

MANHATTAN BEACH POLICY



POLICY #:	P-34
ESTABLISHED DATE:	05/20/25
REVISION DATE(S):	N/A
APPROVED BY CITY MANAGER:	TALYN MIRZAKHANIAN

SUBJECT: Public Safety Camera System (PSCS)

SUMMARY: To establish City policy and procedures related to the implementation of the PSCS program.

A. PURPOSE

The City's PSCS program is intended to enhance safety at key City facilities and public places improving the City's ability to:

- Deter criminal activity;
- Respond to public safety needs;
- Respond to employee and security needs;
- Investigate criminal activity;
- Identify and apprehend suspects and serve as an aid to the successful prosecution of those responsible for criminal acts;
- Recognize and respond to the needs of the resident and business community; and
- Respond during an emergency or disaster.

This policy will specify rules of acceptable use of the PSCS to achieve program goals while ensuring that all citizens who may be conducting their activities in a place generally described as "public" be assured that their constitutional right to privacy is respected and protected. Video monitoring and recording will be conducted in a professional, ethical, and legal manner. The existence of the PSCS and this policy does not create an affirmative duty on the part of the City to live monitor, whether on a continuous or periodic basis, the PSCS system located in public places. The Police Department may live monitor the PSCS on a case-by-case- basis, as deemed appropriate by the City, for the purposes set forth in this policy, in the event the Emergency Operations Center (EOC) is activated, or to monitor an active safety or security concern that has been identified. Installation of the PSCS is not designed to benefit specific individuals, businesses, entities or groups, and thus shall create no special relationship with any specific person or party.

B. RESPONSIBILITY

This policy applies to all employees, contractors, or vendors while working on behalf of the City that are authorized (referenced in Section G) to use the PSCS.

The Police Chief shall act as the primary manager of the PSCS and its users with assistance from the Information Technology Director and the Human Resources Director.

C. DEFINITIONS

1. **Misconduct** – Unlawful conduct, or improper or unprofessional behavior that violates a City policy, MOU, rule, or regulation that defines workplace standards. In contrast to concerns about performance and productivity, "misconduct" refers only to allegations of inappropriate workplace behavior that, if true, could lead to formal discipline due to the nature or severity of the allegations. For the purposes of this policy, misconduct expressly excludes general performance and productivity concerns.
2. **Performance and Productivity** – An employee's competence to complete their job and the manner in which they perform their work, including but not limited to attendance, punctuality, time spent at or away from desk, quality and quantity of work, or the manner or speed by which work is performed.
3. **Protected Characteristics** – Actual or perceived race, ethnicity, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy), sexual orientation, gender, gender identity, gender expression, age (40 and over), or military and veteran status, or any other basis protected by law.
4. **Public Safety Camera System (PSCS)** – A system of video cameras, display devices, and data networks that provides enhanced security for employees and visitors at City Hall, other City facilities, property, and public places by capturing visual media with interior and exterior cameras; the system is also used to detect and deter criminal activity in public places.
5. **Recorded Visual Media** – Video footage that is captured and stored on the City's PSCS.

D. GENERAL USE PROVISIONS

The rules set forth in this policy are intended to ensure that the cameras are reasonably and properly operated, comply with the intent of the City program, and are in compliance with State and Federal laws.

1. Recorded visual media may be used for a variety of purposes, including criminal investigations and monitoring of public areas. The PSCS may be used for the following purposes:
 - a. To deter and identify criminal activity.
 - b. To target identified areas of gang and narcotics complaints or activity.
 - c. To respond to incidents.
 - d. To monitor and provide placement of public safety personnel for large-scale events or other issues creating an imminent public safety hazard.
 - e. To assist in identifying, apprehending, and prosecuting offenders.
 - f. To investigate an occurrence (accident/incident) that is or may be subject to a liability or workers' compensation claim.

- g. To assist with the investigation of allegations of employee misconduct or evaluate safety and security concerns.
 - h. To monitor pedestrian and vehicle traffic activity in public places.
 - i. To monitor active or simulated emergency situations (EOC activations).
2. Only City and department-approved video monitoring equipment shall be utilized.
3. The City may contract with private security vendors for assistance in monitoring or analyzing video feeds from the system. Any agreement for these types of services shall be approved by the Chief of Police or designee with the concurrence of the Information Technology Director. The agreement must indicate that the vendor shall treat such video in a manner consistent with the rules and procedures set forth in this policy.
4. The system shall not be used for intentionally viewing activities or obtaining audio where a reasonable expectation of privacy may exist, even though conducted in a public space.
5. Under no circumstances shall the recordings be used for the purpose of infringing upon First Amendment and/or Fourth Amendment rights and City staff shall otherwise comply with all Federal and California State law applicable to the use of PSCS in public places.
6. The system shall not be used to track individuals based on protected characteristics and classifications (e.g., race, color, religion, sex, age, national origin, disability, pregnancy, sexual orientation, marital status, familial status, status as a victim of domestic violence, alienage or citizenship status, creed, genetic predisposition or carrier status, unemployment status, or any other protected status or characteristic as established by law) and is strictly prohibited.
7. The recordings and cameras shall not be used in a way that targets or intimidates individuals or that would discourage constitutional speech.
8. The technology shall not be used to replace current policing techniques.
9. The PSCS shall not be used to monitor employee performance and productivity but such recordings in public areas may be used to assist with investigations dealing with allegations of employee misconduct.
10. Cameras may have different configurations. While audio or sound recording will not be enabled in most areas, including where there is a reasonable expectation of privacy, a microphone may be installed and enabled in a camera fixed in a public area where there is no such reasonable expectation of privacy in the following limited circumstances:
 - a. If properly noticed by signage to the extent practicable,
 - b. If appropriate court orders and warrants are obtained, or
 - c. If there is an active law enforcement incident occurring that requires the use of audio to protect the community's safety.
11. If the cameras inside City facilities have microphones installed and enabled, audio shall not be actively used in employee workspaces and areas not accessible to the public

