



CITY MANAGER'S OFFICE

# AGENDA REPORT

**DATE:** SEPTEMBER 26, 2006

**TO:** MAYOR AND CITY COUNCIL MEMBERS

**FROM:** JANET SCHNEIDER, ADMINISTRATIVE CHIEF

**SUBJECT:** CLOSED CIRCUIT TELEVISION CAMERAS (CCTV) FOR CRIME AND ILLEGAL DUMPING PREVENTION POLICY CONSIDERATIONS

## **STATEMENT OF THE ISSUE:**

A CCTV committee made up of representatives of the City Manager, Information Technology, Police, Public Works, Engineering departments, and Redevelopment Agency are designing a CCTV program to monitor crime and illegal dumping "hotspots". This study session will update the City Council on current activities, legal questions and operational issues to be considered prior to implementation of any camera surveillance system in the City of Richmond.

## **RECOMMENDED ACTION:**

- (1) Discuss and take action on policies related to the development of a closed circuit television camera (CCTV) program to reduce crime and illegal dumping. Detailed staff recommendations concerning these policies are provided beginning on page 9 of this report.
  
- (2) Authorize the issuance of a Request for Proposal (RFP) for a CCTV system based on these policies.

## **FINANCIAL IMPACT OF RECOMMENDATION:**

There is no fiscal impact at this stage of program development. Future fiscal impacts are dependent on City Council policies and resulting system design.

## **DISCUSSION:**

Since the City Council last considered installing CCTV as part of its anti-crime program, work has progressed so that the City Council must now take a comprehensive look at policies needed prior to the use of cameras to reduce crime in Richmond. The following events are occurring:

- Over a year ago the City of Richmond applied for and received \$50,000 from the West County Integrated Waste Management Authority for a pilot project using cameras to prevent illegal dumping. This pilot camera project is proposed to be implemented over the next few months.
- The Redevelopment Agency and Target Corporation have been discussing Target's willingness to purchase cameras for installation along a portion of Macdonald Avenue from San Pablo Avenue to the Civic Center. The Redevelopment Agency's Macdonald Avenue streetscape project placed conduit from San Pablo Avenue to 39<sup>th</sup> Street, with a possible scope of work for a wired network the entire length of the Avenue.
- The North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Committee's two-year budget, recently approved by the City Council, contains funding for cameras in both the incorporated and unincorporated areas of North Richmond.
- Neighborhood and business groups continue to request the installation of cameras in their neighborhoods to fight crime.
- Private companies have installed several external security cameras in the Pt. Richmond area and want the Richmond Police Department (RPD) to monitor them.
- CCTV has been programmed into the Richmond Transit Station currently under construction.
- The City of Richmond has recently been awarded a Homeland Security Grant to place CCTV around Hilltop Mall and at Chevron's entrance/exit gates.
- The Richmond Central Greenway Project when completed will have conduit installed its entire length. Phase 1, which involves construction from 1<sup>st</sup> Street to 23rd Street, will be completed in a few months.

### **What results and/or benefits are anticipated from installing cameras?**

There is a growing interest by municipalities in strategically placing CCTV to increase public safety and deter illegal activities. The City of Richmond is no exception to this trend. CCTV can be a tool for greater coverage of various geographic areas than police department personnel alone can provide.

CCTV is one factor that can increase a police department's effectiveness in controlling crime. CCTV can be a "multiplier" that can substantially increase a city's return on its public safety investment, and can enhance crime control in the following ways:

1. Improved initial response and greater safety for first responders. When a call comes into dispatch, a real-time camera view of a crime scene or a fire in progress allows supervisory personnel to choose the most appropriate number of personnel and type of equipment for the situation. This real-time view substantially improves the safety and response time of responding personnel.

