

RESOLUTION NO. 23-08

A Resolution of the City Council of Port Angeles, Washington, adopting a Video Surveillance Policy for Closed Circuit Television Monitoring and Recording of Public Areas for Safety and Security Purposes.

WHEREAS, the purpose of the Video Surveillance Policy is to establish parameters restricting the non-court-ordered use of Closed Circuit Television (CCTV) monitoring and recording in public places within the City of Port Angeles, and to enhance public safety and security in a manner consistent with accepted rights of privacy; and

WHEREAS, the City recognizes that improvements in technology can greatly enhance public safety; and

WHEREAS, implementing CCTV technology enhances crime deterrence by strategic placement of CCTV cameras in the City; and

WHEREAS, the U.S. Supreme Court has recognized CCTV monitoring as a valid use of governmental police power to protect citizens which does not intrude upon an individual's sphere of privacy;

WHEREAS, the attached policy reasonably governs the use of the City's CCTV cameras;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Port Angeles, Washington:

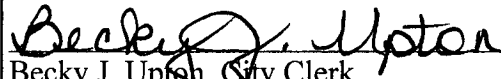
The attached Video Surveillance Policy for closed circuit television monitoring and

recording of public areas for safety and security purposes hereby is adopted.

PASSED by the City Council of the City of Port Angeles at a regular meeting of said Council held on the 16th day of December, 2008.


MAYOR

ATTEST:


Becky J. Upton, City Clerk

APPROVED AS TO FORM:


William E. Bloor, City Attorney

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CITY OF PORT ANGELES
VIDEO SURVEILLANCE POLICY

For Closed Circuit Television Monitoring and Recording of Public
Areas for Safety and Security Purposes

Policy Date: December 16, 2008

I. Purpose.

The purpose of this policy is to govern the use of the City's closed circuit television (CCTV) cameras. This policy applies to all use of the city's CCTV monitoring and/or recording. This policy is established to set parameters restricting the non-court ordered use of CCTV in public places and to enhance public safety and security in a manner consistent with accepted rights of privacy.

II. Scope / Background.

The City of Port Angeles recognizes that improvement and changes in technology can greatly enhance public safety. The City is implementing this method of crime deterrence technology by strategic placement of closed-circuit television cameras (CCTV) in the City of Port Angeles.

Past U.S. Supreme Court and lower court decisions strongly suggest that this type of monitoring is a valid exercise of a government's police powers. Under current interpretations of the First and Fourth Amendments, CCTV represents a valid use of the power to protect citizens. It does not intrude upon an individual's sphere of privacy, but rather records events occurring in public space for which individuals do not have a reasonable expectation of privacy.

Legitimate uses of this technology are covered by this policy and applicable state and federal law.

This policy applies to systems that enable continuous or periodic routine video monitoring on a sustained basis.

III. Definitions.

1. "Extracting" means copying images from the hard drive to some other media (CD ROM, video tape, etc.)
2. "Monitoring" means real-time viewing or viewing footage stored on hard drive.
3. "Personnel" means authorized police officers or non-sworn police personnel.
4. "Recording" means capturing images on a computer disk or drive, CD-ROM, or videotape 24 hours/day, seven days/week, yearlong.

IV. General Principles.

The City is committed to enhancing the quality of life in Port Angeles by integrating professional police practices with available technology. A critical component of security and safety through technology is CCTV in public areas. The principle objectives of CCTV monitoring and/or recording in public areas include:

1. Promote a safe environment by deterring acts of theft, vandalism, harassment, and/or assault.
2. Assist in the identification of individuals involved in criminal activity on City owned or managed property.
3. Assist in the safe daily operation of City parks and related facilities.
4. Assist law enforcement agencies in investigating criminal activity.

To assure there is no violation of a person's reasonable expectation of privacy, CCTV cameras shall be focused on public areas and the images shall not be used or disseminated improperly. Safeguards will ensure that the technology is not abused.

The City shall comply with all local, federal and case law applicable to the use of surveillance cameras in public space.

CCTV monitoring and/or recording will be conducted in a professional, ethical and legal manner. Personnel using the CCTV camera system will be appropriately trained and supervised in the responsible use of this system. Violations of this policy and procedures may result in disciplinary action and may subject those involved to criminal and/or civil liability under applicable state and federal laws.

