

Staff Report

To: Board of Directors
From: Jordan Hess
Date: September 25, 2025

Agenda Item: 5.3 Staff Report – Security Camera Policy/Technology/Procedure Update

Attachments:

- 5.3.1 Proposed Resolution 25-06 Repealing Resolution 24-03 Establishing Video Policies and Procedures
- 5.3.2 Resolution 24-03 Establishing Video Policies and Procedures (as adopted by the MUTD board of directors on February 14, 2024)
- 5.3.3 Legal memo regarding Norman v. MUTD
- 5.3.4 Standard Operating Procedures for Pulling and Saving Videos

Recommendation:

Approve Resolution 25-06 Repealing Resolution 24-03 Establishing Video Policies and Procedures.

Discussion:

Following a court appearance on July 1, 2025, it was determined that the video policy was inadequate to satisfy a court order and needed to be amended or replaced accordingly.

The attached legal memo provides background information. The attached standard operating procedure outlines proposed changes to internal procedures.

Financial Impact and Funding Source:

Unknown, but likely in excess of \$25,000. There are costs associated with complying with the court order. These costs will be estimated as MUTD refines options for how it can to comply with the court order.

DBE Certified: Not applicable.

RESOLUTION NO. 25-06

**A RESOLUTION REPEALING RESOLUTION 24-03
ESTABLISHING POLICY, PRINCIPLES AND ROLES AND RESPONSIBILITIES
FOR THE USE OF CAMERAS AND THE RELEASE OF RECORDED VIDEO**

WHEREAS, the MUTD Board of Directors passed Resolution 24-03 at the February 14, 2024, special board meeting establishing policy, principles and roles and responsibilities for the use of cameras and the release of recorded video;

WHEREAS, Cause No. DV-32-2024-0000243-OC was filed in the Montana Fourth Judicial District Court Missoula County on March 13, 2024, challenging MUTD's video recording release policy based on Montana's public records statutes, and

WHEREAS, the Court held that the subject videos are disclosable and the security and privacy exceptions to the public records law do not prevent their disclosure;

NOW THEREFORE, BE IT RESOLVED by the MUTD Board of Directors, that Resolution 24-03 is hereby repealed.

BE IT FURTHER RESOLVED that the MUTD Board of Directors direct agency staff to comply with all relevant requirements for retrieving, saving and producing video recordings in accordance with Montana's public records laws.

RESOLUTION 24-03
A RESOLUTION ESTABLISHING POLICY, PRINCIPLES AND
ROLES AND RESPONSIBILITIES FOR THE USE OF CAMERAS
AND THE RELEASE OF RECORDED VIDEO

WHEREAS, MUTD is committed to enhancing the quality of life of the public and MUTD employees by integrating the use of technology into its safety and security program. A key component is to utilize electronic security cameras and their recordings; and

WHEREAS, to maintain personal privacy in accordance with MUTD values and applicable laws, a policy is required to establish procedures and regulate the use of cameras that observe public or common areas or are located within MUTD vehicles; and

WHEREAS, to maintain the effectiveness of security cameras that are designed to identify, prevent, or respond to potential attacks upon the population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, the release of recorded video must be restricted.

GENERAL POLICY

The purpose of this policy is to regulate the use of security cameras and security video. This policy applies to the use of all security cameras, and the recordings obtained from their use, in all MUTD vehicles and facilities.

In general, cameras are intended to serve two main purposes for MUTD:

Personal Safety – To capture video, in the event an individual is the subject of harm or crime, that provides information or evidence of what occurred and who is responsible, and thereby deter crimes or harmful conduct toward individuals.

Property Protection – To capture video, in the case of lost, stolen or damaged property, that provides information or evidence of what occurred and who is responsible, and thereby deter property crimes or violations.

DEFINITIONS

Authorized MUTD Employees – Those authorized to view live or “real-time” security camera video feeds.

Chief Safety Officer – The individual who is most directly responsible for maintaining MUTD’s security camera operation in compliance with this policy.

Security Cameras – A device used to transmit or store a signal containing images. This includes body worn cameras.

Security Camera Monitoring – The viewing of security camera images in real-time by authorized MUTD personnel.

Security Camera Recording – The digital, analog or other electronic storage of security camera images.

PRINCIPLES

The use of security cameras, monitoring of cameras, or recording must conform to applicable MUTD policies, and applicable federal and state laws.

Video cameras (and their recorded images) will not be used to monitor the conduct of any individual except as part of a legitimate investigation pertaining to conduct violating the law or MUTD policies (usually resulting from a written complaint or report).

While real-time viewing is not the typical use for security cameras, this policy does not prohibit (nor does it imply or promise) real-time viewing.

