

**STATEMENT RE: VIDEO SURVEILLANCE CAMERA PROGRAM**  
**J. Richard Gray, Mayor, City of Lancaster**  
**August 14, 2009**

First, let me be clear: I support the use of video cameras as an important tool that law enforcement and residents can rely upon to enhance public safety. While research has been inconclusive as to the impact of cameras on preventing crime, our own experience leaves no doubt that, but for the presence of video cameras, many perpetrators of both property crimes and violent crimes would not be apprehended and prosecuted. Crimes would not be solved and criminals would remain free to victimize our community. That said, I also acknowledge that concerns related to civil liberties and privacy rights are legitimate, and must be addressed whenever they arise, from whomever the source. The challenge we as a community and society face is how to use video surveillance technology to enhance our safety and apprehend criminals, while continuing to protect our civil liberties and the privacy that is so important to us.

We live in a world where technology is used to accumulate information about us on an almost daily basis. Our Internet accounts, credit cards, E-Z Passes, and cell phones all transmit, accumulate and store information about us. Our consumer preferences, travel patterns, and living habits all become known by those who are unknown to us. Cumulatively, this information can be misused to provide information about our private lives.

Video surveillance technology has also been growing exponentially in recent decades. Private monitoring now encompasses everything from a single camera in the neighborhood corner store, to multi-camera systems that are used to follow “suspicious” persons through shopping malls and parking lots. Security personnel and cameras monitor many of our public buildings. The lobby of the Lancaster City police station is monitored and the corridors of the Lancaster County Courthouse are monitored by Lancaster Deputy Sheriffs.

Born out of a 2001 Crime Commission recommendation, the Lancaster Community Safety Coalition’s history and practice has consistently been driven by a commitment to the overall well being and safety of our community. There has been no hint of “big brotherism” or of any sinister plot to spy on others. Those that would make such allegations do so more for shock than substance. Working with residents, law enforcement, and in response to requests from community groups, the Lancaster Community Safety Coalition has used public and private funds to place cameras where they would be the most effective.

In the Lancaster Community Safety Coalition (LCSC) model there is no one building or parking lot being monitored. Rather, the Safety Coalition cameras are used to monitor public places where people live work and play -- places where irresponsible or targeted monitoring could do great damage to our sense of community and to our fundamental rights.

Recent public discussion of the role of the Safety Coalition and the use of surveillance technology provides us with an opportunity to:

- Examine the LCSC as currently structured;
- Review the safeguards in place to preserve privacy and to verify that these safeguards are adequate and being enforced;
- Anticipate advances in technology and identify possible uses and abuses of surveillance cameras to make certain that policies are in place to address those issues that we can anticipate;
- Develop clear policies and procedures that strictly limit the distribution of information obtained through the camera system;
- Provide prompt discipline with meaningful penalties against those who would improperly use or release information gained through the camera monitoring system; and
- Continue to evaluate the effectiveness of this system as compared to other less expensive and less intrusive forms of crime prevention.

### **Examine the LCSC Board of Directors as currently structured**

The Bylaws of the Lancaster Community Safety Coalition provide for seven “designated members” -- four of which are from City government: the Mayor or his/her representative, the Fire Bureau, the Bureau of Police, and Department of Public Works. The three remaining designated members are the Chair of the City Council’s Public Safety Committee, a representative from the Lancaster Alliance, and a member appointed by the County Commissioners. In addition to these designated members, the Board of Directors selects an additional four to twelve members, --referred to as “non-designated” members. The only requirement for Board membership is that a majority the “non-designated” members be residents of the City.

Last month, I advised the Chair of the Safety Coalition that the City will now be represented on the Board of Directors as follows: Pat Brogan representing the Mayor’s Office, Assistant Chief Sue Warchola representing the Fire Bureau, Captain Steven Skiles representing the Bureau of Police and Director Charlotte Katzenmoyer representing the Department of Public Works. I have had an initial meeting with this group and reviewed many of the issues I will be discussing herein. I am asking them to follow up on these issues and to report to me the status of their review.

Initially, the Board composition of non-designated members needs to be evaluated to ensure that proper representation of the diversity of the City is reflected on the Board. Section 3.1 of the Bylaws directs that the membership “be comprised of organizations which comprise a cross-representation of the City of Lancaster, and should include neighborhood associations, for-profit businesses, city and county government agencies, civic organizations, religious organizations and other non profit organizations...” In view of the fact that much of the Board is self-selecting, its composition should be monitored to assure that the goal of Section 3.1 is accomplished. I would suggest a through examination of the composition of the Board, and the development systems to ensure the broadest public input as possible in the selection of Board members.

