

July 22, 2021

San Diego City Council
San Diego City Hall
Civic Center Plz,
San Diego, CA 92101
Email: cityclerk@sandiego.gov
via email

Re: July 27, 2021, Agenda Item #333 – Opposition to Authorization to Enter into Agreement with ShotSpotter, Inc.

President Campbell and Honorable Members:

I am the founder and Executive Director of the Surveillance Technology Oversight Project, a nationally-recognized privacy and civil rights organization. Additionally, I serve as a fellow at Yale Law School’s Information Society Project and New York University Law School’s Engelberg Center on Innovation Law & Policy.

I write in opposition to Item 333 on the July 27th, 2021, City Council agenda, requesting authorization to enter into an agreement with ShotSpotter, Inc. (“ShotSpotter”). The San Diego Police Department’s (“SDPD”) request for more than one million dollars in funding for ShotSpotter must not be approved without more information about the proposed use of this invasive, error-prone technology.¹

ShotSpotter claims its technology is able to identify gunshots through a combination of microphones and proprietary software. However, there is growing evidence that the technology fails under real-world conditions. A recent study found that the vast majority of ShotSpotter alerts – 86% – were possible mistakes.² These false alarms are not a mere annoyance to responding officers, but a potentially deadly threat to the neighborhoods where ShotSpotter systems are placed. Officers

¹ Grant, K. (2020, October 23). *ShotSpotter Sensors Send SDPD Officers to False Alarms More Often Than Advertised*. Voice of San Diego. <https://www.voiceofsandiego.org/topics/public-safety/shotspotter-sensors-send-sdpd-officers-to-false-alarms-more-often-than-advertised/>

² CST Editorial Board. (2021, May 5). *If ShotSpotter constantly misfires, what’s Chicago getting for its \$33 million?* Chicago Sun-Times. <https://chicago.suntimes.com/2021/5/4/22417660/shotspotter-analysis-macarthur-justice-center-chicago-police-chicago-gun-violence-editorial>

responding to the scene of ShotSpotter notifications are reportedly arriving to calls assuming “that anybody in the vicinity is armed and they’ve just fired a weapon.”³

ShotSpotter notifications can lead to tragedy, as they did the night Chicago Police officers killed 13-year-old Adam Toledo when responding to a ShotSpotter alert.⁴ I urge this Council not to spend more than a million dollars in taxpayer money without confirming if this system is more of a threat to public safety than a help.

The requested authorization is particularly problematic in light of the City’s long-delayed surveillance oversight ordinances. These bills would require the SDPD to provide the public with the information necessary to properly evaluate ShotSpotter, including the amount of data collected, how such data is retained, how data is shared with third parties, and the protections against unauthorized recordings. ShotSpotter microphones, which process audio 24 hours a day, could easily transform into a listening device for the most intimate aspects of San Diegans’ lives.

For the forgoing reasons, I ask the Council to withhold its authorization for any contract with ShotSpotter and to demand greater information about the technology’s performance and civil rights impact.

Sincerely,

Albert Fox Cahn

Albert Fox Cahn, Esq.

³ Feathers, T. (2021, July 19). *Gunshot-Detecting Tech Is Summoning Armed Police to Black Neighborhoods*. VICE. <https://www.vice.com/en/article/88nd3z/gunshot-detecting-tech-is-summoning-armed-police-to-black-neighborhoods>

⁴ Jimenez, E. C. T. A. O. (2021, May 13). *Chicago: Pair of recent police killings puts spotlight on policies related to officer foot pursuits*. CNN. <https://edition.cnn.com/2021/05/13/us/chicago-police-killings-puts-spotlight-policies-officer-foot-pursuits/index.html>