.

AUTOMATED LICENSE PLATE READERS (ALPR):

Camera and software-based systems, either stationary or mounted on police cars, that scan license plates that come into view. They record the time and place of every single vehicle that they capture, compiling a log of people's routines and movements. Many ALPR software systems allow customer agencies to share driver information with the click of a button.

BODY CAMERAS: Small cameras worn by police that record audio and video. The cameras can capture anything from public interactions with police to sounds and images at rallies. Some body cameras are always on; others are controlled by the wearer. Introduced as a tool of police accountability, but easily exploited for surveillance of the public.

DATA BROKERS AND DATA MINING:

Companies known as "data brokers" frequently offer sensitive information about people for sale and may be obtained without the knowledge of users from devices, apps, and other sources. These companies may claim the capability to sift through this information to discover statistical patterns, trends, and other information about individuals or groups.

DRONES: Unmanned aerial vehicles that may carry cameras, microphones, or other sensors or devices. Drones range from small "quadcopters" that can maneuver near ground level to high-altitude planes with extremely powerful cameras. Drones are cheaper and often quieter than traditional aircraft, making it possible to deploy them frequently for surreptitious surveillance.

FACIAL RECOGNITION: Software that identifies or tracks a person or group of persons in photos or videos based on various facial characteristics. May also include analytics software purporting to determine a person's emotional state. Facial recognition products may be built upon "matching databases" of mugshots, driver's license photos, or photos scraped from the internet. Facial recognition has been widely criticized for significant threats to civil liberties and civil rights and accuracy issues.

INTERNATIONAL MOBILE SUBSCRIBER IDENTITY ("IMSI") CATCHERS:

Surveillance device that emulates a cell phone tower in order to interact with nearby cell phones and often operates in a dragnet matter, scooping up information about every phone in range. IMSI catchers, commonly known as Stingrays (the brand name of one such device), identify nearby cell phones and can also be configured to intercept and capture the contents of communications including calls, text messages, or internet activity.

LOCATION TRACKING: A range of surveillance techniques used to remotely track a person's location. This includes devices that often contain GPS technology, ranging from modern cell phones to trackers that can be attached to a car. Electronic communications devices, including phones, can also be tracked by identifying cell towers or wireless networks the device uses. These devices often obtain and record location every few seconds and with pinpoint accuracy.

SOCIAL MEDIA MONITORING: The monitoring of people and activity on social networks using either manual or software-assisted techniques. This may take multiple forms, including manual monitoring via undercover accounts or using software products that collect posts, analyze personal relationships and political views, and organize the information so its searchable or readable in dossier form.

VIDEO SURVEILLANCE: Camera systems that allow remote observation or recording of activity in public spaces. Video feeds may be actively monitored or passively recorded. Studies have repeatedly shown cameras are costly and of limited use in deterring criminal activity or solving serious crime.

KEY QUESTIONS

TO ASK AND ANSWER FOR ANY EXISTING OR PROPOSED SURVEILLANCE

IS THE ENTIRE COMMUNITY ENGAGED IN EVALUATING PUBLIC CONCERNS AND NEEDS?

- Have you initiated a process to engage community members in evaluating public concerns and needs, potential interventions, and costs? Have you made sure the diversity of the community is fully represented in these discussions?
- What specific problem does your community want to address?
- Have you conducted an evidence-based inquiry and identified the most effective interventions to address this specific problem?
- What interventions are supported by diverse members of the community?

DO YOU KNOW ALL OF THE COSTS AND RISKS OF SURVEILLANCE?

- What impact can surveillance have on privacy, free speech, and the rights and safety of community members?
- Who is most likely to be harmed by surveillance? How could surveillance undermine commitments to support racial justice, immigrants' rights, LGBTQ rights, reproductive access, and other community goals?
- What are the financial costs of surveillance, including initial costs, long-term training, operation and maintenance, increased incarceration, and potential liability risks?
- Have you completed a full surveillance impact assessment to identify costs and risks?

DO YOU HAVE ALL THE INFORMATION YOU NEED, INCLUDING ALTERNATIVES TO SURVEILLANCE?

- What surveillance systems already exist in your community? Who is operating those systems or proposing new surveillance?
- How have you convened the entire community to discuss and critique existing or proposed surveillance? Have you made sure diverse people in the community are involved in these discussions?
- Has the agency proposing or using surveillance provided all available information about the surveillance system before the public debate begins?
- What evidence is there that surveillance will be effective in addressing community concerns and needs?
- What alternatives to surveillance would be more effective, less expensive, or have less impact on the rights of community members?
- How do you ensure agencies cannot deploy or use surveillance in the absence of community approval?

WHY IT MATTERS

THE COSTS AND CONSEQUENCES OF SURVEILLANCE

Police departments often pitch surveillance technology as a guaranteed way to improve public safety. However, the reality is that all too often, the opposite is true. Surveillance often does not prevent crime or improve public safety; instead, it exposes people and city governments to a whole new set of dangers and risks.

Many discussions about surveillance ignore not only the financial costs of the technology but also how it impacts people's lives, infringes on civil rights, and can actually make people less safe. Time and time again, surveillance systems end up compounding biases in our policing and prison systems, with Black and Brown people most affected.

Surveillance can also jeopardize the safety and freedom of immigrant community members at risk of deportation, LGBTQ people seeking community and care, and poor and unhoused community members criminalized for their economic status. It can also undermine the safety of people exercising First Amendment rights, such as activists who rightly fear retaliation or people seeking to practice their faith.

It is critical to take deliberate steps to scrutinize surveillance proposals using an open, public process designed to identify and assess all the harms and costs of surveillance. This begins with understanding how surveillance impacts real people.

A. THE PROVEN HARMS AND UNPROVEN BENEFITS OF SURVEILLANCE

1. SURVEILLANCE SYSTEMS FUEL RACIAL INJUSTICE

In a nation where police interactions with the public all too frequently turn dangerous, surveillance systems can exacerbate and magnify these problems, increasing the risk of unnecessary government scrutiny, in-person encounters, and violence. Again and again, police have used surveillance systems to create inaccurate and discriminatory watchlists, engage in discriminatory stops and searches, and upend people's lives.

Surveillance technologies amplify the over-policing of Black and Brown communities.

- In Oakland, the police department has disproportionately used automated license plate readers (ALPR) in African American, Latino, and lower-income neighborhoods. Analyzing raw data on how Oakland police had operated ALPR systems, researchers concluded, "If you are driving through or parking your car in a neighborhood with a higher density of white families, you are less likely to be picked up by ALPR cameras." Additionally, the locations where Oakland used ALPR didn't "correlate very well with crime," and the ALPR was "clearly not being used to deter automobile-related crimes."⁴
- In Los Angeles, the police department used "predictive policing" surveillance software to decide where to send officers, as well as which areas and individuals to target. The results were highly discriminatory. Under the direction of the predictive policing program, the LAPD sent helicopters — which they dubbed "ghetto birds" — to fly over some neighborhoods 80 to 90 times per week.⁵ Over a six-month period, six Black and Latino men were shot by police in areas the police had targeted under this program.⁶ All the while, police mocked the system's lack of effectiveness, comparing it to a Ouija board and calling it "a civil liberties nightmare."⁷ In fact, 85% of all people flagged by the LAPD's predictive policing program were Black or Latinx, and similar patterns repeated in departments across the country.⁸



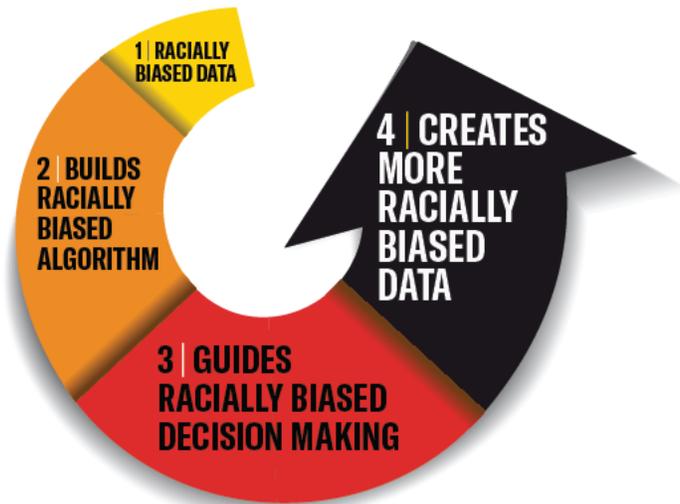
"It is an affront to our movement for equity and justice that the SFPD responded by secretly spying on us. We have the right to organize, speak out, and march without fear of police surveillance."

— Hope Williams, ACLU of Northern California client and plaintiff in *Williams v. San Francisco*, speaking about the SFPD's surveillance of Black Lives Matter protests in summer 2020¹

“Predictive policing software uses data from the criminal legal system, which means that this data is a reflection of who has been historically policed and arrested – it’s not a reflection of crime. So for Black and Brown communities, predictive policing software is nothing new, but rather a continuation of age-old discriminatory policing.”

— Myaisha Hayes, Campaign Strategies Director, MediaJustice²

Predictive Policing’s Racist Feedback Loop



1 Law enforcement uploads policing data to “train” the algorithm. This data is infused with bias — a historical record of selective enforcement and racially discriminatory policies like the War on Drugs, Stop & Frisk, and racial profiling.

2 Once trained, the algorithm generates predictions that profile whole groups of people or areas as suspicious. Since the data is so biased, race is used as a strong determining factor.

3 Law enforcement starts using these biased predictions to allocate resources and make policing decisions.

4 This will result in targeting and over-policing of low-income communities of color, and the collection of more biased data.

↻ The data is then fed back into the algorithm, implying that it was right, thereby making its future predictions even more racially biased.

→ In New York, the neighborhoods with the heaviest levels of face surveillance infrastructure are the same areas that have been historically targeted with discriminatory stop-and-frisk policies. A 2022 study found that “the higher the proportion of non-white residents, the higher the concentration of facial recognition compatible CCTV cameras.”⁹

“The pervasive use of facial recognition technology is effectively a digital stop-and-frisk.”

— Matthew Mahmoudi, Amnesty International⁹

2. SURVEILLANCE THREATENS REPRODUCTIVE FREEDOM AND JUSTICE

We are living in a time where abortion and gender-affirming care is being criminalized in some states, and there is a real threat that surveillance information collected in communities will be exploited to identify, track, and criminalize people who travel for care and the Californians who are helping those people obtain care.¹⁰

Surveillance systems enable the government to monitor the details of our personal lives to a level previously unimaginable. Deploying surveillance systems in your community may fill databases with information that place people at risk. Even if you try to limit the sharing of information on your end, once this information is collected, there is no foolproof way to immunize it from legal demands brought by out-of-state governments. Local surveillance systems like video cameras and license plate readers are now liabilities for communities that are considered safe havens for abortion rights and that want to ensure people in their community can safely seek the care they need.

Indeed, people protesting in support of reproductive rights may also get caught in the net: After the leak of the draft *Dobbs* decision, a surveillance company provided the U.S. Marshals Service with regular alerts detailing pro-abortion protests, including posts by organizers, participants, and bystanders.¹¹

For policymakers with a commitment to abortion rights, it is essential to take a critical look at surveillance systems and how they might be deployed against people seeking reproductive care. These dangers are not entirely new, but the Supreme Court's decision to eliminate the constitutional right to abortion in *Dobbs* and the wave of new restrictions that followed have raised the stakes.

