



## Legislation Details (With Text)

**File #:** 13-430      **Version:** 1      **Name:** RPT Public Safety Camera Discussion and Policy Presentation

**Type:** Staff Report      **Status:** Filed

**On agenda:** 9/3/2013      **In control:** City Council

**Enactment date:**      **Final action:** 9/3/2013

**Enactment #:**

**Title:** Staff Report for Public Safety Camera Planning and Policy Considerations

**Sponsors:** Sandra Spagnoli

**Indexes:**

**Code sections:**

**Attachments:** 1. Current ALPR Policy, 2. NCRIC Privacy Impact Assessment for ALPR Technology, 3. Draft Public Camera Policy, 4. Summary of Feedback on camera discussion from Chief's Advisory Board, 5. PowerPoint 10B Action 2013 0903 Camera.pdf

Date	Ver.	Action By	Action	Result
9/3/2013	1	City Council		Received and Filed

Staff Report for Public Safety Camera Planning and Policy Considerations

### SUMMARY AND RECOMMENDATIONS

Staff is currently replacing all security cameras in City Hall and the Police Department due to the age and poor quality of the equipment. As part of this project, staff is formulating plans to add (in two locations) public safety cameras, focused on discrete public places that include Automatic License Plate Readers (ALPRs). Staff recommendations meet the guidelines published by the United States Department of Justice Community Oriented Policing Services office and research conducted by The Urban Institute Justice Policy Center.

Staff recommends the following actions:

1. Discussion of a proposed policy related to the City's use of public safety cameras. A draft policy will be brought back to the City Council for consideration and approval.
2. Authorization to bring a project to the City Council to consider replacement of the public safety cameras at City Hall and the Police Department. The project would include public safety cameras with license plate readers at two public locations, expanding the City's existing ALPR program.

### DISCUSSION

The Police Department presented its annual report to the City Council at the end of 2012. During that presentation, staff reported that it would review the use of public safety cameras to enhance the current law enforcement and crime deterrent technology in use by the City. Staff work has progressed such that staff believes that the City Council should consider a public safety camera policy prior to the enhanced use of public safety cameras. The inclusion of automated license plate

readers as part of this project is covered by an existing policy. The Police Department currently has one automated license plate reader in use in a patrol vehicle and two parking automated license plate readers in the parking aide vehicles.

The Police Department currently has limited use of video monitoring in the below areas:

1. Police Department (Internal, including the jail)
2. Police Department (External, including parking areas)

The effective use of public safety cameras can increase a police department's ability to control, reduce and prevent crime. Local municipalities already have or are considering strategic placement of public safety cameras to enhance current public safety and crime prevention programs and deter illegal activities. Public safety cameras provide for greater coverage of a geographical area than police department personnel can provide. Public safety cameras can also be used as a force multiplier, enhancing a Police Department's ability to better utilize its staffing resources. For example, public safety cameras provide for:

1. **Strong evidence to support prosecution.** Public safety camera views can provide visual evidence of crimes in progress and/or the evidence left behind leading to prosecutable arrests.
2. **Enhanced crime prevention.** Public safety cameras are effective as a crime prevention strategy through deterrence of criminal acts. Several examples are listed below:
  - a. **City of Pittsburg, CA** installed 5 cameras in 2005 and increased to a total of 86 cameras in 2013. From 2004 to 2011, they experienced a 22.5% reduction in part I crime. To date, they have a 20% decrease in Part 1 crime compared to 2004. Since 2005, overall violent crime has declined 46.7%. Pittsburg credits the cameras to being a major factor in crime reduction, along with Redevelopment, increased community partnerships, and effective officer-deployment strategies.
  - b. **City of Fairfield, CA** has had cameras for 5 years and currently has 100 cameras. Video from these cameras has been used to solve homicides and also a recent high profile kidnapping/ murder case.
  - c. **City of Martinez, CA** has 12 cameras and reports a reduction in crime in areas with cameras.
  - d. **City of Richmond, CA** has over 70 cameras which have assisted in solving street crimes.
  - e. **City of Fresno, CA** has over 150 cameras and has been credited to solving major crimes. The program has been in place since 2006. The cameras have captured a shooting and have deterred crime.
  - f. **City of Ripon, CA** installed over 70 cameras and captured dozens of crimes and has assisted in capturing suspects and solving crime.
  - g. **Alameda County, CA** installed cameras in seven locations. The cameras have been of great assistance, providing direct evidence and leads in solving crime. In the last year, the cameras have helped solve many crimes including a felony assault on an officer.

