

BROOKLINE POLICE DEPARTMENT

Brookline, Massachusetts

DANIEL C. O'LEARY

CHIEF OF POLICE

Special Order 2009-1

Subject: Brookline Police Department Critical Infrastructure Monitoring System ("CIMS")

Date: January 14, 2009

I. PURPOSES / OVERVIEW

The Brookline Police Department ("Department") shall, deploy, operate, and maintain a fixed video camera monitoring system within the jurisdiction of the Town of Brookline to monitor major thoroughfares and evacuation routes that are deemed critical infrastructure (hereinafter, the system is referred to as "CIMS"), as part of the Critical Infrastructure Monitoring System of the Metro-Boston Homeland Security Region ("MBHSR"). The purpose of the CIMS program is to enhance the management of emergency situations, detect and deter terrorism, and otherwise protect the health, safety and welfare of those who live and work in, visit, and transact business with the Town.

The CIMS program may also be used to deter criminal activity and public disorder, reduce fear of crime, identify criminal activity and suspects, identify and gather possible evidence for use in criminal and civil court actions, document police actions, safeguard citizen and police officer rights, aid in Amber alerts or in the search for lost / missing children or elderly people, assist emergency services personnel when responding to incidents, assist with the monitoring of traffic conditions, otherwise assist town officials with the provision of municipal services in order to enhance overall municipal efficiency, and assist with the training of Department personnel.

The Brookline CMS shall not be used to replace current policing techniques.

II. DEFINITIONS

"Archival footage" shall mean CIMS images captured in the past.

"Automatic tracking" shall mean the ability to follow a specific individual or his or her vehicle with technology operating independently of immediate or direct human control, regardless of whether his or her identity is known, so as to create a seamless record of his or her activity during a specific period.

"Automatic identification" shall mean the ability to ascertain or confirm the identity, using biometric or other digital technologies, of an individual whose image is captured on footage, whether in real time or otherwise.

“Department personnel” shall include persons holding the position of Public Safety Dispatcher with the Town of Brookline.

“Evidence Policy” shall mean the Brookline Police Department Policy: Handling and Processing of Evidence and Property.

“Footage” shall mean any images recorded by the Brookline CIMS.

“Massachusetts Public Records Law” shall mean Mass. Gen. Laws ch. 66, § 10, Mass. Gen. Laws ch. 4, § 7, cl. 26, 950 CMR Parts 32.01 *et seq.*, and court decisions and decisions of the Massachusetts Supervisor of Public Records construing such.

“Normal operations view” shall mean the normal view of a camera as determined by the Department Chief and described in Attachment A.

“Observation” or to “observe” shall mean real-time viewing, and simultaneous recording, of live camera images.

“Operate” shall mean using the pan, tilt, or zoom functions of a camera.

“Pan, tilt, and zoom” shall mean manipulating a camera to view areas outside the original image frame or measurably increase the resolution of the images rendered.

“Recording” shall mean images that are preserved and stored by the Brookline CIMS.

“Sworn Department personnel” shall mean the Department Chief, Superintendent, Captains, Lieutenants, Sergeants, Detectives, and Patrol Officers.

III. OPERATION AND MANAGEMENT:

A. BROOKLINE CIMS COMPONENTS, CAPABILITIES, AND FUNCTIONS

1. CIMS Cameras. The CIMS cameras, as part of the Metro-Boston Homeland Security Region’s Critical Infrastructure Monitoring System, shall be deployed for an indefinite period of time, as provided in the vote of the Board of Selectmen on January 13, 2009, and any subsequent votes, to monitor the Town’s major thoroughfares and evacuation routes. CIMS cameras are part of the MBHSR CIMS program comprised of similar systems operated and maintained by the nine (9) municipalities within the MBHSR (in addition to Brookline, these are Boston, Cambridge, 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.

In Brookline, the Chief of Police shall have exclusive authority to authorize other municipalities within the MBHSR to view, on an ongoing or time-limited basis and in real time only, images produced by the Brookline CIMS cameras. Other municipalities within the MBHSR may request a copy of archival footage produced by the Brookline CIMS cameras pursuant to the procedures set forth in Sections IV(D)(1) and (3) of this Policy.

