

CITY OF MIDDLETOWN POLICE DEPARTMENT

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| GENERAL ORDER # OGO-044-04 | SUBJECT PUBLIC CAMERAS | | | EFFECTIVE DATE 11/11/04 | |
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Purpose:

The purpose of this General Order is to regulate the use of closed circuit television (CCTV) cameras in public areas, without a court order, for the purposes of public safety and security.

Background:

The City of Middletown Police Department (MPD) recognizes that improvement and changes in technology can greatly enhance law enforcement efforts. The Department has utilized this method of crime prevention by strategic placement of closed circuit television cameras (CCTV) in the City of Middletown.

Past U.S. Supreme Court lower court decisions strongly suggest that this type of police monitoring is a valid exercise of a government's police powers. Under current interpretations of the First and Fourth Amendments, CCTV appears to represent a valid use of the state's power to protect its citizens. It does not intrude upon an individual's sphere of privacy, but rather records events occurring in public space for which individuals do not have a reasonable expectation of privacy.

In the case of *Katz v. United States*, 389 U.S. 347 (1967), the court held that the Fourth Amendment provides constitutional protection to those areas in which a person reasonably expects privacy. MPD believes the CCTV program can withstand legal scrutiny provided the cameras are focused on public areas and the images obtained are not used or disseminated improperly. Safeguards will ensure that the technology is not abused.

Title 1 of the Electronic Communications Privacy Act of 1996 (16 U.S.C. Section 2510) limits the ability of law enforcement to execute wiretaps. Under Title 1, police departments must obtain a warrant prior to secretly intercepting some communications.

In contrast, silent video; - as is used by MPD (involving no recording of sounds) – on public streets does not have to comport with Title 1 because the Act concerns itself only with devices that capture audio signals.

MPD has employed an internal network of CCTV that are highly secured and protected against unauthorized access. MPD shall comply with all local, federal, and case law applicable to the use of surveillance cameras in public space.

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Scope:

This policy applies to all MPD's use of CCTV monitoring and/or recording. This policy is established to set parameters restricting the non-court ordered use of CCTV to public places and to enhance public safety and security in a manner consistent with accepted rights of privacy. Legitimate uses of this technology are covered by this policy and applicable state and federal law.

Definitions:

Extracting – Copying footage from the hard drive to some other media (CD ROM, video tape, etc.)

Monitoring – Real-time viewing or viewing footage stored on hard drive.

Personnel – Authorized police officers or non-sworn police personnel.

Recording – Capturing images on a computer disk or drive, CD ROM, or video tape twenty four (24) hours a day, seven (7) days a week, yearlong.

General Principles:

A) The City of Middletown Police Department is committed to enhancing the quality of life in Middletown by integrating professional police practices with available technology. A critical component of security and safety through technology is CCTV in public areas in which a demonstrated need exists. The principle objectives of CCTV monitoring and/or recording in public areas include:

- 1) Enhancing public safety;
- 2) Preventing/deterring crime and public disorder;
- 3) Reducing the fear of crime;
- 4) Identifying criminal activity and suspects;
- 5) Identifying and gathering evidence;
- 6) Documenting police actions to safeguard citizen and police officer rights;
- 7) Reducing the cost and impact of crime to the community; and

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8) Improving the allocation and deployment of law enforcement assets.

Any deviation from these principles for inappropriate reasons (e.g., CCTV monitoring of political or religious activities, or monitoring solely based on race or gender) would undermine the acceptability of these resources for critical safety goals and is therefore strictly prohibited by this policy.

- B) CCTV monitoring and/or recording will be conducted in a professional, ethical, and legal manner. Personnel using the CCTV camera system will be appropriately trained and supervised in the responsible use of this system. Violations of this policy and procedures may result in a disciplinary action and may subject those involved to criminal and/or civil liability under applicable state and federal laws.
- C) Information obtained through video monitoring and/or recording will be used exclusively for safety, security, and other legitimate purposes. Information obtained through monitoring and/or recording will only be released in accordance with this policy or as required by law.
- D) CCTV monitoring and/or recording of public areas will be conducted in a manner consistent with all MPD policies, including but not limited to the Sexual Harassment Policy and other relevant policies. Except for police investigations involving person(s) whose description is known, this policy prohibits monitoring and/or recording based solely on their characteristics and classifications (e.g., race, gender, sexual orientation, national origin, disability, etc.).
- E) CCTV monitoring of public areas, dwellings, and businesses in the City of Middletown is limited to uses that do not violate the reasonable expectation of privacy as defined by law.
- F) To maintain an informed community, MPD will list on its web page information describing the purpose and location of CCTV cameras and the policy for its use. Additionally, any individual, civic groups, classes, etc. may contact the Department to schedule a tour/demonstration of the CCTV monitoring point located in the Police Department.

