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BODY-WORN CAMERAS

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Section 1 — PURPOSE

Body-Worn Cameras (BWCs) preserve evidence for criminal and administrative investigations; improve training; and increase transparency and public trust.

This policy establishes guidelines for the proper use, storage, and retrieval of BWC video images and audio recordings. This is referred to as “footage” in this policy.

BWC footage is a tool that may aid members in providing an accurate and complete account of an incident. However, BWC footage should not replace a member’s memories of the incident. Members should base their reports, statements, and testimony on their memories and footage.

Section 2 — PROCEDURES

2.1. Activation and use

Members will activate the BWC only in conjunction with official law enforcement duties consistent with this policy and the law.

The BWC shall not be deactivated until the occurrence has concluded and/or the member leaves the scene.

If an immediate threat to a member’s life or safety makes BWC activation impossible or dangerous, the member shall activate the BWC at the first reasonable opportunity.

Members shall individually record all contact with civilians in the following situations:

- Emergency or pursuit driving;
- Vehicle stops;
- Investigative activities — including field encounters, detentions, or arrests;
- Dispatched calls for service involving civilian contact;
- Frisks and searches of people, possessions, and/or places;
- K-9 deployment, including searches and apprehensions;
- Crowd control incidents that may result in unlawful activity;
- Any contact that becomes verbally or physically adversarial;
- During transport of an individual in a police vehicle until they arrive inside the station or at another intended destination;
- Any other civilian contact or official duty that the member reasonably believes should be recorded in order to enhance police transparency, increase public trust, or preserve potential evidence.

2.2. Recording in a residence

Members shall not record more than necessary during civilian contacts in a residence. For example, they shall not use the BWC in an exploratory manner to create an inventory of items in a home.

2.3. Recording in potentially private areas

Members should be aware of locations where recording may be considered insensitive, inappropriate, or prohibited by an organization's policy — including, but not limited to, locker rooms, places of worship, religious ceremonies, certain areas in hospitals or clinics, law offices, day care facilities. In these locations, members have discretion to:

- Turn off their BWC;
- Direct their BWC away from subjects; or
- Audio record only.

When exercising discretion in these situations, consider:

- The extent to which the absence of a BWC recording may affect the investigation;
- The extent to which the member observes or hears activities of a sensitive or private nature;
- The presence of individuals who are not the subject of the interaction with police;
- The presence of minors; and/or
- A request by a civilian to stop recording.

2.4. Notice of recording

Unless there is an immediate threat to the member's life or safety, members shall inform civilians, at the earliest opportunity, that they are being recorded. A simple statement is sufficient — e.g., “Mr. Jones, I want to let you know that our conversation is being audio and visually recorded by my camera.” [Officer could then point to his BWC]

2.5. Consent to record

Members are not required to obtain consent to record, and they are not obligated to turn off their BWC simply because a civilian requests it.

If a victim or witness is unsure of the need for the recording, or is uncomfortable with the thought of being recorded, members may inform the civilian that he or she can request to have the BWC turned off. When evaluating whether or not to continue recording, members should weigh the discretionary recording considerations in Section 2.3.

Members should record a civilian's initial request to turn off the BWC and their response to the civilian.

2.6. Deactivation

Once the BWC is activated, recording should continue uninterrupted until the event concludes. An event typically concludes when:

- Victim or witness contact ends;
- All persons stopped have been released or left the scene;
- An arrestee or subject in protective custody has arrived inside the station at the booking desk;
- The event is of a sensitive nature and the member decides to deactivate the BWC;
- The incident concluded prior to the member's arrival;

- The incident or event is of such duration that deactivating the BWC is necessary to conserve available recording time; or
- The member is directed to turn off the BWC by a Supervisor.

Section 3 — DEPLOYMENT

3.1. Member responsibilities

Members shall only use department-issued BWC technology.

At the beginning of each shift, the member shall:

- Ensure that the BWC has a fully charged battery and is functioning properly;
- Notify a supervisor whenever there is a malfunction or damage to the BWC;
- Affix the BWC properly on the uniform in a manner consistent with training;
- Position and adjust the BWC to record events;
- Position and adjust the BWC microphone to ensure that it is unobstructed.

While on duty, the member shall:

- Activate the BWC and record as outlined in Section 2;
- Document the existence of a BWC recording in all appropriate documents – i.e., incident reports, citations, FIOs, administrative reports;
- To the extent practicable, notify individuals present – including, but not limited to, law enforcement personnel – when the BWC is recording;
- Document the circumstances and reason in a report if the member fails to activate the BWC; fails to record the entire contact; interrupts the recording; or becomes aware of a BWC malfunction; and
- Comply with all of the responsibilities imposed by BWC technology that have been communicated in written instructions, during training, or by supervisory direction.ⁱ

ⁱ Some triggering events may automatically activate the BWC (e.g., blue lights) depending on the technology employed. Members using event-triggered BWCs must receive training in these features prior to use.

Prior to the end of shift, the member shall:

- Place the BWC in the assigned docking station, which will charge the battery and transfer footage to the storage system;
- Ensure, if the charging or storage process is not occurring, that the supervisor is immediately notified.

