

<b>PBP FORM 290</b>  <b>PITTSBURGH BUREAU OF POLICE</b> <i>"...accountability, integrity and respect."</i>		<b>SUBJECT:</b> <b>"PUBLIC SAFETY CAMERA SYSTEM"</b>	<b>ORDER NUMBER:</b> <b>69-2</b>
		<b>PLEAC STANDARD:</b> <b>NONE</b>	<b>PAGE 1 OF 8</b>
<b>ISSUE DATE:</b> <b>01/06/2016</b>	<b>EFFECTIVE DATE:</b> <b>01/06/2016</b>	<b>ANNUAL REVIEW DATE:</b> <b>JANUARY</b>	<b>RESCINDS:</b> <b>NONE</b>
			<b>AMENDS:</b> <b>NONE</b>

## 1.0 POLICY

- 1.1 It shall be the policy of the Pittsburgh Bureau of Police (PBP) that the Public safety camera Systems will be used solely for the overt monitoring of public area and that members of the PBP will adhere to any and all directives set forth by the City of Pittsburgh or Department of Public Safety.

## 2.0 PURPOSE

- 2.1 The purpose of this policy is to ensure members of the PBP have a clear understanding of the Public safety camera Systems and to set guidelines to regulate the use, monitoring, recording, storage and dissemination of information gathered on the System.

## 3.0 DEFINITIONS

- 3.1 Archive Footage – Camera footage that has been temporally retained on hard drive space controlled by CIS that will be written over if not saved. This period of retention is typically 14 - 30 days.
- 3.2 Automatic Identification – The use of a Public safety camera System in conjunction with biometric or other digital technologies to ascertain or confirm the identity of an individual whose image is captured on Public safety camera Footage, whether in real time, as applied to Recorded Footage, or prospectively.
- 3.3 Automatic Tracking – The use of a Public safety camera System 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.
- 3.4 Appending Data – The using of technology to attach personally identifiable information, such as name, address, or criminal history, to Footage or other records of the Public safety camera System such that those subsequently accessing the Footage or records can also access the attached personal information.
- 3.5 Automated License Plate Reader (ALPR)- A device that uses cameras and computer technology to capture and compare digital images of license plates to list known plates of interest.
- 3.6 Camera – A security camera, owned or controlled by the City of Pittsburgh, focused on a public place, paid for in whole or in part with City or other government monies, not hand-held by System Operators, implemented for an indefinite period of time or for longer than 240 days, and the primary purpose of which extends beyond a single, specific law enforcement investigation. This security camera feeds into a server owned or controlled by the City of Pittsburgh.
- 3.7 Footage – Any image captured and recorded by a camera. Footage is further broken down as being either Archive Footage or Permanent Archive Footage.
- 3.8 Fixed ALPR systems- Used in a fixed location that are designed to be stationary. This type usually includes some type of overhead mounting structure (overpasses, light poles, etc.) so that the cameras are installed in the optimum position to maximize the number of plates read. Some examples include; Fixed LPR's, which are mounted to the tops of posts along highways, at city intersections, and at toll booths.
- 3.9 Live View – The ability to view camera footage in real time as events are happening.
- 3.8 Monitoring – see *Observation*

