

GENERAL ORDER



Title	
Closed Circuit Television Cameras (CCTV)	
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DISTRICT OF COLUMBIA

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I. BACKGROUND

The Metropolitan 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 technology by strategic placement of closed-circuit television cameras (CCTV) in the District of Columbia. The MPD recognizes that use of the cameras has the potential of diminishing the perception of privacy and the openness of society and, therefore, should be subject to regulation.

Past U.S. Supreme Court and lower court decisions indicate that this type of police monitoring is a valid exercise of a government's authority. Under current interpretations of the First and Fourth Amendments, CCTV represents a valid use of the state's power to protect its citizens. CCTV does not intrude upon an individual's sphere of privacy, but rather captures 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 Supreme Court held that the Fourth Amendment provides constitutional protection to those areas in which a person reasonably expects privacy. The CCTV program is consistent with legal precedent because the cameras are focused on public areas and the images obtained are not used or disseminated improperly. Safeguards will ensure the technology is not abused. Title 1 of the Electronic Communications Privacy Act of 1986 (18 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 the 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 within the Synchronized Operations Command Complex (SOCC) 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. (24 DCMR 2500.1, 2501.1)

II. POLICY

The policy of MPD is to utilize CCTV in its mission to safeguard the District of Columbia. The CCTV systems represent a valid use of a government's responsibility to protect its citizens and will be utilized to enhance public safety. 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. MPD may enter into agreements with public entities to access their external video feeds for purposes consistent with this policy. (24 DCMR 2501.7) MPD may enter into agreements with private entities to access their external video feeds for discrete purposes and only in exigent circumstances. (24 DCMR 2501.8) This General Order shall also govern MPD's use of CCTV feeds from another agency, jurisdiction, or entity. (24 DCMR 2501.9)

III. DEFINITIONS

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

1. Closed-Circuit Television (CCTV) Cameras - Any live camera link that is electronically received into the SOCC. (24 DCMR 2599.1)
2. Demonstration - A temporary presentation of the capacity of the SOCC to visitors of the MPD. (24 DCMR 2599.1)
3. Deploy - The permanent or temporary installation of a video camera.
4. Exigent circumstances - Unanticipated situations that threaten the immediate safety of individuals or property within the District of Columbia. (24 DCMR 2599.1)
5. External Video Feeds - Any video link received in the SOCC on a live basis from outside sources to include other law enforcement agencies, Department of Transportation, METRO, D.C. Public Schools, as well as selected private entities in exigent circumstances. (24 DCMR 2599.1)
6. Public Entities - District of Columbia or Federal Agencies. (24 DCMR 2599.1)
7. Public Notice - At a minimum shall include, but is not limited to, publication in the D.C. Register, posting on the MPD website, written notice to the relevant Council Member, written notice to the relevant ANC Commissioner, and issuance of a press release. (24 DCMR 2599.1)

IV. REGULATIONS

A. Usage of CCTV Cameras

1. Except for demonstration purposes and exigent circumstances, members of MPD shall receive written authorization from the Chief of Police prior to activating the CCTV system. (24 DCMR 2504.1)
2. Every system activation shall be documented. SOCC personnel shall enter activation information, including the disposition of any observed incidents, into the running resume of the daily SOCC report, including 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. (24 DCMR 2504.2)
3. Except in exigent circumstances, or when recording is being done pursuant to a court order, members of the Department shall receive written authorization from the Chief of Police prior to recording CCTV feeds. (24 DCMR 2505.1)
4. An official of the rank of lieutenant or above shall be present in the SOCC at all times, and shall supervise and monitor CCTV activities conducted in the SOCC. (24 DCMR 2504.3)
5. All recorded CCTV footage shall be maintained and secured by the official in command of the SOCC. (24 DCMR 2505.4)
6. MPD shall not use audio in conjunction with the CCTV unless appropriate court orders are obtained. (24 DCMR 2501.6)
7. 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. (24 DCMR 2501.4)
8. The CCTV system shall be used to observe locations that are in public view and where there is no reasonable expectation of privacy. (24 DCMR 2501.5)
9. CCTV will not focus on hand bills, fliers, etc., being distributed or carried pursuant to the exercise of First Amendment Rights. (24 DCMR 2504.4)
10. Anyone who engages in the unauthorized use or misuse of CCTV systems may be subject to criminal prosecution and/or administrative sanctions, including termination. (24 DCMR 2503.3)

