

# EVERETT CITY WATCH VIDEO SURVEILLANCE SYSTEM

EVERETT POLICE DEPARTMENT POLICY & PROCEDURE NO.  <b>4.28</b>	ISSUE DATE: 25 October 2005
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: <b>4.21; 4.22; 6.01; 6.02</b>	EFFECTIVE DATE: 25 October 2005
	REVISION DATE:

## I. GENERAL CONSIDERATIONS AND GUIDELINES

This policy replaces policy 17 Everett City Watch Video Surveillance System dated 25 October 2005.

The City of Everett, Massachusetts (the “City” or “City of Everett”) shall operate and maintain a video surveillance system throughout and within the City. This video surveillance system shall be referred to as the “Everett CityWatch” (CityWatch).

These Policies and Procedures are promulgated to codify the policies and procedures for owning, operating and maintaining the Everett CityWatch by the City of Everett.

The City anticipates the need to fully cooperate with other governmental agencies including federal, state and other municipal authorities.

These Policies and Procedures, as may be amended from time to time, are designed to govern the Everett CityWatch as further detailed below and to facilitate intergovernmental, interagency and/or intermunicipal co-operation with the sharing of images and monitoring capabilities.

## II. POLICY

The City of Everett is providing, operating and maintaining the Everett CityWatch to create a safe and secure environment and to protect the health,

safety and welfare of all who visit, live, work and do business in the City of Everett.

The monitoring devices are strategically placed throughout the City for the purpose of detecting and deterring crime throughout the City, detecting and deterring acts of terrorism and safeguarding against threats to Homeland Security.

The Everett CityWatch is designed to protect the health, safety and welfare of those who visit, live, work and do business in the City of Everett by:

- A. helping to prevent crime
- B. deterring and detecting crime
- C. assisting to identify, apprehend and prosecute offenders
- D. providing evidence for criminal and civil court actions
- E. assisting the Police Department in maintaining good public order
- F. assisting emergency services personnel
- G. improving the general environment on the streets of the City of Everett

The Everett CityWatch *will not* be used to:

- A. Surveil the interior of private premises except as could be seen from the outside with a naked eye;
- B. Invade the privacy of individuals;
- C. Harass and intimidate any individual or group.

### **III. PROCEDURES**

**A. OWNERSHIP.** The Everett CityWatch including all of its component parts, cameras, monitors, images, tapes, CD-ROMs, DVDs, DVRs, hard drives, network infrastructure, software and any copies thereof, are strictly the property of the City of Everett.

The City will be responsible for the establishment, operation, maintenance, repair, and storage of images obtained from the Everett CityWatch system.

The City reserves the right to contract for services to support Everett CityWatch, including but not limited to the regular maintenance and repair of the Everett CityWatch and/or its component parts.

**B. MANAGEMENT AND OPERATION.** The City of Everett Police Department (the "EPD") by and through its Chief of Police is solely responsible for the day to day operation and management of the Everett CityWatch, the storage,

maintenance and reproduction of the monitored images, and the maintenance of evidentiary chains of custody for civil and criminal court actions.

