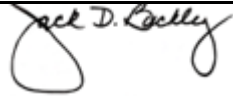




## MEDFORD POLICE DEPARTMENT

Issuing Authority:	Chief Jack D. Buckley
Issue Date:	December 13, 2024
Effective Date:	December 13, 2024
Rescind Date:	

Written Directive Title:	Body Worn Camera
Written Directive Type:	<b>Policy and Procedure</b>
Written Directive Index #:	1.08
MPAC Standard #(s):	<b>6<sup>th</sup> Edition, Version 1.3- 41.3.8</b>
Chief's Authorization:	

### I. GENERAL CONSIDERATIONS

The Medford Police Department recognizes the importance of public trust and accountability within the community. Body-worn cameras (BWCs) are useful in documenting crime and accident scenes, or other events that include the confiscation and documentation of incidental evidence or contraband. BWC equipment enhances the Medford Police Department's ability to document and review statements and events during an incident, as well as preserve video footage, audio information and evidence for investigative and prosecutorial purposes. BWCs are effective law enforcement tools that reinforce the public's perception of police professionalism and preserve factual representations of officer-civilian interactions. However, BWC recordings provide limited perspective of encounters or incidents. BWC footage must be considered with all other available evidence, such as witness statements, officer interviews, forensic analysis, and documentary evidence. Additionally, studies have shown that BWCs are a contributing factor in reducing complaints against police officers, increasing police accountability, and enhancing public trust.

The Medford Police Department prohibits recording civilians based solely upon the civilian's political or religious beliefs or upon the exercise of the civilian's constitutional rights, including but not limited to freedom of speech, religious expression, and lawful petition and assembly. BWC footage shall not be reviewed to identify the presence of individual participants at such events who are not engaged in unlawful conduct. BWCs will not include technological enhancements including, but not limited to, facial recognition or night-vision capabilities.

BWCs are intended to record anything the officer could potentially observe using his or her 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.

## II. POLICY

The purpose of this Body Worn Camera Policy is to establish guidelines for the proper use, management, storage, and retrieval of BWC video and audio data recorded. It is the policy of the Medford Police Department to respect the legitimate privacy interests of all persons while ensuring professionalism in its workforce. Officers shall only use BWCs within the context of existing and applicable federal, state, and local laws, regulations, and Medford Police Department Rules and Regulations and Policies and Procedures. This policy does not apply to the use of surreptitious recording devices used in specialized operations.

When performing any patrol function, as determined by the Chief of Police, officers must wear and activate BWCs according to Department policy. [41.3.8(4A)]

## III. DEFINITIONS

**Activation/Deactivation:** The action of initialization or making a BWC active to begin recording/the action of turning off a recording.

**Audit Log:** A system or document that records what sources were accessed, when accessed and by whom.

**Buffering Mode:** The mode in which the BWC continuously loops video recording passively, however no audio is recorded while buffering. Recall of passive video recording is limited to thirty (30) seconds prior to an officer's activation of the camera.

**Event Mode:** The mode in which the BWC records audio and visual data. The previous thirty (30) seconds of buffered video is also saved.

**Categorizing:** The process of labeling content of a video and identifying specific information for future reference.

**Power On/Off:** The process of powering the camera on (ready state) and powering the camera off. When powered on, the camera will remain in either buffering mode or event mode.

**Ready State:** The unit is powered on and ready to start recording at the click of the record button.

**Record After the Facts (RAFT):** An audio and/or video only recording feature that is included in the BWC system. RAFT captures events that occur while the BWC system is powered on, even if not actively recorded by an officer. This is a limited ability to retrieve an event that was not originally a recorded event due to the failure of an officer to record, a recording started late or a mechanical failure.

**Transfer Station** - The 8-port base stations which charge, update software and upload current BWC held camera events.

## **IV. PROCEDURES**

### **A. REQUIREMENTS [41.3.8(4F)]**

Prior to being issued a BWC, Medford Police Officers shall successfully complete Department approved training related to BWCs and this policy related to the activation, use, categorization, and uploading of data. All Medford Police Department personnel who may supervise officers wearing BWCs, or personnel requiring access to review videos shall also be required to attend Department approved training.

