

CITY OF DUBUQUE ADMINISTRATIVE POLICY

POLICY NUMBER: 4.23

SUBJECT: **SAFETY AND SECURITY CAMERA ACCEPTABLE USE
POLICY**

APPROVED BY: CITY MANAGER

EDIT RESPONSIBILITY: POLICE

EFFECTIVE DATE: FEBRUARY 3, 2014
REVISED AUGUST 7, 2023

PURPOSE

The City of Dubuque is committed to enhancing the quality of life of the members of the community by integrating the best practices of safety and security with technology. A critical component of a comprehensive security plan is the utilization of a security and safety camera system. The surveillance of public areas is intended to deter crime and assist in protecting the safety and property of the Dubuque community. This policy addresses the City's safety and security needs while respecting and preserving individual privacy.

To ensure the protection of individual privacy rights in accordance with the City's core values and state and federal laws, this policy is adopted to formalize procedures for the installation of surveillance equipment and the handling, viewing, retention, dissemination, and destruction of surveillance records. The purpose of this policy is to regulate the use of camera systems used to observe and record public areas for the purposes of safety and security. The existence of this policy does not imply or guarantee that cameras will be monitored in real time 24 hours a day, seven days a week.

SCOPE

This AP applies to all departments under the administrative control of the City Manager.

RESPONSIBILITY

Department Managers are responsible for making sure that the provisions of this AP are adhered to.

POLICY

The City of Dubuque has the authority to select, coordinate, operate, manage, and monitor all City security surveillance systems pursuant to this policy. All departments using camera surveillance are responsible for implementing and complying with this policy in their respective operations.

RESPONSIBILITIES

The Dubuque Police Department, Information Services, Engineering, Leisure Services, Parking Division and the City Manager's Office are responsible for realization and assimilation of the policy.

Information Services, Engineering and the Dubuque Police Department are responsible for advising departments on appropriate applications of surveillance technologies and for providing technical assistance to departments preparing proposals for the purchase and installation of security camera systems.

The Dubuque Police Department, Information Services, Engineering and the City Attorney's Office shall monitor developments in the law and in security industry practices and technology to ensure that camera surveillance is consistent with the best practices and complies with all federal and state laws.

The Dubuque Police Department, Information Services, Engineering and other City Manager designees will assess new camera locations. Maintenance and testing will be the responsibility of the department utilizing the camera system.

The Chief of Police will review any complaints regarding the utilization of surveillance camera systems and determine whether this policy is being followed. Appeals of a decision made by the Chief of Police will be made to the City Manager, who will render a decision. An appeal of the City Manager's decision may be taken to the City Council.

General Responsibilities

The Chief of Police, Information Services, Engineering and other City Manager designees will review proposals for camera installations and review specific camera locations to determine that the perimeter of view of fixed location cameras conforms to this policy and make recommendations to the City Manager.

Responsibilities of Public Information Officer Relations and City Attorney's Office

The City's Public Information Officer will review all external requests to release records obtained through security camera surveillance, with consultation and advice from the City Attorney's Office related to these requests prior to the release of any records.

General Principles

Information obtained from the cameras shall be used for safety and security purposes and for law and policy enforcement, including, where appropriate, judicial functions. Information must be handled with an appropriate level of security to protect against unauthorized access, alteration, or disclosure. All appropriate measures must be taken to protect an individual's right to privacy and hold City information securely through its creation, storage, transmission, use, and deletion.

All camera installations are subject to federal and state laws. Departments requesting security cameras will be required to follow the procedures outlined in this policy.

Camera Placement Criteria

This policy applies to all personnel, and departments of the City of Dubuque in the use of security cameras and their video monitoring and recording systems. Security cameras may be installed in situations and places where the security and safety of either property or persons would be enhanced. Cameras will be limited to uses that do not violate the reasonable expectation of privacy as defined by law. Where appropriate, the cameras may be placed citywide, inside and outside buildings. Although the physical cameras may be identical, the functions of these cameras fall into four (4) main categories:

A. Property Protection: Where the main intent is to capture video and store it so that if property is reported stolen or damaged, the video may show the perpetrator. Examples: an unstaffed building or a parking lot.

B. Personal Safety: Where the main intent is to capture video and store it so that if a person is assaulted, the video may show the perpetrator. Examples: a public walkway, or a parking lot.

C. Extended Responsibility: Where the main intent is to have the live video stream in one area monitored by a staff member in close proximity. In this case video may or may not be recorded. Example: areas with limited staff.

D. Assist City Departments: Where the intent is to have live feed or capture video and store it for purposes of process improvement (Ex. Traffic flow), infrastructure assessment (Ex. Flooding), situational assessment (Ex. Flooding, pending criminal acts), or investigations (Ex. Traffic accident criminal acts, or civil process).

