

March 29, 2024



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Lakeland Downtown Development Authority  
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117 N. Kentucky Ave  
Lakeland, FL 33801  
jtownsend@ldda.org

Lakeland Custodian of Public Records  
Attn: Kevin Cook, Director of Communications  
228 S. Massachusetts Ave  
Lakeland, Florida 33801  
kevin.cook@lakelandgov.net

*Via email*

**Re: Public Records Request to Lakeland Downtown Development Authority Regarding Acquisition and Use of Facial Recognition Cameras**

Dear Custodian of Public Records:

The American Civil Liberties Union (“ACLU”) and ACLU of Florida submit this request for records held by the Lakeland Downtown Development Authority (“LDDA”) concerning LDDA’s purchase and use of facial recognition technology (“FRT”).

Press reports reveal that the LDDA recently installed FRT-equipped surveillance cameras throughout downtown Lakeland.<sup>1</sup> As reported in the press, the LDDA has assembled a list of “persons of interest,” whose photos LDDA has loaded into the FRT system. When an individual on that list “move[s] through a

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<sup>1</sup> See, e.g., Sara-Megan Walsh, *LDAA is Tracking ‘People of Interest’ in Downtown Lakeland Using Facial Recognition*, The Ledger, Mar. 21, 2024, <https://www.theledger.com/story/news/local/2024/03/21/ldda-using-new-cameras-to-track-people-of-interest-in-downtown/73052094007/>; Staci DaSilva, *Facial Recognition in Downtown Lakeland ‘Hyper-focused’ on Specific Individuals*, WFLA NBC News Channel 8, Mar. 22, 2024, <https://www.wfla.com/news/polk-county/facial-recognition-cameras-in-downtown-lakeland-hyper-focused-on-specific-individuals/>; Eric Glasser, *Lakeland Installs Facial Recognition Cameras, Sparking Privacy Debate*, WTSP Tampa Bay 8, Mar. 22, 2024, <https://www.wtsp.com/article/news/local/polkcounty/lakeland-florida-facial-surveillance-cameras/67-151b89f6-0e3e-47d2-8cc0-6f091985f9e8>; *Lakeland Security Cameras Raise Privacy Concerns*, Fox 13 Tampa Bay, Mar. 26, 2024, <https://www.fox13news.com/video/1430884>.

camera's field" an alert is sent to the LDDA and the Lakeland Police Department. According to reports, while the system's capacity is virtually unlimited, it currently holds the images of three identified "persons of interest."

Government deployment of networked FRT surveillance cameras raises extraordinary privacy, due process, and civil rights concerns, but the public lacks critical information about LDDA's FRT system. The ACLU and ACLU of Florida submit this Public Records Request (the "Request") for records that will allow the public and policymakers to understand the scope and impact of LDDA's deployment of the FRT system.

### **Requested Records**

In light of the foregoing and pursuant to the Florida Public Records Law, Chapter 119, Florida Statutes, and Article 1, Section 24 of the Florida Constitution, I am writing on behalf of the ACLU and ACLU of Florida to request access to and a copy of the following public records pertaining to the Lakeland Downtown Development Authority's acquisition and use of facial recognition technology with a network of surveillance cameras ("the FRT system").

Please produce all records regarding or pertaining to the FRT system from January 1, 2023 to the present, including:

1. All written policies and procedures regarding the use of the Lakeland Downtown Development Authority's ("LDDA") network of surveillance cameras integrated with facial recognition technology ("the FRT system"), the selection of individuals to be added to the FRT system, or actions to be taken when the FRT system produces an alert;
2. All records (including communications, whether on official or personal accounts or devices) regarding the decision-making process by which the LDDA decided to deploy video surveillance cameras at locations in downtown Lakewood and to enable facial recognition capabilities with those cameras, and all records regarding approval for such deployments by LDDA and Lakeland officials;
3. All analysis (including analysis contained in communications, whether on official or personal accounts or devices) of the legality and constitutionality of acquisition, deployment, and use of the FRT camera system;
4. All records (including communications, whether on official or personal accounts or devices) regarding the location of FRT-enabled cameras in Lakeland and the locations of any planned future FRT-enabled cameras;