The live or “real-time” monitoring of security cameras will be limited. Authorized MUTD Employees will be permitted to view live videos when necessary. Any viewing of video will be conducted by authorized personnel and at all times will be consistent with this policy and applicable law. Violations of this policy or applicable law may result in disciplinary action by the MUTD (up to and including termination of employment) or prosecution.

ROLES AND RESPONSIBILITIES

The Chief Safety Officer is responsible for the implementation of this policy and is authorized to oversee and coordinate the use of all MUTD security cameras, including installation and monitoring.

Recordings will reside on a secure information technology server and are not considered to be law enforcement records until a copy is copied and obtained by law enforcement.

All information acquired from the use of security cameras (either viewed in real-time or recorded) is considered security sensitive information and is confidential. Any dissemination of observations or other information, such as camera location and/or coverage area, other than for official purposes is prohibited.

The Chief Safety Officer is the person in MUTD primarily responsible for compliance with this policy and will review requests for the release of video recordings. No release will occur without a valid court order or law enforcement subpoena and in consultation with legal counsel.

Any MUTD personnel with access to view or retrieve camera recordings is subject to this policy and is required to acknowledge their understanding and compliance with this policy prior to being granted access to security camera systems. They are required each year to acknowledge their understanding and compliance.

The Chief Safety Officer is responsible for oversight, enforcement and quality assurance of all security cameras covered by this policy and shall randomly direct review of camera recordings to ensure compliance with this policy.

To ensure compliance with this policy and to protect the evidentiary value of recordings, the MUTD will limit those individuals with access to retrieve or view stored recordings to authorized staff of MUTD.

In situations where application of this policy is not clear, the Chief Safety Officer will maintain the status quo of the recordings at issue but seek clarification from legal counsel or MUTD’s General Manager or designee.

No effort will be made to conceal those security cameras located in public spaces, except for official, authorized cameras being used in active police investigations and approved by legal counsel and MUTD General Manager or designee in accordance with this policy.

No attempt shall be made to alter any part of camera recordings. MUTD will configure security camera recording systems to reasonably prevent employees from tampering with, duplicating, reproducing, or disseminating in an unauthorized manner any recorded information.

Recordings will be maintained on a secure server operated by MUTD's information technology division. In most cases, recordings will be stored for a period of no less than three days and no more than sixty days, depending on configuration settings in the recording device. Once the storage of an archival device reaches capacity, stored images may become overwritten and unavailable. An exception to this procedure is a recording retained as part of a criminal investigation or judicial or administrative proceeding (criminal, civil or internal), preservation of evidence or other bona fide use as approved by legal counsel or MUTD General Manager or their designee. Images or videos saved for such purposes may be recorded to another storage device in accordance with applicable evidentiary procedures.

MUTD employees will not alter or augment camera angles to view private or excluded areas identified within this policy, including residential spaces or windows to such spaces.

MUTD employees will not monitor individuals based on general characteristics of race, gender, ethnicity, sexual orientation, disability, or other protected class covered by MUTD non-discrimination policies. MUTD employees in control of cameras shall only monitor suspicious behavior or search for suspects or individuals, without regard to irrelevant individual characteristic

NOW, THEREFORE, BE IT RESOLVED by the MUTD Board of Directors in Missoula, Montana, that the policy, principles, and roles and responsibilities stated above are approved at the February 14, 2024, Board of Directors special meeting and incorporated into the MUTD policies and procedures.

LEGAL MEMORANDUM

From: Tim DeFors, Deputy City Attorney

To: Jordan Hess, CEO and General Manager of Missoula Urban Transportation District
Ryan Sudbury, Missoula City Attorney for Civil Services

Date: July 18, 2025

Re: **Norman v. MUTD Lawsuit Summary and Status**

In late January, 2024, former MUTD employee Austin Norman submitted a public records request to MUTD seeking certain videos that had been recently captured by the security camera system onboard a few different busses. The request was highly unusual in that it sought long periods of video that were unconnected to any specific incident. MUTD denied the request in a letter written by Missoula Chief Civil/Administrative Attorney Susan Aaberg. In the letter, MUTD takes the position that the videos are not disclosable under the Montana's public records laws due to security and privacy concerns. Shortly thereafter, the MUTD Board adopted a Security Camera Policy that largely incorporated that position into its instruction on handling security videos. In March 2024, Norman filed a lawsuit against MUTD that challenged that position and sought the disclosure of the videos.