2. 24/7 Monitoring and Response. The Brookline CIMS shall be passively monitored (*i.e.*, no personnel shall be assigned specifically to observe video monitor screens) twenty-four (24) hours a day, seven (7) days a week (“24/7”), for traffic coordination, traffic offenses, crime detection and observation, evidence of crime or criminal activity, and for those other purposes set forth in Section I. Monitors shall be located in the Dispatch Area, in the office of the Commanding Officer, and at the front desk of the Public Safety Building. Monitoring may also be conducted within the Detective Division, at the Brookline Emergency Operations Center, or where deemed necessary consistent with the purposes of the CIMS set forth in Section I above. Department personnel monitoring the Brookline CIMS shall dispatch resources as needed.
3. Installation and Recording. CIMS cameras shall transmit signals 24/7 to a Digital Video Recorder (“DVR”), which shall be maintained in a secure environment. All of the images from a recording device for a particular 24-hour period, beginning at 12:00 a.m. and ending at 11:59:59 p.m., shall be referred to as the “Daily Recording.” The Daily Recording shall be stored in such a manner that the particular images can be identified by camera location and by the date and time recorded.
4. Camera Capabilities. Cameras deployed as part of the Brookline CIMS shall have pan-tilt-zoom (“PTZ”) capability. The Department shall not utilize automatic identification or automatic tracking technologies in conjunction with the Brookline CIMS.
5. Privacy enhancement capabilities. The CIMS camera network comes with “shrouding” software technology that will allow the Administrator to block out certain areas (*e.g.*, any interiors of buildings visible through windows) from viewing and recording. This technology will be used as necessary to protect the privacy rights of individuals consistent with Section III (D)(1) below.
6. System Security. The CIMS network is not a WIFI mesh network, and it does not use 802.11 wireless formats. It 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. Camera Inventory / Log. The Department’s Technology Division shall create and maintain a camera inventory of all cameras placed into service as part of the CIMS using the Larimore Property Tracking System (“Camera Log”). The Technology Division shall document in this System the date each camera is placed into service and, if applicable, discontinued, its location and the persons, places or activities being

monitored, its specifications, the dates of inspection, the dates each is out of service for maintenance and/or repair, and the dates and nature of any service or repairs.

8. Monthly Visual Inspection. The Department's Emergency Management Coordinator or his / her designee shall conduct a visual inspection of all cameras on a monthly basis. Such person shall document in the Camera Log the visual condition of each camera and lighting in the area of the camera observed during each such inspection.
9. No Sound Recordings. The Brookline CIMS shall not monitor or record sound unless appropriate court orders are obtained.

B. CAMERA OPERATION / VIEWING OF CIMS RECORDINGS

1. CIMS Camera Locations and Normal Views. The Department Chief shall determine locations and normal operations views of CIMS cameras to maximize the degree of satisfaction of the stated goals of the Brookline CIMS set forth in Section I. CIMS camera locations and normal operations views may be changed as situations require by written permission of the Chief. CIMS camera locations and normal operations views are described in Attachment A to this Policy. The Town of Brookline shall post and maintain at CIMS camera locations signage that is clearly visible indicating the presence of a camera.
2. Operation Access Code / Certification. In order to operate any CIMS camera, it shall be necessary to enter an Operation Access Code. All sworn Department personnel and Public Safety Dispatchers shall receive an Operation Access Code from the Technology Division. Operation Access Codes may be changed periodically. Operation Access Codes shall be in addition to Department-issued User Names and Passwords.
3. Certification / Training. Sworn Department personnel and Public Safety Dispatchers shall not receive an Operation Access Code prior to:
 - a. signing a certification (in the form set forth in Attachment B to this Special Order) that they have received a copy of and have read this Special Order; and
 - b. receiving training regarding this Policy (with a focus on Impermissible Uses (Section III(D)) and the ethical issues involved in video camera monitoring activities, and on all facets of operating the Brookline CIMS, including, but not limited to, logging on, operating cameras, and retrieving archival footage.
4. Authority to Operate / Return to Normal Operations Views. Sworn Department personnel of the rank of Sergeant or higher and Public Safety Dispatchers are authorized to operate a CIMS camera. Such personnel may operate a camera within their discretion, for the purposes enumerated in Section I above, and at their own instigation or at the request of Patrol Officers, a federal or state agency or another municipality, and/or emergency management personnel. Patrol Officers may operate a camera

with authorization of a member of the Department of the rank of Sergeant or higher. All operators must return cameras to the normal operations view when not otherwise directed.

5. Viewing of Archival Footage. Department personnel, with the approval of a member of the rank of Sergeant and above, are authorized to view archival footage from the Brookline CIMS.

