

1.60 Body Worn Camera



BODY WORN CAMERA

POLICY & PROCEDURE NO. 1.60	SECTION OPERATIONS	PAGES: 13	ISSUE DATE: May 23, 2023
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 41.3.8 ; PAT-01		EFFECTIVE DATE: June 1, 2023	REVISION DATE:
ISSUING AUTHORITY: Chief Nathan Hagglund		Rescinds: BWC Policy Issued 8/31/2016	

CONSIDERATIONS AND GUIDELINES

The department recognizes the importance of enhancing trust, accountability, and transparency within the community as well as for the individuals who visit, work, and travel through the town. The goal of this department's in-car/body worn camera program is to ensure that audio/visual recordings provide as true and accurate a depiction of events as is reasonably possible.

Body worn cameras (BWC) provide an effective law enforcement tool that reinforces the public's perception of police professionalism and preserves factual representations during officer-civilian interactions. Such systems may be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of incidental evidence or contraband. The equipment will enhance the department's ability to document and review statements and events during the course of an incident, preserve video and audio information and evidence for investigative and prosecutorial purposes. Such recordings, however, provide limited perspective of encounters and incidents and must be considered with all other available evidence, such as witnesses' statements, officer interviews, forensic analysis and documentary evidence. Further, studies have shown that BWCs and BWCs are a contributing factor in reducing complaints against police officers, increasing police accountability, and enhancing public trust. The use of BWC and BWC systems may help to reduce use of force incidents and provides increase transparency with the public to build trust during community policing.

1.60 Body Worn Camera

Video images cannot always show the full story nor do video images capture an entire scene. Persons reviewing recordings must also be cautious before conclusions are reached about what the recordings show.

In many cases, accurate and reliable recordings can help defend officers and the department against false accusations and unjustified litigation. The use of BWC/BWC video cameras can also give patrol officers added protection against false accusations of police misconduct during traffic stops, as an effective law enforcement tool that reinforces the public's perception of police professionalism and transparency and preserves factual representations of officer-citizen interactions. The in-car or body worn cameras provide limited perspective of encounters and incidents and must be considered with all of the available evidence, such as witnesses statements, officer interviews, forensic analysis and document trace evidence. This policy does not govern the use of surreptitious recording devices used in specialized operations.

The body worn cameras are intended to record anything the officer could potentially observe using their sense of sight. That does not mean that the officer is required to or expected to have seen or recollect everything documented in the footage.

Officers make decisions based on the totality of their human senses. Officer's recollection of specific details may be different than what is captured in digital evidence, since body worn cameras only capture audio and video. The use of the BWC/BWC cameras provide a record that may be different than an officer's recollection which can be affected by stress and other factors.

Video evidence has limitations and may depict events differently than an officer and may not depict any or all of the events as seen or heard by the officer. Video has a limited field of view and may not capture events normally seen by the human eye. The "frame rate" of video may limit the camera's ability to capture movements normally seen by the human eye. Videos are a two dimensional medium and may not capture depth, distance or positional orientation in addition to the human eye. Video evidence is intended to assist an officer.

In instances where an officer is injured or killed, investigating officers can review the audiovisual 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.

1.60 Body Worn Camera

PURPOSE

The purpose of this policy is to establish guidelines for the proper use, management, storage, and retrieval of video and audio data recorded by the West Brookfield Police Department

POLICY

It is the policy of the West Brookfield Police Department to:

- A. To respect the legitimate privacy interests of all individuals who visit, work, and travel through the town, while ensuring that our department always conducts itself in a professional manner. The recording of a civilian based solely upon the civilian's political or religious beliefs or upon the exercise of the civilian's constitutional rights to freedom of speech and religious expression, constitutional petition and assembly is expressly prohibited. *BWC footage shall not be reviewed to identify the presence of individual participants at such events who have not engaged in unlawful conduct.*
- B. Video recorded motor vehicle stops, pursuits and police responses in vehicles equipped with a body worn camera recording device to capture audio-video documentation of a police officer's investigative and enforcement activities.
- C. 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.
- D. The release of recordings to any person shall be made in accordance with department policy REC:02 Public Records Request and the provisions of the Commonwealth of Massachusetts Freedom of Information Act.

