

AGENDA # _____

CITY OF MADISON, WISCONSIN

REPORT OF:	Ad Hoc Committee on Security Cameras	PRESENTED	June 15, 2004
TITLE:	Final Report and Recommendations	REFERRED	_____
AUTHOR:	Ald. Paul Van Rooy, Chair	REREFERRED	_____
DATED:	May 11, 2004	REPORTED BACK	6/15/04
		ACCEPTED	<input checked="" type="checkbox"/> POF _____
		RULES SUSPENDED	_____
		ID NUMBER	36264

TO THE MAYOR AND COMMON COUNCIL:

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." Council President Mike Verveer appointed Aids. Brenda Konkel, Zach Brandon, Jean MacCubbin, Paul Van Rooy and Cindy Thomas to the Ad Hoc Committee on Security Cameras. The committee met seven times. The members would like to acknowledge and thank Assistant City Attorney Jennifer Zilavy for her invaluable support, advice and hard work during this process.

The Ad Hoc Committee on Security Cameras convened on October 15, 2003, and Ald. Paul Van Rooy was elected chair. At this first meeting, the members set a workplan:

- 1) Survey all City of Madison departments/divisions to determine where and how security cameras are being used and if there are any policies in place guiding their use.
- 2) Conduct a web search for Wisconsin and other municipalities with policies in place governing the use security camera policies.
- 3) Consult with the City Attorney to determine if there are any state statutes that speak to the use of security cameras.
- 4) Formulate a draft report/policy for the Common Council Organizational Committee.

A cover memo and survey (attached) were emailed to City of Madison department/division heads on October 27, 2003, and follow-up emails were sent on November 5 and November 11, 2003. The responses were summarized in two tables (attached).

Debbie Fields, staff to the committee, conducted a web search for security camera policies of other municipalities. She provided the committee with seven samples of guidelines and policies and other documents related to the issue.

Assistant City Attorney Zilavy did a request on the Wisconsin Attorney List Serve for policies on city use of video cameras and searched Municode websites around the country. She also provided a memo describing "reasonable expectation of privacy" (attached), the Madison Police Department policy on use of in-car video cameras, and the American Bar Association Tentative Draft Standards Concerning Technologically-Assisted Physical Surveillance.

After reviewing and discussing all of the above, the committee concluded the following:

- The City of Madison agencies with cameras use them for a wide variety of legitimate purposes.
- Developing one uniform policy to guide these many uses would be very difficult and cumbersome.
- It would be more practical to develop guidelines for agencies to use in writing their own policies.

- 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.

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 (attached).

Chairperson Van Rooy presented the revised guidelines to the Common Council Organizational Committee at its March 30, 2004, meeting as the committee's final recommendations. He said the implementation process was not yet finalized but once it was, a report would be submitted to the Common Council for action and that the committee, having completed its work, would not continue to meet.

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.

~ attachments: Survey on Security Camera Use by City of Madison Agencies
Summary of Survey on Security Camera Use by City of Madison Agencies
Detailed Summary of Survey on Security Camera Use by City of Madison Agencies
Memo from Assistant City Attorney Zilavy re: reasonable expectation of privacy
Electronic Image Recording Guidelines