

SPECIAL ORDER



Title	Enhanced Use of CCTV To Combat Crime
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Related to:	GO-OPS-603.07 (Closed Circuit Television Cameras)

DISTRICT OF COLUMBIA

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I. BACKGROUND

The Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006 (D.C. Act 16-446) authorizes the use of Closed Circuit Television (CCTV) to fight crime. The act provides that “The Chief of Police is authorized to use the CCTV system for the purpose of preventing, detecting, deterring, and investigating crime in neighborhoods in the District of Columbia” (§ 401(i)).

II. POLICY

The policy of MPD is to balance police authority and responsibility for the prevention, detection, deterrence, and investigation of crime with the Constitutional rights and privileges expected by citizens. MPD’s CCTV systems are intended to augment the Department’s efforts to prevent crime and fear of crime in the District of Columbia. The technology will not be used to replace current policing techniques nor utilized where there is a reasonable expectation of privacy. Instead, the Department will use this technology within neighborhoods in an effort to enhance public safety.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. ANC - Advisory Neighborhood Commission.
2. Certified Operator – An individual who has signed a certification attesting to the fact that they have read and understand the CCTV regulations and acknowledge the potential criminal and/or administrative sanctions for unauthorized use or misuse of the CCTV systems.
3. Chief of Police – Shall mean the Chief of Police or his designee.
4. Closed-Circuit Television (CCTV) Cameras - Any camera used pursuant to the Enhanced Crime Prevention and Abatement

Emergency Amendment Act of 2006 to combat crime regardless of whether the camera provides an electronic feed of images into a MPD property.

5. CCTV Deployment Area – The area generally around and including the viewable area of CCTV cameras deployed to combat crime.
6. Demonstration – A test of a CCTV camera or the CCTV system, a temporary presentation of the capacity of the CCTV system, or the use of a CCTV camera or the CCTV system for a training purpose.
7. Deploy - The temporary installation of a CCTV camera to combat crime.
8. Exigent circumstances - Unanticipated situations that threaten the immediate safety of individuals or property within the District of Columbia, provided that the cameras have no greater scope or capabilities than reasonably necessary to achieve a legitimate law enforcement purpose.
9. Public Notice – Notice that includes posting on the MPD website, written and/or verbal notification to the relevant Councilmember, written and/or verbal notification to the relevant ANC Commissioner, and issuance of a press release.
10. SOCC – MPD’s Synchronized Operations Command Center.

IV. REGULATIONS

When CCTV cameras are deployed in neighborhoods to combat crime pursuant to this directive, the following regulations shall be strictly adhered to:

1. Only certified operators shall operate the CCTV system.
2. Operators of the CCTV system shall not target/observe individuals arbitrarily or based on race, gender, ethnicity, sexual orientation, disability or other classifications protected by law.
3. The CCTV system shall be used only to observe locations that are in public view and where there is no reasonable expectation of privacy.
4. CCTV will not focus on hand bills, fliers, or other material being distributed or carried pursuant to the exercise of First Amendment Rights.
5. MPD shall not use audio in conjunction with the CCTV unless appropriate court orders are obtained.

6. Anyone who engages in the unauthorized use or misuse of CCTV systems may be subject to criminal prosecution and/or administrative sanctions, including termination.
7. All operators of the CCTV system shall sign a certification that they have read and understand the CCTV regulations and acknowledge the potential criminal and/or administrative sanctions for unauthorized use or misuse of the CCTV systems.

V. PROCEDURAL GUIDELINES

A. Initial Deployment

1. The Chief of Police shall have the final authority to decide where to place a CCTV camera or CCTV cameras for crime fighting purposes.
2. In making the initial deployment decision, the Chief of Police shall consider:
 - a. The number and type of calls for service in the proposed CCTV camera location;
 - b. Any crimes that were committed in the proposed CCTV camera location;
 - c. Any requests or recommendations made by the relevant ANC, or a civic or citizen association as provided in section V(A) of this directive;
 - d. Any other objectively verifiable information from which the Commander may ascertain whether the health, safety, or property of residents who live in the proposed CCTV location are endangered by crime or other illegal activity; and
 - e. Whether cameras should be located within public housing developments in Hot Spot Areas.
3. Subsequent deployments of CCTV cameras to combat crime will follow the procedures in sections V(B) – (D) of this directive.

B. Processing Requests and Recommendations for Subsequent CCTV Camera Deployments from ANCs and Civic Groups

1. Requests or recommendations from an ANC or a civic or citizen organization shall be directed to and handled by the relevant District Commander.
2. District Commanders and their PSA Lieutenants shall cooperate with ANC and civic organization officials to coordinate all requests, ensuring

that the proposed use of CCTV is consistent with a comprehensive and unified approach to neighborhood crime-fighting strategies.

