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Surveillance and Secrets

Are St. Louis police following their own rules to protect citizens' privacy?

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by **Rebecca Rivas**



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The Real Time Crime Center in St. Louis.



- Our partner

ST. LOUIS AMERICAN

They watch through cameras perched on stop lights or lamp posts as people cross intersections or convene at parks. Using controls at their computers, the officers can zoom in to identify people's faces more than a block away from the cameras. In this room, the officers monitor about 600 surveillance cameras citywide, as well as license plate reader cameras, sensors that can detect and locate gunfire, and three surveillance trailers that move throughout the city.

The Real Time Crime Center (RTCC) – located in the headquarters of the St. Louis Metropolitan Police Department at 1915 Olive St. – provides the department with eyes and ears all over the city. About one-third of the cameras are owned by the city, and the rest are privately owned, with feeds from businesses' and neighborhood associations' surveillance cameras streaming directly to the RTCC. Yet how exactly the city uses and pays for the surveillance equipment – as well as how it shares the data collected – is shrouded in secrecy.

Key Findings

- Almost four years after opening, the Real Time Crime Center in St. Louis continues to operate under a privacy policy that the city acknowledged



- After nearly a year spent negotiating a more robust privacy policy with community leaders and city officials, the revised policy was never implemented by the St. Louis Metropolitan Police Department.
- Despite repeated requests for information, the department declined to produce any portion of the internal documentation required by its own current policy on sharing the center's information, making it impossible to know if it is adhering to its own rules.

A six-month joint-investigation by the *St. Louis American* and Type Investigations revealed that the center is operating under a privacy policy that the city acknowledged to community leaders was essentially a rough draft. A more comprehensive policy was drafted almost three years ago but never implemented, according to emails between the St. Louis City Counselor's Office, community leaders, and the police and street departments. The *American* obtained the revised privacy policy – the



But the police did not want to recognize the existence of this revised policy. INVESTIGATIONS · REPORTERS · PARTNERS · BLOG · ABOUT · DONATE · SUBSCRIBE
when asked, instead pointing to a one-paragraph, unrelated addition to the

existing policy. After months of repeated requests through the Missouri Sunshine Law for information about who has access to the surveillance information and multiple requests for interviews, the police department did not provide any portion of the internal documentation required by its own privacy policy on sharing the center's information – including a log of all records requests made by people from within and outside the police department. Therefore, it was impossible to determine – as the police department repeatedly claimed – if the RTCC was meeting its own protocols for safeguarding privacy.

There have been concerns over violations of citizens' privacy at the RTCC for years. When the American Civil Liberties Union of Missouri (ACLU) learned that the police department was planning on opening the surveillance center four years ago, the ACLU warned that if the city wanted taxpayers to fund the center, it needed to establish rigorous policies to protect citizens' privacy first.

“Today's laws and policies are not keeping pace with advanced technology, and government can use that technology to intrude into our private lives,” Jeffrey Mittman, executive director of the ACLU of Missouri, stated in October 2014. “Absent real safeguards, the loss of privacy becomes permanent.”

Studies have found that surveillance technology appears to be targeting communities of color throughout the country. Perhaps more than any other city, advocates believe that St. Louis – a city that has garnered the national spotlight for racial disparities in policing – should be putting its surveillance programs under a rigorous and public review for racial bias and targeting.



Two months before the RTCC opened in May 2015, the mayor's office drafted a policy to establish who has access to the surveillance information and how it's stored. The city's operations director asked the police department to write its own policy – in accordance with the city's – outlining how it would regulate the use of surveillance cameras. However, the ACLU discovered that the police had drafted a more open-ended policy that didn't align with the city's and that set up too many opportunities for circumventing privacy protections. So, the ACLU reached out to city officials to negotiate a stronger policy.





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Metropolitan Police Department headquarters, St. Louis, Missouri.



and the city had another," said privacy advocate John Chasnoit, who SUBSCRIBE
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previously worked for the ACLU and wrote a 2014 report, “**Caught in the Web of Mass Surveillance.**”

The ACLU and other community leaders saw several glaring problems in the police’s policy.

