

## 21<sup>st</sup> Century Surveillance Technology

### Memorandum

To: Chief of Police

From: Captain Citta

Subject: Surveillance Technology in the 21<sup>st</sup> Century

“There’s a balance to be had where privacy and public safety can coexist”<sup>i</sup>. The world of law enforcement is a dynamic, ever-changing field. Leaders of organizations are being pulled in all directions by countless political organizations, local, state, and federal officials, civil rights organizations, and activist groups. The job of law enforcement leaders has grown more difficult as we learn to adapt to the changing times and grow our organizations to uphold our oath to protect and serve our citizens while doing so with a limited invasion of privacy.

Part of the ever-changing dynamic of law enforcement is the availability of new technology that can assist officers in our daily work. A few of the technologies available include mobile AFIS devices, license plate readers, shotspotters, smart streetlights, and facial recognition technology. While all these technologies allow us to more efficiently and effectively do our jobs, they also open the door for constitutional rights to be infringed on, particularly our right to privacy and protection from unreasonable searches and seizures.

Smart streetlights are a tremendous tool Anytown has already installed. Upon learning smart streetlights have already been installed throughout our city, I wondered why the city did not collaborate with our department or seek our input. Police input regarding the placement and

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implementation of these cameras is vital to the entire city working together. The public also has a right to know about this program.

If our department plans to utilize this technology and assist us in investigations with the information gathered, we must communicate with and educate our citizens. The following steps should be taken to inform the community and gather input:

- Have an informative public town hall meeting
- Attend meetings of stakeholders, meet with concerned citizens
- Discuss with City Hall and address City Council
- Issue statement/publication on website, social media, and press release of the intended uses of this technology
- Implement a use policy and make policy accessible to the public

Agencies throughout the US have successfully implemented policies to utilize technology like smart streetlights and public camera monitoring systems. In addition to creating a policy or ordinance, it is the responsibility of this department to not only educate but gather input and feedback from our citizens on how our department will use and retain video gathered from streetlight cameras.

The City of San Diego incorporated the smart streetlight technology in 2017 as part of an infrastructure upgrade. San Diego Police Department was not notified ahead of time of the camera capabilities or that the cameras existed. The technology was not discovered until a

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murder at a local fast-food restaurant. SDPD was able to solve this murder and arrest the suspect due to information gathered from the smart streetlight camera. As SDPD Chief David Nislet states this technology is a "game-changer"<sup>ii</sup>, a highly effective tool.

Utilizing technology requires transparency within the city. The citizens of Anytown want to know what their police department is doing and why. Cpt. Jordan with SDPD describes the days of "because I said so" are over. Our community members want to know "why". They want to know the decision making that goes into every policy or decision and see the evidence.<sup>iii</sup> While Smart Streetlights are already being used in Anytown, other technologies can also be explored and implemented.

Facial recognition could be an asset during investigations. Facial recognition can assist in identifying those who have committed crimes and acts of violence in protests. Peaceful protestors are no longer peaceful when they engage in criminal activity and those responsible should be held accountable. Facial recognition should only be used as a tool and officers must do the investigative work to accurately verify one's identity. In a statement from Clearview AI, it was reported their technology provides a match 75% of the time.<sup>iv</sup> Facial recognition only provides us with a lead. No one is ever arrested based on facial recognition technology alone.<sup>v</sup> Mobile AFIS units are another tool to help identify a subject by gathering prints using both index fingers of the subject. This identifies subjects on scene rather than being brought to jail or station for fingerprints.

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We must apply a policy for the use of this technology. San Diego PD has drafted a policy to guide the use of smart streetlights. Nebraska's capital city, Lincoln, has already put a policy in place. Summarizing SDPD<sup>vi</sup> and LPD<sup>vii</sup> policies, the following are considerations for a biometric, Smart Streetlight, and camera recording and monitoring policy:

- Justification- justify the need for camera placement using
  - Crime data, officer observations, and community input
  - A justified request will be submitted to the Chief of Police for approval and then submitted to the Mayor for review and approval.
- Privacy- Cameras should only be used in public areas placed on city-owned property and will not be used in a discriminatory manner, i.e., targeting citizens based on protected characteristics to include by not limited to race, ethnicity, gender, immigration status, etc.
- Operation- Sensors/cameras are not monitored and only used for reactive investigation not proactive
- Retention- Streetlight sensors/cameras will automatically record over after 5 days unless the video is retained for investigative or evidentiary reasons.
- Annual Use Report- Chief of Police will provide the public an annual use report to the City Council and publish it on the Police Department's website

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The use of biometric technologies must be done with great respect to our citizens. These are tools to help us gather information and will not be used in places we cannot go without a warrant. Officers who detain subjects for identification or to gather information must articulate and document the reason for the lawful detention. Technology is progressing and law enforcement is afforded many opportunities to use technology to be better equipped. As leaders, we must be conscientious of these technologies and ensure our agency is protecting our city while upholding our oath and Constitution.

(992 words)

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<sup>i</sup> Jordan, J. (2021) Module 5 Presentation 5.2 Jeff's Corner: Surveillance Intellectual Evolution & Leadership Challenges University of San Diego [6559508 \(blackboardcdn.com\)](#)

<sup>ii</sup> Figueroa, T. (2019) "San Diego Police praise "Smart Street Light" program; critics want public involvement, oversight" Police 1 [San Diego police praise Smart Street L...ics want public involvement, oversight \(blackboardcdn.com\)](#)

<sup>iii</sup> Jordan, J. (2021) Module 6 Presentation 6.1 Spotlight Expert Surveillance, Ethics & Technology Part II University of San Diego [6550619 \(blackboardcdn.com\)](#)

<sup>iv</sup> Hernandez, D. (2020) "San Diego Police, DA ban use of facial recognition app- but not before it was tested" Police 1 [San Diego police, DA ban use of facial ...ion app — but not before it was tested \(blackboardcdn.com\)](#)

<sup>v</sup> Lott, L. (2020) "Facial Recognition an effective investigative tool, not big brother" Police 1 [How facial recognition technology benefits police investigations \(blackboardcdn.com\)](#)

<sup>vi</sup> City of San Diego Draft Council, (2020) Streetlight Sensor Data Policy [DRAFT\\_Council Policy on Sensor Data Use.docx.docx.pdf \(sandiego.gov\)](#)

<sup>vii</sup> Lincoln, Nebraska Police Department, (2021) Monitoring and Recording Systems Policy [LINCOLN POLICE DEPARTMENT \(ne.gov\)](#)