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PRIVACY OFFICE

PUBLIC WORKSHOP CCTV: DEVELOPING PRIVACY BEST PRACTICES

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PANEL ON COMMUNITY PERSPECTIVES

MR. KEEFER: Good afternoon. My name is Timothy Keefer. I am the deputy officer for civil rights and civil liberties at the Department of Homeland Security. And I'd like to welcome you to the Community Perspectives Panel. I'd like to also thank the Privacy Office and the panelists and, you, the participants in this workshop. From our perspective, this is a very important issue, and I'm thankful for the work that everyone has done in putting this together. At this time, I'd like to introduce our panelists. To my left, to your right, Philip Berns is city representative from Stamford, Connecticut, Board of Representatives; Normal Currie, program manager from UNISYS; Beth Hart, the CCTV manager for the Baltimore City Mayor's Office; and then Tom Yeager, the executive vice president for Clean and Safe Programs, Downtown Partnership of Baltimore, Maryland; continuing on, Mr. Randy Wright, city council member from Norfolk, Virginia; and then Donald Zoufal, Special Assistant to the Director, Illinois Emergency Management Agency. Also, we hope to have Amy Lassi, from the Grant Program Directorate from FEMA joining us, but she has not arrived yet.

This work -- this panel of the workshop is going to look at the ways different communities have addressed this issue, how they've gone about making their decisions with regard to CCTV programs, what obstacles they've faced, what program -- what policies they've put in

place, and how they've addressed some of those challenges. And so, without further ado, I'd like to begin with Philip Berns.

MR. BERNES: Stamford -- we don't call our city council "City Council", we call it "Board of Representatives." We have a lot of different names for different things, but it's basically the city council. But it's one of the biggest in the country. We have 40 people. I think Chicago is bigger, and there's one other town that's bigger. Another thing that's unique about Stamford, specifically about surveillance cameras, is that in 1999 we passed what we believe is one of the few ordinances across the country that actually restricted the use of video cameras; and, in fact, severely restricted it to exclusively monitoring traffic; and, in fact, not making it unavailable, these same tapes, should there be accidents and civil litigation. Only for the monitoring of traffic. I believe, even live monitoring of traffic, but I'm not sure if we used to have tapes or not.

All of a sudden, a number of us on the city council are really shocked when, a year and a half ago, all of a sudden the drums started beating about, "hey, we need CCTV cameras, we need to get them out there." We have some pretty big corporate headquarters. We're located about 45 minutes from downtown Manhattan, and a lot of corporations have, over the decades, moved their headquarters out to Stamford for the quality of life and cheaper space, et cetera. And people were saying, "we need this, because we have these corporate headquarters. We are, potentially, the targets of terrorism here in the city." Other people were saying, "we have graffiti problems in different parts of town, and we want these cameras to deal with graffiti." The public safety and health director, which is -- in Stamford, one of four cabinet positions, just below the mayor and just above the chief of police, attended a number of meetings, talking about -- sometimes he would say there would be monitors watching these cameras all the time, and immediately sending out law enforcement, should they see anything; other times the scenario was, there were not going to be monitors, but, rather, there were going to be tapes, and then these tapes could be reviewed. Everybody's faces on these tapes would be automatically pixelated, so people's privacy would be protected.

With a lot of different ideas and a lot of different aspirations and a lot of different hopes a big push got put on to pass a new ordinance. During the discussion and debates, we had people come in from civil liberties groups, saying, "privacy needs to be protected", asking, "are these really effective?" We had people coming in, saying, "well, we don't live in these neighborhoods where people are getting beat up in those high-crime areas, but we think that these cameras are going to be very effective. We very much need it." There happened to be a murder, in January of last year, and a lot of people turned the debate, in August, September, October, were talking about, "gee, if we had that camera there, maybe it would have" -- well, they didn't say it would have stopped the bullet, but -- I don't know what a camera would

have done. They caught the person, and there was no question about it, but somehow that was an important issue.

During the debate, we came up with a number of different concerns about the ways the cameras could be abused, and different kinds of checks and balances that we'd like to see on it. When I say "we", it was actually a minority of people who wanted to see checks and balances. Most of the members of the board just said, "let's get these cameras out there. Everybody's doing it. If a camera is pointing there, you're going to see who it is, you're going to see what's going on, you're going to be able to stop it. If you can't stop it, at least you'll be able to catch them later." Of course, some people were saying, "if you're not doing anything wrong, why do you care if there's a camera pointing at you?" Then other people were saying, "well, the cameras aren't going to be in your neighborhood they're going to be in my neighborhood, and maybe we should be putting them in your neighborhood," and then people saying, "well, I don't care if they're in my neighborhood. I'm not doing anything wrong."

We got to a point where it looked like it was going to be impossible to move forward, because there was just too many concerns about how to prevent abuse, how to protect people's privacy. We did get one thing in the ordinance -- two things in the ordinance, that I think are of interest. One is, we did get a Camera Review Committee, which was to be made of three people appointed-- one by the mayor, one by the city council, one by the chief of the police -- and then two members of the public to -- well, that's really where the question comes in. We called it the Camera Review Committee. It's supposed to meet on a monthly basis. It's supposed to ratify decisions within X number of days that the police might take to locate a camera in any particular location, but we didn't really get any further than that. And the other thing -- and I guess this is sort of -- in a way, sort of the original sin, leading to where we are now in Stamford. We said that all of the concerns that we had discussed, about having checks and balances and protecting people's privacy, that these would be incorporated in a policies and procedures manual. Because we were concerned that it might never get written, or we might not like it when it was finished being drafted, the ordinance would not go into effect until the policies and procedures manual had been written, had been reviewed and approved by the mayor, director of public safety, the board of representatives - - our city council -- and, I think, even one or two other entities.

So, now the policies and procedures is back at the city council, and we're going back and forth about how to incorporate and address the various concerns we had raised. The initial draft of the policies and procedures, which was supposed to have incorporated many of these things, did not. It was basically a rewrite of the ordinance, with a few other things. Of course, adding things to an ordinance is much harder than taking things out. It would have been better if we had gone with a -- if our public and safety health director had thrown in the

kitchen sink and then we could have cut back and made adjustments of the rest of it. Our next meeting is on January 3rd, and I'm not sure exactly what we're going to do about it.

As I was sitting here during the prior panel, it occurred to me that I was invited down here to share with you our experiences and our struggles in Stamford in trying to come up with something that permits the use of video cameras, but takes into concerns the various abuses that can take place. I realized that, really, I'm here to ask the people here -- ask you, ask my fellow board members -- to provide us, out there -- and I guess some of us are also city representatives in elected position -- we need ammunition, because when we say, "look, abuses can happen", people say, "well, no, these are our police officers, we know them; this is our police chief, we like him; he's not going to do these sorts of things." When we say, "well, yeah, these things do happen", it goes over people's heads.

Earlier, there was some discussion about scholarly and statistical studies not making any headway. Most of the people serving on our city council did -- it's just not the way they think. What I need to be able to bring to life to my fellow city councilors, are horror stories. I need lists of all the horrible things that have happened when this measure was not taken, all the horrible things that happened when that measure was not taken. I think that if I only had one wish, it would be to have the horror list. I had three wishes, I would ask for a tripod, consisting of horror stories, recommended language for ordinances and policies and procedures -- and both of those, cross-indexed. So, for each policy and procedure, it states, "if you don't have this policy, the sorts of things that can happen are -- refer to page 23, horror stories 91, 92, 93, 94, and 95." I'm serious, make it really simple. I know the information is out there. There's people here who are doing studies and doing research. I don't have time to do all this. Another thing that I find it, the statistical studies, the scholarly journal articles, et cetera, useless; the horror stories are useful; but the further away they are, the less attention they get. When I talk about, "this is what happened in Australia," all of a sudden I can see half of the city council falling asleep. They don't care about what's going on in Australia. I know it's happened closer, I just can't find it. So, we need some sort of compilation like that.