The suit was duly litigated and the parties filed cross-motions for summary judgment in late 2024 asking the Court to decide on the merits as a matter of law. On February 24, 2025 the Court issued an Order with three holdings: (1) the subject videos are disclosable and the security and privacy exceptions to the public records law do not prevent their disclosure; (2) MUTD must provide Norman with the videos, subject to some minor redactions; and (3) because Norman was the prevailing plaintiff in a public records case, he is legally entitled to an award of his attorney's fees and costs. After receiving the Order, MUTD discovered that it no longer possessed the videos because they had been deleted or written over before the lawsuit had been filed. So, MUTD informed the Court of this. Around the same time, Norman filed a statement of his fees and costs.

On June 9, 2025 the Court issued two orders. First, as previously awarded, the Court ordered MUTD to pay Norman \$1,054.14 in costs and \$24,815.15 in attorney's fees. Second, the Court ordered MUTD to appear before it to present testimony and argument on how MUTD handled the subject videos (*i.e.*, how they were deleted despite Norman's public record request) and what steps MUTD is taking in the future to prevent this from recurring. In the meantime, Susan Aaberg retired and City Attorney Ryan Sudbury and Deputy City Attorney Tim DeFors

substituted in to represent MUTD. At the July 1, 2025 hearing set by the Court, MUTD presented its proposed changes to the MUTD Security Camera Policy that it thought would comply with the Court's ruling on the releasability of security camera videos. While the Court recognized MUTD's efforts to change its policy, the Court found it did not go far enough to preserve the public's constitutional "right to know," that is, the right to receive and examine public records. So, the Court ordered MUTD to continue its efforts to revise the policy and to make physical changes, if necessary, to the security camera recording and storage system to better comply with the law. The Court ordered MUTD to return for a new hearing on October 17, 2025 to discuss its progress.

At the hearing, the Court also ordered MUTD to pay an additional \$82.82 to Norman in new costs accrued since the last order. Because the amounts awarded to Norman were not contestable at this point, MUTD paid them in mid-July, preventing the accrual of any interest.

MUTD is now examining changes to MUTD's security camera policy, hardware, software, and electronic storage to better comply with the Court's Order and Montana's public records laws.

	Operations Department	SOP #	
		Revision #	2
		Implementation Date	5/18/2025
Page #	1 of 2	Last Reviewed/Update Date	9/11/2025
SOP Owner	Elizabeth Wehling	Approval	

Pulling and Saving Video- Fixed Route, Paratransit, and Supervisory Vehicles

1. Purpose

Ensuring proper video pulling procedures so the hard drives end up in the same vehicle they came out of, Micro SD cards are put back properly and clarifying the ability to pull video by all supervisors.

2. Scope

This procedure applies to anyone who may need to pull video from any Mountain Line vehicle.

3. Prerequisites

Foresight Pro software access, REI software access, access to the keys needed to unlock the hard drive hatch and hard drive from the vehicle.

4. Responsibilities

This SOP is specific to the Road and Dispatching Supervisors' role in video pulling as it relates to assessing, corroborating and creating determinations on customer service reports, accidents and incidents.

5. Procedure

When the need to pull video arises, the fixed route buses and a few of the paratransit vehicles will require the set of keys in the dispatch lock box to open the hatch to access the hard drive and unlock the hard drive from the housing and bring into dispatch to your workstation. The adapter cord with the blue USB is required to plug one end into the workstation and the other into the hard drive. Once this is done, open the software associated with this hard drive (either Foresight or REI) and the video should be accessible. If the video is not able to be downloaded from the hard drive, write up a bus defect report and let shop know if there is further information available for sharing.

The paratransit vehicles with dash cameras and the supervisory vehicles will all require a small torque screwdriver to remove the Micro SD cards for pulling video. To pull these very small cards, unscrew the screw on the bottom of the dash camera housing. Once open, there will be two Micro SD cards to remove. Track which SD card came out of the corresponding slot because each card contains different information recorded on them and could overwrite information needed if returned to the wrong slot. Place one card in each hand, noting the appropriate slot to keep from mixing them up. Insert the Micro SD card into the docking station or the laptop and pull up the Foresight Pro software to pull this video.

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With both types of vessels (hard drive or Micro SD card), once the video is identified, save it by cropping the appropriate amount of video to emulate what is needed, unclicking unneeded views to shorten the download time. Save the downloads as MP4 files. After the files are downloaded to the appropriate folder in the Z:/ drive, go into that folder and label each camera angle for easy review of footage.

TIMELINE FOR VIDEO RETRIEVAL-FOIA

All videos requested as FOIA information must be retrieved within 24 hours and saved on the Z drive. The Chief Safety Officer must be notified that the video has been retrieved and is available for distribution to the applicant.

6. References

Facility Video Pulling SOP

7. Definitions

SOP – Standard Operating Procedure

Micro SD card – Name of small device used to save information