ORDINANCE 122705

AN ORDINANCE relating to surveillance cameras in Seattle parks: authorizing a pilot program to install surveillance cameras in selected parks; adopting City policies regarding the installation and use of such cameras; and establishing a new Chapter 18.14 in the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter 18.14 of the Seattle Municipal Code is established as follows:

Chapter 18.14 Surveillance Cameras in Seattle Parks – Pilot Program.

18.14.010 Statement of Purpose.

The purpose of this chapter is to authorize a pilot program regarding the installation and use of surveillance cameras in Seattle parks and to establish City policies regarding the installation and use of such cameras. The policies described in this chapter apply to cameras as defined in this chapter. Unless specified otherwise in a particular policy, the policies contained in this chapter apply to all persons employed by the City of Seattle, including agents retained on a temporary, contract, or voluntary basis.

18.14.020 Definitions.

A. "Cameras" means surveillance cameras: 1) installed in City parks as part of the pilot project authorized by this chapter; and 2) cameras installed in Cal Anderson Park beginning in January 2008 with funds from the Facility and Structure Maintenance BCL (K320A) of the Parks and Recreation Fund (10200). "Cameras" do not include surveillance cameras installed on City property other than in parks, cameras installed in police cars, cameras installed along pubic rights

CITY CLERK

of way intended to record traffic violations, and cameras that are intended primarily to monitor the interiors or entrances of City buildings, including buildings located within City parks.

B. "Live monitoring" means a person viewing images live in real time as they are being captured and recorded by a camera.

C. "Active monitoring" means a person manipulating the point and zoom features of a camera in live monitoring mode in order to focus the camera on a particular person.

18.14.030 Pilot Program – Authorization.

The Seattle Department of Parks and Recreation (DPR) and the City's Department of Information Technology (DoIT) are authorized to install and operate surveillance cameras in the following Seattle parks as part of a pilot program: Cal Anderson Park, Hing Hay Park, Occidental Park, and Victor Steinbrueck Park. Additional ordinance authority is required to install cameras in other City parks or to operate cameras in the parks identified above beyond ninety days after the program evaluation described in SMC Section 18.14.100 is submitted to the City Council.

18.14.040 City Policies Regarding the Installation and Use of Cameras.

A. Cameras are authorized to record video only and are not authorized to record audio.

B. In order to inform the community of the intended installation and to seek public comment, DPR shall convene, prior to installation, a community meeting for each park in which the installation of cameras is proposed under the pilot project.

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C. Cameras should be installed to primarily record events that take place on public property. It is not a violation of this policy if cameras incidentally record events that occur on private property.

D. DPR shall prominently post at least one sign in each park where a camera is located informing the public about the presence of the camera(s).

E. The cameras and related equipment shall be the property of DoIT.

F. A monitor for the cameras and the controls that enable active monitoring shall be located in SPD's 911 Center.

G. Up to one additional monitor may be located at a DPR facility and at a DoIT facility.

18.14.050 City Policies Regarding Video Recordings Created by the Cameras.

A. The cameras may record images continuously twenty-four (24) hours per day, seven days per week.

B. Recordings shall be the property of DPR.

C. The administrative purposes served by recordings created by these cameras will typically be completed within fourteen (14) days. Cameras and equipment shall therefore normally be set to automatically record over previously recorded video recordings after a period of fourteen (14) days.

D. Authorized DPR and DoIT employees may under the following circumstances view video recordings, override or extend the automatic fourteen-day period, or retain a copy of a video recording: 1) in order to comply with a court order, the Washington Public Records Act, discovery requirements in a legal proceeding, or other applicable law; 2) as part of a criminal,

BNS CITY CLERK

civil, or administrative investigation; 3) to evaluate the video recording for possible use in a criminal, civil, or administrative legal proceeding in which the City is, or is reasonably expected to become, a party; and, 4) for system training, testing, maintenance, or repair.

