

## STAFF REPORT

**DATE:** July 10, 2018

**TO:** City Council

**FROM:** Robert A. Clarke, Public Works Director  
Stan Gryczko, Assistant Public Works Director

**SUBJECT:** Surveillance Technology – Public Works

---

### **Recommendation**

Informational. Public Works is submitting this informational staff report on consent calendar at least 30 days prior to asking the City Council to hold a public hearing to continue to use security cameras at city owned locations. This informational staff report has been posted on the City website with the City Council agenda (26.07.030 (c) Davis Municipal Code (DMC)).

### **Fiscal Impact**

There is no fiscal impact to this report. If Council provides direction, future actions could have fiscal impacts.

### **Council Goal(s)**

While not related to a specific task, this item supports the Council Goal to Ensure a Safe and Health Community.

### **Background and Analysis**

A City department seeking approval to acquire/use surveillance technology as defined by 26.07.020 DMC shall submit to the City Council a Surveillance Impact Report and a proposed Surveillance Use Policy via an informational staff report on a regular City Council meeting consent calendar at least thirty (30) days prior to the public hearing required under 26.07.030 (a). The informational staff report shall be posted on the City website with the City Council agenda. This staff report is being submitted to fulfill the notice requirements.

### **Surveillance Impact Report**

Information describing the surveillance technology and how it works, including product descriptions from manufacturers;

#### **(a) Information on the proposed purpose(s) for the surveillance technology:**

Video cameras are used for security and deterrence at sites with critical water, stormwater, wastewater infrastructure or chemical / fuel storage. Tampering at these sites has a high potential to impact public health and safety. The cameras do not record audio.

**(b) If applicable, the location(s) it may be deployed and crime statistics for any location(s):**  
Public Works corporation yard, Wastewater Treatment Plant, Water wells and booster pump stations, storm drainage stations, and sewer lift stations.

**(c) An assessment identifying any potential impact on civil liberties and civil rights and discussing any plans to safeguard the rights of the public:**

The cameras are used to monitor fenced city facilities with restricted access. Signs will be posted at site perimeters. The cameras are motion activated, and motion outside the target area is undesirable for the purpose of site security and deterrence. The cameras are mounted and aimed to maximize view of city sites and minimize views of right-of-ways and private property. Motion and privacy masks are applied when physical mounting does not remove non-target area from the frame view. Any new or replacement cameras shall have motion and privacy masks.

**(d) The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding;**

Initial Purchase Cost: average \$1200 per camera + installation. Recorder license \$500/ 4 cameras (already purchased)

Personnel Costs: estimated 2hrs per camera for configuration

Ongoing Costs: estimated 2hrs/camera/year for maintenance

Potential Sources of Funding: Water, Stormwater, and Wastewater Operations and Maintenance Programs

**(e) Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis:**

Recorded footage is stored on the cameras or city owned servers. There is no third party storage of video.

**(f) A summary of the experience, if any, other governmental entities have had with the proposed technology, including information about the effectiveness, any known adverse information about the technology such as unanticipated costs, failures, civil rights or civil liberties abuses.**

Based on our experience with prior systems installed in the city, cameras with motion and privacy masks make it practical to protect civil liberties while maintaining our ability to meet system goals of providing video surveillance.

### **Surveillance Use Policy**

Council must adopt a policy at a regularly scheduled City Council meeting for use of the surveillance technology that at a minimum specifies the following:

**(a) Purpose: The specific purpose(s) that the surveillance technology item is intended to advance.**

Cameras are used for security and deterrence at sites with critical water, stormwater, wastewater infrastructure or chemical / fuel storage. Tampering at these sites has a high potential to impact public health and safety.

**(b) Authorized Use: The uses that are authorized, and the rules and processes required prior to such use.**

Cameras will be used to monitor city property to both deter criminal activity and aid in the apprehension of criminal offenders, when necessary.

**(c) Data Collection: The information that can be collected by the surveillance technology, including “open source” data.**

The system collects video footage. There is no open source data.

**(d) Data Access: The category of individual who can access or use the collected information, and the rules and processes required prior to access or use of the information.**

Division Employees, Information Technology Administrators, Management and the Police Department if footage is used for criminal investigations.

**(e) Data Protection: The general safeguards that protect information from unauthorized access, including encryption and access control mechanisms. Nothing in this subsection shall be construed to require the disclosure of information that could reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of the City.**

All downloaded and retained media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as secured information, including strict adherence to confidentiality requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

**(f) Data Retention: The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention period is appropriate to further the purpose(s), the process by which the information is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.**

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule. If recordings are evidence in any

claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.

Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence at the Police Department in accordance with current evidence procedures.

**(g) Public Access: How collected information can be accessed or used by members of the public, including criminal defendants.**

All recorded video images gathered by the cameras are for the official use of the City of Davis.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for city public records.

Members of the public do not have access to this information when it is gathered as part of a criminal investigation.

Requests for recorded images from other law enforcement agencies shall be referred to the Police Chief for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established city subpoena process.

**(h) Third Party Data Sharing: If and how other City or non-City entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.**

Images gathered by cameras may be shared with the Police Department, and other law enforcement agencies who are involved in a joint investigation, or who are conducting their own investigations where the images may show criminal activity. Images can also be shared with various prosecutors' offices, including District Attorney's, State Attorney or United States Attorney, as well as with defense attorneys through the discovery process when they are used as criminal evidence.

Images may be shared with Risk Management and any attorneys working on the city's behalf. These are protected as work product, but may be shared and protected pursuant to lawful process.

**(i) Training: The training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.**

All department members authorized to operate cameras or use the system shall receive appropriate training. Training should include guidance on the use of cameras, interaction with the Police Department regarding how images can be used for criminal investigations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video equipment and privacy.

- (j) Auditing and Oversight: The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal record keeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the legally enforceable sanctions for violations of the policy.**

The use of cameras must be authorized the Director of Public Works. Use of these cameras for criminal investigations is documented in police reports. A staff member is subject to discipline for unauthorized use or misuse of any camera system, which is in direct violation of the provisions of this policy.

The Director of Public Works or the authorized designee will conduct an annual review of the video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Director of Public Works or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy will be promptly addressed.