- 3.9 Mobile ALPR - Systems that are mounted to Law Enforcement vehicles capturing license plate numbers during entire shifts. If a suspect license plate number is read, audible and visual alarms alert the officer within milliseconds of license plate capture
- 3.10 Observation or "monitoring" – Real-time viewing of camera images.
- 3.11 Operator – A City employee authorized and trained to use the System, working for or under the supervision or control of the Department of Public Safety.
- 3.12 Pan, Tilt and Zoom (PTZ) – Manipulating a camera to view areas outside the original image frame or measurably increase the resolution of the images rendered.
- 3.13 Permanent Archive Footage – Camera footage that has been removed or duplicated from its temporary storage location and stored permanently, either on a CIS server, a PBP computer, a storage CD, or another media storage device, until intentionally erased or destroyed.
- 3.14 Public safety camera Custodial Officer – A member of the PBP responsible for processing requests for Permanent Archive Footage. This person will be assigned by the Assistant Chief of Investigations and should be a member of the Computer Crimes Section or the Mobile Crime Unit and who shall be a sworn member of the Pittsburgh Bureau of Police.
- 3.15 Reviewer – The Directors of Public Safety and City Information Systems, or their designees, acting jointly, and/or the Office of Municipal Investigations, and/or the Public safety camera Review Committee.
- 3.16 Scan File Data- Obtained by an ALPR of license plates captured. Including potential images of the plate and vehicle on which it was displayed, and information regarding the location of the police vehicle at the time of the ALPR read.
- 3.17 Secondary Purpose – An intentional, planned and authorized use of a System, or a component of it, or the collected data, for a purpose other than an original approved purpose for the System.

#### **4.0 GENERAL**

- 4.1 The PBP is directed by Title Six: Conduct, Article VIII: Privacy Policy for Public safety camera Systems, Chapter 680: General Provisions of the Pittsburgh City Code to establish a policy for the use of Public safety camera Systems. This General Order fulfills that requirement with the exception of LPR's.
- 4.2 The cameras within the City of Pittsburgh Public safety camera System record on a continuous basis solely for the overt monitoring of public areas where there is no reasonable expectation of privacy. Currently, video footage is recorded in a 14 or 30 day loop, depending on the camera. After the 14 or 30 day loop, footage is overwritten and cannot be retrieved.
- 4.3 The Public safety camera System will not be overused or relied upon as a replacement for PBP officers. It is a tool to aid law enforcement in enhancing public safety but not the only tool. Consequently, the following factors shall be considered when using security cameras:
- 4.3.1 Other measures of deterrence or detection have been attempted with limited results or considered and rejected as impracticable;
- 4.3.2 The use of security cameras must be justified on the basis of verifiable specific reports of incidents of crime or significant safety concerns;
- 4.4 Unauthorized use or misuse of the Public safety camera System by any member of the City of Pittsburgh Bureau of Police may result in disciplinary action.
- 4.5 All Public safety camera Systems owned and operated by the City shall be directed at the public right of way so that no recording is performed except of events and individuals in the public right of way or public view. Public safety cameras **in residential areas shall not be used to provide visual access into areas not available to the general public.**
- 4.6 City-owned cameras shall not typically be monitored except when an event triggers the need for short-term monitoring.

- 4.7 There are certain Community groups that have camera systems set up that feed directly to an internet address. Officers are permitted to view these camera feeds on-line with the permission of the community group that owns the system. Officers who have access to a non-city, community group camera shall treat that camera/camera system as if it were part of the public safety camera system in term of permitted and prohibited uses. This policy shall apply to community/privately owned cameras/camera systems. Any officer violating this policy, whether operating a city camera or a private camera may be subject to PBP disciplinary action or possible criminal/civil sanctions.
- 4.8 There are four levels of user
- 4.8.1 Basic User – Basic User level access will only grant the user the ability to access the cameras for live view footage.
- 4.8.2 Advanced User – Advanced User level access will grant the user the ability to access live view footage and archive footage.
- 4.8.3 Administrator – Administrator level access will grant the user the ability to access live view footage and archive footage as well as being able to permanently archive footage.
- 4.8.4 Vendor – Vendor level access will grant the user the ability to make soft ware changes to the system as well all Administrator and User permissions.
- 4.9 Any footage generated by Public safety cameras is the exclusive property of the PBP.
- 4.10 All Permanently Archived footage shall be treated as evidence. All of the rules and regulations governing evidence shall apply, to include storage, chain of custody, destruction, discovery by defendant, etc.
- 4.11 Title Six: Conduct, Article VIII: Privacy Policy for Public safety camera Systems, Chapter 689.01: Administrative Discipline of the Pittsburgh City Code states that the Office of Municipal Investigations shall investigate complaints of abuse or misuse of the Public safety camera System or suspected violation by City employees of Article VIII.

