



City of San Leandro

Meeting Date: May 5, 2014

Staff Report

File Number: 14-003

Agenda Section: ACTION ITEMS

Agenda Number: 10.C.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Sandra Spagnoli
Chief of Police

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for Public Safety Camera System Policy Considerations and Planning

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 recommends adding public safety cameras, coupled with Automatic License Plate Readers (ALPRs) in two locations. 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 authorizing staff to bring a project to the City Council to replace the security cameras at City Hall and the Police Department, and to add public safety cameras with license plate readers at two public locations, consistent with the proposed administrative policy related to the City's use of public safety cameras.

DISCUSSION

In September 2013, staff presented a report to the City Council on the use of public safety cameras to enhance public safety and crime deterrent technology. 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 automatic license plate readers as part of this project is already covered by an existing policy.

The Police Department currently has limited use of video monitoring in the following 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 crimes. To date, they have a 20% decrease in Part 1 crimes compared to 2004. Since 2005, overall violent crime has declined 46.7%. Pittsburg credits the cameras as 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 that have assisted in solving street crimes.
 - e. **City of Fresno, CA** has over 150 cameras, which have been credited in solving major crimes. The program has been in place since 2006. The cameras captured a shooting and have deterred crime.
 - f. **City of Ripon, CA** installed over 70 cameras, which have captured dozens of crimes and assisted in capturing suspects and solving crime.
 - g. **Alameda County, CA** installed cameras in seven locations. The cameras have been of great assistance in providing direct evidence and leads in solving crimes. 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 technology and evidence gathering establishing proof.

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 and City Attorney's Office have researched the legal considerations of the use of 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 places where persons have no reasonable expectation of privacy, there are no violations. Policies, protocols, 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 reduced or no expectations of privacy, is the main legal consideration.

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 parked on public property or property open to the public, 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 extensively throughout California for many purposes, especially loss prevention. 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. Local jurisdictions, such as Stockton, Clovis, Gilroy, Alameda County, City and County of 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 City's existing 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 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.

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 should 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 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 vandalism or extreme elements, tamper-resistant and enclosed in protective cases.

Committee Review and Actions

Members of the Chief's Advisory Board held two meetings to discuss a draft policy on a public safety camera system. The draft policy attached 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. In addition, the first draft of the Public Safety Camera System Policy was reviewed by the City Council on September 3, 2013.

Legal Analysis

The City Attorney's Office has advised staff on the policy and its implementation, including this staff report. Information related to the release of public records (videos from the cameras) 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 current fiscal year's 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

- Draft Public Safety Camera System Policy

PREPARED BY: Sandra Spagnoli, Police Chief, Police Department

DRAFT POLICY

San Leandro Police Department

Public Safety Camera System

378.1 PURPOSE AND SCOPE

This policy applies to all Police Department maintained public safety cameras that have monitoring and/or recording capabilities. Its purpose is to manage the use of public safety cameras in public places and to enhance public safety in a manner consistent with legal privacy rights.

378.2 GENERAL PRINCIPLES

- (a) The principal objectives of public safety camera monitoring and/or recording are to:
1. Enhance existing public safety strategies, plans and initiatives;
 2. Prevent and deter crime and public disorder;
 3. Reduce the fear of crime;
 4. Identify criminal activity and suspects;
 5. Identify and gather evidence;
 6. Document police actions to safeguard the rights of the public and police officers;
 7. Reduce the cost and impact of criminal activities to the community;
 8. Improve the allocation and deployment of law enforcement assets. Any use of public safety / security cameras that deviates from these principles is strictly prohibited by this policy.
- (b) Public safety cameras monitoring and/or recording must be conducted in a professional, ethical and legal manner. Personnel using the public safety camera system will be trained and supervised in the responsible use of the system. Violations of this policy and its procedures may result in disciplinary action and subject those involved to criminal and/or civil liability under applicable state and federal laws;
- (c) Information obtained through public safety camera video monitoring and/or recording will be used exclusively for safety, security, and other legitimate law enforcement purposes and will only be released in accordance with this policy or as required by law;
- (d) Public safety cameras that monitor and/or record public areas will be used in a manner consistent with all department policies, City ordinances, procedures, State and Federal

laws. Monitoring based solely on classifications protected by the U.S. or State Constitutions (e.g. race, gender, sexual orientation, national origin, disability, etc.) is prohibited.

- (e) Public safety camera monitoring of public areas, dwellings, and businesses is limited to uses that do not violate the reasonable expectation of privacy as defined by law.