So, policies and procedures, specific language proposals referencing horror stories, and then I think something else would be very helpful. I think most of us agree on the aspirations of the program, that the program is going to assist in reducing crime, it's going to increase safety in dangerous parts of the city, that it's not going to abuse people's rights. That's something I have not found we could incorporate as a series of "whereas" clauses -- whereas, we find that crime has increased in these areas; whereas, this... It would be very helpful to include in there, "we don't want to see these sorts of abuses, we don't want to see those sorts of abuses," so that where the policy and procedures are not clear, or where city councilors are not really understanding the specific technical language of the ordinance or the policies and procedures. They can see where the concerns come from and what is hoped to be addressed,

and then have that cross- referenced with both the horror stories and the specific language. So, I hope that I've talked about what I was supposed to talk about and covered what I was supposed to cover.

MR. KEEFER: Well, thank you. I appreciate that. Actually, you've raised a number of questions. I'd actually like to get into these questions once we have each of the participants do their presentation. So, I want to thank you for that. Next up, I have Randy Wright, from Norfolk, Virginia.

MR. WRIGHT: If you're not familiar with Norfolk, first and foremost, you know that we have the world's largest naval base in our city, and so, there are certain complications that derive from that, as far as being a member of city council. We're a city that's 275 years old, so we're probably one of the oldest cities represented, certainly here today.

Just as recently as September of this year, our council formally took action to begin a program that we call Project Focus. And Project Focus is a multiple approach at targeting specific areas of our city that are what we call hotspots. So, Project Focus, the intent is to implement in three different areas of our city that have had crime problems. What this entails is basically a multiple approach using code enforcement sweeps, mandatory criminal background checks that the realty companies would use for renters, increased fees and fines on boarded-up buildings that sit too long, occupancy permits, the usage of city and Commonwealth's attorneys, the fire marshal, community policing (which we've had for a long time, but stepped up and using bicycles in more detail in these three specific areas), priority on police calls, zero tolerance when it comes to breaking the law, even as minimal as loud noise, verbal vulgar, vagrancy, increased lighting, tree-trimming, and, lastly, and most differently, is the advent of surveillance cameras.

At this juncture, it's our intent to have the cameras up and operating by May the 1st of 2008. So, we've gone through a community process of determining the implementation. Part of that process included going to the individual communities and actually having the local civic leagues take a vote. We also went online through the local newspaper and had several thousand respondents. Something close to 8,000 people responded online through the newspaper poll and 89.8 percent of the people supported the implementation of surveillance cameras.

It's not new in our discussions, because I brought it up 2 years ago to the council and wanted to begin it in my district, and my district is a predominantly middle-class white community. There was some concern that was expressed from the African- American communities within my city. We've worked through all of those issues. I volunteered for my community to be the pilot program. But, after a lot of thought the manager recommended that we would do three areas. One area is predominantly white, one is very integrated, and one is predominantly African-American. So, we're going to start in these three. At this juncture, the only thing that we have that is in use today is individual entities to do it, such as the court

system or the Virginia Department of Transportation and/or the military facilities. None of that is integrated, at this particular point in time.

I think that in listening to some of the earlier discussion, probably the most intelligent thing that we did was to not oversell the cameras' ability in that it's not to be a cure-all. There was some fair amount of hesitancy on behalf of the police chief initially, and the city manager. But, as is often the case, in June of this year, a young man was beaten to death. He was stripped of his clothing and literally was pummeled to death. Three young military people were also beaten at the same time in the same area that I have been talking about for 2 years that I thought would be a really good candidate for the cameras. We had a town meeting out there, and had the largest turnout, probably, in the history of the city, some 900 people turned out at a town civic league meeting, and the vote was virtually unanimous to go with this program.

Part of what we deal with in public office -- and I know my colleague down there that just spoke before me, would probably say the same thing -- a lot of what you deal with is perception. Although the crime has been getting better in our area, when you have one event that's sensationalized by the media, it carries a perception that this is not a safe area. I said to my council, "if this doesn't do anything more than give an added sense of security, then it's worth it. It's worth going through this process and doing it." I've done a lot of homework on it, personally, and I've listened a little bit earlier today about the United Kingdom, but I certainly have read a lot about that, and what's happened in New York. I was glad to talk, just a couple of brief minutes here, with Don about what Chicago is doing. But, clearly when you have new technology you need to interface, to the extent possible. I heard, in the last session, for example, that there are those who say, "well, there's abuse that can take place. And how do you do that?" Well, we're trying to minimize that, because we do have a written policy in place that it will be managed solely by the police department. I do hope that we'll be able to integrate the private ones, as well, that are within the Wi-Fi/fiberoptic area, that we can be able to utilize that, to the extent possible. But I believe that it can and will be an effective tool to assist us.

I'm smart enough to know that no matter what tool you have, it can be abused. It doesn't matter what it is. We had -- 2 years ago, a police officer in our city was shot and killed by his own weapon, because somebody came up behind him. So, I don't think that means that you're not going to give the police officers weapons from now on. So, you try to limit it, to the extent possible. I'm really appreciating being here today, because of the fact that we haven't implemented it yet, and if there's a way that I can learn another safeguard to make sure and ensure that this is going to be the best program that this country has ever seen, then that's what I would hope to accomplish out of this.

But, in my own community, which I can speak more intelligently about than the other three -- in our city, not unlike a lot of them, we're elected by wards. I'm elected from my ward. But,

in this particular area that I want to have it, it's my goal that not only would we have surveillance cameras in what I would call the second arterial road, but it's the most traveled road, pedestrian-wise, within this census tract area that, last year, had 7,200 police calls for service. Now, that's pretty significant, to me. That's two census tracts that's coupled together. We have only 15 percent owner occupancy. We did a lot of homework on what our problems are there. So, most of our problems stem from the rental side of the ledger, and we know we've got to induce and encourage more owner occupancy, because that's how we've turned around other parts of the oceanview area in Norfolk, which includes the beachfront and a lot of different activities that take place out there.

Being mindful of all of that and safeguarding it, what I was hoping to do is to be able to create a walking trail if they want to use bicycles or whatever, where the surveillance cameras would be used in tandem with cutting the trees back, increasing the lighting, and have an inducement and encouragement for people to get out and walk for the right reasons. And it's just like this -- why is it safe walking in New York City? Because there's thousands of people. Or anywhere else, you know, for that matter. So, if you can create that, I think that we've taken a major step forward. Anyway, that's just a capsule of a lot of things that we're trying to do. We haven't done it yet, but we have taken the action, and we will begin our process, and hopefully have it up and running by May the 1st, then, at some juncture, come back with a great report that it's working well.

MR. KEEFER: Thank you. I had just one question. Do you have guidelines that are already in place, or written, at this time, for this program?

MR. WRIGHT: We have guidelines that have been developed through the city staff and police department and the informational technology. We also have done site visits to Memphis, to Baltimore, Chicago, and they're in place now, but we're still in the process of tweaking, and so, we're still soliciting the public. It's not ironclad, at this stage, but we're close.

MR. KEEFER: Thank you. Next, I'd like to turn to Baltimore, with Tom Yeager and Beth Hart.