## **5.0 PERMITTED USES**

- 5.1 Public Emergency. City Public safety cameras and any footage may be used for the purpose of providing surveillance during any public emergency, including, but not limited to, weather emergencies, fire emergencies, pollution incidents, or threat conditions connected with the safety of any individual.
- 5.2 Law Enforcement and Crime Prevention. City Public safety cameras and any footage may be used for the purpose of providing surveillance in the service of law enforcement and crime investigation and prevention within the City of Pittsburgh where there is suspected criminal activity or situations causing concerns for public safety or where there is a potential for criminal activity.
- 5.3 When using a Public safety camera system for approved purposes, if the operator observes any activities or events arousing reasonable suspicion of criminal activity or of possible criminal activity, the operator may use that information for other legitimate law enforcement activities.
- 5.4 Footage collected by Public Safety Camera Systems shall be made available to the parties in actions based on police misconduct, and to OMI, but only upon prior request made with-in 10 days of the incident.

## **6.0 PROHIBITED USES**

- 6.1 Public safety cameras are not presently equipped with audio capabilities. The PBP will not use any type of audio system in conjunction with the camera network unless it is in conformance with the provisions of the Pennsylvania Wiretapping and Electronic Surveillance Control Act of October 1978 and the Federal Electronic Communications Privacy Act of 1986.

- 6.2 Operators of Public safety cameras will not monitor individuals based solely on the individual's race, color, age, sex, marital status, sexual orientation, gender identify, creed, religion, ancestry, national origin, political belief, medical condition, physical disability, the exercise of the individual's constitutional rights to freedom of speech and religious expression, petition and assembly, or because of the content or viewpoint of a individual's protected speech is strictly prohibited.
- 6.3 Free speech activity shall not be actively monitored by law enforcement personnel except for the purpose of assisting in vehicular or pedestrian traffic and/or crowd control, to provide assistance to emergency services in responding to emergencies, and to assist law enforcement in detecting and taking appropriate enforcement action against unlawful activity when there is reasonable cause to believe that unlawful activity will occur or is occurring.
- 6.4 The Pan/Tilt/Zoom features are prohibited when used to follow a specific individual unless there is reasonable suspicion that individual has committed or is committing a crime. This feature may be used to reposition the camera to view another area (i.e. camera at the corner of Center and Kirkpatrick that is facing south along Kirkpatrick may be moved to face west along Center).
- 6.5 Operators are prohibited from performing Automatic Identification and Automatic Tracking of individuals unless there is probable cause that the individual has committed or is committing a crime.
- 6.6 Operators are prohibited from appending data except that the Public safety camera Custodial Officer and/or members of the Computer Crime Unit may add data to any digital evidence, as needed, to further the Commonwealth's case in criminal proceedings.
- 6.7 Nothing in the underlying City ordinance or this General Order prohibits the use of systems designed to read vehicle registration plates and determine their validity. (i.e. Automatic License Plate Recognition or Automatic Number Plate Recognition).
- 6.9 Footage collected from the Public safety camera System shall not be made available to parties or discoverable in civil trials between private litigants except pursuant to an order of a court of competent jurisdiction.
- 6.9.1 Upon receipt of written notice that a formal request has been made and prior to the final approval for release, the requested footage shall be permanently archived by the Public safety camera Custodial Officer. If final approval has not been granted after 2 years from the date the footage was permanently archived, it shall be destroyed. (i.e. The Public safety camera Custodial Officer receives a copy of a request for footage that has been sent to the City Law Department for approval.)
- 6.10 Footage collected from the Public safety camera System shall not be made available to any governmental entity other than the Pittsburgh Department of Public Safety except where a governmental agency makes a formal request for footage.
- 6.10.1 Upon receipt of written notice that a formal request has been made and prior to the final approval for release, the requested footage shall be permanently archived by the Public safety camera Custodial Officer. If final approval has not been granted after 2 years from the date the footage was permanently archived, it shall be destroyed. (i.e. The Public safety camera Custodial Officer receives a copy of a request for footage that has been sent to the City Law Department for approval.)