E. A DPR or DoIT supervisor must authorize the viewing of video recordings by DPR or DoIT personnel.

18.14.060 Policies Regarding Live Monitoring of the Cameras.

A. Only SPD personnel are authorized to utilize the cameras for live monitoring, including for active monitoring:

1. When SPD has a reasonable suspicion to believe that any criminal activity, whether felony, gross misdemeanor, or misdemeanor, may be in progress within the area visible from the camera;

2. As part of an ongoing investigation into criminal activity that SPD has a reasonable suspicion to believe has occurred within the area visible from the camera; or

3. During a state of emergency declared by the Mayor as provided in applicable law.

B. SPD, DoIT, or City Auditor personnel are authorized to use the cameras for live monitoring, including for active monitoring:

1. For system training, testing, maintenance, or repair; or,

2. As part of the audit and program evaluation described in Section 18.14.100.

C. A SPD supervisor must authorize SPD personnel to utilize a camera for live monitoring, including for active monitoring.

BOS CITY CLERK

18.14.070 Policy Prohibiting SPD Active Monitoring for An Improper Purpose.

SPD personnel shall not actively monitor a camera in order to focus the camera on a particular person based solely on the person's race, color, age, sex, marital status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, or the presences of any physical disability. This section is not intended to limit: 1) incidental live monitoring of any person or object in view of the cameras when the camera is focused on a permitted subject; or 2) focusing active live monitoring on a possible suspect, witness, victim, or other person based upon the suspect, witness, victim, or other person's reported description or characteristics.

18.14.080 Policies Regarding Access to Recordings Created by the Cameras.

A. Except as permitted by SMC Section 18.14.050, only SPD personnel may view the video recordings created by the cameras:

1. When SPD has a reasonable suspicion to believe that any criminal activity, whether felony, gross misdemeanor, or misdemeanor, may be in progress within the area visible from the camera;

2. As part of an ongoing investigation into criminal activity that SPD has a reasonable suspicion to believe has occurred within the area visible from the camera; or

3. During a state of emergency declared by the Mayor as provided in applicable law.

B. SPD, DoIT, or City Auditor personnel may view the video recordings created by the cameras:

BTS CITY CLERK

1. For system training, testing, maintenance, or repair; or,

2. As part of the audit and program evaluation described in Section 18.14.100.

C. A SPD supervisor must authorize the viewing of video recordings by SPD personnel.

18.14.090 Recordkeeping.

A. DPR and DoIT shall maintain a log recording the date, time, and duration of the video recording(s) reviewed; the personnel involved; and the reason(s) for viewing the video whenever department personnel view video recordings.

B. SPD shall maintain a log recording the date, time, and duration of the video viewed; the personnel involved; and the reason(s) for viewing the video whenever department personnel view video recordings or conduct live monitoring of a camera, including active monitoring.

C. The log books provided for in this section shall be retained by the City for ninety days after the report described in SMC Section 18.14.100 is submitted to the City Council.

18.14.100 Auditing and Evaluation of Surveillance Camera Pilot Program.

A. The City Auditor shall audit the DPR, DoIT, and SPD log books; corresponding 911 calls and other police contacts; and video recordings throughout the pilot program to aid in program evaluation and to assess compliance with this chapter.

CITY CLERK

B. The City Auditor shall also perform and provide to the City Council a program evaluation within eighteen (18) months of the completion of the installation of cameras pursuant to the pilot program.