### **C. CHIEF OF POLICE - RESPONSIBILITIES**

1. It shall be the purview of the Chief of Police or his designee to assign EPD personnel to operate the Everett CityWatch system, including but not limited to, monitoring the camera feeds, maintaining any monitoring loop, managing the inventory control, reproducing and distributing of any tapes, CDs, DVDs, DVRs, etc., and ensuring the chain of custody of such imaging for the evidentiary purposes in civil and criminal court actions, and archiving the recorded information in accordance departmental policy.
2. It shall be the responsibility of the Chief of Police or his designee to ensure that the Everett CityWatch is operated within the guidelines of the Everett CityWatch Regulations, any intergovernmental agreements, and in accordance with all other policies, Policies and Procedures, including personnel policies of the EPD.
3. The Chief of Police or his designee shall enforce the Everett CityWatch Regulations and shall act as the department head for all disciplinary and enforcement actions for violations of these Everett CityWatch Regulations by EPD Personnel.
4. The Chief of Police or his designee shall be responsible for causing monthly inspections to ensure the full and proper operation of the Everett CityWatch System. Such inspections are intended to ensure that each camera is fully operational; that the sight lines of each camera are not obscured to provide maximum viewing for the protection of the health, safety and welfare of persons who visit, live, work and do business within the City of Everett. Such inspections shall be performed in accordance with these Policies and Procedures.
5. The Chief of Police or his designee shall be responsible the creation and proper upkeep of all maintenance, inventory and video data for the operation of the Everett CityWatch System.
6. The Chief of Police or his designee shall act as the principal liaison with other federal, state, law enforcement and municipal agencies and shall ensure the execution and delivery of any interagency or intermunicipal agreements which may be required for the operation of Everett CityWatch or for any interagency or intermunicipal co-ordination.
7. The Chief of Police, with the assistance of the City of Everett City Solicitor shall secure any licenses or other agreements that the City shall need in order to install each camera. The Police Department shall monitor the status of each such license or other agreement and shall notify the City Solicitor if an agreement needs to be amended, extended or otherwise terminated.

**D. THE SYSTEM.**

1. Everett CityWatch may consist of City or privately owned monitoring devices and viewing stations along with Homeland Security monitoring devices. The particular type of monitoring device installed at a location shall be determined by and at the sole discretion of the Chief of Police or his designee, in coordination with governmental agencies or private entities, where required.
2. Prior to installation of any monitoring device, the City shall obtain any licenses, permits or other agreements that are or may be necessary or which the City, at its sole discretion, shall require prior to installing each monitoring device. The EPD shall monitor the status of each such license or other agreement and shall notify the City Solicitor if an agreement needs to be amended, extended or otherwise terminated.
3. There are two types of cameras; those that may be fixed to monitor a static location or those installed with a pan tilt zoom capability which pans, tilts and zooms to surveil a wider range of view and/or a closer view. This system is capable of being monitored at multiple locations.
4. The cameras record images only and do not capture and record sound.
5. Each camera installed is a real camera capable of surveilling and recording images. No fake cameras will be installed.

**E. OPERATION OF THE SYSTEM.**

1. The monitoring devices shall be operational twenty-four (24) hours a day, seven (7) days a week. Each monitoring device shall transmit its signal to monitoring stations located at the Everett Police Department and other designated locations. The Officer in Charge shall ensure that the CityWatch System is operational and utilized during his tour of duty.
2. The feed from each monitoring device shall be recorded and reduced to DVR in accordance with Storage, Reproduction & Retention outlined below.
3. Each authorized user of Everett CityWatch shall log into the system with his/her authorization (username) prior to accessing, using, viewing, monitoring and/or manipulating the Everett CityWatch System.
4. All CityWatch cameras have the ability to retain preset views so that a User can select certain views automatically without manually aiming the camera. Each camera will have a "Preferred View", that is, a view that the Chief or his designee selects as the view the camera should be recording when not otherwise utilized. All users must return cameras to the preferred view when not otherwise directed so that those views may be

recorded. The List of preferred views is located on the last page of this policy.

5. Preferred views may be changed, as situations require by written permission of the Chief of the Department.

#### **F. USE RESTRICTIONS.**

1. Everett CityWatch is operating as a support vehicle for the City of Everett Police Department for the prevention of incidents of terrorism, suppression of crime, public safety concerns, and quality of life issues.

2. The monitoring capacity is to view only what is in the general public view. An example where a citizen may have an expectation of privacy would be inside a home (ie the view through a window or door) that cannot be viewed from a public area with normal sight.

3. Monitoring anything that would be deemed an invasion of privacy is strictly prohibited. An example of a public view would be anything that may be viewed from a vantage point that is accessible to the public and that persons involved in an activity would not have an expectation of privacy.