MR. YEAGER: It's a two-part presentation. We, sort of, started CCTV in Baltimore, and then we had a very progressive mayor, who is not Governor of Maryland, who took over the CCTV program, and moved it program to a big pan-and-zoom program. Give you a little background. Downtown Partnership of Baltimore is a business membership organization. They convinced 106 blocks of downtown Baltimore to pay a surcharge on their property tax to finance a downtown management district. Now, this downtown management district has a budget of about \$4 million. A little bit of it goes to marketing, some of it goes to research, some of it goes to beautification, but the bulk of it goes to a Clean and Safe Program.

Now, the Clean and Safe Program has three components. It's the old broken-windows theory. We have public-safety guides -- uniformed, radio-equipped, trained by the police department -- who are a safety presence on the street, interacting with the public, sort of a goodwill ambassador, and, at the same time, having some police training. Additionally, we have Clean Sweep Ambassador. The Clean Sweep Ambassadors are pan-and-broom, just getting up litter, removing graffiti, making the area feel safer. The third component is the Public Safety Coalition. In the Public Safety Coalition, we've brought together all public and private security in the downtown area, and one of their focuses is to look at crime prevention. We do building security surveys, we do employee training. And, back in 1995, the coalition recommended to the partnership that they get involved in CCTV.

First thing the partnership did was hire a law firm, Piper & Mulberry. We won an opinion on video. We won an opinion on audio. And, basically, what they came back with, all Fourth Amendment issues. "The Fourth Amendment does not recognize the reasonable expectation of privacy and activity conducted in full view of public streets and sidewalks. Thus, the police may lawfully observe, with the naked eye, without first obtaining a search warrant, activity that is knowingly exposed to the public on municipal streets and sidewalks. The police may also capture these observations with a fixed-point continuously operating camera." After this opinion -- and we asked them to help us devise a protocol -- it was obvious we wanted more limitations than what the law allowed. So, what we decided to do was have fixed black-and-white cameras, analog cameras, which taped on a VCR. The tapes were turned over every 96 hours, so every 96 hours, that tape went back in and was recorded over again. So, there was no dossiers, there was no storing of information. The 96 hours was established in order for someone to make a police report.

The only time any video was viewed -- and I have a retired police officer that does the viewing -- is when a crime is committed, crime is reported, and a police officer wants to know if there's something on tape. Police officer would come to us -- or a citizen, if they had a police report. We would review the tape. Only that police officer -- that retired police officer who's in charge of program -- would actually view the tape. If there was anything of evidentiary value, the tape went to the police department. Nobody else looks at it. Also in that protocol, it called for two signs in every block, saying, "you are in a video-recorded area." We are very careful to say it was a recorded area, not a monitored area, because of civil liability. The goal was to have a sense of safety for the public. It was to deter crime, and it was a force multiplier for the police department.

Now, the first program was a result of a Byrne grant. We partner with Maryland Transportation Authority and Baltimore City Police Department and the City of Baltimore. We put up 16 cameras in a area of west Baltimore that had a lot of vacant buildings, a lot of car break-ins, a lot of drug-dealing, illegal vending, alcohol use, methadone clinics, and so forth. So, we put up 16 cameras that were fixed, and they were directed towards parking

lanes, so that all the cameras looked at parking lanes, they were not able to look anywhere else. And this was done primarily for a focus on preventing car thefts and breaking into cars, which actually, in downtown, is our biggest crime. We evaluated that program, and, in the first 6 months, there was a 50-percent decrease in crime over the previous year. We did a market study of pedestrians, who loved the program. We did a study with the retailers; retailers raved about it, they wanted more of it.

So, we then sold the program. We took it on the road. We got a grant from Abel Foundation of matching funds, and we went around to the different organizations in the downtown area -- the Market Center Merchants Association, the Charles Street Association, the financial district, the Hippodrome Foundation -- and each of these systems were financed by public dollars and the Abel grant. So, each community that actually wanted a video patrol program in their neighborhood had to come up with half of the hard cost, about \$20,000. Abel Foundation came up with the other \$20,000. Then, the city actually installed the program for us. There was no cost for us. It was in-kind service.

We have seen a decrease in crime in each of these areas since we put up video patrol, not only in hard crime, the part-one crimes, but we've also seen a decrease in the quality-of-life crimes. When we got to our last program, our mayor, came back from England and saw what was going on there, and really wanted a pan-and-zoom program. He brought us in to consult about video patrol. We gave him all the good news about it. We gave him our protocol, which was, basically, no pan- and-zoom, strictly fixed cameras, and police reports were required in order to view any of the crime. At that point, he went to his information technology chief and started a program that's now in effect in Baltimore City.

MS. HART: Which leads us to 261 fixed pan- tilt-zoom cameras, another project on the way. We have 106 portable-over-digital display systems, also known as PODs. We're in seven geographic areas, six designated monitoring locations. Maintenance, personnel, installation, we've spent \$17 million. What we've done to safeguard the public's interest, our video is stored for 30 days. This is done -- nobody's really said this yet -- it's money. It costs a lot to store video. Thirty days does the trick.

Also, as you saw earlier, the masking, we will use that at the citizens' request. If somebody comes in and says, "I know you're looking in my windows", we say, "no, we're not", but we'll put up the mask anyway, that we saw earlier. Also, we try to be transparent. We will have public tours. We just ask that they're on a prearranged basis. We don't want, you know, a community group showing up. City of Baltimore, you're not really always sure who's showing up with a community group, so we just ask that it is a legitimate group, usually coming in with a community police officer. We have two different monitoring operations. Our primary monitoring operation for the city's downtown cameras -- right now we have 76 cameras downtown -- we have two to three monitors, 24 hours a day, 365 days a year. They must have Maryland security-guard certification. That includes a thorough

background check, which will include a criminal-records check and a credit report. By the way, they are civilian monitors. We prefer that they have law enforcement or criminal justice experience, and -- this is, kind of, the no-brainer part -- good eyesight, good observation skills, and basic computer knowledge. Our satellite monitoring centers are located in the respective police districts where camera projects are located. They have two retired police officers working a total of 80 hours a week. It's the district commander's responsibility, after that, to provide coverage during what he or she would consider peak hours.

Since they're retired police officers they don't really go through the same background check, training that our civilians in the downtown monitoring center go through. It is our goal to have a unified training program for everybody, across the board. At one point, we did flirt with the idea of public participation using a Virtual Citizens on Patrol. This idea went away, thank goodness. What happened with that is it really didn't add any benefit because they had to be sitting there. If you had somebody come in from the neighborhood, they had to be there with a trained monitor. Although they may have lived in the neighborhood, they weren't familiar with, like, a north/south even/odd side of the street for our street numbers, things like that. And what we did find is, they did not want to appear in court. So, you had to have somebody else sit there and watch with them so that they could testify or write up the report to what was seen, if they did see anything.

I like to think of camera operators as a little bit more of a skilled position, as opposed to a volunteer position. It gives them a bit of a sense of pride. What we've done to make sure our monitors are behaving as they should, as Tom said earlier, they're only allowed to view what is in the normal view from street level. Our checks and balances, at the downtown monitoring center is having two more monitors on duty at all times. Having two people there, they're looking at each other, making sure the other one's not doing anything wrong. Probably, that's one of the successes of the two-person monitoring system.

Also, the city of Baltimore has a redundant system. Our cameras can be viewed in numerous locations, including my house. If the monitor sees something that some other camera monitor is doing that's not appropriate, we can get a phone call at home, "hey, you know, go to camera so-and-so, look what they're doing." We've had this instance happen, probably two or three times. Their privileges get taken away. That's the way to deal with that. Depending -- if they're at the police department, their privileges get taken away. If they're a civilian monitor, depending on the severity, they'll get fired. We have an internal CCTV system, so we have somebody watching the watchers. That's for both of our protections. Since we are a 24-hour-a-day center, people do tend to fall asleep. We can go back and check that. If a call -- we are in constant communication with the police, too -- if a call comes out over the radio, they don't do the expected thing of going to the scene, we can go back, take a look and see what was going on at that point in time. It's also a great way to see who left the big stain on the carpet and spilled their soda.

