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View

Rules and Regulations  
for the Citywide Video  
Surveillance System

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# ChelseaView

## Rules and Regulations for the Citywide Video Surveillance System in Chelsea

- 1.0. **OVERVIEW.** The City of Chelsea, Massachusetts (the “City” or “City of Chelsea”) shall operate and maintain a video surveillance system throughout and within the City. This video surveillance system shall be referred to as “ChelseaView” or the “ChelseaView System”.
- 1.1 These Rules and Regulations are promulgated to codify the policies and procedures for owning, operating and maintaining ChelseaView by the City of Chelsea.
- 1.2 The City anticipates the need to fully cooperate with other governmental agencies including federal, state and other municipal authorities.
- 1.3 These rules and regulations, as may be amended from time to time, are designed to govern the ChelseaView system as further detailed below and to facilitate intergovernmental, interagency and/or intermunicipal co-operation with the sharing of images and monitoring capabilities.
- 2.0 **PURPOSE.** The City of Chelsea is providing, operating and maintaining ChelseaView to create a safe and secure environment and to protect the health, safety and welfare of all who visit, live, work and do business in the City of Chelsea.
- 2.1 The monitoring devices are strategically placed throughout the City for the purpose of assisting the City of Chelsea Police Department (the "CPD"), its officers, and other City officials detect and deter crime throughout the City, detect and deter acts of terrorism, safeguard against threats to Homeland Security, manage emergency response situations including natural and manmade disasters and assist City Officials with the provision of municipal services and enhance municipal effectiveness.
- (a) ChelseaView is 1) a crime prevention, scene reconstruction and evidence gathering tool and 2) a key resource which aids the CPD and other municipal officials to secure vulnerable sites by producing real time views of both crime scenes and emergency scenes and by allowing offsite CPD command staff and senior municipal personnel to manage the City's response and is designed to aid in the protection of the health, safety and welfare of those who visit, live, work and do business in the City of Chelsea. It:
- helps the CPD prevent crime
  - acts to deter and to assist the CPD in detecting crime
  - assists the CPD to identify, apprehend and prosecute offenders

- provides evidence for criminal and civil court actions
- assists the CPD in maintaining good public order
- assists emergency services personnel
- improves the general environment on the streets of the City of Chelsea
- assists in the provision of municipal services and enhances municipal effectiveness

(b) ChelseaView *will not* be used to:

- Invade the privacy of individuals;
- Surveil the interior of private premises except as could be seen from the outside with a naked eye;
- Harass and intimidate any individual or group.

3.0 **OWNERSHIP.** The ChelseaView System including all of its component parts, cameras, monitors, images, tapes, CD-ROMs, DVDs, DVRs, hard drives, network infrastructure, software and any copies thereof, are strictly the property of the City of Chelsea.

3.1 The City will be responsible for the establishment, operation, maintenance, repair, and storage of images obtained from the ChelseaView System.

3.1.1 The City reserves the right to contract for services to support ChelseaView including but not limited to the regular maintenance and repair of ChelseaView and/or its component parts.

4.0 **MANAGEMENT AND OPERATION.** The CPD by and through its Chief of Police is solely responsible for the day to day operation and management of the ChelseaView System, the storage, maintenance and reproduction of the monitored images, and the maintenance of evidentiary chains of custody for civil and criminal court actions.

4.1 **City Manager – Responsibilities**

- (a) It shall be the City Manager, or his/her designee's responsibility to ensure strict compliance with these ChelseaView Regulations by all City personnel. The City Manager and his/her designee shall have access to all aspects of the ChelseaView System.
- (b) The City Manager or his/her designee shall act as the Department Head for all disciplinary and enforcement actions for violations of the ChelseaView Regulations by City personnel except CPD personnel.
- (c) The City Manager or his/her designee may authorize City Officials to access the ChelseaView system. The written authorization shall be based on the purpose of

studying and or reviewing the City's needs.

