

# **CITY OF PORT TOWNSEND**

## **PUBLIC VIDEO SYSTEM (PVS) POLICY**

### I. Application.

The policy applies to the use of the City's Public Video System (PVS) deployed on public streets or City-owned property, as well as security surveillance systems installed to protect facilities or property owned or operated by the City or other public entities, such as City Hall, the Public Works Facility or Jefferson Transit's Park and Ride Facility. The PVS are video cameras that can continuously or periodically capture areas of and activities on public streets and parks that are open and visible to the public.

This policy does not apply to the following: City-owned or operated cameras that do not capture video, such as the live feed camera installed at the fire tower; systems or equipment used to lawfully conduct law enforcement video surveillance or investigations; court-approved investigative activities or surveillance; or active use of the PVS when specifically authorized by the Chief of Police in the conduct of an on-going investigation.

This policy establishes parameters for the use of the PVS in public or City-owned places to enhance public safety and security in a manner consistent with accepted rights of privacy.

This policy applies to all City of Port Townsend employees and/or contractors or their agents who have access to the PVS or its data.

### II. Purpose, Scope, and Background.

The purpose of the PVS is to deter, prevent or reduce crime in Port Townsend by providing supplemental investigative leads, evidence and enforcement assistance to the Port Townsend Police Department (PTPD). The PVS is also intended for the Police Department and Public Works Department to review, analyze, investigate and determine causes of motor vehicle, pedestrian and bicyclist accidents.

The City will deploy the PVS at strategic locations determined by the Chief of Police in consultation with other City departments.

Routinely recording public areas visible and open to the public represents a valid use of the City's power to protect its citizens. Done properly, recording does not intrude upon an individual's sphere of privacy, but rather records events occurring in public spaces in which individuals do not have a reasonable expectation of privacy.

Legitimate uses of this technology are covered by this policy and applicable state and federal law.

This policy is intended to balance the individual's right to personal privacy with the public's right to use available information collected in public areas where there is no reasonable expectation of privacy; and where, if present, any member of the general public or law enforcement could view or observe the recorded activity.

### III. Definitions.

1. Extracting- To generate a single video clip from a series of captured images in order to store it on the server beyond the standard time frame.
2. Monitoring- Real time viewing or viewing footage stored on the server.
3. Personnel- Authorized police officers, non-sworn police personnel or designated City employees or consultants.
4. Recording- The process of each camera capturing images and archiving those on the server for a period of 30 days.
5. Retention/Retain- The process of downloading and burning the extracted video footage onto a CD or DVD (for larger files) for long-term storage.

### IV. General Principles.

The City is committed to enhancing the quality of life in Port Townsend by integrating professional police practices with available technology. A potentially beneficial tool is the strategic deployment and use of video cameras in public areas. Along with this technology comes a responsibility – this type of secure camera system requires those tasked with monitoring and/or recording do so in a professional, legal, and ethical manner.

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

- ❖ Enhance public safety;
- ❖ Prevent, deter, reduce crime and public disorder;
- ❖ Reduce the fear of crime;
- ❖ Identify criminal activity and suspects;
- ❖ Identify and gather evidence;
- ❖ Document police actions to safeguard citizen and police officer rights;
- ❖ Reduce the cost and impact of crime to the community;
- ❖ Improve the allocation and deployment of law enforcement assets;
- ❖ Enhance traffic safety and traffic related investigations; and
- ❖ Expedite and improve responses to emergencies.

Any deviation from these principles for inappropriate reasons (e.g., camera monitoring which violates a reasonable expectation of privacy or monitoring solely based upon race, gender, ethnicity, sexual orientation, disability or any classification that is protected by law) would undermine the acceptability of these resources for critical safety goals and is, therefore, prohibited.

V. Practices.

Use of the video cameras shall comply with all local, federal, and case law applicable to the use of surveillance cameras in a public space. Related policy, state, and federal law include, but are not limited to: PTPD Code of Conduct and Code of Ethics, PTPD policy on Sexual Harassment, RCW 9.73.090, RCW 9A.44.115, Article I, Section 7 of the State Constitution, and the Fourth Amendment to the U.S. Constitution. Violations of this policy may result in disciplinary action and may subject those involved to criminal and/or civil liability under applicable state and federal laws.