2. More and stronger evidence to support prosecution. Camera views can provide visual evidence of crimes in progress and/or the evidence left behind leading to prosecutable arrests.
3. Enhanced crime prevention. Although documented evidence has been limited so far to show that criminals are directly deterred by cameras, common sense indicates that cameras may serve as a deterrent when they lead to arrests and the word about this spreads.
4. Better protection for citizens in the community. Our public safety personnel can be more effective in identifying suspects or suspicious circumstances for further investigation and possible enforcement activity. Cameras can help ensure that state laws and local ordinances are consistently enforced while civil liberties are safeguarded.

### **How will the City determine whether or not the benefits of the cameras have been realized?**

Many municipalities have not taken the necessary steps to evaluate the success of their camera programs. Prior to implementation, the City Council should determine what it hopes to accomplish through the installation of cameras. The Richmond Police Department (RPD) and the Public Works Department (PWD) should then determine baseline measures for these established goals. For example, RPD can measure response times, successful prosecutions aided through the use of evidence obtained through cameras, numbers, types, and locations of crimes committed, and the department's evaluation of training and overall safety benefits. The PWD can measure the decreased number of illegal dumping sites, volume of illegally dumped trash collected, locations requiring graffiti removal, and number of illegal haulers identified.

### **What social considerations should be considered?**

Public concerns about CCTV often revolve around civil liberty violations and privacy rights. The City's policies must ensure that Fourth Amendment rights protecting citizens from unreasonable search and seizure and their personal privacy are in place.

It is important to note that the courts have consistently found that a reasonable expectation of privacy does not apply in public areas. This means that cameras should only be used where there is no constitutionally protected expectation of privacy. Consideration should be given under certain circumstances to notify the public when citizens are possibly being recorded. However, covert use of cameras may be both beneficial and appropriate in certain circumstances where apprehending suspects during the commission of certain crimes is the desired goal. Efforts should be made to solicit as much public support for CCTV use as possible. Finally, the appropriate training of law enforcement officers can prevent unlawful recordings and the use of recordings for purposes others than those originally intended.

The RPD along with the City Attorney's Office have begun exploring the legal considerations of implementing CCTV for crime prevention purposes.

The following questions were recently posed by the Police Department and answered by the City Attorney's office.

1. Is it legal for police to videotape citizens without their consent or knowledge?

Yes. As long as the cameras are recording public places, there are no violations of the citizen's reasonable expectation of privacy. The arguments against the installation of cameras by privacy rights activists lacks legal standing. All parties agree that with comprehensive policies and protocols, training and supervision, instances of misuse can be avoided.

2. What, if any, are the constitutional limits on the use of CCTV in public places?

The "reasonable expectation of privacy" is essentially part of the Fourth Amendment right against unreasonable search and seizure. Restricting monitoring to public places, which by law and custom have a greatly diminished reasonable expectation of privacy, is the only legal restriction.

3. What would be an example of a place the CCTV could not monitor?

All efforts should be made to place cameras in such a way that the interior of any residence, backyard or other private structure are not in viewing range.

4. What are some examples of places where the CCTV could monitor?

Sidewalks, streets, intersections, parks, public buildings, beaches, trails, vehicles (interior and exterior), parking lots, walkways and all other public areas.

5. Are there other places that use CCTV?

Public agencies nationwide use CCTV and it is used extensively throughout California. The CCTV systems are used at intersections ("red light enforcement"), on toll bridges ("toll evasion"), and on city streets, sidewalks and city parks in both residential and commercial neighborhoods. Cities like Chicago, New Orleans, and Minneapolis have extensive law enforcement camera operations. Closer to home, cities such as Stockton, Clovis, San Francisco, Pittsburg, Brentwood, Concord, Pinole, all have installed cameras to varying extents.

6. Is any action required to implement CCTV?

No. The CCTV system may legally be installed and implemented using public assets without any additional action being taken.

7. Are there any legal requirements regarding posting of notices that a CCTV is in use?

No, there is no legally mandated notice requirement. The CCTV may be used in an "undercover" capacity to monitor any public place. The same placement restriction (only places open to the public) applies to use of either a marked and unmarked CCTV.