As in almost any computer system that you're using now, everybody needs to log in and log off. – You can trace who was on at what time, what programs they were using. We equate it to e-mail, and then if somebody does something under another user name, the original user is responsible for that. And then, also, within our systems and what we've done for our specifications, if the monitor has control of the camera, we record what they're watching. So, once again, we can go back, go back into our system, up to 30 days, and look and see what each monitor is actually doing, or what they've been watching. I'm going to touch a little bit on the blue lights that have come up a couple of times.

The POD cameras, originally that came out of Chicago, had a blue flashing strobe light on top. Our mayor thought that was a great idea, so he had us put blue lights on all the cameras throughout the city, excluding downtown. The idea was to deter crime, let the criminal know that they're there. We're still out to lunch whether that works or not, haven't really made a decision about it. But as from a community standpoint, this is the biggest complaint that we get. A camera will go up or something, all of a sudden it'll be, "the blue light's flashing in my window." We'll come by. We will turn it off if we get a complaint. But it's also good -- we'll get calls from the residents, too, that the blue light's not blinking. So, that way we might know the camera's broken, especially if it's a POD, because we can't monitor those. As far as the blue lights go, when you were talking about the real-estate value, we've heard it may detract more.

And then, the last point I'm going to talk about is our 311 CCTV request. Our city has a 311 system for general services. When we first started the camera program, we set up a service request. If you had a question about cameras, call 311. Eventually, it would get routed to me. I would call the person back, explain what we're doing, explain we have a 30-day retention policy for video, "do you want to come see what we're doing," and anything else that they could have a concern about. What it turned into was a request-for-a-camera hotline. And, to date, we've received over 1500 requests for cameras, and very few complaints.

MR. YEAGER: I can add one thing, sort of a downside to CCTV. The mayor said it was a force multiplier for the police department, so now we have less police in the downtown area.

[Laughter.]

MR. YEAGER: Fortunately, it has not had an effect on crime, the less police. We did a study, from 2000 to 2006, and crime in the downtown area is down 47.75 percent, safest place in Baltimore.

MR. KEEFER: Beth, just a couple of follow-ups on that. You explained a lot about how Baltimore City has implemented this. Are there guidelines in place that govern the use? Was there much community involvement and outreach to the community when the decision was made to put them in place?

MS. HART: We do have a policy and procedural manual. It was written by some retired police officers, along with the contractor that did our original system. We changed some wording in it. We've sent it to a lot of people around here throughout the country, because-- it was funny, when I took my job, my boss said, "there isn't a guidebook, so you have to make it up." As for the community input, not really. We went and we put up cameras, but they were happy we were there. As our former police commissioner said, "if they don't want us there, we won't go there." But, to date, everybody wants cameras, and I believe it was the perception of safety.

MR. KEEFER: All right, thank you. Next, we have Don Zoufal, from Chicago.

MR. ZOUFAL: My name is Don Zoufal. I am Special Assistant to the Director for the Illinois Emergency Management Agency. That's my current job. I retired from the City of Chicago in August, and at the city I had the opportunity to have a couple of positions that bear on CCTV issues. I was a general counsel for the Chicago Police Department. I was the deputy commissioner for safety and security for the city's Department of Aviation. I did security at O'Hare and Midway International Airports for about 3 years. My most recent job, before leaving, was as the first deputy for the city's Office of Emergency Management and Communications. And in that capacity, along with other operations of the Office of Emergency Management and Communications, I oversaw those individuals who were responsible for managing the implementation of CCTV projects in the city. Since I am a lawyer, I -- by way of disclaimer, I have to say that I am no longer employed by the city, so nothing I say is the official position of the City of Chicago. But what I can do is relate to you some of the experiences we had in implementation of CCTV in Chicago.

Just starting out, kind of a little history of some of the different camera programs, because there really are different camera programs in the city. We started out with the legacy systems. Common -- probably many cities have those. Traffic-oriented systems. We had a system of cameras up and down State Street, which is a major thoroughfare in the city. Plus, we had the facility camera systems. I was quite familiar with those camera systems at O'Hare and Midway International Airport that had long been in place, way predating 9/11, camera systems that integrate sensors with cameras -- for example, doors to the airfield; because of fire safety issues, you have to be able to open up doors, and those doors will alarm. One of the ways to ensure integrity of the security of the airfield is to have those camera-ed so we know if people went out or if somebody just accidentally bumped into the door, or what the problem was, or what the issue was. So, that's just a kind of an example of something that somebody talked a little bit about earlier, about integrating different kind of sensor technologies with cameras. We've been doing it, really, for a long time.

Our colleagues in Baltimore have talked about the Chicago Police Department's Operation Disruption POD cameras. Those cameras were used in high-crime areas, particularly in narcotics-trafficking areas, the blue-light specials. They are large housed cameras with big

blue lights on 'them. You can't miss them. And that's part of the basis for the camera system, to send a message that the areas are being observed and that, essentially was very popular with the community. A lot of those things were driven out of the CAPS -- not only the crime data that they looked at with regard to the areas, but also meetings with the local communities in CAPS meetings. The police department makes the determination about where to place those cameras. Again, there was a question earlier about sabotage. Those are in bulletproof cabinets, and, in fact, the cabinet and housing is one of the more expensive parts of the camera.

We've got a couple of different kinds of those, some that we bring back wirelessly to the Office of Emergency Management and Communications, and then they can be shopped out to the different police districts. Some of them are brought back via fiber, depending on how close they are to a fiber drop. And then, some of them, where we can't get them back wirelessly, or can't do them on fiber, are what we call record on-sites. They have a DVR actually in the cabinet with the unit. That's important, because it makes a difference, in terms of retention. I can't do more than 3 -- 72 hours on the DVRs that are in the cabinets. They just don't have the capacity. So, the retention on this is 72 hours. For the other POD cameras, it's 15 days. And then, overall for the rest of the camera data that we have going into the OEMC, it's a 30-day retention. That's per the decision of the local records commission in Cook County, which makes a determination on how long we need to keep public records for. So, that's how long we keep our images, part of it was driven, though, not just by the issues, the image, and necessity, but something that hasn't really been talked about, which is system capacity. And that's important, because expanding the system capacity to meet longer retention is an extraordinarily expensive proposition.

We have a program of red-light monitoring cabinets. Clive Norris talked about the speed cameras. We're not into speed yet, but we're doing red-light monitoring. Those are ones that probably have some of the best data on them. I think we show about a 40-percent reduction post-placement of a red-light monitoring camera. Again, the decision of where to place those cameras was driven by traffic accident data, and, ultimately, we see about a 40-percent reduction in people running red lights at those intersections. So, we think that's a tremendous public-safety success story with regard to those cameras. Those don't come into the OEMC system, they're really run as a separate and an independent system.

We have the homeland security cameras, which I'll talk about in a minute, the Operation Virtual Shield cameras. That's not just a camera program, though; it's important -- and somebody talked about it earlier -- again, the notion of creating the fiber network and the backbone and the structure to handle, not just camera data, but also all kinds of other sensor data that we may subsequently want to use as the technology matures. We have the Operation Virtual Shield system of homeland security cameras throughout the city.

