

VILLAGE OF SHOREWOOD HILLS
Public Health & Safety Committee Minutes - DRAFT
Tuesday, April 25, 2023 – 7:00pm or immediately following the
Parks Committee Meeting
Virtual via Zoom

1. **Call to Order:** Chair Carol Barford called the meeting to order at 7:11pm.
 - a. **Roll call:** Committee members present were Carol Barford, Jeremy Tunis, Dietmar Bassuner, Nadeem Afghan. Jim Rogers joined the meeting at 7:21pm. Bill Muehl joined the meeting at 7:25pm. Cara Silverman was absent. Also present was Deputy Clerk-Treasurer Chrissy Kahl.
 - b. **Note compliance with open meeting law:** Kahl confirmed that the meeting was properly posted.
2. **Public Comments, Appearances and Communications:** No one wished to speak
3. **Approve meeting minutes from March 28, 2023:** Bassuner moved, Tunis seconded to approve the March 28, 2023 meeting minutes. Motion carried (4-0).
4. **Discussion of potential public outreach related to safety and preparedness:** Barford opened this item. Discussion on this item was combined with discussion for item #5. Barford looked into the Red Cross smoke alarm install program. Madison just had an event within the last two weeks. First Aid or CPR training are possible other options. Put communications in the Village bulletin to communicate better to the residents. Fire/EMS may be able to hold an event sponsored by the Village.
5. **Discussion of potential disaster preparedness and the Village emergency action plan:** Barford has reached out to Public Works Supervisor Meier and Police Chief Pharo to help us understand our plan. Then the Committee can decide if there is anything they can do to complement the emergency plan.
6. **Discussion of video surveillance policy for the Village:** Barford gave background on this item. TIME system is utilized by the Police Department in regard to video surveillance. Barford came up with a set of questions for discussion that was in the meeting packet. The committee felt a simple and concise policy to present to the Board would be best. Barford will develop this more and bring back to the next meeting.
7. **Announcements, questions, and/or consideration items for future agendas (no discussion or action to be taken under this item):**
 - AED or other emergency equipment at McKenna Park

Tunis left the meeting at 8:49pm

8. **Next Meeting Date:** June 27, 2023 at 7:00pm
9. **Adjourn:** Rogers moved, Muehl seconded to adjourn the meeting at 8:51pm. Motion carried (5-0).

Respectfully submitted,

Chrissy Kahl
Deputy Clerk-Treasurer

Draft Surveillance Camera Policy for the Village of Shorewood Hills

Surveillance cameras can be used by law enforcement to deter [criminal / illegal] behavior, to assess emergent hazards to persons and property, and to help prosecute crimes. However, continuous video surveillance poses risks of violating personal privacy and discriminating against [minority] groups. To create an appropriate balance between protection of persons and property, and protection of individual privacy, the Village of Shorewood Hills ("Village") is adopting this surveillance camera policy. The policy will be used by the Board of Trustees ("Board"), the Village Administrator ("Administrator") and the Shorewood Hills Police Department ("SHPD") to evaluate each proposed instance of surveillance cameras in the Village.

1. Proposal. Any resident or staff member may propose installation of a video camera for surveillance by SHPD at a given public place ("site"). The proposal should describe recent illegal behavior at the site [within the last 1 year? 5 years?]. Proposals will be submitted to the Village Administrator.
2. Pre-Evaluation. The Administrator and SHPD will make a preliminary assessment of the feasibility of the proposal in terms of [financial and staff?] cost and SHPD [mission] priorities. If deemed feasible, SHPD will further evaluate the risks and benefits of video surveillance at the site using established metrics and standards*. This assessment will include the possibility of inadvertently collecting video of private spaces. Note that the SHPD is required by law to observe federal and state standards on collection and handling of video data**. If not deemed feasible, the Administrator will advise the proposer and include the Board in that communication. If feasible, the proposal will proceed.
3. [Collect public input. What form should this take (if it is done at all)? Is notice on the agenda of a Board meeting enough? What would be done with the input? What weight would it have?]
4. Decision. Results of the site evaluation will be presented to the Board. SHPD will provide specifications and cost of the camera and computer systems required to implement surveillance. The system must be video-only (no audio). [How do we say that we don't want powerful, tracking-type systems?] The Board will approve or deny funding for the camera.
5. Evaluation. After installation of video systems and signage at the site to advise the public of surveillance, SHPD will report to the Board annually on the number and types of incidents at the site. [How could this be made feasible / less burdensome for the SHPD?] The Board may allow surveillance to continue or may vote to cease surveillance at the site.

*SHPD uses the international standards of the *Crime Prevention through Environmental Design* network (<https://www.cpted.net/>) to evaluate and reduce safety risks. SHPD officers have training and certification in these standards.