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. *Infrared Cabin Camera*: An BWC camera designed to monitor backseat activity. The Infrared Cabin sensors mean that no matter how low the light is, security footage is captured.
- C. *Integrated System*: A system that incorporates the BWC, BWC and Infrared Cabin Sensor seamlessly as a single system, capturing synchronized video from multiple vantage points.
- D. *Body Worn Camera (BWC)*: Body Worn Camera designed to be worn upon an officer's body. Device capable of capturing both video and audio input with the

1.60 Body Worn Camera

ability for those signals to be uploaded wirelessly or wired to be viewed from a computer console.

- E. *BWC Manager*: Shall be the Chief of Police or 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 that digital evidence handling is secured, and that data is not altered.
- F. *Backup BWC Manager*: The Chief of Police will assign a second employee to assist the BWC Manager in the event the BWC Manager is unavailable. The Backup BWC Manager will be provided with the same training as the BWC Manager.
- G. *Watchguard*: The brand name for the video equipment installed in West Brookfield Police Department vehicles and the Body Worn Cameras deployed and utilized by the West Brookfield Police Department.
- H. *Event Mode*: When placed in the event mode, the Watchguard records audio and visual data. The previous 15 seconds of buffered video is also saved.
- I. *Pre-Event Recording*: An option for BWC cameras that allows events prior to activation to be recorded. BWC operated by the West Brookfield Police Department shall have a pre-event recording time of fifteen (15) seconds.
- J. *Global Positioning System (GPS)*: An accurate worldwide navigational surveying facility based on the reception of signals from an array of orbiting satellites. (Jointly added by union and Chief for clarification only). There shall no be GPS installed or activated on BWCs.

PROCEDURE

DUTIES AND RESPONSIBILITIES

- A. Officers who are assigned to a uniformed function are required to wear body cameras while engaged in field activities, unless exempt as follows:
 - a. When the Chief of Police or Supervisor determines that circumstances make it inappropriate to mandate wearing a body worn camera; or
 - b. While assigned to administrative duties for the department.
 - c. While Officer's are assigned to traffic control details.
- B. The inspection and general maintenance of body worn camera equipment shall be the responsibility of the officer assigned to the BWC.
- C. ICS and BWC equipment shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies. The only approved and authorized ICS and BWC are Motorola Watch Guard. Officers will not use privately owned camera devices under any circumstances.
- D. 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:
 - a. Body Worn Cameras

1.60 Body Worn Camera

- i. Make sure battery is fully charged.
 - ii. Camera is placed on body consistent with training.
 - b. Recording mechanism:
 - i. System capturing audio and video; and
 - ii. System playing back both audio and video tracks.
 - c. Malfunctions, damage, or theft of in-car/body worn camera 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. Prior to the end of the shift, each officer places their BWC in the docking station. The docking station will charge the BWC's battery and transfer video data to the storage system.
 - e. Officers shall ensure all uploaded videos are properly tagged/classified in the evidence management system for retention.
- E. Officers shall be afforded the option to review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.
- F. Officers shall be afforded the option to also review their recordings for court purposes, prior to any internal affairs questioning, and for training purposes; so long as there is nothing legally prohibiting from doing so. See *Commonwealth v. Yusuf*, 488 Mass. 379 (2021).
- G. Patrol supervisors' responsibilities [41.3.8)B)]
 - a. 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:
 - i. The recorded media is removed from the recorder;
 - ii. The media is logged into evidence.
 - b. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that the Chief of Police is advised in a timely manner.
 - c. Supervisors shall conduct periodic reviews of officer-assigned media in order to:
 - i. Assess compliance with this policy and other department policies;
 - ii. Assure proper functioning of BWC equipment;
 - iii. Determine if BWC equipment is being operated properly; and
 - iv. Identify recordings that may be appropriate for training.
 - d. 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.
- H. BWC manager's responsibilities [41.3.8(c)]

1.60 Body Worn Camera

- a. The BWC Manager shall be responsible for the management and duplication of all recorded media files.
- 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:
 - i. Pursuant to a court order; or
 - ii. In accordance with established retention guidelines.
- e. The BWC Manager shall be responsible for the following:
 - i. Long-term storage of media deemed to be of evidentiary value consistent with the department's evidence storage protocols and retention schedule; and
 - ii. 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.

