

Repealed Chapter 18.14

Chapter 18.14 SURVEILLANCE CAMERAS IN SEATTLE PARKS

18.14.010 Statement of Purpose.

The purpose of this chapter is to authorize a limited program regarding the installation and use of surveillance cameras in Seattle parks and to establish City policies regarding the installation and use of such cameras. The policies described in this chapter apply to cameras as defined in this chapter. Unless specified otherwise in a particular policy, the policies contained in this chapter apply to all persons employed by the City of Seattle, including agents retained on a temporary, contract, or voluntary basis.

18.14.020 Definitions.

A. "Cameras" means surveillance cameras installed for the primary purpose of recording activity that takes place in outdoor areas in City parks. "Cameras" does not include surveillance cameras installed to record activity on City property other than parks, cameras installed in police cars, cameras installed along public rights of way intended to record traffic violations, and cameras that are intended primarily to record activity in the interiors of or at the entrances to City buildings, including buildings located within City parks.

B. "Live monitoring" means a person viewing images live in real time as they are being captured and recorded by a camera.

C. "Active monitoring" means a person manipulating the point and zoom features of a camera in live monitoring mode in order to focus the camera on a particular person.

D. "Baseline setting" means the default position a camera is placed in whenever it is used for passive monitoring. The baseline settings established for individual cameras may include placing the camera in panning mode.

E. "DPR" means the City of Seattle's Department of Parks and Recreation, for the purposes of this chapter.

F. "DoIT" means the City of Seattle's Department of Information Technology, for the purposes of this chapter.

G. "SPD" means the Seattle Police Department, for the purposes of this chapter.

18.14.030 Surveillance Camera Program—Authorization.

DPR and DoIT are authorized to operate surveillance cameras along 23rd Avenue at the Garfield Community Center and Medgar Evers Pool. Additional ordinance authority is required to install cameras in other City parks or to install additional cameras at the Garfield Community Center and Medgar Evers Pool.

18.14.040 City Policies Regarding the Installation and Use of Cameras.

A. Cameras are authorized to record video only and are not authorized to record audio.

B. In order to inform the community of the intended installation and to seek public comment, DPR shall convene, prior to installation, a community meeting for each park in which the installation of cameras is proposed under the pilot project.

C. Cameras are installed to primarily record activity that takes place on public property. It is not a violation of this policy if cameras incidentally record activity that occurs on private property.

D. Within 20 feet of each camera that is installed, DPR shall prominently post at least one sign informing the public about the presence of the camera. The signs must be legible from a distance of at least 20 feet.

E. SPD personnel shall identify an appropriate baseline setting for each camera. SPD shall also provide the City Council's Parks and Seattle Center Committee, or its successor

Committee, with a description of each camera's baseline settings whenever its existing baseline settings are changed.

F. The cameras and related equipment shall be the property of DoIT.

G. A monitor for the cameras and the controls that enable active monitoring shall be located in SPD's 911 Center.

H. Up to one additional monitor may be located at a DPR facility and at a DoIT facility.

18.14.050 City Policies Regarding Video Recordings Created by the Cameras.

A. The cameras may record images continuously twenty-four (24) hours per day, seven days per week.

B. Recordings shall be the property of DPR.

C. The administrative purposes served by recordings created by these cameras will typically be completed within fourteen (14) days. Cameras and equipment shall therefore normally be set to automatically record over previously recorded video recordings after a period of fourteen (14) days.

D. Authorized DPR and DoIT employees may under the following circumstances view video recordings, override or extend the automatic fourteen-day period, or retain a copy of a video recording:

1) in order to comply with a court order, the Washington Public Records Act, discovery requirements in a legal proceeding, or other applicable law;

2) as part of a criminal, civil, or administrative investigation;

3) to evaluate the video recording for possible use in a criminal, civil, or administrative legal proceeding in which the City is, or is reasonably expected to become, a party; and,

4) for system training, testing, maintenance, or repair.

E. A DPR or DoIT supervisor must authorize the viewing of video recordings by DPR or DoIT personnel.

18.14.060 Policies Regarding Live Monitoring of the Cameras.

A. Only SPD personnel are authorized to utilize the cameras for live monitoring, including for active monitoring:

1. When SPD has a reasonable suspicion to believe that any criminal activity, whether felony, gross misdemeanor, or misdemeanor, may be in progress within the area visible from the camera;

2. As part of an ongoing investigation into criminal activity that SPD has a reasonable suspicion to believe has occurred within the area visible from the camera; or

3. During a state of emergency declared by the Mayor as provided in applicable law.

B. SPD or DoIT personnel are authorized to use the cameras for live monitoring, including for active monitoring for system training, testing, maintenance, or repair.

C. A SPD supervisor must authorize SPD personnel to utilize a camera for live monitoring, including for active monitoring.