#### 4.2 **Chief of Police - Responsibilities**

- (a) It shall be the purview of the Chief of Police to assign CPD personnel to operate the ChelseaView system, including but not limited to, monitoring the camera feeds, maintaining any monitoring loop, managing the inventory control, reproducing and distributing of any tapes, CDs, DVDs, DVRs, etc., and ensuring the chain of custody of such imaging for the evidentiary purposes in civil and criminal court actions, and archiving the recorded information in accordance with the provisions of the Chelsea Police Department Policy No. 6.01 Collection and Preservation of Evidence.
- (b) It shall be the responsibility of the Chief of Police to ensure that the ChelseaView System is operated within the guidelines of the ChelseaView Regulations, any intergovernmental agreements, and in accordance with all other policies, rules and regulations, including personnel policies of the CPD.
- (c) The Chief of Police shall enforce the ChelseaView Regulations and shall act as the Department Head for all disciplinary and enforcement actions for violations of these ChelseaView Regulations by CPD Personnel.
- (d) The Chief of Police or his designee shall be responsible for causing monthly inspections and camera surveys to ensure the full and proper operation of the ChelseaView System. Such surveys are intended to ensure (i) that each camera is fully operational; (ii) that each camera is marked in a conspicuous manner so as to notify the public of its operation; (iii) that the sight lines of each camera are not obscured to provide maximum viewing for the protection of the health, safety and welfare of persons who visit, live, work and do business within the City of Chelsea. Such inspections and camera surveys shall be performed in accordance with these Rules and Regulations.
- (e) The Chief of Police shall be responsible the creation and proper upkeep of all maintenance, inventory and surveillance logs for the operation of the ChelseaView System.
- (f) The Chief of Police or his designee shall act as the principal liaison with other federal, state, law enforcement and municipal agencies and shall co-ordinate with the City of Chelsea Law Department to ensure the execution and delivery of any interagency or intermunicipal agreements which may be required for the operation of ChelseaView or for any interagency or intermunicipal co-ordination.
- (g) The Chief of Police, with the assistance of the City of Chelsea Law Department, shall secure any licenses or other agreements that the City shall need in order to install each camera. The Police Department shall monitor the status of each such license or other

agreement and shall notify the Law Department if an agreement needs to be amended, extended or otherwise terminated.

#### 4.3 **The System.**

- (a) ChelseaView shall consist of City-owned monitoring devices and viewing stations along with Homeland Security monitoring devices. The particular type of monitoring device installed at a location shall be determined by and at the sole discretion of the Chief of Police or his designee, in coordination with governmental agencies, where required. The ChelseaView system will also have the capability to be accessed remotely through the web.
- (b) Prior to installation of any monitoring device, the City shall obtain any licenses, permits or other agreements that are or may be necessary or which the City, at its sole discretion, shall require prior to installing each monitoring device. The CPD shall monitor the status of each such license or other agreement and shall notify the Law Department if an agreement needs to be amended, extended or otherwise terminated.
- (c) There are two types of cameras; those that may be fixed to monitor a static location or those installed with a pan tilt zoom capability which pans, tilts and zooms to surveil a wider range of view and/or a closer view. There will be one viewing station with multiple monitors located in the police station.
- (d) Prior to commencing the use of a camera for surveillance as a part of the ChelseaView System, a camera, that is not used for under cover operations or confidential investigations, shall be marked in a conspicuous manner with the City of Chelsea Police Department logo so as to inform the general public that the camera is monitoring and recording. Any and all markings shall be well lit so as to be conspicuous to the general public twenty-four hours a day. For the purposes of this section, a camera shall be deemed to be marked in a conspicuous manner if marked as approved by the Chief of Police as shown in Exhibit A, attached hereto. **THE ABSENCE OR LACK OF MARKINGS SHALL, IN NO WAY, AFFECT THE ABILITY OF THE CITY OR ANY OTHER AGENCY OR PERSON TO USE THE IMAGES OBTAINED BY ANY PARTICULAR MONITORING DEVICE.**
- (e) The Police Chief shall create and maintain a camera log book for each camera (the "Camera Log Book"). Each Camera Log Book shall document when such camera was placed into service and shall document each occasion such camera was taken out of service for maintenance and repair. This Camera Log Book shall additionally document each date and time such a camera was surveyed. Such entry shall be in the form attached hereto as Exhibit B, but such form of entry may be amended from time to time by the Chief of Police, at his sole discretion.
- (f) The CPD shall conduct a visual inspection of each camera on a monthly basis and shall

document the visual condition of each camera, the condition of the CPD markings, and the condition of any signage and lighting in the area of the camera. A written report of each inspection shall be logged into the camera log for that camera.