11. 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. (24 DCMR 2503.2)

V. PROCEDURAL GUIDELINES

- A. The objectives of the CCTV program are to prevent crime and provide increased security and public safety. The program supports the effective deployment of police resources during major events and emergencies. When activated video images are actively monitored for crime detection, observation, evidentiary and traffic deconfliction.
- B. SOCC personnel will enter usage information, including the disposition of any observed incidents, into the running resume of the daily SOCC report. (24 DCMR 2504.2)
- C. 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, and documentation as to when the recording began and ended. (24 DCMR 2505.2)
- D. When recordings are made in exigent circumstances, the recording documentations shall also include a written description of the exigency that gave rise to the need to record without prior authorization. (24 DCMR 2505.3)
- E. A law enforcement officer will be dispatched when appropriate to any area in which further investigation is warranted. (24 DCMR 2504.5)
- F. Retention
 1. Video recordings 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. (24 DCMR 2505.5, 2505.7)
 2. Upon written approval, 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. Tapes in the former two categories shall be maintained until final case disposition. (24 DCMR 2505.6)
 3. Requests for retention of the recordings must include the purpose, nature of the recording and length of time for retention.

4. SOCC staff shall maintain a video catalog of all tapes held beyond 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 activation/recording began and ended. (24 DCMR 2505.11)
5. 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. (24 DCMR 2505.8)
6. Recordings retained for training purposes may be retained only as long as they are actively used for training purposes. (24 DCMR 2505.9)
7. Recordings retained for criminal or civil purposes shall be secured as evidence, and access to the recordings shall be appropriately limited and documented. (24 DCMR 2505.10)

G. Maintenance

The MPD shall be responsible for the safekeeping, maintenance and servicing of MPD equipment (i.e. cameras, cables, monitors, recorders, etc.). (24 DCMR 2506.1)

H. Public Notification

1. Public notice will be given of MPD's intention to deploy a camera, except under exigent circumstances or when the CCTV system is deployed pursuant to a court order. (24 DCMR 2502.1)
2. The public shall have thirty days to submit comments regarding a proposed deployment to the Chief of Police. The public may submit comments to the Chief of Police at any time regarding a particular camera deployment or the CCTV system in general. (24 DCMR 2502.3)
3. The Chief of Police shall consider the comments submitted by the public in determining whether to go forward with deployment of the camera. The Chief of Police will provide public notice of his decision and provide an explanation. (24 DCMR 2502.4)
4. In exigent circumstances, the Chief of Police is authorized to deploy cameras without first consulting or soliciting comments from the public. However, after conclusion of the exigent circumstances, the camera shall be turned off immediately. As soon as feasible after the conclusion of the exigent circumstance, the Chief of Police shall have

the camera removed. The Chief of Police will provide post-deployment public notice of any camera deployed under this provision. (24 DCMR 2502.5)

5. When cameras are deployed pursuant to a court order, no notification is required. (24 DCMR 2502.6)
6. MPD will provide public notice regarding the general capabilities of CCTV system, their general locations of cameras, the duration of the deployment, and their use in departmental operations. MPD shall also provide public notice of the viewing area, but not necessarily the precise location of the camera. The precise location of a camera may be disclosed if the Chief of Police determines that disclosure will not undermine the security of the camera and the efficacy of the deployment. (24 DCMR 2502.2)
7. MPD will post and maintain signage indicating the presence of CCTV systems in the District of Columbia. (24 DCMR 2502.7)
8. On a semi-annual basis, MPD will provide updates on the CCTV system at community meetings to be announced to the public. (24 DCMR 2502.8)
9. MPD will provide information surrounding the CCTV system and its usage in the department's Annual Report. The information shall include the viewing area of cameras, periods of activation and/or recording and the purposes of activation and recording, disposition of any recordings, and an evaluation of whether the camera achieved the purposes stated in Section II, Policy. MPD shall not include any information pertaining to cameras deployed pursuant to a court order or as part of an on-going criminal investigation. (24 DCMR 2502.9)

I. Audits

1. MPD's Office of Professional Responsibility will conduct periodic audits at least quarterly to ensure compliance with this directive. (24 DCMR 2507.1)
2. The audits shall be provided to the Mayor and the Council of the District of Columbia. (24 DCMR 2507.2)

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