

BODY-WORN CAMERAS

POLICY & PROCEDURE NO. 4.33	ISSUE DATE: 10/26/15
	EFFECTIVE DATE: 10/26/15
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: NONE	REVISION DATE:

I. GENERAL CONSIDERATIONS AND GUIDELINES

The use of a body-worn camera (BWC) system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. The goal of this department's BWC program is to ensure that audio visual recordings provide as true and accurate a depiction of events as is reasonably possible, in order to provide the best possible evidence and documentation of events.

In many cases, accurate and reliable recordings can help defend officers and the department against false accusations and unjustified litigation. The use of BWC's can also give officers added protection against false accusations of police misconduct during interactions with the public.

In instances where an officer is injured or killed, investigating officers can review the recording and, through video forensics, clarify and identify evidence that can lead investigators to specific persons or vehicles. The chance of apprehending offenders in these instances is dramatically improved and can save hundreds of hours of investigative time.

The purpose of this policy is to provide officers with guidelines for the use, management, storage, and retrieval of video media recorded by BWC systems.

II. POLICY

It is the policy of this police department to:

- A. Body-worn cameras will be used to record public interactions, motor vehicle stops, pursuits and police responses involving criminal and civil violations of the law, as well as when an officer believes, in his/her best

judgment any situation, condition or event that has the potential for loss of life, injury or damage to property or chance of citizen complaint.

- B. Retain video recordings pursuant to records retention standards set forth by the Secretary of the Commonwealth, and make the video available for court and other proceedings.

III. DEFINITIONS

- A. *Recorded media*: Refers to audio-video signals recorded on any of several storage devices, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV), or other portable digital storage devices (CD, DVD, hard drive, etc.).
- B. *In-Car Camera System and Mobile Video Recorder (MVR)*: Synonymous terms referring to any system that captures audio and video signals capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.
- C. *BWC: Body-Worn Camera*.
- D. *BWC Manager*: An employee assigned by the Chief of Police to oversee the operational use of and coordinate maintenance of BWCs, media duplication, storage and retrieval, and procedures.
- E. *Degaussing*: Electronic cleansing of magnetic recording media.

IV. PROCEDURES

A. Duties and Responsibilities

1. OFFICERS' RESPONSIBILITIES

- a. The inspection and general maintenance of BWC equipment.
- b. BWC equipment shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies.
- c. Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the BWC is performing in accordance with the manufacturer's recommendations covering the following matters:
 - 1) Camera Lens:
 - a) Lens is clean and free of debris; and
 - b) Camera facing intended direction.
 - 2) Recording mechanism:
 - a) System capturing both audio and video; and

- b) System playing back both audio and video tracks.
- 3) Malfunctions, damage or theft of BWC equipment shall be reported to the officer's immediate supervisor prior to placing the unit into service. A subsequent written report shall include information on the suspected cause(s) of equipment failure and any recommendations for corrective action.
- d. Officers may review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.
- e. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, departmental accidents), a supervisor shall respond to the scene and ensure that:
 - 1) The BWC is secured;
 - 1) The recorded media downloaded properly;
 - 2) The media is logged into evidence;
 - 3) Copies of the media are provided to authorized investigative personnel; and
 - 4) The appropriate notation is made in the chain of custody log.
- f. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that the BWC technician is advised in a timely manner.
- g. Supervisors shall conduct periodic reviews of officer-assigned media in order to:
 - 1) Assess officer performance and compliance with this policy;
 - 2) Assure proper functioning of BWC equipment;
 - 3) Determine if BWC equipment is being operated properly; and
 - 4) Identify recordings that may be appropriate for training.
- h. Supervisors shall conduct bi-weekly reviews of personnel who have newly assigned BWC equipment in order to ensure compliance with departmental policy. Supervisors shall, thereafter, conduct quarterly reviews.
- i. Minor infractions (not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken.

- j. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals.
 - k. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.
2. BWC MANAGER
- a. The BWC Manager shall be responsible for the ordering, issuance, retrieval, storage, cleansing (degaussing), and duplication of all recorded media.
 - b. The BWC Manager shall ensure that adequate recording media is on hand and available for issuance.
 - c. The BWC Manager shall be responsible for collecting and storing all completed media.
 - d. Recorded media may only be degaussed/erased:
 - 1) Pursuant to a court order; or
 - 2) In accordance with established retention guidelines.
 - e. For the purpose of accountability, all media will be assigned an identification number prior to issuance to the field. The BWC technician will maintain a record database of issued media.
 - f. The BWC technician shall be responsible for the following:
 - 1) Long-term storage of media deemed to be of evidentiary value consistent with the department's evidence storage protocols and retention schedule; and
 - 2) The cleansing (degaussing) and re-issuance of all other media deemed to be of no evidentiary value consistent with the department's document retention requirements.