unless there is an active law enforcement incident or investigation occurring that requires the use of audio for the protection of City employees.

Further, to the extent permitted by law, areas of the Police Department where suspects or witnesses may be interviewed or detained may have cameras where microphones are installed and enabled to facilitate law enforcement's response.

E. LOCATION OF CAMERAS

1. The system used by the City shall utilize multiple fixed and adjustable cameras focused on public areas, City facilities, and property throughout the City.
2. Cameras shall be situated in a manner and located in City facilities, property, and public places that maximize the field of view of public areas for public safety purposes. Camera placement shall minimize the potential for inadvertent capture of images from areas where there would be a reasonable expectation of privacy.
3. The Police Chief or designee shall approve all locations for the use of camera monitoring technology and shall consult with and be guided by legal counsel as necessary in making such determinations. Contributing factors shall be taken into consideration including, but not limited to, lighting, data connectivity, alignment of buildings, existing vegetation, or other obstructions when selecting camera placement.
4. Absent a legitimate law enforcement need, the cameras shall not be directed to look into windows of buildings, non-public areas where an expectation of privacy exists, or to focus/zoom-in on any personal physical features of individuals observed on the video monitors.

F. INVESTIGATIONS

1. The Police Chief is responsible for the investigation of all law enforcement activity or emergency requests related to the PSCS.
2. The Human Resources Director is responsible for the investigation of actual or potential liability claims, workers' compensation claims, as well as allegations of employee misconduct. The Human Resources Director or their designee will assess claims and allegations to determine if it is necessary to obtain recorded visual media pertinent to a formal investigation.

G. AUTHORIZED ACCESS

1. Access will be granted to:
 - a. The Police Chief, Lieutenants, Captains, Watch Commanders, and any other personnel designated by the Police Chief for the purposes of monitoring the system to respond to claims investigations, Public Records Act Requests, and any law enforcement related activity.

- b. The Information Technology Director, Information Technology system engineers, and any other personnel designated by the Information Technology Director, for the purposes of handling all technical aspects of the system and to retrieve footage only after receiving approval from the Police Chief or Human Resources Director.
 - c. Additional user requests will be reviewed and approved by the Police Chief with concurrence from the City Manager. New user accounts and the pre-approved level of access will be created by Information Technology system engineers.
- 2. Use of System:
 - a. Training shall be documented and acknowledged in writing by both the employee or vendor providing the training and the employee receiving the training.
 - b. The system shall require assignment of a unique user account for each employee to access the system. Employees shall log-on to that account with a password prior to viewing and log-off when finished. This system shall be able to track all account activities by each employee and provide an audit trail showing what each employee viewed during their shift.
 - c. The cameras and monitors shall be operated and viewed only by authorized, properly trained personnel with a valid purpose.
 - d. Authorization to operate the system shall be in the course of legitimate City business and on a need-to-know/right-to-know basis.
 - e. Access and viewing shall be conducted in strict accordance with the policy and training as documented in a signed training acknowledgement.
 - f. Viewing for demonstration purposes (other than training as provided for herein) may be conducted if expressly approved by the Police Chief. The Police Chief or designee shall supervise any demonstration.
 - g. The Police Chief or designee, with the support of Information Technology staff as needed, will conduct periodic audits of the system to maintain user accountability.

H. REQUEST FOR VISUAL MEDIA

- 1. Non-emergency requests from employees for recorded visual media (outside of law enforcement related activity, liability claims, workers' compensation claims, or allegations of employee misconduct) shall be submitted via an electronic form which is located on the City's intranet, on SharePoint (under Citywide Documents) or on InSite (under Employee Resources, Administrative Instructions) . The approval process for non-emergency requests to retrieve and release the recorded visual media is specified below.