It is imperative to the proper functioning of the West Brookfield Police Department and the criminal justice system that all officers accurately and completely recount the events when preparing police reports or statements or when being questioned regarding an incident. In order to properly recount and describe events, any officer, prior to being required to write a report or to being interviewed, shall be provided with the opportunity to review their video recording of the incident in question.

The use of a BWC does not replace the need for required documentation. All incident and supplemental reports shall be completed regardless of the video that has been captured.

If an officer fails to properly activate the BWC, fails to record the entire contact, improperly pauses the recording, or the BWC malfunctions, the officer should document the circumstances and reason in the incident or arrest report, if known to the officer, should an incident or arrest report of the interaction be made. In the event an incident or arrest report was not created, the circumstances and reason for the failure to properly activate should be documented in a memo to the Sergeant.

NOTICE OF RECORDING

- A. Officers are not required to notify citizens in areas where a citizen does not maintain a reasonable expectation of privacy, but may do so at the beginning or during the BWC officer's interaction with the citizen. Officers may take into account tactical considerations as to if, or when, to notify a citizen of the recording. When notification is practical, officers may notify civilians that they are being recorded. All

1.60 Body Worn Camera

BWCs will be conspicuously placed in the center of the officer's chest area to allow the camera to be immediately noticeable to those interacting with the officer.

- B. If a civilian has requested the officer stop recording their BWC, the officer has no obligation to stop recording if the recording is initiated under any of the circumstances identified in Section VI. A. MANDATORY RECORDING of this policy. The civilian's request to turn the BWC off should be recorded, as well as the officer's response.
- C. Private Residence:
 - a. Before entering a private residence without exigent circumstances, officers must obtain the occupant(s) consent before recording inside the residence. If the occupant declines to give consent, and absent exigent circumstances, the BWC shall be turned off while inside the residence.
 - b. When responding to an exigent circumstance inside a private residence, the BWC shall be activated throughout the exigency. However, once the exigency is over, and when practical, officers shall obtain consent from the occupant(s) in order to continue to record.
 - c. Officers should record the request to turn the BWC off and the officer's response to that request, if possible.

RECORDING [41.3.8a]

- A. Mandatory recording
 - a. Officers assigned to body worn camera video recording equipment will activate the same to record the following:
 - i. Investigative detentions and stops of individuals (vehicles, pedestrians, or otherwise);
 - ii. When taking police action and/or enforcing the law;
 - iii. Use of force;
 - iv. Known high-risk situations;
 - v. Vehicle and foot pursuits;
 - vi. Prisoner transports;
 - vii. Advising an individual of Miranda rights;
 - viii. Statements made by suspects, victims, or witnesses;
 - ix. Vehicle searches;
 - x. Physical arrest of persons;
 - xi. Observed items of evidentiary value;
 - xii. Service of a search warrant;
 - xiii. Anytime an officer enters the evidence room area and for the duration of time the officer(s) are in the evidence room area.
 - xiv. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording; and

1.60 Body Worn Camera

xv. Any other circumstances where the officer believes recording an incident would be appropriate.

- B. The BWC systems should generally be used during incidents that create a reasonable suspicion in the mind of a reasonable police officer that a crime has been committed, is being committed, or will be committed in the future.

NOTE:

- A. Officers will not unreasonably endanger themselves or another person to conform to this policy.
- B. Officers, who do not activate their body-worn cameras in situations where they were required to as outlined above, may be subject to discipline. If a citizen complaint is made and the officer does not activate their body-worn camera as required, it may be a factor examined when determining final resolution of the investigation.

OPTIONAL RECORDING

- A. Officers, at their discretion, may record any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.
- B. Officers may use the BWC system to capture statements from victims, witnesses, and suspects in place of utilizing a digital recorder. The use of a BWC for such purposes shall be documented in the same manner as provided in this policy.
- C. Individuals may be recorded when there is no expectation of privacy. This includes when they are in a public place or in public view.
- D. Upon entering a private residence or another location where there is an expectation of privacy;
- If the incident or reason for the officer's presence is routine in nature and a non-emergency situation, notification should be provided to record the incident.
Example: "a police camera is operating, and you are being audio and video recorded."
 - This advertisement and the response should be made while the body worn camera is recording. If the person requests that the interaction is not recorded, such request shall be reflected on the recording and in the case report.
- E. Officers assigned to administrative duties, which includes; School Resource Officers, Administrative Lieutenant, Officers performing Detective Duties and Chief will use BWC in accordance with section VI. (A) MANDATORY RECORDING.

