

RESOLUTION NO. 2021-9

**NEW FREEDOM BOROUGH
YORK COUNTY, PENNSYLVANIA**

WHEREAS, the Borough of New Freedom (Borough) is a duly constituted and incorporated Borough of the Commonwealth of Pennsylvania; and,

WHEREAS, as a duly constituted Borough, the Borough is subject to the Borough Code, Act of February 1, 1996, P. L. (1 965), as amended; and,

WHEREAS, Borough Council has a responsibility to protect the rights of its citizens; and

WHEREAS, the Security Camera Usage Policy outlines the proper procedures for accessing, monitoring, and reviewing of footage; and

WHEREAS, the primary objective of the Security Camera Policy is to establish New Freedom Borough guidelines for use of security cameras and remote monitoring systems in New Freedom Borough owned buildings or property in a way that enhances security while respecting the privacy expectations of employees and members of the New Freedom Borough community.


NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of New Freedom hereby approves the Security Camera Policy as submitted and attached hereto as Exhibit A.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of New Freedom, this 13th day of September 2021.

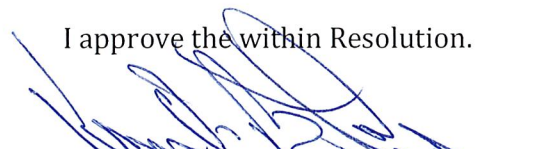
ATTEST:


Andrew N. Shaffer, Secretary

NEW FREEDOM BOROUGH COUNCIL


Andrew Bobby, President

BOROUGH SEAL

I approve the within Resolution.

Kim Butcher, Mayor

Security Camera Usage on New Freedom Borough Property Policy and Procedures

Introduction

It is the intent of this policy and procedure to increase security while protecting the rights of the citizens. To this end, cameras will only be actively monitored when the police are using them in an investigation or by police to gather evidence. Footage will be reviewed by the police or Borough Manager when an incident is reported to the police.

1.0 BACKGROUND AND PURPOSE

The purpose of this policy is to establish New Freedom Borough (NFB) guidelines for use of security cameras and remote monitoring systems in NFB buildings or on NFB property in a way that enhances security while respecting the privacy expectations of employees and members of the New Freedom Borough community.

NFB recognizes that in a free and open society, people should be able to use parks and open spaces without government surveillance. NFB also recognizes the need to maintain public safety and to control crime. This policy endeavors to increase security and safety while protecting the freedoms of the citizens of New Freedom Borough.

Security cameras will be used in Marge Goodfellow Park. Cameras, commonly referred to as security cameras, are utilized as one tool to enhance the security of the park and real property. Video surveillance shall be in accordance with applicable laws pertaining to such use.

New Freedom Borough (NFB) recognizes there is a need for a uniform approach to the installation and management of security cameras and access to their recordings. There is also a need to standardize the network technology appropriate to the use of cameras.

This policy shall not apply to cameras used by law enforcement in the following manners: covert operations for the purpose of criminal surveillance; or mobile cameras used in, on, or about law enforcement vehicles; or body-worn or otherwise portable cameras used during investigations or normal law enforcement functions.

This policy will be reviewed every three years or as state and federal regulations are revised which would necessitate a change in the policy or procedures.

2.0. Definitions

As used within this policy, the following terms are defined as follows.

Security camera: a camera used for monitoring or recording public areas for the purposes of enhancing public safety, monitoring restricted areas or equipment, to discourage theft and other criminal activities, and for preventing, investigating, and resolving incidents.

Security camera monitoring: the real-time review or watching of security camera feeds.

Security camera recording: a digital recording of the feed from a security camera.

Security camera systems: any electronic service, software, or hardware directly supporting or deploying a security camera.

3.0 PROCEDURE

NFB may use security cameras to monitor public areas as a tool to deter crime, solve criminal acts and to assist the Southern Regional Police Department (SRPD) or other law enforcement agency, in protecting the safety of persons and property. This policy shall apply to all security camera monitoring conducted by the NFB. Monitoring of areas for security purposes will be conducted in a manner consistent with NFB policies and applicable state and federal law.

Confidentiality, privacy, and security issues prohibit the public from viewing security camera footage that contains personally identifying information about employees and citizens, or information that reveals or identifies NFB security measures.

If the Borough receives a request from the public to inspect security camera footage, the Borough will respond according to public records laws and NFB policy. A breach of this policy may result in disciplinary action up to and including dismissal. Any employee who becomes aware of any damage to or tampering with a NFB security camera, unauthorized disclosure of a video recording, and/or a potential privacy breach has a responsibility to immediately inform the Borough Manager.

3.1 Camera Placement:

All buildings and grounds in NFB, as well as parking lots, sidewalks, and green space areas may be subject to security coverage. Cameras may be placed in locations including, but not limited to areas with high foot traffic, where there is suspected criminal activity, or containing high-value equipment. Cameras will not be placed in locations where there is a reasonable expectation of privacy (i.e., restrooms, private offices, etc.). If a camera is installed where identification of personal images is possible, the camera must be accompanied by appropriate signage indicating the presence of the camera and whether it is monitored in real time. The SRPD should be consulted prior to any installation to decide as to whether a camera system is warranted.

3.2 Location and Signage:

Devices will be in plain view and signage must be installed that indicates whether 24/7 monitoring of activities is provided (Example -SECURITY CAMERAS IN USE. These cameras may be actively monitored."). If a camera is to be actively monitored, the camera location and period for active monitoring must be approved by Borough Council and the SRPD Chief of Police.

3.3 Equipment and Technology: TBS

3.4 Camera Footage:

Real-time monitoring of security cameras will not routinely be provided by SRPD, and any footage or information obtained through security recording will be used exclusively for law enforcement, security, and official NFB business purposes, or as otherwise required or permitted by applicable law.