Aldermanic PODs. The camera program was so popular in the city, with regard to the police cameras, that -- and I think somebody mentioned, we have 50 aldermen, and we do have 50 aldermen in the city of Chicago. The aldermen wanted to be able to place cameras in their particular wards to meet local community concerns, or local community problems. They were given an opportunity to have what they call "menu money." It's budgeted money, out of the corporate fund. You can use it for street improvements, you can use it for sewer improvements in your ward, you can use it for all sorts of different projects in the ward. And one of the things that we allowed them to do was to also place cameras in their ward so they can be responsive to community requests. And there were communities that wanted the cameras. And they didn't meet the crime requirements from the police department, but they wanted them, so the aldermanic PODs is a way to address that.

And then what's called violence reduction cameras, that's funded, in part, by corporate dollars, but also by some State grant dollars. Those cameras went to areas that didn't qualify for PODs, because PODs were generally narcotics-driven. But these were areas where we had crime or disorder problems. One of the areas that they've been used fairly effectively in is in areas around schools, where there were concerns of drive-by shootings or those sort of things, to put them near the bus stops so we had better surveillance of areas where children and students gathered. So, we kind of have a range of different kind of camera programs.

Operation Virtual Shield is the one that's, kind of, the homeland security program. What that really is, is a program that's designed to integrate all the other camera programs, with the exception of, kind of, the red-light monitoring. We had a contract with IBM. We heard from them earlier today. Actually, it says 2005; I think we finally concluded it in February 2006. So, it's really, kind of, a new contract. One of the first parts of it, as they talked about earlier, is developing that back-end facility to handle all the images, to develop the server capacity, to take images, and to integrate all the camera operations from the facilities that we have around the city, and also from our sister or partner agencies, and develop a system where we can collect all those images into one place.

We developed -- again, a large component of that is developing the fiber network to carry all the images back so that we can reach out and touch the different cameras. It was initially piloted in the financial district and extended to the central business district. They concluded that in 2006, going into 2007. Again, the overall theme of Operation Virtual Shield is to consolidate all the camera programs into one overarching program so that if we need to respond to an incident or if there's a need to address images, we can have them collected in one place. That doesn't mean they only go to one place; for example, the cameras in a police district will go to the district headquarters in addition to going to the central location. But if we have to exercise command and control, we can do that from one place. We're also reaching out and coordinating with other agencies -- the CTA, which is the transit agency, the Housing Authority, the Chicago Public Schools, and the Park District -- to bring all their

camera images back to the city, and additional governmental agencies -- Amtrak, METRA, and the other rail services, the Metropolitan Pier and Exhibition Authority, which is our navy pier, one of our major tourist attractions in the city.

One of the things we're looking at is expanding to private sector cameras. Again here, I want to be careful in talking about the cameras that we're looking at and the ones we're not. We're not looking at cameras inside people's buildings or into their private space, but only those cameras that may be utilized that focus out onto public space -- onto streets, onto parks, onto areas around some of the large buildings in the city. So, we're looking to tap in -- and, again, this is a leverage point for us to be able to access those images and have, just, an enhanced amount cameras at a lower cost to the government. We've developed a VPN solution to bringing those camera images back over the Web.

This is pre-OVS. Again, these are the traffic cameras. These aren't all the locations of cameras; this is a general overall graphic view of it -- and the OEMC fiber. That's expanded, post-OVS. It was actually to integrate different fiber pieces so that we could create this fiber ring to support the OVS system. In other words, to bring the data back, not in a wireless way, because the bandwidth wouldn't support the number of cameras, or a robust camera system -- so, to bring back a fibered network.

And then, finally, just in the one phase, the phase 2 of OVS is more than 250 cameras in the central business district of the city. Again, this isn't the total number of cameras in the city, by any stretch of the imagination, but just the one from phase 2 of OVS.

Just a couple of thoughts about some of the legal issues. Funding limitations or funding issues--and there was some discussion earlier that everything comes out of the Federal government. That's not the case with regard to the city's program. Certainly, there's a substantial contribution from the UASI fundings, but forfeiture -- in fact, the whole POD program is funded not out of those funds. State grants, for example, for the violence reduction cameras, and corporate funds for other cameras. Some of the things that are put "unfunded", but it probably is "underfunded" -- I think that the administrative requirements of system maintenance probably remain a little bit underfunded. Those things will ultimately go back to corporate requirements. The city will meet the responsibilities or the obligations, but there aren't external funding sources, really, to address administrative requirements or system maintenance requirements. And that's something, I know, that they were in discussions, at least when I left, with DHS about, about trying to address for some of the systems.

Control of images. Who owns these images, especially as we partner with other agencies in intergovernmental agreements? We've entered into an intergovernmental agreement with the Transit Authority. They have a substantial number of cameras. How are we going to access their images? How are they going to access images from us if they have a need to? If a bus has a bus accident at a certain location, and they want to be able to view those images for

their operational purposes, how will we allow them to have access to that? Those things are addressed in the intergovernmental agreement. Other issues, though, too, about who's responsible for storing of what images, and whose rules apply to the image storage, all those things need to be worked out, and they need to be worked out with every individual agency that you deal with.

There's been discussion about policies and procedures for systems operation. We certainly have those in place. In fact, the City of Chicago, for a substantial period of time, was under a consent decree with regard to surveillance and maintaining surveillance data. The consent decree grew out of the case of the Alliance to End Repression. That was in place, in fact, when I was the general counsel for the police department. That consent decree was subsequently revised, I think, in 2001, ahead of the 9/11 attacks, but that addresses issues like audit, and it addresses issues like training, and making sure that everyone understands what the requirements are for operation of surveillance and for storage of the data, particularly important with regard to the storage of the data. So, those items are in place.

Data retention issues, I talked about that. We do have an approved data retention schedule. First and Fourth Amendment policies and training, those are, in fact, in place. Training is given to everyone who uses or accesses the system. I actually should put it -- First -- Fourth, First, and Fourteenth Amendment, because we also deal with the equal protection issues, because I think those are important issues.

There was a question earlier about Freedom of Information Act requirements, and how those are being handled. I have to tell you that, to use the legal saw, the jury's still out on that, because, ultimately, Freedom of Information Act decisions aren't ones that are made by the city, they'll be ones that are made by the Circuit Court of Cook County or other judges-- at least in the State of Illinois. I can tell you, though, there's an incredible tension between Freedom of Information Act requirements, because some of the transparency requirements -- and I don't think that there's an issue about the transparency requirements, but the ability of individuals to request that data, since I can't, under the Freedom of Information Act, push into the underlying basis for why people are requiring it, causes some great concern. And individuals may be able to use data about other individuals to, in fact, violate their privacy. So, we have some concerns about the Freedom of Information Act requirements. Thus far, at least before I left, we hadn't had any particular issues with regard to it. Most of the data, quite frankly, they were asking for was already gone. So, it made life fairly easy. But, addressing the Freedom of Information Act requirements, I think, is going to be a down- the-road important question.

Subpoenas and court orders. Again, having processes in place to make sure that we can freeze or preserve data -- we're using a lot of the procedures that we use for -- because OEMC also runs the 911 Center, so we're familiar with requirements for 911 tapes, for police call

tapes, for police dispatch records, those sort of things. So, we're applying that stuff over, but it's not quite perfect. I think that we need to look at that and tune it.

Also, one of the issues, too -- and, again, I don't know that we have a big solution for it -- is Brady requirements. Certainly, the evidence and maintaining the evidence and the significance or the integrity of the evidence that you may adduce is one issue. The question is how much of the tape do I have to preserve of an incident, without running into somebody's argument that, somehow, if I didn't provide that tape, I've got a Brady versus Maryland issue, or I've destroyed exculpatory evidence? That really butts into one of the things that we talked about earlier this morning, with facial masking -- a wonderful technique, except for the fact that, if you're the accused, whose face isn't unmasked, you might want to know the people whose faces are masked, because they may have exculpatory evidence to use in your defense. So, again, I think the Brady issue is, as we go down the road, going to be important.

