ATTACHMENT A

DRAFT 2

Cambridge Police Department	POLICY & PROCEDURES	No. xxx
	Subject/Title: **Public Safety Security Cameras**	
	Issuing Authority: DRAFT	Review Date:
		Issue Date:
		Effective Date:
	Robert C. Haas Police Commissioner	Rescinds:
References/ Attachments:		Accreditation Standards:

I. PURPOSE:

The purpose of this directive is to regulate the use of public safety security cameras that will be deployed, operated, maintained, and monitored at locations within the City of Cambridge, and how images captured by those cameras will be stored, accessed/used, disseminated, and retained. To that end, this directive will address the following issues as it relates to public safety security cameras:

- Describe the guidelines used in determining the appropriate locations for the placement of public safety security cameras;
- Describe how the images captured by these cameras will be accessed and used by public safety, as well as identify the restrictions of the use of those images;
- Describe the procedures to be followed in providing security measures designed to limit the access to the images captured by these cameras;
- Describe the retention periods of images, as well as how images will be preserved for investigative and evidential purposes; and
- Describe the security measures and auditing procedures to ensure that all safeguards are maintained with respect to the proper and appropriate access, utilization, and removal of images obtained through these cameras.

II. POLICY:

The Cambridge Police Department is committed to using any public safety security cameras and images captured by those cameras for lawful and legitimate purposes that will not abridge privacy and civil rights of any individual, and will take measures to ensure that the images collected and stored by these cameras are properly protected from unauthorized access or viewing. Further, the department will put into place security measures and auditing procedures to ensure that protocols are maintained with respect to the accessing of images, utilization of images for investigative and evidential purposes, and the established retention schedule of images collected and stored by these cameras.

are known, so as to create a seamless record of activities during a specific period of time.

C. **Critical Infrastructure Monitoring System (CIMS):** The Critical Infrastructure Monitoring System (CIMS) refers to a network of cameras that are part of the Metro-Boston Homeland Security Region's (MBHSR) Critical Infrastructure Monitoring System. This network of cameras were strategically placed to monitor public places, specifically, major business districts, thoroughfares, and evacuation routes to facilitate public safety personnel in effectively managing, monitoring, and assessing situations so as to enhance the safety and welfare of the general public. This network is a closed system, and has security measures in place to prevent unauthorized use or access.

Comment [jm4]: It was suggested that the term non-residential be inserted here. The term public place is defined below in this policy (in some cases to include residential places) and is drawn directly from relevant statutes and case law.

D. **Department Personnel:** For purposes of this directive, "department personnel" will include police department personnel, as well as, members of the Emergency Communications Department (ECD).

E. **Evidence Policy:** Evidence Policy shall refer to the Cambridge Police Department's policy as it relates to the "Handling and Processing of Property and Evidence."

F. **Massachusetts Public Records Law:** Refers to the state statutes regarding what constitutes public records and those provisions of the law that grant exemptions from public access to certain records, as defined by M.G.L. c. 66, § 10, M.G.L. c. 4, § 7 (26)(a-t), 950 CMR Parts 32.01 et seq., and court decisions and decisions of the Massachusetts Supervisor of Public Records construing such provisions.

H. **Observation:** The word "observation" used in the context of camera operation shall mean real-time viewing and simultaneous recording of live camera images.

I. **Operate:** The word "operate" used in the context of camera operation shall mean using the pan, tilt, or zoom functions of a camera.

J. **Pan, Tilt, Zoom:** The words "pan," "tilt," and "zoom" refer to the manipulation of a camera from a remote site so as to view areas outside of the original image frame or measurably increase the resolution of the images rendered.

K. **Public Places:** The phrase "public place" is defined as an area maintained for or used by the people or the community, or an area that is open to the scrutiny of others.[1]

[1] See generally 803 CMR 1.40 (defining "public place" under the Sex Offender Registry laws); M.G.L. c. 272, § 53 (requiring disorderly conduct to occur in a public place, i.e., a place to which the public or a substantial group have access). See also *Katz v. United States*, 389 U.S. 347 (1967) ("Where conduct occurs in public space it fails by virtue of its apparent visibility to others to justify a belief that it constitutes a matter of privacy. When an individual stands, walks or transacts activities in public places, he knowingly and voluntarily exposes his presence, actions and associates to being viewed and recorded by others, including governmental officials and agents. Voluntary exposure

2. *Monitoring of CIMS:* The Cambridge CIMS shall be passively monitored. No personnel will be assigned specifically to observe the cameras or video monitor screens. The normal operating conditions for the cameras will begin each day at 10:00 p.m. and run until 6:00 a.m. the following morning. There may also be occasions when, in accordance with this policy, the camera(s) could be activated for a specific event recording. The purposes for the operation of the camera system are set forth in the Purpose section of this directive. Monitors will be located inside a secure room within the Technical Services Unit of the Cambridge Police Department. Monitoring of these cameras will not occur unless authorized in writing by the Police Commissioner.

