

**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

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December 13, 2012

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