“Government surveillance technologies place progressive values at risk.”

— Lilly Irani, Associate Professor, UC San Diego¹²

SURVEILLANCE AND ABORTION RIGHTS

The dangers that surveillance poses to people seeking reproductive care are real. Surveillance technology has been used to target anti-abortion advertisements at people visiting abortion clinics,¹³ and data brokers have been selling location information of people visiting reproductive health offices.¹⁴ There has also been an exponential increase in recent years of local police demanding to know the identities of those who have searched for a particular word online (also known as keyword demands), and those whose phones have been in a particular location at a particular time (geofence demands).¹⁵ A series of text messages with a friend about getting an abortion were used to sentence a woman in Indiana to thirty years in prison.¹⁶ In another case, an online search for the abortion medication misoprostol was weaponized as evidence to charge a Black mother of three with second-degree murder.¹⁷ Soon after the *Dobbs* decision, a teenager in Nebraska was sentenced for having an abortion after prosecutors obtained a record of her Facebook messages.¹⁸ Policymakers must do everything possible to avoid creating a surveillance infrastructure that endangers people and their reproductive rights.



3. SURVEILLANCE EXPOSES LGBTQ PEOPLE TO HARM

Government surveillance has played a key role in the historical police discrimination and profiling of LGBTQ people, particularly those of color. Surveillance has long been used to out, blackmail, humiliate, and bully LGBTQ people and to undermine LGBTQ movements for equality.

The power of modern surveillance poses whole new dangers to LGBTQ people, especially considering the extreme resurgence of anti-LGBTQ legislation. In 2023 alone, 496 anti-LGBTQ laws were introduced across the country. These attacks included legislation to outlaw gender-affirming healthcare, ban LGBTQ books and representation in classrooms, weaken nondiscrimination laws, and prevent trans children from participating in school activities like sports.¹⁹

Within this environment, surveillance is like a spark in a powder keg. Today's surveillance systems can collect, target, and analyze the information of LGBTQ community members in ways previously unimaginable. These systems, even if employed locally for one reason, can easily be coopted to attack queer youth, trans people, and the wider LGBTQ community. They also contribute to the "ongoing and pervasive problem" of discrimination and harassment by law enforcement based on sexual orientation and gender identity.²⁰

The flaws inherent in many surveillance systems can also directly harm LGBTQ people. Facial recognition is notoriously error prone and often built on unproven science, and yet, some vendors have attempted to use it to classify people by gender. A 2019 academic study found that transgender men were wrongly identified as women up to 38% of the time. Additionally, those who identified as agender, genderqueer or nonbinary — indicating that they identify as neither male or female — were mischaracterized 100% of the time.²¹

These errors can be particularly dangerous, given the frequency of police violence against transgender people. A national study found that transgender people who have to interact with police are nearly four times as likely to experience police violence and seven times more likely to experience physical violence than cisgender people.²² We may see a rise in these dangerous interactions, as officials in states with anti-trans laws use surveillance systems to collect information and investigate trans people and identify people who have received gender-affirming care.²³



HISTORICAL SURVEILLANCE OF LGBTQ COMMUNITIES

There is a long history of the government using surveillance to target people for their sexual orientation, gender identity, and sexual behavior.

Even before computers were widespread, police spied on LGBTQ communities and the establishments where they sought refuge and support. Harassment was frequent and systematic, as police engaged in incessant undercover activity to identify, out, and intimidate LGBTQ people.²⁴ In one notorious example, FBI Director J. Edgar Hoover maintained files with information on the sexuality of prominent actors, columnists, activists, members of Congress, and even presidents.²⁵

In the 21st century, the NSA used its post-9/11 surveillance apparatus to spy on and track the porn-viewing habits of alleged "radicalizers" in order to discredit them.²⁶ In addition, police and intelligence agents have repeatedly been caught using surveillance databases to track romantic partners.²⁷

In recent years, police have used the emerging surveillance infrastructure in communities to spy on LGBTQ people and events. The San Francisco Police Department gained access to a network of street-level video cameras to spy on people marching in the Pride Parade.²⁸ Elsewhere in California, schools have monitored social media and student online activities to out queer young people and limit their access to sexual education resources and information.²⁹

4. SURVEILLANCE ENDANGERS IMMIGRANT COMMUNITIES

Across the United States, federal immigration agencies have eagerly exploited local databases rich with information collected by private data brokers, municipal agencies, and police departments. This information is fed into a deportation machine that tears apart immigrant communities.

In the two decades since its creation in 2003, Immigration and Customs Enforcement (ICE) has devoted its massive resources to build and fund a vast, interconnected surveillance infrastructure. Between 2008 and 2021, ICE spent approximately \$2.8 billion on new surveillance technology, data collection, data analysis, and information-sharing initiatives.³⁰ Shrouded in near-total secrecy and with minimal oversight, ICE regularly taps into the trove of personal information collected and stored by state and local governments.³¹

The true magnitude of ICE's surveillance dragnet infrastructure was revealed in a 2022 academic study that shed light on the agency's capacity to secretly "pull dossiers on nearly anyone, seemingly at any time," without a warrant.³² The investigation found that ICE could search through the driver's license data of 74% of adults in the United States and ran the driver license photographs of one-in-three (32%) adults through its facial recognition system. The report also found that ICE could track the driving patterns of 70% of adults, and could use gas, electricity, phone, and internet records to automatically identify people's new home addresses.³³

In recent years, ICE has further expanded its reach into communities by exploiting local surveillance systems and databases to track, identify, and target immigrant community members for detention and deportation. No local surveillance system is safe from ICE's demands.



LICENSE PLATE SURVEILLANCE TARGETS IMMIGRANTS FOR DEPORTATION

In 2019, an ACLU of Northern California lawsuit revealed that over 80 local law enforcement agencies in a dozen states, including California, had helped feed a database of more than a billion license plate reader records accessible to Immigration and Customs Enforcement. The federal government has used these records to target and locate immigrants across the United States.³⁴

In many communities, the impact of these license plate readers was in direct conflict with commitments by elected leaders to protect the safety of their immigrant community members. For example, in Marin County, California, at the same time its board of supervisors passed a formal resolution to protect undocumented immigrants,³⁵ the county sheriff was sharing a trove of driver locations with ICE and CBP. This failure to understand the danger posed by license plate surveillance threatened the safety of many immigrant community members and resulted in a successful lawsuit by residents under a state privacy law.³⁶



“[A]ll people have the right to live with dignity regardless of their immigration status, and... have the right to move freely without having their personal details shared with the federal government or saved in a database without their knowledge or permission.”

— Tara Evans, ACLU client in *Lagleva v. Doyle* (challenge to Marin County sheriff’s sharing of ALPR information with CBP and ICE)³⁷

5. SURVEILLANCE HARMS RELIGIOUS COMMUNITIES

Government agencies have often weaponized surveillance systems to spy on, target, and intimidate people based on their religion. Once people are caught in a surveillance net, it’s difficult to get out. The government may wrongly tag someone as suspicious, labels that are then used to justify further prying into their private lives, placing them on a watchlist, or even threatening them if they do not cooperate with additional surveillance efforts.³⁸

TARGETING AMERICAN MUSLIMS WITH SURVEILLANCE

In the years after the 9/11 attacks, the New York Police Department created a secretive intelligence wing that infiltrated Muslim neighborhoods with undercover officers. These officers compiled dossiers about Muslim Americans going about their daily lives, monitoring them as they engaged in constitutionally protected activities in cafes, bookstores, and private residences, despite no evidence of illegal activity.³⁹ This unconstitutional surveillance harmed New York City’s Muslim community and led to a multi-year lawsuit and a settlement barring the NYPD from conducting investigations based on race, religion, or ethnicity, among other reforms to prevent discriminatory and warrantless surveillance.

6. SURVEILLANCE THREATENS FREE SPEECH AND SUPPRESSES SOCIAL ACTIVISM

All too often, police turn surveillance systems against movements for justice, targeting those who push for social and political change. From the FBI's notorious surveillance of the civil rights movement to the more recent widespread use of surveillance systems to spy on and scare Black Lives Matter protesters, there is a long and troubled history of surveillance systems being used to track, control, and sabotage Black and Brown activists.

“One of the most alarming parts of [the history of social movements] has been the ways that surveillance has been misused against Black people who are advocating for justice. It's been used to discredit, abuse, and incarcerate.”

— Ayọ Tometi, Black Lives Matter co-founder⁴⁰



PHOTO: IVAN RADIC



THE SURVEILLANCE THREAT TO MOVEMENTS FOR JUSTICE

If you are committed to racial justice, you need to understand how time and again, surveillance is deployed against protesters.

- A year-long public records investigation by the ACLU of Northern California uncovered how the California Highway Patrol (CHP) had used aircraft and high-powered cameras to monitor the summer 2020 protests following the murder of George Floyd. In recordings made across the state, CHP fixated on community members exercising their First Amendment rights — including zooming in closely and lingering over people speaking at vigils, kneeling, participating in die-ins, making signs, and even handing out water and dancing.⁴¹ CHP even recorded a “vigil ... so quiet that the loudest sound was helicopters overhead.”⁴² Activists in another city described how “people got scared off by the police aggression and helicopters” and worried that the agency might use the footage as “social blackmail” at a later date.⁴³
- The San Francisco Police Department and the City of San Francisco were sued by three Black Lives Matter protesters after they activated a private network of surveillance cameras to spy on the peaceful protests winding through the city during summer 2020. By surveilling, the police took cameras purportedly intended to help address retail theft and property crime and turned them against people exercising their First Amendment rights.⁴⁴
- The Department of Homeland Security monitored the social media accounts of Black Lives Matter members and collected details about the locations of members and plans for peaceful protests in Ferguson, Mo., Baltimore, and New York City. Many questioned why DHS was surveilling members of a peaceful domestic social justice movement.⁴⁵
- Police across California secretly acquired and tested multiple social media surveillance products, including software that assigned individuals a “threat level” and encouraged surveillance of labor unions and hashtags like #BlackLivesMatter, #dontshoot, and #wewantjustice.⁴⁶ This led to nationwide negative press attention and new policies from Facebook and Twitter prohibiting surveillance of users.⁴⁷

Surveillance of social activists has lasting negative consequences: People who are afraid they will be monitored and retaliated against for their speech may hesitate to exercise their core constitutional rights. Too often, this fear is grounded in reality, as demonstrated by the federal government’s use of trumped-up charges against activists who participated in the 2020 mass demonstrations for Black Lives.⁴⁸

7. SURVEILLANCE ENTRENCHES

ECONOMIC INJUSTICE

Surveillance systems have an outsized impact on people living on the economic margins. Surveillance is frequently used to inflict excessive economic penalties, often with traumatizing effects that push people further into the cycle of poverty. Surveillance is also used to target the unhoused and enforce laws that make it illegal for people to sleep in vehicles or to sit, sleep, or eat in public places when they have no adequate alternatives.⁴⁹

Imposing invasive surveillance on people struggling economically takes an emotional, psychological, physical, and economic toll that can trigger life-changing consequences long after a person is initially tracked and recorded.⁵⁰ Surveilling and policing people based on economic status also feeds the creation of profiles that may be misused by other agencies to make consequential decisions, from child custody to access to benefits.⁵¹

Policymakers committed to treating everyone in their community with respect and dignity should be very wary of how surveillance can exacerbate economic injustice and the criminalization of poverty.

