

CCTV VIDEO SURVEILLANCE

POLICY & PROCEDURE NO. 4.18	ISSUE DATE: <u>9/22/2016</u>
	EFFECTIVE DATE: <u>9/22/2016</u>
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: NONE	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

The Chicopee Police Department recognizes that technology can greatly enhance law enforcement efforts. The Police Department has implemented a new method of crime prevention technology by strategic placement of closed-circuit television cameras in the City of Chicopee (“City”). The purpose of this police is to regulate the use of the video surveillance by closed-circuit television cameras (CCTV) and or an **Internet protocol camera IP camera**, is a type of digital video camera commonly employed for surveillance, and which, unlike analog closed circuit television (**CCTV**) **cameras**, can send and receive data via a computer network and the Internet.

- A. The City is providing, operating and maintaining the CCTV system 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.
- B. The monitoring devices have been strategically placed throughout the City at the direction of the Chief of Police for the purpose of assisting the City of Chicopee Department (“CPD”) to detect and deter crime throughout the City, manage emergency response situations (including natural and manmade disasters) and assist other City Officials with the provision of municipal services in order to enhance overall municipal efficiency.

-
- C. The CCTV system acts as a crime prevention, scene reconstruction and evidence gathering tool and is also a key resource which aids the CPD and other municipal officials to secure vulnerable sites by producing real time views of both crime scenes and emergency scenes and by allowing CPD command staff and senior municipal personnel to manage the City's response in an efficient and timely manner.
- D. In addition, CCTV will:
1. Assist the CPD to identify, apprehend and prosecute offenders
 2. Provide evidence for criminal and civil court actions
 3. Assist the CPD in maintaining good public order
 4. Assist emergency services personnel
 5. Improve the general environment on the streets of the City
 6. Assist in the provision of municipal services and enhances municipal effectiveness
- E. CCTV will not be used to:
1. Invade the privacy of individuals
 2. Survey the interior of private premises except as could be seen from the outside with a naked eye.
 3. Harass and intimidate any individual or group

II. EFFECTIVE

This policy shall become effective immediately upon issue and shall remain in effect until amended, modified and/or rescinded by the Chief of Police.

III. OBJECTIVES

- A. The principles objectives of CCTV monitoring and/or recording in public areas include, in addition to those noted above:
1. Enhancing public safety;

2. Preventing and deterring crime and public disorder;
3. Identifying criminal activity and suspects;
4. Identifying and gathering evidence; and
5. Documenting police actions to safeguard citizen and police officer rights

IV. GENERAL PRINCIPLES

- A. CCTV monitoring and/or recording will be conducted in a professional, ethical and legal manner. Personnel using the CCTV system will be appropriately trained on the use of the system and supervised in the responsible use of the system prior to any assignment to monitor the CCTV. Violations of this policy may result in disciplinary action and may subject those involved to criminal and/or civil liability under applicable state and federal laws.
- B. Information obtained through CCTV monitoring and/or recording will be used for safety, security, crime prevention, investigation, law enforcement and any other legitimate municipal purpose.
- C. Information obtained through monitoring and/or recording will be released in accordance with department policy and a person's reasonable expectation of privacy and/or as required by law.
- D. CCTV monitoring of public areas, dwelling, and businesses in the City of Chicopee shall be limited to that which does not violate the reasonable expectation of privacy of an individual or property owner as defined of established by law.

V. MANAGEMENT AND OPERATION

- A. The CPD by and through its Chief of Police is solely responsible for the day to day operation and management of the CCTV system including:
 1. Storage

-
2. Maintenance: the City of Chicopee IT Department will be responsible for the inspection of the cameras at a minimum of once per month and as needed.
 3. Reproduction of the monitored images
 4. The maintenance of evidentiary chains of custody for civil and criminal court actions

B. Chief of Police (or Designee's) Responsibilities

1. It shall be the responsibility of the Chief of Police to assign CPD personnel to operate the CCTV system, including but not limited to:
 - a) Monitoring the camera feeds
 - b) Managing the inventory control
 - c) Reproducing and distributing of any electronic media (i.e., CDs, DVDs)
 - d) Ensuring the chain of custody of such imaging for the evidentiary purposes in civil and criminal court actions
 - e) Archiving the recorded information
2. It shall be the responsibility of the Chief of Police to ensure that the CCTV is operated within the guidelines of this order and in accordance with all other department policies, rules and regulations.
3. The Chief of Police shall oversee the CCTV and shall be responsible for all disciplinary and enforcement actions for violations of this CPD Personnel.
4. The Chief of Police or his designee, with the assistance of the City Law Department, shall secure any licenses or other agreements that the City shall need in order to install each camera. The Chief of Police, or designee, shall monitor the status of each license or other agreement and shall notify the Law Department if an agreement needs to be modified, extended or terminated.

