



City of Pittsburgh
Certified Copy

510 City-County Building
414 Grant Street
Pittsburgh, PA 15219

State of Pennsylvania

Bill No: 2008-0542

I, Linda M. Johnson-Wasler, the duly appointed Clerk of Council of the City of Pittsburgh, do hereby certify that the foregoing is a true and correct copy of:

Ordinance No. 16

Ordinance amending and supplementing the Pittsburgh Code, Title Six: Conduct, by adding a new Article VIII: Privacy Policy for Public Security Camera Systems.

WHEREAS, the City of Pittsburgh finds that:

(a) Public Security Camera technology may offer communities potentially useful tools for preventing, deterring and/or investigating terrorism and crimes.

(b) These systems and new technologies also create the possibility of more intrusive forms of Public Security Camera use, possibly adversely affecting the existing balance between law enforcement needs and individual constitutional rights.

(c) Modern Public Security Camera use must be balanced with the need to protect City residents' constitutional rights, including, among others, privacy and anonymity, freedom of speech and association, government accountability, and equal protection.

WHEREAS, the City of Pittsburgh desires to ensure that the use of Public Security Camera System within the City conforms to constitutional principles.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. *Title Six: Conduct of the Pittsburgh Code of Ordinances is amended and supplemented by the addition of a new Article VIII: Privacy Policy for Public Security Camera Systems as follows:*

TITLE SIX: CONDUCT
ARTICLE VIII:
PRIVACY POLICY FOR PUBLIC SECURITY CAMERA SYSTEMS
CHAPTER 680: GENERAL PROVISIONS

Section:

- § 680.01 Purpose, Objectives and Principles
§ 680.02 Definitions

§ 680.01 PURPOSE, OBJECTIVES AND PRINCIPLES

(a) The purpose of this ordinance is to ensure that all Public Security Camera Systems:

- (1) further a legitimate, clearly articulated public safety purpose;

- (2) can effectively achieve their articulated purpose;
- (3) can achieve their articulated purpose more efficiently than could alternative means;
- (4) minimally impact constitutional rights;
- (5) employ an open and publicly accountable process; and
- (6) employ technological and administrative safeguards to reduce the potential for misuse and abuse of the System.

(b) **OBJECTIVES.** The objectives of the City's Public Security Camera System are, by the strategic placement of security cameras in certain areas of the City to deter terrorist and criminal behavior, and, in certain circumstances, to use recorded footage in the investigation of and prosecution for criminal activity.

(c) **PRINCIPLES.** The City intends to abide by the following principles in its use of City Public Security Cameras ~~public safety cameras~~ and recordings:

(i) When images are recorded, stored, reviewed or otherwise processed, the purpose for such activity shall be stated and recorded.

(ii) City-owned Public Security Cameras shall be open and the camera-monitored areas shall have signs advising the public of the presence of the cameras.

(iii) Images collected by operation of City Public Security Cameras shall be retained no longer than necessary. Any long term retention shall be in accordance with this Article and in accordance with regulations and procedures promulgated by the Director of the Department of Public Safety and the Chief of Police.

(iv) Access to data from City Public Security Cameras shall be available upon written request only as set forth herein or in regulations and procedures promulgated by the Director of the Department of Public Safety and the Chief of Police.

(v) Images acquired by the City from Public Security Cameras shall not be used for any purpose other than the described purpose set forth in the application for access.

(vi) City Public Security Cameras shall be directed at the public right of way so that no recording is performed except of events and persons in the public right of way or in public view. Public Security Cameras in residential areas shall not provide visual access not available to the general public.

(vii) City Public Security Camera operators shall be trained and supervised in the responsible, lawful and ethical use of the cameras, the recording equipment and the recorded images. Access to Footage shall be limited and the limited number of personnel with access to Footage shall likewise be trained and supervised in the responsible, lawful and ethical use of Footage.

(viii) There shall be specific sanctions for misuse or abuse of the system or of the Footage.

(ix) City-owned Public Security Camera Footage shall not typically be monitored except when an event triggers the need for short-term monitoring.

§ 680.02 DEFINITIONS

As used in this Chapter, and/or in the regulations promulgated by the Director of the Department

of Public Safety and the Chief of Police, certain words and phrases are defined as follows:

“Appending Data” means using technology to attach personally identifiable information, such as name, address, or criminal history, to Footage or other records of the Public Security Camera System such that those subsequently accessing the Footage or records can also access the attached personal information.

“Audio Recording” means a permanent or retrievable record of oral conversations and audible sounds. **THE CITY OF PITTSBURGH PUBLIC SECURITY CAMERAS AND NEIGHBORHOOD PUBLIC SECURITY CAMERAS SHALL PERFORM NO AUDIO RECORDING.** Audio recording is governed by state and federal law and is separate and apart from the recording performed by the security cameras in the public right of way. Any recordings that capture audio shall be treated under the provisions of the Pennsylvania Wiretapping and Electronic Surveillance Control Act, Act of October 4, 1978, P.L. 831, No. 164, 18 Pa. C.S. § 5701 *et seq.*, *as amended*, and/or the federal Electronic Communications Privacy Act of 1986. Pub. L. No. 99-508, 100 Stat. 1848 (1986), 18 U.S.C § 2510 *et seq.*, *as amended*.

“Automatic Identification” means use of a Public Security Camera System in conjunction with biometric or other digital technologies to ascertain or confirm the identity of an individual whose image is captured on Public Security Camera Footage, whether in real time, as applied to Recorded Footage, or prospectively.

“Automatic Tracking” means the use of a Public Security Camera System to follow a specific individual or his or her vehicle with technology operating independently of immediate or direct human control, regardless of whether his or her identity is known, so as to create a seamless record of his or her activity during a specific period.

“City Public Security Camera” means a public security camera, owned or controlled by the City of Pittsburgh, focused on a public place, paid for in whole or in part with City or other government monies, not hand-held by System Operators, implemented for an indefinite period of time or for longer than 240 days, and the primary purpose of which extends beyond a single, specific law enforcement investigation.

“City Public Safety Camera Review Committee” means a committee consisting of the Mayor or his/her designee, the Director of Public Safety or his/her designee, the President of City Council or his/her designee, one other Council member or designee selected by the Council president, and ~~two~~three members of the public appointed by the Mayor and approved by City Council.

“Community Group” means a locally based organization representing residential, recreational, economic or other interests of those individuals living and working in an area which may be within the coverage of a Public Security Camera and its adjacent neighborhoods.

“Government monies” means funds secured from City Councilmembers, from the “Weed and Seed” or “Neighborhood Needs” programs or any other federal, state, county or city funding source.

“Harm” means physical, financial or emotional injury and is not limited to legal wrongs or violations of legal duties.

“Installation” shall mean an arrangement of cameras allowing them to operate without direct manual control.

“Misuse” means use, operation of or interaction with a PSC System in a manner inconsistent with the use restrictions described in Chapter 683 of this ordinance or otherwise not conforming to the approved purposes of the PSC System.

“Neighborhood Public Security Camera” means a security camera, focused on a public place, paid for in whole or in part with government monies, owned by a Neighborhood or Community Group, not hand-held by System Operators, implemented for an indefinite period of time, which may or may not be placed in or on or feeding into government facilities, intended for public safety purposes, and the primary purpose of which extends beyond a single, specific law enforcement investigation. Neighborhood Public Security Cameras are specifically subject to the following portions of this Ordinance: Section 680 (a) and (b) (purpose and objectives), 681.01(e) (cameras placed only in public right of way), 681.02(f) (use of automatic tracking and automatic identification) 681.02(g) (audio recording prohibited), 684.01(a) (limited access to footage), 684.02(b) (access logs) 685.01 (training), 688.01 (audits), and 689.02 (sanctions).

“Observation” or “monitoring” means real-time viewing of live camera images.

“Operator” or “City Operator” means a City employee authorized and trained to use the System, working for or under the supervision or control of the Department of Public Safety. For security systems not owned by the City, the operator (“Neighborhood Operator”) shall be trained and supervised by the Executive Director of the community group which owns and installed the system.

“Pan, Tilt and Zoom” means manipulating a camera to view areas outside the original image frame or measurably increase the resolution of the images rendered.

“Public Security Camera System” or “PSC System” or “System” means two or more government owned and operated cameras focused on a public place and remotely operated; or two or more security cameras owned and operated by neighborhood or community groups but paid for in whole or in part with government monies or placed in or on, or feeding into, government facilities and intended for public safety purposes.

“Recorded” refers to images that are preserved and stored by a Public Security Camera System for later review. This includes preservation for any length of time beyond a short window necessary to perform an initial review of the Footage.

“Reviewer” means the Directors of Public Safety and of the City Information Systems, or their designees, acting jointly, and/or the Office of Municipal Investigations, and/or the Public Security Camera Review Committee.

“Secondary Purpose” means an intentional, planned and authorized use of a System, or a component of it, or the collected data, for a purpose other than an original approved purpose for the System.

“Public Security Camera Footage” or “Footage” means any images Recorded by a Public Security

Camera System or by a public security camera paid for with government monies including time and location data and any additional metadata or information appended to the images on the Footage.

“Third Parties” means individuals or entities (other than the individual requesting access to records relating to him- or herself) that are not under the supervision or control of the Department of Public Safety.

**CHAPTER 681: PERMITTED USE OF AND LIMITATIONS ON USE OF
PUBLIC SECURITY CAMERAS**

Section:

- 681.01 Permitted Use
- 681.02 Limitations on Use

§ 681.01 PERMITTED USE

(a) City Public Security Cameras may be deployed only in those residential and commercial areas experiencing a distinct pattern of crimes being committed on public space where utilization of camera surveillance could detect and/or eliminate such crimes. From and after the effective date of this ordinance, a Public Security Camera location shall be approved preliminarily for installation and use by the Chief of Police or his designee upon a finding that:

- (i) the proposed location is a public space experiencing a distinct pattern of crime;
- (ii) the potential to deter and/or eliminate such criminal activity outweighs any concerns asserted by the affected community;
- (iii) there exists significant support from the affected community for the camera(s).

Thereafter the location shall be approved within thirty (30) days upon a finding by the Public Safety Camera Review Committee that the criteria set forth herein have been met.

(b) City Public Security Cameras, and any and all Footage, may be used only by those persons authorized herein, and may be used solely in the specific instances set forth in this ordinance, and use of Public Security Cameras by such persons in any other manner or location, or for any other purpose, is, expressly prohibited. The Chief of Police shall maintain a log of all Public Security Camera locations, the dates of their initial approval by the Chief of Police and of the subsequent approval by the Public Safety Camera Review Committee, and the criteria used for their approval. Such log shall be available to the public.

(c) *Public Emergency.* City Public Security Cameras, and any and all Footage, may be used for the

purpose of providing surveillance during any public emergency, including, but not limited to weather emergencies, fire emergencies, pollution incidents or threat conditions connected with the safety of any person. Neighborhood Public Security Cameras may be so used at the request of the Chief of Police or the discretion of the Community Group.

(d) *Law Enforcement and Crime Prevention.* City Public Security Cameras, and any and all Footage, may be used for the purpose of providing surveillance in the service of law enforcement and crime investigation and prevention within the City of Pittsburgh where there is suspected criminal activity or situations causing concerns for public safety or where there is a potential for criminal activity. Neighborhood Public Security Cameras are used primarily for crime deterrence, but footage from Neighborhood Public Security Cameras may be made available to the Police Bureau for purposes of investigating a specific crime.

(e) All Public Security Camera Systems and Public Security Cameras, whether owned and operated by the City or by a Community Group, shall be directed at the public right of way so that no recording is performed except of events and persons in the public right of way or in public view. Public Security Cameras in residential areas shall not provide visual access not available to the general public.

(f) *Policies and Procedures.* The Department of Public Safety and/or the Public Security Camera Review Committee shall adopt Regulations and Procedures applicable to City Public Security Cameras which shall ~~be effective as of the effective date of this Ordinance~~ take effect before any new cameras are activated pursuant to this Ordinance.

(g) Public Security Camera Systems and all Public Security Cameras paid for with government monies which are installed or trained on the City public right of way or on City property shall conform to the ~~principles,~~ purposes and objectives set forth in this Article.

(h) It is not the intent of the City by this ordinance to regulate in any manner privately owned and operated surveillance or security cameras.

§ 681.02 LIMITATIONS ON USE OF CITY AND NEIGHBORHOOD PUBLIC SECURITY CAMERAS.

