

Name	Agency	Phone Number	Retention Period	Answer
Chief Richard Bull	Ripon PD	(209)599-2102	3 1/2 days, if evidentiary value store for 1 year or until court case is resolved.	<p>We have a large Video Camera Project (about 75 video cameras) in our City. We have taken the stance that we have about a 3 1/2 day loop of recorded data from all of our video cameras onto a hard drive server (that is written over continually). As a vast amount of the video is non-evidentiary and of non-government value, we do not retain this video on a permanent storage system. If within that 3 1/2 day window of time (before it is recorded over), if we have anything of evidentiary or city-related value, we will pull and save that video data onto a permanent storage hard drive disk which we will retain for 1 year or until the criminal case is resolved. We have taken this stance as we would never be able to store the amount of all this video data for a year and as the 3 1/2 day recording loop is not permanent, we feel that we have no legal obligation to store something that is not permanently being recorded and stored. We have not been challenged in the manner that we are doing this and we have had this system operational for 4 years now. My City Attorney is comfortable with this policy but as you know, you're not wrong or right until a judge tells you so.</p>
Eric Uller, Lead Public Safety Systems Analyst	Santa Monica PD	(310)458-8779	90 Days, if evidentiary value then can store for longer.	<p>The Santa Monica Police Department implemented a CCTV system approximately two years ago. The system consists of approximately 170 cameras providing near 100% coverage of our Third Street Promenade and Pier (both of which are BIDs). All video captured by the system is retained for 90 days, video that is needed for evidentiary reasons may be exported and retained for as long as needed or permitted by statute. The system can be monitored by dispatchers from their workstations as well as staff that work in the substations for both BIDs. However, the system is typically used in a passive mode. Authorized staff such as detectives, supervisors, etc., have access to recorded video. Our retention period was decided by our City Attorney, I am unaware of any statute that applies to our 90 day retention period.</p>

Theresa Taylor, Commander	Beverly Hills PD	(310)285-2123	13 months	<p>The Beverly Hills Police Department deploys 62 Closed Circuit Television (CCTV) cameras citywide for public safety purposes. The City of Beverly Hills interprets current records retention laws requiring 12 month (or 365 days) storage to apply to video, even those without evidentiary value. However, we store 13 months which allows for a measure of comfort in the event a public records act (PRA) request is received on the 364th day. I imagine your inquiry is prompted by the high cost of video storage, as this very issue has inhibited us from expanding our CCTV program. From a technical perspective, we have employed the most cost effective methods of retention possible. I can refer your Information Technology staff to ours if they would like to discuss the options we explored, and what factors led us to our storage solutions. It may be helpful for you to know that last year, the City of Beverly Hills solicited Assemblyman Emerson to sponsor a bill (AB1684) which proposed to reduce video retention from 365 days to 210 days. We testified in front of the State Assembly regarding this bill, but only got as far as the Local Government Committee before the bill lost its support, largely in part to the resistance we received from the insurance lobbyists. If you would like to discuss the background and details of the bill, I am happy to speak with you about it.</p>
Lt. Craig Courtemanche	Vacaville PD	(707)449-5211	1 year	<p>It is not specific because of the fluidity of the interpretations. I had done research such as you are doing when I was crafting the policy. Like you are probably finding, nothing concrete. Thus the reason for the grey...I can tell you that we are dumping after one year.</p>
Commander Michael Regan	El Cerrito PD	(510)215-4426	30 days	<p>We have enacted an ordinance that requires certain businesses (Liquor Vendors, Firearms Dealers, Banks, Check Cashing, Pawn Shops/second hand dealers and Fast Food) to have CCTV systems. We require them to keep the data for 30 days. We arrived at this time frame based upon storage capabilities at the time the ordinance was enacted, time from event to report in some cases such as fraud and we were told that this was the standard being used in Europe as well as some locations in casinos. I know this is not a direct match for your application, but I thought the information might be helpful. The industry standards for storage capabilities have certainly changed since we enacted our ordinance, however that was a major consideration in setting the 30 day time frame.</p>

DC Ed Medina	Richmond PD	(510)620-6852	120 days	I'm happy to send you our newest policy regarding our CCTV system here in Richmond. After extensive research, our team of experts here, were not able to find any definitive ruling on how long video should be recorded. Our DA's office here recommended nothing less than 90 days, however, the issue has never been challenged in court; especially since the use of video for our purposes is still relatively new. You'll see under our policy section, 378.3.3, we elected to save our video for 120 Days. Our system was designed with this saving capacity in mind. I will say though, that we have had discussion on shortening that time period to 90 days. If that is decided, our policy will be changed.
Capt. Keith Kauffman	Hawthorne PD			My City Attorney is doing the research on this issue right now. I will forward you the results when I get them. We are shooting for a 5 day retention if at all possible. Tarabites are expensive.
Mike Cronin	Tiburon PD			We're in the process of getting LPR cameras installed on the entrance and exit routes for our little community and have been going through a lot of public process. One of the big issues is record retention and access to whatever it is that we plan to collect. We're looking at a policy that will probably require us to purge any record not used in connection with an investigation with sixty, or at most ninety days. I think that'll work for me and I'm a fan of the idea of not keeping anything I don't have to keep. The less you have the less you'll have to produce when someone sues you or wants to subpoena your records or images for use in a divorce or something completely unrelated to police work. That has already occurred with Fas Trak.
Captain Tom Gazsi	Newport PD	(949)644-3650	2 years	Based on review by our legal advisor we would likely hold to the one year as prescribed in the Government Code. We do not have this type of system in town but do have some other localized surveillance systems (our beaches) for which we hold the data for 2 years.