C. Criteria for Subsequent Deployment of Cameras

District Commanders shall,

- a. When requesting deployment of CCTV to fight crime in their district, consider:
 - (1) The number and type of calls for service in the proposed CCTV camera location;
 - (2) Any crimes that were committed in the proposed CCTV camera location;
 - (3) Any requests or recommendations made by the relevant ANC, or a civic or citizen association as provided in section V(A) of this directive; and
 - (4) Any other objectively verifiable information from which the Commander may ascertain whether the health, safety, or property of residents who live in the proposed CCTV location are endangered by crime or other illegal activity.
- b. Specifically consider whether cameras should be located within public housing developments in Hot Spot Areas.

D. Requests for Subsequent Deployment of Cameras

District Commanders shall prepare a memorandum to the Chief of Police, through the chain of command, detailing:

- a. The proposed location for the deployment of CCTV cameras;
- b. The purpose of the deployment;
- c. The considerations used to select the proposed location, including contacts with the relevant ANC Commissioner and Ward Councilmember; and
- d. A complete, objective justification for the deployment.

E. Consultation/Notification Prior to Deployment

1. The District Commander shall consult with the relevant Councilmember and the relevant ANC Commissioner prior to deploying CCTV cameras to combat crime.
2. Absent exigent circumstances, the Chief of Police will provide public notice of his intent to deploy CCTV cameras to combat crime.
3. Signage will be posted and maintained indicating the presence of a neighborhood CCTV deployment in the CCTV deployment area.

F. Deployment of Cameras

1. The Chief of Police shall have the final authority to decide where to place a CCTV camera or CCTV cameras for crime fighting purposes.
2. MPD personnel shall determine the most effective placement of CCTV cameras at a designated location, giving consideration to such factors as effectiveness in combating crime, ensuring that the placement does not infringe on individual privacy rights, safety of the equipment, and viewable area of the camera.

G. Activation

1. Except for demonstration purposes and exigent circumstances, members of MPD shall receive written authorization from the Chief of Police prior to activating CCTV cameras to combat crime.
2. Every camera activation shall be documented. MPD personnel will record activation information, including the disposition of any observed incidents, a copy of any written authorizations pertaining to each activation, the name(s) of any person(s) activating the system, a general description of the activity being monitored, and documentation of when activation began and ended.
3. All documentation pertaining to activation under exigent circumstances shall be presented to the Chief of Police within 72 hours of the time the activation began.
4. All documentation pertaining to activation for demonstration purposes shall be maintained by the Director, SOCC.

H. Monitoring CCTV Feeds

1. Generally, when CCTV is used to combat crime, CCTV feeds will not be actively monitored in real time.

2. Generally, when used to combat crime, CCTV feeds will be passively monitored, meaning that the video feeds will be recorded at the site or in the SOCC without real-time monitoring.
3. Except for demonstration purposes and exigent circumstances, members of MPD shall receive written authorization from the Chief of Police prior to engaging in active monitoring of a video feed from the CCTV deployment area.
4. Every active monitoring of a video feed from a CCTV deployment area shall be documented. SOCC personnel will record active monitoring information, including the disposition of any observed incidents, a copy of any written authorizations pertaining to each instance of active monitoring, the name(s) of any person(s) monitoring the feed, a general description of the activity being monitored (if any), and documentation of when active monitoring began and ended.
5. All documentation pertaining to active monitoring of a video feed from the CCTV deployment area under exigent circumstances shall be presented to the Chief of Police within 72 hours of the time the active monitoring began.
6. All documentation pertaining to active monitoring for demonstration purposes shall be maintained by the Director, SOCC.

I. Recording CCTV Feeds

1. Except for demonstration purposes and exigent circumstances, the Chief of Police shall issue written authorization prior to recording any CCTV feed.
2. Every recording shall be documented. The record shall include a copy of any written authorizations pertaining to each period of recording, the name(s) of any person(s) recording, a general description of the activity being recorded (if known), and documentation as to when the recording began and ended.
3. When recordings are made in exigent circumstances, the recording documentation shall also include a description of the exigency that gave rise to the need to record without prior written authorization. This documentation shall be presented to the Chief of Police within 72 hours of the recording.
4. All documentation pertaining to recordings for demonstration purposes shall be maintained by the Director, SOCC.
5. All recorded CCTV footage shall be maintained and secured by the official in command of the SOCC. If the recording is located at a

camera installed in a neighborhood, the commanding official of the SOCC shall be responsible for retrieving the recording upon receiving a request to view a recording under section J of this directive.