Comment [jm7]: It was suggested that privacy ensuring language be added to this section. That software technology is covered in Section 5 below. Additionally, at the last meeting there was a suggestion that the video be aired on the internet. Under those circumstances, there would be no time limitations for camera operation.

Comment [jm8]: It was suggested that these authorizations be made publically available. The Cambridge Police Department disagrees. Under certain circumstances, this documentation may be exempt from public disclosure by statute.

3. *Installation & Recording:* CIMS cameras will transmit signals when operating to a Digital Video Recorder (DVR) that will always be maintained in a secure environment.

Comment [jm9]: It was suggested that the Brookline language be added to this section.

4. *Camera Capabilities:* Those cameras that are deployed as part of the Cambridge CIMS have pan-tilt-zoom (PTZ) capabilities. The department shall not utilize automatic identification, facial recognition, or automatic tracking technologies in conjunction with the Cambridge CIMS. The City Council will be informed of any upgrades in the cameras and/or camera capabilities.

5. *Privacy Enhancement Capabilities:* The CIMS camera network will have a "shrouding" software technology that will allow the Administrator to block out certain areas for viewing and recording. This technology will be used as necessary to protect the privacy rights of individuals.

6. *System Security:* The CIMS network consists of a point-to-point wireless network that uses licensed and unlicensed spectrums that are not common for public consumption. The system uses a proprietary Motorola security application that handles the wireless application. Each camera transmitter is equipped with a secure software key and security algorithm. These features, along with other proprietary security applications that are part of the system's wireless security, protect the system from access by unauthorized persons.

7. *No Sound Recordings:* The Cambridge CIMS will not monitor or record sound unless appropriate court orders are obtained.

8. *Camera Inventory Log:* The Department's Technical Services Unit will create and maintain a camera inventory log in QED that shall document the date each CIMS camera is placed into service and, if applicable, the date it is discontinued. The log will also include the location that the camera is

safety to the general public will subscribe to the same restrictions and operational safeguards as outlined for the CIMS camera network.

Comment [jm13]: One commenter inquired about whether the public safety security cameras would use the same hours of operations and privacy enhancements as the CIMS cameras. They would not.

D. Prohibited / Impermissible Uses: It is a violation of this directive for the Public Safety Security Camera System to be used to observe or record footage of areas or people in the following manners and for the following purposes:

1. *Invasion of Privacy:* Except pursuant to a court order, it is a violation of this directive to observe or record footage of locations except those that are in public view from a vantage point that is accessible to the general public and where there is no reasonable expectation of privacy.[2] A reasonable expectation of privacy is measured by examining "(1) whether the [individual] has manifested a subjective expectation of privacy in the object of the search, and (2) whether society is willing to recognize that expectation as reasonable."[3] Areas in which there is a reasonable expectation of privacy include, but are not limited to, the interior of private premises such as a home.[4]

Comment [jm14]: It was suggested that the language "enclosed yard" be added to this section. The Cambridge Police Department is guided by the legal definition of "public place" as outlined in the definitional section and footnotes 2 and 4 of this policy.

2. *Harassment/Intimidation:* It is a violation of this directive to use the images from the Public Safety Camera System to harass and/or intimidate any individual or group for any reason to include, but not limited to individuals who are engaged in lawful assembly, demonstrations, and/or protests.

Comment [jm15]: In response to the comment about the complaint process, the Professional Standards Unit fields formal and informal complaints, in a variety of ways including in-person, over the phone, by email and by letter. Complaints are then handled through the policies and procedures of the PSU.

3. *Use/Observation Based on a Protected Characteristic:* It is a violation of this directive to use any images from the Public Safety Camera System to observe individuals solely on the basis of their race, gender, ethnicity, sexual orientation, disability, religious association, political affiliation, or other classification protected by law.

4. *Personal Use/Uses for Other than Official Purposes:* It is a violation of this directive to use images from the Public Safety Camera System for any personal purpose, or for any other purpose that is not directly in connection with an individual's official duties and/or authority.

[2] See generally *Katz v. United States*, 389 U.S. 347 (1967) ("When an individual stands, walks or transacts activities in public places, he knowingly and voluntarily exposes his presence, actions and associates to being viewed and recorded by others, including governmental officials and agents.");

[3] *Commonwealth v. Montanez*, 410 Mass. 290, 301 (1991) (outlining the standard for reasonable expectation of privacy).

[4] *Kyllo v. United States*, 533 U.S. 27, 34 (2001) (holding that a reasonable expectation of privacy applied to the government's employment, in public space, of a thermal imaging device to record radiation inside of a residence for the purpose of determining whether the amount of emanated heat going through the house's roof or sidewalls, indicated the ongoing presence of a marijuana manufacturing process). But see *Commonwealth v. Butterfield*, 44 Mass. App. Ct. 926, 928-929 (1998) (finding no reasonable expectation of privacy in driveway that led to back door, where the driveway was not enclosed by trees, a fence, shrubbery, or any other obstructions).

2. The second copy will be given to the individual submitting the request. The Technical Services Unit will document all requests for copies of the Public Safety Security Camera System's recordings in a designated log in QED, which shall be audited on an annual basis.