1. **Responsibilities:** The Port Townsend Finance and Administration Department is authorized and responsible to oversee and coordinate the use of the PVS as well as to ensure adherence to this policy.
  - A. **Privacy:** Monitoring and/or recording of public areas and businesses in the City of Port Townsend is limited to uses that do not violate the reasonable expectation of privacy as defined by law. The video cameras shall be used to observe locations that are in public view and where there is no reasonable expectation of privacy. Views observed with the cameras shall be no greater than what would be available from areas open to the public.
  - B. **Public Outreach:** To maintain an informed community, the City of Port Townsend will list on its website information about the PVS and the general locations of the cameras; and install signs to inform the public that a video recording program is in use.
2. **Training / Oversight:** Only designated City employees that have been trained in the technical, legal, and ethical parameters regarding appropriate camera use shall operate the video camera system.
  - A. Personnel will receive a copy of this policy and provide written acknowledgement they have read and understood its contents.
  - B. Personnel will receive update training on this policy as needed.
  - C. All computer generated operations shall be electronically logged by User ID for tracking purposes.
  - D. The City will ensure that responsible and proper camera monitoring/recording practices by personnel are followed by conducting periodic audits of the video camera system.
3. **Operating Procedures:** The video cameras may not be continuously monitored by City personnel unless the monitoring is related to an on-going police investigation. The cameras shall only record images, not sound, and shall not be utilized for non-criminal investigations, traffic, and/or civil infractions.

Nothing in this policy is intended to limit the reasonable and legal use of the video cameras for legitimate police investigations or during exigent circumstances involving matters of public and/or officer safety.

A. The PVS will be monitored by designated personnel. The video systems will be periodically reviewed to ensure they are functioning properly and recording correctly using the proper date/time stamp.

B. 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.

C. Personnel will not continuously watch recordings of people displaying affection in public areas, unless such activity is criminal in nature.

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

E. Personnel shall not disseminate information learned from monitoring PVS cameras unless such release complies with the law, this policy, or other information release laws or policies.

F. Information learned from monitoring the PVS may only be shared as is professionally appropriate within the City, or with other bona fide government agencies.

4. **Location of Video Monitoring Equipment:** Permanent, fixed-mounted cameras will not be placed in areas where a reasonable expectation of privacy is standard, such as inside restrooms or other private places.

A. Cameras will not be directed to look into adjacent, non-City owned buildings, except as authorized by these policies and Washington State Law.

B. Placement of cameras will also take into consideration physical limitations such as availability of power, cell reception, and reasonable mounting facilities.

C. Cameras will not be specifically directed to look through windows and doors of dwellings/residences. Cameras directed toward areas that are open and visible to the public shall be checked to ensure that any angle that captures part of what appears to be a residence captures no more than what is visible to the public from outside the residence.

D. The Port Townsend Chief of Police shall determine where the PVS shall be deployed and may consider requests for deployment from the City Council, City Manager, City Departments, and the public.

5. **Notification Procedures:** Clearly written signs will be prominently displayed at the perimeter of video monitoring areas advising the public that video monitoring is occurring. Signage will state:

THIS AREA IS SUBJECT TO VIDEO MONITORING BY THE CITY OF  
PORT TOWNSEND

6. **Retention, Extraction and Storage Procedures:** Trained personnel will be responsible for determining the designated default camera view locations and deleting extracts.

A. Retention: Recorded video images will be stored for a maximum of thirty (30) days. Images will be erased, deleted, or otherwise permanently eliminated within 30 days unless the video footage is being retained as part of a police investigation, court proceeding (criminal or civil), internal investigation, traffic study, public disclosure request, criminal or civil process, or other use as approved by the Chief of Police. A list of all video footage retained beyond 30 days shall be maintained in a log identifying the purpose for extended retention.

B. Extraction: If video footage of evidentiary value is located, the investigating officer will extract the footage and retain it by downloading it onto removable media. The removable media shall be booked into Property/Evidence as evidence under the corresponding case number. Only trained staff shall be authorized to extract video footage.

C. Documentation: When a significant incident, crime, or investigation occurs, the investigating officer must view the camera(s) that potentially captured the incident and document in the case report the outcome of that review, when the review occurred, and which camera(s) was viewed.

D. Storage: Any video footage extracted and retained as part of a police investigation, court proceeding (criminal or civil), internal investigation, public disclosure request or criminal or civil process, or as approved by an appropriate supervisor, shall be handled in accordance with approved procedure particular to the type of investigation or request. The CD or DVD will be maintained in Property/Evidence, as required, and any request for viewing will follow practices for releasing evidence.

1. According to the Washington State Common Records Retention Schedule (Core) “Videos of incidents resulting in legal action should be retained with other documentation pertaining to that incident and are subject to those retention schedules.” Any arrest captured on the system shall be extracted and booked as evidence.

7. **Public Records Requests:** Records generated through or as a result of the operation of the PVS shall be the property of the City of Port Townsend and shall be retained and disclosed in accordance with these policies, the policies of the City of Port Townsend, and the Laws of the State of Washington. Requests for Public Records resulting from operation of the PVS shall be handled by the PTPD in coordination with the City Clerk’s office.

VI. Amendment, Alteration, or Revision of Policies and Practices

Amendment, alteration, or revision of these policies and practices may be made as follows:

Minor Amendments: These are changes that are procedural in nature that will make operation of the PVS more efficient or effective and which are consistent with the objective of these policies and do not reduce an individual’s expectation of personal privacy in public places. These types of amendments may be approved by the City Manager.

Major Amendments: These are changes that extend the use of the PVS beyond the original limits. These types of amendments must be approved by the Port Townsend City Council.