Teri Krieger	Pinole PD		1 year	<p>I sent a message to Debbie Fallahy who provides training on the Public Records Act. Here is her response: Hi Terry – The only code I know of that sounds like it would apply is Government Code 34090.6 (see below) <b>34090.6</b>. (a) Notwithstanding the provisions of Section <b>34090</b>, the head of a department of a city or city and county, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved. (b) For purposes of this section, "recordings of telephone and radio communications" means the routine daily taping and recording of telephone communications to and from a city, city and county, or department, and all radio communications relating to the operations of the departments. (c) For purposes of this section, "routine video monitoring" means videotaping by a video or electronic imaging system designed to record the regular and ongoing operations of the departments described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security taping systems. (d) For purposes of this section, "department" includes a public safety communications center operated by the city or city and county. There is also a similar code for County video monitoring &amp; Public transit video monitoring (26205.6 c GC &amp; 26206.8 b GC). I guess it would depend on if the monitoring was being done by a government agency – if so, it appears the “rule of thumb” is 1 year, unless pending litigation which would require you to maintain it longer. Hope this helps. Debbie</p>
Joe Kreins	Novato PD		1 year	<p>What you describe appears to fall into the category of "<b>routine video monitoring</b>" which per Gov Code 34090.6 requires 1 year storage. (phone and radio fall into the 100 day storage requirement.)</p> <p>Gov Code 34090.6  (a) Notwithstanding the provisions of Section 34090, the head of a department of a city or city and county, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in</p>

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Detective Jennifer Garcia	Montebello PD	(323)887-1208	120 days	<p>I am the Public Camera Manager for our Department and although I was not involved in our program's inception, I can provide you with some information that might be helpful. Our camera system is internet based and our footage is saved on a DVR (similar to TiVo or digital cable). The images are sent over an internet connection to a DVR where it is then automatically recorded. We retain ALL footage from our 60 plus cameras for at least 120 days. Depending on the complexity of the images, we can save them for up to 5 months. The more complex the footage is (detail in the image or movement) the more room it takes to store. However, if we "burn" any of that footage to a DVD, we must retain that DVD for at least one year, per our policy. If you would like, I can fax you a copy of our Public Camera Policy. I am not aware of any law that requires no-evidentiary footage to be stored for a specific amount of time.</p>
<a href="#">Sgt. Andrew White</a>	<a href="#">Suisun PD</a>	(707)421-7386		<p>We are relying upon the legal opinion from Lexipol. I have attached the opinion from Lexipol. I believe Lexipol's reasoning is sound and reasonable. Their position is that we are not monitoring our "police operation." GC 34090.6© defines "routine video monitoring" as "videotaping by a video or electronic imaging system designed to record the regular and ongoing operations of departments described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security taping system. Subdivision (a) of GC 34090.6 defines a department as being a department of a city (ie a police department). Lexipol reasons that a public safety camera system</p>

				<p>operated by a police department is not monitoring the ongoing operation so the police department (provided you are not recording your building), therefore it is exempt from 34090.6. Ripon PD had a 7 day retention period about a year ago when I went to the Chief's conference. I called them a few weeks back and they now have a 4 day retention period. It is interesting to note that if one adopts an ultra strict interpretation of 34090.6 and says you must keep the data for one year, then any agency operating an in-car video recording system with "pre-event" capabilities is automatically in violation, as their system is constantly deleting video provided one does not hit record and pick up the pre-event incident for that time period. And as we know from 34090.6, in-car video *is* monitoring ongoing operations of your department and is mandated for the longer retention period. I have also included San Francisco's Public Safety Camera Ordinance, which specifies retention of 14 days for footage not otherwise retained for criminal or civil suite. I am sure their legal council did some research regarding retention. Additionally, it should be noted that their system has been reviewed by the ACLU and others. The most that I have seen in recommendations was for their system to be expanded to 30 days. However, privacy advocates don't want it too long, either as they don't want big brother having that much data on people not committing criminal activity. Well that and the ACLU says they are not effective. It was noted in one of the reports that their system was not expanded to additional days because of funding. If the SF Public Defender (who commented in one of the reports I read) and the ACLU could shut the system down by crying foul that it was not in compliance with retention requirements of state law, I am sure they would have done so. As something else to look at 34090.7 says you can destroy video recordings where you have a duplicate record, such as minutes or an audio tape recording. An audio file from the camera would be cheap to store. That one, though, still mandates 90 days minimum retention. I hope this helps. Also, I am forwarding this to Travis, as he asked me for the Lexipol policy a week or so back, but I got side tracked and didn't send it to him.</p>
Scott Seaman	Los Gatos/ Monte Sereno PD		30 days	<p>Kenton, talk to Richard Bull in Ripon. He's got it figured out. They hold video only 30 days I think unless it's tagged as evidence and then they hold it longer. That's what we would have done if my contract city had gone ahead w/ video surveillance. We weren't going to monitor actively, only if there was a reason to view it. I know Ripon has it all going in Dispatch and can make any one of many small images blow up for viewing.</p>