C. The program evaluation provided for in this section shall include the following information:

1. Crime statistics and the number of calls for assistance in the monitored parks for the first 12 months after the cameras are installed;

2. Crime statistics and the number of calls for assistance in the monitored parks for the two years preceding the installation of the cameras;

3. Crime statistics and the number of calls for assistance for the areas just outside the monitored parks for the first 12 months after the cameras are installed;

4. Crime statistics and the number of calls for assistance for areas just outside the monitored parks for the two years preceding the installation of the cameras;

5. A description of crime trends over the past five years in the neighborhoods where the monitored parks are located;

6. The number of crimes detected in the monitored parks due to the presence of the cameras. Data should be provided for the first 12 months after the cameras are installed;

7. The number of crime investigations aided by the use of video recordings obtained by the cameras. A description of how the video recordings were helpful to each investigation should be included. Data should be provided for the first 12 months after the cameras are installed;

CITY CLERK

8. A survey to determine whether the installation of surveillance cameras affects how the public perceives the safety of the parks in which the cameras are located; and,

9. Additional information and analysis that the City Auditor deems useful.

D. The City Council will review the program evaluation to be completed by the City Auditor and consider any possible deterrence effects of the cameras on crime before authorizing continued operation of the cameras beyond the completion of the pilot program.

18.14.110 No Effect on Admissibility.

Neither compliance with nor a failure to comply with the policies contained in this chapter shall affect the admissibility of video recordings as evidence in criminal, civil, or administrative proceedings.

18.14.120 Civil Liability.

A. Subject to the limitations of this section, a person shall have a right of action against the City based on this chapter for damages up to Five Hundred Dollars ($500.00) proximately caused by a willful and deliberate violation of the provisions of SMC 18.14.070.

B. No cause of action may be based upon the activity of departmental personnel in complying with a court order, or an action authorized by this chapter.

C. The City reserves all defenses at law consistent with this chapter, including but not limited to consent, privilege, participation, and waiver, and as to departmental personnel or a City official, any defense arising in the employer/employee or principal/agent relationship.

D. No cause of action may be based upon this chapter against the Mayor, the City Council, any City department head, any departmental personnel, or any other City officer or

CITY CLERK

employee, individually, for any action or omission made in good faith in the scope and course of his or her duties. In the event such a lawsuit is brought against a City officer or employee, individually, for such an action or omission, and the officer or employee cooperates fully in defense of the lawsuit, the City Attorney may represent the individual and defend the litigation. If the claim is deemed a proper one or judgment is rendered against the City officer or employee individually, the judgment shall be paid by the City in accordance with its procedures for the settlement of claims and payment of judgments.

18.14.130 Employee Discipline.

Any City personnel who violates policies contained in this chapter, or any implementing rule or regulation, may be subject to the disciplinary proceedings and punishment authorized by the City Charter, Article XVI.

For City personnel who are represented under the terms of a collective bargaining agreement, this section prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.

Section 2. DPR, DoIT, SPD, and the City Clerk shall take the steps necessary to implement this ordinance.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

2008 CITY CLERK

Passed by the City Council the 9th day of June, 2008, and signed by me in open session in authentication of its passage this 9th day of June, 2008.

President pro tem of the City Council

Approved by me this 16th day of June, 2008.

Gregory J. Nickels, Mayor

Filed by me this ~~16th~~ 19th day of June, 2008.

City Clerk

(Seal)

DIS CITY CLERK

Form revised February 6, 2008

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Sara Belz 4-5382	NA

Legislation Title:
AN ORDINANCE relating to surveillance cameras in Seattle parks: authorizing a pilot program to install surveillance cameras in selected parks; adopting City policies regarding the installation and use of such cameras; and establishing a new Chapter 18.14 in the Seattle Municipal Code.

- **Summary of the Legislation:**
This legislation authorizes a pilot program to place a total of 12 surveillance cameras in four Seattle parks: Cal Anderson, Hing Hay, Occidental Square, and Victor Steinbrueck. (The total number of cameras includes three that are already installed in Cal Anderson Park.) The legislation also establishes a City protocol to govern the installation and use of the cameras for the duration of the pilot program.

- **Background:**
In November 2007, the City Council approved a budget proviso stating that none of the funds appropriated for the Department of Parks and Recreation's (DPR) Parks Infrastructure BCL could be used to install surveillance cameras in parks unless authorized by a future ordinance. For the protocol included in this legislation to take effect, the budget proviso must be lifted.

