



# City of Madison

City of Madison  
Madison, WI 53703  
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## Master

**File Number: 10158**

**File ID:** 10158

**File Type:** Resolution

**Status:** Items Referred

**Version:** 1

**Reference:**

**Controlling Body:** COMMON  
COUNCIL  
ORGANIZATIONAL  
COMMITTEE

**File Created Date :** 04/25/2008

**File Name:** Security cameras

**Final Action:**

**Title:** Adopting a policy regarding the use of security cameras by City agencies and directing agencies which use cameras to file their policies with the City Clerk's Office by September 15, 2008.

### Notes:

**Sponsors:** Brenda K. Konkel and Marsha A. Rummel

**Enactment Date:**

**Attachments:** adhocfinalrpt.pdf ,survey.pdf ,surveysummary2.pdf  
,surveysummary2.pdf ,2ndsurveysummary.pdf  
,zilavymemo.pdf ,VIDEO CAMERA POLICIES.pdf  
,followupsurveysummary2.pdf ,MPD video camera  
map

**Enactment Number:**

**Author:** Ald. Brenda Konkel

**Hearing Date:**

**Entered by:** dfields@cityofmadison.com

**Published Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council Office	04/30/2008	Referred for Introduction				
	<b>Action Text:</b>		This Resolution was Referred for Introduction				
	<b>Notes:</b>		Common Council Organizational Committee				
1	COMMON COUNCIL	05/06/2008	Refer	COMMON COUNCIL ORGANIZATIONA L COMMITTEE			
	<b>Action Text:</b>		This Resolution was Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE				
	<b>Notes:</b>		Additional Referral(s): Public Safety Review Board				
1	COMMON COUNCIL ORGANIZATIONAL COMMITTEE	05/06/2008	Refer	PUBLIC SAFETY REVIEW BOARD		06/10/2008	
	<b>Action Text:</b>		This Resolution was Refer to the PUBLIC SAFETY REVIEW BOARD				
	<b>Notes:</b>						
1	PUBLIC SAFETY REVIEW BOARD	05/13/2008					

1 PUBLIC SAFETY REVIEW 06/10/2008 RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATION S - REPORT OF OFFICER Pass

**Action Text:** Skidmore feels that this is a good public policy as well as built-in legal protection. Members asked if this was a Resolution or an APM (Administrative Procedure Memorandum) or both? Joel Plant (Mayor's Office) said that the mayor had requested an APM be done but this hadn't happened yet. Scott added that these are already in use - this policy would ask that agencies which use them, have their policy regulating them on record which would also assist from a legal standpoint. Pasha asked if the internal policies go far enough. Who is going to look at these? Who can extract data? Where will the camera tapes end up? Scott added that these are guidelines for guidelines if cameras are used.

Capt. Bach (Police) said there is already extensive use of cameras: in-car video has a policy and they are treated as public records. Surveillance (eg, Halloween) tapes are put in Evidence. IT and Madison Metro area also now big users of security cameras.

Plant said agencies have until 9/15/08 to file their policies - no mention of an APM so there is a discrepancy as it currently only is a Resolution.

Motion to approve the measure added the recommendation that language be included in the document to state that a mayoral APM will be part of the policy. Each department has its own policy - as opposed to a city-wide policy - because the needs and level of security are different for them.

A motion was made by Judge, seconded by Pasha, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER. The motion passed by the following vote:

**Notes:**

Excused: 1 Amy R. Smith

Ayes: 7 Eli Judge; Larry Pasha; Tyrone W. Bell; Michael S. Scott; Bret M. Gundlach; Paul E. Skidmore and Terry E. Moen

1 COMMON COUNCIL 07/01/2008 Rerefer COMMON COUNCIL ORGANIZATIONA L COMMITTEE 08/05/2008 Pass

**Action Text:** A motion was made by Ald. Michael Schumacher, seconded by Ald. Judy Compton, to rerefer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE, due back on 8/5/2008. The motion passed by voice vote/other.

**Notes:**

1 COMMON COUNCIL 08/05/2008 ORGANIZATIONAL COMMITTEE

**Notes:**

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**Text of Legislative File 10158**

**Fiscal Note**

No appropriation is required for this policy resolution.

**Title**

Adopting a policy regarding the use of security cameras by City agencies and directing agencies which use cameras to file their policies with the City Clerk's Office by September 15, 2008.

**Body**

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 Common Council on June 15, 2004, and it was accepted by the Council on that date; 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 Jennifer Zilavy wrote some guidelines based on the ideas the members 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; and

WHEREAS, the APM was never issued and no security camera policies have been received by the City 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 Ad Hoc Committee on Security Cameras:

*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 FINALLY RESOLVED that agencies which use video cameras should file their policies with the City Clerk's Office by September 15, 2008.