

Notes for Public Health & Safety Committee meeting on August 31, 2023

We have 2 main items on the agenda: video camera policy and low speed vehicles.

1. Video camera policy. Chief Pharo and Administrator Eveland recently reviewed the policy draft that resulted from our June meeting. In the packet are Sharon's edits and a clean version that incorporates the changes. I hope that we can discuss and vote whether to recommend this version to the Board.
2. Low speed vehicles. A resident has enquired whether he can operate a low-speed vehicle on Village streets. According to Ordinance 7.16 and based on the spec's of the desired vehicle, Chief Pharo approves, but there is a potentially confusing reference to golf carts in the ordinance. In the packet are the relevant email chain and the ordinance. I hope we can discuss and vote whether to recommend a small ordinance change to the Board.

Draft Surveillance Camera Policy for the Village of Shorewood Hills

Surveillance cameras can be used by law enforcement to deter illegal behavior in public spaces, to assess emergent hazards to persons and property, and to help prosecute crimes. However, video surveillance poses risks of violating personal privacy and civil liberties. 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 (“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 Village resident or Village staff member, including members of SHPD, 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 or other need for the proposed surveillance. Proposals will be submitted to the Administrator.
2. **Evaluation.** The Administrator and SHPD will make a preliminary assessment of the feasibility of the proposal in terms of financial and staff resources required and SHPD priorities. If deemed feasible, SHPD will further evaluate the risks and benefits of video surveillance at the site using established metrics, ~~and~~ standards, and practical knowledge*. This assessment will include the possibility of inadvertently collecting video of private spaces. The SHPD will give a recommendation on surveillance at the site based on their assessment. If surveillance is not recommended, the Administrator will advise the proposer and include the Board in that communication. If recommended, 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 and SHPD recommendation 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). In order to implement surveillance at the site, the Board must vote to approve the proposal.
5. **Re-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 and recommend whether to continue or cease surveillance. Note that the SHPD is required by law to observe federal and state standards on collection and handling of video data**. [How could reporting be made feasible / less burdensome for the SHPD?] The Board may allow surveillance to continue or may vote to cease surveillance at the site.
- 5-6. **Exclusions.** The use of temporary cameras and recording devices for operational investigative purposes and body cameras are not intended to be covered by this policy.

Commented [SE1]: Would not advise including board members on the email. Could turn into a potential open meetings violation. I can certainly report to the Board.

Commented [SE2]: I would simply do it through notice on the agenda. NOT a public hearing. It would be handled in the same way any other agenda item is handled but we need to avoid getting bogged down.

Commented [SE3]: Reporting in this manner is acceptable to staff

*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>).

All of this should be left to the Chief and/or Administrator

How much detail about the CPTED site metrics and the CJIS and TIME standards should be included? Should I write an appendix to the policy that contains more info? In particular, it was suggested in the last PHS Committee mtg that we should cite info about:

- The process for determining roles and access to surveillance technology
- The process for revoking access to surveillance technology for employees
- The position(s) responsible for training staff and reviewing staff access and use of the surveillance technology
- The time period that downloaded or saved [audio and] video will be retained

Draft Surveillance Camera Policy for the Village of Shorewood Hills

Surveillance cameras can be used by law enforcement to deter illegal behavior in public spaces, to assess emergent hazards to persons and property, and to help prosecute crimes. However, video surveillance poses risks of violating personal privacy and civil liberties. 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 ("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 Village resident or Village staff member, including members of SHPD, 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 or other need for the proposed surveillance. Proposals will be submitted to the Administrator.
2. **Evaluation.** The Administrator and SHPD will make a preliminary assessment of the feasibility of the proposal in terms of financial and staff resources required and SHPD priorities. If deemed feasible, SHPD will further evaluate the risks and benefits of video surveillance at the site using established metrics, ~~and~~ standards*, and practical knowledge*. This assessment will include the possibility of inadvertently collecting video of private spaces. The SHPD will give a recommendation on surveillance at the site based on their assessment. If surveillance is not recommended, the Administrator will advise the proposer and report this outcome to the Board~~include the Board in that communication~~. If recommended, 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?]~~
- 4-3. **Decision.** Results of the site evaluation and SHPD recommendation 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). In order to implement surveillance at the site, the Board must vote to approve the proposal.
4. **Re-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 and recommend whether to continue or cease surveillance. Note that the SHPD is required by law to observe federal and state standards on collection and handling of video data. **~~[How could reporting be made feasible / less burdensome for the SHPD?]~~ The Board may allow surveillance to continue or may vote to cease surveillance at the site.
5. **Exclusions.** The use of temporary cameras and recording devices for operational investigative purposes and body cameras are not intended to be covered by this policy.

