Cambridge Police Department	POLICY & PROCEDURES	No. xxx
	Subject/Title: **Public Safety Security Cameras**	
	Issuing Authority:	Review Date:
		Issue Date:
		Effective Date:
	Robert C. Haas Police Commissioner	Rescinds:
References/ Attachments:		Accreditation Standards:

I. PURPOSE:

The purpose of this directive is to regulate the use of public safety security cameras that will be deployed, operated, maintained, and monitored at locations within the City of Cambridge, and how images captured by those cameras will be stored, accessed/used, disseminated, and retained. To that end, this directive will address the following issues as it relates to public safety security cameras:

- Describe the guidelines used in determining the appropriate locations for the placement of public safety security cameras;
- Describe how the images captured by these cameras will be accessed and used by public safety, as well as identify the restrictions on the use of those images;
- Describe the procedures to be followed in providing security measures designed to limit the access to the images captured by these cameras;
- Describe the retention periods of images, as well as how images will be preserved for investigative and evidential purposes; and
- Describe the security measures and auditing procedures to ensure that all safeguards are maintained with respect to the proper and appropriate access, utilization, and removal of images obtained through these cameras.

II. POLICY:

The Cambridge Police Department is committed to using any public safety security cameras and images captured by those cameras for lawful and legitimate purposes that will not abridge 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, the 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.

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The department is committed to a policy of full transparency with regards to the use and operation of all public safety security cameras.

III. GENERAL GUIDELINES & CONSIDERATIONS:

The City of Cambridge will deploy, operate and maintain fixed mounted camera monitoring systems within the City in order to provide and enhance the overall security and safety of its public places. It will also maintain such cameras for the purpose of monitoring major thoroughfares and evacuation routes that are deemed critical infrastructure, part of the Critical Infrastructure Monitoring Systems (CIMS). The purpose of CIMS is intended to enhance the management of emergency situations, detect, and deter terrorist and criminal acts, and otherwise protect the health, safety and welfare of those who live, visit and work in Cambridge.

The Public Safety Security Camera System may be used to deter criminal activity and public disorder, reduce the fear of crime, identify criminal activity and suspects, identify and gather evidence in criminal and civil actions, document police actions, safeguard individuals and police officer rights, aid with AMBER Alerts or in the search of lost/missing children or adults, assist emergency service personnel when responding to incidents, assist with the monitoring of traffic conditions, and assist with the training needs/after action assessments of public safety personnel.

The Public Safety Security 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 and the various city services enumerated above.

In addition to the Public Safety Security Camera System technology, the department will continue to utilize existing technology to monitor criminal activity in those areas identified by the residents and others in order to reduce or eliminate those activities that impinge upon public safety and quality of life within our City.

The department will also partner, when required and identified, with security personnel from the private sector whose existing surveillance equipment could be effectively utilized to capture images of criminal conduct within their respective sphere of operation and to assist in identifying those who perpetrate this behavior.

In all instances, the rights of individuals and the privacy of citizens will be strictly adhered to when utilizing this network of cameras that are in place to reduce, deter, or eliminate criminal activity or other situations that present a hazard or threat to public safety. To that end, in order to both deter criminal activity and honor privacy rights, all public safety security cameras will be marked with a clear and visible sign notifying citizens of the cameras' presence.

IV. DEFINITIONS:

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

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B. **Automatic Tracking:** Automatic tracking is the ability of cameras to follow individuals, activities, or vehicles with technology operating independently of immediate direct human control, regardless of whether the identity of individuals are known, so as to create a seamless record of activities during a specific period of time.

C. **Critical Infrastructure Monitoring System (CIMS):** The Critical Infrastructure Monitoring System (CIMS) refers to a network of cameras that are part of the Metro-Boston Homeland Security Region's (MBHSR) Critical Infrastructure Monitoring System. This network of cameras was strategically placed to monitor public places, specifically, major business districts, thoroughfares, and evacuation routes to facilitate public safety personnel in effectively managing, monitoring, and assessing situations so as to enhance the safety and welfare of the general public. This network is a closed system, and has security measures in place to prevent unauthorized use or access.

D. **Department Personnel:** For purposes of this directive, "department personnel" will include police department personnel, as well as, members of the Emergency Communications Department (ECD).

E. **Evidence Policy:** Evidence Policy shall refer to the Cambridge Police Department's policy as it relates to the "Handling and Processing of Property and Evidence."

F. **Massachusetts Public Records Law:** Refers to the state statutes regarding what constitutes public records and those provisions of the law that grant exemptions from public access to certain records, as defined by M.G.L. c. 66, § 10, M.G.L. c. 4, § 7 (26)(a-t), 950 CMR Parts 32.01 et seq., and court decisions and decisions of the Massachusetts Supervisor of Public Records construing such provisions.