D. Reproductions Request Procedures: Whenever there is a request made for the reproduction of any footage that is stored and maintained by the department, the following procedures will be observed:

1. *Authorized Department Requests:* If a member of the department is requesting a reproduction from the Public Safety Security Camera System's recordings, that member must complete a Video Request Form (see attached form) and submit it to the Police Commissioner through the appropriate chain of command. Upon receipt of the Video Request Form, the request will be processed in the following manner:

   a. Prior to granting any such approval, the Police Commissioner will consult with the department's Legal Advisor to ensure that the request is in keeping with the parameters of this directive and all applicable laws and court decisions.

   b. The approved form will then be forwarded to the Technical Services Unit where the reproductions will be made and distributed. The request will be recorded in a designated log in QED by the Technical Services Unit. The Technical Services Unit will also retain all approved Video Request Forms.

2. *Court-Related Requests:* All court related requests must follow the same procedure as above through the completion of the Video Request Form. Court personnel must submit this request through the department's Police Prosecution Unit who will then forward it to the Commissioner's Office (typically to the department's Legal Advisor). Reproduced copies will be sent back to the Court through the department's Police Prosecution Unit. Requests may also come directly from the District Attorney's Office, which again will be channeled through the department's Legal Advisor.

   Comment [jm18]: A comment suggested adding "defense counsel" to this section. The Cambridge Police Department disagrees. All discovery is handled exclusively through the District Attorney's Office.

3. *Other Law Enforcement Agencies:* Generally, any viewing or reproduction requests received from other law enforcement agencies will be referred to the department's Legal Advisor, who will evaluate the request and ensure there are no issues with respect to begin processing the request.

4. *Other Agencies, Media, Entities, or Individuals:* Such requests will typically begin with the completion of a Video Request Form that will be channeled to the Commissioner's Office through the appropriate chain of command. The

B. **Internal complaints:** Any complaint from department personnel relating to the Public Safety Security Camera System will be forwarded to the department's Professional Standards Unit in accordance with existing Policies for review and appropriate follow up.

C. **Inquiries:** In order to alleviate any confusion concerning the Public Safety Camera System, when the department receives inquiries from the public concerning the operational status of the Public Safety Security Camera System, or generally whether the Public Safety Security Camera System made a recording and what it may have recorded, the following procedure will be followed. The person making the inquiry will be forwarded to the Shift Commander who will courteously and respectfully inform the individual, in substance, the following:

> *"The Cambridge Police Department's Public Safety Security Camera System is fully operational at designated, strategic locations throughout the City of Cambridge. Depending on the vantage point of the specific camera in question at a given time, an image may have been captured and be available for dissemination."*

1. If the individual making the inquiry has a specific request (i.e. date and time) for a recording in a designated area, a Video Request Form will be completed and forwarded to the Police Commissioner through the appropriate chain of command. Once the request is vetted and approved, the reproduction will be made available for pickup from the Records Management Unit to the individual making the inquiry.

D. **Audits & Inspections:** It will be the responsibility of the Professional Standards Unit to conduct periodic audits of the Public Safety Security Camera System to ensure that access to the system is done in accordance with this directive. Further, the Professional Standards Unit will also conduct periodic inspections to ensure that the security measures that have been put into place, and the procedures for the access to the system are being performed in accordance with directive.

Comment [jm21]: A suggestion was made that the Professional Standards Unit will submit the written review and audit to the city council. The Cambridge Police Department disagrees with this provision as the audit may contain information that is not public record.

E. **Annual Review:** On an annual basis, the Commanding Officer of the Professional Standards Unit will ensure that a complete review is performed with respect to security measures; access, retention schedule, and distribution of images captured by the Public Safety Security Camera System are in accordance with this directive. A report detailing the following will be submitted to the Police Commissioner for his/her review. The report will contain the following information at a minimum:

The decision to give these recordings rests with corporate security. It is not the intention of the Cambridge Police Department to have any of our partners violate any corporate policy pertaining to the use of this equipment. Accordingly, the Cambridge Police Department will always seek permission to obtain any images from security personnel.

DRAFT

ATTACHMENT B

Cambridge Police Department	POLICY & PROCEDURES	No. xxx
	Subject/Title: **Public Safety Security Cameras**	
	Issuing Authority: Robert C. Haas, Police Commissioner	Review Date:
		Issue Date:
		Effective Date:
		Rescinds:
References/ Attachments:	Accreditation Standards:	

I. PURPOSE:

The purpose of this directive is to regulate the use of public safety security cameras that will be deployed, operated, maintained, and monitored at locations within the City of Cambridge, and how images captured by those cameras will be stored, accessed/used, disseminated, and retained. To that end, this directive will address the following issues as it relates to public safety security cameras:

- Describe the guidelines used in determining the appropriate locations for the placement of public safety security cameras;
- Describe how the images captured by these cameras will be accessed and used by public safety, as well as identify the restrictions of the use of those images;
- Describe the procedures to be followed in providing security measures designed to limit the access to the images captured by these cameras;
- Describe the retention periods of images, as well as how images will be preserved for investigative and evidential purposes; and
- Describe the security measures and auditing procedures to ensure that all safeguards are maintained with respect to the proper and appropriate access, utilization, and removal of images obtained through these cameras.