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Responsibilities:

A) City of Middletown Police Department:

- 1) The MPD is the department authorized and responsible to oversee and coordinate the use of public cameras in the City. In addition to being responsible for all operational issues related to public cameras, the Police Department has primary responsibility for ensuring adherence to this policy and for disseminating the policy to persons requesting information on the policy and procedures.
- 2) The MPD is responsible for following new developments in the relevant laws and in security industry practices to ensure that CCTV monitoring and/or recording in the City is consistent with high standards and protections.

Procedures:

A) Training/Oversight Procedures:

- 1) All personnel operating the CCTV system will be trained in the technical, legal, and ethical parameters of appropriate camera use.
 - (a) Personnel will receive a copy of this policy and provide written acknowledgment that they have read and understood its contents.
 - (b) Personnel will receive update training on this policy as needed. In circumstances in which CCTV cameras are monitored, all personnel involved in monitoring and/or recording of public areas will perform their duties in accordance with the law and this policy.
- 2) The Chief of Police or his/her designee will ensure that responsible and proper camera monitoring/recording practices are followed by conducting periodic audits of the CCTV camera system.

B) Operating Procedures:

- 1) The CCTV cameras will be monitored by Police Department personnel authorized by the Officer in Charge of the patrol shift. The Officer in Charge shall review the video monitor each shift at or near the beginning of the shift to ensure the video system is functioning properly and the system is recording correctly using the proper data/time stamp.

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- 2) An officer will be dispatched to any area in which a crime, offense, motor vehicle accident, public safety risk, traffic problem, or other incident which necessitates police intervention.
- 3) CCTV cameras shall be used to observe locations that are in public view and where there is no reasonable expectation of privacy. Any view provided by a CCTV camera shall be no greater than what is available from the public sidewalk.

Nothing in this policy is intended to limit the reasonable and legal use of the CCTV cameras during exigent circumstances involving matters of public and/or officer safety.

- 4) Personnel shall not monitor/record individuals based on characteristics of race, gender, ethnicity, sexual orientation, disability, or classification such as national origin, etc. protected by state and federal laws. Personnel will monitor/record based on suspicious behavior, not individual characteristics. EXCEPTION – Police investigations involving person(s) whose description is known.
- 5) Personnel will not continuously view or record people displaying affection in public areas, unless such activity is criminal in nature.
- 6) The Police Department monitoring location will be configured to prevent personnel from tampering with or duplicating recorded information without authorization.
- 7) Personnel shall not disseminate information learned from monitoring CCTV public cameras unless such release complies with the law, this policy, or other information release policies in the Police Department’s Policy, Rules and Regulations Manual.

C) Retention, Extraction, and Storage Procedures:

- 1) Recorded video images will be stored for a maximum of fifteen (15) days. Images will be erased, deleted, or otherwise permanently eliminated within fifteen (15) days unless the video footage is being retained as part of a police investigation, court proceeding (criminal or civil), internal affairs investigation, or other bona fide use as approved by the Chief of Police. A list of a video footage retained beyond fifteen (15) days shall be maintained in a log identifying the purpose for extended retention.

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- 2) Only trained Bureau Commanders or staff authorized by the Chief of Police shall be authorized to extract video footage from the computer disk or drive.
- 3) Any video footage extracted for investigation purposes shall be stored in a manner that will exclude access by unauthorized personnel. Video footage, which is evidence, will be processed and stored in the evidence room with access by authorized personnel only.

D) Audits:

- 1) The Bureau Commanders will conduct periodic audits at least semi-annually to ensure compliance with this General Order.

Distribution:

This General Order shall be distributed to all sworn personnel and dispatchers.

This General Order shall supercede any Order pertaining to Public Cameras and shall be made effective November 11th, 2004 by order of:



Ramon Bethencourt
Chief of Police