- (g) The cameras record images only and do not capture and record sound.
- (h) Each camera installed is a real camera capable of surveilling and recording images. No fake cameras will be installed.

4.4 **Operation of ChelseaView System.** The monitoring devices shall be operational twenty-four (24) hours a day, seven (7) days a week. Each monitoring device shall transmit its signal to a monitoring station located at the Chelsea Police Department. The Officer in Charge or his/her designee is authorized to monitor the feed from the monitoring devices at the Chelsea Police Station. The OIC or his/her designee is further authorized to manipulate the cameras. The ChelseaView System has the capability to be manipulated as to the direction/aim of a camera and the location of a camera. The OIC or his/her designee, the City Manager and the Chief of Police have the authority to manipulate the cameras.

- (a) The feed from each monitoring device shall be recorded and reduced to DVR in accordance with Storage, Reproduction & Retention outlined below.
- (b) Each authorized user of ChelseaView shall log into the system with his/her authorization (username) prior to accessing, using, viewing, monitoring and/or manipulating the ChelseaView System.

4.5 **Use Restrictions.** ChelseaView is operating as a support vehicle for the City of Chelsea, its personnel and Chelsea Police Department for the prevention of incidents of terrorism, suppression of crime, public safety concerns, and quality of life issues, municipal research and to aid City officials and the CPD in managing their response.

- (a) The monitoring capacity is to view only what is in the general public view. An example where a citizen may have an expectation of privacy would be inside a home (i.e. the view through a window or door) that cannot be viewed from a public area with normal sight.
- (b) Monitoring anything that would be deemed an invasion of privacy is strictly prohibited. An example of a public view would be anything that may be viewed from a vantage point that is accessible to the public and that persons involved in an activity would not have an expectation of privacy.
- (c) Any mechanically enhanced view into private property where there is an expectation of privacy is prohibited. Nothing in this section shall prohibit the use of a camera's pan, tilt or zoom capacity. Exceptions may exist by use of a warrant, court document, life – threatening situations, and certain serious criminal activities. These exceptions may only be authorized by the OIC and/or the Chief of Police.

#### 4.6 **Maintenance of the System.**

- (a) Inventory. The CPD shall retain an updated list of all cameras, their locations and specifications. There shall also be a file on the specifications of the viewing station and its monitors.
- (b) Maintenance – The CPD will retain a log documenting the inspections of each camera, the service and repairs of each camera and also the service and repair of the viewing station and its monitors.

5.0 **ORGANIZATION & PERSONNEL.** The Chief of Police is responsible for the day to day management and operation of ChelseaView and reports directly to the City Manager. The Police Chief shall assign the personnel responsible for the management of its inventory and its maintenance. The Officer in Charge or his/her designee of each watch shall be directly responsible for the operation, manipulation and monitoring of ChelseaView during his/her watch until his/her replacement has signed into the system. The Officer in Charge and his/her designee report directly to the Chief of Police. The Chief of Police shall ensure proper training on the system. All police personnel shall be required to attend and successfully complete training which the Chief of Police deems necessary to successfully operate and monitor ChelseaView.

#### 5.1 **Officer in Charge (“OIC”).**

- (a) At the beginning of each shift, the OIC or his/her designee shall log into ChelseaView, which shall be under the control and direction of the OIC until his/her successor signs onto the system to assume control. If the OIC leaves the desk –for any reason- throughout his shift, the OIC shall log out of the system so that a person could not manipulate the system without logging into the system him or herself.
- (b) The OIC or his/her designee shall keep and maintain an accurate log of the daily incidents, which occurred during his/her shift.
- (c) The OIC or his/her designee shall ensure that all items of evidentiary value (i.e., captured and recorded video events) are properly packaged and stored, pursuant to the Police Department’s Rules and Regulations, specifically Rule 11.0, and to the Department’s Policy 6.01 and 6.02 regarding evidence.
- (d) The OIC or his/her designee shall ensure that all events of interest are properly documented and reported to the Chief of Police and forwarded to the correct authority, including but not limited to the FBI, DEA, MassPort, US Attorney, the Suffolk County District Attorney, and the Massachusetts State Police.
- (e) The OIC or his/her designee, in his/her best police judgment and in accordance with any CPD Policies or guidelines previously set, shall determine what cameras, if any, to

