



FUSUS Informational Report: RS2024-158

Executive Summary

Prepared by the Metro Nashville Community Review Board

An informational report on FUSUS, a new surveillance technology utilized by the Metro Nashville Police Department.

On Tuesday, January 23, 2024, RS2024-158, will go before the Nashville Metropolitan Council and the Public Health and Safety and Budget and Finance subcommittees, after a one week delay due to the winter weather. RS2024-158 aims to renew the Metro Nashville Police Department (MNPDP)'s contract with FUSUS, a law enforcement surveillance technology company, after last year's RS2023-2380 was deferred indefinitely in both the Budget and Finance and Public Health and Safety subcommittees on August 15, 2023. RS2024-158 amends the original FUSUS contract by changing the original contract value from \$175,000 to \$350,000 and increases the contract term from 12 to 24 months. While the resolutions to amend the FUSUS contract have gone before Metro Council, the original FUSUS contract did not. Despite falling under the purview of surveillance technology, MNPDP entered a \$175,000 sole source contract with FUSUS, a price point below the \$250,000 benchmark that would require Metro Council approval.

FUSUS allows MNPDP to integrate public and private cameras across Nashville into a "Real-Time Intelligence Ecosystem." FUSUS-linked cameras collect and enable MNPDP to analyze visual and audio data through the FUSUS hardware installed in the cameras, which encrypts the data and compiles it into a cloud-based surveillance dashboard. Once compiled, MNPDP can view the locations of registered cameras and real-time footage of integrated cameras. There are two main "levels" of FUSUS-integration, 1) registering cameras and 2) integrating cameras, which gives members of the public the option of registering the camera with MNPDP, and/or granting them real-time access, respectively. Currently, there are 999 FUSUS-registered cameras and 268 FUSUS-integrated cameras across Nashville. Additionally, FUSUS can integrate other surveillance software such as License Plate Readers (LPRs) into the virtual crime center.

FUSUS comes at a crucial turning point for police surveillance in Nashville, as the much-debated LPR program was approved for full implementation on August 15, 2023. However, unlike LPRs, MNPDP does not currently have any FUSUS-specific policies, draft policies, or Standardized Operating Procedures (SOPs). Many other police departments that utilize FUSUS have either specific FUSUS policy/policy drafts or have Commission on Accreditation for Law Enforcement Agencies (CALEA) policies that cover FUSUS. Additionally, while FUSUS devices conduct surveillance in both public and private spaces, they are not specifically included in Metro Code 13.08.080, nor any other Metro code. This is especially relevant as other cities polices specifically include FUSUS LPR-integration.

Given the prevalence of school shootings across America, including the Covenant School shooting in Nashville in March 2023, FUSUS advertises integration into schools to provide more surveillance, real-time viewing, and potentially faster response times. While MNPDP does not have



FUSUS-specific policy, MNPd and MNPS already have a memorandum of understanding (MOU) regarding the integration of FUSUS into MNPS schools. The MOU allows for MNPd to have “24 by 7 by 365” access to MNPS security camera systems, video management systems, and security software. However, MNPd can only access these cameras in the event of a “Health or Safety Emergency,” including but not limited to active shootings and bomb threats. However, the MOU also establishes that the use of FUSUS does not waive the constitutional rights of its employees or students, and that any data gathered from MNPS cameras may not be used for law enforcement purposes, may not violate FERPA (the Family Educational Rights and Privacy Act), or be disseminated to third parties.



An example of a FUSUS device. Source: <https://www.kentucky.com/latest-news/article278545494.html>

While FUSUS has been marketed to enhance public safety, there are many concerns surrounding the technology, especially on the grounds of privacy and data security. Consent, privacy, and civil liberties are jeopardized by constant surveillance and filming of individuals in both public and private spaces, as constant police surveillance jeopardizes the 1st and 4th Amendments of the Constitution according to the US Department of Justice. Constant police surveillance jeopardizes the 1st Amendment because it can restrict freedoms of expression, speech, and movement, and jeopardizes the 4th Amendment because constant surveillance may be considered an unreasonable and unwarranted search. The risks to civil liberties and violations of Constitutional Rights are especially high for communities of color and low-income communities, who face higher rates of surveillance technology and police presence in their communities. This is especially concerning as in NCRB’s (formerly MNCO)



Full LPR Pilot Program report, we found that LPRs were overwhelmingly placed in non-white and low-income areas.

Public cameras have regulations as to how long they can keep data, which is determined by the city. For LPRs in Nashville, Metro Code 13.08.080 limits the retention period of data gathered by surveillance devices in public rights-of-way to 10 days. However, police departments do not necessarily have to follow the same retention protocols with data gathered from private cameras. Depending on the type of FUSUS device installed, data can be archived for up to 30 days, which presents a potential conflict with Metro Code 13.08.080's data storage requirements. Additionally, FUSUS could potentially challenge other policies set forth for MNPd's LPR technology, as FUSUS has its own license plate reader hitlists pre-installed and allows users the ability to create and edit their own hitlists. FUSUS also can use AI Technology to run video algorithms using its software, including facial recognition software.



FUSUS usage in "real time." Source: <https://www.fusus.com/blog/real-time-crime-center-in-the-cloud-the-next-generation-of-police-technology>

Expanding FUSUS without specific policy would be a concerning proposition; Nashville already has nearly 1000 registered devices and nearly 300 integrated devices, which significantly outnumber the estimated 160 LPR cameras that will be installed in the full roll out of MNPd's LPR program. While LPRs have had a draft policy even before the LPR pilot program started, FUSUS was rolled out in September of 2022, and does not even have a draft policy or SOP. A police surveillance apparatus at the scale of what FUSUS advertises without policy could lead to potential issues regarding constitutional protections, privacy erasure, and lack of community trust.