The City of St. Louis had been asking businesses to loop their cameras into the RTCC. The ACLU believed that this private-public partnership could create some loopholes in regulating privacy. If the private entities were storing the video files, police officers could just get access to that tape without a warrant whenever they wanted, potentially bypassing any internal request process or official log, Chasnoff said.

The police’s policy stated that representatives from cooperating agencies – such as business districts – could see the center’s data with the police chief’s approval. This leniency was not permitted in the city’s policy. The ACLU also wanted to see stricter login requirements for employees who had access to the information to better track and audit why they were accessing the footage.

“We did try to put some regulations on the officers... about when they’re permitted to go and ask for videotape,” Chasnoff said. “Those were the types of issues we were trying to sort out.”

Chasnoff also said the police policy is too loosely written around how officers can use their specialized cameras. These “pan-tilt-zoom” cameras allow officers to scan an area and zoom in far distances. Under the city’s policy, officers cannot focus the cameras on individuals unless there is a “reasonable suspicion of criminal activity.” The police policy does not limit



The ACLU also wanted to prohibit police officers from tracking people across the city using multiple cameras if the individuals were not suspected of criminal activity. This is not stated in either the police or city policies.

Mittman questioned automated license plate readers and the information they gather. These are high-speed cameras mounted on light poles and on police cars. They continuously scan and record the license plates of every passing car. According to police, if the cameras register a car that is associated with someone wanted for a violent crime, a police officer is dispatched.

However, Mittman was concerned that they are also collecting data about innocent motorists and their whereabouts, which could easily be abused.

“It does not make sense to have all automatic license plate readers turned on at all times, collecting data on every single individual’s movements, and then keeping that data in perpetuity and allowing anyone to go in and say, ‘Hey, I just split up with my boyfriend, I want to find out where he was,’” Mittman said.

(According to the police department, the data from the license plate reader cameras is stored for 90 days. Republican state senator **introduced a bill** in March to limit how long Missouri police departments could store license plate reader information, but the bill died in committee.)

Then-city counselor Winston Calvert heard the ACLU’s concerns and set up a meeting with city officials and the ACLU in April 2015.

“My experience with John has been, if he’s concerned about it, it’s probably



Present were the city's Director of Operations Todd Waelterman, then-mayor's assistant Patrick Brown, Calvert and ACLU leaders, according to an email from Calvert setting up the meeting. Two representatives from the RTCC, 6th Ward Alderwoman Christine Ingrassia and the city's Commissioner of Traffic Deanna Venker were later brought into the conversation as well, Chasnoff said.

“The city said right up front at the beginning of those meetings that the policies they put together were just their first attempt,” Chasnoff said. “They realized that they were essentially inadequate and needed to be bolstered and thought through more carefully.”

According to Chasnoff, after about 10 months, the committee seemed to be “within inches” of finalizing a policy – one that addressed the ACLU's and alderwoman's concerns. “At that point, it just evaporated into a black hole,” he said.

When Chasnoff tried to follow up with the chief and the mayor's office, he said they pointed fingers at each other, saying that it was on the other one's desk. That was in the spring 2016 – more than two years ago.

“We still have the same policies in place,” said Chasnoff, who is now a member of the Privacy Watch STL coalition, which includes the ACLU and several local organizations. “The city has said that theirs is inadequate and not fully thought through and not reconciled with the police department's policy. We've been in the situation that the city admits is not adequate for three years now.”

When asked to comment on the police department's participation in



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The update in November 2016 did not include or pertain to any of

the changes agreed upon in the revised privacy policy. It included one additional paragraph, stating that the RTCC will notify the police commissioner about incidents in which there may be a question about the department's liability or one that could result in heightened community interest.

The police department also stated that “the access to the private cameras as well as the entire camera network is extremely limited. Access to the system is not available for all police officers or members of the police department. A request must be submitted to retrieve video.”

The mayor's office did not return the *American's* request for comment about the meetings.



A Black Box

To get a better understanding of the police's stance on privacy issues, the *American* requested a tour of the crime center. While Public Safety Director Jimmie Edwards granted the tour, it was just the beginning of a long, fruitless effort to learn what, if anything, is being done to safeguard citizens' privacy.

On May 23, the RTCC's commander Lt. Brent Feig gave a 30-minute tour to about a dozen members of the local media. Feig touted their success in achieving the center's goals – use of the high-definition video for quick facial recognition and quick capture of criminals and providing more “situational awareness” for officers on the street.