3.4.1 Use of Recordings

Security camera recordings, with the approval of the Chief of Police, are to be used for the purposes as described in the definition of a "security camera". This use extends to their release by the SRPD to external law enforcement agencies. Records of the access to, and release of, Security Camera recordings must be sufficient to validate compliance with this policy.

The use of security camera recordings for any purpose not detailed within this policy is subject to NFB Council approval.

Security camera footage shall be reviewed by SRPD officers when an incident occurs. If other personnel are required to view camera footage, they shall have Child Clearances and must be approved, logged by the Borough Manager or SRPD, and must sign a confidentiality non-disclosure agreement prior to viewing.

3.4.2 Viewing of Recordings

Security camera footage shall be viewed only in the Borough Office on the secure screen. Exception will be during police operations and surveillance during which times a portable device password may be issued.

3.5 Funding:

Costs of new equipment, associated infrastructure, on-going maintenance, and hardware upgrades are the responsibility of NFB.

4.0 RESPONSIBILITIES

Administrative and operational responsibilities for security cameras and recordings are shared among the following:

4.1 The Borough Manager: The use of video surveillance equipment in NFB shall be authorized by Council and supervised and controlled by the BM. The BM shall oversee any security camera installation for technical compliance with network resources and network policies. The custodian of record for security camera recordings is the Borough Manager.

4.2 Southern Regional Police (SRPD):

Shall use camera monitoring for safety and security purposes.

5.0 OPERATIONS

5.1 Camera Placement:

Camera placement must be such that no private property is included in any recording. If needed, electronic shielding will be placed in the security camera so that the camera cannot be used to "look into" or upon private property or on adjacent properties. This is to avoid violating the PA two party consent and trespassing statutes.

5.2 PA Right to Know:

An affidavit from the Chief of Police (SRPD) is required before recording with any camera. This document shall state that, in the opinion of the Chief, the camera footage does not fall under "Right to Know" law because release of any footage would cause an impact to public safety. This impact would be due to the footage revealing blind spots in the security system. If such document is not available, all camera footage may be available under "Right to Know".

5.3 Camera Footage:

Security recordings will be stored for a minimum of twenty-one days subject to the availability of storage space by the SRPD and may then be erased/overwritten unless retained as part of an investigation, or pursuant to an order of preservation of evidence or court proceeding, or under a pending right to know request.

Recorded video will be secured, and viewing access granted based on the following.

- a) Viewing of recorded video shall be limited to approved individuals with a need to know, with prior approval of the Borough Council and administered by password by the Borough Manager. Need to know shall be established by the Borough Solicitor and/or the Chief of Police.
- b) Any other access such as for vandalism, stolen/missing items, or other crimes will be by the Southern Regional Police Department.

NFB shall provide reasonable safeguards including ,but not limited to password protection, well-managed firewalls and controlled physical access rooms to protect the video/audio surveillance system from hackers, unauthorized users, and unauthorized use.

Video/Audio recordings held for review will be maintained in their original form pending resolution of the incident. Recording media will then be released for erasure, copied for authorized law enforcement agencies, or retained in accordance with applicable law and policy.

Requests to inspect or obtain copies of security recordings must be made in writing to the to the Borough Right to Know Officer and must comply with the provisions of the Freedom of Information act. Depending on the nature of the request, certain fees permitted by law may be charged to the requesting party.

6.0 DISCLAIMER

- a. NFB and/or SRPD may establish temporary or permanent security cameras in public areas.
- b. Security cameras may not be used in private areas pursuant to PA law including the PA Criminal Code or PA consent requirements.
- c. Private areas include bathrooms and offices and private property adjacent to Borough property, including businesses and residences where a reasonable person might expect privacy.
- d. To the maximum extent possible, security cameras shall not be used to video through the windows of any private residential space or office. If needed, electronic shielding will be placed in the security camera so that the security camera cannot be used to look into or through windows.
- e. Security cameras shall not be directed at the windows of any private building not on NFB property.
- f. No person should assume that the presence of a security camera system on NFB property will always guarantee safety for persons or property. Rather, it is one tool in the efforts to promote security and safety.

7.0. Compliance

The Borough Manager will ensure that records related to the use of security cameras and recordings from security cameras are sufficient to validate compliance with this policy. Persons that maintain or support security camera technology must also maintain records and configure systems to ensure compliance with this policy. Security camera systems procured will need to ensure compatibility with the system identified as the NFB standard by the Borough Manager.

The Borough Manager shall provide a Quarterly report to Council with usage data, a list of people accessing recordings by password, right to know requests and disposition, and legal actions taken where camera footage was used to support same. A failure to meet the requirements of this policy may result in loss of the ability to support, maintain, or deploy security cameras at the discretion of the NFB Council.

APPENDIX A: EQUIPMENT STANDARDS AND SPECIFICATIONS

Denial of Access. IP addressable cameras and IP addressable digital recorders making a connection to NFB network must allow for denial of access by other than those users specifically included in a system Access Control List.

Audit Reporting of Accesses. Digital recorders used to collect and store identifiable personal images should be configurable to allow audit reporting of access to the recorder or cloud.

Storage Standards. Recording method used to collect and store identifiable personal images should: include technology for "watermarking" of files in order to be suitable for evidentiary documentation include capability for transfer of stored images to external storage media not require vendor specific/proprietary applications or software clients for viewing live or stored images, provide a minimum of 21 days of image storage from all connected cameras in the recording device; exceptions will be made on an individual basis by the BM to provide for tracking of recordings to prove chain of evidence, provide protection of equipment, and to preclude removal of evidence by other than the responsible person.