II. POLICY:

The Cambridge Police Department is committed to using any public safety security cameras and images captured by those cameras for lawful and legitimate purposes that will not abridge privacy and civil rights of any individual, and will take measures to ensure that the images collected and stored by these cameras are properly protected from unauthorized access or viewing. Further, the department will put into place security measures and auditing procedures to ensure that protocols are maintained with respect to the accessing of images, utilization of images for investigative and evidential purposes, and the established retention schedule of images collected and stored by these cameras.

III. GENERAL GUIDELINES & CONSIDERAITONS:

The City of Cambridge will deploy, operate and maintain fixed mounted camera monitoring systems within the City in order to provide and enhance the overall security and safety of its public places. It will also maintain such cameras for the purpose of monitoring major thoroughfares and evacuation routes that are deemed critical infrastructure, part of the Critical Infrastructure Monitoring Systems (CIMS). The purpose of CIMS is intended to enhance the management of emergency situations, detect, and deter terrorist and criminal acts, and otherwise protect the health, safety and welfare of those who live, visit and work in Cambridge.

Public Safety Security Camera System may be used to deter criminal activity and public disorder, reduce the fear of crime, identify criminal activity and suspects, identify and gather evidence in criminal and civil actions, document police actions, safeguard individuals and police officer rights, aid with AMBER Alerts or in the search of lost/missing children or adults, assist emergency service personnel when responding to incidents, assist with the monitoring of traffic conditions, otherwise assist City officials with the provision of city services in order to enhance overall city efficiency and assist with the training needs/after action assessments of public safety personnel.

The Public Safety Camera System will not be used to replace current police techniques. On the contrary, it is to be used to supplement them and assist in the delivery of public safety and city services.

In addition to the Public Safety Security Camera System technology, the department will continue to utilize existing technology to monitor criminal activity in those areas identified by the residents and others in order to reduce or eliminate those activities that impinge upon public safety and quality of life within our City.

The department will also partner, when required and identified, with security personnel from the private sector whose existing surveillance equipment could be effectively utilized to capture images of criminal conduct within their respective sphere of operation and to assist in identifying those who perpetrate this behavior.

In all instances, the rights of individuals and the privacy of citizens will be strictly adhered to when utilizing this network of cameras that are in place to reduce, deter, or eliminate criminal activity or other situations that present a hazard or threat to public safety.

IV. DEFINITIONS:

A. **Archival Footage:** Archival footage is considered those images captured through the use of monitors or cameras of incidents that have occurred in the past.

B. **Automatic Tracking:** Automatic tracking is the ability of cameras to follow individuals, activities, or vehicles with technology operating independently of immediate direct human control, regardless of whether the identity of individuals

are known, so as to create a seamless record of activities during a specific period of time.

C. **Critical Infrastructure Monitoring System (CIMS):** The Critical Infrastructure Monitoring System (CIMS) refers to a network of cameras that are part of the Metro-Boston Homeland Security Region's (MBHSR) Critical Infrastructure Monitoring System. This network of cameras were strategically placed to monitor public places, specifically, major business districts, thoroughfares, and evacuation routes to facilitate public safety personnel in effectively managing, monitoring, and assessing situations so as to enhance the safety and welfare of the general public. This network is a closed system, and has security measures in place to prevent unauthorized use or access.

D. **Department Personnel:** For purposes of this directive, "department personnel" will include police department personnel, as well as, members of the Emergency Communications Department (ECD).

E. **Evidence Policy:** Evidence Policy shall refer to the Cambridge Police Department's policy as it relates to the "Handling and Processing of Property and Evidence."

F. **Massachusetts Public Records Law:** Refers to the state statutes regarding what constitutes public records and those provisions of the law that grant exemptions from public access to certain records, as defined by M.G.L. c. 66, § 10, M.G.L. c. 4, § 7 (26)(a-t), 950 CMR Parts 32.01 et seq., and court decisions and decisions of the Massachusetts Supervisor of Public Records construing such provisions.

H. **Observation:** The word "observation" used in the context of camera operation shall mean real-time viewing and simultaneous recording of live camera images.

I. **Operate:** The word "operate" used in the context of camera operation shall mean using the pan, tilt, or zoom functions of a camera.

J. **Pan, Tilt, Zoom:** The words "pan," "tilt," and "zoom" refer to the manipulation of a camera from a remote site so as to view areas outside of the original image frame or measurably increase the resolution of the images rendered.

