

TOWN OF BARNSTABLE

OFFICE OF TOWN ATTORNEY

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November 10, 2022

Via First Class Certified Return Receipt Mail #7013 0600 0002 0953 8257

Muckrock News DEPT MR134697 263 Huntington Ave. Boston, MA 02115

Dear Muckrock News:

This is in response to the public records request sent by Daralyn Heywood on behalf of Muckrock News to the Barnstable Police Department ("BPD") requesting various records relating to video surveillance. Your request was sent after the close of business on October 4, 2022, and, therefore, was received by the BPD on October 5, 2022. We subsequently notified you that we were extending the response deadline to November 10, 2022. This response is sent on behalf of the Town of Barnstable, including the BPD.

With respect to the portion of your request seeking "the location of any and all video surveillance cameras located in the Town of Barnstable", please be advised that we decline to produce such records pursuant to exemption (n) of G.L. c. 4, sec. 7(26) ("Exemption (n)"). Such records relate to "security measures" and the "security and safety of persons or buildings" and disclosure of such locations would likely jeopardize public safety or security, as knowledge of those locations would enable persons to take steps to avoid detection, thereby jeopardizing public safety efforts.

With respect to the portion of your request seeking "policies for all surveillance cameras, video and storage of video", we are providing redacted copies of the following documents: a Video Surveillance Policy for one Town facility; and two Memoranda of Agreement Between the Town of Barnstable and AFSCME Local 3003 regarding video surveillance cameras at two Town facilities. Please be advised that, pursuant to Exemption (n), these documents have been redacted to withhold the names of the facilities, information pertaining to the location of the cameras, information pertaining to the hours of operation of the equipment and manner in which

they will be used as well as information as to where the equipment is housed, as disclosure of this information would likely jeopardize public safety or security, as discussed above.

In response to the portion of your request seeking records showing "the names of persons who have access to and control of any and all security footage cameras in the Town of Barnstable from September 2 ... to Sept. 7, 2022," we have prepared and have enclosed two lists of individuals with such access.

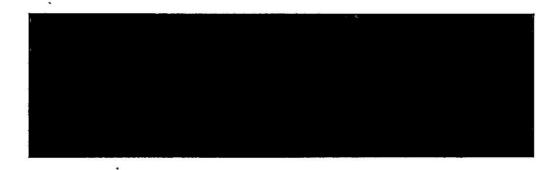
You also requested that we produce the "surveillance video of any and all video cameras capturing the Barnstable Town Hall from Sept. 2, 2022 at 1700 hrs to Sept. 7, 2022 at 0000hrs." Please be advised that ordinarily such footage would not have existed at the time of your request, as new video would have overwritten the older recordings due to limited storage space on the server. However, footage responsive to your request from one specific camera, covering the time period from 7:23 am on Sept. 5, 2022 through just after 7:49 pm on Sept. 6, 2022, was retained by the Town by exporting those files before they were overwritten. Please note, however, that shortly after a locksmith arrived at Town Hall on Sept. 6, 2022 to work on opening the Town vault that had jammed, the camera was blocked by taping a piece of paper over it, and it was not unblocked until approximately 7:49 pm when the vault was opened. In addition, please be advised that we have edited the footage to remove any additional video that would tend to identify the locksmith who was working to open the Town vault during that time period pursuant to Exemption (n). Given the complex and highly specific skill set needed to perform the work to open the vault, the locksmith repeatedly expressed concerns regarding his own personal safety and security if he were to be identified as someone with those skills. He also expressed similar concerns regarding the need to shield from public disclosure the actual work he was performing. Accordingly, the Town blocked the camera and took other steps to protect his identity and the work he was performing from the view of the public and the news media while he was at Town Hall, and the video we are producing to you on the enclosed flash drive has been edited to remove footage that would tend to identify him.

Please be advised you have the right to appeal this decision to the Supervisor of Public Records pursuant to 950 CMR 32.08(1). You also have the right to seek judicial review by commencing a civil action in the Superior Court.