“If we can give them some reactionary time, the better we increase their safety,” Feig said.

While Feig couldn't say if the center prevents crime, he said that its license plate recognition technology has been responsible for more than 600 felony arrests – which were focused on capturing violent-crime offenders, Feig said.

The *American* asked Feig how many Sunshine Law requests the center receives for access to surveillance data.

“A lot,” Feig said. “I don't know if I could give you an exact number, but it's quite a few. Anywhere from simple auto accidents to much larger requests as far as footage.”



The *American* followed Addo's advice and submitted a Sunshine request on July 10 to find out who has been accessing the city's surveillance information.

According to the police's policy, individuals – including “media, public, police fire and various criminal justice personnel” – can request the center's information via emails, letters, facsimiles and subpoenas. And the requests are then subject to approval by the RTCC commander, Feig, or a designee.

It also states that the center will keep a record of all these requests, “which will include the person, office or agency initiating the request, nature of the request, and what information was provided to fulfill the request.”

The *American* asked for this record of requests.

However on Aug. 20, the police department responded that the request was “submitted too broadly.” The *American* asked the custodian of records if we could talk about how to make the request clearer, and the police, in effect, instructed us to blindly try again.

On Aug. 31, the *American* requested to meet with Public Safety Director Jimmie Edwards to seek help in obtaining the public information and got a meeting five weeks later, on Oct. 5.

The *American* explained that police policy mandates that all requests for information be documented, and we would like to see that record of requests.

“I have never seen it,” Edwards said. “Let me see what's there. I'll ask and



Edwards then said he suspected that if homicide officers asked to look at some footage, they are going to be given access to it – and that’s not going to be documented.

“What’s going to be documented is if we have some outside, non-law-enforcement person,” he said. “That’s my assumption.”

- ‘Any time the government is collecting data on its citizens, there really should be clear policies about what the government does with that data.’

At the end of that meeting, Edwards said that he would provide logs of the requests – both requests that came from outside and within the police department.

However, on Nov. 19 he emailed a statement that said, ”Remaining questions were not answered in cases where doing so would require the police department to release information that could jeopardize a criminal investigation or pose a clear and present danger to the safety of any victim, witness, officer or other person.“

The department did not provide a redacted copy of these records that blacked out the names of victims and officers, which is often done when the public requests police records.

According to the current police policy, department employees must fill out a special form, called a “video extraction request,” if they want access to RTCC information. The policy does not exclude homicide detectives or any other employee. The *American* asked for these forms as well in our Sunshine request and was told that it was “not procedurally how these types



On Sept. 21, the *American* requested to interview Feig – who has been in charge of the center since it opened – regarding how the center approves access to the footage, seeing that no documents were provided to demonstrate this. The department denied the request, stating that “most, if not all, of your questions were answered” during the May 23 tour and that they provided additional information through our Sunshine requests.

Chasnoff said that the police’s responses to the *American* are an example of how the police “always keep their information too close to the vest.”

“It’s not healthy for democratic policing,” Chasnoff said. “But the [RTCC] is more extreme – they act like they’re a spy agency. That’s destructive of our freedom.”

According to the police department, the crime center assisted in making 716 arrests, resulting in 1,912 charges from June 2015 to July 2, 2018.

The *American* wanted to know more about what those charges entailed and if the number of arrests has increased over the years. In our Sunshine Law request, we also asked for the log or database that the police used to track this information. The police replied, “No responsive records.”

Similarly, we asked for the log or database they used to track how many stolen guns, cars or other property were retrieved as a result of the crime center. They replied, “No responsive records.”

The *American* also requested to view all of the center’s expenditures. We were given the crime center’s budget for fiscal year 2018 of about \$524,400, and for FY2019 of about \$535,300, which included mainly



We obtained copies of the police department's capital requests for fiscal year 2018, which city Budget Director Paul Payne explained are requests to buy things like equipment vehicles.

In fiscal year 2018, the police department asked for \$150,000 for two cameras in the 3rd and 4th police districts, \$200,000 for a mobile surveillance trailer and \$750,000 for a "RTCC video wall."