K. **Public Places:** The phrase "public place" is defined as an area maintained for or used by the people or the community, or an area that is open to the scrutiny of others.[1]

[1] See generally 803 CMR 1.40 (defining "public place" under the Sex Offender Registry laws); M.G.L. c. 272, § 53 (requiring disorderly conduct to occur in a public place, i.e., a place to which the public or a substantial group have access). See also *Katz v. United States*, 389 U.S. 347 (1967) ("Where conduct occurs in public space it fails by virtue of its apparent visibility to others to justify a belief that it constitutes a matter of privacy. When an individual stands, walks or transacts activities in public places, he knowingly and voluntarily exposes his presence, actions and associates to being viewed and recorded by others, including governmental officials and agents. Voluntary exposure

L. **Public Safety Security Camera System:** For purposes of this directive, Public Safety Security Camera System refers to all cameras that are owned/leased, operated, and maintained by the City of Cambridge that are in place to provide general monitoring of and in public places, to include but not necessarily limited to, the Critical Infrastructure Monitoring System (CIMS), camera networks independent of CIMS, cameras associated with the operation of traffic signalization, and camera systems designed to detect specific types of violations.

M. **Recording:** The word "recording" refers to those images that are preserved and stored by the Cambridge Police Department.

N. **Specific Event Recording:** Specific event recording refers to those situations when the activation of a camera is in accordance with this directive as a result of a specific event that is planned for in advance. This term also includes the activation of a camera for unplanned events that will assist in achieving the purposes set forth in the Purpose section of this directive.

O. **Sworn Department Personnel:** The term "sworn department personnel" refers to the Police Commissioner, Superintendents, Deputy Superintendents, Lieutenants, Sergeants, and Patrol Officers (including detectives).

V. OPERATION & MANAGEMENT OF PUBLIC SAFETY SECURITY CAMERAS:

A. **Cambridge CIMS Components, Capabilities and Functions:** The Cambridge CIMS, unlike other Public Safety Security Cameras, is a camera network that is part of the MBHSR CIMS Program comprised of similar systems operated and maintained by the nine (9) municipalities within the MBHSR (the others are Boston, Brookline, Chelsea, Everett, Quincy, Revere, Somerville and Winthrop). When authorized to do so by a municipality, the various other municipalities within the MBHSR will have the ability to view images produced by the CIMS cameras of the municipality that has authorized and granted such access.

1. *Authorization for Other Municipalities to Monitor Cambridge CIMS:* In Cambridge, only the City Manager, in collaboration with the Police Commissioner shall have exclusive authority to authorize other municipalities within the MBHSR to view, on an on-going or time-limited basis, real-time only images produced by the Cambridge CIMS cameras.

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of both mundane and intimate behaviors in public places negate any reasoned claim of a justifiable expectation of privacy."); *Commonwealth v. Montanez*, 410 Mass. 290, 301 (1991) (A reasonable expectation of privacy is measured by examining "(1) whether the [individual] has manifested a subjective expectation of privacy in the object of the search, and (2) whether society is willing to recognize that expectation as reasonable."); *Commonwealth v. Butterfield*, 44 Mass. App. Ct. 926, 928-929 (1998) (no reasonable expectation of privacy in driveway that led to back door, where the driveway was not enclosed by trees, a fence, shrubbery, or any other obstructions).

2. *Monitoring of CIMS:* The Cambridge CIMS shall be passively monitored. No personnel will be assigned specifically to observe the cameras or video monitor screens. The normal operating conditions for the cameras will begin each day at 10:00 p.m. and run until 6:00 a.m. the following morning. There may also be occasions when, in accordance with this policy, the camera(s) could be activated for a specific event recording. The purposes for the operation of the camera system are set forth in the Purpose section of this directive. Monitors will be located inside a secure room within the Technical Services Unit of the Cambridge Police Department. Monitoring of these cameras will not occur unless authorized by the Police Commissioner.

3. *Installation & Recording:* CIMS cameras will transmit signals when operating to a Digital Video Recorder (DVR) that will always be maintained in a secure environment.

4. *Camera Capabilities:* Those cameras that are deployed as part of the Cambridge CIMS have pan-tilt-zoom (PTZ) capabilities. The department shall not utilize automatic identification or automatic tracking technologies in conjunction with the Cambridge CIMS.

5. *Privacy Enhancement Capabilities:* The CIMS camera network will have a "shrouding" software technology that will allow the Administrator to block out certain areas for viewing and recording. This technology will be used as necessary to protect the privacy rights of individuals.

6. *System Security:* The CIMS network consists of a point-to-point wireless network that uses licensed and unlicensed spectrums that are not common for public consumption. The system uses a proprietary Motorola security application that handles the wireless application. Each camera transmitter is equipped with a secure software key and security algorithm. These features, along with other proprietary security applications that are part of the system's wireless security, protect the system from access by unauthorized persons.

7. *No Sound Recordings:* The Cambridge CIMS will not monitor or record sound unless appropriate court orders are obtained.

B. Camera Operation/Viewing of CIMS Recordings: The Police Commissioner will determine the locations and normal operations view of the CIMS cameras to maximize the degree of satisfaction of the stated goals of the Cambridge CIMS as set forth in Section A.

1. *Operation Access Code/Certification:* In order to operate any CIMS camera it will be necessary to enter an Operation Access Code. The Operation Access Codes will be issued to only those members of the department who have a

need to access the CIMS Network. The Police Commissioner will make that determination.