The City of Dubuque will consider any of the following locations for placement of a camera, including but not limited to:

- All City owned property, including but not limited to buildings, parks, hike/bike trails, and parking lots; and any streets or alleys that intersect with said properties.
- In conjunction with the placement of a 911 kiosk
- Streets not designated as Local, i.e. street designations which include Collector, Minor Arterial, or Arterial streets; and any streets or alleys that intersect with these streets
- Other publicly owned spaces or facilities upon request, i.e. Dubuque Community School District, Dubuque County; other institutional entities or areas for the public good.
- Temporary cameras for special events
- Any other areas deemed appropriate by law enforcement or traffic safety personnel

The locations where cameras are installed may be restricted access sites such as departmental offices; however, these locations are not places where a person has a reasonable expectation of privacy. Cameras will be located so that personal privacy is maximized.

Camera positions and views of residential housing shall be limited. The view of a residential housing facility must not violate the standard of a reasonable expectation of privacy.

Unless the camera is being used for criminal investigations, monitoring by security cameras in the following locations is prohibited:

- Bathrooms
- Locker rooms
- Offices
- Conference/meeting rooms

The installation of "dummy" cameras that do not operate is prohibited. Unless being used for criminal investigations, all video camera installations should be visible.

Access and Monitoring

All recording or monitoring of activities of individuals or groups by City security cameras will be conducted in a manner consistent with City policies, state and federal laws, and will not be based on the subjects' personal characteristics, including age, color, disability, gender, national origin, race, religion, sexual orientation, or other protected characteristics. Furthermore, all recording or monitoring will be conducted in a professional, ethical, and legal manner. All personnel with access to City security cameras should be trained in the effective, legal, and ethical use of monitoring equipment. City security cameras are not generally monitored continuously under normal operating conditions but may be monitored for legitimate safety and security purposes.

For Property Protection and Personal Safety cameras, access to live video or recorded video from cameras shall be limited to authorized personnel of the department which installed the cameras, the Police Department and other persons authorized by the Chief of Police or designee. The copying, duplicating and/or retransmission of live or recorded video shall be limited to persons authorized by the Chief of Police or designee. A record log will be kept of all instances of access to, and use of, recorded material. Nothing in this section is intended to limit the authority of the Dubuque Police Department in law enforcement activities.

Appropriate Use and Confidentiality

Personnel are prohibited from using or disseminating information acquired from City security cameras except for official purposes. All information and/or observations made in the use of security cameras are considered confidential and can only be used for official City and law enforcement purposes.

Personnel are also expected to know and follow all City of Dubuque Administrative Policies, including but not limited to those associated with technology: 2.07 Internet and Electronic Mail; 2.13 Acquisition and Use of Cellular Telephone Equipment; 2.19 IT and Internet Appropriate Use; 2.20 Social Networking, Acceptable Use and Administration of Computer and Communication Systems.

Use of Cameras for Criminal Investigations

The use of mobile or hidden video equipment may be used in criminal investigations by the Dubuque Police Department. Covert video equipment may also be used for non-criminal investigations of specific instances which may be a significant risk to public safety, security and property as authorized by the Chief of Police or designee.

Excluded Camera Uses

This policy does not address the use of the following:

- Webcams for general use by the City (e.g., remote meetings).
- Video equipment for the recording of public performances or events, interviews, or other use for broadcast or educational purposes.
- Cameras mounted in vehicles, including police and fire vehicles.
- Body worn cameras worn by City personnel engaged in enforcement activities.
- Cameras primarily used for traffic engineering and traffic control. However, these cameras may have an incidental or ancillary use as security cameras for criminal investigations.

Procedures

Departments requesting security cameras will be required to follow the procedures outlined in this policy.

Installation

Individual departments installing video surveillance equipment shall submit a written request to their appropriate department manager describing the proposed location of surveillance devices, justifying the proposed installation, and identifying the funding source or sources for purchase and ongoing maintenance.

The department manager or designee will review the request and recommend it to the Chief of Police and Information Services, if appropriate.

The Chief of Police and/or Information Services will review all proposals from department manager. Upon completion of review of the project, the Chief of Police and/or Information Services will forward the proposal to the City Manager with a recommendation.

The City Manager will be responsible for reviewing and approving or denying all proposals for security camera equipment recommended by the Chief of Police. Information Services shall oversee the installation of all approved security camera systems with the assistance of the Police Department, and other City departments as required. Purchasing will not accept, approve, or process any order for security camera systems without the approval of the City Manager.

Training

Camera control operators shall be trained in the technical, legal, and ethical parameters of appropriate camera use. Camera control operators shall receive a copy of this policy and provide written acknowledgement that they have read and understood its contents.

Operation

Video surveillance will be conducted in a manner consistent with all existing City policies. Camera control operators shall monitor based on suspicious behavior, not individual characteristics.

Camera control operators shall not view private rooms or areas through windows. All operators and supervisors involved in video surveillance will perform their duties in accordance with this policy.