CASE STUDY Speeding Cameras Accelerate Racial Disparities in Ticketing

When Chicago installed speeding camera networks across the city, proponents claimed it would help increase pedestrian safety and eliminate racially biased police stops. However, in reality, the speed cameras actually accelerated racial disparities in ticketing. People in Black and Latinx neighborhoods were given tickets at twice the rate of households in white ZIP codes, and the tens of millions of dollars in penalties exacerbated economic disparities and proved disastrous for many low-income households.⁵² Red-light cameras produced similar disparities in the cities of Rochester, N.Y. and Miami, leading them to end their programs.⁵³

CRIMINALIZATION OF POVERTY AND SURVEILLANCE

- A number of cities have entered into predatory deals with private ALPR companies, using their “free” surveillance systems to collect outstanding court fines while giving away residents’ information for “nearly unlimited commercial use.” Under these arrangements, residents had to pay their original fine *and* an additional 25% processing fee (which went entirely to the private company) or be arrested.⁵⁴ In one Texas city, this practice resulted in 1,500 people, the vast majority of them Black, being put in jail in a single two-year period — simply because they could not afford to pay traffic fines.⁵⁵
- Residents in public housing have been subjected to invasive face surveillance in Detroit and New York City. Captured by cameras that gave police departments “round-the-clock video footage,” residents and their allies sounded the alarm bell about how they were being targeted solely because of their financial circumstances.⁵⁶

B. THE FULL COSTS OF SURVEILLANCE

Surveillance not only threatens people's rights and safety, but also wastes resources that could be spent on evidence-based alternatives. It is costly to deploy, operate, and maintain. It fuels needless arrests and contributes to the billions spent on incarceration. And when surveillance harms people, it leads to costly lawsuits and settlements. To calculate the full financial cost of surveillance technology, policymakers must look beyond the initial sticker price.

1. SURVEILLANCE IS FREQUENTLY INEFFECTIVE AND LEADS TO LIFE-ALTERING MISTAKES

STATISTICS: VOTERS OPPOSE INVASIVE SURVEILLANCE, SUPPORT RESTRICTIONS

A majority of Bay Area voters oppose invasive surveillance and support restrictions on police surveillance powers.

75% oppose the government's collection and storage of people's biometric information.

69% oppose live access to cameras at their homes and businesses.

66% oppose tracking of their social media posts.

Bay Area voters also strongly support community transparency, oversight, and auditing of police surveillance powers.

87% of Bay Area voters want mandated audits of how police use surveillance technology.

74% percent want the community to provide input before giving police any access to surveillance technology.

64% oppose giving police the authority to decide how and when to use surveillance without the oversight of elected officials.⁵⁷

There is very little evidence that surveillance improves public safety. Again and again, communities have adopted surveillance systems that can end up doing more harm than good.

CASE STUDY Oakland Spends \$2M on "Hardly Used" Police Technology

The cash-strapped city of Oakland learned through experience that surveillance technology can be an ineffective and expensive failure. An audit revealed that the city had squandered almost \$2 million on hardly used technology between 2006 and 2011. The auditor recommended steps to ensure that any technology purchased was intended to fulfill specific objectives and was regularly evaluated for effectiveness.⁵⁸ But Oakland's wasteful pattern continued — in 2023, the City of Oakland approved a proposal to massively expand driver surveillance.⁵⁹

CASE STUDY San Francisco Camera Program Fails to Meaningfully Improve Safety

In 2005, San Francisco installed government-owned video cameras in the city's high-crime, high-traffic areas, hoping it would deter and help solve crime. However, post-installation crime statistics published by mandate under a city ordinance revealed that the cameras "had no impact on violent crime" in neighborhoods with cameras and was not significantly successful as a tool for investigations and prosecutions.⁶⁰ Despite this history, in 2023 San Francisco's mayor proposed a ballot measure that would empower the police to unilaterally expand the program while eliminating oversight by the police commission.⁶¹

In addition to its operating costs, surveillance technology may malfunction in truly tragic ways. Operators cannot be relied upon to catch errors, and, in practice, they have not. Communities considering surveillance must grapple with the real possibility that a surveillance system will wrongly identify or label a person as a suspect, with possible irrevocable consequences.

CASE STUDY Falsely Accused Due to Facial Recognition Errors and Police Misuse

Robert Williams was arrested in front of his family for a theft he had nothing to do with.⁶² The arrest of Williams, a Black man from Michigan, is one of six known cases in which police in the United States have wrongly arrested Black people based on flawed facial recognition results.⁶³ A few months later, Michael Oliver, also a resident of Michigan, was arrested for a separate theft based on a bad facial recognition match, even though he did not resemble the person photographed at the scene of the crime.⁶⁴ In yet another tragic case, police relied on a facial recognition error to arrest Porcha Woodruff, a Black woman who was eight months pregnant, holding her in jail and causing immense pain and trauma in the final stages of her pregnancy.⁶⁵ In New Jersey, Nijeer Parks was wrongly accused of a hit-and-run and forced to spend ten days in jail and pay nearly \$5,000 to defend himself after a facial recognition system misidentified him.⁶⁶ In Georgia, police jailed Randal Reid for nearly a week because a facial recognition system falsely connected him to a theft of luxury purses in Louisiana, even though Reid had never been to Louisiana.⁶⁷ In Maryland, Alonzo Sawyer was jailed for nine days for allegedly assaulting a bus driver even though he was sleeping on his couch at the time of the crime.⁶⁸ In all of these cases, police misuse of facial recognition derailed people's lives, forcing them into jail and sometimes causing them to accrue costly legal bills. While these people were eventually cleared, we don't know how many other people have been wrongly accused by police and are currently imprisoned due to inaccurate facial surveillance.

HELD AT GUNPOINT DUE TO ALPR ERRORS

On the roads, police use of automated license plate readers is pouring fuel on the fire of violent police stops. San Francisco police blindly relied on a license plate reader scan that erroneously flagged a 47-year-old Black woman's red car as a stolen grey truck. She was improperly stopped, forced to exit her vehicle, handcuffed, and held at gunpoint by four officers.⁶⁹ In 2018, police held a privacy activist and his brother at gunpoint on their drive home on Thanksgiving after their rental car was wrongly flagged as stolen.⁷⁰ In 2020, Colorado police pulled their guns on a Black family and their four young children after a license plate reader once again made an error, misidentifying the family's car as stolen.⁷¹

2. SURVEILLANCE MARKETING IS OFTEN MISLEADING

Surveillance technology companies often inundate local agencies with flashy marketing materials, claiming their products are an almost magical solution to the exact issues communities are seeking to address, whether public safety, the administration of benefits, the delivery of health care, or other government services.

These companies don't necessarily have a community's best interests at heart — rather, surveillance vendors seek to make profits, and this can involve selling systems that you do not need or that might not even work. It is important to have a critical eye with surveillance marketing and not rely on company claims when making important policy decisions related to surveillance.



“Surveillance technology has a veneer of objectivity, but many of these systems do not work as advertised. High-tech tools can create a false justification for the broken status quo of policing and can end up exacerbating existing racial disparities. We needed to know whether this system actually does what it claims to do. It does not.”

— Jonathan Manes, attorney with the MacArthur Justice Center, discussing Chicago Police Department's use of ShotSpotter gunshot detection microphones⁷²

CASE STUDY Surveillance Marketing Meets Reality

Surveillance companies often make extraordinary and unsupported claims about their products. In 2015, the ACLU of Northern California discovered a surveillance software vendor claiming their product's algorithm could use online posts and other public information to assign to a person a "threat level" of red, yellow, or green. This claim ignores the lack of evidence showing that software can objectively rate a person's positive or negative attributes.⁷³ Indeed, when a Fresno city councilmember tested the system, they were wrongly flagged as a threat.⁷⁴

Surveillance vendors have also increasingly tried to peddle facial recognition to communities, claiming that it will help address crime. But the high-profile rollout of facial surveillance in New Orleans contradicted these claims: It did not lead to a single arrest in nine months and "failed to identify suspects a majority of time."⁷⁵ According to one city councilmember, use of the system was "pretty obviously racist" with all but one use against Black men and women.⁷⁶ The Eye on Surveillance community group, who opposed the use of facial recognition in New Orleans, noted, "This is a bittersweet moment because although it's rewarding to witness the validation of what we've stated for years about this surveillance technology's inefficacy, we're disappointed that neither our coalition nor the people of New Orleans ... were believed to begin with."⁷⁷

CASE STUDY The Risk of "AI" Snake Oil

The risks of blind reliance on unsupported software vendor claims has become so pressing that in 2022 the United States Federal Trade Commission (FTC) warned Congress to exercise "great caution" in relying on artificial intelligence programs as a policy solution.⁷⁸ The FTC's report outlined several problems related to the use of AI systems, including inherent design flaws and inaccuracy, bias and discrimination leading to potentially illegal outcomes, and invasive commercial surveillance and exploitation of the data collected by such systems. The FTC also created a new Office of Technology that will in part help assess whether products are "oozing with snake oil."⁷⁹

3. SURVEILLANCE TAKES RESOURCES AWAY FROM OTHER HEALTH AND SAFETY PROGRAMS

The full costs of surveillance — including infrastructure, training, staffing, operations, and maintenance — can lead to budget overrun and take money away from other interventions that improve community health and safety.

These costs can be unexpected and unsettling — for example, Philadelphia planned to spend \$651,672 on a video surveillance program featuring 216 cameras. Instead, it spent \$13.9 million on the project and wound up with only 102 functional cameras after a year, a result the city controller described as "exceedingly alarming, and outright excessive."⁸⁰

Any discussion or debate about surveillance should reckon with how those funds might be better served on tangible community needs and proven health and safety programs outside the purview of police.

CASE STUDY Federal COVID Recovery Funds Used For Surveillance Systems

Recently, many local lawmakers squandered an important opportunity to improve public safety and health by deciding to spend billions of federal American Rescue Plan recovery funds on even more policing and surveillance, rather than on proven community-based public safety and social programs.⁸¹

The American Rescue Plan made a whopping \$350 billion available to state and local governments.⁸² The Biden Administration called on communities to dedicate American Rescue Plan funding to “proven strategies that will make our communities safer,” including “expanding evidence-based community violence intervention programs and preventing crime by making our neighborhoods stronger with more educational and economic opportunities.” Yet agencies spent less than 1% of it on actual “community violence prevention” programs.⁸³ For example, the city of Syracuse budgeted \$499,740 in “community violence intervention” to repair surveillance cameras and \$171,200 to expand ShotSpotter.⁸⁴

Further research revealed that more than 70 local governments had allocated ARPA funding for surveillance technology, including automated license plate reader systems, drones, surveillance camera systems, social media surveillance, and setting up or expanding real time surveillance hubs.⁸⁵

Among these, Macon-Bibb County, Ga., spent nearly \$2 million in ARPA funds⁸⁶ and New Haven, Conn., spent \$1.2 million⁸⁷ on heavily criticized ShotSpotter microphone surveillance.⁸⁸

Such actions were directly contrary to the push by many community activists to fund public safety interventions that rely less on police and invest more resources in treating crime’s root causes, such as poverty, mental illness, and substance abuse.⁸⁹

The deployment of surveillance systems without the consent or knowledge of the community also triggers public backlash. Oakland was forced to scrap most of the planning for its Domain Awareness Center and scale the project back considerably after community members protested the misleading mission statement and lack of transparency for the project.⁹⁰ Secretive attempts to purchase surveillance systems by officials in Santa Clara County (a stingray surveillance system) and San Jose (drones) also blew up when the community finally became aware of the plans and raised deep concerns.⁹¹

STATISTICS: THE RISE OF POLICE BUDGETS HAS NOT REDUCED CRIME

Over the past twenty years, the amount of surveillance in our communities has skyrocketed. The number of cameras, sensors, and surveillance software systems operating in our communities is higher than ever. Yet, at the same time, public safety has not correspondingly increased. What has gone up: killings by police, incarceration, prosecution of protesters, prosecution of abortion seekers, and the surveillance of low-income and unhoused people.

