



INSTITUTE FOR JUSTICE

May 20, 2024

**Via email**

Mayor Chokwe Antar Lumumba  
Councilperson Ashby Foote  
Councilperson Angelique C. Lee  
Councilperson Kenneth I. Stokes  
Councilperson Brian C. Grizzell  
Councilperson Vernon W. Hartley  
Councilperson Aaron Banks  
Councilperson Virgi Lindsay

*RE: Jackson's Unconstitutional Surveillance Camera Ordinance*

Dear Mayor Lumumba & City Council:

The Institute for Justice is writing to you concerning the City of Jackson's ordinance, Connect JXN – Blue Light Safety Initiative, that requires video surveillance systems at convenience stores and service stations. This law is unconstitutional. The government cannot require these businesses to install government-approved cameras and continuously surrender the footage to police. IJ recommends that the city reverse course and repeal the law.

The Institute for Justice is a national nonprofit law firm that works to protect and defend people's rights to be secure in their persons and property against government encroachment. The right to exclude strangers, including government officials, from one's property is a hallmark of both property rights and the Fourth Amendment to the United States Constitution. IJ has litigated search-and-seizure cases across the nation for years, including challenges to rental inspection ordinances in Iowa and Pennsylvania, as well as major class actions against the FBI, DEA, and other federal agencies. These and other cases have led to the entry of consent decrees, including one against the City of New York prohibiting it from conditioning a business owner's right to remain in business on his agreement to provide the NYPD access to his laundromat's security footage. *See Cho, et al. v. City of New York, et al.*, No. 1:16-cv-7961 (S.D.N.Y.). We also [recently convinced](#) DeKalb County, Georgia, to amend a similar surveillance

ordinance that required gas stations to install cameras and allowed police to seize their footage.

Our work challenging government surveillance programs led us to learn about Jackson's surveillance system ordinance. Convenience store and service station owners have a right to be free from unwarranted searches. *Lo-Ji Sales, Inc. v. New York*, 442 U.S. 319, 329 (1979). By forcing these businesses to install cameras so that the city can collect evidence of crimes, Jackson is both physically intruding on private property and conducting searches within the meaning of the Fourth Amendment. *United States v. Jones*, 565 U.S. 400, 404 (2012). The Supreme Court recently held that police must obtain a warrant for just seven days' worth of location data. *Carpenter v. United States*, 138 S. Ct. 2206, 2218 (2018). The City's ordinances, which authorize constant warrantless surveillance, are far more intrusive.

Moreover, the Supreme Court has made clear that government officials cannot force businesses to turn over records without offering those businesses an opportunity for review before a neutral magistrate. *City of Los Angeles v. Patel* 576 U.S. 409, 419-20 (2015). The records from a business's surveillance system are entitled to no less protection.

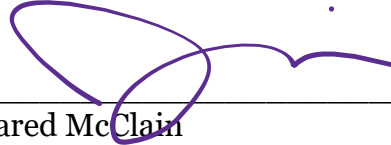
Furthermore, by requiring private businesses to install cameras on the government's behalf, Jackson's ordinance also violates the Fifth Amendment. Even "a minor but permanent physical occupation" of a private building is a "taking" for which the government must pay just compensation. *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 421 (1982). Ordinances that require private citizens to bear the cost of purchasing the cameras for the government might seem appealing. But the Constitution plainly requires the government to foot the bill.

We urge the city to repeal the Blue Light Safety Initiative ordinance. Although public safety is a laudable goal, it cannot come at the expense of people's constitutional rights. Unless the city repeals the ordinance, it will likely invite a meritorious lawsuit from a member of the community. Defending against such a suit would not only deplete the city's time and resources but would also result in Jackson having to pay attorneys' fees to the prevailing party.

As DeKalb County recently demonstrated, amending your unconstitutional ordinance is the easiest course. The Institute for Justice is willing to work with communities that wish to protect public safety while ensuring people's

constitutional rights. Should you wish to discuss this matter in more detail, please contact us at your earliest convenience.

Thank you,



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