



August 31, 2018

**VIA EMAIL TO:**

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*Re:* Oxford, MS – Proposed Ordinance Chapter 14, Article IV, 14-100 to 14-104 - Regulation and Safety of Patrons and Employees of Restaurants, Bars and Similar Businesses, Including Event Venues

Dear Mayor and Board of Aldermen,

We hope you are well and write to you about Oxford's Proposed Ordinance, Chapter 14, Article IV, 14-100 to 14-104 (the "Ordinance"), set for vote September 4, 2018. We first want to extend gratitude that you and the Board have been open-minded and have listened to the public regarding the Ordinance. This is apparent in the many changes the Ordinance has undergone. We do, however, still have concerns regarding the Ordinance, specifically Section 14-100(5), which requires the implementation of cameras in the covered businesses. We believe the camera requirements impose costs that outweigh any potential benefits and accordingly Section 14-100(5) should be stricken from the Ordinance.

Under Section 14-100(5)(b), the Chief of Police must look at "only the minimal amount of the most recent footage . . . to determine that the cameras are working properly and *otherwise in compliance with this section.*" Oxford, Miss., Proposed Ordinance Sec. 14-100(5)(b) (emphasis supplied). While it could be objectively determined how much footage is required to ensure the camera system is working

properly, the answer is not so clear in determining the “minimal” amount of footage required to “ensure compliance.” The camera systems must be sufficient to “identify individuals” and “provide clear observation of the premises and activities by patrons on the premises.” *Id.* at Sec. 14-110(5)(c). Determining the minimal amount of footage required to identify people and their activities amounts to a subjective standard that is subject to abuse. How much footage is needed? A few minutes? An hour? Will the Chief of Police determine compliance after identifying one individual or activity, or is compliance predicated on being able to properly identify all individuals and activities on the premises? This lack of clarity and opportunity for abuse is an important reason why we believe Section 14-100(5), which creates a video surveillance regime in Oxford’s restaurants, bars and similar establishments, is ill-advised.

In addition, Section 14-100(5)(g) states, “[o]ther than minimum footage required during an inspection to determine whether the cameras are present and functioning properly, video footage shall not be required to be turned over to authorities absent a lawful order for such production.” *Id.* at Sec. 14-100(5)(g). While this provision is a step in the right direction, this limit is insufficient. This provision does not cover a scenario, for example, where a friendly business owner *allows* the police to watch as much footage as they wanted, subjecting all patrons to unwanted government surveillance.

While the current power structure may be virtuous and have Oxford’s and its residents’ best interests at heart, once you are gone, this ordinance will remain. We can only hope the next Mayor, Board of Aldermen and Chief of Police have your same values and interests. The Ordinance should be drafted for the present and the future and should not be drafted expecting the best but assuming the worst.

Not only is there the threat of abuse, but also the implementation of the mandatory camera systems can have an adverse effect on public life. Citizens that are aware they may be watched by authorities, or others, will be more self-conscious, and may even refuse to enter the establishments subject to such surveillance requirements.

Next, one may argue that the Ordinance is “legal” and thus fine to pass. Legality is of course decided in a court of law. In any event, a law should not be defended on the grounds that it is “legal.” All laws must meet this baseline. The question, rather, should be whether this ordinance is good for the City of Oxford and its residents and visitors. We believe it is not.

The fact that many ABC-permitted bars and restaurants already comply with the proposed camera requirements is also beside the point. There is a difference between a private business making a decision and the government *mandating* that decision. Before the government mandates a business do something, we must ensure the requirement is good public policy. Mandatory camera surveillance in all Oxford bars, restaurants and similar businesses is not good public policy as explained herein.

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For all of these reasons, and those stated in our prior letter, including the privacy concerns and opportunities for abuse, not to mention the costs imposed on businesses and the limited demonstrated effectiveness of cameras in achieving their intended purpose, Oxford should strike Section 14-100(5) from the Ordinance.

Sincerely,



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