Both Fairfield and Richmond allow the public to fund a portion or all of a camera for a location approved by the police department.

- 3. Better protection for citizens in the community.** Police personnel are more effective in identifying suspects or suspicious circumstances for further investigation and possible enforcement activity. Public safety cameras can help ensure that state laws and local ordinances are consistently enforced through better enforcement.

### **How will the City determine the effectiveness of the public safety camera program?**

The San Leandro Police Department will set program goals and use data to measure such results against stated goals for the program to determine if the use of public safety cameras is effective. For example, the Police Department could measure response times to crimes recently committed and crimes in progress; successful prosecutions that occurred with the aid of evidence obtained through public safety cameras; and arrest analytics that will include but not be limited to types of crimes, and locations of where those crimes were committed. From this data, the Police Department believes it can generate an evaluation of the overall public safety benefits.

### **What social considerations should be considered?**

Concerns regarding the use of public safety cameras usually involve potential violations of civil liberties and individual privacy rights. The City is sensitive to such concerns, and will work to create a policy that mitigates the risk that such violations occur. The City will work to educate the public on the use policies for public safety cameras. The policy will address Fourth Amendment rights protecting citizens from unreasonable search and seizure by, for example, providing that cameras should only be used where there is no constitutionally protected expectation of privacy. Consideration will be given towards notifications indicating that public safety cameras are in use and/or recording. However, the policy must balance such considerations against covert use by the Police Department of such cameras where it may be both beneficial and appropriate in certain circumstances where apprehending suspects during the commission of certain crimes is the desired goal. Finally, the appropriate training of law enforcement officers can prevent unlawful recordings and the use of recordings for purposes other than those originally intended.

The Police Department, along with the City Attorney's Office, will research the legal considerations of implementing public safety cameras for solving and preventing crime.

Some frequently asked questions and responses related to public safety cameras are listed below:

#### **1. Is it legal for police to videotape citizens without their consent or knowledge?**

Yes. As long as the cameras are recording public places, there are no violations of a citizen's reasonable expectation of privacy. Policies and protocols, and proper training and supervision will be in place to reduce risks of misuse.

#### **2. What, if any, are the constitutional limits on the use of cameras in public places?**

The "reasonable expectation of privacy" is essentially part of the Fourth Amendment right for persons to be free from unreasonable searches and seizures. Restricting monitoring to public places, which by law and custom cause persons to have diminished expectations of privacy is the main legal restriction.

### **3. What would be an example of a place the cameras could not monitor?**

All efforts will be made to place cameras in such a way that the interior of any residence, backyard or other private structure are not in viewing range.

### **4. What are some examples of places where the cameras could monitor?**

Sidewalks, streets, intersections, parks, public buildings, beaches, trails, vehicles (interior and exterior), parking lots, walkways and all other public areas.

### **5. Are there other places that use cameras/ public cameras?**

Public agencies nationwide use public safety cameras. Private businesses use private security cameras for many purposes, especially loss prevention, extensively throughout California. Public safety camera systems are used on city streets, sidewalks and city parks in both residential and commercial neighborhoods. Cities like Chicago, New Orleans, and Minneapolis have extensive law enforcement camera operations. Closer to home, the cities of Stockton, Clovis, Gilroy, Alameda County, San Francisco, Pittsburg, Brentwood, Concord, and Pinole use public safety cameras to varying degrees. Piedmont and Oakland are currently developing public safety camera programs.