Just, finally, some key challenges. Understanding the power of the developing technologies. We've talked about that. And the integration of different technologies together -- gunshot technology with video, olfactory technology with video. In other words, if I can have bomb-detection technology, can I use targeted video along with that? I know that the TSA is looking into that. Ultimately, what we need to have is a system that allows first responders and everyone to use this technology for public safety.

It can enhance First Amendment activity. For example, we were better able to handle demonstrations and use less police resources, because we can use video surveillance of, for example, routes and paths, so that we can make sure that demonstrators -- for example, in large demonstrations. Particularly, they'll want to go through our loop area or a business area at a certain time that we can accommodate them so that they can exercise their message. At the same time, we can then, be opening and closing roads, because we can use that camera technology, in terms of roadway management so that these people can efficiently and effectively exercise their First Amendment rights, and the rest of the business community can get about whatever business it is that they need to do in the same area. I don't think we've talked enough about the command-and-control capabilities of the surveillance technology, because it really is a dual use. We focus it solely on the policing issues, we haven't focused so much on some of the other issues that the surveillance technology allows us to do that I think everybody would probably agree is generally a good thing.

And then, finally, I really think that the real issue about all this, quite frankly, because most -- given the survey data and the fact that people really don't seem to have a difficulty with the fact that the police can watch what they're doing -- I think the bigger issue is what happens to the data that's collected about me doing what I'm doing? It's not so much the anonymity using privacy theory or the State's privacy, Weston's theory -- it's not so much the anonymity I think people are concerned about, although I think that can have some First Amendment

implications. I think it's the reserve issue. It's the ability to protect, over time, what happens to collection of information about me and what I do, or what I did. I think that's an area that we need to explore and have more dialogue about than has currently occurred. Which leads into my last slide, the thought for the day. Those of you who have been to the Jefferson Memorial will recognize it. It's certainly not an original one by me. And that's all I had.

MR. KEEFER: All right, thank you very much. Next is Norman Currie.

MR. CURRIE: Thank you. I'll start by saying I'd like to keep my comments brief so we have the opportunity to get to questions. I come to this from a bit of a different angle because I don't directly represent the municipality that I'm going to be speaking of. I'm a program manager with a systems integration firm, UNYSIS, who is engaged by the City of Hyattsville to conduct an assessment and provide a roadmap solution for them to proceed with CCTV video surveillance/monitoring capabilities within the area.

The municipality decided to proceed with CCTV development based on an opportunity that presented itself through a partnership program with Target Corporation, called the Safe City Program. The Safe City Program, though Target, is funding that they provide, in keeping with a good- neighbor corporate policy, to provide dollars for all sorts of community-based policing action programs. They range from the purchase of equipment, such as Seqways, to funding police/citizen panels, to the purchase and deployment of this sort of technology. This provided the city the opportunity to proceed with some plans that they had had prior, without having the funding up front.

I was looking forward to the opportunity to come to speak about it a bit, because in hearing some of the advocates and detractors for the technology, I can say that with a great deal of confidence, that the City of Hyattsville, which is located just outside of D.C. here, has proceeded, in a fairly judicious way, with quite a bit of forethought, related to involvement of the community, creating an open and transparent process, trying to make sure everyone was involved from the very beginning, and develop policies that will support the community getting behind what they want to see done. Now, myself, although I work for a systems integration firm, I'm program manager, so I'm a technology generalist. I'm an inch deep and a mile wide. So, I can't speak to a lot of the specifics, a lot of the capabilities of the technology, but I can speak to the implementation strategy for the city and how we were trying to proceed with them in partnership to make sure that the community needs were being met.

Some of the forethought being shown by the city is, first and foremost, the fact that they wanted to proceed with a roadmap solution. Before they even go into planning, before they put a camera up, they approached us about the idea of taking a look at the crime statistic data that they currently had on file, mapping a solution to that, restricting it to commercial and development areas, because this is an area that's undergoing a bit of a renaissance, in that there's a lot of development dollars going into Hyattsville right now. It's not only a matter of

crime prevention, crime deterrence, creating public perception of safety, but also providing some incentive to the business and development community to show them that, hey, we are invested in making sure that we provide a growing, a safe, a healthy community for you to put your investment dollars into.

That being said, it was very important to the city that we evaluate several things in providing this roadmap solution to them. The first was, of course, the evaluation of the technology, the cameras -- fixed cameras versus PTZ, basic mounting and monitoring, those sorts of -- the easy part, I'll say. The other side of the technology being the back-end infrastructure, evaluating the type of storage solutions that we would recommend to them, the type of equipment needed, what the costs for those would all be. But, perhaps more importantly, we were actively engaged to work with the city in developing relationships with the local business community, with the local citizenry, with making ourselves available for meetings and ongoing talks with people who were either on the plus or the minus side of what they wanted to do with the technology.

Now, it's worth nothing that, even before moving forward with this sort of engagement, that the city actually held several public meetings, public council meetings, where they discussed the technology, broadcast then over local cable TV to make sure the community had ample opportunity to weigh in. And, following the introduction of the engagement, we provided a final report that was overviewed for the council in open session, aired on private cable TV, and the report document was actually posted, and is on their Website, for public consumption. In fact, the materials that you have contain the slides that we presented to the city council and the mayor, as well as the final slide containing the link to that report, if anyone wants to take a look at some of the topics that were covered for the city.

Some of the things that we covered, of course, were the system design, the technology, and how that would affect the community, how best to make sure that they were aware of what was happening, and to make sure that we were constantly eliciting feedback from them about our plans. To do that, part of the engagement that we undertook was to make sure that we provided views of every camera that was to be proposed in the area in a-- for lack of a better term, a PowerPoint presentation, where each of those spanned the area which a camera would see, and provided all of that data to the community, to the city, in the deliverable that was provided. That made sure that anyone had the opportunity to provide feedback or discuss concerns of what was being looked at by the city and what they intended to do with the data.

In addition, we got involved with several of the local business communities, the developers who were putting dollars into the development of the areas that we wanted to monitor, to try and elicit funding, assistance, infrastructure for the city to act in partnership, since there was mutual potential benefit to both the city, the police department, and the developers and builders in the area. Thus far in the process--because we completed the roadmap solution

about a month and a half ago-- we're currently in negotiations about the planning and the pilot process. Thus far, we've received an enormous amount of support offered by the business community, by others in the area, who are overwhelmingly in favor of proceeding with the program, based on the parameters that were developed so far by the city.

Before a camera goes up, the city has decided that a complete policy must be developed, in coordination with the city attorney. What we have done, to this point, is -- my organization met with Nancy LaVigne and Tobi Palmer, from the Urban Institute -- Nancy, who was speaking on a panel earlier today -- and she provided information to us around policy recommendations that were published by the Constitution Project earlier. In addition, we provided information the city attorney regarding policy recommendations, although not guidelines, from the FBI.

Outside of the work that my organization's been doing, the chief, the mayor, and the council are also beginning to get in contact with some of the other municipalities who have proceeded with this sort of an engagement, to see what policies have been put in place, so they can make sure they craft something that can be used as a model for other municipalities surrounding them since there has been an uptick in interest since they've begun their efforts.

In addition to trying to develop the standards around how CCTV will be utilized, there has also been a push to make sure that the community can be involved, either through some sort of a joint process for monitoring that allows the city residents access to what's being monitored by the police, a completely open and transparent opportunity for them to see what's going on, by placing the monitoring station within the central police dispatch unit, so that it's not hidden off from public view, and an opportunity to involve the community in this process by giving them the opportunity to see how the system works, to get involved with the development of ongoing training, policies around how to utilize the system, or how the system is being utilized by the city on an ongoing basis.