## **7.0 AUTO SQUAD ALPR**

7.1 The Auto Squad Sergeant or his designee shall be the system coordinator for the Auto Squads mobile ALPR system. The coordinator will;

- Responsible for developing training and ensure all ALPR operators receive training
- Maintain records of the use of the ALPR
- Address maintenance complaints of the system
- Maintain a list of all approved users

- Mobile ALPR data will be stored on North Strabane Police Department's server
- Scan Files will be retained as space permits, unless there is a reasonable belief that the scan file data will be intelligence and investigative information, or become inculpatory or exculpatory evidence in a specific criminal or civil action. In such circumstances the investigating detective will notify the PBP ALPR coordinator that the information is needed for preservation. ALPR data may be shared with another criminal justice agency for law enforcement for legitimate purposes

## **8.0 PERMANENT ARCHIVING OF CAMERA FOOTAGE**

- 8.1 Any and all data and recordings created by the Public safety camera equipment is the exclusive property of the PBP. Members will not duplicate, copy, or otherwise possess any such data or recordings for any personal reason.
- 8.2 Mandatory Duplication/Retention: The following types of incidents recorded on Public safety camera equipment **shall** be duplicated, retained, and processed as evidence by the Public safety camera Custodial Officer in accordance with this regulation as soon as practicable.

### **MEMBERS ARE RESPONSIBLE FOR NOTIFYING THE PUBLIC SAFETY CAMERA CUSTODIAL OFFICER OF THESE INCIDENTS AND THE NEED FOR DUPLICATION AND RETENTION.**

- 8.2.1 Incidents which may result in the filing of misdemeanor or felony charges.
- 8.2.2 Incidents which are likely to become the subject of civil litigation against the PBP or its personnel, including, but not limited to, patrol vehicle crashes, pursuits, critical incidents, incidents involving use of force, and incidents involving verbal complaint(s) against the PBP or its personnel.
- 8.3 Discretionary Duplication/Retention: The following types of incidents recorded on Public safety camera equipment **may** be duplicated, retained, and processed as evidence by the Public safety camera Custodial Officer in accordance with this regulation as soon as practicable.
- 8.3.1 Any member who believes that duplication and retention of a recording of a nature not specified by this regulation is advisable (e.g., for use in a summary proceeding involving a serious traffic violation or training), shall notify the Public safety camera Custodial Officer as soon as possible. Public safety camera Custodial Officers shall evaluate each request in accordance with this regulation.
- 8.4 All requests for duplication/retention are to be requested on PBP Form #69.11, "Public Safety Security Camera Recording Request Form", found in the Police Officer's Toolkit on the I drive. The completed form must be sent to the Computer Crime Unit and shall include all of the following:
- 8.4.1 A full and complete statement of the purpose for which the requested footage is to be retained,
- 8.4.2 A detailed description of what is contained in the requested footage, including details regarding the particular offense or offenses of which the footage may provide evidence,
- 8.4.3 The identity or identities, if known, of the individual or individuals whose image(s) is or are depicted in the footage and there is a reasonable suspicion that the footage in question contains evidence of criminal activity or is relevant to an ongoing investigation or pending criminal trial,
- 8.4.4 The purpose for which the footage will be retained is a "Secondary Purpose," and there is probable cause to believe that the footage in question contains evidence of criminal activity or is relevant to an ongoing investigation or pending criminal trial.

## **9.0 COMMANDER DUTIES AND RESPONSIBILITIES**

- 9.1 Zone Commanders shall ensure that a sufficient number of Public safety camera recordings are reviewed each month to ensure that members under their command are following PBP policies and procedures.