manipulate, monitor and review during his/her shift as OIC and shall determine whom may view and/or operate ChelseaView.. The ability to manipulate, redirect, pan, zoom, or tilt any camera shall be at the sole discretion and under the sole control of the OIC. The OIC or his/her designee may manipulate the pan tilt zoom cameras pursuant to requests by other Chelsea Police Officers, federal and state agencies and pursuant to emergency situations. The OIC and his/her designee shall, at all times, act in accordance with the standard operating procedures for the CPD and in accordance with the best police judgment.

- (f) The OIC and his/her designee shall be responsible for operating ChelseaView within the parameters of these ChelseaView Regulations, any City of Chelsea policy including CPD Policies, and in accordance with any other intergovernmental agreement which may be in place at a given time.
- (g) The OIC and his/her designee shall be responsible for ensuring that the Incident Log, any Camera Logs, Inventory Control/Maintenance Logs and/or Archive Log is updated with regard to the activity that occurred during his/her shift.

5.2 **Other Personnel and Contractors.** The Chief of Police has the authority to assign civilian personnel to perform any function or duty of the ChelseaView System, including but not limited to, inventory, service and maintenance work on the ChelseaView System. The Chief of Police also has the authority to enter into contracts/agreements with outside service providers for the installation, service, maintenance, insurance and otherwise in order to of the ChelseaView System.

5.3 **Standards of Conduct/Disciplinary Standards.** The CPD's Rules and Regulations Manual, policies and the City of Chelsea's personnel policies govern the standards of conduct expected of all CPD's personnel and City personnel in the use of the ChelseaView System.

- (a) Any and all personnel shall be disciplined pursuant to the City's Progressive Discipline Policy and pursuant to relevant collective bargaining agreements. All personnel are notified that misuse and abuse of the ChelseaView System may lead to termination.

6.0 **STORAGE, REPRODUCTION AND RETENTION.** The ChelseaView System and its images shall be stored, reproduced and retained according to these Rules and Regulations.

6.1 **Recording Policy.**

- (a) The System shall store the images from every camera which are recorded throughout the twenty-four (24) hour period of every day. All of the images from every 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".

- (b) The Daily Recording shall be stored electronically for a period of not less than thirty (30) days. The System shall be configured to and shall automatically purge and write over any Daily Recordings more than 30 days old. THE CITY OF CHELSEA MAKES NO REPRESENTATIONS OR WARRANTIES THAT IT WILL NOT USE OR REPRODUCE AN IMAGE WHICH REMAINS ON THE SYSTEM AFTER THIRTY (30) DAYS HAS EXPIRED.
- (c) The Daily Recording shall be stored in such a manner that the particular images can be identified by recording device and by the date and time recorded.
- (d) The System at this time does not have back-up capabilities, except for emergency situations whereby the camera themselves each have the capability of storing up to two (2) hours if the City's wireless system fails.
- (e) The City may make changes to the methods and procedures for recording and storage of the Daily Recordings at the sole discretion of the Chief of Police.

6.2 **Reproduction.** The City will reproduce such images pursuant to the Public Records Law of Massachusetts; M.G.L. c. 66. The City will also reproduce images pursuant to normal police procedures for investigations and the handling of evidence.

- (a) Any person requesting a copy of any portion of a Daily Recording shall make his/her request in writing by completing the request form attached hereto as Exhibit B and forwarding the same to the City of Chelsea Law Department together with a check made payable to the City of Chelsea.
- (b) The City of Chelsea charges a minimum fee of \$34.62 for labor, materials and other costs for each DVD image requested. This fee is the cost for one DVD recording from one (1) recording device and can contain a MAXIMUM of 24 hours from 12:00am to 11:59:59pm. A DVD recording from each additional recording device shall constitute a separate request. If a request spans more than one calendar day, each calendar day shall constitute a separate request, *i.e.* each camera and each calendar day shall constitute a SEPARATE request.
- (c) The OIC or his/her designee on duty shall make two (2) copies of each requested image. One is to be produced to the requesting party. The second is to be kept together with the Image Log (described below). In the event that the requested images are evidence in a criminal matter, the second copy shall be kept together with all other evidentiary materials for that matter pursuant to and in accordance with the CPD's Policy No. 6.01 - Collection and Preservation of Evidence.
- (d) Each DVD recording shall be created to contain no more than the images for ONE (1) recording device for a period of no more than 24 hours, beginning at 12:00am and ending at 11:59:59 p.m. in a calendar day. Requests which span more than one calendar day shall require a separate DVD recording for each calendar day. Requests that include images for

more than one recording device shall require a separate DVD recording for each recording device.

