Resolution No. 763

A RESOLUTION ADOPTING THE CITY OF
MCCLEARY VIDEO SURVEILLANCE POLICY

WHEREAS, the City of McCleary has installed video surveillance cameras to enhance public safety and protect city resources; and
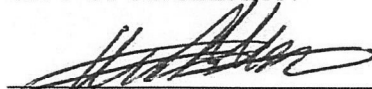
WHEREAS, a policy is needed to govern the use of the City's Video Surveillance, electronic recordings, and to set parameters restricting the non-court ordered use of video surveillance in public places in a manner consistent with accepted rights of privacy; and

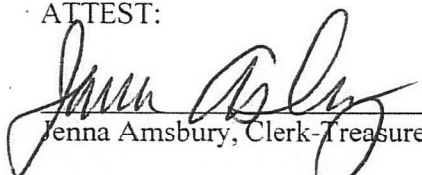WHEREAS, these policy recommendations have been reviewed by the policy committee and the City Attorney; and

THEREFORE, be it resolved, the City of McCleary shall adopt the Video Surveillance Policy labeled as Attachment #1 to this Resolution. The Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED THIS __24__ DAY OF __July__ 2024, by the City Council of the City of McCleary, and signed in authentication thereof this __24__ day of __July__, 2024.
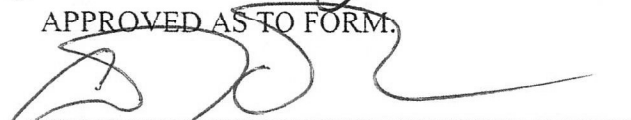
CITY OF McCLEARY:

_____
Chris Miller, Mayor

ATTEST:

_____
Jenna Amsbury, Clerk-Treasurer

APPROVED AS TO FORM:

_____
CHRISTOPHER JOHN COKER, City Attorney

CITY OF MCCLEARY VIDEO SURVEILLANCE POLICY

For Video Surveillance Monitoring and Recording of Public Areas for Safety and Security
Purposes

PURPOSE

The purpose of this policy is to govern the use of the City's Video Surveillance and electronic
recording. This policy applies to all use of the City's video surveillance monitoring and/or
recording devices affixed to city property. This policy is established to set parameters restricting
the non-court ordered use of video surveillance in public places and to enhance public safety
and security in a manner consistent with accepted rights of privacy.

DEFINITIONS

1. "Extracting" means copying images from the hard drive or Internet site to some other
   media (CD ROM, external hard drive, USB drive, etc.).
2. "Monitoring" means real-time viewing or viewing footage.
3. "Personnel" means authorized police officers or non-sworn police department personnel.
4. "Recording" means capturing images on a computer disk or drive, Internet storage
   site, CD-ROM, or videotape 24 hours a day, seven days a week, yearlong.
5. "Surveillance" means continuous observation of a place, person, group or ongoing
   activity.

GENERAL PRINCIPLES

The principle objectives of video surveillance monitoring and/or recording in public areas
include:

1. Promote a safe environment by preventing/deterring acts of theft, vandalism,
   harassment, and/or assault.
2. Assist in identification of individuals involved in criminal activity on City owned or
   managed property.
3. Assist in the safe daily operation of City parks and related facilities.
4. Assist law enforcement agencies in investigating criminal activity.

To assure there is no violation of a person's reasonable expectation of privacy, video
surveillance cameras shall be focused on public areas and the images shall not be used or

disseminated improperly.

The City shall comply with all local, federal and state law applicable to the use of surveillance cameras in public space.

Video surveillance monitoring and/or recording will be conducted in a professional, ethical, and legal manner. Personnel using the video surveillance camera system will be appropriately trained by software recommendations and supervised in the responsible use of this system. Violations of this policy and procedures may result in disciplinary action and may subject those involved to criminal and/or civil liability under applicable state and federal law.

Information obtained through video monitoring and/or recording will be used exclusively for safety, security, and other police purposes. Information obtained through monitoring and/or recording will only be released in accordance with this policy or as required by law or as required by the Public Records Act.

Video surveillance monitoring and/or recording of public areas will be conducted in a manner consistent with all City policies. Except for police investigations involving person(s) whose description is known, this policy prohibits monitoring and/or recording based solely on characteristics and classifications (e.g., race, gender, sexual orientation, national origin, disability, etc.).

Video surveillance monitoring of public areas and dwellings in the City of McCleary is limited to uses that do not violate the reasonable expectation of privacy as defined by law.

Video surveillance shall not be used to monitor city employees.

To maintain an informed community, the City will list on its web page information describing the purpose and location of video surveillance cameras and the policy for their use.

INSTALLATION AND APPROVAL

Placement of additional cameras at other City facilities or buildings, such as City Hall, other City properties, public parks, open space areas, public streets or other public locations, requires review by the Chief of Police and approval by the City Council.

