



Town of Hampden

POLICY ON VIDEO SURVEILLANCE SYSTEMS

SECTION 1 – PURPOSE

- a. This policy provides guidance for the placement and access to live monitoring of video surveillance equipment, as well as the access, storage, retention, and release of the recorded data.

SECTION 2 – SCOPE

- a. This policy applies to any video surveillance systems owned or operated by the Town and the captured images.
- b. It does not apply to body-worn camera systems employed during law enforcement activities or other surveillance cameras or systems used as part of law enforcement services.

SECTION 3 – PLACEMENT

- a. Video surveillance cameras will be placed on the exterior of public buildings and in outdoor spaces on Town property with the expressed purpose of protecting the property by enhancing security and discouraging criminal activity. In determining placement, care should be taken to reasonably protect library patron, general assistance applicant, and voter privacy. Any location where video surveillance is employed will have signage notifying the public of such.
- b. Exceptions to this section are;
 - i. The use of surveillance equipment in the Public Safety Department for law enforcement purposes
 - ii. The use of surveillance equipment in the Public Safety Department to monitor the storage and access of controlled substances.
- c. Aside from the exceptions noted above, neither video surveillance nor audio recording will be conducted in any area where there is a reasonable expectation of privacy.

SECTION 4 – SYSTEM ACCESS

- a. The video surveillance system will only be accessed from Town owned and managed devices using domain credentials. Access to live and recorded images shall only be for bona-fide municipal and public safety purposes. The Town Manager will determine and assign the level of system access, access to specific cameras, and the ability to view live or recorded images based on need as it relates to the employee's responsibilities.
 - b. The Town Manager may authorize a department head or third party to review recorded images for purposes of investigating complaints against the Town or employees, suits or liability claims against the Town, and violations of Town policies or ordinances,
 - c. The Police Department will have access to all live images for the purpose of protecting public safety.
 - d. When recorded data is accessed all information pertaining to that access event will be logged, and those logs will be made available to the Town Manager as requested. Information that will be logged includes, but is not limited to;
 - i. Date and time of access
 - ii. The user accessing the system
 - iii. What cameras were accessed
 - iv. Date and time range of recorded data that was accessed
 - v. Whether or not recorded data was exported or saved external to the video surveillance system
 - e. Access to the physical data storage media and video surveillance server(s) will be controlled by keyed access and granted only to those who require such access to perform the duties of their job.
 - i. This includes, but is not limited to; the Town Manager, the Director of Public Safety, the Police Investigator, and the Information Technology Director.
 - f. All system access rights, login events, system activities, and data room access will be logged with periodic audits to ensure compliance.
 - g. No unauthorized recording of video footage through cell phones, portable devices, or any other means is permitted, except by law enforcement.
- Exceptions to this section are:
- i. Members of the press are permitted to record video and audio in designated areas for the purpose of news and informational stories
 - ii. Members of the public are permitted by law to record anything deemed to be a public proceeding

SECTION 5 – RETENTION

- a. All recorded surveillance video will be retained until obsolete, but no longer than 30 days with the exception of specific surveillance cameras in the Public Safety Facility related to law enforcement activities that may require longer retention periods for

- investigatory purposes.¹
- b. Any recorded surveillance video that becomes part of a criminal investigation must be retained in accordance with applicable regulatory requirements.
 - c. The Town reserves the right to retain recorded surveillance video longer than 30 days if the recorded surveillance video contains recordings of events that are potentially relevant to any actual or potential legal claims involving the Town.
 - d. The Town shall retain recorded surveillance video that is relevant to a potential legal claim against the Town upon the Town receiving a credible threat of litigation of that potential claim for a period of one day past the statutory limitation period for the claim.

SECTION 6 – RELEASE OF RECORDED DATA

- a. All requests for release of recorded images will be managed in accordance with the Maine's Freedom of Access Act., 1 MRSA Sec. 400-414.
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- b. The Town reserves the right to refuse release of recorded data if the custodian of the requested recorded data finds the Maine Freedom of Access Act does not require its release.
 - i. A decision of the custodian to deny access to records may be appealed in writing to the Town Manager by the requestor.
 - c. The released recording may be redacted at the Town's discretion in accordance with Maine's Freedom of Access Act and as may be advised by legal counsel.

6/27/2024

¹ Local Government Retention Schedules, pursuant to 5 MRSA Ch.6, Sec. 95-B
<https://www.maine.gov/sos/arc/records/local/localschedules.html>