2. *Certification/Training:* Those selected members of the department who have been granted authorization to the CIMS Network will not receive an Operation Access Code until they:

   a. Receive training regarding this directive, and the ethical and legal issues involved in video camera monitoring activities, and on all facets of operating the Cambridge CIMS, including, but not limited to, logging on, operating cameras and retrieving archival footage; and

   b. Sign a certification acknowledging that they have received a copy of this directive, have read it, and agree to be bound by the safeguards and security measures.

3. *Authority to Operate:* Only those individuals designated by the Police Commissioner will be authorized to operate a CIMS camera. The operation of the camera will be performed only under the express orders and direction of the Police Commissioner.

4. *Viewing of Archival Footage:* Only those individuals designated by the Police Commissioner will have the authority to grant permission for members of the department to view archival footage (generally in the furtherance of an investigation), and will do so only under the express orders and direction of the Police Commissioner. All other outside requests will be referred to the Office of the Commissioner prior to any authorization being granted.

C. **Use of Other Public Safety Security Cameras:** Any other cameras that may be installed in public places for the purpose of providing additional protection and safety to the general public will subscribe to the same restrictions and operational safeguards as outlined for the CIMS camera network.

D. **Prohibited / Impermissible Uses:** It is a violation of this directive for the Public Safety Security Camera System to be used to observe or record footage of areas or people in the following manners and for the following purposes:

1. *Invasion of Privacy:* Except pursuant to a court order, it is a violation of this directive to observe or record footage of locations except those that are in public view from a vantage point that is accessible to the general public and where there is no reasonable expectation of privacy.[2] A reasonable

[2] See generally *Katz v. United States*, 389 U.S. 347 (1967) ("When an individual stands, walks or transacts activities in public places, he knowingly and voluntarily exposes his presence, actions and associates to being viewed and recorded by others, including governmental officials and agents.");

expectation of privacy is measured by examining "(1) whether the [individual] has manifested a subjective expectation of privacy in the object of the search, and (2) whether society is willing to recognize that expectation as reasonable."[3] Areas in which there is a reasonable expectation of privacy include, but are not limited to, the interior of private premises such as a home.[4]

2. *Harassment/Intimidation:* It is a violation of this directive to use the images from the Public Safety Camera System to harass and/or intimidate any individual or group for any reason, to include, but not limited to individuals who are engaged in lawful assembly, demonstrations, and/or protests.
3. *Use/Observation Based on a Protected Characteristic:* It is a violation of this directive to use any images from the Public Safety Camera System to observe individuals solely on the basis of their race, gender, ethnicity, sexual orientation, disability or other classification protected by law.
4. *Personal Use/Uses for Other than Official Purposes:* It is a violation of this directive to use images from the Public Safety Camera System for any personal purpose, or for any other purpose that is not directly in connection with an individual's official duties and/or authority.
5. *First Amendment Rights:* It is a violation of this directive to use any images from the Public Safety Camera System for the purpose of infringing upon the First Amendment rights of any individual or group.
6. *Sanctions for Violations:* Anyone who engages in a prohibited or impermissible use, access, or release of any images of the Public Safety System may be subject to:
   1. Criminal prosecution;
   2. Civil liability; and/or
   3. Administrative sanctions, including termination, pursuant to and consistent with relevant collective bargaining agreements and department policies.

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[3] *Commonwealth v. Montanez*, 410 Mass. 290, 301 (1991) (outlining the standard for reasonable expectation of privacy).

[4] *Kyllo v. United States*, 533 U.S. 27, 34 (2001) (holding that a reasonable expectation of privacy applied to the government's employment, in public space, of a thermal imaging device to record radiation inside of a residence for the purpose of determining whether the amount of emanated heat going through the house's roof or sidewalls, indicated the ongoing presence of a marijuana manufacturing process). But see *Commonwealth v. Butterfield*, 44 Mass. App. Ct. 926, 928-929 (1998) (finding no reasonable expectation of privacy in driveway that led to back door, where the driveway was not enclosed by trees, a fence, shrubbery, or any other obstructions).

VI. REQUESTS FOR REPRODUCTION:

A. **Authority to Release/Permissible Requests:** Requests for reproduction of any images from the Public Safety Security Camera System's recordings may be made only for legitimate law enforcement purposes, as part of normal procedures for investigations and the handling of evidence or in furtherance of the purposes underlying the Public Safety Security Camera System.

B. **Requests for Reproductions:** All requests to reproduce images from the Public Safety Security Camera System's recordings must be made promptly to ensure data is not over-written. Requests for reproduction of significant incidents must be made within twenty-four hours of the event occurrence. All requests must be submitted in writing to the Police Commissioner through the appropriate chain of command, who has sole authority to grant such requests.