PROHIBITED RECORDINGS

- A. The body worn camera device will not be used to record:

1.60 Body Worn Camera

- a. In locations where a reasonable expectation of privacy exists, such as dressing rooms or restrooms, unless required for capturing evidence.
- b. Insensitive exposures to private body parts, unless required capturing evidence.
- c. Personnel activities of other department members during routine, non-enforcement related activities.
- d. Inside medical facilities, except when a situation arises that the Officer believes to serve a proper police purpose.
- e. Routine medical calls.
- f. Inside the Police Station area of the Town Hall with the exception of the Lobby.
- g. Inside a courthouse while conducting administrative duties or testifying in a court hearing.

RESTRICTIONS/IMPROPER RECORDINGS

- A. The BWC camera device shall be used only in conjunction with official law enforcement duties, and shall not be used to record:
 - a. The BWC worn camera devices are intended for official departmental use only and are not to be used for frivolous or personal activities.
 - b. During breaks, lunch periods, or time periods when a member is not responding to a call, or when not in service;
 - c. Non-work-related personal activity, especially in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms;
 - d. The BWC camera devices will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.
 - e. Officers will advise other departmental members and/or other criminal justice personnel (prosecutors, judges, other law enforcement personnel) when a body worn camera device is recording.
 - f. Officers shall not allow citizens to review the recordings.
 - g. Officers are prohibited from copying, or releasing body worn camera device recordings.
 - h. Officers shall not make copies of any recordings for their personal use and are prohibited from using a recording device (such as a camera phone as a secondary video camera) to record audio and or video from the Watch Guard or any device utilized to view recorded data directly from the body worn camera or Watch Guard system.
 - i. Investigative briefings;
 - j. Any conversation regarding professional development, counseling, discipline of bargaining unit members, and contractual matters.

1.60 Body Worn Camera

- k. Encounters with undercover officers or confidential informants.
- l. Any personal conversation of or between other department employees without the recorded employee's knowledge;
- m. Departmental meetings, workgroups, in-service training, or assignments of an operational or administrative nature. Using BWCs for training purposes relating to the Field Training Program, restricted to the Field Training Officer and their Trainee is not a violation of this restriction.
- n. A telephonic conversation, except in accordance with the provisions of State and Federal Law while in the performance of official duties; or
- o. Strip searches (refer to department policy PRS:03 Detainee Processing).

DELETION OF UNINTENTIONAL RECORDINGS

- A. An officer may request the deletion of an unintentional recording by submitting a memorandum of explanation to the Sergeant.
- B. The Sergeant shall forward the request with their recommendation to the Chief of Police.
- C. The Sergeant will review the request and if approved the Sergeant shall forward a memo to the BWC Manager to complete the deletion.
- D. Such memorandum will be retained by the BWC Manager.
- E. All information obtained from recordings that are requested for deletion shall remain confidential. The Sergeant and BWC Managers shall ensure the deleted information is kept confidential by not disseminating or discussing any information related to the deleted content to any other individual or Town Employee.

STOPPING OF RECORDING DURING AN INCIDENT

- A. When the BWC is activated to record an event, it shall not be deactivated until the event has been concluded unless:
 - a. An officer may mute or turn off their BWC, thereby preventing their private conversation from being recorded, to discuss points-of-law, or tactics, or to debrief an incident with other public safety personnel;
 - b. The incident or event is of such duration that the BWC may be deactivated to conserve recording times;
 - c. The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and
 - d. The intention to stop the tape has been noted by the officer either verbally or in a written notation.

USE OF BODY WORN AUDIO & VIDEO RECORDING

- A. Operation
 - a. All officers shall be trained to have an in-depth working knowledge of the system.

