



Policy # Law Enforcement Public Safety Cameras	Related Policies: Mobile Video Recorders, Duty to Disclose, Search of Residences, Biased Based Policing, Sexual Misconduct
<i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only for the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Arkansas Statutes:	
CALEA Standard:	

I. Purpose: The purpose of this policy is to regulate the use of Law Enforcement / Public Safety Cameras that will be deployed, operated, maintained, and monitored at locations within this jurisdiction and how images captured by those cameras will be stored, accessed, disseminated and retained.

II. Policy: This Department is committed to using Law Enforcement / public safety cameras and images captured by those cameras for lawful and legitimate purposes that will not abridge the 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, this 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: This department will deploy, operate and maintain fixed mounted cam-era monitoring systems within its jurisdiction in order to provide and enhance the overall security and safety of its public places. The department public safety camera system may be used for the following purposes including but not limited to: identify criminal activity and suspects, identify and gather evidence in criminal and civil actions, document police actions, safeguard individuals and police officer rights, aid in the search for lost or missing children or adults, assist emergency service personnel when responding to incidents, and assist with the training needs of the department through after action assessments of public safety personnel.

- A.** 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 services
- B.** The public safety camera system will record twenty-four (24) hours per day, seven (7) days per week, however this department may not monitor the cameras at all times.

The installation of the camera system does not create a special relationship with any specific person or party. This department does not represent that the cameras will prevent or reduce criminal activity in the areas that are monitored.

- C. In all instances, the rights of individuals and the privacy of citizens will be strictly adhered to when utilizing the cameras. No cameras will record audio.

IV. Definitions:

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

B. Department Personnel: For purposes of this directive, “department personnel” will include police department and public safety personnel.

C. Evidence Policy: Evidence Policy shall refer to the department’s property and evidence policy.

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

E. Operate: The word “operate” used in the context of camera operation shall mean using the pan, tilt, or zoom functions of a camera.

F. Pan, Tilt, and 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.

G. Public Places: The phrase “public places” 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.

H. Public Safety Camera System: For purposes of this policy, Public Safety Camera System refers to all cameras that are owned, operated, and maintained by the law enforcement department, city or town that are in place to provide general monitoring of and in public places

I. Recording: The word “recording” refers to those images that are preserved and stored in the public safety camera system.

J. Specific Event Recording: Specific event recording refers to those situations when the activation of a camera is in accordance with this policy 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 purpose set forth in the purpose section of this directive.

K. Sworn Department Personnel: The term “sworn department personnel” refers to sworn law enforcement officers of this department.

V. Procedures:

A. Monitoring

1. The Chief of Police or their designee will designate those department employees who will have the authority to operate the public safety security camera system upon written order.

2. Operators may utilize pan/tilt/zoom capabilities of the public safety security camera system. Any cameras that have been utilized in the pan/tilt/zoom mode must be returned to normal operations upon completion of the operation in pan/tilt/zoom mode.

B. Retention of Footage: All public safety camera recordings shall be stored as archival footage for ten (10) days before being overwritten.

C. Retention of Archival Footage:

1. The recording has evidentiary value or if the recording has been subpoenaed due to an event which is captured, the recording shall be maintained until all legal action has been resolved.
2. If a recording is used by the department for training purposes, the recording shall be maintained as a training record for five years
3. If the recording is referred to the District Attorney for advice or prosecution then the recording shall be held for a minimum of six years or final action. The recording shall be maintained for the longer period of time.
4. If a recording is used in a disciplinary action against an employee, then the recording shall be held for a minimum of three years from the completion of the disciplinary action.
5. In cases where the movements of persons or things that have been recorded are believed to be evidence of a crime the operator will notify his supervisor and inform him of the captured images. The supervisor shall then review the recording and determine the evidentiary value. If the supervisor determines that the recording should be maintained as evidence, the supervisor shall make a report so that the incident may be copied and maintained as evidence with the case. The copied footage will be forwarded to the appropriate investigative division and investigator to be maintained in the case file.
6. Evidentiary tapes shall be marked by the supervisor of the public safety camera system with the corresponding report number and turned over to the investigating officer assigned the case who shall then review the evidence and forward it to the evidence division for custody until such time as the case in question is needed in a court proceeding, reaches disposition or the statute of limitations expires.
7. Where there is any indication that the recorded event may contain evidence that may be helpful to a suspect's/defendant's defense, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the "Duty to Disclose" policy of this department.

D. Retrieval of Archival Footage

1. Operation Access Code/Certification: In order to operate any public safety security camera it will be necessary to enter an Operation Access Code/Password. The Operation Access Codes/Password will be issued to those members of the Police Department that have been given the prior written permission of the Police Chief to access the public safety camera system. The Police Chief will make the determination

of who will be given an access code and will keep a log of all authorized users and their respective Operation Access Code.

2. Viewing of Archival Footage: Only those individuals designated by the Police Chief 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 Chief.

E. Requests for Reproductions

1. Internal Department Request: Investigating officers may request archived footage related to an active police investigation by forwarding a request in writing to the Chief of Police or his designee. A copy of the request will be included with the case file.

2. Court Request: Requests for reproductions of archived footage from a court with jurisdiction over a specific case or a member of the prosecuting authority charged with prosecuting a specific case shall be forwarded to the Chief of Police or his designee.

3. External Law Enforcement Agencies: Requests for reproductions of archived footage from other law enforcement agencies must be made in writing to the Chief of Police or his designee and must include the signature of a supervisory officer and a tracking number. Any release of archived footage made under this section must comply with the provisions of this policy.

4. All Other Requests: All requests for reproductions originating from non- law enforcement sources shall be forwarded to the Chief of Police or his designee who will forward the request to the City Attorney.

F. Training

No member of the Department will operate, monitor or access archived footage of the public safety camera system until they have received training regarding this policy, Biased Based Policing policy, Duty to Disclose policy, and ethical and legal issues, prohibited activity and all operational facets.

G. Prohibited Activity

It is a violation of this directive for the public safety 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 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. A reasonable expectation of privacy is measured by examining “(1) whether the individual has a subjective expectation of privacy in the object of the search, and (2) whether society is willing to recognize that expectation as reasonable.” 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, the curtilage of that property to include backyards, patios, swimming pools and garages where the individual/resident has taken steps to safeguard his privacy interest, ex. erecting fences to prohibit viewing from street level.
- 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

individuals 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 policy 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. Refer to Biased Based Policing policy of this department.
4. **Personal Use/Uses for Other than Official Purposes:** It is a violation of this policy 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 policy 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. **Audits and Inspections:** It will be the responsibility of the Chief of Police or their designee to conduct periodic audits of the public safety camera system to ensure that access to the system is done in accordance with this policy and procedures.
7. **Operators who violate this policy are subject to disciplinary action.**

H. Public notification:

1. Public notification will be made regarding the purpose of the public safety camera system, the number of cameras and the location of each public camera through:
 - a. Media press releases.
 - b. Posting of the information on the Department website.
 - c. Covert cameras that are placed in public places in the furtherance of criminal investigations of specific persons or places are not subject to same public notifications as stated above as determined by the Chief of Police.