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

I. **Operate:** The word "operate" used in the context of camera operation shall mean using the pan, tilt, or zoom functions of a camera.

J. **Pan, Tilt, 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.

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K. **Public Places:** The phrase "public place" 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.[1]

L. **Public Safety Security Camera System:** For purposes of this directive, Public Safety Security Camera System refers to all fixed location[2] cameras owned/leased, operated, and maintained by the City of Cambridge that are in place, either temporarily or permanently, to provide general monitoring of and in public places, to include but not necessarily limited to, the Critical Infrastructure Monitoring System (CIMS), camera networks independent of CIMS, cameras associated with the operation of traffic signalization and camera systems designed to detect specific types of violations.

M. **Recording:** The word "recording" refers to those images that are preserved and stored by the Cambridge Police Department.

N. **Specific Event Recording:** Specific event recording refers to those situations when the activation of a camera is in accordance with this directive 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 purposes set forth in the Purpose section of this directive.

O. **Sworn Department Personnel:** The term "sworn department personnel" refers to the Police Commissioner, Superintendents, Deputy Superintendents, Lieutenants, Sergeants, and Patrol Officers (including detectives).

V. OPERATION & MANAGEMENT OF PUBLIC SAFETY SECURITY CAMERAS:

A. **Cambridge CIMS Components, Capabilities and Functions:** The Cambridge CIMS, unlike other Public Safety Security Cameras, is a camera network that is part of the MBHSR CIMS Program comprised of similar systems operated and

[1] See generally 803 CMR 1.40 (defining "public place" under the Sex Offender Registry laws); M.G.L. c. 272, § 53 (requiring disorderly conduct to occur in a public place, i.e., a place to which the public or a substantial group have access). See also *Katz v. United States*, 389 U.S. 347 (1967) ("Where conduct occurs in public space it fails by virtue of its apparent visibility to others to justify a belief that it constitutes a matter of privacy. When an individual stands, walks or transacts activities in public places, he knowingly and voluntarily exposes his presence, actions and associates to being viewed and recorded by others, including governmental officials and agents. Voluntary exposure of both mundane and intimate behaviors in public places negate any reasoned claim of a justifiable expectation of privacy."); *Commonwealth v. Montanez*, 410 Mass. 290, 301 (1991) (A reasonable expectation of privacy is measured by examining "(1) whether the [individual] has manifested a subjective expectation of privacy in the object of the search, and (2) whether society is willing to recognize that expectation as reasonable."); *Commonwealth v. Butterfield*, 44 Mass. App. Ct. 926, 928-929 (1998) (no reasonable expectation of privacy in driveway that led to back door, where the driveway was not enclosed by trees, a fence, shrubbery, or any other obstructions).

[2] Public Safety Security Cameras shall not include automated license plate readers and/or cruiser mounted, handheld, or mobile cameras otherwise utilized by the Cambridge Police Department.

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maintained by the nine (9) municipalities within the MBHSR (the others are Boston, Brookline, Chelsea, Everett, Quincy, Revere, Somerville and Winthrop). When authorized to do so by a municipality, the various other municipalities within the MBHSR will have the ability to view images produced by the CIMS cameras of the municipality that has authorized and granted such access.

1. *Authorization for Other Municipalities to Monitor Cambridge CIMS:* In Cambridge, only the City Manager, in collaboration with the Police Commissioner shall have exclusive authority to authorize other municipalities within the MBHSR to view, on an on-going or time-limited basis, real-time only images produced by the Cambridge CIMS cameras.
2. *Monitoring of CIMS:* The Cambridge CIMS shall be passively monitored. No personnel will be assigned specifically to observe the cameras or video monitor screens. This camera network will be operational on a 24-hour basis, and given its primary purpose of providing situational awareness relative to general traffic conditions, the department will make the recordings from CIMS available through a publicly accessible website. There may also be occasions when, in accordance with this policy, the camera(s) could be activated for a specific event recording. The purposes for the operation of the camera system are set forth in the Purpose section of this directive. Monitors will be located inside a secure room within the Technical Services Unit of the Cambridge Police Department. Monitoring of these cameras will not occur unless authorized in writing by the Police Commissioner.
3. *Installation & Recording:* CIMS cameras will transmit signals when operating to a Digital Video Recorder (DVR) that will always be maintained in a secure environment.
4. *Camera Capabilities:* Those cameras that are deployed as part of the Cambridge CIMS have pan-tilt-zoom (PTZ) capabilities. The department shall not utilize automatic identification, facial recognition, or automatic tracking technologies in conjunction with the Cambridge CIMS. The City Council will be informed of any upgrades in the cameras and/or camera capabilities.
5. *Privacy Enhancement Capabilities:* The CIMS camera network will have a "shrouding" software technology that will allow the Administrator to block out certain areas for viewing and recording. This technology will be used as necessary to protect the privacy rights of individuals.
6. *System Security:* The CIMS network consists of a point-to-point wireless network that uses licensed and unlicensed spectrums that are not common for public consumption. The system uses a proprietary Motorola security