Sincerely,

Karen L. Nober Town Attorney

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VIDEO SURVEILLANCE POLICY

The	is equipped with multiple video cameras			
located			The purpose of	the video
surveillance equipment is t	to help ensure p	oublic safety	14.	
<u> </u>				
The equipment is housed				
and op	erates	Vide	o data will be ke	pt onsite for three
(3) months			100000000000000000000000000000000000000	
Access to the video data is management staff from the staff	Town of Barn			
Inquiries for video data cap through the Barnstable Pol	•	t.		can be made

MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND AFSCME LOCAL 3003

Barnsta	ler to prevent vandalism and the unlawful loss of materials table is considering installing video surveillance cameras esult of impact bargaining, the parties agree to such an intations:	at the				
1.	Cameras will be used only as a deterrent to and evidence of theft and vandalism and not for any other disciplinary purposes:					
2.	The cameras will be installed to record showing that the cameras are on or off will be secured	e cameras will be installed to record only. A device owing that the cameras are on or off will be secured but in plain view of employees.				
3.	The only camera(s) to be installed will be located					
4.	The Town of Barnstable will give the Union seven days notice before commencing use of the cameras.					
5.	These cameras will record					
6.	The cameras will be linked to a recording device that marks the date and time of the recording.					
7.	The Union will have access to recordings if it is to be used for disciplinary purposes surrounding theft of materials or equipment.					
8.	Recordings will be stored for up to 14 days unless they are needed for investigatory or disciplinary purposes.					
	If the Town of Barnstable plans to install additional cameras at more locations, additional meetings with the Union will be held.					
This M	Memorandum is entered into this 13 th day of July, 2	011.				
	s Town Manager Coun AFL-	ican Federation of State ty and Municipal Employees CIO State Council 93, #3003				
John C		Tubbs ael Thomas				

MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND AFSCME LOCAL 3003

In orde	r to prevent criminal activity at the
planni	ng to install video surveillance cameras at the
impaci	bargaining on June 13, 2022, the parties agree to such an installation with the following
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	*
1.,	The camera system is to be used as a deterrent and to provide evidence of criminal activity at the It is understood that disciplinary actions against and excessive monitoring of employees is neither a primary purpose nor an intended result of installing a video surveillance system. Any disciplinary action which is based in any part upon the use of the video surveillance system must also be based upon independent fact and justification. The parties also agree that this technology may not be used for timing employee's work tasks.
	able the teather by may not be used for minds and to be a feel and the second of the s
2.	Employees shall have access to the cameras fixed on Shall be accessed by
	management only.
	and the same of th
3.	The cameras shall not be fixed on
4.	The Town of Barnstable will give the Union seven days of notice before commencing with the use of any new cameras.
5,	The cameras will record
. 6.	The cameras shall be
7.	The cameras shall be linked to a recording device that marks the date and time of the recording.

8. The Union will have access to any recordings being used for disciplinary purposes.

	я				
9. This Agreement shall supersede and replace all prior agreements between the Town and Union regarding the use of cameras at the					
10. If the Town of Barnstable plans to install additional cameras for purposes other than monitoring					
the conditions of this MOA, additional meetings with the Union will be held.					
This Memorandum is entered into this 16 day of June 2022.					
Town of Barnstable	American Federation of State				
by its Town Manager	County and Municipal Employees AFL-CIO State Council 93,				
	Local #3003				
Mark S. Alls	Scott Triederheers				

- - -

CAMERA USERS

Name

Kevin Adley

David Anthony

Jim Benoit

Donna Bragg

Kaitlyn Carpenter

Andy Clyburn

Nina Coleman

Amy Croteau

Tina Edgehille

Ron Ghetti

Len Gobeil

Melissa Chartrand .

Peter Burke

Jay Horn

Joshua Kelleher

Patrick Kelliher

Derek Lawson

Elizabeth Lewis

Joe Marshall

Chris Nappi

Madeline Noonan

Lawrie Peirson

Rick Wilnikainen

Roger Medeiros

Benjamin Sacco

Steve Scalia

Carolyn Selinger

Brian Taylor

Daniel Wood

Access to police cameras are as follows:

USER:

Steve Barrette

Kevin Connolly

Jean Challies

Kyle Phelan

Meaghan Cunningham

Eve

Spencer Jackson

Lt Green

. Christopher Kelsey

Andrew Johnson