_X_ This legislation does not have any financial implications.
It is anticipated that the adoption of a protocol to govern the use of these surveillance cameras will have no greater financial implications than authorizing the use of the cameras without an established protocol.

CITY CLERK

ORDINANCE _____

AN ORDINANCE relating to surveillance cameras in Seattle parks: authorizing a pilot program to install surveillance cameras in selected parks; adopting City policies regarding the installation and use of such cameras; and establishing a new Chapter 18.14 in the Seattle Municipal Code.

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The purpose of this chapter is to authorize a pilot program regarding the installation and use of surveillance cameras in Seattle parks and to establish City policies regarding the installation and use of such cameras. The policies described in this chapter apply to cameras as defined in this chapter. Unless specified otherwise in a particular policy, the policies contained in this chapter apply to all persons employed by the City of Seattle, including agents retained on a temporary, contract, or voluntary basis.

18.14.020 Definitions.

A. "Cameras" means surveillance cameras: 1) installed in City parks as part of the pilot project authorized by this chapter; and 2) cameras installed in Cal Anderson Park beginning in January 2008 with funds from the 2000 Parks Levy-Major Park Development BCL (K723004). "Cameras" do not include surveillance cameras installed on City property other than in parks, cameras installed in police cars, cameras installed along pubic rights of way intended to record

BNS CITY CLERK

traffic violations, and cameras that are intended primarily to monitor the interiors or entrances of City buildings, including buildings located within City parks.

B. "Live monitoring" means a person viewing images live in real time as they are being captured and recorded by a camera.

C. "Active monitoring" means a person manipulating the point and zoom features of a camera in live monitoring mode in order to focus the camera on a particular person.

18.14.030 Pilot Program – Authorization.

The Seattle Department of Parks and Recreation (DPR) and the City's Department of Information Technology (DoIT) are authorized to install and operate surveillance cameras in the following Seattle parks as part of a pilot program: Cal Anderson Park, Hing Hay Park, Occidental Park, and Victor Steinbrueck Park. Additional ordinance authority is required to install cameras in other City parks or to operate cameras in the parks identified above beyond ninety days after the program evaluation described in SMC Section 18.14.100 is submitted to the City Council.

18.14.040 City Policies Regarding the Installation and Use of Cameras.

A. Cameras are authorized to record video only and are not authorized to record audio.

B. In order to inform the community of the intended installation and to seek public comment, DPR shall convene, prior to installation, a community meeting for each park in which the installation of cameras is proposed under the pilot project.

BOS CITY CLERK

C. Cameras should be installed to primarily record events that take place on public property. It is not a violation of this policy if cameras incidentally record events that occur on private property.

D. DPR shall prominently post at least one sign in each park where a camera is located informing the public about the presence of the camera(s).

E. The cameras and related equipment shall be the property of DoIT.

F. A monitor for the cameras and the controls that enable active monitoring shall be located in SPD's 911 Center.

G. Up to one additional monitor may be located at a DPR facility and at a DoIT facility.

18.14.050 City Policies Regarding Video Recordings Created by the Cameras.

A. The cameras may record images continuously twenty-four (24) hours per day, seven days per week.

B. Recordings shall be the property of DPR.

C. The administrative purposes served by recordings created by these cameras will typically be completed within fourteen (14) days. Cameras and equipment shall therefore normally be set to automatically record over previously recorded video recordings after a period of fourteen (14) days.

D. Authorized DPR and DoIT employees may under the following circumstances view video recordings, override or extend the automatic fourteen-day period, or retain a copy of a video recording: 1) in order to comply with a court order, the Washington Public Records Act, discovery requirements in a legal proceeding, or other applicable law; 2) as part of a criminal,

CITY CLERK

civil, or administrative investigation; 3) to evaluate the video recording for possible use in a criminal, civil, or administrative legal proceeding in which the City is, or is reasonably expected to become, a party; and, 4) for system training, testing, maintenance, or repair.

