

## **PUBLIC SAFETY CAMERA SYSTEM OPT-OUT FORM FOR BUSINESS PROPERTY**

### **PURPOSE AND SCOPE**

The City of La Quinta and the La Quinta Police Department collectively operate, monitor, and maintain a Public Safety Camera System (PSCS) for the purpose of creating a safer environment for all those who live, work, and visit the City. The City and Police Department's operation of a PSCS complements its anti-crime strategy to effectively allocate and deploy personnel, and to enhance public safety and security in public areas.

### **PLACEMENT AND MONITORING**

These high-definition cameras will be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

The City Manager or the authorized designee shall approve all proposed locations for the use of video monitoring technology and should consult with and be guided by legal counsel as necessary in making such determinations.

Contributing factors shall be taken into consideration including but not limited to lighting, alignment of buildings, existing vegetation, or other obstructions when selecting camera placement.

### **SPECIFIC POLICIES**

- A. The La Quinta Police and City staff shall comply with all Federal and California State law applicable to the use of closed-circuit television (CCTV) cameras in public places.
- B. The technology will not be used to replace current policing techniques.
- C. Under no circumstances shall the PSCS be used for the purpose of infringing upon First Amendment and/or Fourth Amendment rights.
- D. Operators of the PSCS shall not target/observe individuals based solely on their race, gender, ethnicity, sexual orientation, disability, or other classifications protected by law.
- E. The La Quinta Police Department and City of La Quinta shall not use audio in conjunction with the PSCS unless appropriate court orders and/or warrants are obtained.

- F. When a residential property is clearly, and knowingly in alignment with the PSCS's line of sight, black-out masking technology will be applied for privacy reasons to eliminate potential unintended intrusions.
- G. When property of a neighboring city or unincorporated area of the county is in alignment with the PSCS's line of sight, black-out making technology will be applied, unless the neighboring city or county, as applicable, agrees to allow use of the cameras on their property.
- H. When a business property is clearly, and knowingly in alignment with the PSCS's line of sight, a written request may be submitted by the business to the City Manager's Office to apply black-out masking technology for privacy reasons to eliminate potential unintended intrusions.**

**Please provide the following items with this form:**

- Business License (BL) Number \_\_\_\_\_
- Photo ID to verify Business Owner/Officer name matches BL information
- Written Statement providing reason(s) why the business property is requesting the application of black-out masking.

**I acknowledge that I have read and understand the enclosed PSCS Policy (Attachment 1) statements and disclosures. I hereby represent that I am the authorized party and/or have the authority to Opt-Out of the PSCS program:**

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
Business Owner / Officer Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# **Public Safety Camera System** **Policies and Procedures**

## **PURPOSE AND SCOPE**

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## **POLICY**

This policy explains the purpose of the cameras and includes operational procedures for their operation, for the storage of captured images by the City, and transmittal of captured images to law enforcement or other public agency for evidentiary purposes.

Video monitoring in public places will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

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## **OPERATIONAL PROCEDURES**

Only City and/or department-approved video monitoring equipment shall be utilized. The La Quinta Police, La Quinta Fire, City staff, and vendors as approved by the City Manager, shall be authorized to view video monitoring equipment, and shall only examine public areas and activities where no reasonable expectation of privacy exists.

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- G. When property of a neighboring city or unincorporated area of the county is in alignment with the PSCS's line of sight, black-out technology will be applied, unless the neighboring city or county, as applicable, agrees to allow use of the cameras on their property.
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## **RECORDING AND USE**

The cameras shall only record images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity of high-value or high-threat areas. The PSCS may be useful for the following purposes:

- A. To deter and identify criminal activity.
- B. To target identified areas of gang and narcotics complaints or activity.
- C. To respond to incidents.
- D. To assist in identifying, apprehending, and prosecuting offenders.
- E. To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- F. To augment resources in a cost-effective manner.
- G. To monitor pedestrian and vehicle traffic activity.

Images from each camera shall be recorded in a manner consistent with the underlying purpose of the particular camera. Images shall be transmitted to monitors installed in a location approved by the City Manager or authorized designee. When activity warranting further investigation is reported or detected at any camera location, the available information shall be provided or made available to responding officers in a timely manner.

The City Manager or authorized designee may approve video feeds from the PSCS to be viewed by police, fire, emergency management, public safety, or traffic management. Viewing by other staff or outside agencies will require authorization, including supervision by city staff. Unauthorized recording, viewing, reproduction, dissemination, or retention is prohibited.

