



## FUSUS 12/3/24 Update: RS2024-792

Prepared by the Metro Nashville Community Review Board

*An update on the FUSUS legislation, a surveillance technology contracted with the Metro Nashville Police Department.*

### FUSUS Informational Report: Deferral Update Addendum

On December 3, 2024, the Nashville Metropolitan Council will have its third vote on Resolution RS2024-792<sup>1</sup>, an effort to expand the Metro Nashville Police Department's (MNP) contract with FUSUS Inc., a surveillance technology company. This vote comes two weeks after Metro Council voted to defer RS2024-792 for a second time on November 19<sup>th</sup>. Following more than 2 hours of public comment and deliberation by council members, the motion to defer passed by a narrow margin of 20 votes in favor of deferral, 18 against, with zero abstentions.

In contrast, community members who spoke in opposition to RS2024-792 outnumbered those speaking in support by a wide margin. While 38 community members spoke in opposition of FUSUS, 3 community members spoke in favor.<sup>2</sup> The predominant concern voiced by the community members in opposition was the potential for targeted over-surveillance with FUSUS technology. Commenters voiced concerns for immigrant communities<sup>3</sup>, houseless individuals<sup>4</sup>, and community members seeking abortions<sup>5</sup> or gender-affirming care<sup>6</sup>. Community members also voiced concerns that lower-income communities might bear the brunt of surveillance technology<sup>7</sup> more than others. For instance, although private property-owners and business owners may integrate cameras with FUSUS for their private property, residents who rent, and therefore do not own the property on which they reside may not be able to opt into the program themselves.

In response to the concerns of community members at the November meeting, Council members added a few stipulations to the RS2024-792 amendment legislation. According to Dave Rosenberg, the Mayor Office's Director of Legislative Affairs, these new changes include stipulations allowing the Metro Nashville government to immediately terminate the contract if an external entity attempts to use FUSUS to violate Metro Policy, explicitly prohibits the use of facial recognition technology or artificial intelligence with FUSUS and prohibits FUSUS from changing its terms of use without input from Metro Nashville<sup>8</sup>. Rosenberg further explained that these changes give Metro a "kill switch" to use in case the FUSUS program expands beyond Metro-sanctioned terms of use.

Additionally, the NCRB has been in contact with members of Metro Council to define FUSUS misuse. For the purposes of this informational report, the NCRB's defines FUSUS misuse as:

- Accessing, obtaining, or utilizing data obtained from private FUSUS-integrated users whereas that data does not have probable cause to be linked to a: Ongoing Criminal Investigation; or active Call for Service.

<sup>1</sup> <https://nashville.legistar.com/LegislationDetail.aspx?ID=6889301&GUID=8C8A5313-D834-467D-8A1E-046FOCF2BB98>

<sup>2</sup> [https://nashville.granicus.com/player/clip/5064?view\\_id=1&redirect=true](https://nashville.granicus.com/player/clip/5064?view_id=1&redirect=true)

<sup>3</sup> <https://www.reuters.com/world/us/inside-trumps-plan-mass-deportations-who-wants-stop-him-2024-11-06/>

<sup>4</sup> <https://www.wjhl.com/news/local/tn-homeless-criminalization-bill-now-law-without-governors-signature/>

<sup>5</sup> <https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB1029&GA=111>

<sup>6</sup> <https://abcnews.go.com/Politics/transgender-teen-implores-supreme-court-strike-tennessee-gender/story?id=116232417>

<sup>7</sup> <https://www.nashville.gov/sites/default/files/2023-08/MNCO-Full-LPR-Pilot-Program-Report.pdf?ct=1691418108>

<sup>8</sup> <https://nashvillebanner.com/2024/12/02/nashville-police-surveillance-technology/>

- Accessing, obtaining, or utilizing data obtained from FUSUS technology outside of the scope of MNPD Community Safety Camera System policy; any applicable MOUs or Contracts; any Terms of Services; any applicable City Codes; and any applicable Local, State, or Federal Laws.
- Accessing, obtaining, or utilizing data obtained from FUSUS technology to target, harass, and/or intimidate individuals or groups based on actual or perceived characteristics, including, but not limited to race, national origin or ancestry, disability, gender identity, sexual orientation, citizenship status, religious beliefs, political affiliations, marital status, etc.
- Accessing, obtaining, or utilizing data obtained from FUSUS technology to target, harass, and/or intimidate individuals or groups that would violate the pending MNPD Sexual Misconduct Policy, such as stalking spouses, ex-spouses, etc.
- Accessing, obtaining, or utilizing data obtained from FUSUS technology outside of the MNPD Community Safety Center.
- Any non-authorized user accessing, obtaining, or utilizing data obtained from FUSUS technology.
- Failure to follow the 30-day data retention protocol for public FUSUS-linked cameras.
- Failure to provide written exemptions and follow existing evidence protocol for FUSUS data kept beyond the public and private data retention periods for evidentiary purposes.
- Failure to maintain proper audit/usage logs for FUSUS use.
- Selling, sharing, or releasing any data obtained from FUSUS technology without going through the established evidence sharing channels or without having a Court-Appointed Subpoena.

Defining misuse of surveillance technology like FUSUS is crucial to ensure it is not employed in ways that violate privacy, civil rights, or ethical standards. Equally important is establishing robust procedures for auditing its use to prevent abuse and protect Nashville citizens. Involving an independent agency, such as the NCRB, in the auditing process enhances transparency and fosters accountability. Furthermore, independent auditing helps build trust with community members by demonstrating a commitment to fair and responsible governance of surveillance practices.

As it stands, RS2024-792 represents the most significant amendment to Metro's contract with FUSUS thus far. Approval of RS2024-792 by Metro Council would increase the contract value to \$744,900 and extend the contract term from 26 to 60 months. Perhaps most significantly, this amendment would allow MNPD to "utilize the full scope of work including surveillance technology". For more information about FUSUS and RS2024-792, please refer to the NCRB's most recent Informational Report, which can be found on the NCRB website with the title "FUSUS 2024 Report Update".