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application that handles the wireless application. Each camera transmitter is equipped with a secure software key and security algorithm. These features, along with other proprietary security applications that are part of the system's wireless security, protect the system from access by unauthorized persons.

7. *No Sound Recordings:* The Cambridge CIMS will not monitor or record sound unless appropriate court orders are obtained. All recordings will rigorously comply with the Massachusetts Wiretap Statute. See M.G.L. c. 272, § 99.

8. *Camera Inventory Log:* The Department's Technical Services Unit will create and maintain a camera inventory log in OEB that shall document the date each CIMS camera is placed into service and, if applicable, the date it is discontinued. The log will also include the location that the camera is monitoring, its specifications, and the dates and nature of any service or repairs.

B. **Camera Operation/Viewing of CIMS Recordings:** The Police Commissioner will determine the locations and normal operations review of the CIMS cameras to maximize the degree of satisfaction of the stated goals of the Cambridge CIMS as set forth in Section III.

1. *Operation Access Code/Certification:* In order to operate any CIMS camera it will be necessary to enter an Operation Access Code. The Operation Access Codes will be issued to only those members of the department who have a need to access the CIMS Network. The Police Commissioner will make that determination and will keep a log of all authorized users and the respective Operation Access Code.

2. *Certification/Training:* Those selected members of the department who have been granted authorization to the CIMS Network will not receive an Operation Access Code until they:

   a. Receive training regarding this directive, and the ethical and legal issues involved in video camera monitoring activities, and on all facets of operating the Cambridge CIMS, including, but not limited to, logging on, operating cameras and retrieving archival footage; and

   b. Sign a certification acknowledging that they have received a copy of this directive, have read it, and agree to be bound by the safeguards and security measures.

3. *Authority to Operate:* Only those individuals designated in writing by the Police Commissioner will be authorized to operate a CIMS camera. The

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operation of the camera will be performed only under the express orders and direction of the Police Commissioner. Operators must return CIMS cameras to normal operations view when not otherwise directed.

4. *Viewing of Archival Footage:* Only those individuals designated by the Police Commissioner 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 Commissioner. All other outside requests will be referred to the Office of the Commissioner prior to any authorization being granted. All such requests must be in writing, articulating the reasons for the proposed viewing.

C. **Use of Other Public Safety Security Cameras:** Any other cameras that may be installed in public places for the purpose of providing additional protection and safety to the general public will subscribe to the same restrictions and operational safeguards as outlined for the CIMS camera network.

D. **Prohibited/Impermissible Uses:** It is a violation of this directive for the Public Safety Security 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 directive 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.[3] A reasonable expectation of privacy is measured by examining "(1) whether the [individual] has manifested a subjective expectation of privacy in the object of the search, and (2) whether society is willing to recognize that expectation as reasonable."[4] 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.[5]

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[3] See generally *Katz v. United States*, 389 U.S. 347 (1967) ("When an individual stands, walks or transacts activities in public places, he knowingly and voluntarily exposes his presence, actions and associates to being viewed and recorded by others, including governmental officials and agents.").

[4] *Commonwealth v. Montanez*, 410 Mass. 290, 301 (1991) (outlining the standard for reasonable expectation of privacy).

[5] *Kyllo v. United States*, 533 U.S. 27, 34 (2001) (holding that a reasonable expectation of privacy applied to the government's employment, in public space, of a thermal imaging device to record radiation inside of a residence for the purpose of determining whether the amount of emanated heat going through the house's roof or sidewalls, indicated the ongoing presence of a marijuana manufacturing process). But see *Commonwealth v. Butterfield*, 44 Mass. App. Ct. 926, 928-929 (1998) (finding no reasonable expectation of privacy in driveway that led to back door, where the driveway was not enclosed by trees, a fence, shrubbery, or any other obstructions).

2. *Harassment/Intimidation:* It is a violation of this directive to use the images from the Public Safety Security Camera System to harass and/or intimidate any individual 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 directive to use any images from the Public Safety Security 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.