### **CAMERA NOTIFICATION AND PUBLIC OUTREACH**

It is the City's commitment to provide ample notification and public outreach with the PSCS. Signs will be placed in order to notify the public that a public safety camera system will be monitoring driving and pedestrian activities in public places. A map of all locations with cameras will be posted on the city website. Additionally, the City will provide regular updates and receive input from the public on the PSCS.

### **INTEGRATION WITH OTHER TECHNOLOGY**

The Police Department and/or City of La Quinta may decide to integrate its PSCS with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition, audio, and other video-based analytical systems may be considered based upon availability and the nature of Police Department strategy. Those additional technologies and addition of new equipment shall be approved by no less than by 4/5 majority vote by City Council. Such approval by the Council will include at least one study session and one public hearing before the technology is added.

### **VIDEO SUPERVISION**

The authorized designee shall oversee video monitoring access and usage to ensure members are within City of La Quinta and/or contract public safety personnel policy and applicable laws. The City Manager or authorized designee shall ensure such use and access is appropriately documented.

### **VIDEO LOG**

A log shall be maintained at the designated video monitoring center. The log shall be used to document City personnel (La Quinta Police, La Quinta Fire, City staff, and vendors as approved by the City Manager) viewing or

monitoring images provided by the PSCS. The logs at a minimum should record the:

- A. Date and time access was given.
- B. Name and agency of the person being provided access to the images.
- C. Name of person authorizing access.
- D. Identifiable portion of images viewed.

The log shall record a request for, and shall record the transmittal of, any images to law enforcement or other public agency requested or required for evidentiary purposes. "For evidentiary purposes" or "for evidence" means for the purpose(s) of an official investigation, claim, or other legal proceeding, either criminal or civil, conducted by a law enforcement or other public agency with authority for such purpose, including in response to a warrant, subpoena, or a court order.

### **STORAGE AND RETENTION OF MEDIA**

All captured images that are downloaded to media shall be stored on a dedicated server in a secured area at a City of La Quinta facility with access restricted to authorized persons. A recording of images downloaded to media that is requested or required for evidentiary purposes shall be copied to a suitable medium and documented in the official log (above). The recording needed for evidentiary purposes shall be transmitted to law enforcement or other public agency and should be safely secured in accordance with that law enforcement or other public agency's official policies and procedures for the retention of evidence.

All actions taken by City personnel with respect to retention of media shall be appropriately documented. A checks and balance has been established where the recordings have limited built in authorizations for deletion of material at the Manager and Director level. Documentation of a reason for deletion is required in writing and is submitted from Supervisor level to the Manager, Director and City Manager level for authorization.

The type of video monitoring technology employed and the manner in which recordings are used and stored by the City may affect retention periods. The recordings shall be stored and retained by the City at City facilities in accordance with the established records retention schedule for a minimum of one year, or such longer period as may be established by state law. Prior to destruction, written consent shall be obtained as in the ordinary course for destruction of City documents or records, before images that are downloaded to media stored on a dedicated server in a secured area at a City facility will be deleted or destroyed. If the City has stored images that are recordings for

evidentiary purposes in any claim filed or any pending criminal or civil proceeding, they will be preserved until pending litigation is resolved (Government Code § 34090.6).

### **EVIDENTIARY INTEGRITY**

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

### **RELEASE OF VIDEO IMAGES**

All recorded video images gathered by the PSCS are for the official use of the City of La Quinta and its authorized agencies.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for City public records consistent with the California Public Records Act (Government Code § 6250 *et seq.*).

### **TRAINING**

All staff members authorized to operate or access PSCS shall receive appropriate training on an annual basis. Training shall include guidance on the use of cameras, and a review regarding relevant policies and procedures, including this policy. Training shall also address state and federal law related to the use of video monitoring equipment and privacy.

### **VIDEO MONITORING AUDIT**

The City Manager or other authorized designee will conduct an annual review of the PSCS. The review shall include:

- A. Analysis of the cost, benefit and effectiveness of the system.
- B. Any public safety issues that were effectively addressed.
- C. Any significant prosecutions that resulted.
- D. Any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.
- E. Retention of Longitudinal Data to be able to evaluate trends, costs, apprehensions, on a long-term basis.

The results of each review shall be appropriately documented and maintained by the City Manager or authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly and

reasonably addressed.

**VIOLATIONS OF POLICY**

The City has zero tolerance for any violation of these policies. Should a violation occur, the City will take appropriate action per the City of La Quinta Personnel Policies or applicable state/federal law.