Now, the city is in a situation, right now in Hyattsville, where they've gotten past the initial discussions, have invested some dollars in trying to roadmap a solution, but haven't quite proceeded into a space yet where they've begun investing dollars in equipment or begin putting the policies on paper. They have shown a lot of what I consider good judgment in trying to make sure, at this point, before they proceed, that the policies are either being built or put into place, such that there will be plenty of opportunity for discussion and debate about those before they actually become official within the municipality. I've heard a lot of communities that have gone ahead, and they say the horse is out of the barn, it's already running. Well, I was lucky enough to get into a situation with a municipality where that hasn't occurred, at this point. And what we're trying to do with Hyattsville is to build a model that shows the best way to go, from start to finish, in ensuring that the citizenry has the opportunity to provide feedback, to have open and honest debate about their concerns before the technology is actually employed. So, I was happy to come and have the

opportunity to speak and present that because that is a model which I think is going to become more and more the standard, as there's an increased awareness around the technology and the way it's being utilized by areas around the country. Thank you.

MR. DAVIS: Alright, thank you very much. And, finally, we have Amy Lassi, who is a project management officer in the Grant Development and Administration Division of the Grant Program Directorate at FEMA.

MS. LASSI: Great, thank you. Thank you very much. I'm just going to go over, briefly, how the grant process works from our perspective at FEMA. I imagine you'll have lots of questions, so I'd rather answer your questions than give you a lot of extraneous information that you don't necessarily need.

Currently I do work for FEMA. We've been reorganized about five times in the 4 years I've been there, so currently FEMA is our home. Hopefully it'll be a little stationary for a while. We'd like to be able to make some progress instead of being moved around every other day. The one program I'll talk about is the Homeland Security Grant Program which I think is the largest program most people hear about. I know Don referenced the Urban Area Security Initiative, which is one component of that program. I think a majority of the money is probably coming out of that program that's gone into the United States for CCTV or those types of projects.

The Homeland Security Grant Program is a very large, overarching program that is awarded to one specific agency within each of the 56 States and territories. That agency is appointed by the Governor of the State, and that's the only eligible applicant, then, for our grants. Most of our grants do follow the same process that I'll explain to you, but there are specific grants that will go directly to a grantee; like, our Port Security Grant Program goes directly to the captain of the port. They apply, they're the eligible applicant. But the majority of the other grant programs we deal with are administered by the State administrative agency.

In the past, what used to happen years ago--I think we've been doing grants since about '98 in this particular area of terrorism, sort of, preparedness. The grants were specifically focused on equipment. And over the years, they've changed quite a bit. They went from equipment-only, to equipment, planning, training, and exercising. There are some other components in there now, as well. They also went from just giving -- based on, like, a formula, a couple of other factors in there, and a set allocation that would go to each State each year, to now being competitive.

Since 2005, they are competitive grants. The States have no idea how much money they're getting when they start the process. They are basically required to put in an application that includes investments. Currently, they're only allotted 15 investments. So, pretty much any project they're going to do in a State, they've had to have received local input and incorporated that and somehow rolled it up to a large project.

The investments are then submitted to us as a full application package. And they are put in front of a peer-review panel. Over the course of 1 week, we bring in about 130 to 150 representatives from State, local government, submit-matter experts in certain areas, and they sit down, and they're tortured by having to read through very large, what we call, enhancement plans that the State has submitted, as well as the investment justifications. They're not allowed to review their own State or, you know, anyone even remotely located near them, usually. They then decide, and make recommendations, by the end of the week, to us on what they think -- how the State or local area, basically, scored for effectiveness. Those applications then are brought back and those recommendations are brought back to our office, and, combining those effectiveness scores, basically, with a risk formula that the Department does determines the allocation that each State receives. It's submitted back to them with feedback, giving them an idea of, "we thought this investment was great. Here's some subject-matter-expertise feedback that we got from the Federal community. Here are some of the comments that we got from the peer- reviewers that we think you might want to take a look at before you implement, before you purchase this equipment, or whatever you're going to do in that investment."

Typically, we leave it up to the States, though. It's really their decision. How they're going to spend their money is their decision. All of their submissions have to support their State homeland security strategy, which has been approved by a DHS peer-review panel. It's a Federal panel involving representatives from multiple agencies within DHS and outside. Health and Human Services is a large component of that panel, as well. And so, if they can't link their investment to their strategy and to their enhancement plan, it's not going to get past us. It has to be, basically, a goal that they've set forth for themselves in improving their homeland security preparedness for their State.

After they're awarded the money, like I said, then it's up to them to implement. And, very often, what will happen is, they will come back and say, "you know, we got 6 months into this project, we realize it's not going to work. We really need to reallocate the money to some of the other investments that we applied for." That, they are permitted to do. They are not permitted to submit something completely new. Since it's gone through that peer-review panel and that application process, they either limit the amount of money that they're doing for that project, or they cut it out completely and apply it to the others that have been approved, or they completely limit it have to start all over the next year.

After implementation -- or after applications have been approved, then it gets turned over to what we call preparedness officers within our office. There is one assigned to every State. Typically, they handle two or three States. I used to be one of those, and I had four States throughout my career at DHS. And, at that point, we're basically responsible to help those States implement that strategy as best we can. Most of the time, what that means is we're helping them reach out to other people in the Federal community or other States who have

already done a project that's similar to theirs, or whatever, to help get them the advice that they need, or the best practices, or lessons learned that they might need to implement that strategy, that project, whatever it might be.

The other thing that we're responsible to do is to monitor them. Now, what we're really monitoring them against, though, is progress towards their strategy. So, we go out and do a very extensive, usually a week-long -- 3-day/week-long meeting, where we literally go through every goal and objective in their strategy and try and determine, How much progress have they made towards meeting that? We can compare it with financial records that we have. They're responsible to report to us semiannually and quarterly on their financial and their, sort of, project progress, into a financial tool, and we can compare the two and say, "oh, I see the project you're referencing. Here's where you reported that you spent X amount of dollars, so how much progress do you think you've made?" Inevitably, what happens is they've found along the way that they're going to need a lot more money and it's going to take them much greater time than they thought to actually implement.

So, that's basically what we do, in a nutshell, in my office. Like I said, the grants have changed quite a bit over the years. It's a pretty long and lengthy process. The States are usually inundated with -- their calendar now is -- literally, they get one cycle of application done, and they're starting all over. So, it's a pretty cumbersome process. Each year, it seems that they give us more and more grants, and we add more and more requirements onto them.

In our grant guidance, we do have specific requirements that they must adhere to. We have special conditions to the grant. I know that we have some language about civil liberties in there. Most of the audits, however -- Tobi asked me, in great length about audits and who's monitoring their practice -- really happen more out of our inspector general's office for the Department. And, in reality, most of it is stemming from the financial piece. Everybody goes in, looks at their books, opens up documents, wants to see how everything corresponds, but the inspector general makes actually site visits, and will usually ask, "do you have specific jurisdictions that you want us to target?" They'll ask us. They'll ask the State. But, inevitably, they will pick random jurisdictions, they will show up on their doorstep, and they will say, "I see you bought X amount of cameras. Now you need to show them to me." Typically, the jurisdiction is required to then walk them around, or whatever that would be.

We also require that our State administrative agencies monitor their local subgrantees. That really falls to their responsible to do. And we, unfortunately typically have to go back to them and ask, "did you check on this? Have you heard this story? What are you doing to rectify this?" Then we typically have to prepare a response for whoever's asking and whatever the State has done to rectify the action, or we take a step, then, to rectify it, as well.