4. Any mechanically enhanced or magnified view into private property where there is an expectation of privacy is prohibited. Exceptions may exist by use of a warrant, court document, life –threatening situations, and certain serious criminal activities. These exceptions may only be authorized by the OIC and/or the Chief of Police.

**G. ORGANIZATION & PERSONNEL.** The Chief of Police or his designee is responsible for the day-to-day management and operation of Everett CityWatch and reports directly to the Mayor. The Police Chief shall assign the personnel responsible for the management of its inventory and its maintenance. The Officer in Charge of each watch shall be directly responsible for the operation and monitoring of Everett CityWatch during his/her watch until relieved of duty. The Officer in Charge reports directly to the Chief of Police. The Chief of Police shall ensure proper training on the system. All Superior Officers shall be required to attend and successfully complete training which the Chief of Police deems necessary to successfully operate and monitor Everett CityWatch as an Officer in Charge.

1. OFFICER-IN-CHARGE (“OIC”):

a. The OIC shall ensure that all incidents that occurred during his/her shift utilizing CityWatch are logged into the CrimeTrack System as directed (Screen 1.2- Log Screen Change/Delete/Lookup).

b. The OIC shall ensure that all items of evidentiary value (i.e., captured and recorded video events) are requested through the Chief of Police or his designee.

c. The OIC shall ensure that all events of interest are properly documented and reported to the Chief of Police or his designee who shall then ensure that it is forwarded to the proper authority.

d. The OIC shall be responsible for operating Everett CityWatch within the parameters of these Everett CityWatch Regulations, any City of Everett policy including EPD Policies, and in accordance with any other intergovernmental agreement which may be in place at a given time.

2. OTHER PERSONNEL AND CONTRACTORS. The Chief of Police has the authority to assign civilian personnel to perform any function or duty of the Everett CityWatch System, including but not limited to, inventory, service and maintenance work on the Everett CityWatch System. The Chief of Police also has the authority to enter into contracts/agreements with outside service providers for the installation, service, maintenance, insurance and otherwise in order to of the Everett CityWatch System.

**H. STANDARDS OF CONDUCT/DISCIPLINARY STANDARDS.** The Police Department's Rules and Regulation, Policies and Procedures , Orders and the City of Everett's personnel policies govern the standards of conduct expected of all Everett Police Department personnel in the use of the Everett CityWatch System. Any and all personnel shall be disciplined pursuant to the Department's Progressive Discipline Policy and pursuant to relevant collective bargaining agreements. All personnel are notified that misuse and abuse of the Everett CityWatch may lead to termination.

**I .STORAGE, REPRODUCTION AND RETENTION.** The Everett CityWatch and its images shall be stored, reproduced and retained according to these Policies and Procedures.

1. RECORDING:

a. Images from every camera shall be stored and recorded throughout the twenty-four (24) hour period of every day in the System. All of the images from every recording device for a particular 24 hour period, beginning at 12:00 am and ending at 11:59:59 pm shall be referred to as the "Daily Recording".

b. The Daily Recording shall be stored electronically for a period of not less than Fourteen (14) days. The System shall be configured to and shall automatically purge and write over any Daily Recordings more than 14 days old. THE CITY OF EVERETT MAKES NO REPRESENTATIONS OR WARRANTIES THAT IT WILL NOT USE OR REPRODUCE AN IMAGE THAT REMAINS ON THE SYSTEM AFTER FOURTEEN (14) DAYS HAS EXPIRED.