Information obtained through video monitoring and/or recording will be used exclusively for safety and security purposes. Information obtained through monitoring and/or recording will only be released in accordance with this policy or as required by law. [see RCW 42.56 and RCW 10.97]

CCTV monitoring and/or recording of public areas will be conducted in a manner consistent with all City policies, including the Sexual Harassment Policy and other relevant policies. Except for police investigations involving person(s) whose description is known, this policy prohibits monitoring and/or recording based solely on the characteristics and classifications (e.g., race, gender, sexual orientation, national origin, disability, etc.).

CCTV monitoring of public areas, dwellings, and businesses in the City of Port Angeles is limited to uses that do not violate the reasonable expectation of privacy as defined by law.

To maintain an informed community, the City will list on its web page information describing the purpose and location of CCTV cameras and the policy for its use. Additionally, any individual, civic groups, classes, etc. may contact the police department to schedule a tour/demonstration of the CCTV monitoring point located in the police department.

At no time will persons other than those designated by the Chief of the Port Angeles Police Department have access to the monitors or to the recordings made.

All recording or monitoring of public areas for security and safety purposes by City authorized cameras is limited exclusively to practices that will not violate the standards of a reasonable expectation of privacy as defined by law.

V. Responsibilities.

1. City of Port Angeles Police Department (PAPD).

The PAPD is the department authorized and responsible to oversee and coordinate the use of public cameras in the City. The PAPD has primary responsibility for ensuring adherence to this policy and for disseminating the policy to persons requesting information on the policy and procedures.

The PAPD is responsible for following new developments in the relevant laws and in security industry practices to ensure that CCTV monitoring and/or recording in the City is consistent with high standards and protections.

The Chief of PAPD has the responsibility to authorize all CCTV monitoring for safety and security purposes in the City. All new installations will follow the PAPD operating principles. All existing CCTV monitoring systems will be evaluated for compliance with this policy.

PAPD:

- Reviews requests for installation and or placement of security cameras, develops a recommendation on the requests, and forwards that recommendation to the City Manager.
- Will assist in the aiming and focusing of cameras during the installation phase and will view and manage data from the cameras.

2. Public Safety Advisory Board (PSAB).

- Reviews and advises on all requests for new installation and/or placement of security cameras.
- Makes a recommendation to the City Manager as to whether or not a particular

camera should be installed at, or removed from, a given location.

3. Information Technology.

- Is responsible for maintenance of City owned cameras and related equipment.
- Provides any necessary technical training to City staff.

4. City Attorney.

- Provides training to designated staff related to the legal parameters of camera use.

5. All Departments.

- Individual City Departments will bear primary financial responsibility for insuring that security cameras installed on a City facility specific to a particular Department are properly installed and maintained. *Example: A security camera placed to monitor the Fire Department parking lot would become the primary responsibility of the Fire Department. Other City Departments would contribute expertise as necessary to ensure the proper operation of the camera.*
- Will receive a copy of this policy and will sign a form that acknowledges their receipt of this policy, their understanding of its contents, and their agreement to perform their respective duties in accordance with this policy.

VI. Installation Approval

Placement at other City facilities or buildings, such as City Hall, other City properties, public parks, open space areas, public streets or other public locations, requires approval by the City Manager.

When seeking approval, Department Heads will address the following issues and concerns in supporting their request:

1. Objectives for implementing the system.
2. Use of equipment, including:
 - a. Location of cameras.
 - b. Location of reception equipment.
 - c. Personnel authorized to operate the system.
 - d. Times when monitoring will be in effect (and staffed, if applicable).

3. Other deterrence or detection measures that were considered, and why video monitoring is the best solution.
4. Any specific, verifiable reports of incidents of crime or significant safety concerns that have occurred in the location to be placed under video monitoring.
5. Possible effects of the proposed video monitoring system on personal privacy, if any, and how they will be mitigated.
6. Appropriate consultation with stakeholders, including the public; or reasons why this is not necessary.
7. Signage strategy advising the public that video monitoring is occurring.
8. Approach to installing and maintaining the system.
9. Fiscal impact and availability of funding.

A. Training/Oversight

1. All personnel operating the CCTV system will be trained in the technical, legal and ethical parameters of appropriate camera use.
 - a. Personnel will receive a copy of this policy and provide written acknowledgment that they have read and understood its contents.
 - b. Personnel will receive update training on this policy as needed. In circumstances in which CCTV cameras are monitored, all personnel involved in monitoring and/or recording of public areas will perform their duties in accordance with the law and this policy.
2. The Chief of Police will ensure that responsible and proper camera monitoring/recording practices by personnel are followed by conducting periodic audits of the CCTV camera system.