Storage and Retention of Recordings

No attempt shall be made to alter any part of any surveillance recording. Surveillance centers and monitors will be configured to prevent camera operators from tampering with or duplicating recorded information.

Surveillance records shall not be stored by individual departments. All surveillance records shall be stored in a secure City centralized location for a period of approximately 30 days and will then promptly be erased or written over, unless retained as part of a criminal investigation or court proceedings (criminal or civil), or other bona fide use as approved by the City Manager or designee. Individual departments shall not store video surveillance recordings. A log shall be maintained of all instances of access to or use of surveillance records. The log shall include the date and identification of the person or persons to whom access was granted.

Fees

Individual City departments will establish policies and/or procedures for dissemination, and fee schedules for reproduction of City video.

Automated License Plate Readers (ALPRs)

Purpose and Scope

Automated License Plate Reader (ALPR) technology provides automated detection of license plates. ALPRs are used by the Dubuque Police Department to convert data associated with vehicle license plates for official law enforcement purposes including identifying stolen or wanted vehicles, stolen license plates, and missing persons. ALPR's may be used to gather information related to active warrants, homeland security, suspect interdiction, stolen property, and other crimes.

Administration

The Chief of Police or designee shall be responsible for overseeing the installation and maintenance of ALPR equipment, as well as ALPR data retention and access. This will include any contractors authorized to install and maintain the system. ALPR systems repair, hardware, or software, shall be made by agency authorized sources.

Operation

Department personnel shall not use or allow others to use the equipment or database for any unauthorized purpose.

- An ALPR shall only be used for official and legitimate law enforcement business.
- An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- Prohibited uses include immigration enforcement, traffic enforcement, harassment or intimidation, usage based solely on a protected class, or personal use.
- No member of the Dubuque Police Department shall operate the ALPR equipment or access the ALPR data without first completing Department training.
- No member of the Dubuque Police Department may access data from the IOWA system maintained by the Iowa Department of Transportation, the National Crime Information Center (NCIC), and from other motor vehicle departments of other states through the National Law Enforcement Telecommunications System (NLETS) or International Information through interfaces with the Canadian Police Information Centre and INTERPOL, without first receiving certification through the IOWA system.
- If practicable, the officer shall verify an ALPR response through the IOWA system before taking enforcement action that is based solely on an ALPR alert. Additionally, the officer shall visually verify that the license plate and vehicle identifiers match the alert.
- Placement of the camera systems will be determined as with other camera placement

ALPR Data Collection and Retention

All data and images gathered by an ALPR are for the official use of the Dubuque Police Department and because the data may contain confidential information that is provided through the IOWA system which includes NLETS, NCIC, Canadian Police Information Centre and INTERPOL, the information is not open for the public view. ALPR information gathered and retained by the Dubuque Police Department may be used and shared with prosecutors or others only as permitted by law.

Data collected by the ALPR system shall be retained for a period not to exceed 30 days, unless the data has been identified as part of a criminal investigation.

Accountability and Safeguards

The Dubuque Police Department will observe the following safeguards regarding access to and use of stored data:

- All requests for access to stored data shall be processed in accordance with applicable law.
- All ALPR data downloaded to the operator workstation and server shall be accessible only through a login/password protected system capable of documenting all access of information by name, date and time.
- Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when data relates to a criminal investigation or department related action.
- All ALPR data queries must be accompanied by the law enforcement case number corresponding with the investigation. Without a case number entered, the system will not allow a query of the data. This does not include NCIC alerts received unless law enforcement action is taken.
- ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.
- ALPR system audits should be conducted on a regular basis by the ALPR Administrator with the system vendor.
- Queries that are not covered under the IOWA system requirements shall not be made into the system without Supervisor approval.

Log of use required

- The Dubuque Police Department shall maintain a public log of its use, including but not limited to:
 - specific times of day that any readers actively collected data;
 - the aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal databases with which the data were compared, unless the existence of the database itself is not public;
 - for each period of active use, the number of vehicles or license plates in each of the following categories where the data identify a vehicle or license plate that has been stolen, a warrant for the arrest of the owner of the vehicle or an owner with a suspended or revoked driver's license or similar category, or are active investigative data; and
 - for any readers at a stationary or fixed location, the location at which the readers actively collected data and is installed and used.
- The Dubuque Police Department shall maintain a list of the current and previous locations, including dates at those locations, of any fixed stationary automated license plate readers or other surveillance devices with automated license plate reader capability used by the Department. The Department's list shall be accessible to the public on its website, unless the agency determines that the data is confidential information as provided in Iowa Code 22.7.

- The log of use shall be updated on the Department website monthly.

Policy Review

This policy shall be reviewed by the Police Department, Engineering, Information Services, the City Attorney's Office and the City Manager on an annual basis.



Michael C. Van Milligen
City Manager