- 9.1.1 Zone Commanders must document such reviews on PBP Form #69.21, "Commander's Monthly Public safety camera Review Report", found in the Supervisor's Toolkit on the I drive. This form is to be submitted by the 15<sup>th</sup> of each month with the other monthly reports.
- 9.2 Zone Commanders are responsible to designate the camera "Home" and "Patrol" functions for all cameras located within their zone.
- 9.3 All Commanders shall send a list of personnel authorized to have "View Archive" and "Live View" status from within their command.
- 9.3.1 This list of names is due to CIS annually, no later than 1 February. CIS will purge the camera operator access roster at that time; any names not on this list will be removed from having access to the "View Archive" and "Live View" functions.
- 9.4 Zone Commanders may recommend placement of cameras with-in their zone by submitting a Special up the chain of Command to the Chief of Police. The Chief will concur/non-concur and forward all requests to the Director of Public Safety for final approval.

## **10.0 ZONE LIEUTENANT AND SERGEANT DUTIES AND RESPONSIBILITIES**

- 10.1 Zone lieutenants and sergeants shall have access to view all Public safety camera recordings from their respective zone.

## **11.0 PUBLIC SAFETY CAMERA CUSTODIAL OFFICER DUTIES AND REPSONSIBILITIES**

- 11.1 The retention, duplication, storage, and purging of Public safety camera recordings.
- 11.2 The maintenance of a log of all Public safety camera locations, the dates of their initial approval by the Chief of Police and of the subsequent approval by the Public Safety Camera Review Committee, and the criteria used for their approval.
- 11.3 Upon receipt of written notice that a formal request has been made and prior to the final approval for release, the requested footage shall be permanently archived by the Public safety camera Custodial Officer. If final approval has not been granted after 2 years from the date the footage was permanently archived, it shall be destroyed. (i.e. The Public safety camera Custodial Officer receives a copy of a request for footage that has been sent to the City Law Department for approval.)
- 11.4 In cases where footage is give to an outside agency or individual, the PBP will maintain a copy of the released footage.
- 11.4.1 This footage shall be stored in a manner that is consistent with the storage of footage from the in-car camera system. This footage shall be stored for a period of 10 years and then destroyed.
- 11.5 The Public safety camera Custodial Officers shall maintain a securable Public safety camera locker/storage area for Public safety camera media.
- 11.6 The Public safety camera locker/storage area shall be considered a property storage area and shall remain locked, with access being restricted to Public safety camera Custodial Officers.

## **12.0 OFFICER RESPONSIBILITIES**

- 12.1 Ensure that all requests for duplication have a legitimate Law Enforcement purpose.
- 12.2 Ensure that all permanently archived footage is treated as evidence until such time as the officer concludes his/her investigation and determines that the footage contains nothing of evidentiary value.
- 12.3 Ensure the footage is destroyed if it is not to be used as evidence.
- 12.3.1 Once it is determined that footage is to be used as evidence, and offered to the DA as such, the officer will follow the evidence custody and destruction guidelines as set forth in General Order 36-1 "Evidence."