### **6. Is any action required to implement cameras?**

No. The public safety camera system may legally be installed and implemented through the existing City purchasing policies.

### **7. Are there any legal requirements regarding posting of notices that cameras are in use?**

No, there is no legally mandated notice requirement. The cameras may be used in an “undercover” capacity to monitor any public place. The same placement restriction (only places open to the public) applies to the use of both marked and unmarked public safety cameras.

### **8. Are recordings public records?**

Yes, recordings would be considered public records under the California Public Records Act. The disclosure of such records upon request would be subject to the applicable exemptions codified in the Public Records Act.

### **9. What is the retention requirement for public safety camera data that is recorded?**

The California Government Code mandates a minimum one-year retention period for such recordings (California Government Code section 34090.6). However, this period may be reduced if the City complies with California Government Code section 34090.7 and keeps, for example, a duplicate record such as written minutes of specific time recorded.

### **Operational Considerations:**

A public safety camera project should cover:

1. Camera type and features
2. System infrastructure
3. Camera locations and staff recommendations
4. Criteria used for camera location

### **What are some recommended policies and procedures?**

The Security Industry Association and the International Association of Police have established guidelines for law enforcement in the use of public safety cameras in public areas. The guidelines recommend:

1. Information obtained from public safety cameras should be used exclusively for safety and law enforcement purposes.
2. Information obtained through the use of public safety cameras should be handled according to the accepted law enforcement procedures and legal rules governing the handling of evidence, protecting anonymity and personal privacy, and also private property.
3. Establishment of an on-going program assessment.
4. Dissemination of information should be conducted in accordance with applicable state and federal laws.
5. Unusable or non-case specific data should not be retained and thus purged within a legally appropriate time, ensuring evidence quality and integrity.
6. All local law enforcement agency personnel involved with public safety cameras should receive appropriate training applicable to criminal and civil law.
7. Unauthorized use of the public safety cameras system will result in disciplinary action.

### **How can the City assure the community that policies and procedures are followed?**

The Police Chief would review complaints regarding camera locations and usage and ensure that policies and procedures are being followed.

### **Other considerations for public safety cameras:**

Part of the criteria for the placement of public safety cameras should be that they are placed in locations that are legal, tactically strategic to maximize the enhancement of crime prevention and enforcement, and not vulnerable to extreme elements, tamper-resistant and enclosed in protective cases.

### **Current Agency Policies:**

Attached to this report is:

- Current SLPD policy on Automated License Plate Readers
- Draft policy on Public Safety Cameras

The proposed policy includes:

1. Purpose and Scope
2. General Principles
3. Procedures
4. Responsibilities

5. Training/ Oversight
6. Retention/ Extraction and Storage Procedure
7. Audits
8. Complaint process
9. Annual Review of the public safety camera system

### **Committee Review and Actions**

Members of the Chief's Advisory Board held two meetings to discuss a draft policy, and general comments from the board are attached. The recommended policy includes comments and recommendations from these meetings. In an informal vote, the majority of the group supported this project, while several opposed moving a project forward.

### **Legal Analysis**

The City Attorney's Office is advising the Police Chief and staff on the policy and its implementation, including this staff report. All information will be vetted by the City Attorney before public release.

### **Fiscal Impacts**

The Information Technology Department is currently working with a consultant to manage the City Hall security camera replacement project, which is in the budget. There is no additional fiscal impact at this stage of the program's development. Future fiscal impacts are dependent on City Council approval of a project.

### **ATTACHMENTS**

1. Current ALPR Policy
2. NCRIC (Northern California Regional Intelligence Center) Privacy Impact Assessment for ALPR Technology
3. Draft Public Camera Policy
4. Summary of feedback on camera discussion from Chiefs Advisory Board

**PREPARED BY:** Sandra Spagnoli, Police Chief, Police Department

2128358.1