- c. The Daily Recording shall be stored in such a manner that the particular images can be identified by recording device and by the date and time recorded.
- d. The City may make changes to the methods and procedures for recording and storage of the Daily Recordings at the sole discretion of the Chief of Police.
2. REPRODUCTION: The City will reproduce such images pursuant to the Public Records Law of Massachusetts; M.G.L. c. 66. The City will also reproduce images pursuant to normal police procedures for investigations and the handling of evidence.
- a. Any person requesting a copy of any portion of a Daily Recording shall make his/her request in writing by completing the request form attached hereto as Exhibit B and forwarding the same to the Everett Police Records Department together with a check made payable to the City of Everett.
- b. The City of Everett charges a minimum fee for labor, materials and other costs for each DVD image requested. This fee is the cost for one DVD recording from one (1) recording device and can contain a MAXIMUM of 24 hours from 12:00am to 11:59:59pm. A DVD recording from each additional recording device shall constitute a separate request. If a request spans more than one calendar day, each calendar day shall constitute a separate request, i.e. each camera and each calendar day shall constitute a SEPARATE request.
- c. The Keeper of Record will ensure that two (2) copies of each requested image, one to be produced and the second to be kept pursuant to the department policy and/or placed into the Image Log described below.
- d. Each DVD recording shall be created to contain no more than the images for ONE (1) recording device unless approved by the Chief of Police. These recording shall not exceed a period of not more than 24 hours, beginning at 12:00am and ending at 11:59:59 pm in a calendar day. Requests which span more than one calendar day shall require a separate DVD recording for each calendar day. Requests that include images for more than one recording device shall require a separate DVD recording for each recording device. Per calendar day per camera fees shall still apply.
- e. Each DVD recording that is not made for and logged in as evidence in a criminal matter shall be logged in a separate log known as the "Image Log". The Keeper of Records shall create, keep and maintain the Image Log noting the inventory number, date of origin, contents, persons in possession of each DVD, and date of destruction of each DVD. The Image Log also 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.

### 3. RETENTION:

- a. The EPD shall maintain one (1) copy of each request/image made in a manner consistent with these Policies and Procedures, its evidentiary policies and in such a manner so as to be consistent with maintaining the chain of custody for evidentiary materials.
- b. The EPD 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 EPD Evidentiary Policies and the Massachusetts Public Record Laws, the City shall retain the reproduced images/recordings in a manner consistent with both policies. In the event the EPD 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.
- c. The City of Everett hereby disclaims any and all warranties whether explicit or implied, including but not limited to any representations and/or warranties regarding the quality of the images, the duration of retention of the recorded images, an/or the availability of images for reproduction.

**J. COMPLAINT PROCEDURE.** All Complaints from third parties or non-Police Department personnel alleging the use, misuse, abuse, and mishandling of the Everett CityWatch System shall be placed in writing to the Chief of Police or his designee. Any internal complaints originating from the Police Department shall be handled in accordance with standard disciplinary procedures of the City of Everett including any collective bargaining agreements, EPD Policies and Procedures, and any applicable Civil Service laws, Policies and Procedures governing civil service employees.

**K. DISCLAIMER.** The City of Everett hereby disclaims all representations and warranties and makes no assurances with respect to Everett CityWatch, whether express or implied. More particularly, the City of Everett states that everett CityWatch is primarily a tool to aid the EPD in the detection and deterrence of a crime. The ability to record, retain, and reproduce images is subject to factors beyond the control of the City. The City of Everett makes no representations and warranties and gives no assurances that:

1. A camera/monitoring device will capture any particular image on a particular day and time.
2. The image quality of the daily recording or any reproduction thereof will render usable images.



3. Any camera/monitoring device and/or the images recorded will be viewed by an employee of the EPD prior to such daily recording being purged from the system.

4. That any image will be available for reproduction.

**EVERETT CITY WATCH PREFERRED VIEWS**

<b>Camera Location</b>	<b>Normal Operations View</b>	<b>LNG Operations View</b>
Mystic Tower North	Dexter @ Broadway	West Gate
Mystic Tower South	Alford Street Bridge	LNG Gangway
St. Lawrence Cement	Sweetzer Circle	East Gate
Whidden Hospital	New High School	Distrigas Facility
Housing Authority	Glendale Square	Glendale Square
Boston Coach	Commons Park	Commons Park
Sweetzer Circle	Lower Broadway	Tank Farm
Parlin Jr. High	Broadway South	Broadway South
Gateway Mall	Mall Exit	Mall Exit
Everett Square	Everett Square	IER Business Area
Distrigas	Directed by Others	