Despite calls to end the over-reliance on police, police budgets have actually substantially increased in recent years.⁹² A budget analysis of more than 100 cities and counties found that **83%** of law enforcement agencies were spending more on police in 2022, compared to 2019.⁹³ In **49** of those cities and counties, police budgets increased by more than 10%.⁹⁴ Police budgets have similarly increased throughout California. This is true across some of the largest cities, with Sacramento increasing by \$17 million in 2022,⁹⁵ Los Angeles rising by \$8.7 million, and San Francisco ballooning by **\$50 million** (not including an additional \$26.8 million for police overtime hours in spring 2023).⁹⁶

However, as police departments reach record levels of funding, crime rates have not taken a commensurate dive. A 60-year review of spending on state and local police revealed no correlation nationally between spending and crime rates. Instead, a rise in police funding increases the chances of low-level, nonviolent arrests, over-policing Black and Brown communities, and disinvestment from other approaches to public safety.⁹⁷

4. SURVEILLANCE CREATES FINANCIAL RISKS INCLUDING LITIGATION AND DATA BREACHES

Surveillance programs can create significant financial risks for communities, including litigation and data breaches.

Surveillance exposes cities and counties to costly litigation. For example, Muslim residents in Orange County filed a discrimination lawsuit when a confidential informant revealed that he had been sent into mosques to collect information on the identities and activities of worshippers.⁹⁸ The NYPD paid \$1.6 million in attorney fees to plaintiffs challenging its surveillance of New York's Muslim communities.⁹⁹ In San Francisco and Alameda County, counties have had to pay settlements to motorists who police wrongly pulled over, handcuffed, and held at gunpoint due to license plate reader errors and misuse.¹⁰⁰

Surveillance also creates the risk of expensive data breaches that endanger residents' privacy and economic security. It is important to consider these heavy costs and that cyber-attacks against local police departments, including attacks on surveillance camera systems, are on the rise,¹⁰¹ including the possibility of an unauthorized breach of your community's information.¹⁰²

Following best practices (which itself can entail significant expense) is not enough to prevent every breach. California law requires that a local agency notify residents about a security breach,¹⁰³ yet even the largest law enforcement agency in the country, U.S. Customs and Border Protection, could "not adequately safeguard" its facial recognition data against a damaging breach.¹⁰⁴ The cost of a sensitive surveillance data breach could be very high: On average, a data breach by a government agency costs the entity \$2.07 million. In 2018, cyberattacks cost the U.S. government \$13.7 billion.¹⁰⁵ Similarly, a 2022 report found that companies spent an average of \$4.35 million to resolve a data security breach.¹⁰⁶ Simply put, the more information you collect and retain, the greater the risk and potential cost of a breach.¹⁰⁷

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\$2.07 million.

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\$4.35 million to resolve a data security breach.



C. SURVEILLANCE PROGRAMS ARE ON INCREASINGLY SHAKY LEGAL FOOTING



As the true costs of surveillance technology have come into focus, the legal underpinnings of surveillance are seeing new scrutiny and action from legislatures and government agencies. Courts and policymakers at the state and federal level, driven by increased public concern about privacy, racial justice, immigrants' rights, gender, sexuality, and reproductive rights, are taking action. As a result, your community needs to consider both the existing laws and the potential for legal change when evaluating a surveillance proposal.

In recent years, courts have increasingly found tech-powered government surveillance legally suspect. The U.S. Supreme Court has held that the government cannot search a person's cell phone, track a phone's location over time, or attach a GPS tracker to a person's vehicle, without first obtaining a warrant.¹⁰⁸ Such cases have begun to look at how modern surveillance techniques raise constitutional concerns when they touch upon the "privacies of life" that the Fourth Amendment seeks to secure from "too permeating police surveillance."¹⁰⁹ Building on these concepts, courts have declared unconstitutional a citywide aerial surveillance program,¹¹⁰ the police's long-term use of a "pole camera" to monitor a home,¹¹¹ and prosecutors' use of "geofence warrants" that capture identifying information of all devices used in a particular area.¹¹² The law continues to evolve, but it's already evident that surveillance programs adopted today may be subject to legal challenge and adverse court rulings tomorrow.

Surveillance programs are also vulnerable to lawsuits under state constitutions. The California Constitution's robust right to privacy is a leading example. Passed by the California voters in November 1972, the Privacy Initiative specifically amended Article I, Section 1 of the California state constitution to include an inalienable right to privacy.¹¹³ It created a state constitutional right sweeping beyond the Fourth Amendment and protecting against privacy incursions by both the government and private parties. The "moving force" behind this new constitutional provision was to protect against the "modern threat" related to the "encroachment on personal freedom and security caused by increased surveillance and data collection activity in contemporary society."¹¹⁴ For decades, governments have been sued for allegedly violating Article I, Section 1. As the right turns 50 years old and surveillance further expands, this trend will likely not abate.

"The right to privacy is the right to be left alone. It is a fundamental and compelling interest. It protects our homes, our families, our thoughts, our emotions, our expressions, our personalities, our freedom of communion and our freedom to associate with the people we choose."

— California Supreme Court in *White v. Davis* (quoting ballot materials)¹¹⁵

Californians also have a robust state constitutional right to free expression. Article I, Section 2 of the California Constitution guarantees that “every person may freely speak, write and publish his or her sentiments on all subjects” and that California laws “may not restrain or abridge liberty of speech.”¹¹⁶ Courts have held that safeguarding free speech is a paramount concern because speech is “a freedom which is the matrix, the indispensable condition, of nearly every other form of freedom.”¹¹⁷

“A person does not surrender all Fourth Amendment protection by venturing into the public sphere.”

— U.S. Supreme Court in *Carpenter v. U.S.*¹¹⁸

CASE STUDY FBI Removes GPS Trackers After Supreme Court Rules That Warrantless Tracking Implicates Fourth Amendment

Throughout the United States, the FBI had installed approximately 3,000 GPS trackers on cars without a warrant when the U.S. Supreme Court ruled in 2012 that their use implicated the Fourth Amendment. As a result, the FBI had to deactivate the warrantless trackers and its agents had to physically retrieve them. Obtaining warrants before using any GPS trackers would have ensured the constitutionality of obtained evidence and saved the FBI considerable time and effort.¹¹⁹

OUR RIGHT TO PRIVACY IN PUBLIC

Just because surveillance may be happening on public streets and sidewalks does not mean that policymakers do not need to consider its harms and how it may conflict with rights of community members.

The U.S. Supreme Court has made clear that surveillance carries privacy and free speech threats even if it is conducted solely in public places. People do not lose their rights to private thoughts and communications just by venturing into the public. For example, it has been the case for more than half a century that police must comply with wiretap laws even if a person uses a payphone on a public street.¹²⁰ More recently, the Supreme Court declared that “[a] person does not surrender all Fourth Amendment protection by venturing into the public sphere.”¹²¹ This is particularly true when surveillance information is aggregated to build a robust data profile that can “reveal much more in combination than any isolated record.”¹²² As Justice Sonia Sotomayor observed, “a precise, comprehensive record of a person’s public movements ... reflects a wealth of detail about her familial, political, professional, religious, and sexual associations.” For regular people, an “[a]wareness that the Government may be watching chills associational and expressive freedoms.”¹²³

The California Supreme Court has also held numerous times that being in a public space does not eviscerate privacy rights. In *White v. Davis*, it held that covertly “infiltrating” and monitoring the activities of students and professors at classes and public meetings without any indication of criminal activity violated the California Constitution.¹²⁴ In *People v. Cook*, the California Supreme Court held that warrantless aerial surveillance of a resident’s backyard also was an improper infringement on privacy rights, even though it was visible from public airspace.¹²⁵

Californians’ right to free expression also extends outside of the home, even to privately owned areas like shopping centers.¹²⁶

There have also been recent bipartisan efforts to pass and enforce laws at both the state and federal levels to address surveillance technology. The California Electronic Communications Privacy Act (CalECPA) provides robust privacy protection and imposes strict limits on government surveillance related to electronic information.¹²⁷ California also requires public hearings, detailed usage policies, and governing board and public involvement whenever a local agency seeks to acquire or use automated license plate readers, cell phone surveillance technology, or any military equipment, including drones.¹²⁸ California law also prohibits local agencies from sharing of information collected by automated license plate readers with out-of-state entities.¹²⁹ Residents and community groups have used these laws to stop illegal surveillance practices.¹³⁰

CASE STUDY ACLU Sues Marin County Sheriff For Illegally Sharing Driver Locations Far and Wide

The ACLU of Northern California, ACLU of Southern California, and Electronic Frontier Foundation sued the Sheriff and the County of Marin, alleging that the sheriff's sharing of driver locations with hundreds of out-of-state and federal agencies violated a state law prohibiting such sharing. The sheriff collected these locations with ALPR systems and had shared them with Immigration and Customs Enforcement, an agency that has used this sensitive information to locate, target, and deport community members. After the filing of the suit, the County and sheriff quickly changed their practices to come into compliance with state law. In addition, the County was forced to pay attorneys' fees to the plaintiffs in the case.¹³¹

These state and federal protections are driven by a clear shift in public attitudes towards surveillance. Community members are concerned about surveillance and want lawmakers to rein it in. To that end, a number of local governing bodies have adopted laws requiring transparency and oversight of surveillance systems acquired or used by police and other departments.¹³²

Whether or not your community has adopted laws limiting or prohibiting surveillance, you will need to be able to critically assess surveillance programs that are proposed or that already exist. The next section describes a process for assessing technology as a community, underscoring why surveillance is often not the solution to the problems you and your community seek to solve.

HOW TO ADDRESS

EXISTING AND PROPOSED SURVEILLANCE TECHNOLOGY

As you learn about existing surveillance or see proposals for new programs, spotting issues and asking the right questions will be key to protecting people and building real community safety.

Throughout this process, you should not assume that surveillance is the right solution. If you are starting a community engagement process with a discussion about a specific surveillance proposal, you have already skipped several critical steps.

Before even considering surveillance, you should reach out to underrepresented community members to discuss the problems they face. Ask how evidence-based health and safety programs can address those problems. Consider the many ways that surveillance can be misused or cause harm, undermine public safety, and waste resources better suited for other community programs. For existing surveillance programs, interrogate whether they actually solve problems your community wants to address.

Decisions about surveillance should never be made by surveillance companies and police acting alone behind closed doors. Using this framework, we hope you and your community take control of these important decisions and ensure that diverse community members are central to the process.