C. **Reproduction Responsibility/Evidence:** Only after the authority has been granted by the Police Commissioner will the department's Technical Services Unit have the authority to make a reproduction of any footage gathered through the CIMS. The department's Technical Services Unit will be responsible for making reproductions of the Public Safety Security Camera System's recordings. There will be two copies of the specified footage:

1. One copy will be logged into the QED Evidence System following the department's Evidence Policy and will be maintained in a manner consistent with the Evidence Policy and with maintaining chain of custody for evidentiary materials.

2. The second copy will be given to the individual submitting the request. The Technical Services Unit will document all requests for copies of the Public Safety Security Camera System's recordings in a designated log.

D. **Reproductions Request Procedures:** Whenever there is a request made for the reproduction of any footage that is stored and maintained by the department, the following procedures will be observed:

1. *Authorized Department Requests:* If a member of the department is requesting a reproduction from the Public Safety Security Camera System's recordings, that member must complete a Video Request Form (see attached form) and submit it to the Police Commissioner through the appropriate chain of command. Upon receipt of the Video Request Form, the request will be processed in the following manner:

a. Prior to granting any such approval, the Police Commissioner will consult with the department's Legal Advisor to ensure that the request is in keeping with the parameters of this directive and all applicable laws and court decisions.

b. The approved form will then be forwarded to the Technical Services Unit where the reproductions will be made and distributed. The request will be recorded in a designated log in the Technical Services Unit.

2. *Court-Related Requests:* All court related requests must follow the same procedure as above through the completion of the Video Request Form. Court personnel must submit this request through the department's Police Prosecution Unit who will then forward it to the Commissioner's Office (typically to the department's Legal Advisor). Reproduced copies will be sent back to the Court through the department's Police Prosecution Unit. Requests may also come directly from the District Attorney's Office, which again will be channeled through the department's Legal Advisor.

3. *Other Law Enforcement Agencies:* Generally, any viewing or reproduction requests received from other law enforcement agencies will be referred to the department's Legal Advisor, who will evaluate the request and ensure there are no issues with respect to begin processing the request.

4. *Other Agencies, Media, Entities, or Individuals:* Such requests will typically begin with the completion of a Video Request Form that will be channeled to the Commissioner's Office through the appropriate chain of command. The department may also receive and accept requests made under the Public Records Law.

a. These requests will be transmitted and reviewed by the Department's Legal Advisor for determination if it meets the criteria as prescribed in the Massachusetts Public Records Law.

b. Requests involving civil or private attorneys will also involve consultation between the department's Legal Advisor and the City's Solicitor's Office.

c. Once approved and vetted, the reproduction will be forwarded to the requesting party after payment of a fee for reproduction costs.

d. Under no circumstances will recordings pertaining to an active investigation be disseminated. See generally M.G.L. c. 4, § 7(26)(f) (investigatory exemption to the Public Records Law).

VII. RETENTION OF ARCHIVAL FOOTAGE:

The Public Safety Security Camera Network includes DVR server with a RIAD 5 configuration. The video data is striped across four (4) hard drives. The system utilizes a thirty-day (30) cycle that automatically overwrites the oldest recording. The system does not include any server for backing up data. Accordingly, unless otherwise required for investigative or evidential purposes, by court order or by law, all Public Safety Security Camera System's recordings will be retained for a period of fourteen (14) days and will then be automatically overwritten.

All reproductions of footage within the custody of the department will be maintained in a secure environment and will be destroyed at the conclusion of the retention period specified above.

VIII. COMPLAINT/INQUIRY & REVIEW PROCEDURES:

A. **External Complaints:** Complaints other than from department personnel relating to the Public Safety Security Camera System will be processed by the department's Professional Standards Unit in accordance with existing Policies for review and appropriate follow up.

B. **Internal complaints:** Any complaint from department personnel relating to the Public Safety Security Camera System will be forwarded to the department's Professional Standards Unit in accordance with existing Policies for review and appropriate follow up.

C. **Inquiries:** In order to alleviate any confusion concerning the Public Safety Camera System, when the department receives inquiries from the public concerning the operational status of the Public Safety Security Camera System, or generally whether the Public Safety Security Camera System made a recording and what it may have recorded, the following procedure will be followed. The person making the inquiry will be forwarded to the Shift Commander who will courteously and respectfully inform the individual, in substance, the following:

> *"The Cambridge Police Department's Public Safety Security Camera System is fully operational at designated, strategic locations throughout the City of Cambridge. Depending on the vantage point of the specific camera in question at a given time, an image may have been captured and be available for dissemination."*

1. If the individual making the inquiry has a specific request (i.e. date and time) for a recording in a designated area, a Video Request Form will be completed and forwarded to the Police Commissioner through the appropriate chain of command. Once the request is vetted and approved, the reproduction will be made available for pickup from the Records Management Unit to the individual making the inquiry.

D. **Audits & Inspections:** It will be the responsibility of the Professional Standards Unit to conduct periodic audits of the Public Safety Security Camera System to ensure that access to the system is done in accordance with this directive. Further, the Professional Standards Unit will also conduct periodic inspections to ensure that the security measures that have been put into place, and the procedures for the access to the system are being performed in accordance with directive.