B. Recording

1. MANDATORY RECORDING: Officers assigned to BWC equipment will activate the same to record the following:
 - a. Traffic stops (to include, but not be limited to, traffic violations, stranded motorist assistance and all crime interdiction stops);
 - b. Pedestrian stops (including officer-initiated consensual encounters)
 - c. Vehicle pursuits, in conjunction with MVR;
 - d. Prisoner transports, in conjunction with MVR;

-
- e. Crimes in progress;
 - f. Calls for service;
 - g. Searches;
 - h. Arrests;
 - i. Uses of force;
 - j. Witness and victim interviews;
 - k. Crowd management and;
 - l. Other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later review.
2. STOPPING OF RECORDING DURING AN INCIDENT: When the BWC is activated to record an event, it shall not be deactivated until the event has been concluded unless:
- a. The incident or event is of such duration that the BWC may be deactivated to conserve recording times;
 - b. The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and
 - c. The intention to stop the recording has been noted by the officer either verbally or in a written notation.
3. USE OF BODY-WORN CAMERA
- a. Operation
 - 1) All patrol officers shall be trained to have an in-depth working knowledge of the system. It shall be the individual's responsibility to activate the recorder every time [s]he records an incident or event.
 - 2) With the exception of police radios, officers shall ensure that the volume from other electronic devices does not interfere with BWC recordings.
 - 3) Officers shall activate both BWC and MVR recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
 - 4) The officer shall activate both BWC and MVR when actions involve a police vehicle.
 - 5) Officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.
-

- 6) If reasonably possible, upon initial contact with any person that person should be informed that they are being recorded. The officer shall make the following statement:
 - a) "GOOD (MORNING/AFTERNOON/EVENING). I AM (CHIEF, CAPTAIN, LT., SGT., OFFICER) OF THE ERVING POLICE DEPARTMENT. I MUST INFORM YOU THAT YOU ARE BEING AUDIO VIDEO RECORDED."
 - b) Modification of this statement is not authorized. The operator must inform the person that his/her statements and comments are being recorded.
- 7) At the end of the shift, officers assigned to BWC's shall discuss with their Supervisor anything recorded by the camera that could be considered "critical evidence."
- 8) If an officer fails to activate BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why recording was not made, was interrupted, or was terminated.
- 9) Officers shall not copy, modify, edit, alter, erase or otherwise modify in any manner BWC recordings, except as authorized by law or Department policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action.
- 10) Officers shall not change, alter or make repairs of any kind to BWC device, all repairs will be conducted with approval of the Chief of Police.
- 11) Body-worn camera equipment shall only be used in conjunction with official law enforcement and investigative activities involving members of the public. Body-worn cameras shall not be used to record Departmental personnel during briefings, meetings, roll calls or while in private areas such as locker rooms or restrooms.

C. Media

1. CARE OF MEDIA

- a. Officers shall not erase, alter, reuse, modify or tamper with BWC recordings. Only a supervisor or BWC technician may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.

-
- b. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment authorized by the BWC Manager.
 - 2. REPLACEMENT OF MEDIA: The recording media shall be replaced when the recording time remaining is less than one hour.
 - 3. STORAGE OF MEDIA
 - a. BWC recordings shall be marked with corresponding identifying labels and shall be downloaded at end of shift use for storage. The following labels will be attached:
 - 1) Arrests;
 - 2) Criminal complaint;
 - 3) Physical or verbal confrontations;
 - 4) Motor vehicle stop;
 - 5) Searches;
 - 6) Public interaction;
 - 7) All prisoner transports and;
 - 8) Test.
 - b. Media not identified as evidence shall be tagged as test and submitted to the BWC Manager for storage.
 - 4. RETENTION
 - a. Media containing evidentiary material for criminal cases shall be retained in accordance with policy dealing with evidence. See the department policy regarding ***Evidence and Property Control***.
 - b. Media which is not considered criminal evidence shall be stored for at least (3) three years.
 - c. Traffic stop media shall be stored for (1) one year.
 - d. All media tagged with Test or public interaction will be deleted in (30) thirty days
 - 5. MEDIA DUPLICATION
 - a. All recording media, recorded images and audio recordings are the property of this Department. Dissemination outside of the agency is strictly prohibited without specific written authorization of the chief of police or his or her designee. Media will not be used for personal use, and will not be uploaded to public web sites.
 - b. To prevent damage to or alteration of the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department BWC Manager.
-

- c. When possible and practical, a copy of the original media shall be used for viewing by investigators, staff, training personnel, and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.
- d. At the conclusion of the trial proceedings or as otherwise authorized by the prosecutor's office for which the media was required, all copies shall be submitted to the BWC Manager for disposition.
- e. Distribution of media to the public will be conducted by the media manager or chief of police. Recorded media will be distributed carefully due to the highly sensitive nature of some of the recordings.

D. Equipment Issue

- 1. All BWC equipment shall be assessable in the booking room. At the beginning of each shift the officer will retrieve the BWC. At the conclusion of each shift the officer will return the BWC to the charging/downloading station.
- 2. The placement and operation of the BWC shall be based on officer safety requirements. The BWC should be affixed on the front of the officer on the outer most garment.