

RESOLUTION 2021-S

**A RESOLUTION OF THE EATONVILLE TOWN COUNCIL APPROVING
A VIDEO SURVEILLANCE POLICY FOR THE TOWN OF EATONVILLE**

WHEREAS, the Town of Eatonville is continuing to expand the public areas that are under video surveillance; and

WHEREAS, in order to create consistent handling of access, managing the storage and release of this information is in the best interest of the Town; and

WHEREAS, the Town does not currently have a policy for managing and maintaining the public record of recordings; and

WHEREAS, the Public Safety Committee recommends approval of the attached policy; now, therefore,

**THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, WASHINGTON, HEREBY
RESOLVES AS FOLLOWS:**

THAT: The Town of Eatonville Video Surveillance Policy is approved in the form attached hereto as Exhibit A.

PASSED by the Town Council of Town of Eatonville and attested by the Town Clerk in authentication of such passage this 24th day of May 2021.

Mike Schaub, Mayor

ATTEST:

Miranda Doll, Town Clerk

TOWN OF EATONVILLE VIDEO SURVEILLANCE POLICY

For Closed Circuit Television Monitoring and Recording of Public
Areas for Safety and Security Purposes

Policy Date: May 24, 2021

PURPOSE

The purpose of this policy is to govern the use of the Town's closed-circuit television (CCTV) cameras and overt electronic recording. This policy applies to all use of the Town's CCTV monitoring and/or recording. This policy is established to set parameters restricting the non-court ordered use of CCTV in public places and to enhance public safety and security in a manner consistent with accepted rights of privacy.

SCOPE/BACKGROUND

The Town of Eatonville recognizes that improvements and changes in technology can greatly enhance public safety and law enforcement efforts. The Town is implementing this method of crime deterrence by strategic placement of closed-circuit television cameras (CCTV) in the Town of Eatonville. Past U.S. Supreme Court and lower court decisions strongly suggest that this type of monitoring is a valid exercise of a government's police powers. Under current interpretations of the First and Fourth Amendments, CCTV represents a valid use of the state's power to protect its citizens. It does not intrude upon an individual's sphere of privacy, but rather records events occurring in public space for which individuals do not have a reasonable expectation of privacy. This policy applies to systems that enable continuous or periodic routine video monitoring on a sustained basis. Legitimate uses of this technology are covered by this policy and applicable state and federal law.

DEFINITIONS

1. "Extracting" means copying images from the hard drive or Internet site to some other media (CD ROM, video tape, etc.).
2. "Monitoring" means real-time viewing or viewing footage stored on a hard drive.
3. "Personnel" means authorized police officers or non-sworn police personnel.
4. "Recording" means capturing images on a computer disk or drive, Internet storage site, CD-ROM, or videotape 24 hours a day, seven days a week, yearlong.

GENERAL PRINCIPLES

The Town is committed to enhancing the quality of life in Eatonville by integrating professional police practices with available technology. A critical component of security and safety through technology is CCTV in public areas. The principle objectives of CCTV monitoring and/or recording in public areas include:

1. Promote a safe environment by preventing/deterring acts of theft, vandalism, harassment, and/or assault.

2. Assist in identification of individuals involved in criminal activity on Town owned or managed property.
3. Assist in the safe daily operation of Town parks and related facilities.
4. Assist law enforcement agencies in investigating criminal activity.

To ensure there is no violation of a person's reasonable expectation of privacy, CCTV cameras shall be focused on public areas and the images shall not be used or disseminated improperly. Safeguards will ensure that the technology is not abused.

The Town shall comply with all local, federal and state case law applicable to the use of surveillance cameras in public space.

CCTV monitoring and/or recording will be conducted in a professional, ethical, and legal manner. Personnel using the CCTV camera system will be appropriately trained and supervised in the responsible use of this system. Violations of this policy and procedures may result in disciplinary action and may subject those involved to criminal and/or civil liability under applicable state and federal law.

Information obtained through video monitoring and/or recording will be used exclusively for safety, security, and other legitimate purposes. Information obtained through monitoring and/or recording will only be released in accordance with this policy or as required by law. [See RCW 42.56 and RCW 10.97].

CCTV monitoring and/or recording of public areas will be conducted in a manner consistent with all Town policies, including the Sexual Harassment Policy and other relevant policies. Except for police investigations involving person(s) whose description is known, this policy prohibits monitoring and/or recording based solely on characteristics and classifications (e.g., race, gender, sexual orientation, national origin, disability, etc.).

CCTV monitoring of public areas, dwellings, and businesses in the Town of Eatonville is limited to uses that do not violate the reasonable expectation of privacy as defined by law.