C. MANAGEMENT

1. Department Chief.

- a. Generally. The Brookline Police Department, by and through its Chief, is solely responsible for the day-to-day operation and management of the Brookline CIMS and for all tasks ancillary to its operation and management.
- b. Delegation. The Chief shall assign Department personnel to operate and manage the Brookline CIMS on a day-to-day basis, including, but not limited to, monitoring camera feeds, managing access to the system, managing the inventory control of hardware, reproducing and distributing electronic media (e.g., CD/DVDs), ensuring the chain of custody of recordings and reproductions of footage for evidentiary purposes in civil and criminal court actions, and archiving recordings in accordance with this Policy, the provisions of the Department's Evidence Policy, and as provided in the vote of the Board of Selectmen on January 13, 2009, and any subsequent votes. The Chief or his / her designee may assign civilian personnel (both from within and without the Department) to perform any function or duty related to the operation and management of the Brookline CIMS, including, but not limited to, inventory, service and maintenance work on the system.
- c. Enforcement. The Chief shall ensure that the Brookline CIMS is operated in conformity with this Policy and other Department policies, procedures, rules and regulations. The Chief shall enforce this Policy and shall act as the Department Head for all disciplinary and enforcement actions for any violations of it by Department personnel.

2. Commanding Officer / Supervisor.

- a. Generally. The Commanding Officer shall be directly responsible for the operation and management of the Brookline CIMS during his/her shift.
- b. Inspection. At the commencement of a patrol shift, a member of the Department of the rank of Sergeant or higher shall inspect the Brookline CIMS available in the Dispatch area and in the office of the Commanding Officer to ensure that each camera is functioning properly and that camera sight lines afford maximum viewing to carry out the purposes of the CIMS, as enumerated in Section I.

- c. Reporting of Significant Incidents. Prior to the conclusion of a patrol shift in which a significant incident has occurred (*e.g.*, an assault, an arrest, an accident, etc.), a member of the Department of the rank of Sergeant or higher shall request reproduction of CIMS footage of the incident (as detailed further in Section IV (D)(1) below) by submitting a completed Video Request Form to the Technology Division. Such person submitting such completed Request form shall send a copy of it to the appropriate division or personnel for follow-up (Detectives, Traffic, etc).
3. Audit. In order to maintain a high degree of integrity over the Brookline CIMS, an audit shall be completed on a semi-annual basis. This audit shall determine the Department's adherence to this Special Order and the procedures it establishes, as well as the maintenance and completeness of CIMS records. This audit shall be conducted by the Department's Office of Professional Responsibility. At the completion of this audit, a full report on the outcome shall be forwarded to the Department's Chief.

D. IMPERMISSIBLE USES

Anyone who engages in an impermissible use of the Brookline CIMS may be subject to:

- criminal prosecution,
- civil liability, and/or
- administrative sanctions, including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

It is a violation of this Policy for the Brookline CIMS 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 Policy 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. Areas in which there is a reasonable expectation of privacy include the interior of private premises such as a home.
2. Harassment / Intimidation. It is a violation of this Policy to use the Brookline CIMS to harass and/or intimidate any individual or group.
3. Use / Observation Based on a Protected Characteristic. It is a violation of this Policy to use the Brookline CIMS to observe individuals solely because of their race, gender, ethnicity, sexual orientation, disability or other classification protected by law.
4. Personal Use. It is a violation of this Policy to use the CIMS for any personal purpose.

5. First Amendment Rights. It is a violation of this Policy to use the Brookline CIMS for the purpose of infringing upon First Amendment rights.

IV. REQUESTS FOR REPRODUCTION

- A. Authority to Request / Permissible Requests. Sworn Department personnel of the rank of Sergeant and higher are authorized to make a request to the Technology Division for a reproduction of a CIMS recording. Requests for reproduction 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 Brookline CIMS described in Section I above.
- B. Prompt Request. All requests to reproduce a CIMS recording shall be made promptly and in any event as soon as possible to ensure that needed data is not over-written. Requests for reproduction of footage of significant incidents (*e.g.*, an assault, an arrest, an accident, etc.) shall be made prior to the conclusion of the patrol shift during which the incident occurred.
- C. Reproduction Responsibility / Evidence. The Department's Technology Division shall be responsible for making reproductions of CIMS recordings. It shall make two copies of any reproduction. One copy shall be logged into the evidence system following the Department's Evidence Policy and shall be maintained in a manner consistent with the Evidence Policy and with maintaining the chain of custody for evidentiary materials. The second copy shall be reproduced to the requesting party utilizing the procedure described in Section IV (D) below. The Technology Division shall document all requests for copies of CIMS recordings in the Camera Log.
- D. Reproduction Request Procedures.
 1. Authorized Department Requests (see Section IV (A) above):

By submitting a completed Video Request Form (available in the Technology Information folder on the "in-house" email system) to the Technology Division (cc to the appropriate Department Division (*e.g.*, Detective, Traffic) or personnel for follow-up). Department personnel of the rank of Captain or higher may authorize disclosure of a copy of CIMS footage to any federal, state, or municipal law enforcement agency in connection with an open investigation.
 2. Court-Related Requests (*e.g.*, Prosecutors, Defense Attorneys, Judges):

By submitting a completed Video Request Form to the appropriate Department court liaison (for the applicable court), who shall forward a copy to the Technology Division. The Technology Division shall send a copy of the requested reproduction to the court liaison, who shall send it to the requesting party.