A. COLLECTIVELY EVALUATE COMMUNITY NEEDS, COSTS, AND ALTERNATIVES

1. DECIDE TOGETHER: INVOLVE THE ENTIRE COMMUNITY FROM THE START

The first step is to make sure that you are involving the entire community to discuss what is happening in their neighborhoods, what specific problems they want to address, and what evidence based interventions they support. There should be thorough discussion about how resources could be allocated to address community concerns in ways that don't increase surveillance and policing. If surveillance systems already exist, they should be reevaluated and discussed holistically by the entire community. As a policymaker, you should make sure the right questions are being asked and answered about all existing and proposed surveillance.

How are you convening the community to discuss community issues and interventions?

Community members should be in control of decisions that might involve surveillance. As you assess a surveillance proposal, create opportunities for meaningful and timely community input at multiple public hearings. These conversations about surveillance can take place at regularly scheduled, public lawmaker meetings, or you can organize a series of specific public meetings.

The community must be given meaningful advance notice that these public discussions will take place. Making sure the public is engaged early on will help everyone understand community interests and identify considerations or concerns. You should contact a wide array of community groups, including those working with ethnic and religious communities, and make them aware of the proposal. This conversation should not be a one-off event. It is important to maximize public awareness early in the process and engage those who might be most impacted by surveillance.

Local agencies should not acquire or deploy new surveillance systems, or expand their surveillance programs, before this debate takes place.



“Technology can only serve democracy to the degree that it is democratized.”

— Malkia Devich-Cyril,
Senior Fellow and Founding
Director, MediaJustice¹³³

Doing so circumvents the local democratic process and cuts community members out of the process. Community meetings with various speakers representing different perspectives (if law enforcement is the only entity given dedicated speaking time, you are doing it wrong) can help the community understand and express their views about local issues and possible interventions.

“What’s the appropriate amount of time police should be allowed to violate our privacy and safety without accountability and oversight?... It seems insultingly simple that the answer should be no time ever.”

— Nathan Sheard, Managing Director, Advocacy, Electronic Frontier Foundation¹³⁴

“I feel like the problem with government adoption of database technologies is they’re adopted as the silver bullet solution and then it cuts off the conversation from looking at alternatives, many of which probably don’t need to involve data or technology. It limits the scope of what’s possible.”

— Rashida Richardson, Assistant Professor of Law and Political Science, Northeastern University School of Law & College of Social Sciences and Humanities¹³⁵

What specific problem does your community want to address?

Surveillance technology is often thrown at problems that it cannot solve. Once you have engaged the community, spark a discussion about the underlying issues that people want to address. Listen to the community and write down the specific problems and measurable outcomes that the community desires. Vague purposes such as “protecting our city from criminals” make it difficult to identify the right interventions. By contrast, a purpose such as “increase recovery of stolen vehicles by 50%” succinctly identifies an outcome desired by community members and helps frame public discussion. Of course, whether surveillance will address it is another question entirely.

CASE STUDY San Jose's Drone Grounded Due to Backlash

San Jose residents were outraged when they learned their police department had purchased a drone without any public debate. Amid critical media coverage and protests from community groups, civil-rights advocates, and local residents, police apologized and said they would ground the drone until they could conduct adequate public outreach.¹³⁶

Focusing on the problems you seek to solve can also help bring into focus the individuals or communities who are most impacted by both the issues. Throughout, you should seek to solicit and understand the thoughts and concerns of diverse community members. Once you do, you can start considering the potential interventions that would actually achieve shared community goals.

What are the best ways to address community issues? What are potential interventions?

Once you have engaged the community and identified the problems you seek to solve together, ask what the best ways are to address community issues and what non-surveillance interventions could help achieve your goals. There are likely many interventions not involving surveillance that can help your community address public safety and health issues and may be strongly supported by community members.

Are there better alternatives to surveillance?

Having a robust discussion about the scope of potential interventions may not be easy. Surveillance vendors often aggressively market their products to police and try to tout their products as the only solution. Government agencies may be desperate for what seems like an easy fix. But the reality is much more complicated, with surveillance systems frequently causing more harm and creating more costs than they prevent. These real-life impacts, combined with the ineffectiveness of surveillance technology at delivering real public safety outcomes, are compelling reasons to ensure that fact-based conversations actually happen. Thoughtful debate will enable your community to identify and utilize interventions that have the potential to be more effective, less expensive, and less likely to be misused or otherwise negatively impact your community members. You might find it leads to decisions to dismantle and reject surveillance systems altogether.

ALTERNATIVES TO SURVEILLANCE GET SIGNIFICANT PUBLIC SUPPORT

Too often, surveillance is a knee-jerk reaction proposed by the police or touted by politicians, even if there is little evidence that it will address crime, and even if alternatives to surveillance are more strongly supported by community members.

Community members can be suspicious when surveillance and incarceration are used as a catch-all, expressing support for non-surveillance alternatives instead. A 2022 poll of San Francisco voters found that only 34% supported an expanded camera surveillance program. A significant majority strongly supported alternatives to surveillance, including 89% supporting more lighting to deter criminal activity and 90% supporting more drug and mental health services.¹³⁷

“Oakland residents are heavily surveilled. It hasn’t made them any safer ... They shouldn’t have to bargain away their civil liberties, especially since there’s no evidence that OPD’s shiny gadgets have made life safer in a city grappling with violence.”

— Justin Phillips, *San Francisco Chronicle*¹³⁸

Consider alternatives and ask what non-surveillance tools you can use to address the problems you identify with the community. The real-life impacts, combined with the ineffectiveness of surveillance technology at delivering real public safety outcomes, are compelling reasons to utilize other approaches.

In San Diego, **60%** of officer dispatches to the scene of the gunshot microphone failed to uncover anything

In Chicago, the system generated **over 40,000** dead-end police deployments.

CASE STUDY Microphones “Not the Answer to Reducing Gun Violence”

Many cities have littered neighborhoods with gunshot detection microphones that experts have found to be ineffective, invasive, and inferior to community-supported violence reduction programs.

Studies of the systems in both San Diego and Chicago both found errors and that they often led to “dead-end” police deployments — in San Diego, 60% of officer dispatches to the scene of the gunshot microphone failed to uncover anything, and in Chicago, the system generated over 40,000 dead-end police deployments.¹³⁹ Not only do the dead-end deployments waste resources that could be used more effectively, but gunshot detection microphones also create a “false technological justification” for overpolicing and contribute to wrongful stop-and-frisks.¹⁴⁰ Rather than supporting public safety, they “increase the frequency of police interactions, which also increases the risk of Black Americans becoming the victims of police brutality or harassment.”¹⁴¹ Instead of throwing money at gunshot detection microphones, some experts point to properly designed violence reduction strategies as a much more effective public safety intervention.¹⁴²

ALTERNATIVES TO SURVEILLANCE THAT PRODUCE PUBLIC SAFETY RESULTS

Streetlights, not street cameras — Investing in the physical lighting of a neighborhood, rather than installing more cameras, can reap community-wide benefits. In a controlled study in New York City of streetlights in public housing developments, increased lighting levels led to a 36% reduction in nighttime outdoor crimes, including murder, robbery, and aggravated assault.¹⁴³ Community activists in California have also highlighted Oakland's lighting ordinance as an example that streetlights not only prevent crime but also make neighborhoods feel safer.¹⁴⁴



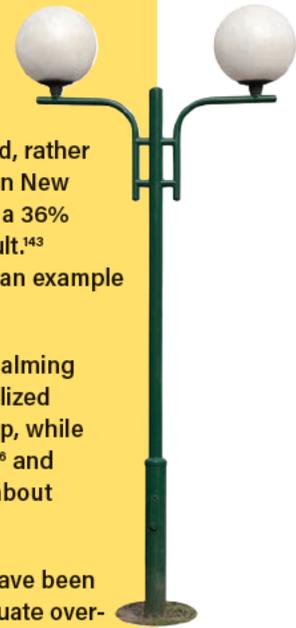
Speed bumps, not speeding cameras — Speed bumps and other traffic calming techniques have been shown to be effective for traffic safety,¹⁴⁵ can be utilized for a fraction of the cost of cameras (less than \$10,000 for a speed bump, while speeding and red-light cameras can cost \$80,000 per intersection),¹⁴⁶ and do not infringe on privacy by collecting and retaining information about community members.

Gun buybacks, not gunshot detection microphones — Gunshot detection systems have been found to be prone to error, are often ineffective in addressing any crime, and can perpetuate over-policing in communities of color. False alarms can lead to increased police presence in poor and marginalized neighborhoods, where gunshot detection systems are already disproportionately deployed.¹⁴⁷ Gun buyback programs focus on a core problem — the prevalence of guns — and have been extremely effective in taking guns off the street and in mobilizing communities to examine their stances on gun control.¹⁴⁸ For example, during a single-day gun buyback event in Santa Rosa, California, more than 400 firearms, including six assault weapons, were taken off the street.¹⁴⁹

Green chairs, not green lighting surveillance — Project Green Light Detroit is a mass surveillance network involving hundreds of cameras that transmit real-time footage to the police department — and the U.S. Department of Justice concluded it has been ineffective at reducing crime.¹⁵⁰ As an alternative, community members have applauded the Green Chairs, Not Green Lights program. Rather than increasing invasive surveillance, this community program uses funds to distribute chairs for people to “return to their front porches and see each other as neighbors.”¹⁵¹ It has fostered a “commitment to community safety and a willingness to get involved.”¹⁵²



Plants, not tracking devices — A growing body of research also suggests that parks, grass and trees, not tracking devices and cameras, may make cities safer. Research in Philadelphia in 2018 found that lots that were “cleaned and greened” — for a cost of just \$5 per square meter — had statistically significant reductions in overall crime and burglaries over a 38-month period, including a 29% percent drop in violent crime in neighborhoods below the poverty line.¹⁵³ The researchers concluded that if the intervention was scaled across the entire city, it could translate to more than 350 fewer shootings each year. In Cincinnati, tree loss due to plant disease was also associated with an uptick in property crimes, assaults, and violent crimes. Some say trees might “signal that the area is well cared for or make an area inviting and can ‘soften the street’ that can help prevent and reduce crime. Other theories include the calming effect of vegetation,¹⁵⁴ or the idea that greenery can improve a community.”¹⁵⁵



B. CRITICALLY ASSESS ANY EXISTING SURVEILLANCE PROGRAM OR SURVEILLANCE PROPOSAL

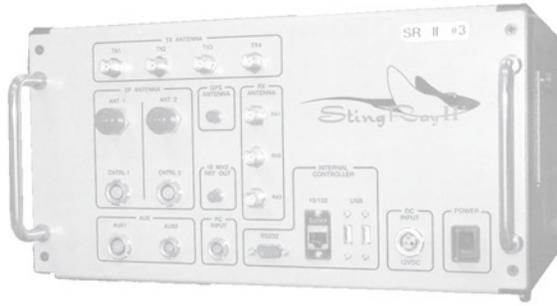
In addition to considering alternatives, your community needs to scrutinize any surveillance proposal and reconsider existing surveillance programs. Throughout the process of examining a proposal or program, continue to turn to your community and create opportunities and space for people to weigh in. Release as much information as possible; your community should understand any surveillance systems in operation and how they work. Together, center the problem the technology is supposed to solve and ask whether non-surveillance alternatives exist. With community partners, ask what impact the system has on civil rights and liberties and the full costs of the surveillance program.