E. A DPR or DoIT supervisor must authorize the viewing of video recordings by DPR or DoIT personnel.

18.14.060 Policies Regarding Seattle Police Department (SPD) Live Monitoring of the Cameras.

A. SPD personnel are authorized to utilize the cameras for live monitoring, including for active monitoring:

1. When SPD has a reasonable suspicion to believe that any criminal activity, whether felony, gross misdemeanor, or misdemeanor, may be in progress within the area visible from the camera;

2. As part of an ongoing investigation into criminal activity that SPD has a reasonable suspicion to believe has occurred within the area visible from the camera;

3. During a state of emergency declared by the Mayor as provided in applicable law;

4. For system training, testing, maintenance, or repair; or,

5. As part of the audit and program evaluation described in Section 18.14.100.

B. A SPD supervisor must authorize SPD personnel to utilize a camera for live monitoring, including for active monitoring.

BDS CITY CLERK

18.14.070 Policy Prohibiting SPD Active Monitoring for An Improper Purpose.

SPD personnel shall not actively monitor a camera in order to focus the camera on a particular person based solely on the person's race, color, age, sex, marital status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, or the presences of any physical disability. This section is not intended to limit: 1) incidental live monitoring of any person or object in view of the cameras when the camera is focused on a permitted subject; or 2) focusing active live monitoring on a possible suspect, witness, victim, or other person based upon the suspect, witness, victim, or other person's reported description or characteristics.

18.14.080 Policies Regarding SPD Access to Recordings Created by the Cameras.

A. SPD personnel may view the video recordings created by the cameras:

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2. As part of an ongoing investigation into criminal activity that SPD has a reasonable suspicion to believe has occurred within the area visible from the camera;

3. During a state of emergency declared by the Mayor as provided in applicable law;

4. For system training, testing, maintenance, or repair; or,

5. As part of the audit and program evaluation described in Section 18.14.100.

B. A SPD supervisor must authorize the viewing of video recordings by SPD personnel.

DPS CITY CLERK

18.14.090 Recordkeeping.

A. DPR and DoIT shall maintain a log recording the date, the duration, the personnel involved, and the reason(s) whenever department personnel view video recordings.

B. SPD shall maintain a log recording the date, the duration, the personnel involved, and the reason(s) whenever department personnel view video recordings or conduct live monitoring of a camera, including active monitoring.

C. The log books provided for in this section shall be retained by the City for ninety days after the report described in SMC Section 18.14.100 is submitted to the City Council.

18.14.100 Auditing and Evaluation of Surveillance Camera Pilot Program.

A. The City Auditor shall audit the DPR, DoIT, and SPD log books; corresponding 911 calls and other police contacts; and video recordings to aid in program evaluation and to assess compliance with this chapter.

B. The City Auditor shall also perform and provide to the City Council a program evaluation within eighteen (18) months of the completion of the installation of cameras pursuant to the pilot program.

C. The program evaluation provided for in this section may include the following information:

1. Crime statistics and the number of calls for assistance in the monitored parks for the first 12 months after the cameras are installed;

2. Crime statistics and the number of calls for assistance in the monitored parks for the two years preceding the installation of the cameras;

CITY CLERK

3. Crime statistics and the number of calls for assistance for the areas just outside the monitored parks for the first 12 months after the cameras are installed;

4. Crime statistics and the number of calls for assistance for areas just outside the monitored parks for the two years preceding the installation of the cameras;

5. A description of crime trends over the past five years in the neighborhoods where the monitored parks are located;

6. The number of crimes detected in the monitored parks due to the presence of the cameras. Data should be provided for the first 12 months after the cameras are installed;

7. The number of crime investigations aided by the use of video recordings obtained by the cameras. A description of how the video recordings were helpful to each investigation should be included. Data should be provided for the first 12 months after the cameras are installed;

8. A survey to determine whether the installation of surveillance cameras affects how the public perceives the safety of the parks in which the cameras are located; and,

9. Additional information and analysis that the City Auditor deems useful.

18.14.110 No Effect on Admissibility.

Neither compliance with nor a failure to comply with the policies contained in this chapter shall affect the admissibility of video recordings as evidence in criminal, civil, or administrative proceedings.