When seeking approval, staff will address the following issues and concerns in supporting their request:

1. Explanation for why the camera is needed in the location.

2. Equipment needed, including:
   - Type of camera needed.
   - Location of camera – where to be affixed.
   - Location of necessary equipment.
3. Other deterrence or detection measures that were considered, and why video monitoring is the best solution.
4. Any specific, verifiable reports of incidents of crime or significant safety concerns that have occurred in the location to be placed under video monitoring.
5. Possible effects of the proposed video monitoring system on personal privacy, if any, and how they will be mitigated.
6. Appropriate consultation with stakeholders, including the public or reasons why surveillance is necessary.
7. Approach to installing and maintaining the system.
8. Fiscal impact and availability of funding.

Permanent, fixed-mounted cameras will not be placed in areas where a reasonable expectation of privacy is standard, such as inside restrooms.

1. Cameras located internally will not be directed to look through windows to areas outside the building, unless necessary to protect external assets, provide for the personal safety of individuals or deter criminal activity from occurring.
2. Cameras will not be directed to look into adjacent, non-City owned buildings.
3. Placement of cameras will also take into consideration physical limitations such as availability of power, cell reception and reasonable mounting facilities.

OPERATING PROCEDURES

Nothing in this policy is intended to limit the reasonable and legal use of the video surveillance cameras during exigent circumstances involving matters of public and/or officer safety. All recording or monitoring of public areas for security and safety purposes by City authorized cameras is limited exclusively to practices that will not violate the standards of a reasonable expectation of privacy as defined by law. All video recordings will be video only, no audio recording is allowed.

Oversight/Administration:
The City of McCleary Police Department (MPD) is the department authorized and responsible to oversee and coordinate the use of public cameras in the City. The MPD has primary responsibility for ensuring adherence to this policy and for disseminating the policy to persons requesting information on the policy and procedures.

The Chief of MPD, or his/her designee of another certified law enforcement officer has the responsibility to authorize all video surveillance monitoring and or recording for safety and security purposes in the City. The Chief will have the administrative rights to the system including setting up staff access and log in credentials. City Council and the Mayor shall not have access to the system, nor any non-police department employees.

The MPD is responsible for following new developments in the relevant laws and in security industry practices to ensure that video surveillance monitoring and/or recording in the City is consistent with high standards and protections.

The MPD will assist in aiming and focusing the cameras during the installation phase and will view and manage data from the cameras.

The Chief of Police or Police Sergeant will ensure that responsible and proper camera monitoring/recording practices by personnel are followed by conducting quarterly audits of the video surveillance camera system with the Public Safety Committee.

Log in data shall be provided to council members when requested.

Training:
1. All personnel operating the video surveillance system will be trained in the technical, legal, and ethical parameters of appropriate camera use.
   a. Personnel will receive a copy of this policy and provide written acknowledgement that they have read and understood its contents.
   b. Personnel will receive updated training on this policy as needed. In circumstances in which video surveillance cameras are monitored, all personnel involved in monitoring and/or recording of public areas will perform their duties in accordance with the law and this policy.

Operation:
1. The video surveillance cameras will be monitored by police department personnel. The Chief of Police will assign a designee to review video systems at least once a month to insure they are functioning properly and recording correctly using the proper date/time stamp.
3. Video surveillance cameras shall be used to observe locations that are in public view and where there is no reasonable expectation of privacy. Any view provided by a video surveillance camera shall be no greater than what is available from the public vantage point.

4. Personnel shall not monitor/record individuals based on characteristics of race, gender, ethnicity, sexual orientation, disability, or classification such as national origin, etc. protected by state and federal laws. Personnel will monitor/record based on suspicious behavior, not individual characteristics. **EXCEPTION**: Police investigations involving person(s) whose description is known.

5. The monitoring equipment will be configured to prevent personnel from tampering or duplicating recorded information without authorization.

6. Personnel shall not disseminate information learned from monitoring video surveillance public cameras unless such release complies with the law, this policy of other information release laws or policies.

7. Camera positions and views of residential housing shall be limited. The City will strive to block out private property within view of the cameras to maintain privacy. Furthermore, the view of a residential housing facility must not violate the standard of "reasonable expectation of privacy". If a citizen is concerned over the camera placement they may contact the Chief of Police.

RETENTION, EXTRACTION AND STORAGE

Recorded video records are stored on the cloud until the record is superseded by being overwritten with new records, unless retained as part of a criminal investigation or court proceedings (criminal or civil), or other bona fide use as approved by the Chief of Police. Images obtained through video camera monitoring/recording will be retained for a length of 30 days, unless such images need to be retained longer for the final resolution of a case.

Downloaded/ archived video recorded images will be stored in a secure location with access by authorized police department personnel only.

Only trained Staff authorized by the Chief of Police shall be authorized to extract video from footage from the Internet, computer disk, or drive.

Any video footage extracted for investigation purposes shall be stored in a manner that will exclude access by unauthorized personnel. Video footage, which is evidence, will be processed and stored in the evidence room with access by authorized personnel only.

Login access logs shall be kept for three years by the police department in accordance with Public Records Laws.

EXCLUSIONS

This policy does not apply to the use of surveillance, or to the conduct of surveillance monitoring or recording by a law enforcement agency engaged in a legitimate criminal

investigation. This policy does not apply to the use of hand-held video cameras, police body cameras or police dash cameras.