18.14.070 Policy Prohibiting SPD Active Monitoring for An Improper Purpose.

SPD personnel shall not actively monitor a camera in order to focus the camera on a particular person based solely on the person's race, color, age, sex, marital status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, or the presences of any physical disability. This section is not intended to limit:

1) incidental live monitoring of any person or object in view of the cameras when the camera is focused on a permitted subject; or

2) focusing active live monitoring on a possible suspect, witness, victim, or other person based upon the suspect, witness, victim, or other person's reported description or characteristics.

18.14.080 Policies Regarding Access to Recordings Created by the Cameras.

A. Except as permitted by SMC Section 18.14.050, only SPD personnel may view the video recordings created by the cameras:

1. When SPD has a reasonable suspicion to believe that any criminal activity, whether felony, gross misdemeanor, or misdemeanor, may be in progress within the area visible from the camera;

2. As part of an ongoing investigation into criminal activity that SPD has a reasonable suspicion to believe has occurred within the area visible from the camera; or

3. During a state of emergency declared by the Mayor as provided in applicable law.

B. SPD or DoIT personnel may view the video recordings created by the cameras for system training, testing, maintenance, or repair.

C. A SPD supervisor must authorize the viewing of video recordings by SPD personnel.

18.14.090 Recordkeeping.

A. DPR and DoIT shall maintain a log recording the date, time, and duration of the video recording(s) reviewed; the names, titles, and signatures of the personnel involved, including the authorizing supervisor; and the reason(s) for viewing the video whenever department personnel view video recordings.

B. SPD shall maintain a log recording the date, time, and duration of the video viewed; the names, titles, and signatures of the personnel involved, including the authorizing supervisor; and the reason(s) for viewing the video whenever department personnel view video recordings or conduct live monitoring of a camera, including active monitoring.

C. The log entries provided for in this section shall be retained by the City for one full year following the end of the calendar year in which an entry is added to the log. Authorized SPD personnel may, under the following circumstances, override or extend the retention period for log entries: 1) in order to comply with a court order, the Washington Public Records Act, discovery requirements in a legal proceeding, or other applicable law; 2) as part of a criminal, civil, or administrative investigation; or 3) to evaluate the log books for possible use in a criminal, civil, or administrative proceeding in which the City is, or is reasonably expected to become, a party.

18.14.100 Evaluation of Surveillance Camera Program.

SPD and DPR shall report annually to the Parks and Seattle Center Committee, or its successor committee, on the outcomes of the surveillance camera program. For each City park where cameras are installed, SPD shall annually provide a summary of crime statistics for the preceding calendar year and a comparative analysis of historical crime data covering a period of at least five years for inclusion in the report. SPD shall also document how many crime investigations benefitted from the use of the cameras in the preceding calendar year. The report shall also include a qualitative discussion of public perceptions of safety within the viewable area of the cameras. DPR will be responsible for completing the qualitative component of the report. Public input for the qualitative component shall be collected by DPR staff via an annual survey, public meeting, or other appropriate means identified by DPR staff and approved by the Chair of the

Council's Parks and Seattle Center Committee. DPR shall be responsible for delivering the report to the Council by no later than January 31 of each calendar year, beginning in 2012.

18.14.110 No Effect on Admissibility.

Neither compliance with nor a failure to comply with the policies contained in this chapter shall affect the admissibility of video recordings as evidence in criminal, civil, or administrative proceedings.

18.14.120 Civil Liability.

A. Subject to the limitations of this section, a person shall have a right of action against the City based on this chapter for damages up to Five Hundred Dollars (\$500.00) proximately caused by a willful and deliberate violation of the provisions of SMC 18.14.070.

B. No cause of action may be based upon the activity of departmental personnel in complying with a court order, or an action authorized by this chapter.

C. The City reserves all defenses at law consistent with this chapter, including but not limited to consent, privilege, participation, and waiver, and as to departmental personnel or a City official, any defense arising in the employer/employee or principal/agent relationship.

D. No cause of action may be based upon this chapter against the Mayor, the City Council, any City department head, any departmental personnel, or any other City officer or employee, individually, for any action or omission made in good faith in the scope and course of his or her duties. In the event such a lawsuit is brought against a City officer or employee, individually, for such an action or omission, and the officer or employee cooperates fully in defense of the lawsuit, the City Attorney may represent the individual and defend the litigation. If the claim is deemed a proper one or judgment is rendered against the City officer or employee

individually, the judgment shall be paid by the City in accordance with its procedures for the settlement of claims and payment of judgments.

18.14.130 Employee Discipline.

Any City personnel who violates policies contained in this chapter, or any implementing rule or regulation, may be subject to the disciplinary proceedings and punishment authorized by the City Charter, Article XVI.

For City personnel who are represented under the terms of a collective bargaining agreement, this section prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.