CITY CLERK

18.14.120 Civil Liability.

A. Subject to the limitations of this section, a person shall have a right of action against the City based on this chapter for damages up to Five Hundred Dollars ($500.00) proximately caused by a willful and deliberate violation of the provisions of SMC 18.14.070.

B. No cause of action may be based upon the activity of departmental personnel in complying with a court order, or an action authorized by this chapter.

C. The City reserves all defenses at law consistent with this chapter, including but not limited to consent, privilege, participation, and waiver, and as to departmental personnel or a City official, any defense arising in the employer/employee or principal/agent relationship.

D. No cause of action may be based upon this chapter against the Mayor, the City Council, any City department head, any departmental personnel, or any other City officer or employee, individually, for any action or omission made in good faith in the scope and course of his or her duties. In the event such a lawsuit is brought against a City officer or employee, individually, for such an action or omission, and the officer or employee cooperates fully in defense of the lawsuit, the City Attorney may represent the individual and defend the litigation. If the claim is deemed a proper one or judgment is rendered against the City officer or employee individually, the judgment shall be paid by the City in accordance with its procedures for the settlement of claims and payment of judgments.

CITY CLERK

18.14.130 Employee Discipline.

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For City personnel who are represented under the terms of a collective bargaining agreement, this section prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.

Section 2. DPR, DoIT, SPD, and the City Clerk shall take the steps necessary to implement this ordinance.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2008, and signed by me in open session in authentication of its passage this

_____ day of _____, 2008.

_____
President _____of the City Council

Approved by me this ____ day of _____, 2008.

_____
Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2008.

_____
City Clerk

(Seal)

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CITY OF SEATTLE
08 JUL 18 PM 1:04
CITY CLERK

STATE OF WASHINGTON – KING COUNTY

--ss.

226021 No.
CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122705 ORDINANCE

was published on

06/24/08

The amount of the fee charged for the foregoing publication is the sum of $ 498.78, which amount has been paid in full.

JENNIFER A. PATZER
COMMISSION EXPIRES
NOTARY
PUBLIC
OCT. 14, 2011
STATE OF WASHINGTON

Subscribed and sworn to before me on

06/24/08

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

City of Seattle

ORDINANCE 122705

AN ORDINANCE relating to surveillance cameras in Seattle parks; authorizing a pilot program to install surveillance cameras in selected parks; adopting City policies regarding the installation and use of such cameras; and establishing a new Chapter 18.14 in the Seattle Municipal Code.

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C. Cameras should be installed to primarily record events that take place on public property. It is not a violation of this policy if cameras incidentally record events that occur on private property.

D. DPR shall prominently post at least one sign in each park where a camera is located informing the public about the presence of the camera(s).

E. The cameras and related equipment shall be the property of DoIT.

F. A monitor for the cameras and the controls that enable active monitoring shall be located in SPD's 911 Center.

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1. For system training, testing, maintenance, or repair; or,

2. As part of the audit and program evaluation described in Section 18.14.100.

C. A SPD supervisor must authorize the viewing of video recordings by SPD personnel.

18.14.090 Recordkeeping.

A. DPR and DoIT shall maintain a log recording the date, time, and duration of the video recording(s) reviewed; the personnel involved; and the reason(s) for viewing the video whenever department personnel view video recordings.

B. SPD shall maintain a log recording the date, time, and duration of the video viewed; the personnel involved; and the reason(s) for viewing the video whenever department personnel view video recordings or conduct live monitoring of a camera, including active monitoring.