C. THE SYSTEM

1. Camera Markings:

Prior to commencing the use of a camera for surveillance as a part of the CCTV System, a camera, that is not used for covert operations or confidential investigations shall be marked in a conspicuous manner. The CPD logo shall be affixed to the pole on which the camera is located so as to inform the general public that the camera is monitoring and recording.

Note: THE ABSENCE OR LACK OF MARKINGS SHALL, IN NO WAY, AFFECT THE ABILITY OF THE CITY OR ANY OTHER AGENCY OR PERSON TO USE THE IMAGES OBTAINED BY ANY PARTICULAR MONITORING DEVICE.

2. Camera Log:

The Police Chief or his designee shall create and maintain a Camera Log for 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 additionally document the date and time each camera was installed and visually inspected (See below).

3. Monthly Visual Inspection:

The Police Chief or his designee 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 CPD markings, and the condition of any lighting in the area of the camera. An entry of each inspection shall be logged 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 and that the camera is in good operating condition;

4. NO SOUND Recording:

The cameras record images only and do not capture or record sound.

5. Camera Manipulation:

The Police Chief or his designee is further authorized to manipulate the cameras in such a manner as to most effectively view a particular scenario in the most efficient and strategic manner.

6. User Name/Password:

Each authorized user of the CCTV system shall log into the system with his/her department issued username and password prior to accessing, monitoring and/or accessing archive video from the city CCTV

7. Use Restrictions

- a) For purposes of this order, 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.

-
- (b) Any mechanically enhanced view into private property where there is an expectation of privacy is prohibited.

Exception 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 the 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.

VI. AUTHORIZED ACCESS TO CCTV SYSTEM

- A. The following individuals shall have access to, and control of the CCTV system:
1. Chief of Police;
 2. Internal Affairs Officer(s)
 3. Captain of Detectives
 4. The Chicopee Police IT Department with Chief's approval
 5. The City of Chicopee IT Department, only for required or requested maintenance or repair by authorization of the Police Chief only.

VII. TRAINING

- A. All personnel operating the CCTV system will be trained in the technical, legal and ethical parameters of appropriate camera use, including what is considered person's reasonable expectation of privacy.
- B. The Chief of Police or his designee will ensure that responsible and proper camera monitoring/recording practices by authorized personnel are followed by conducting periodic checks of the CCTV system and any recordings maintained by the Department.
- C. Supervisors will conduct periodic inspections, in addition to the above checks, to ensure proper utilization of the CCTV system, storage of recordings, prior to reuse as well as those specifically retained for evidentiary or investigative purposes and compliance with this policy and maintenance of the evidentiary chain of custody for trial purposes.

VIII. PROCEDURE

- A. The CCTV cameras will be monitored by authorized police department personnel only. The system will constantly record, but monitoring by department personnel may be random.
- B. CCTV cameras shall be used to observe locations that are in public view and where there is no reasonable expectation of privacy.
- C. Personnel shall not monitor/record individuals based on characteristics, actual or perceived, of race, gender, ethnicity, sexual orientation, religious belief, handicap or any other individualized attribute. Personnel may reposition to monitor/record based on suspicious behavior, not individual characteristics.
Exception Police investigations involving person(s) whose description is known.
- D. Personnel will not continuously record people displaying affection in public areas, unless such activity is criminal in nature or part of a current investigation, provided, however, this prohibition shall not apply to recording made automatically pursuant to Paragraph VII. A.
- E. Personnel will not continuously view, or record, things of a sexual or private/personal nature, except when such activity is part of a current department investigation or is a violation of a Municipal Ordinance and/or General Law. If such activity is observed an arrest should be affected or a Municipal Ordinance Citation issued, if reasonably possible.
- F. Video cameras shall not be intentionally directed through windows of commercial or residential buildings, where occupants have a reasonable expectation of privacy. However, any recordings made from cameras located in a public location that records actions occurring within a private commercial or residential building as part of its normal operation shall, unless specific intent is shown to record the activity, shall be presumed not to have intentionally.

-
- G. Recorded video images will be stored for thirty days. After thirty days, images will automatically be erased and deleted from the system through a computer program.
 - H. Video footage may be retained beyond the 30 day limit, as part of a police investigation, court proceeding, or other bona fide use as approved by the Chief of Police or his designee.
 - I. Only trained, selected personnel will be authorized by the Chief of Police to extract video footage from the computer disk or drive.
 - J. Any video footage extracted for investigative purposes will be treated as evidence and processed accordingly.

IX. CAMERA PLACEMENT

The placement of video cameras at locations within the City shall be the sole discretion of the Chief of Police in consultation with the Mayor or his designee and the Director of IT Department or her designee. The Chief of Police may request input from individuals holding the positions identified in Paragraph VI. A. and any Chicopee Police Department personnel.

X. VIDEO RETENTION

Video recordings shall be retained as described in (VII G, H, I, J) for thirty (30) days and then reused or deleted, unless it has been determined it to be retained for a longer period of time pursuant to another provision of this order.