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| <b>Somerville Police Department</b><br> | <b>TYPE:</b><br><b>GENERAL ORDER</b>                                       |  | <b>POLICY NUMBER:</b><br><b>423</b>   |  |  |
|  | <b>Subject:</b><br><b>Video Surveillance</b>                               |  |   |  |  |
|  | <b>Issuing Authority:</b><br><b>David Fallon</b><br><b>Chief of Police</b> |  | <b>Signature:</b><br> | <b>Effective Date:</b><br>January 18, 2018 |  |
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| <b>Accreditation Standards (5<sup>th</sup> Edition) 83.2.2</b>   |  | <input checked="" type="checkbox"/> <b>New</b><br><input type="checkbox"/> <b>Revised</b><br><input type="checkbox"/> <b>Amended</b> |   |  |  |
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### Purpose

It is the purpose of this policy to provide general procedures for conducting video surveillance operations, to establish internal control processes and procedures to ensure the protection of individuals' civil rights, and to ensure the efficiency and the effectiveness of video surveillance operations.

### Policy

The City of Somerville provides, operates and maintains video surveillance equipment in an attempt to create a safe and secure environment as well as to protect the health, safety and welfare of all those who live, work, visit and transact business within the City. Video Surveillance operations are essential crime prevention, scene reconstruction and evidence gathering. It is a key resource which aids the Somerville Police and other municipal officials to secure vulnerable sites by producing real time views of both crime scenes and emergency scenes and by allowing Somerville Police command staff and senior municipal city personnel to manage the City's response in an efficient and timely manner.

Video surveillance equipment is located in publicly disclosed locations throughout the City at the direction of the Chief of Police to assist the Somerville Police Department in detecting and deterring crime and acts of terrorism, safeguarding against potential threats to Homeland Security, managing emergency response situations (including natural and manmade disasters) and assisting other City Officials with the provision of municipal services. The Department anticipates that there are times when it will be deemed necessary for video surveillance equipment to be placed in undisclosed locations. Video surveillance equipment that is placed in an undisclosed location will be used on a temporary basis for investigations where information of comparable investigative value cannot be obtained by other less intrusive means. Such video surveillance equipment shall only be permitted to be placed in undisclosed locations when:

- A. Exigent circumstances exist.
- B. Reasonable suspicion of criminal activity has been established.

- C. A lawfully issued search warrant has been obtained.
- D. The Chief of Police determines that compelling circumstances in the public's interest warrants use of certain technology.

It is the policy of the Somerville Police Department to employ surveillance methods in accordance with principles and operational protocols established in this policy and in accordance with the City of Somerville "Executive Policy on Surveillance Technology".

### **Procedure**

The Somerville Police Department by and through its Chief of Police is solely responsible for the day-to-day operation and management of the City's Video Surveillance System including:

- A. Storage
- B. Maintenance and access
- C. Reproduction of the monitored images
- D. The maintenance of evidentiary chains of custody for civil and criminal court actions

### **1. Chief of Police (or Designee's) Responsibilities**

- A. It shall be the responsibility of the Chief of Police to assign Somerville Police personnel to operate the Video Surveillance System, including but not limited to:
  - 1. Monitoring the camera feeds
  - 2. Managing the inventory control
  - 3. Managing access to the camera feeds
  - 4. Reproducing and distributing of any electronic media (i.e., CDs, DVDs)
  - 5. Ensuring the chain of custody of such imaging for the evidentiary purposes in civil and criminal court actions
  - 6. Archiving the recorded information in accordance with the provisions of established policy
- B. It shall be the responsibility of the Chief of Police to ensure that the Video Surveillance System is operated within the guidelines of this policy and any applicable intergovernmental agreements, and in accordance with all other department policies, rules and regulations.

- C. The Chief of Police shall enforce the Video Surveillance Regulations and shall act as the Department Head for all disciplinary and enforcement actions for violations of these Surveillance Regulations by Somerville Police Personnel.
- D. The Chief of Police shall secure any licenses or other agreements to install each camera. The Chief of Police shall monitor the status of each license or other agreement.