3. Others (subpoena or public records requests by federal or state agencies, other municipalities, private individuals, or others):

Except in connection with an open investigation as set forth in Section IV(D)(1) above, by submitting a completed Video Request Form to the Department's Records Division, which Division shall process it in accordance with the Massachusetts Public Records Law and the Department's public records procedures, with responsibility for the reproduction falling to the Technology Division. As part of the public records review process with regard to any request for reproduction made under this Section IV (D)(3), Department personnel shall consult, as appropriate, with the Technology Division (who shall consult the Camera Log), any other relevant Department personnel, and Town Counsel to determine whether the requested footage or any portion of it is exempt from the Massachusetts Public Records Law.

V. RETENTION

The CIMS camera network includes video DVR server with a RAID 5 configuration, and video data is striped across four (4) hard drives. It has a thirty-day cycle that automatically overwrites the oldest day and it does not include any server for backing up data. Accordingly, unless otherwise required by the Evidence Policy, by court order, or by law, Brookline CIMS recordings shall be retained for a period of fourteen (14) days and shall then be automatically over-written.

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

VI. COMPLAINT PROCEDURE

- A. External Complaints. Complaints other than from Department personnel relating to the Brookline CIMS shall be handled in accordance with the Brookline Police Department's Citizen's Complaint Policy and Procedure.
- B. Internal Complaints. Any complaint from Department personnel relating to the Brookline CIMS shall be forwarded to the Office of Professional Responsibility and the Chief of Police.

VI. DISSEMINATION OF INFORMATION ABOUT THE BROOKLINE CIMS AND HANDLING OF INQUIRIES

- A. Policy Dissemination. This Policy shall be posted on the website for the Town of Brookline (www.townofbrooklinemass.com) and a copy shall be provided upon request consistent with the Department's public record request procedures.
- B. Inquiries.
 1. General inquiries. In order to alleviate any and all confusion concerning the Brookline CIMS, when the Department receives inquiries from the general public concerning the operational status of the Brookline CIMS, or generally whether the CIMS made a recording and what it may have recorded, the following procedure shall be followed: the telephone call or

walk-in shall be transferred or directed to the Commanding Officer (or Patrol Supervisor, in his/her absence), who shall courteously and respectfully inform the inquiring party, in substance, of the following:

“The Brookline Police Department’s Critical Infrastructure Camera Monitoring System is fully operational at designated, strategic locations throughout the Town of Brookline. Depending upon the vantage point of the specific camera in question at a given time period, an image may have been captured and be available for dissemination.”

2. Specific Recording / Footage Requests. If the telephone caller or walk-in has a specific request (date and time) for a recording in a designated area, a Video Request Form shall be either e-mailed to the person (as an attachment) or made available for pick up by the person at the Records Bureau and/or Front Desk.

Special Order 2009-1 – ATTACHMENT B

**CERTIFICATION UNDER BROOKLINE POLICE DEPARTMENT
SPECIAL ORDER 2009-1**

**(Re: BROOKLINE POLICE DEPARTMENT CRITICAL
INFRASTRUCTURE CAMERA MONITORING SYSTEM
("CIMS"))**

I, _____, certify that I have received a copy of and have read Special Order 2009-1, dated January 14, 2009, regarding the Brookline Police Department Critical Infrastructure Camera Monitoring System ("CIMS").

(Name)

Date: _____

(Signature)

(Title)

Special Order 2009-1 – ATTACHMENT A

CIMS CAMERA LOCATIONS AND NORMAL OPERATIONS VIEWS

<u>Camera Location:</u>	<u>Normal Operations View:</u>
Brookline Ave & Aspinwall Ave	North –Facing Boston Hospital District
Beacon St & Carlton St	Eastbound Beacon St
Beacon St & St Paul St	Eastbound Beacon St
Beacon St & Harvard St	Eastbound Beacon St
Beacon St & Washington St	Eastbound Beacon St
Beacon St & Chestnut Hill Ave	Eastbound Beacon St
Boylston St & Hammond St	Eastbound Boylston St
Boylston St & Chestnut Hill Ave	Eastbound Boylston St
Boylston St & Sumner St	Eastbound Boylston St
Boylston St & Cypress St	Eastbound Boylston St
B.F.D.Station 1(140 Washington St)	Eastbound Boylston St
Longwood & St Paul St	East on Longwood Ave