5. All records (including communications, whether on official or personal accounts or devices) regarding the technical capabilities of the FRT system;
6. All records (including communications, whether on official or personal accounts or devices) regarding the procedures, instructions, and training provided to the FRT system operators and users;
7. All records (including communications, whether on official or personal accounts or devices) regarding the contents of the image database(s) associated with the FRT system;
8. All records (including communications, whether on official or personal accounts or devices) regarding how LDDA decides what “persons of interest” are entered into the FRT system, and what happens after the FRT system alerts to the presence of such individuals;
9. All records regarding and communications (whether on official or personal accounts or devices) with or about Verkada and any other company providing or offering FRT surveillance capability, including solicitations, invoices, contracts, terms of use, user manuals, technical specifications, e-mails, and meeting notes;
10. All records (including communications, whether on official or personal accounts or devices), including logs or ledgers, detailing alerts made by the system, including false alerts; and
11. All communications (whether on official or personal accounts or devices) between LDDA and the Lakeland Police Department regarding the FRT system, including alerts generated by the FRT system, information about individuals flagged as “people of interest” in the FRT system, and actions taken by the Lakeland Police Department in response to alerts generated by the FRT system.

### **Information About This Request**

As required by law, please acknowledge that you have received this public records request and provide an estimated time frame for which you believe that you will be able to produce the requested records. See §119.07(1)(c), Fla. Stat. (“A custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith.”).

The ACLU and ACLU of Florida are non-profit organizations, and the disclosure of the requested records will “promote public awareness and knowledge of governmental actions in order to ensure that governmental officials

and agencies remain accountable to the people.” *Forsberg v. Haus. Auth. of City of Miami Beach*, 455 So. 2d 373, 378 (Fla. 1984) (Overton, J., concurring in result). Therefore, we request that you produce the requested records free of charge. However, if you are unable to do so, the ACLU will reimburse you for the reasonable costs associated with fulfilling this request, if your office has a policy of requiring the payment of a copying charge for such records. The fees and costs you may charge are governed by Section 119.07(4), Florida Statutes. **If you anticipate that the total costs associated with fulfilling this request will exceed \$35, please contact me with an estimate of the likely cost before proceeding.**

If you are unable or refuse to provide part or all of the requested public records, please explain in writing and with particularity the reasons for not providing the requested public information in its entirety, as required by Section 119.07(1), Florida Statutes. If any exemption that you assert applies to only a portion of the records (as opposed to the entire record), please redact the portion you claim is exempt, provide copies of the remainder of the record or records, and detail your reasons for the modification as required by Section 119.07(1), Florida Statutes.

We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures, and/or exhibits. To the extent that a response to this request would require you to provide multiple copies of identical material, the request is limited so that only one copy of the identical material is requested.

If any of the requested records are maintained in a common-format electronic medium, please provide these records in such native electronic medium and not in paper form. For purposes of this request, common electronic formats include ( 1) American Standard Code for Information Interchange ("ASCII"), (2) files formatted in one of the Microsoft Office Suite, Corel Suite, or OpenOffice Suite (.doc, .xls, .ppt, .mdb, .wpd, etc.), (3) a text file (.txt), or (4) hypertext markup language (.html) or similar web page language. This is the preferred format. However, if any of the requested records are only maintained or only can be produced as electronic images, for example a portable document format (.pdf), (n.b., it is possible to print documents into a PDF format either using Acrobat Professional or a free PDF driver like pdf995.com), then as an alternative, we request this electronic image format. *See* § 119.01(2), Fla. Stat.

Section 119.07(1)(h-i), Florida Statutes, prohibits the destruction of any of the requested records, including any which you may claim are exempt, for a period after the date on which you receive this written request. If we institute a civil action to enforce the Public Records Law with respect to the requested records, you may not dispose of the records except by court order after notice to all affected parties.

\* \* \*

Thank you for your prompt attention to this request. If you have any questions, wish to obtain further information about the nature of the records in which we are interested, or need more information in order to expedite this request, please do not hesitate to contact me at [nwessler@aclu.org](mailto:nwessler@aclu.org) or (212) 519-7847.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Freed Wessler". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nathan Freed Wessler  
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Foundation  
125 Broad Street, 18th Floor  
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AMERICAN CIVIL LIBERTIES  
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