- a. Approval Process to Retrieve Recorded Visual Media
 - i The employee submits an electronic form, which includes the purpose for obtaining the visual recorded media as well as a specific time frame to assist in its retrieval.
 - ii The employee's Department Head will review the request and approve or deny the request, which will then be directed to the Human Resources Director. If the request is denied, the Department Head shall add an explanation for the denial on the form before it is routed to the Human Resources Director for further review.
 - iii The Human Resources Director or their designee shall review the employee's request and consider any additional information provided by the Department Head. If the request is in accordance with this policy, the request to retrieve the recorded visual media will be approved and routed to the City Manager or designee for final review.
 - iv The recorded media will be retrieved upon the City Manager or designee's final review and approval. If the request is denied, the reason shall be indicated on the form.
- b. Approval Process to Release Recorded Visual Media
 - i The Human Resources Director or their designee will assess the retrieved recorded media to determine if it is relevant to the provided purpose and releasable. If the recorded media is determined to be releasable, it will be provided to the requestor's Department Head.
 - ii If the requested recorded visual media is not approved for release, the requesting employee shall receive a copy of the request form that indicates the reason for the denial.
2. If an urgent need for live monitoring or recorded visual media is identified by a City employee, the employee or their supervisor should contact the Police Chief, Police Captain, Police Lieutenant, or Watch Commander to determine if the request constitutes an emergent need. If it does, the Police Chief or designee will take appropriate action and may choose to actively view the PSCS (with the requestor if appropriate) or retrieve the recorded media. The use of the system for this purpose will be documented after the fact. If it is determined that it is not necessary to allow live monitoring access, the employee shall be instructed to submit their request via electronic form pursuant to the aforementioned process.

I. STORAGE AND RETENTION

1. All captured images that are downloaded to media shall be stored on a dedicated server in a secured area at a City of Manhattan Beach facility or City offsite secure data center with access restricted to authorized persons.

2. Recordings shall be stored and retained by the City at City facilities or City offsite secure data center in accordance with the established records retention schedule that is managed by the City Clerk.
3. PSCS video recordings shall be retained for a minimum of one year. If statutes change regarding the retention of visual media, the City's retention schedules will be updated accordingly.
4. Written consent shall be obtained prior to the destruction of any downloaded or stored visual media as in the ordinary course of the City's records destruction process, as managed by the City Clerk.
5. In the event the City has stored recordings that are evidence in any filed claim or any pending litigation, they shall be preserved until pending litigation is resolved. Any claim or litigation holds shall be communicated to the appropriate Police Department or IT Department personnel to ensure that the visual media is retained until resolution.

J. RELEASE OF IMAGES

1. Images may only be reproduced, distributed, or shown to other persons in accordance with this policy or the procedures set forth in the Police Department Policy Manual.
2. All downloaded and retained media used for a law enforcement purpose shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
3. Unauthorized recording, viewing, reproduction, dissemination, or retention by staff or outside agencies is prohibited. Images shall not be released outside of the City without the approval of the Chief of Police or designee, and only then in accordance with the established procedure and in compliance with the California Public Records Act (Government Code Section 7920 et seq.), or in response to a lawful subpoena or court order.
4. The City Clerk's Office is responsible for processing all Public Records Act requests, court orders, and subpoenas in relation to requests for recorded visual media.

K. VIOLATIONS

Employees may report suspected violations to the provisions in Sections D, G, H, and J of the PSCS policy to the employee's supervisor, the Chief of Police, or Human Resources. If a supervisor becomes aware of a suspected policy violation, they are required to report the policy violation to the Internal Affairs unit or through the chain of command for a Police Department employee, or to Human

Resources directly if it relates to an employee in another department. Alleged violations of policy related to an outside entity or vendor should be submitted via the same channels. Depending on the nature of the policy violation, it will be investigated further by Police Department personnel, Human Resources, or an outside investigator assigned by the City, with technical assistance from the Information Technology Department or outside vendors, as needed. Allegations of violations of the policy that are sustained will result in appropriate corrective action.

L. POLICY EXCEPTIONS

The Police Department maintains additional camera equipment for law enforcement purposes. This camera equipment may be overt, covert, fixed site, or mobile depending on the needed application. Due to the sensitive nature of criminal investigations and the need to maintain investigative integrity, these specific cameras controlled and maintained by MBPD will follow MBPD camera policies and are exempt from the provisions of this policy.

ATTACHMENT(S):

- PSCS Request For Recorded Visual Media (copy of electronic form)

PUBLIC SAFETY CAMERA SYSTEM: REQUEST FOR RECORDED VISUAL MEDIA



This form is to be used by employees to submit non-emergency requests for recorded visual media. Submitted requests will be reviewed to determine if they are in accordance with the City's PSCS policy.

You will be notified by Human Resources as to whether the request has been approved or denied. If the request is denied, a reason will be provided.

- 1. Requestor Name:
- 2. Department:
- 3. Reason for requesting the recorded visual media (please include information regarding the specific event that occurred):
- 4. Location(s) of event:
- 5. Requested date(s) and timeframe of event (please be as specific as possible):
- 6. Additional information that may be helpful in reviewing the request:

Requestor

Date

Signer Action:
☐ Approved ☐ Denied

Department Head

Date

Signer Action:
☐ Approved ☐ Denied

Human Resources Director

Date

Signer Action:
☐ Approved ☐ Denied

City Manager

Date

Department Head – Additional comments or reason for denial:

Human Resources Director – Additional comments or reason for denial:

City Manager – Additional comments or reason for denial: