



SURVEILLANCE TECHNOLOGY WORKING GROUP

October 10th, 2023

RECOMMENDATION FOR QUALIFIED APPROVAL

S.T. No. 23-002 “Body Worn Cameras”

Mayor Ben Walsh
City of Syracuse
City Hall Room 203
233 East Washington Street
Syracuse, New York 13202-1473

RE: *Surveillance Technology Working Group*
S.T. No. 23-002 “Body Worn Cameras”
Summary Report and Recommendation

Dear Mayor Walsh:

In accordance with Executive Order No. 2 issued on December 1, 2020, authorizing a Surveillance Technology Working Group (“STWG”) to comprehensively evaluate surveillance technologies proposed for implementation by various City of Syracuse departments, and to seek out and consider related public input, STWG has completed its review of *S.T. No. 23-002 “Code Enforcement Body Worn Cameras”* as proposed for implementation by the Division of Code Enforcement (“Codes”) and hereby recommends **QUALIFIED APPROVAL** of *S.T. No. 23-002 “Code Enforcement Body Worn Cameras”* based on the reasons and considerations as summarized within this Report and Recommendation:

S.T. NO. 23-002 “CODE ENFORCEMENT BODY WORN CAMERAS” SUMMARY DESCRIPTION

Body Worn Cameras are a form of surveillance technology that consists of a chest-mounted camera that records interactions. These can be turned on and off. Jake Dishaw submitted this request on behalf of the Code Enforcement Department. Deputy Commissioner Dishaw stated that they intend to use these cameras when they are performing home and building inspections. Deputy Commissioner Dishaw shared that this would assist with keeping inspectors safe while out in the field and allows Codes Department another means to document inspection activity. Jake shared that this video would be stored, for a length yet to be determined.

SPD currently utilizes body worn cameras, have policies in place for which footage needs to



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be redacted, and have staffing allocated to help address FOIL requests. Due to this being a new use of Body Worn Camera technology, the Surveillance Tech Group determined that this use case would need to be put through the review process.

STWG FINDINGS

Deputy Commissioner Dishaw also answered detailed questions from STWG members with regards how residents would be notified that they were on camera, what would be done if residents declined to be recorded, how long this information would be stored for, and how requests from landlords for the video footage would be handled. Codes stated that they plan on utilizing their existing administrative staff to deal with potential FOIL requests.

In accordance with the STWG policy, the STWG sought input from Syracuse residents and local stakeholders. We received over 57 entries through our online form. Roughly 60% of those were in support of the technology, a few of which highlighted the importance for staff who was wearing them to be well trained on this. Roughly 25% were opposed to the technology, raising concerns that residents should be allowed to decline that the interactions be recorded and stating the importance to get residents consent for video footage in their homes. The rest of the responses were neutral questions or comments stating that they felt that these funds would be better used to hire more code inspectors, that faulty landlords are not currently held liable easily, and expressing questions about how video footage would be any more helpful than the current still images that code inspectors currently gather.

During the review process, the SWTG reviewed Code Enforcement Body Worn Camera policy from Corte Madera, CA, who currently uses body-worn camera footage and had their code inspector speak with our group about their town's use of this technology. The representative from Corte Madera stated that they primarily keep this footage in the event of any complaints that tenants make and that he does not use body worn camera footage for documentation of code violations.

The STWG considered the public commentary in reaching its conclusion on Code Enforcement Body Worn Camera's for implementation. There are some concerns and risks which could be ameliorated by the implementation of thorough policies regarding gaining consent to film residents, how this is handled if a resident declines to be video recorded, how long this footage will be stored by, and guidelines regarding what information needs to be blurred out or redacted.



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The STWG voted for recommendation of *S.T. No. 23-002* at its August 21, 2023 regularly scheduled meeting as follows¹:



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STWG Member	Vote In Favor	In Favor w/ Stipulations	Vote Against	Abstention	Absence
Nicolas Diaz, API				X	
Tim Gleeson, SFD	X				
Martha Grabowski					X
Johannes Himmelreich		X			
Ocesa Keaton, Research					X
Mark King				X	
Timothy Liles, Digital Services		X			
Sharon Owens, Deputy Mayor		X			
Jawwaad Rasheed, SPD		X			
Jason Scharf, API		X			
Daniel Schwarz			X		
Michelle Sczpanski, NBD				X	
1st DC Richard Shoff, SPD	X				
Jennifer Tifft, Strategic Initiatives		X			
Valerie Didamo, Law Department		X			
Bradford Morse	X				

¹ Absent members were given the opportunity to vote via email for a period of one week after the meeting.



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STIPULATIONS AND/OR RECOMMENDATIONS FOR IMPLEMENTATION

To mitigate any potential risk of misuse to citizen's privacy, the SWTG recommends taking the following measures:

1. **Data Sharing:** Data collected by Code Enforcement body cameras should be expressly classified as confidential and accessible only by the Deputy Commissioner of Code Enforcement and Supervisory staff.
 - a. In the event of a physical assault, if the affected individual wishes to press charges, this can then be shared with the Syracuse Police Department or another law enforcement agency that is investigating the allegation.
 - b. Body worn camera footage should be considered For Official Use Only (FOUO).
 - c. Data should not be shared with the vendor, and it must not be used to improve or contribute to the vendor's existing products or to the development of new products.
 - d. Code Enforcement will work with the Law Department to determine what policies and protections can be put into place regarding sharing body worn camera footage of open code violations cases with landlords, regarding complaints made by tenants. This will allow for FOIL legislation to be followed, as well as determining what unique protections may be warranted for complainants in active cases.

2. **Permissible Uses:** Code Enforcement body camera data can be used for the following purposes:
 - a. As evidence in support of any type of allegation regarding a Code Enforcement inspector while engaged in official business
 - b. As evidence in support of documented code violations
 - c. For training and evaluation purposes to prepare Code Enforcement officials to engage safely and effectively with property owners and tenants when they are engaged in field work.

3. **Retention Period:** For routine data storage, there should be a set time limit for retention, and when Body Worn Camera data should be purged (after reviewing arguments and other policies members of the group proposed lengths of time ranging between 1-2 months). In the event of a complaint regarding the inspection, this data retention period would be extended (members of the group recommended lengths ranging from 6-12 months).



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4. **Comprehensive Policy:** Before adoption of this technology a policy should be deployed that covers and expands upon the following provisions:
 - a. Obtaining consent for the camera footage: Consent should be obtained, verbally and on-camera, before entering private property
 - b. BWCs shall not be used surreptitiously. BWC shall be prominently displayed (for example, through the use of bright colors, tags, etc.)
 - c. Standards for recording: Recording should be considered standard procedure when interacting with the public, unless consent is declined when entering private property
 - d. Recordings' escalation: Circumstances in which footage should be immediately forwarded to a supervisor for review
 - e. Recordings' access: Under what circumstances can BWC footage be viewed
 - f. Audit trails: Each access, view, edit, or other interaction of any Body-Worn Camera data must be retained with username, reason for the interaction, and a timestamp in an immutable audit log

SUPPORTING DOCUMENTATION

Affixed hereto is the public commentary feedback sought and received by STWG, as reviewed and considered in recommending *S.T. No. 23-002* with provisions. Also affixed are SWTG's meeting slides containing relevant notes and discussion points relative to *S.T. No. 23-002*.

CONCLUSION

Based on the aforementioned considerations, SWTG RECOMMENDS *S.T. No. 23-002 "Code Enforcement Body Worn Cameras"* FOR **QUALIFIED APPROVAL**.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Nicolas Diaz", with a stylized flourish at the end.

Nicolas Diaz

Chair

Surveillance Technology Working Group