### **13.0 PUBLIC SAFETY CAMERA RECORDINGS**

- 13.1 Public safety camera Custodial Officers shall ensure that storage media determined to be unserviceable are erased after all incidents have been duplicated. Duplicated incidents shall be retained in accordance with this policy and General Order #36-1, "Evidence Procedures".
- 13.2 Public safety camera Custodial Officers shall ensure that the below-listed recordings on the media are duplicated and stored in accordance with this policy. Public Safety Security Camera Custodial Officers shall complete a supplemental report for the applicable incident report when an incident recording is duplicated. Duplicated recordings shall be retained until the case is adjudicated or there is a court order, unless otherwise indicated below:
- 13.2.1 Recordings requested to be preserved by a member on the recording, a supervisor, or the Office of Municipal Investigations (OMI), where the recording may be necessary for use in any criminal or forfeiture proceeding.
- 13.2.2 Recordings requested to be preserved by a member on the recording or a supervisor, where the recording may be necessary for use in any summary proceeding involving a serious traffic violation. The duplicated recording shall be destroyed 90 days from the conclusion of all proceedings related to the citation.
- 13.2.3 Recordings requested to be preserved by a supervisor, the OMI, or the City Law Department, where the recording may be necessary for use in any civil, administrative, or disciplinary proceeding. The duplicated recording shall be retained until destruction is authorized by the requester.
- 13.2.4 Recordings requested to be preserved by any individual who is a participant on the recording for use in any criminal proceeding. Such requests must be in writing to the Chief of Police, and should contain the date, time, and location of the recording and the names of the parties involved.
- 13.2.5 Recordings requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding against the PBP or its personnel. Such requests must be in writing, and should contain the date, time, location of the recording, and the names of the parties involved. Notice of the request shall be immediately provided to the City Law Department and the duplicated recordings shall be retained for a minimum of two years from the date of the incident and shall not be destroyed without the permission of the City Law Department.
- 13.2.6 Recordings requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding that is not against the PBP, **the City of Pittsburgh** or its personnel. Such requests must be in writing to the City of Pittsburgh Law Department, and should contain the date, time, location of the recording, and the names of the parties involved. The recordings shall be duplicated and retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under PBP policies, whichever comes first.
- 13.2.7 Recordings that are the subject of a subpoena, court order, or request for pretrial discovery or inspection. Copies of the recording shall be furnished to the requester in accordance with existing PBP policies.
- 13.2.7.1 In criminal cases, notice shall be provided to the prosecuting attorney, **and any release shall be subject to the rules of criminal procedure.**
- 13.2.7.2 In civil cases against the PBP, **the City of Pittsburgh** or its personnel, notice shall be immediately provided to the City Law Department. The duplicated recordings shall be retained for a minimum of two years from the date of the incident and may not be destroyed without the permission of the City Law Department.
- 13.2.7.3 In civil cases not against the PBP, **the City of Pittsburgh** or its personnel, the recordings shall be retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under PBP policies, whichever comes first.

### **14.0 INAPPROPRIATE DISCLOSURE**

- 14.1 Where an inadvertent disclosure of any Public safety camera footage occurs, immediate action shall be taken to:

- 14.1.1 Ensure that the disclosure has been appropriately initially documented and reported through the chain of command to the Chief of Police.
  - 14.1.2 Recover/secure the recorded footage;
  - 14.1.3 Investigate the circumstances that led to the improper disclosure;
  - 14.1.4 Prevent any future inappropriate disclosures;
- 14.2 The Chief of Police shall have final discretion regarding the disclosures of Public safety camera footage and shall have the authority to take any or all action as required (including disciplinary action if required).

**14.0 TRAINING**

- 14.1 The PBP Training Academy shall be responsible for all basic user training of PBP Personnel for the Public safety camera system.
- 14.2 Only those officers that have successfully completed PSC training and have demonstrated proficiency in operating the cameras and understanding the accompanying General Order may use the PSC System.
- 14.3 It will be the responsibility of the Academy to maintain training records, which identify the PSC System instructor, the lesson plan, and sign-in rosters. The Director of the Academy shall develop a certificate for signature by any PBP member stating that the member has read and understands Title Six, Article VIII of the City Code, as well as this General Order.
- 14.4 Any officer failing to meet the minimum standards set forth by the Training Academy and/or failing to demonstrate proficiency/knowledge of the System or this General Order may not use the PSC System.
- 14.5 Retraining and refresher training will be done at the discretion of the Director of the Academy.

**15.0 PRIORITY OF USE**

- 15.1 The PBP will utilize a priority of use system to determine who shall have priority use of a camera when two or more operators are attempting to manipulate the same camera.
- 15.2 A higher ranking Officer in the PBP will have priority of use over a lower ranking Officer with the following exceptions:
  - 15.2.1 During active incidents (i.e. active shooter, barricaded individual, suicidal individual, etc.) the incident commander shall have priority of use over all other operators with in the PBP.
  - 15.2.2 The priority of use may be changed or modified by the Chief of Police at any time.

Approved by:



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Cameron McLay  
Chief of Police