J. Handling of Recorded CCTV Feeds

1. Recordings maintained in the SOCC shall be indexed, stored and maintained for 10 business days after which time they will be recorded over or destroyed. Retention of any recording beyond that time limit must receive written approval by the Chief of Police.
2. To the extent technologically and operationally practical, if the recording occurs and remains at the site of the CCTV deployment, the recording should be retained for 10 days before being recorded over.
3. Upon written approval by the Chief of Police, recordings may be retained if they contain evidence of criminal activity, capture an occurrence that may subject MPD to civil liability, or for training purposes.
4. Decisions to retain recordings beyond 10 business days must include the purpose for the retention, the nature of the recording, and length of time for the retention. Retention of recordings for training purposes must additionally include a written description of the training purpose to be served by the recording as well as a description of the recording's unique suitability for the training purpose.
5. Requests to retain recordings maintained in the SOCC beyond 10 business days shall be submitted, through the chain of command, to the Director, SOCC and must include the purpose, nature of the recording and length of time for retention.
 - a. Recordings retained for training purposes may be retained only as long as they are actively used for training purposes.
 - b. Recordings retained for criminal or civil purposes shall be secured as evidence, and maintained until final case disposition. Access to such recordings shall be appropriately limited and documented.
6. The Director, SOCC shall maintain a video catalog of all recordings that are retained for more than 10 business days, including a copy of any written authorizations pertaining to each activation/recording, the name(s) of any person(s) doing any recording, a general description of each activation/recording, and documentation as to when recording began and ended.

K. Viewing Recorded CCTV Feeds

1. Recorded CCTV feeds may be viewed by MPD personnel where there is reason to believe that the viewing may help solve a crime.
2. Except for demonstration purposes and exigent circumstances, requests to view recordings shall be submitted in writing to the commanding official of the SOCC and must identify the crime, including the date, time, location and CCN.
 - a. The commanding official of the SOCC shall review the request for accuracy and shall allow the member to review the recording.
 - b. An official at the rank of Sergeant or above shall be present and shall supervise the member's review of the recording.
3. In exigent circumstances, a member may verbally provide the commanding official of the SOCC with information pertaining to the crime, including the date, time, location, and CCN and may request that the commanding official of the SOCC review the recording.
4. If the recording contains evidence of a crime, it shall be secured in accordance with GO-SPT-601.02 Preservation of Potentially Discoverable Material.
5. All documentation pertaining to viewing of recorded CCTV feeds, whether in writing, under exigent circumstances, or for demonstration purposes, shall be maintained by the Director, SOCC

L. Suspension or Termination of CCTV Deployment

1. A District Commander may request, through the chain of command, the termination of a CCTV deployment and shall include the reason for the request.
2. The Chief of Police shall have the discretion to suspend, interrupt, or otherwise terminate a CCTV deployment for any reason. The Chief of Police shall document such decisions in writing.

M. Semi-Annual Report

Within 10 business days of January 31 and June 30 of each calendar year, the District Commander shall prepare a report to the Chief of Police, through the appropriate chain of command, providing the following information:

- a. Any significant events or unusual incidents which occurred in the CCTV deployment area during the deployment, and
- b. An evaluation of the CCTV deployment including whether the deployment was effective at preventing, detecting, or solving crime. The evaluation shall also consider whether the presence of cameras served to displace criminal activity.

N. Record Retention

1. District Commanders shall maintain a file at their organizational element that shall be referred to as the "CCTV Camera Deployment File." The file shall be maintained in the following manner:
 - a. Separate folders representing each particular deployment of CCTV camera(s) for crime fighting purposes shall be established;
 - b. Each file folder shall be used to accumulate information relative to the activities within a CCTV deployment area, including
 - (1) A copy of the request to the Chief of Police and a copy of his written decision;
 - (2) Substantiating documents relative to the request;
 - (3) A copy of the Chief of Police's decision to terminate the CCTV deployment; and
 - (4) A copy of all reports submitted to the Chief of Police pursuant to section V(M) of this directive.
2. The Director, SOCC, shall maintain the following records:
 - a. A copy of all approved requests to deploy CCTV cameras to combat crime;
 - b. A copy of all activation authorizations;
 - c. A copy of all recording authorizations;

- d. A copy of all requests to view recordings;
- e. A copy of all recording retention authorizations;
- f. Documentation pertaining to the disposition of any incidents observed when recordings are viewed; and
- g. A copy of all CCTV deployment termination decisions.

O. Audits

1. MPD's Office of Professional Responsibility will conduct monthly audits of CCTV deployments to combat crime to ensure compliance with this directive.
2. On a quarterly basis, the audits shall be provided to the Mayor and the Council of the District of Columbia.

P. Maintenance

The MPD shall be responsible for the safekeeping, maintenance and servicing of MPD equipment (i.e. cameras, cables, monitors, recorders, etc.).

//SIGNED//
Charles H. Ramsey
Chief of Police

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