



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Councilmember Sam Liccardo

SUBJECT: SEE BELOW

DATE: September 8, 2014

Approved

Date

9/8/14

SUBJECT: USE OF PRIVATELY OWNED SURVEILLANCE CAMERAS

RECOMMENDATION

1. Accept the recommendations of Staff and the Public Safety, Finance, and Strategic Support Committee to:
 - a) Accept the staff report; and
 - b) Direct staff to create a database providing San José residents and business owners with the option to voluntarily register the type and location of their surveillance equipment for potential use by the Police Department.
2. Direct staff to consider whether simple GIS mapping software (which the city likely already possesses) could best assist officers in quickly identifying private surveillance cameras geographically near a crime scene.
3. Further direct the City Attorney to issue public guidance that, barring some extraordinary circumstance or court order, a Public Record Act Request seeking the identity of any voluntary participant in this program will be denied, with a finding that the interests of confidentiality of cooperators in criminal investigations outweighs the interests in disclosure.

BACKGROUND

In a time of scarce city resources, we need to continue to press for opportunities to leverage the efforts and technology in our surrounding community to help us keep our neighborhoods safe. This proposal reflects one way in which we can make San José safer by spending smarter, rather than spending more.

Recent efforts by San José Police to leverage the willingness of private owners of surveillance cameras to offer footage led to the arrest of a serial arsonist in neighborhoods east of Downtown

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and a burglar in Cambrian. Clearly, we can do far more by creating a simple registry, aided with software that can display the geographic proximity of cameras to a crime scene (e.g., on a Google Map), to quickly enable officers to know who to call to request footage if a burglary or robbery has been committed nearby.

As we've seen in cities from Philadelphia to Dover, MD to Sacramento, creating a voluntary on-line registry for surveillance camera owners can deter crimes like burglaries and auto thefts, and can also aid police in investigations (see, e.g., <http://safecam.phillypolice.com>). As a former Deputy District Attorney, I also know that valuable video evidence in cases is routinely lost where detectives learn weeks later how to contact a nearby property owner with surveillance footage, particularly once it has since been recorded over. This program will help preserve that key evidence, and leverage neighbors' investment in security cameras for everyone's benefit.

Colleagues have understandably raised concerns about the risks of disclosure of the identities of participants in this program. It would obviously undermine the willingness of some residents or shop owners to participate in the program if people feared that the identities of participants could be easily disclosed. Although programs such as Crime Stoppers manage to preserve confidentiality of tip sources, and our own SJPD routinely relies upon confidential informants whose identities are protected absent extensive legal process, concerns arise about potential disclosure under a Public Records Act request.

My staff reached out to counsel in Fremont and Los Gatos about privacy protections for similar programs; both cities have not had any PRA request for their database yet. Nonetheless, the PRA requires cities to engage in a "balancing test" to evaluate the interests in disclosure against the imperative of confidentiality. I urge that the City Attorney clarify publicly that non-disclosure will be the rule with this program, absent some unusual and compelling reason to the contrary.

I would like to thank Pam Antil and Angelique Gaeta from the City Manager's Office, the San José Police Department, the Mayor's Office, Patty Deignan at the City Attorney's Office, Vijay Sammeta in IT, and the teams from Splunk and Cisco Systems (participating in the Silicon Valley Talent Partnership), and staff with Philadelphia Mayor Michael Nutter, who contributed information, scoping and cost estimates to the assessment of this proposal.