There are some slides in your packet that, I think, offer a lot greater detail of information. There's also a slide on there that has a lot of resources Websites, that I think will offer a lot more information. Our Website is there, that has all of the different programs and projects

that we assist the States with. We do have a full training programs in the National Preparedness Directorate of FEMA, there's a training, there's exercise programs, there's a technical assistance program that we've put together, where we try and target specific initiatives of interest that States have requested; one being, on our side, that we're dealing with, is grant management practices and program management practices, things like that. But the technical assistance, we also have a lot more detailed projects, like fusion centers, and collaboration, and how to get through those processes. All of the equipment, if they choose to purchase it for our grant programs, has to be on what we call our authorized equipment list, there's a Website in there that you can see. You'll find the CCTV-type equipment, or cameras, at least, under the physical security enhancement category, which is one of 21 eligible categories on that list.

For any other grant opportunities that you want in the Federal government, if you're interested in that, you can find that on www.grants.gov. Any Federal opportunity, at this point, that anyone would want to apply for is on that Website. That's how all of our grantees apply, as well. They apply directly on that Website. So, you can search. I did not do a manual search to see if CCTV comes up, but that would be a good way to search to see what else you would find there. Typically, I think they fall more under the law enforcement grants. When we first started, we came from the Department of Justice. We were a small agency, a small section within the Department of Justice, and that's how we actually got our start. We have some of the interoperable communications grants now, too, that used to come out of the COPS program and things like that. So, that's typically where you'll find specific programs related to this initiative.

MR. KEEFER: Great, thank you. I know we're running up on our time, but I'd like to open the panel up to questions. If you have questions, I'd ask you to please approach the microphone, at this time. I do have a couple of questions I can pose for the panel. So -- okay.

We mentioned that, not only in this panel but the one before this, was the need for guidance and policies. I wanted to know if the panelists agree or disagree with the statement that the community support that we've talked about and that we've seen -- do you agree that that support is based on the assumption that the use for these programs is proper and that guidelines and policies are in place to ensure that proper use? I'd like to know if anybody has any reactions to that, from the panel.

MR. BERNES: I'll take a shot at it. I think, if people were under the impression that policies were not in place, that abuses would be taking place, that people would be blackmailed, that people would be watched, that people's political activities would be monitored, I think you might see some greater hesitancy out there in the use of these programs. Can I pose a question to Amy? One of the things that seems to have been a recurring them is, "are these really effective, the use of CCTV, or is it really a perception of effectiveness?" Is it FEMA's position that we want to see money going to perceptions of safety, versus actual safety?

MS. LASSI: No. Clearly our position would be that we want to see the money going towards effective uses and effective progress in protecting the citizens of the country. While I don't know of anything in particular, on my end, where we would be able to tell you that it hasn't been effective, most of the stories I've seen we're in, a precarious situation, because most of our grants -- taking out the FEMA part of where I work -- the Homeland Security Grant Program, in particular, is funded through the Patriot Act, which is primarily for terrorism preparedness. Now, we do allow dual use, so while the CCTV equipment -- that was probably purchased with our grant money has been perpetuated that it's helping to prevent terrorists in its dual use, I think it's prevented a lot of crime, and helped in the areas of giving police officers the evidence that they need. But, clearly, we would want it to go towards an effective use of the product, not towards just perception.

MR. DAVIS: One more question. Mr. Berns asked the question of the group, earlier, about recommended language for ordinances, policies, and procedures. Do the panelists feel that there are opportunities, or opportunities should be made available for localities -- for operators of these programs to share guidelines, policies, understanding that while there are Federal constitutional protections that are involved, there also may be State-specific protections that may not apply across States -- so, the question is whether there are opportunities for sharing those, or whether those opportunities should be made available somehow.

MR. BERNES: I forgot to mention earlier that the constitutional project was of great assistance to us. They provided us with their model statute. Regrettably, we didn't realize its usefulness until after our ordinance had gelled. But they also sent somebody up to speak to the Public Safety Health Committee, which was, at first, very much opposed by the -- let's get the cameras in, let's get them in as quickly as possible. But the speaker was very persuasive and very helpful at helping people understand the importance of some of these other issues.

My real question is, is there any sort of a centralized bank -- are people sharing the horror stories? Because I think that's how this is going to mature, and we can speed it up by getting those stories out quickly, so that different municipalities, different States can be trying out different approaches, and experimenting with them, rather than everybody reinventing the wheel after learning that they don't have one.

MR. KEEFER: So, there may be opportunities for sharing across programs. Question?

MS. OZER: Hi. Nicole Ozer, from the ACLU. Amy, just two questions. One is, what would you estimate are the percentage of cities that are directly applying for their money through DHS funds, versus getting it through States that are applying for DHS funds? I'm just trying to get a sense -- this is a city directly requesting and obtaining, when we see these video cameras are being funded by DHS money, and it's not clear to us how that's coming down the pike. So, if you have any sense of the differentiation.

MS. LASSI: Well, none of our applicants -- most of our applicants have to be the State administrative agency. So, I don't know of any grant program in our purview -- now, I don't have all of the FEMA grants under my purview, but, in our homeland security realm, none of our grants are directly awarded to a city.

MS. OZER: Or law enforcement.

MS. LASSI: -- they are ineligible to apply. No. But the Urban Area Security Initiative is still applied through the State. The Urban Area Working Group gets together, submits their investments to the State, and they must be within the 15 that are allotted to the State. The only other grants that I can think of in our purview would go directly -- not to a city, but to an organization, like some of our transit grants, the inner-city bus would go to the inner-city bus company. So, they're private companies. I can't think of one, off the top of my head. The only law enforcement grant that I can think of is our Commercial Equipment Direct Assistance Program, and it's equipment, it's not really a grant. It's equipment that they apply for, and then the equipment is actually sent to them. So, it's very different.

MS. OZER: When the States apply, is there any information that they have to provide, in terms of evaluation? Or when they reapply again for continued funding for an initiative, do they have to report back about effectiveness or any kind of evaluation of how they spent the previous money? Aside from, we put up 30 cameras or 60 cameras, but any kind of statistics associated with effectiveness?

MS. LASSI: Not necessarily in their application. More of that would happen on monitoring, where we would ask them their progress, and they have to rate themselves, basically, on a scale. At that point, we may collect more information to that detail.

They do in their investment justifications, which, again, all of our guidance and everything is public, so you can find it on our Website -- I think it's slide 14, the very first Website. There are several questions on the investment justification that they have to answer towards effectiveness, and how is it going to be used, and what their project management plan is, and what goal they expect to achieve, basically. So, at that point, we are collecting information up front. If they would be applying again, then, yes, they should be saying, "we did this last year, and this is a continuation." Most of our programs do not allow for, like Don mentioned, the maintenance costs. So, sustainment is really kind of a tricky term for us, where we're usually trying to help them build capabilities, and then if they finish out the project, it becomes on their responsible. It becomes their responsibility to basically fund any normal day-to-day cost that would be associated with that. So, we would be looking at that very carefully, to say, "okay, you did 30 cameras last time, because now you want to do the last 30 to finish it out, that would be okay. But if they said, "we did 30 cameras, and now we want you to pay for us to hire police officers to watch them," then we would say, "no, that's not eligible, necessarily."

MS. OZER: Great. And, Philip, in our report, that's outside *Under the Watchful Eye*, we did try and compile a lot of stories from around California, which might be helpful. It's closer than Australia. So –

[Laughter.]

MR. BERNES: Thank you.

MR. KEEFER: All right, thank you very much. I'd like to thank the panelists for this discussion. It's been excellent