## 2. The Video Surveillance System

- A. Video surveillance equipment shall consist of City-owned video cameras along with Homeland Security video cameras. The particular type of cameras installed at a location shall be determined by and at the sole discretion of the Chief of Police or his/her designee, in coordination with his Command Staff and other governmental agencies, if applicable. The Video Surveillance System shall be accessed remotely through a web-based virtual private network (VPN) connection. The Chief of Police shall limit access to authorized users only.
- B. **Camera Markings:** Except for cameras operated on a temporary basis pursuant to the Somerville Police Department Video Surveillance Policy, cameras shall be marked in a conspicuous manner prior to installation and operation. The City of Somerville Police Department logo shall be affixed to the pole so as to inform the general public that the camera is monitoring and recording.

**NOTE:** THE ABSENCE OR LACK OF MARKINGS SHALL NOT AFFECT THE ABILITY OF THE CITY OR ANY OTHER AGENCY OR PERSON TO USE THE IMAGES OBTAINED BY ANY PARTICULAR MONITORING DEVICE.

- C. **Camera Log:** The Administrative Captain shall create and maintain a Camera Log of all cameras that are placed in service. The Camera Log shall document when each camera was originally placed into service and shall document each occasion any such camera was taken out of service for maintenance and/or repair. This Camera Log shall also document the date and time each camera was visually inspected (see below).
- D. **Monthly Visual Inspection:** The Administrative Captain shall designate an individual to be responsible to conduct a *visual inspection* of each camera on a monthly basis and shall document the visual condition of each camera, the condition of the Somerville Police Department markings, and the condition of any signage and lighting in the area of the camera. An entry of each inspection shall be entered into the Camera Log. A notation shall be made in the log that each camera continues to be marked in a conspicuous manner so as to notify the public of its operation.
- E. **No Sound Recordings:** The cameras record images only and do not capture or record sound.

- F. No Fake Cameras:** Each camera installed is an authentic camera capable of surveillance and recording images. No fake cameras will be installed for any purpose.

### **3. Operation of Video Surveillance System**

- A.** The Video Surveillance System shall be operational **twenty-four (24) hours a day, seven (7) days a week**. Each camera is designed to transmit its signal wirelessly to a Digital Video Recorder (“DVR”) which is located within the Somerville Police Department. The primary monitoring devices shall be located in the Office of the Officer in Charge located on the first floor of Police Headquarters. The Officer in Charge, his/her designee and authorized department personnel are allowed to monitor the feed from the video cameras.

### **4. Use Restrictions**

- A.** The Department operates the Video Surveillance System on behalf of the City of Somerville, to aid in the prevention of incidents of terrorism, suppression of crime, public safety concerns, quality of life issues, municipal research and to aid City officials and the Somerville Police Department in managing their respective missions.
- B.** The Video Surveillance System shall be used to view only what is in the general public’s view. Monitoring anything that would be deemed an invasion of privacy is prohibited. For purposes of this policy, public view is defined as anything that may be viewed from a vantage point that is accessible to the general public where an individual would not have a reasonable expectation of privacy. As an example, a citizen may have a reasonable expectation of privacy in the interior of his/her home where they could not be viewed from a public area with normal sight.
- C.** Any mechanically enhanced view into private property where there is a reasonable expectation of privacy is prohibited. Exceptions to this prohibition may only exist in the case of a search warrant, court order, life-threatening situation, or certain serious criminal activities where exigent circumstances are present. In the event that a camera is utilized for one of the listed exigencies, a complete narrative shall be filed in an Incident and/or Arrest Report documenting the reason(s) the camera was used for this purpose. A copy of the report shall be forwarded to the Chief of Police for his review.

**NOTE:** Nothing in this section shall prohibit the use of a camera's pan-tilt-zoom capacity.

### **5. Maintenance of the Video Surveillance System**

- A. Inventory:** The Somerville Police shall retain an updated list of all cameras, their locations and specifications.
- B. Maintenance:** The Somerville Police will retain a Camera Log documenting the inspections of each camera and the service and/or repairs to each camera.

