

SUBJECT: USE OF SURVEILLANCE CAMERAS

Purpose: City of Madison agencies have identified a wide variety of legitimate business reasons to use surveillance cameras. The primary purpose of this policy is to protect the privacy rights of the public and the associational/collective action rights of City employees. This policy promotes security for the public and for City employees through timely surveillance of areas otherwise difficult to monitor.

Responsibilities:

Department of Information Technology (IT)

Shall design, acquire, manage and maintain the network infrastructure to support a City-wide enterprise surveillance camera system. IT shall, in accordance with APM 4-7 (Policy for the Procurement and Disposal of Electronic Products), assist agencies in obtaining surveillance systems that meets the agency's technical requirements and complies with the City's enterprise system technological standards and policies.

IT shall manage network connectivity issues, coordinate problem remediation, maintenance and replacement of devices connected to the enterprise camera system. Agencies that have their own IT and/or facilities maintenance staff capable of maintaining camera devices may provide their own maintenance and problem remediation support.

IT shall ensure that the enterprise camera system is capable of complying with all Wisconsin Public Records Laws for the capturing, retention and timely production of public records.

Department/Division Head Responsibility

City agencies may develop their own surveillance camera programs to address the security issues. However, agencies shall not purchase, create or maintain their own independent surveillance camera systems but rather they shall work with IT.

Department/Division Heads must adopt a written surveillance camera policy on the use of surveillance cameras. Such written policy shall be on file and available to the public for review with the City Clerk within 30 days of implementation of the surveillance camera system (See Common Council Resolution RES-08-00863). The policy must be reviewed by the IT Director, the City Attorney and the Human Resources Director prior to its implementation.

Owner Agencies

The authorized security contacts for owner agencies may grant access to their surveillance cameras for others outside the owner agency. The authority to manipulate the cameras will be restricted to owner agencies, unless otherwise specified by the owner agency. Others may be provided view only permissions to specified surveillance cameras by the owner agency. Owner agencies are responsible for determining whether there is potential evidence of a law violation that was captured by their surveillance cameras, generate a police case number, and complete the form requesting preservation of evidence.

Agencies must provide Information Technology with at least 30 days advance notice of their intent to purchase cameras in order to afford adequate time to provision the network infrastructure required to support the new devices.

Agency policies must address the following considerations:

- The circumstances which necessitate the use of surveillance cameras;
- Whether the agency will utilize the City's standardized enterprise camera system and if not, specify business/technical reasons prohibiting such use;
- The personnel, by name or position, that will have access to either the cameras or the data recorded by such cameras;

- The circumstances under which such personnel will have access to either the cameras and/or the recorded data;
- Whether the cameras will be recording video or both audio and video;
- The physical location of cameras and a description of the areas to be observed by such cameras;
- The corresponding location and the verbiage of signage alerting persons that their actions are subject to audio-visual recording. Such signage shall be conspicuous and shall clearly inform all persons that their actions are being both audibly and visually recorded;
- Unless otherwise prohibited by law, the Madison Police Department will be provided with immediate access to all data or recordings that may constitute evidence of a crime. The Madison Police Department shall determine, in consultation with the Dane County District Attorney's Office, whether to obtain a warrant to take custody of such data or recording;
- The time period that recorded audio/video will be retained and available. No retention period of less than fourteen days may be approved under this policy;
- Procedures for ensuring that records are not destroyed during the pendency of any public records request, investigation or civil/criminal litigation.

Every agency policy shall comply and each use of surveillance cameras shall comply with the Fourth Amendment to the United States Constitution and Article 1, Section 11 of the Wisconsin Constitution. Furthermore, agencies shall comply with the requirements of sec. 968.31, Wis. Stats. This requires close consultation with the Office of the City Attorney.


Each agency policy shall address any laws unique to that agency. For example, the Library's policy shall reflect consideration of sec. 43.30(5)(a), Wis. Stats. concerning the disclosure of library patron identities.

Every policy shall address the implications of any applicable collective bargaining agreement. Compliance with this provision requires close consultation with the Labor Relations Unit of Human Resources.

Agencies shall be responsible for the costs of procuring and operating the surveillance cameras they employ. Agencies shall use their budgeted funds to purchase all new camera devices, equipment, licenses, and services required to install and connect (fiber-optics, point-to-point radios, or any other network connectivity technologies) the devices to the enterprise camera system.

All enterprise cameras located in the street right-of-way will be owned by Traffic Engineering. Traffic Engineering shall provide maintenance and remediation support for cameras located in the street right-of-way.

Authority: Information Technology will interpret and maintain this APM.


Paul R. Soglin
Mayor

APM No. 3-17
December 13, 2012

Original APM dated 12/13/2012



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 10158

File ID: 10158

File Type: Resolution

Status: Passed

Version: 2

Reference:

Controlling Body: COMMON
COUNCIL
ORGANIZATIONA
L COMMITTEE

File Created Date : 04/25/2008

File Name: Security cameras

Final Action: 09/02/2008

Title: SUBSTITUTE - 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 October 15, 2008.