In examining the Bylaws, I note that Section 9.5 limits “openness” as follows, “In order to insure the stability of the Corporation and engage in long-term, strategic and annual planning, **all** information at Board Meetings shall remain confidential.”[Emphasis mine]

One of the concerns expressed to me by residents is,” who is doing the monitoring and on what basis are decisions are made; including but not limited to where to place cameras?” Absent compelling reasons that are not readily apparent, I would suggest examining how the Board might progress towards a more public process that will allow the public to better observe how and why decisions are being made. This could be coupled with more public participation in the formulation of plans and programs. The use of Executive Sessions when necessary should be sufficient to protect matters that require confidential discussion while still allowing the public a better view of the actual operation of the Safety Coalition.

**Review the safeguards in place to preserve privacy and to verify that these safeguards are adequate and being enforced.**

Some would argue that our constitutional rights to privacy and freedom from unreasonable search should be the ultimate standard by which to authorize the use of surveillance cameras. Constitutional safeguards represent a **minimum**, not a maximum definition of those rights. Therefore, the limits on government intrusion into an individual’s privacy are not the only standards by which we should regulate video surveillance. In other words, just because you can constitutionally do it, doesn’t mean that you should. For example, under certain circumstances the police can constitutionally look through your windows and into your home. I would certainly not agree that this should be allowed through the Safety Coalition’s video surveillance, where we expect more than the minimal guarantees of privacy afforded by the Constitution.

Some have questioned the qualifications of those persons charged with monitoring Safety Coalition cameras. The LCSC Personnel Policies contain provisions for hiring and training of personnel. Prior to beginning work, background checks and drug testing is required. Once hired, drug testing can also be based on a “reasonable suspicion” or, on a random basis. All employees are required to sign a “Confidentiality Agreement” which prohibits discussion with “unauthorized persons” any events that are viewed. The Policies further limit the removal of materials including all “video records, CD’s [sic], DVD’s [sic], printed photographs, incident reports, Log Book data, monitoring methods, infrastructure plans, and all other materials...” The implementation and enforcement of these and other policies is important to earning the public trust necessary to operate such a program.

Also important, are the prohibitions contained in the Personnel Policies. There is a zero tolerance policy concerning the use of cameras for “personal gratification,” or for “zooming of cameras deemed by the Executive Director to be unprofessional.” Further, there is a specific prohibition against staff “engaging in racial profiling.” Though both of these prohibitions are absolutely necessary, I have asked the Administration’s representatives on the Board to further define specific standards for implementing the

intent of these Policies, and to ensure that a system is in place to deal promptly and effectively with any policy violations that may occur.

The Safety Coalition has provided me with assurances that windows of buildings in the areas scanned by cameras are “masked” in such a way as to block any view into private properties. Understanding that the positioning of the cameras could allow views into properties not normally viewed from a street perspective, it is especially important that this rule be strictly enforced. Any evidence that Coalition cameras are used to view activities inside a building would be a violation of the public trust and, indeed, an affront to our right to privacy. I can say without hesitation that I would be unwilling to support the use of cameras in public places unless strict measures are applied to protect the privacy of those inside buildings. A “reasonable expectation of privacy” should not require one to pull the blinds of every window of their home. Pursuant to this, I have directed the City’s representatives on the Safety Coalition Board to provide assurances that such “masking” is in place, and to monitor the on-going use of “masking” so as to guarantee that privacy is maintained in our residents’ buildings.

**Anticipate advances in technology and identify possible uses and abuses of surveillance cameras to make certain that policies are in place to address those issues that we can anticipate.**

With continued advances in surveillance technology, important policy issues must be addressed: first, the use of facial recognition programs, and; second, the ability to “follow” a person from camera to camera, though that person is not currently engaged in criminal or suspicious activity. Both issues have as their distinguishing feature the deviation from “general surveillance” to specific focus of the cameras on an individual. Though neither of these practices, to my knowledge, is currently used by the LCSC, the advancement of technology and the expansion of the camera system compel us to address these issues.

While implicit public consent may have been given to random video surveillance, we should not assume that such consent has also been given for the employment of facial recognition technology that allows for tracking the movements of specific individuals. I have asked the City’s Directors on the LCSC Board to examine this process and, prior to consent to implementation, have a full and open public discussion of the use of facial identification software; deciding if we want it at all and if so under what circumstances and with whose authorization.