** For handling of all criminal justice information – including surveillance data and a wide variety of other information such as background checks, biometric and property data – SHPD observes federal and state policies and procedures. These include Criminal Justice Information System Security Policy (CJIS, <https://le.fbi.gov/cjis-division/cjis-security-policy-resource-center>) and the Transaction Information for the Management of Enforcement System (TIME, <https://wilenet.widj.gov/cib/time-system-training-materials-manuals-forms>).

**ORDINANCE NO. L-2023-XX / RESOLUTION
VILLAGE OF SHOREWOOD HILLS
DANE COUNTY, WISCONSIN**

**AN ORDINANCE AMENDING SECTIONS ____ THE VILLAGE CODE OF ORDINANCES
RELATING ____.**

SUBJECT: ACQUISITION AND USE OF SURVEILLANCE TECHNOLOGY

Purpose: The Village of Shorewood Hills has identified legitimate reasons to use surveillance technology. This ____ establishes policies, and processes regarding the acquisition of surveillance technology.

Approval Process: All requests to purchase, acquire, or contract for the use of new surveillance technology or to substantially change the use of existing surveillance technology will need to be approved as follows:

1. As part of the annual budget request, the SHPD Police Chief will notify the Village Administrator, and the Board President of any requests to purchase, acquire or contract for the use of new Surveillance technology. If the Village Administrator or Board President request that the UWPD notify residents, feedback and comments from residents will be collected. If requested by the Village Administrator or Board President, there will be a public meeting held.
2. If the UWPD needs to move a camera location on the ____ camera system, or activates new camera functions not previously approved, or adds a new camera of a previously approved type, the UWPD will notify the Village Administrator, and the Board President.
3. In the event of an exigent situation requiring urgent acquisition, the SHPD may acquire and use surveillance technology without prior approval. The UWPD will apply for approval after doing so, and will follow the formal approval process described above.

Reporting Process:

The SHPD will complete an Annual Surveillance Technology Report which will be submitted to the Village Board Trustees by June 1. The Annual Surveillance technology Report will include:

- An inventory of current Surveillance technology and the applicable policies;
- How the SHPD has used the data collected by its surveillance technology;
- How any surveillance data is being shared with other entities;
- How well surveillance data management protocols are safeguarding individual information; and
- Whether the SHPD has received any complaints or concerns about its surveillance technology use and the resolution of said complaints.

Roles and Responsibilities: The following outlines the roles and responsibilities of the various parties involved in surveillance technology.

In regards to the Village ____ camera system, the SHPD with the Village Administrator shall manage the system, and facilitate requests for maintenance and replacement of devices. The SHPD will have staff capable of maintaining camera devices providing their own maintenance and problem remediation support.

The UWPD and Village Administrator will ensure that signage is posted in public entryways to all Village properties, providing notice that surveillance camera technology is in use.

The SHPD will ensure that all SHPD staff receive training regarding the SHPD surveillance technology procedures and the appropriate use.

The SHPD is the owner of audio and video recordings, and is responsible for compliance with all Wisconsin Public Records Laws, the Village's Record Retention policy, and timely production of video if requested as part of a public records request.

The SHPD will maintain a written procedure on said use. The Department will post their surveillance technology procedure on the SHPD website. Procedures must address the following considerations:

1. Circumstances which necessitate the use of Surveillance technology;
2. The training protocols SHPD will utilize;
3. The position(s) responsible for the account management and administration of the surveillance technology;
4. The position(s) responsible for receiving complaints regarding the SHPD use of surveillance technology;
5. The process for determining roles and access to surveillance technology;
6. The process to ensure access to surveillance technology is revoked when the employee no longer has a job-related need to said access;
7. The position(s) responsible for training staff and reviewing staff access and use of the surveillance technology;
8. Ensuring that the SHPD will be provided with immediate access to all data recordings that may constitute evidence of a crime, unless otherwise prohibited by law;
9. The time period that downloaded or saved audio and video will be retained in accordance with the Village's Records Retention Policy, and differentiate between recorded/streamed and downloaded or otherwise saved,
10. Ensuring that the surveillance technology may not be used to visually or audibly monitor the interior of private dwellings where a reasonable expectation of privacy exists, absent a court order or lawful justification; and
11. Procedures for ensuring that records are not destroyed during the pendency of any public records request, investigation or civil or criminal litigation.