All recording or monitoring of public areas for security and safety purposes by Town authorized cameras is limited exclusively to practices that will not violate the standards of a reasonable expectation of privacy as defined by law.

RESPONSIBILITIES

Town of Eatonville Police Department (EPD):

The EPD is the department authorized and responsible to oversee and coordinate the use of public cameras in the Town. The EPD has primary responsibility for ensuring adherence to this policy and for disseminating the policy to persons requesting information on the policy and procedures.

The EPD is responsible for following new developments in the relevant laws and in security industry practices to ensure that CCTV monitoring and/or recording in the Town is consistent with high standards and protections.

The Chief of the EPD has the responsibility to authorize all CCTV monitoring for safety and security purposes in the Town.

The EPD is responsible for reviewing request(s) for installation and or placement of security cameras, developing a recommendation on the request(s), and working with the administration for installation. The EPD will assist in aiming and focusing the cameras during the installation phase and will view and manage data from the cameras.

PROCEDURES

A. TRAINING/OVERSIGHT

1. All personnel operating the CCTV system will be trained in the technical, legal, and ethical parameters of appropriate camera use.
 - a. Personnel will receive a copy of this policy and provide written acknowledgement that they have read and understood its contents.
 - b. Personnel will receive updated training on this policy as needed. In circumstances in which CCTV cameras are monitored, all personnel involved in monitoring and/or recording of public areas will perform their duties in accordance with the law and this policy.
2. The Chief of Police or his/her designee will ensure that responsible and proper camera monitoring/recording practices by personnel are followed by conducting periodic audits of the CCTV camera system.
3. An Acknowledgement Form will be signed by each employee trained and authorized.

B. OPERATING PROCEDURES

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

1. The CCTV cameras will be monitored by police department personnel. The Chief of Police will assign a designee to periodically review video systems to insure they are functioning properly and recording correctly using the proper date/time stamp.
2. An officer will be dispatched to any area in which a crime, offense, motor vehicle accident, public safety risk, traffic problem, or other incident which necessitates police intervention.
3. CCTV cameras shall be used to observe locations that are in public view and where there is no reasonable expectation of privacy. Any view provided by a CCTV camera shall be no greater than what is available from the public vantage point.
4. 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.
5. Personnel will not continuously view people displaying affection in public areas unless such activity is criminal in nature.

6. The monitoring equipment will be configured to prevent personnel from tampering or duplicating recorded information without authorization.
7. Personnel shall not disseminate information learned from monitoring CCTV public cameras unless such release complies with the law, this policy or other information release laws or policies.
8. Camera positions and views of residential housing shall be limited. Any view given to housing will be no greater than what is available with unaided vision. Furthermore, the view of a residential housing facility must not violate the standard of “reasonable expectation of privacy.”

C. LOCATION AND DIRECTION 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.

1. Cameras located internally will not be directed to look through windows to areas outside the building, unless necessary to protect external assets, provide for the personal safety of individuals or deter criminal activity from occurring.
2. Cameras will not be directed to look into adjacent, non-Town owned buildings.
3. Placement of cameras will also take into consideration physical limitations such as availability of power, cell reception and reasonable mounting facilities.

D. NOTIFICATION PROCEDURES

1. Clearly written signs will be prominently displayed at the perimeter of video monitoring areas advising the public that video monitoring is occurring.
2. Town staff will post signage at appropriate locations.
Signage will state: **AREA UNDER VIDEO SURVEILLIANCE**

E. RETENTION, EXTRACTION AND STORAGE PROCEDURES

Recorded video records will be stored until the record is superseded by being overwritten with new records, unless retained as part of a criminal investigation or court proceedings (criminal or civil), or other bona fide use as approved by the Chief of Police.

Images obtained through video camera monitoring/recording must be retained for a length of time deemed appropriate for the lawful purpose of monitoring, but not to exceed 30 days, unless such images need to be retained longer for the final resolution of a case.

Video recorded images will be stored in a secure location with access by authorized personnel only.

Only trained Staff authorized by the Chief of Police shall be authorized to extract video from footage from the Internet, computer disk, or drive.

Any video footage extracted for investigation purposes shall be stored in a manner that will exclude access by unauthorized personnel. Video footage, which is evidence, will be processed and stored in the evidence room with access by authorized personnel only.

Records will be securely and permanently disposed of in a manner appropriate to their storage media.

EXCLUSIONS

This policy does not apply to the use of surveillance, or to the conduct of surveillance monitoring or recording, by a law enforcement agency engaged in a legitimate criminal investigation. This policy does not apply to the use of hand-held video cameras.