Notes:

Sponsors: Brenda K. Konkel, Marsha A. Rummel and Satya V. Rhodes-Conway

Effective Date: 09/03/2008

Attachments: 10158 Original Resolution, adhocfinalrpt.pdf, survey.pdf, surveysummary2.pdf, surveysummary2.pdf, 2ndsurveysummary.pdf, zilavymemo.pdf, VIDEO CAMERA POLICIES.pdf, followupsurveysummary2.pdf, MPD video camera map

Enactment Number: RES-08-00863

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				
	Action Text:		This Resolution was Referred for Introduction				
	Notes:		Common Council Organizational Committee				
1	COMMON COUNCIL	05/06/2008	Refer	COMMON COUNCIL ORGANIZATIONA L COMMITTEE		08/05/2008	
	Action Text:		This Resolution was Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE				
	Notes:		Additional Referral(s): Public Safety Review Board				
1	COMMON COUNCIL ORGANIZATIONAL COMMITTEE	05/06/2008	Refer	PUBLIC SAFETY REVIEW COMMITTEE		06/10/2008	
	Action Text:		This Resolution was Refer to the PUBLIC SAFETY REVIEW BOARD				
	Notes:						

1	PUBLIC SAFETY REVIEW COMMITTEE	05/13/2008					
1	PUBLIC SAFETY REVIEW COMMITTEE	06/10/2008	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIO NS - 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:

Ayes: 7 Eli Judge; Larry Pasha; Tyrone W. Bell; Michael S. Scott; Bret M. Gundlach; Paul E. Skidmore and Terry E. Moen
Excused: 1 Amy R. Smith

1	COMMON COUNCIL ORGANIZATIONAL COMMITTEE	07/01/2008	Re-refer	COMMON COUNCIL ORGANIZATIONA L COMMITTEE	08/05/2008	08/05/2008	Pass
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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 ORGANIZATIONAL COMMITTEE	08/05/2008	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER				Pass
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Action Text: A motion was made to take this item off the table.

Ald. Brenda Konkel reviewed the history of the video camera policy. The Ad Hoc Committee on Security Cameras Final Report and Recommendations was adopted by the Common Council on 6/15/04. The recommendation that the Mayor draft an APM on the use of security cameras was never done. Ald. Brenda Konkel drafted this resolution to adopt the policy recommended by the report and to direct agencies to file policies with the City Clerk's Office.

A motion was made by Konkel, seconded by Webber, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER.

Lt. Joe Balles from the Madison Police Department and Rich Beadles from the Information Technology Department were available to answer questions. Lt. Balles noted that the MPD was unaware that recommendations had been adopted in 2004. He recently attended a conference in San Diego and a seminar on video surveillance (Lt. Balles provided a copy of the booklet on guidelines for public video surveillance to Ald. Brenda Konkel and noted that many of the recommendations were contained in the subcommittee's 2004 report). Lt. Balles also provided a map of the general areas where the eight surveillance cameras were installed. The MPD is in the process of drafting their policy on security cameras and video surveillance and he would ask Capt. Mary Schauf to provide Ald. Brenda Konkel with a copy.

It was noted that IT is involved with security cameras and Ald. Brenda Konkel asked Rich Beadles how IT would be notified if policies are filed. Ald. Mark Clear asked if filing policies with camera locations would compromise security (particularly if the policies are posted on-line). Lt. Balles stated that the MPD is conducting surveillance in public spaces and the city should be open with that information.

Ald. Brenda Konkel moved an amendment, seconded by Ald. Satya Rhodes-Conway to add the following language:

BE IT RESOLVED, that agencies which use video cameras should file their policies with the City Clerk's Office by OCTOBER 15, 2008 (vs. September 15, 2008)

Add BE IT FINALLY RESOLVED, prior to purchasing new cameras, policies should be reviewed by the Information Technology Department.

Ald. Satya Rhodes-Conway moved an amendment to add the following language:

The policy must be on file AND AVAILABLE TO THE PUBLIC FOR REVIEW with the Clerk within 30 days of implementation of the video cameras/electronic image recording system.

The language amendment was considered friendly.

Ald. Brenda Konkel requested that a subcommittee be formed in January 2009 after this resolution was passed and the policies were on file. The subcommittee would review any changes that needed to be made or address any problems with the policies/filing process. She also requested that the Madison Police Department and Information Technology staff assist the subcommittee. Ald. Brenda Konkel requested that this appear on the January 2009 CCOC agenda.

The main motion, as amended, passed by voice vote/other.

Notes: Adopt substitute resolution.

2 COMMON COUNCIL 09/02/2008 Adopt Pass

Action Text: A motion was made by Ald. Bruer, seconded by Ald. Verveer, to Adopt. The motion passed by voice vote/other.

Notes:

Text of Legislative File 10158

Fiscal Note

No appropriation is required for this policy resolution.

Title

SUBSTITUTE - 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

October 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 and available to the public for review 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 October 15, 2008 ~~September 15, 2008~~.

BE IT FINALLY RESOLVED, prior to purchasing new security cameras, policies should be reviewed by the Information Technology Department.