Commented [SE1]: Would not advise including board members on the email. Could turn into a potential open meetings violation. I can certainly report to the Board.

Commented [SE2]: I would simply do it through notice on the agenda. NOT a public hearing. It would be handled in the same way any other agenda item is handled but we need to avoid getting bogged down.

Commented [SE3]: Reporting in this manner is acceptable to staff

*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>).

All of this should be left to the Chief and/or Administrator

How much detail about the CPTED site metrics and the CJIS and TIME standards should be included? Should I write an appendix to the policy that contains more info? In particular, it was suggested in the last PHS Committee mtg that we should cite info about:

The process for determining roles and access to surveillance technology

The process for revoking access to surveillance technology for employees

The position(s) responsible for training staff and reviewing staff access and use of the surveillance technology

The time period that downloaded or saved [audio and] video will be retained

From: Jeff Pharo <jpharo@shorewood-hills.org>
Sent: Wednesday, August 2, 2023 9:13 AM
To: Sharon Eveland <seveland@shorewood-hills.org>
Subject: Fw: Low Speed Vehicle

I agree with Ray on this. What are your thoughts? Should the ordinance be changed to remove the "not a golf cart" statement, since the NEVs require things that a golf cart won't have? The marketing material for this vehicle says it is a "Street legal golf cart." I'm fine with him having it on the street since it meets the requirements of the ordinance, except for that "golf cart" label.

Actual golf carts don't meet the speed specs, don't have turn signals, windshields, etc., and aren't LSV compliant.

Jeff Pharo, Chief of Police
Shorewood Hills Police Department
810 Shorewood Blvd.
Madison WI 53705
(608)267-1110
jpharo@shorewood-hills.org
sh-pd.org

From: Ray Kline <ray.kline3@gmail.com>
Sent: Saturday, July 29, 2023 11:16 AM
To: Jeff Pharo <jpharo@shorewood-hills.org>
Subject: Low Speed Vehicle

Hi Jeff,

Trying to get some clarification about a village ordinance traffic code 7.16 - Low speed vehicles. In specific 7.16 (B)

"A NEV shall be 4-wheeled and have a speed range of at least 20 miles per hour and not more than 25 miles per hour on a paved surface and have a gross vehicle weight of less than 2,500 pounds. NEV does not include an electric golf cart and shall have all of the following specifications."

I'm interested in purchasing and licensing something like this <https://tomberlinusa.com/>

The gray area for me is defining the difference between a low speed vehicle and a golf cart. To me these carts are not "golf carts" but rather low speed vehicles. They meet all federal, state, local requirements of a LSV, and having no connection golf. All have the following:

- Vin numbers can be titled and registered
- Headlamps
- Front and rear turn signals
- Stop lamps

- reflex selectors
- Mirrors
- Parking break
- Motor **Vehicle** safety standard conforming windshield
- Seat belts
- general test conditions
- **speed** between 20-25mph

Just looking for your insight and thoughts on this before purchasing.

I appreciate your time, talk soon,

Ray Kline

7.16 Neighborhood Electric Vehicles.

(1) Definitions.

(a) A neighborhood electric vehicle (NEV) means a self-propelled electrically-powered motor vehicle that has successfully completed the neighborhood electric vehicle America test program conducted by the federal Department of Energy and that conforms to the definition and requirements for low-speed vehicles, as adopted in the federal motor vehicle safety standards for "low-speed vehicles" under 49 CFR 571.3(b) and 571.500.

(b) A NEV shall be 4-wheeled and have a speed range of at least 20 miles per hour and not more than 25 miles per hour on a paved surface and have a gross vehicle weight of less than 2,500 pounds. NEV ~~does not include an electric golf cart and~~ shall have all of the following specifications:

(i) Headlamps;

(ii) Front and rear turn signals;

(iii) Stop lamps;

(iv) Reflex reflectors; one red on each side as far to the rear as practicable and one red on the rear;

(v) An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;

(vi) Parking brake;

(vii) A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205);

(viii) A vehicle identification number (VIN) that complies with federal law as provided in 49 CFR 565;

(ix) A type 1 or type 2 seatbelt assembly conforming to 49 CFR 571.209 and federal motor vehicle standard no. 209 for each designated seating position; and

(x) Meets the general test conditions under 49 CFR 571.50056.