If an agency in your community already possesses and uses surveillance technology, these programs might have started without any community involvement, democratic oversight, or consideration of how they harm civil rights and civil liberties. As a community leader, you have a responsibility to take a close and critical look at existing surveillance programs. Any existing surveillance technology should be reevaluated and publicly discussed. Departments should never expand or blindly continue a surveillance program — instead, take a close look at what surveillance is in use in your community.

As you examine things together, your community may decide to reject a proposal or dismantle or roll back a surveillance system. There are many reasons you may choose to cease an existing program: It may be too costly, ineffective, dangerous, or harmful to civil rights and liberties. There may also be a less costly and much less invasive non-surveillance alternative that you discover during the public debate. Ending a program might involve cancelling a contract, opting not to renew a contract, or simply directing the agency with the technology to cease using it. Whatever the decision, make sure it is done with full public transparency.

Have you been fully transparent about the surveillance proposal or program?

An informed debate can only take place if policymakers and the public are provided with full information about the surveillance being proposed or used. It requires that your community have access to a wide range of information in order to assess the potential impacts of surveillance and any alternatives that may address the same problems. The agency seeking surveillance technology must be required to prepare and release as much information as possible about the actual or potential uses of a surveillance technology to help everyone understand how a technology will work, its potential costs, and the safeguards that will prevent its misuse if the proposal was approved. This information should be released *far* in advance of any public meeting discussing the surveillance.



CASE STUDY Santa Clara County Cancels Stingray Buy Due to Transparency Concerns

In 2015, the Santa Clara County Executive rejected the Sheriff's Office proposal to purchase a Stingray after the board of supervisors questioned the expense and secrecy of the project. The board questioned how they could be asked to spend more than \$500,000 of taxpayer money to approve a purchase that was shrouded in secrecy even from the board itself. The County Executive ultimately vetoed the purchase because the company providing the Stingray refused to "agree to even the most basic criteria we have in terms of being responsive to public records requests ... We had to do what we thought was right."¹⁵⁶

CASE STUDY Oakland's "Domain Awareness Center" Forced To Scale Back After Keeping Community In The Dark

In 2013, the City of Oakland tried to expand its "Domain Awareness Center," which was originally focused on the Port of Oakland, into a citywide surveillance network linking together video cameras from local streets and schools, traffic cameras, and gunshot microphones. Instead of soliciting early public input about the expanded system, Oakland tried to move forward without any meaningful engagement with the community. Residents were outraged and the city council voted against expanding the system.¹⁵⁸

"I think issues or technologies like this and the secrecy just breaks all trust with our communities and for a democracy to work, there needs to be that trust with the government."

— Homayra Yusufi, Deputy Director, Partnership for the Advancement of New Americans¹⁵⁷

RECOMMENDATION:

EVALUATE A PROPOSAL WITH A SURVEILLANCE IMPACT REPORT

A surveillance impact report is an efficient way to conduct and summarize a critical analysis of how surveillance systems will affect the community's information and rights. The goal of a surveillance impact report is to explain, with evidence, how surveillance might function, any possible harms it may cause, and non-surveillance alternatives that would achieve the same or better result without the same impact on civil rights or liberties. With the support of city staff, and input from experts, a department proposing a surveillance system or expansion should release a report well before public hearings that includes at least the following:

- Information describing the technology, how it works, and the kinds of information it collects;
- The proposed purposes(s) for the surveillance technology;
- Evidence demonstrating the effectiveness of the proposed surveillance technology at directly addressing and solving for the stated purpose, including evidence of how it has been used in comparable communities;
- The location(s) it will be deployed and crime statistics for any location(s);
- An assessment identifying with specificity any potential adverse impact on civil liberties and civil rights, and discussing any plans to safeguard the rights of the public from such adverse impacts;
- The fiscal impact of the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding; and,
- What alternative community interventions would address the stated purpose and any information showing fiscal impact.

A worksheet to help your community prepare a Surveillance Impact Report is available at www.aclunc.org/SeeThroughTheHype.

1. ASK WHETHER SURVEILLANCE TECHNOLOGY ACTUALLY HELPS

What evidence exists that surveillance technology actually solves the problem?

There should be actual evidence that surveillance will improve public safety or address another specific problem the community has identified. Many surveillance systems are untested and do not prove to be effective. The primary goal of surveillance vendors is to sell their products and make a profit. Their claims should not be taken at face value and certainly not in isolation. Instead, focus on the facts. Has this surveillance technology solved the problem in any community like yours? The answers may surprise you.

THE FALSE PROMISE OF SURVEILLANCE TECHNOLOGY

Police departments and surveillance companies often boast of using surveillance to address crime, but there is little evidence of surveillance's actual efficacy.

- **Gunshot detection technology** — Multiple reports have shown that gunshot detection systems, such as ShotSpotter, are flawed in methodology and effectiveness.¹⁵⁹ The surveillance technology frequently fails to work, confusing gunshots with other noises, and its errors have put innocent people in jail.¹⁶⁰
- **Automated license plate readers** — Studies have found both a high error rate and low efficacy for “hits” connected to crime or wrongdoing. A study in Vallejo, California, found that 37% of ALPR “hits” from fixed readers, including readers attached to streetlights, were misreads.¹⁶¹ Another study found that fewer than 1% of ALPR scans result in “hits” connected to crime or wrongdoing.¹⁶²
- **Social media surveillance** — Leading technical experts have concluded that surveillance products designed to identify whether an individual “intends to commit” a crime based on social media are often flawed, biased, and likely to generate a large number of false positives.¹⁶³ The ACLU of Northern California even discovered a program used in Fresno, California, that purported to address crime by assigning residents “threat levels,” a practice whose flaws were on full display when the software algorithm flagged a city councilmember’s address as a likely threat.¹⁶⁴
- **Predictive policing** — An intensive investigation of 23,631 predictions made by prominent predictive software Geolitica found the software to be “terrible at predicting crimes,” finding a success rate of as low as 0.1% for some types of crimes.¹⁶⁵ Another investigation of 9 million crime predictions made by Predpol (predecessor to Geolitica) between 2018 and 2021 found outputs heavily skewed toward Black, Latinx, and poor neighborhoods, incessantly directing patrols to the same impoverished areas, while omitting wealthy, white communities.¹⁶⁶
- **Video surveillance** — Research from California and around the world on video surveillance has repeatedly shown that it has limited efficacy on crime.¹⁶⁷ A 2019 systemic review of 40 years of video surveillance showed that it has had “no significant effects” in combatting violent crime.¹⁶⁸ A comprehensive British government study looking at 13 jurisdictions found that cameras did not significantly reduce crime, especially violent crime in city centers, and they also did not reduce fear of crime. Surveys of individuals reported that they did not feel safer and were not more likely to go into city centers after camera placement.¹⁶⁹ In California, a thorough academic study by researchers at UC Berkeley of San Francisco’s Community Safety Camera (CSC) program also found that the surveillance failed to address violent crime.¹⁷⁰ And a year into a pilot program enabling San Francisco police to access private video cameras, it “remain[ed] unclear just how effective the strategy ... is in fighting crime” in the city, with data failing to show a meaningful connection between the cameras and public safety results.¹⁷¹

2. CONSIDER THE FULL COSTS AND POTENTIAL LEGAL LIABILITY OF SURVEILLANCE

In addition to questionable efficacy, there are often financial, legal, and practical concerns that weigh against deploying surveillance to address the problem your community has identified.

What are the impacts on civil rights and liberties?

A surveillance program cannot be effective if it risks harming the rights and lives of community members from varied and diverse backgrounds. During the public debate, make sure the public fully understands how the surveillance technology will be used, including its impacts. This means inviting people other than the police or vendors to explain the technology's impacts. Listen to community members' concerns with the technology. Ask for evidence about how it has been used in other communities. Alternatives to surveillance that are supported by the community should be fully considered and explored.



CASE STUDY Ring Surveillance Cameras Expose the Lives Of Community Members

Police departments have been encouraging and even incentivizing community members to purchase Ring cameras, touting them as a way to keep their community and homes safer.¹⁷² But community members have received several wake-up calls about the real impact of this surveillance technology on privacy and security. First, Ring suffered a data breach in 2019, and 3,600 owner account credentials were shared publicly, resulting in frightening consequences which included hackers spying into children's bedrooms.¹⁷³ Then Ring users realized that while the company promises that people have full control over who views their footage,¹⁷⁴ the reality is much messier. Ring now partners with nearly 2,100 police departments, allowing officers via Ring's "Neighbors" app to request video footage from users and send out alerts. This close relationship, coupled with the power dynamic between police and camera owners, invites coercive requests for footage that people may not feel they can turn down. Police have even circumvented the camera owners and demanded footage directly from Ring.¹⁷⁵ In 2021, the Los Angeles Police Department also requested access to Ring cameras to spy on Black Lives Matter protestors.¹⁷⁶

3,600 Ring owner account credentials were shared publicly through a data breach.

Ring partners with nearly **2,100** police departments allowing officers to request video footage from users and send out alerts.

Several cities considering surveillance proposals have found it useful to actively engage community members through either working groups or specialty committees to shape policy and provide oversight. Cities like Oakland and Vallejo have created standing committees of residents, experts, and advocates who can work together to analyze proposals and make recommendations.¹⁷⁷ The Redlands Police Department convened a Citizens' Privacy Council, open to any city resident, to provide advice on surveillance camera policies and oversee police use of the cameras.¹⁷⁸ Of course, the risk of a surveillance-focused committee risks prioritizing surveillance as a solution. Instead, you should keep the focus on real problems and non-surveillance interventions that actually work.

What are the financial and opportunity costs of this surveillance proposal or program?

Every dollar your community spends on surveillance technology is a dollar it cannot spend on some other community need. First, discuss the financial costs related to surveillance technology, which can include personnel time, training costs, maintenance, and upkeep, as well as any network and storage costs for the information your community may collect. There can also be potential lawsuit costs for violating rights, as well as costs for any data breaches of the information collected by your surveillance system.

CASE STUDY Redlands Deploys Insecure Camera Network

The surveillance camera network in the city of Redlands made the news for the wrong reasons when computer security experts demonstrated how easily they could take control of the cameras. Although the police department expressed concern about “people with criminal intent using the public camera feed to case homes or businesses or track the police force,” the network was deployed with no security at all. Even after the story broke, the network was secured with an outdated encryption protocol that a researcher described as “putting a diary lock on your front door.”¹⁷⁹

Questions about costs cannot be dismissed solely because an agency is seeking grant funding to pay for the technology. Grant money spent on surveillance may have been available to spend on other community interventions. Outside grants may also not cover the costs that follow a surveillance technology's adoption, particularly the long-term costs of operation, repairs, and personnel. Estimating these costs as accurately as possible — and making sure those estimates are shared with the community and made part of the debate about adopting surveillance — is key.

What are the legal risks of the surveillance proposal or program?

Surveillance technology can carry a number of significant legal risks and requirements, in part because of rapid changes to privacy and surveillance law. Under current law, misuse of surveillance systems or personal information or technical glitches outside of your control could subject your community to potential legal liability. And as courts and lawmakers continue to reassess how privacy and free speech rights should apply in the digital age, there is a risk that your community's investment in surveillance technology could leave it saddled with equipment that can no longer be legally used as intended. These factors need to be accounted for when assessing the true costs of any surveillance proposal.

What is the risk of errors, misuse, and mistakes?

