

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.