8. Are recordings public records?

Since these would be considered part of police operations, standard police procedures and release of information procedures would apply.

**What are CCTV operational considerations?**

1. What kind of cameras should be purchased?

Cameras utilized for CCTV purposes can be:

- Programmed to preset positions which then automatically tour those positions,
- Monochrome or color—capable of switching back and forth between these modes,
- Set in fixed positions, or placed on pan and tilt devices that allow them to be moved up, down, left, and right and zoom (PTZ),
- Bullet proof, explosion proof, environmentally sealed,
- Permanently installed or moved as seen fit,
- Used both day and night with removable infrared cut filters,
- Optically and digitally zoomed,
- Set to pan 360 degrees,
- Overt or covert,
- Motion detective,
- Privacy masked, and
- Audio receptive

The City's CCTV surveillance system RFP would describe the various camera features that should be included.

2. What type of infrastructure does the City have to support CCTV?

CCTV requires a wired or wireless network. Initially, the City of Richmond, like most cities, will have a "hybrid" solution. A wired system is ultimately more reliable and secure, but it involves the placement of underground conduit for wiring, which involves trenching the streets. While it is not recommended the City dig up streets solely for this purpose, it is recommended the City Council adopt a policy that if a street is being torn up for repair, sewer replacement, repaving, etc. installing conduit should be a consideration. This has recently taken place during the Redevelopment Agency's projects involving Macdonald Avenue and on some segments of Filbert Street in North Richmond. Plans for laying conduit are also included in the Richmond Transit Station project. The Richmond Greenway project will also contain conduits for camera installation.

While the Engineering Department has planned many road repairs, only Brookside Drive in between the railroad tracks, and Solano Avenue between San Pablo Avenue and Yuba Street, involves major reconstruction. Once Veolia Water, the City's wastewater collection and treatment plant operator determines which sewer pipes need to be replaced, then additional streets may be trenched and new opportunities will be provided for conduit installation.

A wireless network consists of network equipment such as repeaters, antennas, and cameras

installed on City buildings, street light poles, and traffic intersections. Antennas and cameras may be moved around for greater flexibility.

The vendors that respond to an RFP would be asked to propose ways to configure both a wired and the wireless system. These proposals would address network installation and maintenance, bandwidth capabilities, security considerations, software and hardware required, etc. Once the vendors install the network, then the Information Technology Department (IT) would maintain it as part of the City's mainstream network. IT personnel would then monitor, maintain, upgrade and retain security of the network system.

### 3. Where should the City install cameras?

The City of Richmond's grant from the West County Integrated Waste Management Authority contemplated locating cameras in eight neighborhood illegal dumping hot spots: These include North Richmond/Shields-Reid; Iron Triangle/City Center; Atchison Village; Santa Fe; Coronado; Cortège Stege; Pullman and Pan Handle/Annex/Southwest Annex. Other potential spots included Pt. Richmond and Hilltop. These locations match the Police Department's desired locations for cameras, with the inclusion of Cutting and Wright Boulevards south of the 580 freeway and along 23<sup>rd</sup> Street to the Richmond border. Thirty-six sites have been identified as potential viewing possibilities. It is recommended that the initial RFP request 25 cameras to be mounted to view these 36 sites in the neighborhoods discussed above and then be moved around depending on recent activities.

With Target's funding assistance, and given the wired infrastructure, Macdonald Avenue fixed cameras could be installed from San Pablo Avenue to Garrard Avenue. The City has requested that Target Corporation fund four (4) cameras from San Pablo to the Civic Center with the Redevelopment Agency funding the remainder of the CCTV system along the street to Garrard Avenue as part of the Redevelopment's Agency's Streetscape Project.

With the Homeland Security grant, one (1) fixed camera would be installed at Hilltop Mall and one (1) at the entrance and exit at Chevron.