- (e) In the event that it is necessary (i) for investigative purposes or (ii) for the purposes of courtroom proceedings to obtain a continuous recording on one (1) DVD that spans two calendar days (ie 11:30pm to 12:15am the following day) or for one (1) DVD that contains images from more than one recording device, a special request may be made, in writing, to the Chief of Police for approval. The per calendar day, per camera fee shall still apply.
- (f) Each DVD recording that is not made for and logged in as evidence in a criminal matter shall be logged in a separate log known as the "Image Log". The OIC or his/her designee shall create, keep and maintain the Image Log noting the inventory number, date of origin, contents, persons in possession of each DVD, and date of destruction of each DVD. The Image Log also maintains a list of those image recordings requested in civil matters pursuant to either subpoena or public records requests pursuant to M.G.L. Chapter 66.

### 6.3 **Retention.**

- (a) The CPD shall maintain one (1) copy of each request/image made in a manner consistent with these Rules and Regulations, its evidentiary policies and in such a manner so as to be consistent with maintaining the chain of custody for evidentiary materials.
- (b) The CPD shall retain all images/recordings pursuant to the Massachusetts Public Records Laws. In the event that a reproduced image or recording is subject to both the CPD Evidentiary Policies and the Massachusetts Public Record Laws, the City shall retain the reproduced images/recordings in a manner consistent with both policies. In the event the CPD Evidence Policy and the Massachusetts Public Record Laws conflict as to the duration of retention, the reproduced images/recording shall be held in accordance with the longer required duration.
- (c) THE CITY OF CHELSEA HEREBY DISCLAIMS ANY AND ALL WARRANTIES WHETHER EXPLICIT OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY REPRESENTATIONS AND/OR WARRANTIES REGARDING THE QUALITY OF THE IMAGES, THE DURATION OF RETENTION OF THE RECORDED IMAGES, AN/OR THE AVAILABILITY OF IMAGES FOR REPRODUCTION.

### 6.4 **ChelseaView access.**

- (a) PUBLIC SAFETY PERSONNEL

The Chief of Police may allow all CPD personnel access to the ChelseaView System's remote web capabilities. This access is for viewing only and not for the manipulation of camera angles or stations. Any on duty CPD personnel or on duty City of Chelsea public

safety official ("Public Safety Personnel") wishing to view captured images, manipulate a camera angle or location or to monitor the ChelseaView monitoring station shall submit a written request to the OIC or his/her designee stating the reasons for the request. The OIC, the Chief of Police, or the Chief of Police's designee may waive the requirement of the written request if s/he determines exigent circumstances exist and time is of the essence.

The OIC or his/her designee shall either approve or deny the request and coordinate any viewing by such Public Safety Personnel. Any person aggrieved by a denial may appeal such denial to the Chief of Police. The decision of the Chief of Police or his designee shall be final. If it is determined that the reason for the request is for municipal purposes and not for public safety related purposes, the request shall be governed by paragraph (b) below. Any request which is determined to be of a personal nature shall be governed by paragraph (d) below.

(b) MUNICIPAL OFFICIALS

Municipal Officials may request access to view captured or real time images<sup>1</sup>, manipulate and/or monitor an area from the ChelseaView System or have access to the remote web capabilities for the purpose of studying or otherwise reviewing areas for other municipal needs such as infrastructure improvements. Access by Municipal Officials must be approved in writing by the City Manager. Prior to the granting of permission by the City Manager, the Municipal Official requesting such access shall provide the City Manager with a written description of the review to be conducted and justification for utilizing the cameras. That description should reference if other information collection processes are available possible and why the cameras have been selected as the preferred method. Once approved, the Municipal Official, unless for an emergency purpose, shall ensure that a public notice is posted in City Hall 48 hours prior to the use.

