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January 17, 2012

To: Steve Schneider, Director of Transportation

From: Burt Rosenberg, Asst. Corporation Counsel *BR*

Re: Use of Surveillance Cameras on School Buses *with*

I understand that an issue has been raised with respect to the legality and propriety of the use of surveillance cameras on school buses.

City Code Sections 7-1 and 7-2 (set forth below) do not apply to school bus cameras. Those provisions apply to cameras "affixed to outdoor structures and/or used by emergency response vehicles," neither of which is applicable here. Thus, the use of the cameras on school buses by the Stamford Public Schools does not violate the City Code.

The origins of video camera use by schools can be traced back to the late 1980's, when school buses were first equipped with cameras as a means to improve student discipline, prevent vandalism, and avoid potential litigation. Use of cameras on school buses is now commonplace.

Moreover, use of video camera surveillance on school buses is consistent with Supreme Court case law regarding the due process of law requirement of the Fourth Amendment. There is no "reasonable expectation of privacy" on a school bus pursuant to *Katz v. United States*, 389 U.S. 347 (1967). The use of cameras meets the "general public use" test since a school bus is not a private environment such as a home. *Kyollo v. United States*, 533 U.S. 27 (2001). Lastly, there is a "legitimate governmental interest" in using cameras to maintain order on school buses. *Board of Education of UIndependent School District No. 92 v. Earls*, 536 U.S. 822 (2002).

Based upon the foregoing facts and case law, it is my conclusion that the use of surveillance cameras on school buses violates neither the City Code nor the Fourth Amendment requirement of due process of law.

C: Winifred Hamilton, Interim Superintendent
Hugh Murphy, Executive Director of Finance

Sec. 7-1. - Definitions. ^[197] 1

For the purposes of this Chapter, the following terms shall have the following meanings:

CCTV Camera. Any and all devices that are affixed to outdoor structures and/or used by emergency response vehicles, owned or operated by the City of Stamford or any agency, department or subset thereof, and that are used for the visual transmission of activity on public streets, public rights of way, property owned by any governmental entity or body politic, or other property as necessary to meet the objectives of Section 7-2.C, including without limitation any closed circuit video cameras or other cameras, video recorders, digital cameras, digital recorders or other technological devices used in the above manner.

Feeds. The visual information transmitted by the CCTV Cameras.

Monitors. The screens or other devices on which the Feeds are viewed.

Traffic monitoring. The viewing and management of vehicular traffic through the adjustment of traffic signals, whether performed manually or by computer, to facilitate the free flow of automobiles on City of Stamford streets.

Sec. 7-2. - Permitted Use of CCTV Cameras. ^[198] 2

A.

Limitations on Use. A CCTV Camera or Feed location shall be approved preliminarily for installation and use by the Chief of Police or his designee upon a finding that one of the limited criteria set forth herein have been met; and thereafter approved within thirty (30) days upon a finding that one of the limited criteria set forth herein have been met by a Public Safety Camera Review Committee consisting of the Mayor or his or her designee, the Director of Public Health & Safety or his or her designee, the President of the Board of Representatives or his or her designee, and two members of the public. The two members of the public shall be appointed by the Mayor and approved by the Board of Representatives. CCTV Cameras, and any and all Feeds, may be used only by those persons authorized by herein, and may be used solely in the specific instances set forth in this ordinance, and use of CCTV 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

CCTV Camera and Feed locations, the dates of their approval and the criteria used for their approval.

B.

Traffic Monitoring. CCTV Cameras, and any and all Feeds, may be used for the purpose of Traffic Monitoring, which shall in no event include enforcement of traffic violations. Notwithstanding the foregoing, the Feeds from CCTV Cameras used for Traffic Monitoring may be used for any lawful purpose in the event that such CCTV Cameras, while being used for their primary function, incidentally view behavior that has caused or is likely to cause a danger to any person or property.

C.

Homeland Security. CCTV Cameras, and any and all Feeds, may be used for the purpose of providing surveillance in the service of homeland security, law enforcement and prevention, and disaster preparedness and recovery in locations identified as critical assets by the State of Connecticut Department of Emergency Management and Homeland Security (DEMHS), as set forth in the DEMHS Homeland Security Initiative, as such may be amended from time to time.

D.

Law Enforcement and Crime Prevention. CCTV Cameras, and any and all Feeds, may be used for the purpose of providing surveillance in the service of law enforcement and crime prevention within the City of Stamford where there is documented criminal activity.

E.

Proper Request for Feeds. The Feeds may be used at any time to satisfy the written order of any court of competent jurisdiction, any authorized subpoena or a proper Freedom of Information Act request.