However, Payne said the police department, like other city departments, does not document each piece of equipment it purchased in any budget reports. And equipment purchased for the RTCC would be lumped in with other capital purchases for the police department. We would have to ask the police department about RTCC equipment purchases directly, he said. The *American* asked the police department if these three items were obtained and how they were purchased. The police department initially responded in an email, "Relative to your capital budget requests from the RTCC, those projects were NOT obtained."

We followed up and asked again if this equipment was purchased by any means at all, including grants, ward funds or donations. The police responded that two mobile trailers were donated by the St. Louis Police Foundation in 2018, adding to the trailer that they received from grant funding in 2017. About 109 surveillance cameras were added through the City of St. Louis during 2018, a department spokeswoman said, through Ward capital funds and donations. The RTCC has not had a video wall expansion since 2017, the spokeswoman said.

When asked how much has been spent on equipment since the center opened, the spokeswoman said, "All costs for the RTCC that were paid for



“Any time the government is collecting data on its citizens, there really should be clear policies about what the government does with that data,” said Alderwoman Cara Spencer of the 20th Ward. “When we are doing surveillance, we are collecting meaningful information about people – their license plates, where they travel; there is a lot of facial recognition software these days. These cameras can pick up all kinds of information.”

This past spring, the *American* learned that two African-American aldermen were picking up the torch and drafting an ordinance that addresses community leaders’ long-held concerns. Aldermen Terry Kennedy (D-Ward 18) and John Collins-Muhammad (D-Ward 21) had attempted to do this once before **in 2017**, but that bill never made it to a committee hearing.

Privacy advocates believe the Surveillance Technology Bill that Kennedy and Collins-Muhammad introduced on Jan. 11 could help address these concerns. The bill would require any city entity that operates a surveillance program – including using street cameras, body cameras, automatic license plate readers, and facial and voice recognition programs – to present an in-depth plan to the Board of Aldermen, as well as annual accountability reports. It would mainly apply to the police, Street Department and business districts. The aldermanic Public Safety Committee will hold a **hearing on the bill** on Thursday, Jan. 24 at 11 a.m. in the Kennedy Room at City Hall.

“We just want to make sure that the policies are fair and don’t impede on anyone’s privacy rights,” Kennedy said, “because there are a lot of questions to be answered.”

Under the bill, equipment purchases, Sunshine Law requests, and



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The bill proposes that aldermen would hold public hearings to hear feedback from the community about any proposed surveillance technology. Currently the public doesn't have a voice in the matter. In St. Louis, the police have the power to decide "unilaterally and in secret if and how they are going to use these technologies," said Chad Marlow, senior advocacy and policy counsel for the national ACLU.

If the St. Louis Board of Aldermen passes the bill, St. Louis will become the tenth city – as well as a county and a large urban transportation district – to pass similar bills throughout the country, Marlow said. The ACLU has been leading these efforts and providing a legislative template.

"My biggest concern when I look at St. Louis is racial disparities in policing," Marlow said.

As part of the bill, those wanting to implement surveillance equipment would have to explain how they will avoid being biased and targeting certain communities. Then every year they have to report any "discriminatory, disparate, and other adverse impacts" the technologies have had on people's civil rights.

"When you know that you have a city that has racial disparities in policing – and that is absolutely the case in St. Louis – and when you know the use of surveillance technologies in general when they have been used throughout the country are deployed in ways that are racially biased, you certainly don't want to marry those two things," Marlow said.

Marlow pointed to several cities that appear to have targeted communities of color with surveillance technologies.



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Baltimore Police Department is violating federal laws by using cell site

simulators, also known as Stingrays, that disrupt cellphone calls and interfere with the cellular network—and is doing so almost exclusively in black neighborhoods.

In Oakland, California, drivers are less likely to be picked up by automatic license plate readers if they are driving through or parking their cars in a neighborhood with a higher density of white families, according to data analysis by the Electronic Frontier Foundation.

In Lansing, Michigan, African Americans were twice as likely to be under camera surveillance as white residents, according to a study by an Oakland University researcher. Black Lansing residents were subject to disproportionate scrutiny of their personal houseguests and yard activities and undue exposure to round-the-clock surveillance.

This is why the ACLU believes that residents need to be part of the discussion around surveillance.