B. Operating Procedures

1. The CCTV cameras will be monitored by police department personnel authorized by the Officer in Charge of the patrol shift. The Officer in charge shall review the video equipment each shift at or near the beginning of the shift to ensure the video system is functioning properly and the system is recording correctly using the proper data/time stamp.
2. CCTV cameras shall be used to observe locations that are in public view and where there is no reasonable expectation of privacy. Any view provided by a CCTV camera shall be no greater than what is available from a public vantage point.

3. Personnel shall not monitor/record individuals based on characteristics of race, gender, ethnicity, sexual orientation, disability, or classification such as national origin, etc. protected by state and federal laws. Personnel will monitor/record based on suspicious behavior, not individual characteristics. EXCEPTION: Police investigations involving person(s) whose description is known.
4. Personnel will not continuously view people displaying affection in public areas, unless such activity is criminal in nature.
5. The monitoring equipment will be configured to prevent personnel from tampering with or duplicating recorded information without authorization.
6. Personnel shall not disseminate information learned from monitoring CCTV public cameras unless such release complies with the law, this policy or other information release laws or policies.
7. Camera positions and views of residential housing shall be limited. Any view given to the housing will be no greater than what is available with unaided vision. Furthermore the view of a residential housing facility must not violate the standard of "reasonable expectation of privacy."
8. The video equipment will be configured to prevent camera operators tampering with or duplicating recorded video information.
9. Recorded video records will be stored until the record is superseded, unless retained as part of a criminal investigation or court proceedings (criminal or civil), or other bona fide use as approved by the Chief of Police. In video, equipment typically retains records for 15 days. Then the records are superseded by being overwritten with new records.
10. Video recorded images will be stored in a secure location with access by authorized personnel only.
11. Camera control operators will conduct video observation of areas only in plain view of others situated in the public area viewable to the public.
12. Camera control operators will be trained in the technical, legal, and ethical parameters of appropriate camera use.
 - Camera control operators will receive a copy of this policy and provide written acknowledgement that they have read and understood its contents.
 - Camera control operators will receive training in cultural awareness. Camera control operators will NOT view private rooms or areas through windows.

C. Location and Direction of Video Monitoring Equipment

Permanent, fixed-mounted cameras will not be placed in areas where a reasonable expectation of privacy is standard, such as inside restrooms.

1. Cameras located internally will not be directed to look through windows to areas outside the building, unless necessary to protect external assets, provide for the personal safety of individuals or deter criminal activity from occurring.
2. Cameras will not be directed to look into adjacent, non-City owned buildings.
3. Placement of cameras will also take into consideration physical limitations such as availability of power, cell reception and reasonable mounting facilities.

D. Notification Procedures

1. Clearly written signs will be prominently displayed at the perimeter of video monitoring areas advising the public that video monitoring is occurring.
2. The Division of Parks will post signage at appropriate locations. Signage will state,

THIS AREA IS SUBJECT TO VIDEO MONITORING BY THE CITY OF PORT ANGELES POLICE DEPARTMENT

E. Retention, Extraction, and Storage Procedures.

1. Recorded video images will be stored until superseded, usually 15 days. Images will be erased, deleted, or otherwise permanently eliminated within 15 days unless the video footage is being retained as part of a police investigation, court proceeding (criminal or civil), internal affairs investigation, or other bona fide use as approved by the Chief of Police. A list of all video footage retained beyond 15 days shall be maintained in a log identifying the purpose for extended retention.
2. Only trained Staff authorized by the Chief of Police shall be authorized to extract video footage from the computer disk or drive.
3. Any video footage extracted for investigation purposes shall be stored in a manner which will exclude access by unauthorized personnel. Video footage which is evidence will be processed and stored in the evidence room with access by authorized personnel only.

Images obtained through video camera monitoring or recording must be retained for a length of time deemed appropriate for the lawful purpose of monitoring, but not to exceed 90 days, unless such images have historical value, or are being used for a criminal investigation as outlined in this policy.

Records will be securely and permanently disposed of in a manner appropriate to their storage media.

VII. Exclusions.

This policy does not apply to the use of surveillance, or to the conduct of surveillance monitoring or recording by a law enforcement agency engaged in a legitimate criminal investigation.

This policy does not apply to the use of hand-held video cameras.