4. *Personal Use/Uses for Other than Official Purposes:* It is a violation of this directive to use images from the Public Safety Security 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 directive to use any images from the Public Safety Security Camera System for the purpose of infringing upon the First Amendment rights of any individual or group.

6. *Sanctions for Violations:* Anyone who engages in a prohibited or impermissible use, access, or release of any images of the Public Safety Security Camera System may be subject to:

   1. Criminal prosecution;
   2. Civil liability and/or
   3. Administrative sanctions, including termination, pursuant to and consistent with relevant collective bargaining agreements and department policies.

VI. REQUESTS FOR REPRODUCTION:

A. Authority to Release/Permissible Requests: Requests for reproduction of any images from the Public Safety Security Camera System's recordings may be made only for legitimate law enforcement purposes, as part of normal procedures for investigations and the handling of evidence or in furtherance of the purposes underlying the Public Safety Security Camera System.

B. Requests for Reproductions: All internal requests to reproduce images from the Public Safety Security Camera System's recordings must be made promptly to ensure data is not over-written. Requests for reproduction of significant incidents

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must be made within twenty-four hours of the event occurrence. All requests must be submitted in writing to the Police Commissioner through the appropriate chain of command, who has sole authority to grant such requests. All requests should include the date and time of the alleged activity or incident to minimize over-burdensome or excessive reproduction.

C. **Reproduction Responsibility/Evidence:** Only after the authority has been granted by the Police Commissioner will the department's Technical Services Unit have the authority to make a reproduction of any footage gathered through the Public Safety Security Camera System. The department's Technical Services Unit will be responsible for making reproductions of the Public Safety Security Camera System's recordings. There will be two copies of the specified footage:

1. One copy will be logged into the QED Evidence System following the department's Evidence Policy and will be maintained in a manner consistent with the Evidence Policy and with maintaining chain of custody for evidentiary materials.
2. The second copy will be given to the individual submitting the request. The Technical Services Unit will document all requests for copies of the Public Safety Security Camera System's recordings in a designated log in QED, which shall be audited on an annual basis.

D. **Reproductions Request Procedures:** Whenever there is a request made for the reproduction of any footage that is stored and maintained by the department, the following procedures will be observed:

1. *Authorized Department Requests:* If a member of the department is requesting a reproduction from the Public Safety Security Camera System's recordings, that member must complete a Video Request Form (see attached form) and submit it to the Police Commissioner through the appropriate chain of command. Upon receipt of the Video Request Form, the request will be processed in the following manner:
   a. Prior to granting any such approval, the Police Commissioner will consult with the department's Legal Advisor to ensure that the request is in keeping with the parameters of this directive and all applicable laws and court decisions.
   b. The approved form will then be forwarded to the Technical Services Unit where the reproductions will be made and distributed. The request will be recorded in a designated log in QED by the Technical Services Unit. The

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Technical Services Unit will also retain all approved Video Request Forms.

2. *Court-Related Requests:* All court related requests must follow the same procedure as above through the completion of the Video Request Form. Court personnel must submit this request through the department's Police Prosecution Unit who will then forward it to the Commissioner's Office (typically to the department's Legal Advisor). Reproduced copies will be sent back to the Court through the department's Police Prosecution Unit. Requests may also come directly from the District Attorney's Office, which again will be channeled through the department's Legal Advisor.

3. *Other Law Enforcement Agencies:* Generally, any viewing or reproduction requests received from other law enforcement agencies will be referred to the department's Legal Advisor, who will evaluate the request and ensure there are no issues with respect to processing the request.

4. *Other Agencies, Media Entities, or Individuals:* Such requests will typically begin with the completion of a Video Request Form that will be channeled to the Commissioner's Office through the appropriate chain of command. The department may also receive and accept requests made under the Public Records Law.

   a. These requests will be transmitted to and reviewed by the department's Legal Advisor to determine whether the request meets the criteria prescribed in the Massachusetts Public Records Law.

   b. Requests involving civil or private attorneys will also involve consultation between the department's Legal Advisor and the City's Solicitor's Office.

   c. Once vetted and approved, the reproduction will be forwarded to the requesting party after payment of a fee for reproduction costs.

   d. Under no circumstances will recordings pertaining to an active investigation be disseminated. See generally M.G.L. c. 4, § 7(26)(f) (investigatory exemption to the Public Records Law).

VII. RETENTION OF ARCHIVAL FOOTAGE:

The Public Safety Security Camera Network server stores videos locally on hard drives. There is a forty-five (45) day retention period for all stored recordings. At the end of the forty-five days, the recording is deleted. Accordingly, unless otherwise required for investigative or evidential purposes, by court order or by law, all Public Safety Security

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Camera System's recordings will be retained for a period of forty-five (45) days and will then be automatically overwritten.