(a) *Automatic identification prohibited.* Except upon a showing of probable cause that an individual has committed or is committing a crime, as provided in the applicable DPS Regulations and Procedures, using a Public Security Camera System or a Public Security Camera paid for with government monies for purposes of Automatic Identification is prohibited. Any Operator who violates the DPS Regulations and Procedures for Automatic Identification shall be subject to administrative discipline as set forth therein.

(b) *Appending data prohibited.* Except as provided in the applicable DPS Regulations and Procedures, appending data to Public Security Camera Footage is prohibited. Any Operator who violates the DPS Regulations and Procedures for Appending Data to Public Security Camera Footage shall be subject to administrative discipline as set forth therein.

(c) *Automatic tracking prohibited.* Except upon a showing of probable cause that an individual has committed or is committing a crime, as provided in the applicable DPS Regulations and Procedures, using a Public Security Camera System or a Security Camera paid for with government monies for purposes of Automatic ~~Tracking Identification~~ is prohibited. Any Operator who violates the DPS Regulations and Procedures for Automatic Tracking shall be subject to administrative discipline as set forth therein.

(d) *ALPR.* The prohibitions against Automatic Tracking, Appending Data and Automatic Identification do not apply to ALPR (automatic license plate recognition) or ANPR (automatic number plate recognition).

(e) *Pan, tilt, or zoom prohibited absent reasonable suspicion of criminal activity.* (i) The Operator shall not use the Pan, Tilt or Zoom features of a Public Security Camera or Public Security Camera System in a way that targets particular individuals absent a reasonable suspicion of criminal or terrorist activity or of risks to public safety.

(ii) The Department of Public Safety shall promulgate guidelines for the use of Pan, Tilt or Zoom features of cameras to prevent use of such features in a way that discriminates against individuals on the basis of race, ethnic origin, religion, age, gender, class, economic status, or sexual orientation.

(iii) Any Operator who violates the DPS Regulations and Procedures for the use of Pan, Tilt or Zoom features of Public Security Cameras shall be subject to administrative discipline as set forth therein

(f) In the event that Community Groups acquire cameras having the ability to perform Automatic Tracking, Automatic Identification, or other similar features, the Director of Public Safety and the Chief of Police will promulgate guidelines for the appropriate use of this technology by the Community Groups.

(g) **THE CITY OF PITTSBURGH PUBLIC SECURITY CAMERAS AND NEIGHBORHOOD PUBLIC SECURITY CAMERAS SHALL PERFORM NO AUDIO RECORDING.** Audio recording is governed by state and federal law and is separate and apart from the recording performed by the security cameras in the public right of way. Any recordings that capture audio shall be treated under the provisions of the Pennsylvania Wiretapping and Electronic Surveillance Control Act, Act of October 4, 1978, P.L. 831, No. 164, 18 Pa. C.S. § 5701 et seq., as amended, and/or the federal Electronic Communications Privacy Act of 1986. Pub. L. No. 99-508, 100 Stat. 1848 (1986), 18 U.S.C § 2510 et seq., as amended.

CHAPTER 682: RETENTION OF RECORDED FOOTAGE

Section:

682.01 Retention of Recorded Footage

§ 682.01 Retention of Recorded City Footage

(a) All Footage and accompanying data from City Public Security Cameras must be automatically deleted or recorded over after expiration of ~~no less than seven (7) and no more than thirty ten (10)~~ days except where retained for a specific criminal investigation or in connection with an incident that may subject the City to liability as provided in the DPS Regulations and Procedures. Any Operator who violates the DPS Regulations and Procedures regarding Footage retention and deletion shall be subject to administrative discipline as set forth therein.

(b) Neither ~~an~~ a City Operator nor an employee of the Department of Public Safety or of City Information Systems shall be civilly or criminally liable for destruction of Footage or accompanying data in accordance with the rules established under this Section.

CHAPTER 683: access to and use of CITY Recorded Footage

Section:

- 683.01 Access by, or disclosure of City public security camera footage and data to, third parties prohibited.
- 683.02 Department of Public Safety access to and use of City recorded footage for primary purpose.
- 683.03 Department of Public Safety access to and use of City recorded footage for secondary purpose.
- 683.04 incidental use of City Public Security System by Department of Public Safety
- 683.05 Criminal defendants
- 683.06 Access to City recorded footage in civil suits between private litigants prohibited.
- 683.07 Access to recorded footage by other governmental entities.