## 6. Organization and Personnel

- A. The Chief of Police, or his/her designee, is responsible for the day-to-day management and operation of surveillance equipment. The Police Chief shall assign the personnel responsible for the management of its inventory and its maintenance. The Officer in Charge of each Patrol Shift, or his/her designee, shall be directly responsible for the operation, manipulation and monitoring of Video Surveillance during his/her shift until his/her replacement has logged into the system.
- B. **Training:** The Chief of Police, or his/her designee, shall ensure that all department personnel successfully complete training which the Chief of Police deems necessary to successfully operate and monitor Video Surveillance Equipment.
- C. Superior Officers and Detectives shall receive training in the operation of the system, including but not limited to, logging on, angle manipulation (pan, tilt, zoom), and retrieving archive video. Patrol Officers shall receive training in the location of all cameras and familiarization with the overall system.

## 7. Administrative Captain Duties and Responsibilities

- A. All requests for copies of recorded images from the Video Surveillance System by police department or court personnel (e.g., prosecutors, probation officers) shall be made to the Administrative Captain by completing and submitting a Video Surveillance Request Form.
- B. To facilitate requests made by police officers or court personnel as outlined above, the Administrative Captain or his/her designee shall follow the procedures as outlined below.
- C. The Administrative Captain or his/her designee shall be responsible for the creation and proper upkeep of all maintenance and inventory logs for the operation of the Video Surveillance System.
- D. The Administrative Captain or his/her designee shall act as the principal liaison with other federal, state, law enforcement and municipal agencies to ensure the execution and delivery of any interagency or inter-municipal agreements which may be required for the operation of Video Surveillance and for any interagency or inter-municipal coordination efforts.
- E. The Administrative Captain or his/her designee shall create, keep and maintain the **Image Log** noting the Property Number, Arrest and/or Incident Number, Date of Request, Date of Recording and Request Form Control Number. The Image Log maintains a list of those image recordings requested in civil matters pursuant to either subpoena or public records requests pursuant to M.G.L. Chapter 66 Section 10 as well as requests for tapes made in the course of conducting criminal investigations. [83.2.2]

## 8. Data Storage

- A. The Video Surveillance System shall store all recorded images from every camera for a period of **thirty (30) days**. The System shall be configured to automatically purge and write over any images at the end of this 30-day period.

## 9. Reproduction (Archive Video)

- A. The Somerville Police will reproduce such images pursuant to the Public Records Law of Massachusetts; M.G.L. c. 66 Section 10. The Somerville Police will also reproduce images pursuant to normal police procedures for investigations and the handling of evidence.
- B. Any private citizen (other than court personnel) requesting a copy of any portion of a Surveillance Recording shall make his/her request in writing by completing the DVD Image request form or emailing [videorequests@police.somerville.ma.us](mailto:videorequests@police.somerville.ma.us) and forwarding it to the Administrative Captain. In the alternative, such a request can be sent directly to the Records Access Officer in the City of Somerville who will provide a response to this request. The Administrative Captain shall submit said form to the City of Somerville Law Department for final approval.
- C. Upon receiving a DVD Image request form, and receiving authorization from the City of Somerville Law Department, the Administrative Captain or his/her designee shall make two (2) copies of each requested image. One copy is to be produced and submitted to the requesting party. The second copy is to be kept together with the Image Log.
- D. Any requests for archive video by police and/or court personnel shall be made directly to the Administrative Captain by utilization of a DVD Image request form. The Administrative Captain or his/her designee shall make two (2) copies of each requested image. One copy is to be produced and submitted to the requesting officer/investigator/assistant district attorney. The second copy is to be kept together with the Image Log.
- E. All CDs for private citizens as well as for evidentiary purposes shall contain a ReadMe File with instructions for downloading.
- F. For quick access, a Video Investigative File may be created at the special request of the investigating officer to share between law enforcement agencies. This type of image Video Investigative File may not be used for evidentiary purposes.

## 10. Retention

- A. The Somerville Police shall maintain one (1) copy of all recordings and requests for recordings in a manner consistent with the Somerville Police Department rules and

regulations, its evidentiary policies and in such a manner so as to be consistent with maintaining the chain of custody for evidentiary materials.

- B.** The Somerville Police shall retain all images/recordings pursuant to the Massachusetts Public Records Laws. In the event that a reproduced image or recording is subject to both the Somerville Police Evidentiary Policies and the Massachusetts Public Record Laws, the Somerville Police Department shall retain the reproduced images/recordings in a manner consistent with both policies. In the event the Somerville Police Evidence Policy and the Massachusetts Public Record Laws conflict as to the duration of retention, the reproduced images/recording shall be held in accordance with the longer required duration.