3.2. Supervisor responsibilities***Supervisors shall:***

- Ensure all members assigned a BWC use the device in accordance with this policy;
- Upon notification of a malfunction, remove the BWC from service, report the malfunction or damage to [name, position, phone number], and issue a spare unit; and
- Access BWC recordings in the performance of duty in accordance with this policy.

Section 4 — INTERNAL ACCESS & REVIEW**4.1. Member access*****Members may review BWC recordings relating to:***

- Their involvement in an incident for the purposes of completing an investigation, attending relevant meetings, and preparing official reports. Members are encouraged to review BWC footage prior to preparing reports;
- Their preparation for court testimony. Members will notify the prosecuting attorney that they reviewed BWC footage prior to their court appearance.

4.2. Officer-involved death, shooting, or use of deadly force

Mandatory collection of BWCs. Following an officer-involved death, shooting, or use of deadly force, the patrol supervisor, as soon as circumstances allow, shall collect all BWC equipment which belongs to members who: (1) were involved in the incident; (2) discharged their weapon; and/or (3) witnessed the incident.

The supervisors and officers at the scene shall not view any BWC footage before the District Attorney's assigned investigators view the footage and have it uploaded to the system.

However, the on-scene incident commander shall be permitted to view BWC footage and relay necessary information if exigent circumstances make it necessary to view video in order to identify the suspect and/or prevent violence, the destruction of evidence, or an escape.

At a time determined by the commander in charge of the investigation, officers may view their own BWC footage before giving a statement or providing testimony.

4.3. Commander or supervisor access

Any commander or supervisor within the recording member's chain of command may review BWC footage. If a commander or supervisor outside of the chain of command requests to see footage, it shall only be allowed with the written permission of the chief or designee.

4.4. Use of footage for training and/or community outreach

BWC footage is a powerful training tool for law enforcement and the community. The chief or designee responsible for the classification and release of public records for this Department must approve, in writing, the use of any BWC recording for training or community outreach purposes.

Section 5 — RESTRICTIONS

5.1. Improper recording

Members shall not use BWCs to record:

- Breaks, lunch periods, or time periods when a member is not responding to a call or is not “in service;”
- Any personal conversations unrelated to the performance of duty or without the recorded subject’s knowledge;
- Non work-related personal activity, especially in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms;
- Investigative briefings or encounters with undercover members or confidential informants —

Unless explicitly authorized by a separate written policy, or by the highest ranking commander or supervisor in attendance;

- Departmental meetings, workgroups, assignments of an operational or administrative nature; or training —
Unless explicitly authorized by a separate written policy, or by the highest ranking commander or supervisor in attendance;
- Telephone conversations —
Unless in accordance with the provisions of state and federal law while in the performance of official duties;
- Strip searches —
Unless explicitly authorized by a separate written policy, or by the highest ranking commander or supervisor available;
- Civilians based solely upon their political or religious beliefs or upon the exercise of their constitutional rights (including freedom of speech, religious expression, and lawful assembly). BWC footage shall not be reviewed to identify the presence of individual participants at such events who are not engaged in unlawful conduct.

Unless approved by the chief in advance, BWCs will not include technological enhancements including, but not limited to, facial recognition or night-vision.

5.2. Request to redact

Members should be aware that their BWCs may unintentionally capture private information such as door codes, phone codes, and/or personal information displayed on a computer screen. If the member knows that the BWC captured sensitive information, the member shall submit a written request to redact the video and/or audio footage prior to its distribution to outside parties.

5.3. Improper use of footage

BWC footage shall not be:

- Used for the purpose of ridiculing or embarrassing any employee, person, or property depicted in the recording;
- Randomly reviewed for disciplinary purposes;
- Disseminated by any member or employee unless in accordance with this policy;
- Copied by any member or employee without written authorization (e.g., using their personal electronic device to copy).

Section 6 — RETENTION & RELEASE

6.1. Department as sole custodian

The [name] Police Department is the sole owner and custodian of all BWC equipment, footage, and data recorded, edited, or otherwise produced.

BWC footage or equipment shall not be released without the authorization of the chief or designee responsible for the classification and release of public records for this Department. The chief's designee for this purpose is [name, position, phone number].

Moreover, no member or employee of this Department has an expectation of privacy in any BWC footage or equipment.

6.2. Retention of recordings

Generally, BWC footage will be retained for no longer than 90 days.

Important exceptions to general rule. BWC footage that relates to any criminal or civil proceeding; any criminal or administrative investigation; or use of force incident will be retained during the pendency of any relevant investigations, trials/hearings, appeals, statute of limitations, or documented preservation requests.

BWC footage, in any event, shall be preserved, stored, and retained in accordance with the requests, directions, and orders of appropriate prosecutorial and/or judicial authorities.

6.3. Public records request

BWC footage is presumptively subject to a public records request. G.L. c. 66, § 10. All requests for footage by the media, victims, witnesses, citizens, attorneys or others, shall be directed to the chief or designee responsible for the classification and release of public records for this Department.