



To: Kevin Jackson, Village Manager
From: Civic Information Systems Commission (CISC)
For: Village President and Board of Trustees
Date: February 13, 2023
Subject: Recommendation of ACLU CCOPS model to Village Board

Motion

A move to approve the adoption of the spirit of the ACLU's Community Control Over Police Surveillance (CCOPS) model ordinance, pursuant to attorney review and public comment.

Outcome

At their February 9, 2023 meeting, the CISC voted unanimously in favor of the Oak Park Village Board adopting its own surveillance ordinance in the spirit of the ACLU's CCOPS model ordinance, pursuant to attorney review and any public comment on the matter.

Overview

Per the American Civil Liberties Union (ACLU), the CCOPS model ordinance is “an act to promote transparency, the public’s welfare, civil rights, and civil liberties in all decisions regarding the funding, acquisition, and deployment of surveillance equipment by local police departments”.

The CCOPS model does not forbid police surveillance in the village, however, it requires Village Board approval, subsequent to properly-noticed, germane public hearings at which the public is afforded a fair and adequate opportunity to provide online, written and oral testimony about any new surveillance technology intended for utilization in the public space. Additionally, it requires impact reports and use policies related to that technology prior to approval, retroactive application to surveillance technologies currently implemented (e.g. Flock ALPR cameras), annual reporting, and community advisory committee oversight.

For more background, please refer to: <https://tinyurl.com/acluccops>

Oak Park can choose to customize the CCOPS model ordinance to reflect its own goals and priorities, or implement it as written by the ACLU. For example, Davis, CA adopted an almost verbatim version of the model ordinance, however, Yellow Springs, OH added emergency use authorizations and removed the impact report requirement and private right of action provisions, among other changes. At least



20 ordinances in the spirit of the CCOPS model have passed nationwide, in major metropolitan areas as well as villages.

Staff Recommendation

No staff recommendation has been provided at this time.

Fiscal Impact

There is no fiscal impact to the Village other than the costs associated with administering public feedback forums, staff reporting and Board and commission consideration of any surveillance equipment purchase.

Alternatives

The CCOPS model ordinance gives clear direction to the Oak Park Police Department on deployment of new policing surveillance tools via a predictable and transparent process that includes staff requirements along with public and citizen commission oversight, before and after such purchases reach the Village Board for approval.

Lack of a defined process removes this transparency and oversight, leaving all involved stakeholders with minimal understanding of the effectiveness of potentially invasive surveillance technology and its possible impact on public privacy. This scenario increases the chance of controversy at the Board table when a decision to acquire the technology is to be made, due to the lack of critical information and public feedback leading up to the vote. More importantly, deployment of surveillance technology without transparency and future oversight can significantly erode public trust.

Previous Commission Action

At the direction of the Village Board in 2022, the CISC discussed the implementation of Flock automated license plate reader (ALPR) cameras in the village and made subsequent recommendations. These opinions fell in line with much of the ACLU's overall recommendations on municipal surveillance technology use. Our recommendations included definitions on what Flock ALPRs should be used for, safety controls including data sharing and security provisions, and the desire to implement periodic and detailed usage reports.

More recently, the CISC felt that an actual ordinance in the spirit of the CCOPS model would define a streamlined process with maximum transparency regarding the uses and implications of any proposed new police surveillance technology, and



would be a major benefit to Oak Park. This process, through various staff and public input channels, would provide a path to an informed Board decision on proposed surveillance deployment, and a mechanism to determine if the technology will continue to serve the best interests of the village into the future.

Respectfully submitted,

David Baker
Chair, Civic Information Systems Commission