

PORTABLE OBSERVATION DEVICE POLICY

1. SCOPE AND PURPOSE OF POLICY:


This Policy applies to all City of Hughson ("City") owned Portable Observation Devices ("POD") that have monitoring and/or recording capabilities. The purpose of this Policy is to provide guidelines for the use of City owned PODs in public places and to enhance public safety in a manner consistent with legal privacy rights.

2. USE OF PORTABLE OBSERVATION DEVICES:

- 2.1.** PODs may be placed in strategic locations throughout the City at the direction or with the approval of the City Manager or his/her designee.
- 2.2.** Use of PODs must be conducted in a professional, ethical, and legal manner.
- 2.3.** PODs will be used to prevent acts of vandalism, theft and other crimes, assist in the event of natural disasters or other critical incidents, assist with response or investigation of public safety incidents in the City, and, where appropriate, the investigation of criminal activity.
- 2.4.** The PODs will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists.
- 2.5.** The PODs shall not be used to harass, intimidate, or discriminate against any individual or group, nor for any purpose not authorized by this Policy.
- 2.6.** Images from each POD shall not be routinely monitored by any City staff, consultant, or City Official.
- 2.7.** All requests for POD images or other POD use that are made in connection with any City investigation, or other City purpose, shall be made by City Department Heads to the City Manager or his/her designee.
- 2.8.** When activity warranting further investigation is reported or detected by City staff at any POD location, the City Manager or his/her designee may selectively view the appropriate POD images and relay any information, including the recorded images, to the relevant City Department Head.
- 2.9.** The PODs shall not be used to record any regular or ongoing operations of City departments.

3. PORTABLE OBSERVATION DEVICE IMAGES USE AND RETENTION

- 3.1.** Images from each POD shall be recorded on a 24-hour basis every day of the week. Unmonitored recorded images shall be stored for a minimum of 14 days after which time they will be automatically recorded over.
- 3.2.** All POD images that are reviewed and/or used by City staff should be retained and stored in accordance with the established City records retention schedule. Thereafter, retained POD images should be destroyed as directed by the City Attorney, unless it has become, or it is reasonable



to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records.

- 3.3.** Video images captured by PODs that are requested by the public or media will be made available only to the extent required by law.
- 3.4.** Duplication of POD images without authorization from the City Manager is prohibited.
- 3.5.** Any person who tampers with or destroys a POD or any part of the POD system, including images, may be prosecuted in the criminal justice system as well as subject to discipline, up to and including termination, in the case of City staff.

4. COMPLAINT PROCESS

All internal and external complaints related to the City's PODs or this Policy will follow standard City complaint procedures and applicable law.

5. ANNUAL POLICY REVIEW

City Council or its designee will conduct an annual review of the PODs. The annual review will include an inventory of POD installations, date of installation, summary of the purpose, adherence to this Policy and any proposed Policy changes.