

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:	Covert Device Cameras

X	Please identify the purpose(s) of the proposed surveillance technology. Select ALL that apply by entering "X" in the left column.
x	Identifying and preventing threats to persons and property and preventing injury to persons or significant damage to property
x	Identifying, apprehending, and prosecuting criminal offenders
x	Gathering evidence of violations of any law in criminal, civil, and administrative proceedings
x	Providing information to emergency personnel
	Documenting and improving performance of City employees
	Executing financial transactions between the City and any individual engaged in a financial transaction with the City
	Preventing waste, fraud, and abuse of City resources
	Maintaining the safety and security of City employees, students, customers, and City-owned or controlled buildings and property
	Enforcing obligations to the City
	Operating vehicles for City business
	Analyzing and managing service delivery
	Communicating among City employees, with citizens, or with third parties
	Surveying and gathering feedback from constituents
	Other (Describe): If the surveillance technology is used for a purpose not listed above, does the purpose comply with the surveillance use policy? <u> x </u> Yes <u> </u> 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:

3 covert cameras are hidden in household devices (alarm clock, smoke detector and computer speaker) During the course of a criminal investigation these cameras would be placed in the suspect's home/business under authority of a search warrant. These cameras have been used in public areas as well without the sound capabilities.

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):

Use would be approved from a Sergeant in the Detective Unit or higher and the camera would be secured by a supervisor in the detective bureau. Placement of the camera would be allowed via search warrant and/or state law regarding search and seizure and subject to department policy. Placement of the camera would be done after authorization of a supervisor and 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):

There would be a very limited number of investigators using this tool. No formal training would be required as it is a simple device controlled manually or remotely with video stored on a department computer only accessible by that individual detective.

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

This technology would be used in criminal investigations.

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):

This technology would be used in criminal investigations and would gather evidence of crimes

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):

The device would be used at the direction of a supervisor in the detective bureau and would be used in accordance with Massachusetts law and department policy.

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)

The video would be only accessible to the investigator and the supervisor. Storage would be made on a department computer which is only accessible by the user. The lead investigator or supervisor could then share the footage or (still images obtained from it) with SPD law enforcement personnel providing support on the case.

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):

The images and video would be retained for the duration of the criminal investigation and if applicable any court proceeding

d. Public access – if and how collected surveillance data can be accessed by members of the public, including criminal defendants (10.64.b.7):

The video and images could be subject to the rules of discovery. Any public information request would be vetted through the Law Department.

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):

Evidence could be shared depending on the investigation and if other law enforcement agencies are involved or affected or if there is a public safety threat.

4. The location(s) it may be deployed and when:

This would be case specific and regulated under Massachusetts law and department policy.

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 camera would only be used with permission of a supervisor and used under authorization of a search warrant

or other applicable Massachusetts laws.

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):

This technology is used during a criminal investigation under guidelines and laws laid out by the state and department. It is used to surveil a particular suspect and would generally not be used outside the particular house or business that is subject to that particular investigation. This device could be used in a common area or other place there is no expectation of privacy with the sound recording disabled.

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 devices cost approximately \$300 and there are no ongoing costs.

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:

This technology involves filming and obtaining images of individuals during the course of a criminal investigation. Based on this the city's surveillance policy would apply to this particular technology

- 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):

A detective by the rank of sergeant or above would oversee the use of this camera. These cameras are only accessible by two detective sergeants and are securely stored. Other detectives who could view and pull footage would have to have the authorization from their immediate supervisor. The limited number of people who could access this technology would simplify oversight and access can be logged. Because these cameras can be used in ongoing criminal investigation there would be no person outside the police department who could oversee this. Violations of this policy and misuse of camera technology would lead to departmental discipline up to and including termination.