Original dated: DRAFT 4/27/2023

Revised: DRAFT Date

- *CREDITS: Based on City of Madison Administrative Procedure Memorandum No. 3-17, Acquisition and Use of Surveillance technology, May 10, 2021, <https://www.cityofmadison.com/mayor/apm/3-17.pdf>*

VILLAGE OF SHOREWOOD HILLS POLICE
DEPARTMENT
STANDARD OPERATING PROCEDURE



Video and Audio Surveillance
DRAFT for potential SHPD use

DRAFT DATE: 4/25/2023
Eff. Date _____

Purpose

The Village of Shorewood Hills Police Department recognizes the use of video and audio surveillance technology can significantly aid SHPD investigative efforts and promote greater public safety in our community. Yet the use of surveillance technology must also be balanced with the need to protect the privacy rights of the public and SHPD employees when and where applicable.

SHPD personnel routinely utilize the _____ Camera System. SHPD personnel will also deploy and utilize other, stand alone, covert video or audio surveillance technology when appropriate. These deployments are generally limited in duration and are part of an on-going investigation of specific criminal activity for purposes of collecting evidence necessary for criminal or municipal prosecution.

Use of Village of Shorewood Hills _____ Camera System

All SHPD employees are authorized to use the City _____ Camera System as outlined in this standard operating procedure (SOP). Civilian SHPD employees may be authorized by the Chief of Police to access the system where there is a job-related need. No SHPD employee will access or utilize the system prior to receiving training in its use.

The SHPD is responsible for administration and maintenance of appropriate user/access lists. Any complaints about use of the system will be routed to the Chief of Police.

Signage will be posted at appropriate SHPD locations alerting the public to the use and deployment of video recording.

Authorized Use

SHPD employees are only permitted to access the City _____ Camera System for official law enforcement business, under any of the following conditions:

- To assist with the investigation of criminal or otherwise unlawful activity.
- To assist with internal investigations as appropriate by the Chief or designee.
- To protect and secure Village of Shorewood Hills facilities.
- To maintain order during planned and unplanned events.
- As part of a proactive review of a tactical incident, or for internal training opportunities with prior supervisory approval.
- To remotely monitor environmental conditions or other non-investigative circumstances necessary to perform an employee's duties (i.e., weather or traffic conditions, safety hazards, management of resources, etc.).
- To preserve previously-discovered items or view/retrieve preserved evidence.

Prohibited Uses

SHPD use of the City _____ Camera System is intended to monitor publicly available spaces. Employees will not use the system to view any area where a reasonable expectation of privacy exists (i.e., through a window into a private residence) without a warrant or other lawful justification (i.e., exigent circumstances).

Employees will not utilize the system to track or surveil any individual or vehicle without a specific and articulable law enforcement purpose. Cameras will not be accessed for any personal use.

Retention/Evidence

The SHPD is responsible for maintenance of the _____ Camera System and for storage of video captured by the system. Video is generally retained for fourteen (14) days, unless a recording is requested under the Wisconsin Public Records law, it contains evidence, or it is determined to have other value in being preserved. Cameras on the _____ Camera System deployed to sensitive areas within SHPD facilities are retained for a one-year period.

Requests to preserve video on the _____ Camera System server should be directed to the SHPD Chief of Police. The request shall be completed in a timely manner and shall include case number(s), camera name(s), date(s), and time frame(s) to be preserved for evidentiary purposes. This information shall also be documented within an official police report.

If a record is created through the preservation of video from the _____ Camera System, that record will be maintained in accordance with SHPD's records retention schedule. If the video contains evidence of unlawful activity, it will be maintained in accordance with SHPD's digital evidence policies and procedures.

The capture and preservation of video stills ("screen shots") is permissible in instances where the full video is not necessary or required for evidentiary purposes or to supplement retention of the video. Video stills are not an equivalent substitution for proper video evidence identification and retention.

Pursuant to the State of Wisconsin's "Recording Custodial Interrogations" statutes (Wis. State Statutes 938.195 and 968.073), SHPD has installed in all district stations video and audio recording equipment for purposes of recording custodial interrogations of individuals under 17 years of age and of adults involved in felonious incidents. SHPD in-car audio/video systems may also be used to record custodial interrogations when necessary. All video and audio records associated with custodial interviews are maintained in accordance with applicable SHPD departmental procedure.

Any requests to add or to move cameras on the _____ Camera System will be forwarded to the Police Chief.

SHPD Video/Audio Systems

SHPD personnel deploy additional video/audio systems on a regular basis (in-car video, body worn cameras, unmanned aircraft systems, etc.). SHPD personnel will only utilize or access those systems for official law enforcement purposes. Video/audio collected through those systems will be retained for 180 days unless a recording is requested under the Wisconsin Public Records law, it contains evidence, or it is determined to have other value in being preserved.

Use of Other Video/Audio Surveillance Systems

SHPD personnel may deploy additional surveillance technology (i.e., covert cameras) as part of an active investigation. Such deployment will be of a limited duration and will only be done with approval as outlined below. SHPD will not reveal the deployment or location of covert surveillance technology used in conjunction with criminal investigations unless the harm to the integrity and success of the investigation is outweighed by other public interests (i.e., the identification and apprehension of a fugitive). Access to covert video/audio surveillance deployed as part of an active investigation is limited to personnel authorized by the SHPD Chief.