Surveillance technology may be inaccurate or malfunction in truly tragic ways. Operators cannot be relied upon to catch errors, and in practice they have not. Communities considering surveillance must grapple with the real possibility that a surveillance system will wrongly identify or label a person a suspect, with possible irrevocable consequences.

C. ADOPT POLICIES AND LAWS THAT TARGET SURVEILLANCE

We hope you share a commitment to limiting the harms of surveillance and ensuring the community has power to influence and control key decisions about surveillance. So far, this document has described ways to analyze and limit harm of existing surveillance programs and proposals for new surveillance. You will encounter a number of different surveillance proposals as a policymaker, and so you should also consider policies and laws that formalize your community's approach to surveillance. Here is a sample of the decisions that California communities have adopted via law or policy:

- **A prohibition on the acquisition** and use of a particular surveillance technology;
- **Rejection of a proposed surveillance policy** after a robust public debate coupled with a resolution to scrutinize surveillance programs more broadly;
- **Amendments to an existing surveillance technology program** contract or use policy, including the imposition of new limitations on the program;
- **Closure or cancellation of a surveillance program** that is at odds with community values;
- **Creation of a surveillance advisory board** made up of local residents and that has the resources and authority to reject surveillance technology programs at odd with community values; and
- **A surveillance technology ordinance** that mandates transparency, accountability and oversight whenever surveillance technology is proposed or used. A number of governing bodies in California — including Santa Clara County, BART, Oakland, San Francisco, Berkeley, Davis, Palo Alto, and San Diego — have adopted versions of such laws.¹⁸⁰

CONCLUSION

Technology is at its best when it enriches our lives and empowers our communities. It should be something that expands our freedoms and capacity to create, connect, and overcome injustice.

But, too often, police and other government agencies turn to surveillance while keeping the community in the dark, secretly deploying invasive and ineffective systems. The result is that community members are increasingly surrounded by surveillance that pries into their private lives and quietly erodes their rights.

With abortion rights and LGBTQ people under increasing attack, and police violence at record highs, policymakers on the side of equal justice should take a critical look at all existing and future surveillance technologies. This begins with a clear-eyed look at the real-life impact of surveillance and requires centering the voices and desires of diverse community members throughout.

We hope that this guide helps you scrutinize surveillance programs and proposals, understand and discuss the real costs of surveillance, and carefully consider non-surveillance interventions that make your community healthier and safer.

If, after robust public debate and a full consideration of non-surveillance alternatives, your community continues to use surveillance systems, you can refer to our *Policy Brief: Important Limits on Surveillance* at www.aclunc.org/SeeThroughTheHype, a document that outlines some of the minimally necessary and enforceable limits that should be in place to prevent harm and abuse. You can also find additional resources on drafting and enacting a prohibition on the acquisition and use of a particular surveillance technology, developing a surveillance advisory board, and passing a surveillance oversight ordinance.

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SEEING THROUGH SURVEILLANCE:
Why Policymakers Should Look Past the Hype

[ACLUNC.ORG/SEETHROUGHTHEHYPE](https://aclunc.org/seethroughthehype)

July 22, 2024

VIA ELECTRONIC MAIL

TO: Santa Rosa Public Safety Subcommittee

CC: Santa Rosa City Council (Mayor Natalie Rogers, Vice Mayor Mark Stapp, Council Member Eddie Alvarez, Council Member Dianna MacDonald, Council Member Victoria Fleming, Council Member Chris Rogers, Council Member Jeff Okrepkie)

CC: Chief John Cregan, Santa Rosa Police Department

Re: Item 6.2, Real Time Crime Center, Public Safety Subcommittee meeting on July 23, 2024

Dear Mayor Rogers and City Councilmembers:

On behalf of the Sonoma County Chapter of the ACLU of Northern California (“ACLU NorCal Sonoma County Chapter” or “our chapter” or “ACLU”), I submit public comments on agenda item 6.2, “Real Time Crime Center” of the Santa Rosa Public Safety Subcommittee meeting on July 23, 2024.

The Previous Meeting with Police Chief John Cregan

The Sonoma County Chapter of the ACLU of Northern California is writing this letter to express our opposition to the proposed Real Time Crime Center, and to object to a misrepresentation made by the Santa Rosa Police Department (“SRPD”) regarding the ACLU.

Chief Cregan’s Staff Report suggests that SRPD met with our organization in December 2023 to discuss the matter before you today; however, that meeting was actually about the ACLU-NorCal Sonoma County Chapter’s proposal for the city to adopt a Surveillance Technology and Community Safety Ordinance which would limit the exact type of Orwellian surveillance practices that a Real Time Crime Center (which **was not**

mentioned once at that meeting) would facilitate. When we met with him on December 5, Chief Cregan seemed receptive to our proposal, and indicated that we may have an opportunity to present a draft of our proposed Surveillance Technology and Community Safety Ordinance at the July Public Safety Subcommittee meeting. Instead, on the agenda before you is the polar opposite, and we staunchly oppose establishment of a vast citywide surveillance network in the Real Time Crime Center. We object to any impression that the ACLU was consulted about the Real Time Crime Center.

Establishment of the Real Time Crime Center

We recognize your responsibility as elected leaders to maintain safety in our community. However, we have serious concerns with plans to utilize a wide range of surveillance technologies as part of the Real Time Crime Center.

The evidence is clear that while surveillance has increased exponentially, public safety has not. On the contrary, surveillance systems often make people less safe, especially for groups that have historically been in the government's crosshairs. Modern surveillance technology makes it possible for the government to track who we are, where we go, what we do, and who we know. It fuels hightech profiling and perpetuates systems of biased policing. It facilitates deportations, chills speech, and imperils the rights of activists, religious minorities, and people who need reproductive and gender-affirming care.¹

Surveillance systems fuel racial injustice. In a nation where police interactions with the public all too frequently turn dangerous, surveillance systems can exacerbate and magnify these problems, increasing the risk of unnecessary government scrutiny, in-person encounters, and violence. Again and again, police have used surveillance systems to create inaccurate and discriminatory watchlists, engage in discriminatory stops and searches, and upend people's lives. Surveillance technologies amplify the over-policing of Black and Brown communities.

Surveillance endangers immigrant communities, and this fact should be of particular concern for us in Santa Rosa. Across the United States, federal immigration agencies

¹ We encourage you to read the ACLU's new report, "SEEING SURVEILLANCE: THROUGH WHY POLICYMAKERS SHOULD LOOK PAST THE HYPE," available at https://www.aclunc.org/sites/default/files/Seeing_Through_Surveillance_Report_Web.pdf.

have eagerly exploited local databases rich with information collected by private data brokers, municipal agencies, and police departments. This information is fed into a deportation machine that tears apart immigrant communities. In recent years, Immigration and Customs Enforcement (ICE) has further expanded its reach into communities by exploiting local surveillance systems and databases to track, identify, and target immigrant community members for detention and deportation. No local surveillance system is safe from ICE's demands.

Surveillance is frequently ineffective and can lead to life-altering mistakes. Surveillance technology may malfunction in truly tragic ways. Operators cannot be relied upon to catch errors, and, in practice, they have not. In San Francisco, the police relied on a license plate reader scan that erroneously flagged a 47-year-old Black woman's red car as a stolen grey truck. She was improperly stopped, forced to exit her vehicle, handcuffed, and held at gunpoint by four officers.²

We are living in a time where abortion and gender-affirming care is being criminalized in some states, and there is a real threat that surveillance information collected in communities will be exploited to identify, track, and criminalize people who travel for care and the Californians who are helping those people obtain care.³ Deploying surveillance systems in our community may fill databases with information that place people at risk. Even if there are limits to sharing information, once this information is collected, there is no foolproof way to immunize it from legal demands brought by out-of-state governments.

The community, not the police, must be the leader in any decision about the acquisition or use of surveillance technology. Those who may be most impacted need to know when and why surveillance is being considered, what it is intended to do, and what it will cost them — both in dollars, and in their rights. And they need to be empowered to limit or reject surveillance if the costs outweigh the benefits.

² Matt Cagle, San Francisco — Paying the Price for Surveillance Without Safeguards, ACLU of Northern California blog, May 22, 2014, available at <https://www.aclunc.org/blog/san-francisco-paying-pricesurveillance-without-safeguards>. (Denise Green successfully sued San Francisco for violation of her civil rights).

³ Alabama's attorney general says the state can prosecute those who help women travel for abortions, AP News, Aug. 31, 2023, available at <https://apnews.com/article/alabama-abortion-steve-marshall2157a7d0bfad02aad1ca41e61fe4de33>.

Utilization of Surveillance Technologies

Chief Cregan's presentation to the Public Safety Subcommittee names these programs and tools as part of the Real Time Crime Center: automated license plate readers, surveillance cameras, computer aided dispatch system, records management system, drones, fleet and body worn cameras, and gunshot detection software. We oppose deployment of many of these types of technologies and together, it creates a vast surveillance network able to monitor the everyday movements of law-abiding community members. We call attention to specific tools named in Chief Cregan's presentation.

First, automatic license plate readers (ALPRs) are a powerful surveillance system that can be used to invade the privacy of individuals and violate the rights of entire communities. ALPR systems collect and store location information about drivers whose cars pass through ALPR cameras' fields of view, which, along with the date and time of capture, can be built into a database that reveals sensitive details about where individuals work, live, associate, worship, seek medical care, and travel.⁴

ALPR systems are easily misused to harm marginalized communities.⁵ As with other surveillance technologies, police often deploy license plate readers in poor and historically overpoliced areas, regardless of crime rates.⁶ When placed in fixed locations, ALPRs essentially create checkpoints throughout a city that log and monitor

⁴ See, e.g., *Automatic License Plate Readers*, ELECTRONIC FRONTIER FOUND., March 29, 2023, <https://www.eff.org/sls/tech/automated-license-plate-readers>; *You Are Being Tracked: How License Plate Readers Are Being Used to Record Americans' Movements*, AM. CIV. LIBERTIES UNION, July 2013, <https://www.aclu.org/documents/you-are-being-tracked-how-license-plate-readers-are-being-used-record-americans-movements>

⁵ See, e.g., Angel Diaz & Rachel Levinson-Waldman, *Automatic License Plate Readers: Legal Status and Policy Recommendations for Law Enforcement Use*, BRENNAN CRT. FOR JUST., Sept. 10, 2020, <https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations>; Matt Cagle, *San Francisco – Paying the Price for Surveillance Without Safeguards*, ACLU OF. NORTHERN CAL., May 22, 2014, <https://www.aclunc.org/blog/san-francisco-paying-price-surveillance-without-safeguards>.

