

APPENDIX A: SURVEILLANCE TECHNOLOGY IMPACT REPORT

Department or Division:	Somerville Police Department (SPD)
Compliance Officer (name and position):	Lt. Jeff DiGregorio
Submitted by:	Lt. Jeff DiGregorio
Date:	
Surveillance Technology:	Pole Cameras

X	Please identify the purpose(s) of the proposed surveillance technology. Select ALL that apply by entering "X" in the left column.
<input checked="" type="checkbox"/>	Identifying and preventing threats to persons and property and preventing injury to persons or significant damage to property
<input checked="" type="checkbox"/>	Identifying, apprehending, and prosecuting criminal offenders
<input checked="" type="checkbox"/>	Gathering evidence of violations of any law in criminal, civil, and administrative proceedings
<input checked="" type="checkbox"/>	Providing information to emergency personnel
<input type="checkbox"/>	Documenting and improving performance of City employees
<input type="checkbox"/>	Executing financial transactions between the City and any individual engaged in a financial transaction with the City
<input type="checkbox"/>	Preventing waste, fraud, and abuse of City resources
<input type="checkbox"/>	Maintaining the safety and security of City employees, students, customers, and City-owned or controlled buildings and property
<input type="checkbox"/>	Enforcing obligations to the City
<input type="checkbox"/>	Operating vehicles for City business
<input type="checkbox"/>	Analyzing and managing service delivery
<input type="checkbox"/>	Communicating among City employees, with citizens, or with third parties
<input type="checkbox"/>	Surveying and gathering feedback from constituents
<input type="checkbox"/>	Other (Describe): If the surveillance technology is used for a purpose not listed above, does the purpose comply with the surveillance use policy? ___ Yes ___ No

Complete ALL of the following items related to the proposed surveillance technology. Be as specific as possible. If an item is not applicable, enter "N/A." Do NOT leave fields blank.

1. Information describing the surveillance technology and how it works:

"Pole Cams" are fixed-position, stand-alone cameras that are used during the course of an investigation. Pole Cams are installed in public areas where there is no expectation of privacy. Based on current case law (Comm v. Mora), if a pole cam is placed facing a residence, then a search warrant would be required. SPD does not own this technology but has used it in the past with the assistance of other law enforcement agencies. Currently with the assistance of the New England State Police Information Network (NESPIN), a pole camera set up can be requested. They would then send a State Trooper assigned to NESPIN to install the cameras, usually on a utility pole. The SPD investigator would be given a computer link to view the cameras. There are no audio capabilities with the cameras.

The FBI is an additional source for loaning pole cameras. Protocols follow those mentioned above.

a. Authorized use – the uses that are authorized, the rules and processes required before that use, and the uses that are prohibited (10.64.b.2):

The SPD will implement the following procedure, "The use of any pole camera will require the establishment of an open investigation and the assignment of an incident number for tracking purposes. The Captain of CID will be presented with the facts requiring the use of such device and will be responsible for its authorization. The Captain of CID will notify the Family Services Sergeant, the Narcotics/Vice Sergeant, or the SPD FBI Liaison Detective, authorizing the use of such devices. A sergeant will be responsible for overseeing the investigation. Placement of the camera would follow the aforementioned requirements and be in compliance with all applicable state laws and department policy."

b. Training – the training, if any, required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology, including whether there are training materials (10.64.b.9):

The agency that owns the camera provides SPD personnel with instruction on its use. The cameras are fairly basic and therefore are easy to operate with minimal instruction. There would be very few SPD members using these cameras, and those using them would be familiar with their operation. Training will also be provided in accordance with the Surveillance Technology Use Policy.

2. Information on the proposed purpose(s) for the surveillance technology (10.64.b.1):

Technology would be used to investigate suspects in an active criminal investigation.