1.60 Body Worn Camera

- b. At the beginning of the officer's shift she/he will log into the Cruiser BWC system, Officers shall not sign in as other officers.
- c. Officers may view other officers BWC footage with permission from the officer who captured it.
- d. With the exception of police radios, officers shall ensure that the volume from other electronic devices within the police vehicle does not interfere with BWC recordings.
- e. If there is an incident recorded by the BWC that the officer deems critical and evidentiary in nature, the officer will log the incident into the Watch Guard System consistent with applicable retention rules and requirements
- f. This procedure allows for operator discretion and judgment. There is however, no allowance for the failure to record each motor vehicle stop unless it is unsafe to do so. [41.3.8a]
- g. The limits of discretion are established relative to the use of the microphone and the ability to record events prior to a motor vehicle stop (e.g., recording a vehicle crossing the yellow line).
- h. Live streaming or GPS of the BWCs or BWCs shall not be used for any reason.

RESTRICTIONS

IMPROPER USE OF BWC/BWC FOOTAGE

- A. BWC/BWC recording/footage shall not be:
 - a. Used for the purposes of ridiculing or embarrassing any employee or person depicted on the recording;
 - b. Audio and video recordings from an officer's BWC/BWC system shall not be listened to or viewed for the sole purpose to initiate disciplinary proceedings.
 - c. Disseminated by any employee unless approved by the Chief of Police or their designee, or disseminated in the course of their official duties;
 - d. Copied by any employee (e.g., using their personal electronic device to copy).

MEDIA

CARE OF MEDIA

- A. Officers shall not erase, alter, reuse, modify or tamper with BWC recordings. The Sergeant or Chief of Police may be the only authorized person to order the BWC technician to 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.

RETENTION

1.60 Body Worn Camera

- A. Media containing evidentiary material shall be retained in accordance with policy dealing with evidence. See the department policy EVID:02 Evidence and Property Control.
- B. Recordings will be maintained a minimum of three (3) years in the following circumstances:
 - a. An officer's use of deadly force or deadly restraint;
 - b. The discharge of a firearm unless for the destruction of an animal, or training;
 - c. Death or serious bodily injury; and
 - d. An incident where there is a written complaint from a named and identified source initiated within 7 days of the incident.
- C. Media containing non-evidentiary material shall be retained for no longer than 30 days.
- D. If there is any other legal requirement for retaining the recording, including but not limited to litigation, a pending criminal case, or a valid court or administrative order, then the recording shall be retained as long as is legally required.

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 authorization of the Chief of Police and/or their designee.

DATA STORAGE, SECURITY, ACCESS, AND REVIEW

- A. Any and all images, video and audio generated by the BWC are the sole property of the West Brookfield Police Department.
- B. Unauthorized use, duplication, and/or distribution of the body worn camera recordings files are prohibited.
- C. Officers, other than those assigned by the Chief of Police as the BWC Manager or the Backup BWC Manager, shall not download, copy, or record body worn camera recordings from the Watchguard system onto any computer, device, drive, CD/DVD, or any other format without the express consent of the Chief of Police. The Chief of Police and/or their designee may review the data, images, video recordings, audio recordings, or metadata, consistent with this Policy, to approve reports and ensure policy compliance.
- D. Recordings shall not be viewed by supervisors for the sole purpose of searching for violations of department policy not specifically related to a complaint or investigation.
- E. Officers shall not remove, dismantle or tamper with any hardware or software component or part of the body worn camera devices. Officers shall not attempt to erase or alter in any manner the body worn camera recording files.

1.60 Body Worn Camera

- F. The Watchguard system files shall only be accessed from within the West Brookfield Police Department authorized computers/laptops. No access to the Watchguard file systems from any home, personal, or mobile device is prohibited.
- G. Officers shall not publish, or display body worn camera recordings to the Internet or social media sites, in accordance with the department's social media policy.
- H. The recordings should not be used or shown for the purpose of ridicule or embarrassment. Recordings shall not be viewed to monitor officers performance.
- I. If a complaint is filed against a member of the department, in writing from a named and identifiable source, the Sergeant, Chief of Police or designee receiving the complaint shall notify the BWC Manager immediately. The BWC Manager shall take necessary steps to preserve any recording of the BWC.
- J. All access and activity on the Watchguard system files is logged and subject to audit at any time and the data stored in the system is permitted on a right to know need to know basis. Personnel authorized under this policy may only view video data recording to the provisions of this policy as designated by the Chief of Police.
- K. If BWC footage/recordings are to be reviewed for disciplinary matters, the footage shall be viewed while the employee, or designated Union Representative, is present. An officer shall have the right to view and listen to recordings prior to being required to submit a written statement in any potential disciplinary action where those recordings are available.