E. **Annual Review:** On an annual basis, the Commanding Officer of the Professional Standards Unit will ensure that a complete review is performed with respect to security measures; access, retention schedule, and distribution of images captured by the Public Safety Security Camera System are in accordance with this directive. A report detailing the following will be submitted to the Police Commissioner for his/her review. The report will contain the following information at a minimum:

1. The total number of requests received for the reproduction of footage from the Public Safety Security Camera System during the course of the review period. That summary should be divided into the following categories of request:
   a. Internal requests for either investigative or evidential purposes;
   b. Requests that are generated by the courts;
   c. Requests generated by other outside law enforcement agencies (identifying the agencies making such requests); and
   d. Requests generated by private individuals, other agencies or entities, or media.
2. The number of audits and inspections that were conducted during the course of the review period, noting whether there were any anomalies or issues, and if so, what remedial were taken to correct them.
3. The number of complaints and/or inquiries that were received during the review period, along with information on how those complaints and/or inquiries were resolved.

4. Identify any procedural changes should be made to ensure that the integrity of the Public Safety Security Camera System is maintained.

IX. PRIVATE SURVEILLANCE CAMERAS:

Many businesses and corporations are utilizing surveillance technologies to maintain security at their facilities. Corporate security officers often rely on cameras to monitor activity both within their buildings, inside parking garages and along the perimeter of their facilities. These cameras are often monitored by security personnel and sometimes on a 24/7 basis.

As many of these cameras are trained on publically accessed areas, police agencies have long recognized the value of collaborating with our corporate partners in solving crimes that may occur near their facilities. In this respect it is not uncommon for police personnel to reach out to corporate security personnel to view recordings that may help them solve a crime.

The Cambridge Police Department has, and will continue, to utilize this technology whenever possible. Obtaining and utilizing recordings of this nature does not amount to a violation of constitutional rights as the activities occur either within a public space or a space under the control of the corporation or business.

The decision to give these recordings rests with corporate security. It is not the intention of the Cambridge Police Department to have any of our partners violate any corporate policy pertaining to the use of this equipment. Accordingly, the Cambridge Police Department will always seek permission to obtain any images from security personnel.

ATTACHMENT C

From: Nancy Murray [Nancy@aclum.org]
To: Lopez, Donna
Cc:
Subject: Comment on the camera policy before the Cambridge City Council

There is now before the Cambridge City Council a proposal to turn on the DHS-funded surveillance cameras whose activation the City Council had unanimously opposed in 2009.

The expansion of suspicionless surveillance in Cambridge strikes us as an unwise proposal and we hope the City rejects it.

It seems like every day now, we are faced with new threats to our privacy that endanger the character of our open society. Every time a new surveillance power or technology is introduced, we must answer two fundamental questions:
First, is the new technology or state power going to work to keep us safe, the way its advocates claim it will? Is there any evidence to suggest it will work as advertised?

And second, what are the costs to our liberty, our privacy, and our pocketbook?

When we really drill down and look at the answers to these questions with respect to surveillance cameras, we find that the product does not work as advertised, and poses potentially grave threats to our civil liberties/

Proponents of cameras say that they keep us safe from violence and crime, but studies suggest the truth is much more complicated. One British Home Office study showed that cameras have no significant impact on crime rates, while a later inquiry from the same government showed that violent crime actually increased after cameras were installed. The authors of the study cautioned: "The belief that CCTV alone can counter complex social problems is unrealistic in the extreme."

Cameras certainly don't stop terrorist attacks like the one at the Boston Marathon in April 2013. There were plenty of cameras all over the marathon route, including at the finish line, and they did not deter the bombers. Nor did the tens of thousands of surveillance cameras in London stop the 2005 train bombing there. The list goes on and on.

But while cameras don't necessarily do anything to deter or stop criminals from hurting people, they have a chilling effect on everyone in our society. Numerous studies have shown that people change their behavior in subtle and not-so-subtle ways when they know they are being watched.

Cameras cannot and will not stop bad things from happening to us. And while they may in some circumstances make it easier for police to identify criminals after the fact, it's hard to argue that we are not monitored enough as it is. After all, the police were able to identify the Boston bomb suspects using the available camera footage.

Boston Strong means holding firm to our values, no matter who tries to intimidate us into throwing them away.

Nancy Murray
Cambridge Resident
Education Director
ACLU of Massachusetts

ATTACHMENT D

-----Original Message-----
From: Gabriela Romanow [mailto:gabi.romanow@gmail.com]
Sent: Tuesday, June 4, 2013 6:42 PM
To: City Council
Subject: Street cameras

Hello,

I live on Mt. Auburn Street and walk into Harvard Square most days. Unfortunately, I almost always have to skirt broken glass on the sidewalk because people are constantly breaking into cars parked on the street. I called the police to suggest that they mount cameras in this stretch that experiences almost weekly crimes, but they reported that City Council has rejected street cameras city wide. The police also commented that this kind of break-in is common throughout Cambridge.

I am writing to ask you to reconsider the ban on these cameras.

Thank you for your consideration,
Gabriela Romanow