



City of Cleveland Memorandum
Justin M. Bibb, Mayor

DIVISION OF POLICE

DATE: July 14, 2023

TO: Dorothy Todd, Deputy Chief, Chief of Staff

FROM: Robert Simon, Acting Commander, Bureau of Compliance

SUBJECT: Cleveland Community Police Commission, Police Surveillance
Technology Report and Recommendations

Ma'am,

The Cleveland Community Police Commission (CPC), Search and Seizure Work Group, Technology Committee provided the Cleveland Division of Police (CDP) with its Initial Report and Recommendations on Cleveland's Emerging Police Surveillance Technology which included five recommendations for immediate actions that could be taken. The report also contains a recommendation for long term consideration.

The stated purpose of the CPC report is to propose a new system for the City of Cleveland to assess the adoption of new surveillance technology and denotes general concerns regarding privacy related to the new technologies that the City of Cleveland and/ or CDP are currently using or are considering using in its mission to solve and reduce crime.

The report then addresses technologies discussed by the Cleveland City Council Safety Committee. I discussed the status of each of the technologies with the Officer in Charge of the Real Time Crime Center (RTCC), Sgt. Jose Garcia.

Unmanned Aerial Systems (U.A.S. or Drone) – CDP is in the process of purchasing U.A.S. or Drones from Axon. As noted in the CPC report, CDP is utilizing Chula Vista, California as a model for the program in development for CDP. The program will include eliciting feedback from the community prior to implementation. As the program is still in development there are no policies being drafted at this time.

ShotSpotter – The ShotSpotter program was piloted in the 4th District and based on the data received the program has been expanded to other areas in the city. The ShotSpotter policy was drafted and has been approved and implemented. The policy has been provided to the CPC.

Surveillance Cameras – The City of Cleveland and CDP do operate surveillance cameras as a tool to help solve crimes and protect the community. The cameras are monitored by the RTCC and are not equipped as license plate readers. The video captured by the cameras is retained for 30 days, not 9 months and are not equipped with facial recognition capabilities. CDP is working on a License Plate Reader (LPR) program. The system being used for the LPR program does not include facial recognition and information from the LPR is stored for 30 days.

Phone Searches and Social Media – The CPC did request that CDP not ask to search individuals cell phones to which CDP responded that requesting consent to search, whether it is consent to search a person, house, vehicle, is legally correct. The request to search electronic devices is not legally different than other consent searches. The current Search and Seizure policies do include language stating “Absent some other exception, such as exigent circumstances, officers may not search digital information on a cell phone or other electronic device without a search warrant.”

As a general consideration regarding privacy and the use of surveillance technology, while the State of Ohio, the City of Cleveland and CDP do not have specific restrictions addressing the latest technology, the City and CDP are required and follow not only the 4th Amendment, but also Supreme Court decisions regarding surveillance. The Supreme Court has ruled that surveillance of individuals in public does not violate the 4th Amendment. All surveillance technology utilized by the City of Cleveland and CDP is of public spaces.

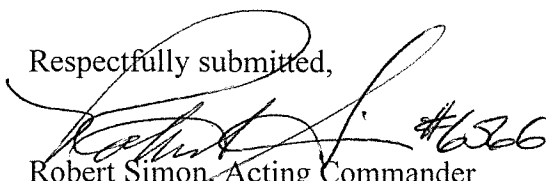
Regarding the recommendations for immediate action:

The adoption of the recommended definition of surveillance technology, given that much of the technology is just beginning and policies cannot be developed without further specifics about the technology may be premature. As the programs mature and are closer to implementation the definition will be considered. Once a definition is established, I recommend that the RTCC review the Surveillance Impact report attached to the CPC report.

The CDP continually develops policies regarding the tools and procedures used by CDP. Policies and/or manuals related to the use of various technologies will be developed once CDP has enough of the specific information about those technologies. CDP also continually revises and updates its policies including the Search and Seizure policy. As noted the current CDP Search and Seizure policy addresses the concerns noted in the recommendation.

The CPC report lists a final long term recommendation regarding the development of a commission to guide all local government activities concerning privacy and surveillance technology. I would recommend forwarding the CPC long term recommendation to the Chief Director of Public Safety for consideration.

Respectfully submitted,

 #6366
Robert Simon, Acting Commander
Bureau of Compliance
Cleveland Division of Police