“It means that there is going to be an honest and open debate about whether they’re going to be used, how they will be used and what safety restrictions will be put in place around their use so that civil rights and civil liberties are not violated in the process,” Marlow said. “And that’s what the effort in St. Louis is designed to do. I don’t know who in good conscience can be against that.”

This article was reported in partnership with Type Investigations.





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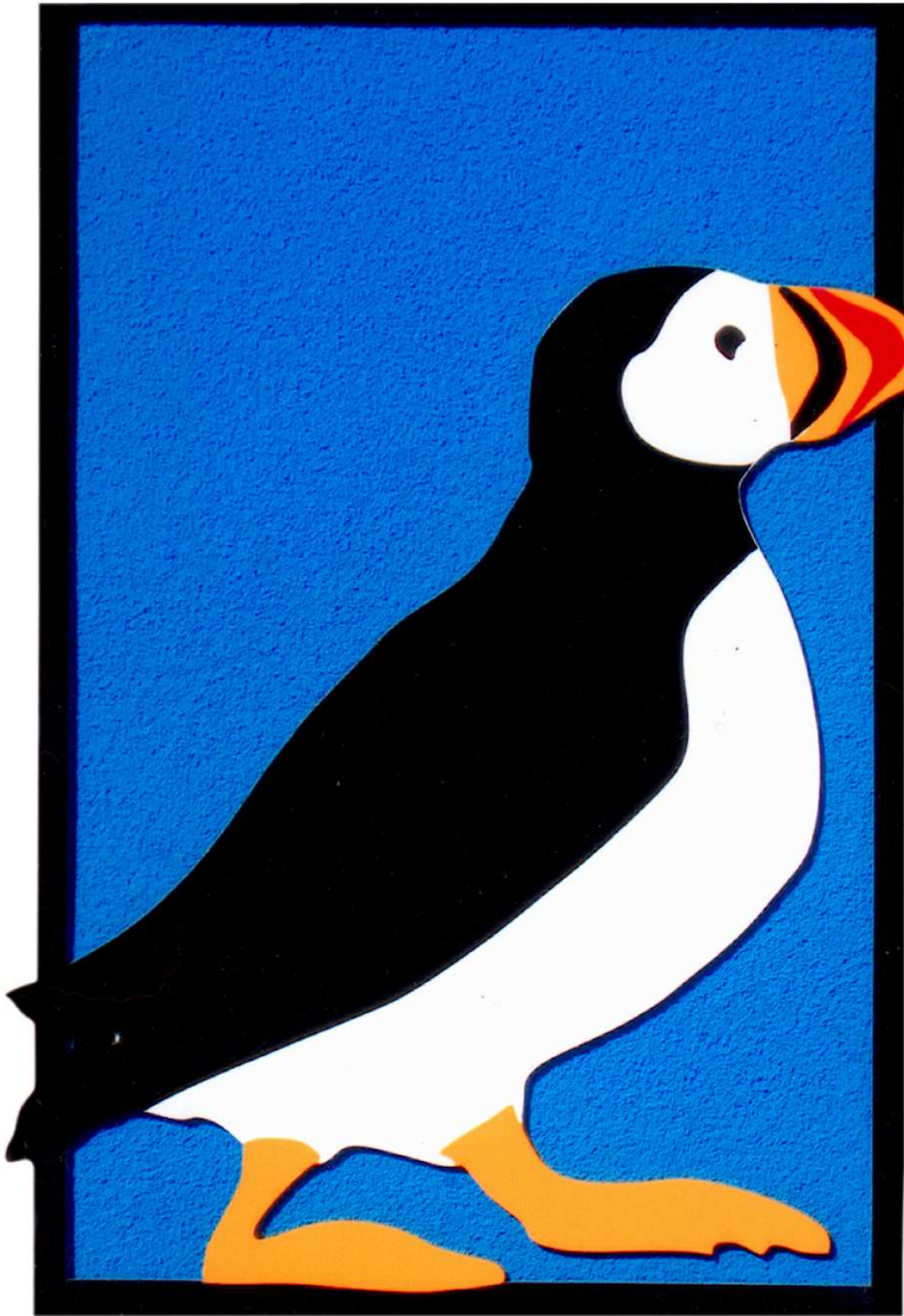


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