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**REPORT OF:** President’s Work Group to Develop City-Wide Surveillance  
Equipment and Data Management Policies

**TITLE:** Recommendations on Surveillance Technology Use and  
Acquisition

**DATE:** [completion date]

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**WORK GROUP MEMBERS:** Alder Rebecca Kemble (Chair), Alder Paul Skidmore, Alder Samba Baldeh, Alder Sheri Carter, and Ledell Zellers as Alder through April, 2019 and as resident member from August, 2019

## **BACKGROUND**

In 2003, the Common Council established the Ad Hoc Committee on Security Cameras, which was tasked with developing a city-wide policy on use and installation of security cameras. The Committee collected survey information on City agencies’ security camera usage. As a result of that survey, the Committee recommended developing “guidelines for agencies to use in writing their own policies” through the creation of an APM. APM 3-17, Use of Surveillance Cameras, is currently in effect (<https://www.cityofmadison.com/mayor/apm/3-17.pdf>). [also discuss 3-9 Appropriate Use of Computer Network Resources]

In 2017 the President’s Work Group on Police and Community Relations recommended the creation of a “policy governing the purchase and use of all surveillance equipment employed by all City agencies including MPD” (p. 11).<sup>1</sup> The Work Group expressed concern over the growing ubiquity of surveillance technologies and the lack of a comprehensive surveillance policy for the City.

Additionally, it was recently revealed that many of the cameras owned and operated by the City had the capability of rotating, zooming and recording video of private spaces and residences. Council members thought it important to develop policy prohibiting the viewing and recording of private spaces.

In order to carry out the development of the recommended policy, the Common Council approved a resolution establishing the President’s Work Group to Develop City-Wide Surveillance Equipment and Data Management Policies on December 5<sup>th</sup>, 2017 (RES-17-00937).

## **CHARGE OF THE WORK GROUP**

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<sup>1</sup> Report of the President’s Work Group on Police and Community Relations, submitted 5/12/2017.

The charge of the President's Work Group to Develop City-Wide Surveillance Equipment and Data Management Policies is to:

- Develop a policy governing the purchase and use of all surveillance equipment employed by all City agencies, also addressing data management and storage, which will be developed in consultation with City of Madison staff and officials, including Information Technology, the City Attorney, and all departments and divisions that currently use or plan to utilize surveillance equipment;
- Seek expert opinions from a variety of departments;
- Use a racial equity and social justice lens throughout its work; and
- Create an inventory of all City of Madison surveillance equipment

## **SUMMARY OF RECOMMENDATIONS**

The President's Work Group to Develop City-Wide Surveillance Equipment and Data Management Policies (Surveillance Work Group) collaborated with City staff to develop a city-wide policy on the acquisition of surveillance technology in the form of a proposed ordinance and corresponding Administrative Procedures Memorandum. The Work Group makes the following recommendations:

- That the Common Council approve the proposed ordinance on surveillance technology; and for
- City staff to continue working with the Mayor to put the corresponding APM into place so that City agencies have clear direction on how to comply with the ordinance.

## **OVERVIEW OF ACTIVITIES**

The Work Group met [21?] times of the course of approximately 20 months from January 2018 until [September 2019?]. Over the course of their meetings, they undertook several activities, including reviewing other cities' surveillance policies, surveying and compiling an inventory of City agencies' surveillance technology and policies, held presentations from several City agencies, and creating a proposed surveillance technology acquisition and use ordinance.

The Work Group created a survey of City agencies' surveillance technology and distributed it to all of the City departments and divisions. The 27-question survey (questions attached) covered a broad list of topics, including the types, amount, locations, and policies regulating City agencies' use of surveillance technology.

### ***Review of Peer Cities' Surveillance Policies***

The Work Group conducted a review of four cities' surveillance policies: Seattle, WA, Santa Clara, CA, Sommerville, MA, and Nashville, TN. These four cities' surveillance policies were analyzed according to approval process, approval of use policies, approval of data management policies, level of transparency, public engagement,

review process, any law enforcement and/or other exemptions, and policy enforcement processes.