⁶ Dave Maass and Jeremy Gillula, *What You Can Learn from Oakland's Raw ALPR Data*, ELECTRONIC FRONTIER FOUND., Jan. 21, 2015, <https://www.eff.org/deeplinks/2015/01/what-we-learned-oakland-raw-alpr-data>; Barton Gellman and Sam Adler-Bell, *The Disparate Impact of Surveillance*, THE CENTURY FOUND., Dec. 21, 2017, <https://tcf.org/content/report/disparate-impact-surveillance/>; see also, e.g., Kaveh Waddell, *How License-Plate Readers Have Helped Police and Lenders Target the Poor*, THE ATLANTIC, Apr. 22, 2016, <https://www.theatlantic.com/technology/archive/2016/04/how-license-plate-readers-have-helped-police-and-lenders-target-the-poor/479436/> (summarizing data indicating that Oakland Police Department deployed ALPRs "disproportionately often in low-income areas and in neighborhoods with high concentrations of African-American and Latino residents").

where residents go and when, threatening their freedom of movement and potentially reinforcing historical patterns of neighborhood segregation.⁷ When mounted to police cars, ALPRs turn those vehicles into mobile surveillance machines that indiscriminately capture the driving information of passersby. Such surveillance can amplify racial and economic disparities in our policing and incarceration systems, and also has serious psychological consequences.⁸

Research from California and around the world on video surveillance has repeatedly shown that it has limited efficacy on crime.⁹ A 2019 systemic review of 40 years of video surveillance showed that it has had “no significant effects” in combating violent crime.¹⁰ Surveillance camera programs have a significant impact on privacy. Twenty-four-hour video monitoring of public spaces gives the government a vast quantity of information on private citizens that would otherwise be unavailable, allowing it to monitor people engaging in wholly innocent and constitutionally protected behavior.

We are also concerned that unmanned aerial devices (drones) increase the government’s surveillance power in newly invasive ways. This is in part because drones eliminate traditional practical barriers that have prevented continuous and routine aerial surveillance: for example, unlike a traditional manned helicopter or aircraft, drones are smaller, cheaper to acquire and operate, and easier for humans to fly without advanced skill. Drones can fly lower, more quietly, and navigate private spaces in ways unlike traditional aircraft. The technological advances of drones lower the cost of surveillance, removing a natural existing deterrent to continued and abusive surveillance.

Drones also give police an unprecedented ability to monitor people going about their lives. Small, hovering platforms, drones can explore hidden spaces or peer into windows. They can be equipped with high powered, night-vision cameras. Vendors may

⁷ Laura Schenker, David Sylvan, Jean-Louis Arcand, and Ravi Bhavnani, *Segregation and ‘Out-of-Placeness’: The Direct Effect of Neighborhood Racial Composition on Police Stops*, POLITICAL RESEARCH QUARTERLY, April 2023, <https://doi.org/10.1177/10659129231171516>.

⁸ Chris Chambers, *NSA and GCHQ: The Flawed Psychology of Government Mass Surveillance*, THE GUARDIAN, August 26, 2013, <https://www.theguardian.com/science/head-quarters/2013/aug/26/nsa-gchq-psychology-government-mass-surveillance>

⁹ Nicole Ozer, *Studies and Articles on Video Surveillance*, ACLU of Northern California blog, Jul. 31, 2007, available at <https://www.aclunc.org/blog/studies-and-articlesvideo-surveillance>.

¹⁰ Eric L. Piza, Brandon C. Welsh, David P. Farrington, & Amanda L. Thomas, “CCTV surveillance for crime prevention. A 40-year systematic with meta-analysis,” *Criminology & Public Policy* 18, no. 1 (2019). https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1275&context=jj_pubs.

also offer video analytics or biometric surveillance software intended to recognize and track specific people, events, and objects. With a drone, police agencies can more easily watch people without their knowledge and record detailed information about people at home, at protests, and at religious gatherings. An agency may also seek to coordinate multiple drones into swarms that scoop up information and create a system of comprehensive neighborhood surveillance.

Gunshot detection systems, such as ShotSpotter, are flawed in methodology and effectiveness.¹¹ The surveillance technology frequently fails to work, confusing gunshots with other noises, and its errors have put innocent people in jail.¹² Studies of the systems in both San Diego and Chicago both found errors and that they often led to “dead-end” police deployments — in San Diego, 60% of officer dispatches to the scene of the gunshot microphone failed to uncover anything, and in Chicago, the system generated over 40,000 dead-end police deployments.¹³ Not only do the dead-end deployments waste resources that could be used more effectively, but gunshot detection microphones also create a “false technological justification” for overpolicing and contribute to wrongful stop-and-frisks.¹⁴ Rather than supporting public safety, they “increase the frequency of police interactions, which also increases the risk of Black Americans becoming the victims of police brutality or harassment.”¹⁵ Instead of throwing money at gunshot detection microphones, some experts point to properly designed violence reduction strategies as a much more effective public safety intervention.

¹¹ Russell Contreras, Critics say gunshot-detection technology often doesn't work, Axios, Apr. 9, 2022, available at <https://www.axios.com/2022/04/07/campaign-zero-against-shotspotter-crime>.

¹² Garance Burke, Martha Mendoza, Juliet Linderman, & Michael Tarm, How AI-powered tech landed man in jail with scant evidence, AP News, Mar. 5, 2022, available at <https://apnews.com/article/artificial-intelligencealgorithm-technology-police-crime-7e3345485aa668c97606d4b54f9b6220>.

¹³ Kara Grant, ShotSpotter Sensors Send SDPD Officers to False Alarms More Often Than Advertised, Voice of San Diego, Sep. 22, 2020, available at <http://voiceofsandiego.org/2020/09/22/shotspottersensors-send-sdpd-officers-to-false-alarms-moreoften-than-advertised/>.

¹⁴ Press Release, MacArthur Just. Ctr., ShotSpotter Generated Over 40,000 Dead-End Police Deployments in Chicago in 21 Months, According to New Study, May 3, 2021, <https://www.macarthurjustice.org/shotspotter-generated-over-40000-dead-endpolice-deployments-in-chicago-in-21-monthsaccording-to-new-study/>.

¹⁵ Harvey Gee, “Bang!”: ShotSpotter Gunshot Detection Technology, Predictive Policing, and Measuring Terry’s Reach, 55 U. Mich. J. L. Reform 767 (2022), <https://repository.law.umich.edu/mjlr/vol55/iss4/3>.

Surveillance Requires Oversight

Any government use of surveillance must include proper oversight and accountability to protect individuals' rights and liberties and to maintain the critical trust that should exist between law enforcement and the community. For this reason, we drafted a Surveillance Technology and Community Safety Ordinance, which has already been adopted by the City of Sebastopol and which we urge the City of Santa Rosa to adopt as well.

Such an ordinance – which was the actual purpose of the ACLU's previous meeting with Chief Cregan – creates transparent processes which allow law enforcement to obtain and renew approval for the use of certain surveillance devices including in exigent circumstances, while restricting unnecessary and problematic uses and practices.

A copy of Sebastopol's Surveillance Technology & Community Safety Ordinance, now codified at [Chapter 8.80 of the Sebastopol Municipal Code](#), is attached here as an exhibit for reference.

Alternatives to Surveillance That Produce Public Safety Results

As policy-makers, we encourage you to look into and invest in alternatives to surveillance that are proven to increase public safety. Investing in the physical lighting of a neighborhood, rather than installing more cameras, can reap community-wide benefits. Community activists in California have highlighted Oakland's lighting ordinance as an example that streetlights not only prevent crime but also make neighborhoods feel safer.¹⁶

Speed bumps and other traffic calming techniques have been shown to be effective for traffic safety,¹⁷ can be utilized for a fraction of the cost of cameras (less than \$10,000 for a speed bump, while speeding and red-light cameras can cost \$80,000 per

¹⁶ Pacific Institute, Streetlights and Community Safety (2009), <https://pacinst.org/wp-content/uploads/2013/02/streetlights3.pdf>.

¹⁷ Iowa State University, Temporary Speed Hump Impact Evaluation, Final Report (Jul. 2022), https://nacto.org/docs/usdg/temporary_speed_humps_impact_evaluation_hallmark.pdf.

intersection),¹⁸ and do not infringe on privacy by collecting and retaining information about community members.

Above, we detailed our concerns with gunshot detection systems. We understand the need to implement policies to reduce gun violence in our community. Gun buyback programs focus on a core problem — the prevalence of guns — and have been extremely effective in taking guns off the street and in mobilizing communities to examine their stances on gun control.¹⁹

A growing body of research also suggests that greenery like grass and trees, not tracking devices and surveillance, may make cities safer. Research in Philadelphia in 2018 found that vacant lots that were “cleaned and greened” — for a cost of just \$5 per square meter — had statistically significant reductions in overall crime and burglaries over a 38-month period, including a 29% percent drop in gun violence in neighborhoods below the poverty line.²⁰ The researchers extrapolated that if the intervention was scaled across the entire city, it could translate to more than 350 fewer shootings each year.

Conclusion

In conclusion, we oppose the creation of the proposed Real Time Crime Center at this juncture. Instead, we encourage the City of Santa Rosa to adopt an ordinance that would impose reasonable checks and balances on law enforcement’s use of surveillance in order to protect civil rights and liberties. We also strongly object to any

¹⁸ Implementation costs for automated red light camera systems range from \$67,000 to \$80,000 per intersection, Intelligent Transportation Systems Joint Program Office, Sep. 30, 2003, available at <https://www.itskrs.its.dot.gov/its/benecost.nsf/ID/2b209ad2c5ad2ab985256db10045892b>; Mark Lazzaretto, City Manager, City of San Gabriel, Staff Report: City-Wide Speed Hump Policy Consideration (Aug. 20, 2019), <https://www.sangabrielcity.com/DocumentCenter/View/11543/Item-6A--City-WideSpeed-Hump-Policy>.

¹⁹ J.B. Wogan, Cities Rethink Gun Buyback Programs, *Governing*, Feb. 27, 2023, available at <https://www.governing.com/archive/gov-cities-rethink-gunbuyback-programs.html>; Helen Webley-Brown, Anna Sipek, Katie Buoymaster, Juilee Shivalkar, Will Owen, & Eleni Manis, Surveillance Technology Oversight Project, ShotSpotter and the Misfires of Gunshot Technology (Jul. 14, 2022), https://static1.squarespace.com/static/5c1bfc7eee175995a4ceb638/t/62cc83c0118f7a1e018bf162/1657570241282/2022.7.7_ShotSpotter+Report_FINAL.pdf; Harvey Gee, “Bang!”: ShotSpotter Gunshot Detection Technology, Predictive Policing, and Measuring Terry’s Reach, 55 *U. Mich. J. L. Reform* 767 (2022), <https://repository.law.umich.edu/mjlr/vol55/iss4/3>.

²⁰ Jackie Flynn Mogensen, The Surprising Science of Fighting Crime With... Trees, *Mother Jones*, 2019, available at <https://www.motherjones.com/environment/2019/04/trees-crime-cincinnati-philadelphia-ida-b-wells-chicago/>.



implication that the ACLU was consulted with, or approved of, a Real Time Crime Center.

Respectfully,

The Sonoma County Chapter of the ACLU of Northern California

From: [Bolla, Rhonda](#)
To: [Public Safety Subcommittee Comment](#)
Subject: FW: [EXTERNAL] 7/23/24 meeting item 6.2 public comment
Date: Tuesday, July 23, 2024 3:22:10 PM

From: Petal Conlon <[REDACTED]>
Sent: Monday, July 22, 2024 5:14 PM
To: _CityCouncilListPublic <citycouncil@srcity.org>
Subject: [EXTERNAL] 7/23/24 meeting item 6.2 public comment

Hello Santa Rosa city council,

I am a resident of Sonoma County and frequent visitor of Santa Rosa. Many services and social events that don't exist in my town I venture into Santa Rosa for. I am reaching out to you to please not go along with the creation of a "Real time crime center". Our community does not need or want this level of surveillance. This does not increase safety and it threatens our rights to privacy! Please put money into services that prevent crime- affordable housing, free public transit, education, food programs, low cost healthcare.... To name a few.

Thank you for your consideration,
Petal