The City Manager, City Officials and employees not governed by paragraph (a), ("Other Municipal Officials") who wish to view a specific area/image or have copies of captured images or to monitor the ChelseaView monitoring station shall submit a request to the City Manager and the Chief of Police. The Chief of Police or his designee shall coordinate the request with the OIC or his designee. Any request to monitor the ChelseaView monitoring station must be made in writing. If the Chief of Police or his designee determines a request is not for a municipal purpose, but rather of a personal nature, the request shall be governed by paragraph (d) below.

(c) GOVERNMENTAL AGENCIES REQUESTS

Any Federal, State or local law enforcement agency, including but not limited to the FBI, DEA, MA State Police, Coast Guard and Homeland Security wishing to view real time or

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<sup>1</sup> A real time image is an image one is viewing at the exact time the camera is capturing the image and is not a recorded image.

captured images or to monitor the ChelseaView monitoring station shall submit a written request and the reasons for such request to the Chief of Police or his designee. Any access to the ChelseaView remote web capabilities by governmental agencies shall be approved by the Chief of Police or his/her designee. The Chief of Police shall approve or deny the request and coordinate such request with the OIC on duty. Any request determined to be of a personal nature shall be governed by paragraph (d) below. For this purpose of this Section, requests governed by this Section (c) shall be treated as a public records request and shall be subject to the usual fees chargeable under M.G.L. Ch. 66.

(d) GENERAL PUBLIC REQUESTS

Any person not governed by paragraphs a, b, or c, above who wishes to view captured images or to monitor the ChelseaView monitoring station shall submit a written request to the Chief of Police stating the reasons for such request. All public requests to view real time images must be made pursuant to Section 6.2 of these regulations. The Chief of Police or his designee shall approve or deny such request. The decision of the Chief of Police or his designee shall be final. The Chief of Police or his designee shall coordinate any approved request with the OIC on duty. For the purposes of this section, requests governed by this section (d) shall be treated as a public records request and shall be subject to the usual fees chargeable under M.G.L. c. 66.

7.0 **COMPLAINT PROCEDURE.** All Complaints from third parties or non-Police Department personnel alleging the use, misuse, abuse, and mishandling of the ChelseaView System shall be placed in writing to the City Manager, 500 Broadway, City Hall, Room 301, Chelsea, MA 02150 and copied to the City Solicitor, Law Department, 500 Broadway, City Hall, Room 307, Chelsea, MA 02150. Any internal complaints originating from the Police Department shall be handled in accordance with standard disciplinary procedures of the City of Chelsea including any collective bargaining agreements, CPD Policies and Procedures, and any applicable Civil Service laws, rules and regulations governing civil service employees.

8.0 **DISCLAIMER.** THE CITY OF CHELSEA HEREBY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES AND MAKES NO ASSURANCES WITH RESPECT TO CHELSEAVIEW, WHETHER EXPRESS OR IMPLIED. MORE PARTICULARLY, THE CITY OF CHELSEA STATES THAT CHELSEAVIEW IS PRIMARILY A TOOL TO AID THE CPD AND CITY OFFICIALS IN THE DETECTION AND DETERRENCE OF A CRIME, IN THE PROMOTION OF HOMELAND SECURITY, AND IN RESPONDING TO EMERGENCY SITUATIONS, INCLUDING NATURAL AND MANMADE DISASTERS. THE ABILITY TO RECORD, RETAIN, AND REPRODUCE IMAGES IS SUBJECT TO FACTORS BEYOND THE CONTROL OF THE CITY. THE CITY OF CHELSEA MAKES NO REPRESENTATIONS AND WARRANTIES AND GIVES NO ASSURANCES THAT:

- (a) A CAMERA/MONITORING DEVICE WILL CAPTURE ANY PARTICULAR IMAGE ON A PARTICULAR DAY AND TIME.

- (b) THE IMAGE QUALITY OF THE DAILY RECORDING OR ANY REPRODUCTION THEREOF WILL RENDER USABLE IMAGES.
- (c) THAT ANY IMAGE WILL BE AVAILABLE FOR REPRODUCTION.