### ***Inventory of City of Madison Department/Division Surveillance Technology Policies***

The Work Group collected existing departmental surveillance policies, received presentations from several City departments, and surveyed all City departments and divisions on their surveillance technologies and use practices.

Several City agencies presented on their surveillance technology, including Information Technology, Madison Metro, Traffic Engineering, Water Utility, CDA Housing, Monona Terrace, Parking Utility, and Engineering.

### ***Findings of Work Group After Inventory and Department Presentations***

Need text describing our findings – lack of uniformity of practices/policies across departments, etc.

### ***Creation of Proposed Surveillance Technology Ordinance***

Need more about our deliberations – issues around definitions and approval process, how we got to decisions; what is left out (e.g. MPD camera registration for property owners, etc.)

The scope of the draft ordinance covers the acquisition of new surveillance technology, seeking grants or accepting donations of said technology, or entering into agreements with other entities to share surveillance technology or data. Additionally, the ordinance requires all City agencies to submit annual report to the Common Council. The proposed ordinance contains sections on definitions, an approval process, a reporting process, and exemptions to the established processes.

### ***Definitions***

The proposed ordinance provides the following definitions (see attached draft ordinance for additional detail):

- **Surveillance:** Observation of a place, person, group, or ongoing activity in order to gather information;
- **Surveillance Data:** Any electronic data collected, captured, recorded, retained, processed, intercepted, analyze, or shared by surveillance technology;
- **Surveillance Technology:** Any hardware, software, electronic device, or system utilizing an electronic device, owned by the City or under contract with the City, designed, or primarily intended, to collect, retain, process, or share audio, electronic, visual, location, thermal, biometric, olfactory, or other personally identifiable information of members of the public for the purpose of surveillance;
- **Sensitive Surveillance Technology Information:** Any information about Surveillance Technology that public disclosure of would unreasonably expose or

endanger City infrastructure; would adversely impact operations of City agencies; or may not be legally disclosed.

### *Approval Process*

The proposed ordinance delineates an approval process for the acquisition of new, or substantive changes in the use of, surveillance technology. Approval may be granted “only upon the determination that the benefits to the citizens and residents of the City outweigh the costs; that the proposal will not endanger civil liberties and civil rights and that, in the judgement of the Common Council, no alternative with a lesser economic cost or impact upon civil rights of civil liberties would be as effective.” The approval process for acquisition or contracting of new surveillance technology that will be part of the citywide network enterprise system consists of referral to the Common Council either as part of the annual budget approval process or through a resolution. If the technology will not be connected to the citywide system, departments must notify the Mayor, Common Council leadership, and the information technology director, and post notice to its website.

### *Exemptions*

The proposed ordinance lists four categories of exemption from the approval process outlined above. If the surveillance technology is deemed to be “sensitive surveillance technology” as defined in the proposed ordinance, it is exempt from the requirements of the ordinance. If an agency chooses to acquire surveillance technology through a federal property disposition program, and it is necessary to do so quickly, the agency does not need to go through the approval process before acquiring the technology. However, the agency must obtain approval through the above-stated process before the acquired technology is installed or used. An agency may acquire surveillance technology without prior approval in an emergency situation “that poses an imminent and serious risk of death or substantial bodily harm.” In addition, an agency can implement a technical patch or upgrade, as long as they consult with the IT department and include a description of the upgrade in the agency’s annual technology report.

### *Reporting Process*

The proposed ordinance also establishes an annual review process for all departmental surveillance technology. Annually, all City agencies “will complete an Annual Surveillance Technology Report which will be submitted to the Common Council.” The Annual Surveillance Technology Report will include an inventory of the agency’s surveillance technology, along with a narrative describing how the agency uses its surveillance technology, how it is being shared, how it is being protected, and how it is resolving any complaints it has received regarding its technology.

### ***Working with City Staff and Mayor’s Office on Corresponding Administrative Procedures Memorandum***

City staff, in particular IT Director Sarah Edgerton, Assistant City Attorney Marci Paulsen, and Assistant Chief of Police Vic Wahl, collaborated with the Work Group on the parallel creation of an Administrative Procedures Memorandum detailing how City staff would comply with the proposed ordinance.

**MEMBER REFLECTIONS & CONCLUSION**

[provide committee member thoughts and reflections here]