All reproductions of footage within the custody of the department, not associated with an on-going investigation and/or court matter, will be maintained in a secure environment and will be destroyed at the conclusion of the retention period specified above.

VIII. COMPLAINT/INQUIRY & REVIEW PROCEDURES

A. **External Complaints:** Complaints other than from department personnel relating to the Public Safety Security Camera System will be processed by the department's Professional Standards Unit in accordance with existing Policies for review and appropriate follow up.

B. **Internal complaints:** Any complaint from department personnel relating to the Public Safety Security Camera System will be forwarded to the department's Professional Standards Unit in accordance with existing Policies for review and appropriate follow up.

C. **Inquiries:** In order to alleviate any confusion concerning the Public Safety Security Camera System, when the department receives inquiries from the public concerning the operational status of the Public Safety Security Camera System, or generally whether the Public Safety Security Camera System made a recording and what it may have recorded, the following procedure will be followed. The person making the inquiry will be forwarded to the Shift Commander who will courteously and respectfully inform the individual, in substance, the following:

> *"The Cambridge Police Department's Public Safety Security Camera System is fully operational at designated, strategic locations throughout the City of Cambridge. Depending on the vantage point of the specific camera in question at a given time, an image may have been captured and be available for dissemination."*

1. If the individual making the inquiry has a specific request (i.e., date and time) for a recording in a designated area, a Video Request Form will be completed and forwarded to the Police Commissioner through the appropriate chain of command. Once the request is vetted and approved, the reproduction will be made available for pickup from the Records Management Unit to the individual making the inquiry.

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D. **Audits & Inspections:** It will be the responsibility of the Professional Standards Unit to conduct periodic audits of the Public Safety Security Camera System to ensure that access to the system is done in accordance with this directive. Further, the Professional Standards Unit will also conduct periodic inspections to ensure that the security measures that have been put into place, and the procedures for the access to the system are being performed in accordance with directive.

E. **Annual Review:** On an annual basis, the Commanding Officer of the Professional Standards Unit will ensure that a complete review is performed with respect to security measures to make sure that access, retention schedule, and distribution of images captured by the Public Safety Security Camera System are in accordance with this directive. A report will be submitted to the Police Commissioner for his/her review. The report will contain the following information at a minimum:

1. The total number of requests received for the reproduction of footage from the Public Safety Security Camera System during the course of the review period. That summary should be divided into the following categories of request:
   a. Internal requests for either investigative or evidential purposes;
   b. Requests that are generated by the courts;
   c. Requests generated by other outside law enforcement agencies (identifying the agencies making such requests); and
   d. Requests generated by private individuals, other agencies or entities, or media.
2. The number of audits and inspections that were conducted during the course of the review period, noting whether there were any anomalies or issues, and if so, what remedial steps were taken to correct them.

   The number of complaints and/or inquiries that were received during the review period, along with information on how those complaints and/or inquiries were resolved.
4. Identify any procedural changes that should be made to ensure that the integrity of the Public Safety Security Camera System is maintained.
5. An appendix with an inventory of all cameras, noting the type of cameras utilized and their locations. This shall not include any cameras utilized for investigatory purposes.

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Once the Police Commissioner has reviewed the Annual Audit, a redacted and sanitized copy of the report will be submitted to the City Council. The Police Commissioner, with the aid of the department's Legal Advisor, will ensure that all redactions in this report are based on legal exemptions provided by the Public Records Law.

IX. PRIVATE SURVEILLANCE CAMERAS:

Many businesses and corporations are utilizing surveillance technologies to maintain security at their facilities. Corporate security officers often rely on cameras to monitor activity within their buildings, inside parking garages and along the perimeter of their facilities. These cameras are often monitored by security personnel and sometimes on a 24/7 basis.

As many of these cameras are trained on publicly accessed areas, police agencies have long recognized the value of collaborating with corporate partners in solving crimes that may occur near their facilities. In this respect, it is not uncommon for police personnel to reach out to corporate security personnel to view recordings that may help them solve a crime.

The Cambridge Police Department has and will continue to utilize this technology whenever possible. Obtaining and utilizing recordings of this nature does not amount to a violation of constitutional rights as the activities occur either within a public space or a space under the control of the corporation or business.

The decision to produce these recordings rests with corporate security. It is not the intention of the Cambridge Police Department to have any of our partners violate any corporate policy pertaining to the use of this equipment. Accordingly, the Cambridge Police Department will always seek permission to obtain any images from security personnel.

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