SHPD personnel may be provided with access to third-party video systems. SHPD personnel will only utilize third-party systems for official police business.

The procedures outlined below serve to clarify and establish guidelines for further deployment of video and audio surveillance technology by SHPD personnel. As noted earlier, SHPD personnel use overt and covert surveillance strategies depending upon the situation. Overt surveillance for purposes of this SOP shall be defined as video or audio surveillance where the subject(s) being recorded is(are) aware of the recording.

Covert surveillance is defined as video or audio surveillance where the subject(s) is(are) not aware of the recording.

Prior to the use and deployment of video and audio surveillance technology, SHPD employees shall adhere to the following:

1. All requests for the new use and deployment of video or audio surveillance will be directed to the Chief of Police. The Chief of Police shall review the request and ensure the request is compliant with this SOP and that the anticipated installation/use of the video or audio surveillance is compliant with all applicable legal requirements.
2. The Chief of Police will determine location placement of public cameras, with notification given to the Village Administrator and the Village Board at least two weeks prior.

Original SOP: Date

(Revised: Date)

- Based on the *City of Madison Police Department Video and Audio Surveillance Standard Operating Procedure (12/28/2021)*, <https://www.cityofmadison.com/police/documents/sop/VideoAudioSurveillance.pdf>

MEMO

TO: Carol Barford, Village of Shorewood Hills
Chair, Public Health and Safety Committee

FROM: Jim Rogers, Public Health and Safety Committee Member

DATE: April 27, 2023

SUBJECT: Village of Shorewood Hills Camera and Video Use

I would like to express my gratitude for your continued dedication to supporting the Village, especially your efforts in coordinating the Public Health and Safety Committee. It is important to acknowledge that the work of the Village Trustees and volunteers often goes unrecognized, despite the significant amount of time and effort they invest.

During committee meetings, we discussed the need for a video surveillance policy to be in place before granting individual video surveillance requests, such as those for the McKenna Park Boathouse. You have been instrumental in identifying and creating relevant materials, and we have spent considerable time reviewing and discussing the options and these documents during our recent meetings.

With a goal to move forward, I have started modifying the documents you have shared with us to create a DRAFT of the desired video surveillance policy. This policy is intended to clearly define the limited uses of video cameras for public safety in the Village. I have used the *City of Madison Administrative Procedure Acquisition and Use of Surveillance Technology*¹ policy and the *City of Madison Police Department Video and Audio Surveillance Standard Operating Procedure*² as templates to create the following documents:

- *Camera Surveillance Policy Draft, Village of Shorewood Hills*
This document is based on the City of Madison's policy and *may* be useful as a template for the Board's approval of related equipment. It can also be edited to further answer some of the questions raised in your well-worded *Public Health & Safety Policy Development Questions* further below.
- *Video and Camera Use Procedure, Village of Shorewood Hills*
This document is based on the *City of Madison Police Department's video and audio surveillance standard operating procedure*. It *may* be useful for the SHPD Police Chief in creating the actual SHPD video surveillance procedure. It is noted that this procedure is for the SHPD's use, with modifications as they desire, and may not require involvement from the Public Health and Safety Committee.

I hope that these documents will be helpful in creating a draft video surveillance policy and procedure that aligns with the Village Board's goals, so others can more easily further edit and, with this, continue to determine how to move forward. Thank you for your hard work and dedication. Please continue to let me know of ways I can be helpful to you, the committee, and the Board.

¹ *City of Madison Administrative Procedure Memorandum No. 3-17, Acquisition and Use of Surveillance technology, (5/10/21)*, <https://www.cityofmadison.com/mayor/apm/3-17.pdf>

² *City of Madison Police Department Video and Audio Surveillance Standard Operating Procedure (12/28/2021)*, <https://www.cityofmadison.com/police/documents/sop/VideoAudioSurveillance.pdf>

Further useful information

Carol Barfoot's, 4/25/2023 Public Health & Safety Policy Development Questions

Questions for Video Surveillance Policy Development

1. What are the significant threats to life safety in VoSH? Who determines this?
2. What are the significant threats to property in VoSH? Who determines this?
3. Who should submit a request for permanent video surveillance? To whom?
4. Who should decide whether to purchase and implement video surveillance? Who decides to end video surveillance after it has been implemented?
5. If/ How should the use of the video system be reviewed, other than according to the state and federal rules?
6. How should the public be made aware of video systems and rules around their use (e.g., CJIS, TIME, etc.)?
7. Are there other ways to mitigate a given threat besides video surveillance?