The RFP would list approximately 54 City owned facilities, buildings, and streetlights and traffic lights where antennas, repeaters, and cameras could be installed. If the City wanted to use PGE-owned streetlights located in the City, arrangements would have to be made to use their poles. As part of the RFP process, the City would need to identify all City-owned street light locations, number and map them into GIS.

### 4. Who will decide, and what are the criteria for deciding, where to place cameras and in what order?

CCTV placement decisions typically revolve around crime and illegal dumping "hot spots" as well as other neighborhood needs. This could be overseen by the CCTV planning committee based on on-going planning, research, feedback, and analysis.

RPD's COMPSTAT process will help identify and update locations experiencing the most criminal activity. COMPSTAT documents crime patterns and trends by tracking calls for service and crime data. At regular COMPSTAT meetings attended by police personnel, attendees can

analyze the effectiveness of camera placement.

The PWD and RPD know the favored spots of illegal dumpers or dumping “hot spots”. The PWD would need to develop methods for monitoring activity at hotspots once cameras were installed and then use this information to move cameras as needed. The information could then be supplied to the CCTV Planning committee for review and action.

In order to maintain legal camera placement, certain protocols regarding camera placement need to be developed. RPD policies and procedures need to be amended so that privacy laws are adhered to. Clearly, any camera view of a residential or commercial development must not violate the standard “reasonable expectation of privacy”. Cameras should be used to monitor suspicious behavior and not individual characteristics such as race, sex, gender, ethnicity, sexual orientation, disability or any other protected classes.

#### 5. Who will operate the system?

Once an image is captured it can then be transmitted to City computers. The City needs to decide:

- Where will the monitors be stationed? Will they be in one or more places?
- Who will be authorized to view the monitors? Authorized viewers could be sworn officers, cadets, dispatchers, code enforcement personnel (both sworn and civilian), volunteers, or private companies. The Police department recommends utilizing a combination of trained dispatchers, sworn personnel, volunteers, cadets, and other civilian staff to assist with CCTV monitoring.
- Will there be dedicated staff to view monitors 24 hours a day?
- Will monitors be live all the time, go “live” when suspicious activity is occurring, or record information for later viewing if a crime is reported?
- Who will have access to recordings?
- How long are recordings saved?
- How will viewing activity be logged?
- Which City department is responsible for the security and storage of the recordings? How are the recordings secured and where will the server be located?
- Who maintains the recording and storage equipment?
- Will the recordings be available for the public upon request? If so, how will they be requested and viewed?

A 2001 International Association of Chief of Police survey revealed that 70% of police departments keep CCTV recordings for 30 days or more, while 20% keep them up to 30 days. A RPD policy regarding how long recordings are kept needs to be developed to facilitate citizen crime reporting and follow-up. Recordings would then be overwritten unless needed for follow-up or prosecution related to a criminal case.

#### **What are some recommended policies and procedures?**

The Security Industry Association and the International Association of Police have established guidelines for law enforcement in the use of covert CCTV in public areas. The guidelines recommend:

- Information obtained from CCTV should be used exclusively for safety and law enforcement purposes.
- Information obtained through the use of CCTV should be handled according to the accepted law enforcement procedures and legal rules governing the handling of evidence.
- Dissemination of information should be conducted in accordance with applicable state and federal laws.
- Unusable or non-case specific data should not be retained and purged within an appropriate time.
- All local law enforcement agency personnel involved with CCTV should receive appropriate training applicable to criminal and civil law.
- Incidence response protocol based on real time monitoring must be established.
- Unauthorized use of the CCTV system will result in disciplinary action.

### **How can the City assure the community that policies and procedures are followed?**

The Police Commission could review complaints regarding camera locations and usage and ensure that policies and procedures are being followed.

### **Other considerations?**

Cameras should be placed in strategically designated locations to minimize their vulnerability. Cameras should be tamper-resistant and enclosed in protective cases.