With the expansion of the Safety Coalition camera system, we will soon have in excess of 160 cameras located throughout our City. This provides camera monitors with far greater capacity to follow a specific individual from location to location. My understanding of the current policy is that if a crime is being committed or “suspicious activity” is taking place, an individual involved may be followed from one location to another. This is understandable and reasonable. On the other hand, following someone from camera to camera while the person is neither breaking the law nor engaged in suspicious activity is

a practice that could lend itself to serious abuse. Some would argue that if the police could do this, why not the cameras? Certainly, a commanding officer would not direct an officer to “tail” someone without some reason to believe that criminal activity was afoot. So too, with the use of cameras, the Police Bureau should be involved and documentation be made of each authorization to track an individual engaging in suspicious activity. I leave this to the LCSC Board to develop appropriate guidelines and agree that if requested the Lancaster City Bureau of Police will cooperate with internal policies.

Special circumstances can arise where the mere presence of a camera could have a chilling effect on the performance of a legitimate objective. It has often been said, “If you have nothing to hide, why would you object to a camera?” As a general statement this may be correct. However, in the course of everyday life, we all engage in behaviors, though not criminal, that we would prefer remain private. Some obvious examples would be attendance at an infertility clinic, drug treatment program or an AA meeting. Though none of these are illegal, they are certainly no one’s business. A legitimate question is, would a camera in the vicinity of such a facility discourage those who might otherwise use the service? There should be a procedure to allow those with such concerns to formally bring it to the attention of the LCSC and, if found warranted, appropriate steps taken to address those concerns. These steps could range from “masking” a building or block, to removal of the camera or some other measure fashioned for the specific problem. There must be a process for evaluating and addressing such complaints either publicly or, if requested, privately. Again, I have directed the City’s representatives to bring this issue before the Safety Coalition Board for full consideration.

A final future and present concern is of neighbors who simply elect not to have this type of surveillance in their neighborhood. Though my interaction with residents has generally involved requests for more cameras, some might wish not to have them at all. One solution might be to use the neighborhood Permitted Parking program model. This program requires that, first, a percentage of residents must request permitted parking; and then, a hearing is conducted to allow all sides to be aired. Perhaps a similar method could be employed to have a camera removed from a neighborhood if a sizable number of the residents so desire. Finally, formalized procedures must be established for more public notice of the future placement of cameras to allow the opportunity for dialogue with residents. Again, I have directed our representatives to bring this issue to the Board of Directors.

**Develop clear policies and procedures that strictly limit the distribution of information obtained through the camera system.**

Current Safety Coalition policies provide that “[v]ideo recordings will be used for investigations, training purposes and evidentiary purposes.” The Policies also allow the release of videotapes for “distribution to other parties” upon written authorization of the Executive Director. These policies, as written, are inadequate to define the scope of disclosure. More specific policies must be developed that limit disclosure of videotapes strictly to law enforcement entities.

**Provide prompt discipline with meaningful penalties against those who would improperly use or release information gained through the camera monitoring system.**

Safety Coalition Policies provide for discharge for breaches of confidentiality. I have asked our representatives to engage the Board in examining whether this is enough: What other policy breaches might result in immediate discharge? Do hiring practices and training programs provide adequate tools for guarding against confidentiality and/or other policy breaches?

**Continue to evaluate the effectiveness of this system as compared to other less expensive and less intrusive forms of crime prevention.**

Finally, we must continue to evaluate the effectiveness of this system as compared to other less expensive and less intrusive forms of crime prevention. Though the camera system has provided a tool for law enforcement to solve crimes, it does not take the place of traditional law enforcement. The continued funding of such a system will be expensive, and with the City's dollars already stretched thin, the LCSC cannot rely on City taxpayers to fund future operating expenses. The LCSC must develop a sustainable plan for such funding. In doing so, the purpose of the LCSC from its Bylaws is worth repeating. Section 1.2 "Purpose" reads in part as follows:

"To lead and support the residents, businesses and institutions of the City of Lancaster in their efforts to improve community safety and quality of life, utilizing Crime Prevention Through Environmental Design (CPTED) principles applied to individual homes, neighborhoods, and entire city spaces. CPTED is based on the premise that the proper design and effective use of the built environment can lead to a reduction in the incidence and fear of crime and to an increase in the quality of life."

As we discuss surveillance cameras and the best way to use them, we would do well to remember that less expensive and less intrusive methods such as better neighborhood lighting or streetscapes that draw more people to our sidewalks are also effective "crime fighting" tools. Cameras are not a "silver bullet" solution to crime. Rather, we must continue to employ a multifaceted approach that will best serve our community. Cameras, when properly used and monitored, can be one of many weapons in our arsenal against crime.

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