

COMMITTEE MEMBERS  
Laura M. Hoffmeister, Chair  
Edi E. Birsan, Committee Member

Civic Center  
1950 Parkside Drive  
Concord, CA 94519  
www.cityofconcord.org



**Special Annotated  
Agenda  
Policy Development &  
Internal Operations  
Committee**

Wednesday,  
September 27, 2017

6:00 p.m.

Garden Conference  
Room, Wing A  
1950 Parkside Drive

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**AGENDIZED ITEMS** – The public is entitled to address the Committee on items appearing on the agenda before or during the Committee’s consideration of that item. Each speaker will be limited to approximately three minutes.

**1. ROLL CALL** – All present

**Staff Present:** Kathleen Tropa, Assistant City Manager; Guy Swanger, Chief of Police; Jeff Krieger, Police Lieutenant; Josh Clendenin, Assistant City Attorney

**PUBLIC COMMENT PERIOD:** None

**2. REPORTS**

- a. **Considering** – proposed amendments to Policy & Procedure No. 37.35 – Preventing Workplace Violence. **Report by Lt. Jeff Krieger.**

**ACTION:** Lieutenant Krieger presented the updated policy to close a gap in the current policy that would allow a non-sworn employee, who as a retired police officer is authorized to carry a concealed firearm pursuant to the Law Enforcement Officer Safety Act (LEOSA), to carry a firearm while on duty in a non-sworn position. The new language in the policy simply prohibits any employee, other than a sworn officer, from carrying a firearm while working for the City Of Concord.

During discussion, staff clarified the language in section 2.5 that “employee” includes volunteers.

There was no public comment.

Councilmember Birsan recommended approval to the City Council, conditional on the clarification to ensure volunteers were included as employees.

- b. **Considering** – proposed policy regarding use of closed circuit television (CCTV) cameras. **Report by Lt. Jeff Krieger.**

**ACTION:** Lieutenant Krieger presented the report, noting the new camera system is an upgrade and replacement of cameras in the downtown parking garage and new cameras in Todos Santos Park, the New Muni Garage and the Police Department. The system allows for recording in accordance with applicable law. Assistant City Attorney Josh Clendenin noted that while a CCTV policy was not a legal requirement, it is a best practice in order to document how access to video information is controlled. Camera feeds will not be monitored. The video recordings will be stored on servers at the Police Department and will be used to assist with criminal investigations. Access to the recorded data can be tiered through different permissions within the software to limit and track access by employees. Live data may be accessed with proper system permissions through a phone or mobile computer, for example if a 911 call is placed for a crime in progress. Officers could access the cameras at that location to assess the situation prior to entry or during pursuit.

The video data will be stored for the legally mandated one year time, although the policy allows for flexibility in storage length. Lt Krieger noted that cost is the largest factor in determining storage time, and increasing the minimum storage time to two years or longer may be impractical for cost reasons. The storage policy of one year is consistent with other local jurisdictions, and staff noted that the ACLU, despite being notified of the proposed policy, has declined to offer any input. Chief Swanger noted that the Police Department worked with the ACLU on License Plate Reader (LPR) policy, and one year was agreeable to ACLU representatives at that time.

Related to video access and dissemination, Legal staff explained that no data would be released in response to a public records request during active investigations. Beyond that, releasing videos upon request as a public record is balanced with privacy rights, and hearings can be required to consider such a release of information so controls are in place to ensure a proper review prior to releasing data. The Chief also confirmed that Federal immigration officials would need a court order in order to obtain video data. License plate information can be redacted before releasing videos. Lt Krieger replied that releasing videos is always balanced with the privacy rights of those not involved, and individuals or identifying information can and will be removed before videos are released.

Director Lewis explained that facial recognition and License Plate Readers are different systems, but this policy covers any additional camera system technology that is added in the future. Chief Swanger informed the Committee that the Police Department was moving towards body cameras, dash cameras and expanding cameras into parks. The current system, including Todos Santos Park, is on live view only and not recording at this time.

Information Technology Director Jeff Lewis noted that the current system has cost \$101,000 as part of the Capital Improvement Project budget, which was offset by a grant of \$24,000. Total expenditures to date are \$87,000.

**3. Public Comment:**

Ray Barbour asked if the City's system can tie into residential cameras, who can access the videos, and how is access monitored. Chair Hoffmeister responded that video from private cameras, if linked to a public system, are disclosable under the Public Records Act. Lt. Krieger explained the plan to implement a citizen video registry, which would allow residents to register their private cameras with the police department to assist with investigating any criminal activity that occurs within camera view. When the new Police Department records management system is implemented, the Police Department can implement the registry program. Only authorized City employees may view cameras videos and access requires a log-in with identifying information for tracking purposes. The system can generate reports for audit purposes. Councilmember Birsan moved to approve recommendation of the policy, with which Chair Hoffmeister concurred.

**4. ADJOURNMENT at 7:00 p.m.**

Next Meeting: Special  
Meeting Date: 10/4/2017  
- 6:00 PM

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Distribution: City Council  
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