

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 99F.4, the Department of Public Safety hereby gives Notice of Intended Action to amend Chapter 141, "Closed Circuit Surveillance Systems," Iowa Administrative Code.

Iowa Code section 99F.4, subsection 18, and administrative rules of the Iowa Racing and Gaming Commission authorize the Department of Public Safety to adopt administrative rules establishing requirements for video surveillance systems in gaming establishments licensed by the Commission. These rules have been in effect for nearly two decades and have been updated from time to time to reflect changing requirements and technological advances. During 2008, changes that were proposed and adopted became controversial, and the implementation of those changes was delayed by action of the Administrative Rules Review Committee. After further consultation with representatives of the gaming industry, the Iowa Racing and Gaming Commission, and legal counsel, it was determined that further changes in the rules regarding video surveillance were needed. The amendments proposed here are intended to make these rules more consistent with rules of the Iowa Racing and Gaming Commission and more consistent with the statutory authority afforded the Department of Public Safety in Iowa Code section 99F.4.

Any person may submit comments regarding these proposed amendments by mail to the Agency Rules Administrator, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319; fax to (515)725-6195; or E-mail to admrule@dps.state.ia.us. Comments should be submitted by 4:30 p.m. on March 10, 2009.

A public hearing on these proposed amendments will be held at the State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa, in the First Floor Public Conference Room on March 10, 2009, at 8 a.m. The hearing room is fully accessible.

These rules are subject to the general waiver provisions for administrative rules of the Department of Public Safety, which are found in 661—Chapter 10.

These amendments are intended to implement Iowa Code section 99F.4.

The following amendments are proposed.

ITEM 1. Rescind the definition of "Casino" in rule **661—141.1(99F)**.

ITEM 2. Rescind the definition of "Casino surveillance" in rule **661—141.1(99F)** and adopt the following new definition in lieu thereof:

"Casino surveillance" means the observation of gambling activities in a gaming facility licensed by the commission. The purpose of a surveillance system is to safeguard the licensee's assets, to protect both the public and the licensee's employees, and to promote public confidence that licensed gambling activities are conducted honestly and free of criminal elements and activities. It is the responsibility of the licensee to ensure that casino surveillance is used to accomplish the stated purpose and is not used in an improper manner which would bring discredit to the industry.

ITEM 3. Rescind the definition of "Closed network" or "closed circuit" in rule **661—141.1(99F)** and adopt the following new definition in lieu thereof:

"Closed network" or *"closed circuit"* means all digital recording equipment and all other associated surveillance equipment which shall be designed, configured, and maintained on a separate and exclusive network system located on the same premises as the casino, or on property adjacent to the casino which

has been approved by the DCI for the location of surveillance equipment pursuant to subrule 141.10(1). This closed network system shall not be touched by, connected to, or partitioned from any other network, unless approval has been received from the assistant director for gaming operations of the DCI. Approval or disapproval of such a request by the assistant director is subject to review by the director of the DCI or the commissioner of public safety.

ITEM 4. Adopt the following **new** definition in rule **661—141.1(99F)**:

“Gambling activities” means participating in or wagering on gambling games on the gaming floor; the movement, storage, and handling of uncounted gambling revenues; the manual exchange of moneys for forms of wagering credit on the gaming floor; public entrance into and egress from the gaming floor, except that egress through emergency exits that are actively alarmed is not included; and any other activities so defined by the commission.

ITEM 5. Rescind and reserve rule **661—141.2(99F)**.

ITEM 6. Rescind and reserve rule **661—141.3(99F)**.

ITEM 7. Rescind paragraph **141.5(9)“d”** and adopt the following **new** paragraph in lieu thereof:

d. If the licensee chooses to use a network for the digital recording equipment, it must be a closed network with limited access located on the same premises as the casino or, with the approval of the DCI, on a property adjacent to the casino. Nothing in this paragraph shall be interpreted to prevent the commission from utilizing or transmitting for regulatory purposes images recorded by a video surveillance system.

ITEM 8. Rescind and reserve subrule **141.6(9)**.