378.3 PROCEDURE

- (a) Public safety cameras will be monitored by personnel authorized by the Chief of Police or designee. All public safety camera system operators must inspect the video monitors at or near the beginning of their shifts to ensure the system is functioning properly and that the system is recording correctly using the proper data/time stamp;
- (b) An officer will be dispatched to any area in which a possible crime, motor vehicle accident, public safety risk, traffic incident, or other incident that necessitates police intervention is first observed using the public safety camera system. The public safety camera system operator shall log that an officer was dispatched to an incident detected by the public safety cameras.
- (c) Public safety cameras will be used to observe locations that are in public view and where there is no reasonable expectation of privacy. Cameras will not be directed to look into adjacent, non-City owned buildings.
- (d) Tampering with or duplicating recorded information without authorization is prohibited;
- (e) Personnel shall not disseminate information obtained through the monitoring of public safety cameras unless such release complies with the law, this policy, or any other Police Department information-release policies.
- (f) Public safety cameras should be clearly marked so as to be conspicuous to the general public and the location of each camera should be publically noticed at least 72 hours prior to installation. Public safety cameras should be positioned in a manner to avoid being vandalized.
- (g) Public safety camera locations and fields of view shall be determined by the Chief of Police, and may include but shall not be limited to: areas that maximize and enhance public safety; areas identified as "hot spots" for criminal activity; and/ or major thoroughfares into and out of the City. Placement of public safety cameras will also take into consideration physical limitations such as availability of power, cellular signal network reception and reasonable mounting facilities.

378.3.1 RESPONSIBILITIES

- (a) The Police Department is the only City department authorized and responsible for the oversight and use of public safety cameras on behalf of the City. In addition to being responsible for all operational issues related to public safety cameras, the Police Department has primary responsibility for ensuring adherence to this policy and for disseminating the policy to persons requesting information on public safety camera policy and procedures.
- (b) The Police Department is responsible for following new developments in relevant laws and security industry practices to ensure that public safety camera monitoring and/or recording is consistent with the highest standards and protections.
- (c) This policy does not create an affirmative duty upon the Police Department to monitor public safety camera equipment in public places on a continuous or periodic basis.

378.3.2 TRAINING/OVERSIGHT

All personnel operating the public safety camera system will be trained in the technical and legal parameters of appropriate system use.

- (a) Personnel will be given a copy of this policy and will provide written acknowledgment that they have read and understood its contents;
- (b) Personnel will receive yearly training to reinforce the importance of proper use of the system and to keep abreast of current law;
- (c) All personnel involved in monitoring and/or recording public areas will perform their duties in accordance with relevant law and this policy;
- (d) The Chief of Police or designee(s) will ensure that responsible monitoring/recording practices are followed by conducting yearly audits. Such audits will include an inspection of the monitoring equipment, camera placement, maintenance logs, and incident documentation records.

378.3.3 RETENTION, EXTRACTION AND STORAGE PROCEDURE

- (a) In accordance with California Government Code section 34090.6, recorded video will be stored for a maximum of 90 days. Recordings will be deleted after 90 days unless the video footage must be retained as part of a police investigation, claim filed, pending litigation, criminal proceeding, or Professional Standards Unit Investigation;
- (b) All requests for a copy of video surveillance footage require the completion of a "Request for public safety camera video" form. This form must include the date of the request, name and contact information (including mailing address, telephone number, email address) of the person or entity making the request, a brief description of and

reason for the request, incident case number, if available, specific time frames, signature of the requesting officer, and the name of the extracting officer;

- (c) Only personnel authorized by the Chief of Police or designee are authorized to extract video footage from the system. Video monitors will not be placed in locations that facilitate public viewing. Video monitors and storage equipment will be kept in a locked and key controlled room.
- (d) Video footage extracted onto digital media for investigative purposes shall be marked with the incident case number, the extracting officer's name and serial number, and the appropriate watermarking or system verification information. The digital media will then be given to the investigating officer and booked as evidence into the Property Room. The requesting officer is responsible for booking the digital media, including a copy of the "Request for public safety cameras video" form, into evidence;
- (e) The only digital media recognized as authentic for legal or evidentiary purposes shall be the original extracted version booked into the Property Room. Officers and investigators shall not maintain the original extracted media with the incident case file; however, "working copies" of this media may be part of the file;
- (f) A download log will be kept for all extracted footage along with the completed "Request for Public safety camera video" forms in the monitoring room.
- (g) Purging of the system will be automatically set based upon the retention period in section 387.3.3(a).

378.4 AUDITS

Audits will be conducted annually by the public safety cameras manager to ensure compliance with this policy. Completed audit reports will be forwarded through the Services Captain to the Chief of Police or designee. At the discretion of the Police Chief and City Manager, an independent consultant may be selected to conduct a review of the audit findings.

378.4.1 COMPLAINT PROCESS

All internal and external complaints related to the public safety camera system or this policy will follow standard complaint procedures as outlined in the San Leandro Police Department Policy Manual, and applicable law.

378.5 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM

The Chief of Police or designee will conduct an annual review of the public safety camera system. The annual review will include an inventory of video monitoring installations, dates of installations, summary of the purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Chief of Police

or designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

378.6 PUBLIC EDUCATION

The Chief of Police or designee will provide public education regarding this policy during the first year of its implementation and as requested every year thereafter, which may include public meetings, posting informational items on the City website, including this policy, and/or having informational flyers available to the public.

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City of San Leandro

Meeting Date: May 5, 2014

Minute Order - Council

File Number: 14-182

Agenda Section: ACTION ITEMS

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Sandra Spagnoli
Chief of Police

FINANCE REVIEW: Not Applicable

TITLE: MOTION Authorizing Staff to Bring a Project to the City Council to Replace the Security Cameras at City Hall and the Police Department, and to Add Public Safety Cameras with License Plate Readers at Two Public Locations, Consistent with the Proposed Administrative Policy Related to the City's Use of Public Safety Cameras