3. Information describing the kind of surveillance the surveillance technology is going to conduct and what surveillance data is going to be gathered (10.64.b.3):

The cameras would record visual footage only (no audio) and be used in the course of criminal investigations. They would be both fixed in and facing public areas where there is no expectation of privacy or installed under the authority of a search warrant. The SPD will make every effort to insure the privacy rights of individuals and position cameras only under authorization of a search warrant or in an area where there is no expectation of

<p>privacy. The SPD will make every effort not to position target cameras in a way so they do not capture schools, hospitals, places of worship, and similar locations where people should have open and unfettered access. Pole cameras are subject to the Department's video surveillance and biased based policing policies.</p>	
<p>a. Data access – the individuals who can access or use the collected surveillance data, and the rules and processes required before access or use of the information (10.64.b.4):</p>	
<p>Only investigators attached to the investigation could access the footage directly. The lead investigators could then share the footage or (still images obtained from it) with SPD law enforcement personnel providing support on the case, such as Crime Analysis.</p>	
<p>b. Data protection – the safeguards that protect information from unauthorized access, including, but not limited to, encryption, access-control, and access-oversight mechanisms; (10.64.b.5)</p>	
<p>Video from the camera's memory card is uploaded to a police owned computer and saved in the lead detective's case folder.</p>	
<p>c. Data retention – the time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason that retention period is appropriate to further the purpose(s), the process by which the information is regularly deleted after that period has elapsed, and the conditions that must be met to retain information beyond that period (10.64.b.6):</p>	
<p>Video would be preserved for the duration of the investigation and if applicable the duration of any trial and appeal as evidence.</p>	
<p>d. Public access – if and how collected surveillance data can be accessed by members of the public, including criminal defendants (10.64.b.7):</p>	
<p>Video would be subject to discovery rules. All public records requests would be vetted through the city's law department at the conclusion of the investigation.</p>	
<p>e. Third-party data-sharing – if and how other city or non-city entities can access or use the surveillance data, including any required justification and legal standard necessary to do so, and any obligation(s) imposed on the recipient of the surveillance data (10.64.b.8):</p>	
<p>Video could be shared with other law enforcement agencies. This might occur if the receiving agency were part of the investigation; for the purpose of obtaining information from that agency in relation to our investigation; or if there were a threat to public safety, as examples. Typically, if data is shared, it is a still image (snipped from video footage) of a suspect or person of interest in the criminal investigation.</p>	
<p>4. The location(s) it may be deployed and when:</p>	
<p>These cameras are rarely deployed but when they are, "when and where" is unique to each investigation. They would be deployed only at the direction of a detective supervisor who would be responsible for the operation.</p>	

5. A description of the privacy and anonymity rights affected and a mitigation plan describing how the department's use of the equipment will be regulated to protect privacy, anonymity, and limit the risk of potential abuse:
The cameras are rarely used, and when they are used the deployment would require an operational plan and approval by the CID Captain. They are then deployed in public areas where there is no expectation of privacy or they record the exterior of homes under the authority of a search warrant.
6. The potential impact(s) on privacy in the city; the potential impact on the civil rights and liberties of any individuals, communities or groups, including, but not limited to, communities of color or other marginalized communities in the city, and a description of whether there is a plan to address the impact(s):
Under SPD General Order #115 entitled 'Biased Based Policing' the SPD expresses its commitment to preserving and respecting the Constitutional rights of all the members of the community. The SPD does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial and gender profiling by its employees. These cameras are target specific. They are not deployed outside of an active investigation with known suspects and are not placed arbitrarily in locations. If the cameras face a residence then a search warrant is required.
7. An estimate of the fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding:
The Somerville Police Department does not own this technology but would borrow it from other agencies and use it during special investigations. Currently the Somerville Police works with NESPIN to coordinate installation of cameras. There would be no cost to the city for use of this technology.
8. An explanation of how the surveillance use policy will apply to this surveillance technology and, if it is not applicable, a technology-specific surveillance use policy:
Since this technology involves cameras capturing video, the section of the City's Surveillance Technology Use Policy entitled "Video Surveillance Technology, Data and Use by the Police Department" would apply.
a. Oversight – the mechanisms to ensure that the surveillance use policy is followed, including, but not limited to, identifying personnel assigned to ensure compliance with the policy, internal record keeping of the use of the technology or access to information collected by the surveillance technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the sanctions for violations of the policy (10.64.b.10):
This technology would be rarely used, and when it would be used it is under the direct direction and authorization of a supervisor from the detective bureau and may be used under the guidance of an operational plan. The Surveillance Technology Use Policy, all SPD policies and all applicable Massachusetts laws apply. Failure to adhere to policy and misuse of cameras would result in discipline up to and including termination depending on the violations.

