



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Video and Audio Surveillance
INITIAL EFFECTIVE DATE	August 12, 2019
LAST REVISION DATE	New Policy
POLICY NUMBER	14.04

OBJECTIVE To ensure City Council and all employees understand the collection, use, disclosure, and disposal of recorded information collected through video and audio surveillance technology. The City of Watauga uses surveillance to enhance the protection and safety of employees and the general public; reduce, deter and investigate incidents of vandalism or criminal activity; and protect property and assets. Where warranted, the City may use surveillance systems in and around its facilities, properties and vehicles.

SCOPE This Video and Audio Surveillance Policy (this “Policy”) applies to City Council and all employees who work for the City of Watauga. Additionally, Police Officers and Fire Fighters are subject to the applicable provisions of Texas Local Government Code Chapter 143, the Rules of the City of Watauga Fire Fighters and Police Officers Civil Service Commission, and the general and special orders of the Police and Fire Departments, as applicable, which may incorporate some or all of the provisions of this Policy. Where a conflict among the foregoing occurs, the following is the order of precedence to apply when interpreting and applying the rules regarding surveillance: (1) Texas Local Government Code Chapter 143, (2) other state law, (3) the Rules of the City of Watauga Fire Fighters and Police Officers Civil Service Commission and (4) the general and special orders of the Police and Fire Departments and (5) this Policy.

This Policy addresses surveillance implemented for security purposes only. It does not address recordings of city council meetings or other public events. Surveillance initiated by law enforcement personnel for law enforcement purposes is not addressed by this Policy.

POLICY

A. Surveillance Equipment

1. It is the policy of the City to ensure that before surveillance equipment is installed on a City facility, property or vehicle, the use of the surveillance system shall be justified on the basis of:
 - a. enhancing the protection and safety of employees and the general public;
 - b. assisting with the detection, investigation and prosecution of incidents of crime;
 - c. improving safety;
 - d. reducing, deterring, and investigating incidents of vandalism; and
 - e. protecting property and assets.
2. The City Manager shall be responsible for identifying spaces requiring surveillance and shall make the final determination as to the placement of equipment.
3. It is the policy of the City to ensure privacy intrusion from surveillance is minimized.
4. Agreements between the City and any service providers shall state that the recorded information from the surveillance system is under the City's custody and control and therefore is subject to the Public Information Act and other applicable laws.
5. The surveillance equipment shall be installed in such a way that it monitors only those spaces that have been identified as requiring surveillance.
6. Surveillance equipment shall be restricted so that it cannot be adjusted or manipulated by anyone to record spaces that are not intended to be covered by the surveillance system.
7. Surveillance equipment shall not monitor the inside of areas where individuals have a higher expectation of privacy (e.g. restrooms and locker rooms).
8. Surveillance equipment may capture audio recordings.
9. Surveillance equipment may be placed in areas accessible to the public and may be placed in employee work areas.
10. The monitored areas shall have prominently-displayed signage advising the public and all city personnel of the monitoring and recording and whether such monitoring captures audio, video or both. The signs shall identify a representative who can address inquiries about the surveillance system and include an address and telephone number for contact purposes.

B. Monitoring Surveillance

1. Recorded information is accessible only by authorized City employees or authorized service providers and is to be utilized for official city business only.

2. Access to the surveillance records shall be restricted to those responsible for the administration of the surveillance system.
3. Those responsible for the administration of the surveillance system shall make available surveillance records to
 - a. City employees who lawfully require access to the records for the purposes of assisting with risk management, investigating official administrative inquiries, investigating complaints from the public, and processing of personal injury claims and claims to the damage of assets, and
 - b. Law enforcement agencies by official request where the records may assist in the detection, investigation or prosecution of crime.
4. Surveillance records shall only be used for the purposes of:
 - a. detecting, deterring, and investigating unlawful activity, which includes possible contraventions of any law;
 - b. addressing official administrative inquiries approved by the city manager;
 - c. investigating and resolving incidents involving personal injury, damage to assets, and other legal claims; or
 - d. investigating and resolving public complaints received by the City or matters that may give rise to a citizen complaint being received by the City.
5. The monitoring procedures shall be performed based on the following principles:
 - a. Surveillance shall be conducted in accordance with all applicable laws.
 - b. Surveillance shall be conducted in a professional, ethical, and legal manner.
 - c. Operators shall be appropriately trained and supervised in the responsible use of the surveillance equipment.
 - d. The recordings shall be maintained in a manner that provides continued security of the recorded information and other applicable law.
 - e. The benefits of surveillance shall be weighed against an individual's right to be free of unwarranted intrusion into his or her life.
6. City Council and employees are prohibited from using other methods of surveillance, such as covert surveillance or the unauthorized monitoring of computer devices, except as may be required for the execution of job duties.

C. Records Retention of Surveillance Recordings

1. Ownership of the surveillance records shall remain with the City.
2. The retention period of the surveillance Records shall be documented by the Departmental Manager/Director responsible for the surveillance system.

3. Any data or data storage devices retained by the City shall be destroyed in an appropriate manner once the retention period has lapsed in accordance with the Records Retention Schedule.
4. Where applicable and appropriate, this Policy will be incorporated into training and orientation programs put on by the City.

D. Requests for Surveillance Records

1. Except as utilized for official city business, the City shall only provide copies of surveillance recordings in accordance with the Public Information Act and other applicable law.
2. The City Secretary shall be responsible for addressing any public information requests that seek copies of surveillance recordings.
3. The Chief Information Officer shall be contacted when a request for surveillance records is received and shall be responsible of providing the responsive records to the City Secretary for processing the public information request.

E. Employee Responsibilities

1. The Chief Information Officer shall be notified as soon as possible if there has been an known inadvertent disclosure of personal Information.
2. Employees are responsible for compliance with this Policy and shall be aware that any employee who breaches this Policy may be subject to discipline up to and including dismissal.
3. Employees are responsible for reviewing and complying with this Policy, the Public Information Act, and all other applicable law, when they perform their duties and functions related to the operation of the surveillance system.
4. The City Secretary is responsible for resolving any issues or conflicts relating to this Policy.
5. Upon disclosure of records, the Chief Information Officer and the City Secretary shall log the following information:
 - a. the date of the recording;
 - b. the time of the time of the recording;
 - c. the date of the request;
 - d. the name of the requester; and
 - e. the name of the requesting agency (if applicable).

F. Complaints

1. The public can make a complaint about the surveillance system using the Citizen Complaint Form.
2. City Council and employees can make a complaint about the surveillance system as indicated in *Policy 12.01 Employee Grievance Procedure* found in the Personnel, Administration and Financial Policies and Procedures Manual.