

Whereas, on June 17, 2003, the Common Council adopted Substitute Resolution ID# 33039 authorizing the Council President to appoint an ad hoc committee of Council members to "analyze and propose a policy to guide all City agencies on the installation and use of any kind of security camera."; and

Whereas, the Ad Hoc Committee on Security Cameras submitted their report to the council on XXXXX and it was accepted (adopted?) by the Common Council on XXXXX; and

Whereas, the committee concluded the following:

- a) The City of Madison agencies with cameras use them for a wide variety of legitimate purposes.
- b) Developing one uniform policy to guide these many uses would be very difficult and cumbersome.
- c) It would be more practical to develop guidelines for agencies to use in writing their own policies.
- d) Since the use of security cameras is an internal issue, it would be reasonable to implement the committee's recommended guidelines through an Administrative Procedure Memorandum (APM) rather than an ordinance or resolution. ; and

Whereas, Assistant City Attorney Zilavy wrote some guidelines based on the ideas the members had discussed during their meetings. The committee reviewed the draft document and proposed some revisions. At its March 30, 2004, meeting, the committee reviewed and approved the revised draft of proposed security camera guidelines; and

Whereas, Chairperson Van Rooy met with Mayor Dave Cieslewicz, and the Mayor authorized the Ad Hoc Committee on Security Cameras to implement their recommended guidelines through an APM.

Whereas, the APM was never issued and no security camera policies have been received by the Clerk's office.

Now, therefore be it resolved, that the Common Council adopts the following policy regarding security cameras based on the work of the Common Council President Workgroup:

Electronic Image Recording Guidelines

Video Surveillance by City agencies potentially implicates individual privacy rights. The Fourth Amendment to the United States Constitution protects individuals from unreasonable searches and seizures. Article 1, Section 11 of the Wisconsin

Constitution provides similar protections. Video surveillance will not implicate privacy rights if it is conducted in a forum in which an individual has no reasonable expectation of privacy. Determination of whether an individual has a reasonable expectation of privacy is a two-prong test: (1) A subjective expectation of privacy must be held by the individual; and (2) this privacy interest must be objectively recognized by society. Any agency with questions regarding the implementation and/or use of video surveillance and/or digital image recording should contact the Madison City Attorney's Office prior to implementation.

Any city agency that has video cameras or any type of electronic image recording in use must have a written policy regarding usage on file with the Madison City Clerk. The policy must be on file with the City Clerk within 30 days of implementation of the video camera/electronic image recording system.

Video camera/electronic image recording use policies should include, but not be limited to, the following:

1. A statement regarding the agency's objective behind video surveillance and the scope of surveillance given the stated objective.
2. The manner in which individuals will be notified that video cameras are in use and they may be recorded. Such notification will not be required in cases where video surveillance is used pursuant to an investigation of law violations.
3. Placement of cameras and whether they will be permanently located.
4. Whether, and under what circumstances, portable cameras will be used.
5. Guidelines regarding retention and storage of videotapes/digital image recordings.
6. Guidelines regarding use and viewing of videotapes/digital image recordings.
7. Staff training regarding the use, retention and storage of video surveillance/digital image recordings.
8. Identification of individuals authorized to operate the video surveillance system.
9. Identification of the custodian of video surveillance tapes/records.

Be it further resolved that agencies who use video cameras should get their policies to the Clerk's Office by September 15, 2008.