C. The log books provided for in this section shall be retained by the City for ninety days after the report described in SMC Section 18.14.100 is submitted to the City Council.

18.14.100 Auditing and Evaluation of Surveillance Camera Pilot Program.

A. The City Auditor shall audit the DPR, DoIT, and SPD log books; corresponding 911 calls and other police contacts; and video recordings throughout the pilot program to aid in program evaluation and to assess compliance with this chapter.

B. The City Auditor shall also perform and provide to the City Council a program evaluation within eighteen (18) months of the completion of the installation of cameras pursuant to the pilot program.

C. The program evaluation provided for in this section shall include the following information:

1. Crime statistics and the number of calls for assistance in the monitored parks for the first 12 months after the cameras are installed;

2. Crime statistics and the number of calls for assistance in the monitored parks for the two years preceding the installation of the cameras;

3. Crime statistics and the number of calls for assistance for the areas just outside the monitored parks for the first 12 months after the cameras are installed;

4. Crime statistics and the number of calls for assistance for areas just outside the monitored parks for the two years preceding the installation of the cameras;

5. A description of crime trends over the past five years in the neighborhoods where the monitored parks are located;

6. The number of crimes detected in the monitored parks due to the presence of the cameras. Data should be provided for the first 12 months after the cameras are installed;

7. The number of crime investigations aided by the use of video recordings obtained by the cameras. A description of how the video recordings were helpful to each investigation should be included. Data should be provided for the first 12 months after the cameras are installed;

8. A survey to determine whether the installation of surveillance cameras affects how the public perceives the safety of the parks in which the cameras are located; and,

9. Additional information and analysis that the City Auditor deems useful.

D. The City Council will review the program evaluation to be completed by the City Auditor and consider any possible deterrence effects of the cameras on crime before authorizing continued operation of the cameras beyond the completion of the pilot program.

18.14.110 No Effect on Admissibility.

Neither compliance with nor a failure to comply with the policies contained in this chapter shall affect the admissibility of video recordings as evidence in criminal, civil, or administrative proceedings.

18.14.120 Civil Liability.

A. Subject to the limitations of this section, a person shall have a right of action against the City based on this chapter for damages up to Five Hundred Dollars ($500.00) proximately caused by a willful and deliberate violation of the provisions of SMC 18.14.070.

B. No cause of action may be based upon the activity of departmental personnel in complying with a court order, or an action authorized by this chapter.

C. The City reserves all defenses at law consistent with this chapter, including but not limited to consent, privilege, participation, and waiver, and as to departmental personnel or a City official, any defense arising in the employer/employee or principal/agent relationship.

D. No cause of action may be based upon this chapter against the Mayor, the City Council, any City department head, any departmental personnel, or any other City officer or employee, individually, for any action or omission made in good faith in the scope and course of his or her duties. In the event such a lawsuit is brought against a City officer or employee, individually, for such an action or omission, and the officer or employee cooperates fully in defense of the lawsuit, the City Attorney may represent the individual and defend the litigation. If the claim is deemed a proper one or judgment is rendered against the City officer or employee individually, the judgment shall be paid by the City in accordance with its procedures for the settlement of claims and payment of judgments.

18.14.130 Employee Discipline.

Any City personnel who violates policies contained in this chapter, or any implementing rule or regulation, may be subject to the disciplinary proceedings and punishment authorized by the City Charter, Article XVI.

For City personnel who are represented under the terms of a collective bargaining agreement, this section prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.

Section 2. DPR, DoIT, SPD, and the City Clerk shall take the steps necessary to implement this ordinance.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 9th day of June, 2008, and signed by me in open session in authentication of its passage this 9th day of June, 2008.

Nick Licata

President of the City Council

Approved by me this 16th day of June, 2008.

Gregory J. Nickels, Mayor

Filed by me this 19th day of June, 2008.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

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