§ 683.01. Access by, or disclosure of City Public Security Camera footage and data to, third parties prohibited.

(a) Except as otherwise provided in Sections 683.03-683.07 of this Chapter, or as otherwise required by federal or state laws, the Operator or Department of Public Safety shall not disclose Footage or other data gathered or compiled by or stored in a City Public Security System or a City Public Security Camera to Third Parties, or provide to or allow Third Parties to access such Footage or data.

(b) Access to a City Public Security Camera System and its facilities and stored data, including but not limited to control rooms, databases, and cameras, by the City Operator and its employees or agents shall be limited to enumerated lists of authorized City Operators, designated by the Director of Public Safety and the Chief of Police, who have completed the requisite training program described in this Article.

§ 683.02 Department of Public Safety access to and use of City recorded footage for Primary Purpose.

A City Operator or designated member of the Department of Public Safety may access and use City Recorded Footage for purposes consistent with purpose of the System as articulated in this Article. No additional approval is required for such use, once the Footage has been properly retained pursuant to the retention requirements of this Article. All access to Footage shall be logged indicating the person who had access, when access took place, what was viewed and the purpose for the access.

§ 683.03 Department of Public Safety access to and use of City recorded footage for Secondary Purpose.

The City Operator or the Department of Public Safety may not access or use City Recorded Footage for a Secondary Purpose except in the circumstances and under the conditions set forth in the DPS Regulations and Procedures.

§ 683.04 incidental use of City Public Security Camera System by Department of Public Safety.

When using a City Public Security Camera System for approved purposes, if the Operator observes any activities or events arousing reasonable suspicion of criminal activity or of possible criminal activity, the Operator may use that information for other legitimate law enforcement activities.

§ 683.05 Criminal defendants.

(a) In accordance with the Pennsylvania and the Federal Rules of Criminal Procedure, defendants in criminal cases may obtain Public Security Camera Footage related to the charges pending against them that is within the City's possession, custody, or control.

(b) If Public Security Camera Footage is intended to be used in the prosecution's case in chief in a criminal trial, the criminal defendant shall be provided with all the information as required by applicable state and federal laws.

(c) Footage disclosed to criminal defendants under this section shall not be disclosed to the public, except to the extent necessary to defend against the criminal charges in the action under which the Footage is disclosed.

§ 683.06 Access to City recorded footage in civil suits between private litigants prohibited.

(a) Data collected by City Public Security Camera Systems is for law enforcement purposes, and shall not be available to the parties or discoverable in civil trials between private litigants except pursuant to an order of a court of competent jurisdiction and upon prior request made as set forth in the DPS Regulations and Procedures and within ~~seven (7)~~ ten (10) days of the event upon which the claim is based.

(b) Data collected by City Public Security Camera Systems shall be made available to the parties in actions based on alleged police misconduct, and to the Office of Municipal Investigations, but only

upon prior request made as set forth in the DPS Regulations and Procedures and within ~~seven (7)~~ ten (10) days of the event upon which the claim is based.

(c) Any data collected by City Public Security Camera Systems which contains Footage relevant to a claim for damages which may be made to the City under the Political Subdivision Tort Claims Act shall be made available to the City and to the claimant if request therefor is made in writing to the Director of City Information Systems or to the Operator within ~~seven (7)~~ ten (10) days of the event upon which the claim is based.

§ 683.07 Access to recorded footage by other government entities

- (a) Except as provided in Subsection (b) of this Section, a governmental entity other than the City Department of Public Safety may not access or use City Recorded Footage.**
- (b) A governmental authority other than the City Department of Public Safety may apply for an order authorizing access to City Recorded Footage.**
 - (1) Such applications must be made within ten days of the footage being compiled. Such applications shall be in writing upon oath or affirmation of an Operator to the Director of Public Safety.**
- (c) Such applications shall follow guidelines established within Department of Public Safety Regulations and Procedures. The Regulations and Procedures shall require:**

Finally, that any Ordinance or Resolution or part thereof conflicting with the provisions of this Ordinance, is hereby repealed so far as the same affects this Ordinance.

Mayor's Approval Date: August 19, 2008

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of September, A.D. 2008.

Linda M. Johnson-Wasler, City Clerk

August 27, 2008
Effective Date