To ensure confidentiality and security, the PWD should install and maintain the equipment and the City's Information Technology (IT) Department should maintain the network. This would involve major personnel commitments by both departments.

Vendors should also provide training and equipment and as well as software warranties and maintenance agreements.

### **How do private programs fit in with the City's CCTV program?**

The RPD does not have any control over the use of a private CCTV, by a business or private individuals. Private persons are permitted legally to monitor public places.

Some cities have an "Adopt a Camera" program where neighborhoods or merchants purchase and install cameras that are monitored by their respective police departments. A privately purchased CCTV, strictly limited to monitoring public places could be linked to the RPD system. A potential legal issue could arise if the private CCTV placement is altered by the private operator so that it even partially monitors an area protected by constitutionally safeguarded privacy rights. To prevent this, the City could require that if communities buy the major components of the camera system for their neighborhood, the City would own, install, and maintain the system thereafter.

The CCTV Planning Committee could be used to review these requests and prioritize installation of privately purchased cameras.



**RECOMMENDED ACTION:**

Staff recommends that the City Council discuss and take action on the following items:

- Decide what service goals are to be achieved by installing a CCTV surveillance program;
- Consider how to measure CCTV program effectiveness.
- Decide best method to solicit public support input for the program;
- Determine whether camera viewing locations will be covert or overt;
- Consider a policy that torn up streets include conduit installation;
- Require the Richmond Police Department to develop policies and procedures prior to the CCTV installation;
- Decide if the CCTV planning committee made up of representatives from 6 different City departments can provide program oversight including choosing where cameras are installed;
- Determine if the Police Commission is the appropriate venue for reviewing 1) RPD policies and procedures in order to make recommendations to the City Council and/or 2) complaints regarding camera use.

Council Considerations	Staff Recommendation	Council Proposed Action
Decide what service goals are to be achieved by installing a CCTV surveillance program.	Staff recommends that the City Council authorize the issuance of a CCTV RFP to allow the City to monitor targeted “hot” spots both for crime and illegal dumping in order to reduce these activities.	
Consider how to measure CCTV program effectiveness.	Staff recommends that the City Council direct staff to implement a performance measurement system that includes benchmarks to provide information relative to the City Council's goals.	
Solicit public input for the program.	Staff recommends that public input be solicited through the Richmond Neighborhood Coordinating Council (RNCC). If approved, staff will make presentations at a RNCC regular meeting or set up a special meeting on the topic.	

Determine whether camera viewing locations will be covert or overt.	Staff recommends that there be both. For example, if cameras are viewing parks, then there should be appropriate signage indicating the presence of surveillance cameras. Other cameras will remain covert in areas where the RPD needs tactical surveillance.	
Adopt a policy that torn up streets include conduit installation	Staff recommends that the City Council adopt a policy that conduit be installed in conjunction with all projects involving trenching.	
Require the Richmond Police Department to develop policies and procedures prior to the CCTV installation.	Staff recommends that City Council direct the RPD to develop policies and procedures for City Council adoption prior to camera installation.	
Decide if the CCTV planning committee made up of representatives from 6 different City departments can choose where cameras are installed.	Staff recommends that the CCTV planning committee provide oversight for the program. The committee should be authorized to determine overtly placed cameras locations and the RPD should provide regular program updates to the committee.	
Determine if the Police Commission is the appropriate venue for reviewing 1) RPD policies and procedures in order to make a recommendation to the City Council and/or 2) complaints regarding camera use.	Staff recommends that the City Council direct the Police Commission to recommend policies and procedures to the City Council and review any complaints made by the public regarding the program.	

## **POSSIBLE NEXT STEPS:**

1. Police Department to develop Rules and Procedures regarding camera use to be reviewed by Police Commission for City Council adoption.
2. Staff to solicit public input through the RNCC.
3. Issue CCTV program Request for Proposal.