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To: Members of the Seattle City Council Parks and Seattle Center Committee

Fr: Jennifer Shaw, Legislative Director, ACLU of Washington

Re: Video Surveillance Cameras in City Parks: Council Bill Number 116188

Thank you for the opportunity to comment on Council Bill Number 116188 which authorizes the installation of surveillance cameras in City Parks. The ACLU of Washington opposes installation of video surveillance cameras in our city park for three reasons:

- 1) People living in a free society have the reasonable expectation that they can be present in public spaces without the fear of government surveillance or tracking.
- 2) Video cameras are not discrete: they constantly record the innocent, lawful activities of people enjoying our public spaces along with the few illegal acts of the small number of individuals who commit crimes in view of the cameras.
- 3) Research has shown that video surveillance does not stop or deter crime and is a waste of resources that could be spent on more effective alternatives that reduce crime and protect our privacy, such as community policing.

Additionally, the current proposal fails to ensure that the privacy of innocent park users will be protected if the cameras are installed. The proposal lacks accountability, fails to prevent the misuse of recorded images, and does not provide for an independent third party evaluation of the effectiveness of the project in reducing crime.

1) Ensure Accountability - Watch the Watchers

Video cameras can be misused by the operators to monitor specific classes of people such as young people, people of color or pretty woman. The City must require clear guidelines governing access to the archived video footage such as requiring a court order or warrant prior to viewing. The City must also require a reliable mechanism for monitoring and auditing who accesses the cameras in real time, who accesses the recorded and stored video images and to ensure that such access is lawful and not abused. An automatic "audit trail" should provide a clear record of surveillance activities that does not rely on self-reporting by

the watcher. An effective audit will note the identity of the person accessing the video, the reason for access, and the specific footage viewed.

2) Prevent the Misuse of Recorded Images - Delete unnecessary video footage after 24 hours

The stated purpose of the video surveillance cameras is to deter crime by providing evidence to the City and Seattle Police Department in the case of a 911 call or officers' on the scene report of criminal activity. Without a report of criminal activity, there is no reason to retain the recorded video images. Storing video footage for more than 24 hours increases the risk of privacy invasion for innocent park users. Video footage should be erased every 24 hours to keep the system from becoming either a tool for fishing expeditions or a way to connect historical video with other law enforcement data for criminal investigations without a warrant.

3) Evaluate Effectiveness without Bias

It is extremely important to have an independent evaluation of the video surveillance project to avoid any real or perceived bias. Recent research from San Francisco reiterates the findings in earlier studies that video surveillance has a negligible impact on crime. We expect a similar finding in Seattle and strongly encourage the city to conduct a thorough examination of the pilot program. For example, we understand other improvements such as increased lighting and staffing are being introduced to city parks - which we expect would have an equal or greater impact on crime rates. If there is a drop in crime at the park, we expect the evaluator to consider the effect of these additional factors and not simply credit the surveillance cameras for any crime reduction.

If the camera installation is approved, we ask the City Council to require a full independent investigation of the following factors:

- a) quantity & frequency of active monitoring use (by day/week/month/reason for active monitoring (e.g. 911 call)),
- b) quantity & frequency of video archive access (by day/week/month/reasons for access),
- c) number of public disclosure requests for video footage,
- d) number and types of arrests resulting from video surveillance (active, retroactive, both),
- e) number of times video recording was unhelpful because camera was pointing away from the suspicious activity,
- f) comparison of crime rates before and after surveillance camera install for both areas under surveillance and surrounding vicinity (e.g. within 100 feet of camera, within 500 feet of camera, and overall within jurisdiction)
- g) impact of video surveillance efficacy compared against no video surveillance and other crime prevention strategies like increased physical police presence,
- h) the demographics of surveillance targets for active surveillance and accessed video footage (passive surveillance),
- i) accounting of other factors that may have attributed to reduction of crime