

	<b>CITY OF PALM DESERT ADMINISTRATIVE PROCEDURES</b>	
	<i>Subject</i>	<b>VIDEO SURVEILLANCE ON CITY PROPERTY POLICY AND PROCEDURE</b>
	<i>Policy No.</i>	<b>PBWK-001</b>
	<i>Date</i>	<b>Issued: November 16, 2017 Amended: May 26, 2022</b>
	<i>Approved by</i>	<b>Resolution No. 2022-____</b>
	<i>Authored by</i>	<b>Public Works Department</b>

## I. PURPOSE

In order to enhance security and address criminal activity on “City” property, including in public parks, public parking lots, and City facilities, the City seeks to install video surveillance cameras at the locations outlined in this Policy. The installation of video surveillance cameras at City facilities will serve as a crime deterrent and assist law enforcement with the investigation of crimes that occur at these public facilities, further protecting the health, safety, and welfare of City employees and the general public, and preventing the destruction of City property.

## II. SCOPE

This policy and procedure addresses all surveillance cameras placed on City property.

## III. DEFINITIONS

- A. “Authorized personnel” means those individuals holding City positions, or are contracted by the City, whom the City Manager, or designee, authorizes to access the footage captured by video surveillance cameras on City property.
- B. “City” means the City of Palm Desert, California.
- C. “Footage” means the media captured by a video surveillance camera.
- D. “Open to the public” means any area on City property where the public is allowed to be present and may move unfettered and where a reasonable expectation of privacy is not violated by recording acts that may normally be openly observed. Areas that are open to the public include, but are not limited to, City parks, City parking lots, and any areas of City facilities that provide direct services to the public, such as the building or permit counters.

- E. "Video surveillance camera" or "camera" means an electronic piece of equipment used to capture high-quality moving images of the environment and activity in the area it observes.
- F. "Video surveillance system" as used in this Policy, means a continuously recording system of video surveillance cameras that may be installed on City property to record activity at that location.

#### **IV. LOCATION AND PLACEMENT OF VIDEO SURVEILLANCE CAMERAS ON CITY PROPERTY**

- A. **Where Cameras May Be Located.** The City may install video surveillance cameras in any location on City property that is open to the public. All public areas that are monitored by City video surveillance will be marked in a conspicuous manner with appropriate signs to notify the public that video surveillance cameras are in use in these areas.
- B. **Where Cameras May Not Be Located.** The City may not install video surveillance cameras in any areas in which there is a reasonable expectation of privacy. This includes but is not limited to inside restrooms, locker rooms, or locations on City property that are not open to the public. An area which is public shall not be deemed to be a private area solely because there is only one person in that area at a particular point in time.

#### **V. ACCESS TO FOOTAGE**

- A. **Authorized Personnel.** Only authorized personnel, as designated by the City Manager, or designee, may view the footage captured by the video surveillance cameras and video surveillance systems installed pursuant to this Policy.
- B. **Authorized Purposes.** Authorized personnel may view real-time or previously recorded footage for one or more of the following authorized purposes:
  - (1) Routine monitoring and surveillance
  - (2) Conducting investigations pertaining to suspected criminal activity;
  - (3) Compliance with a subpoena, court order, or operation of law;
  - (4) Maintenance of the City's video surveillance system;
  - (5) Protecting public property; or
  - (6) Protecting the health, welfare, or safety of City employees and the general public.
- C. **Manner of Surveillance.** Authorized Personnel shall use surveillance monitoring in a professional, ethical and legal manner. The video surveillance cameras and video surveillance system shall not be used to invade the privacy of individuals. All reasonable efforts will be taken to protect these rights. Surveillance monitoring shall not be used to harass, intimidate, or discriminate against any individual or group, including surveilling citizens based solely on race, gender, ethnicity, sexual orientation, disability, or any other classifications protected by ordinance or statute.
- D. **Access Requests.** The City's information technology ("IT") department shall be designated as authorized personnel and may control and maintain all footage

for data security purposes. The City's IT department shall also maintain a record of all authorized personnel. This record shall include, at minimum, the accessor's name and the date range in which access was granted.

- E. The release of video images shall be done only with the authorization of the City Manager, or designee, in consultation with legal counsel.
- F. Requests for recorded video images by submission of a court order or subpoena, shall be promptly submitted to the City Manager, or designee. Every reasonable effort should be made to preserve the data requested.
- G. Video images captured that are requested for disclosure will only be released to the extent required by law. Except as required by a valid court order or other lawful process, video images requested under the Public Records Act will not be disclosed to the public when such video images are evidence in an ongoing criminal investigation.
- H. Legal Counsel shall be consulted on all Public Records Act requests prior to release of any video images.

## **VI. RETENTION OF FOOTAGE**

- A. All footage captured by video surveillance cameras installed pursuant to this Policy will be retained by the City for a retention period of at least one year.
- B. After the retention period has expired, the footage may be deleted unless legally obligated to be retained for a longer period.
- C. Any footage desired to be retained for longer than a year and a day will be maintained either electronically or on a storage device.

## **VII. EXCLUSIONS**

- A. Private Video Cameras. This policy does not apply to private video cameras owned and operated by any person or entity other than the City.
- B. Law Enforcement Surveillance. This policy does not apply to the use of video surveillance technology as authorized by a search warrant or to use by certified law enforcement officers in the course of the investigation of specific cases within the scope of their duties as certified law enforcement officers.
- C. Unrelated to Surveillance. This policy does not apply to video cameras or webcams established for reasons unrelated to surveillance activity, including remote monitoring of facilities construction to ascertain project progress, public relations initiatives or videotaping of events for documentation and/or review.