ITEM 9. Rescind rule 661—141.10(99F) and adopt the following **new** rule in lieu thereof:

661—141.10(99F) Surveillance room. There shall be provided in each gambling facility or gambling structure a room specifically utilized to monitor and record gambling activities. This room shall have a trained surveillance person present at all times during casino operation hours. In addition, an excursion gambling boat, racetrack enclosure, or gambling structure may have satellite monitoring equipment. The following are requirements for the operation of equipment in the surveillance room and of satellite monitoring equipment:

141.10(1) Surveillance equipment location. All equipment that may be utilized to monitor or record views obtained by a casino surveillance system must remain in a room located on the same premises as the casino or, with the approval of the DCI, on property adjacent to the casino. The room must be used exclusively for casino surveillance security purposes. The satellite monitoring equipment must be capable of being disabled from the casino surveillance room when not in use. The entrance to the casino surveillance room must be locked or secured at all times.

141.10(2) Override capability. Casino surveillance equipment must have total override capability over any other satellite monitoring equipment in other casino offices, with the exception of the DCI rooms.

141.10(3) Access. DCI and commission employees shall at all times be provided immediate access to the casino surveillance room and satellite monitoring equipment. Also, all DCI and commission employees shall have access to all records and areas of such rooms.

141.10(4) Surveillance logs. Entries in the log shall be required when specific surveillance is requested by the DCI or the commission, or whenever any activity that appears unusual, irregular, illegal or in violation of commission rules is observed. Also, all communications received or sent from the surveillance room in regard to surveillance activities or casino operations shall be logged.

141.10(5) Blueprints. A copy of the configuration of the casino floor shall be posted and updated immediately upon any approved change. The location of any change and the location of surveillance cameras, gaming tables and slot machines by assigned numbers shall also be included. Copies of the blueprints shall be made available immediately to the DCI and commission.

141.10(6) Storage and retrieval. Surveillance personnel shall label and file all recordings. The date and time of the recording shall be recorded. Recordings of admission entrances, exits, and casino cashier

cages where check-cashing activities occur shall be retained for 21 days unless a longer period is required by the DCI, the commission, or court order. All other recordings shall be retained for at least 7 days after recording unless a longer period is required by the DCI, the commission, or court order. Original audio, video, and digital recordings shall be released to the DCI or commission upon demand.

141.10(7) Malfunctions. Each malfunction of surveillance equipment must be repaired within 24 hours of the malfunction. If, after 24 hours, activity in the affected area cannot be monitored, the game or machine shall be closed until such coverage can be provided. A record of all malfunctions shall be kept and reported to the DCI each day. In the event of a dedicated coverage malfunction, the licensee must immediately provide alternative camera coverage or other security measures that will protect the subject activity. If other security measures are taken, the licensee must immediately notify the DCI. The DCI, in its discretion, will determine whether the other security measures are adequate.

141.10(8) Security. Entry to the surveillance room and access to satellite monitoring equipment shall be limited to persons approved by the DCI or the commission. A log of personnel entering and exiting the surveillance room and accessing satellite monitoring equipment shall be maintained and submitted to the DCI or the commission upon request.

141.10(9) Playback station. Within the DCI room, there shall be an area that includes, but is not limited to, a monitor and a recorder with the capability of producing first-generation copies.

141.10(10) Additional requirements.

a. Audio and video or digital monitoring and recording shall be continuous in the detention areas when someone is being detained. These recordings must be retained for 30 days after the recorded event, unless directed otherwise by the administrator, DCI or court order.

b. The commission, its employees, and DCI agents shall, at all times, be provided immediate access to the surveillance room and all areas of the casino.

141.10(11) Written plans and alterations.

a. Every operator or applicant for licensing shall submit to the commission for approval by the administrator and to the DCI for approval a written casino surveillance system plan no later than 60 days prior to the start of gaming operations.

b. A written casino surveillance system plan must include a casino floor plan that shows the placement of the surveillance room and all casino surveillance equipment in relation to the locations required to be covered and a detailed description of the casino surveillance system and its equipment. In addition, the plan may include other information that evidences compliance with these rules by the licensee, operator or applicant.

c. The operator may change the location of the surveillance room, table games, slot machines, and other gaming devices. The surveillance system must also be adjusted, if necessary, to provide the coverage required by these rules. A DCI agent must approve the change in the surveillance system before the relocated surveillance room, table games, slot machines, or other gaming devices may be placed into operation.

EXCEPTION: A commission representative may allow a gambling game to be placed in operation pending approval by a DCI agent.