### **B. CAMERA ACTIVATION AND INCIDENTS OF USE**

1. At the start of each shift, every officer will power on the BWC placing the camera in the buffering mode. Buffering mode allows the BWC to continuously loop video recording passively. No audio is recorded while buffering. The mode in which the BWC records audio and visual data is referred to as event mode.
2. Medford Police Officers will activate the BWC only in conjunction with official law enforcement duties, where such BWC use is appropriate to the proper performance of duties, and where BWC recordings are consistent with policy and the law. As in all law enforcement and investigative activities, the safety of officers and members of the public are considered the highest priority. If an immediate threat to the officer's life or safety, or the life or safety of any other person or a volatile situation makes BWC activation dangerous, then the officer shall activate the BWC at the first reasonable opportunity to do so.
3. Officers shall use BWCs only on duty and during engagement of a police function. Recordings shall be specific to an incident. Officers shall not indiscriminately record entire duties or patrols. Officers shall manually activate the BWCs and start recording prior to or upon arrival on scene of a call for service, when engaged in any law enforcement related encounter or activity, or upon activation of lights and siren.
4. The officer shall make reasonable efforts to inform civilians that they are being audio and video recorded unless an immediate threat to the officer's life or safety or the life or safety of any other person makes BWC notification dangerous or the circumstances make notification impractical. Individuals may be recorded when there is no expectation of privacy. This includes when they are in a public place or in public view.
5. Officers may audibly and visually record any incident in which all involved parties have been affirmatively notified. At the beginning of any public contact or traffic stop, the officer shall notify the citizen that the events are being audibly and visually recorded. This notification does not apply to crimes in progress or similar situations where notification is impractical.
6. Officers shall notify civilians with language such as *"I am advising you that I am audio and video recording our interaction with my Body Worn Camera."* Officers shall not record civilians surreptitiously. When multiple officers respond to an incident, it is the responsibility of the primary responding officer to make the notification. If additional civilians arrive on scene, any officer contacting the arriving civilian shall be responsible for the notification.

7. Officers shall record all contact with civilians in the below occurrences unless the decision to stop recording is made pursuant to this policy.
- a) Vehicle stops, motorist assists and crash investigations
  - b) Investigative person detentions and stops (consensual/FIO/articulable reasonable suspicion/probable cause),
  - c) All dispatched calls for service involving contact with civilians,
  - d) Observed unlawful conduct,
  - e) Arrest of persons,
  - f) Use of force,
  - g) Pat frisks and searches of persons incident to arrest (if not already activated),
  - h) K9 Searches
  - i) Advising an individual of Miranda rights,
  - j) Statements made by suspects, victims, or witnesses,
  - k) Service of court orders
  - l) Service of a search warrant,
  - m) Incidents of pursuit driving
  - n) Incidents of emergency driving
  - o) High-risk situations,
  - p) Foot pursuits,
  - q) Prisoner transports,
  - r) Vehicle searches,
  - s) Observed items of evidentiary value,
  - t) An encounter initiated by a private person (flag down),
  - u) Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording,
  - v) When an officer reasonably believes a lawful/peaceful event, crowd control, demonstration or protest may transition, or does transition, into unlawful activity.
  - w) Any other circumstances where the officer believes recording an incident would be appropriate.
8. Officers may use their discretion when deciding to activate the BWC during incidental public contact during the ordinary course of the day. Officers are not required, or expected, to activate their BWC when conducting ordinary activities or other situations that do not involve the delivery of police services. Officers may, at their own discretion, activate their cameras during instances if they feel it useful or necessary. Officers may also activate their cameras outside of the mandatory requirements at their discretion. In these circumstances, officers will be required to make reasonable efforts to inform individuals they are being recorded. It is impermissible to surreptitiously record any individual.
9. All BWCs come with a mute function that can be activated by depressing the **mute button**. Officers may *only* utilize the mute function to hold a confidential sidebar discussion with a fellow officer or superior officer, mute something sensitive in nature or to take a personal phone call. The mute button shall not be used to mute conversations with civilian, suspects or to silence potential exculpatory statements.

10. Once the BWC is activated, the officer shall not deactivate the BWC until the encounter has fully concluded and/or the officer leaves the scene. Generally, once the officer activates the BWC, the officer shall continue recording until the event has concluded, or an exception applies.
11. If an officer does deactivate a BWC, the officer shall state on the recording the reason for doing so and subsequently document same in their incident or written report and submit a BWC Special Notification Form.
12. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document the facts in an incident report that a recording failure occurred and the basis for same. Whether an incident report is filed or not, if an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall notify his/her Supervisor that a recording failure occurred and submit a BWC Special Notification Form indicating the reason(s) for the recording failure to the Body Worn Camera Unit (BWC Unit).<sup>1</sup>
13. 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 will be a factor examined when determining final resolution of the investigation.
14. Officers who are assigned to a uniformed function shall wear BWCs while engaged in field activities as well as *detail assignments*. Exceptions shall be made where the Chief of Police or her/his designee determines that circumstances make it inappropriate to mandate wearing a BWC.
15. Officers who are assigned to Detective functions shall wear BWCs while engaged in investigative activities as well as detail assignments. Detectives will use BWCs on planned operations. Officers who are assigned to Administrative functions shall wear BWCs when their assignments require public interaction. All officers shall wear their BWCs when in uniform. Non-uniformed officers shall have their issued BWCs readily available at all times.
16. School Resource Officers (SROs) shall not activate their BWC unless responding to or investigating a criminal matter.
17. Motorcycle Officers shall wear body-worn cameras and activate when interacting with the public during patrol activities. Motorcycle units are not required to activate their cameras during escorts, unless an interaction with the public may warrant possible interaction recording.
18. K-9 Officers will wear body-worn cameras.
19. Officers assigned to NEMLEC (Northeastern Massachusetts Law Enforcement Council) will follow the protocols of NEMLEC and will not be required to wear BWCs while assigned to and in performance of their duties for NEMLEC.

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<sup>1</sup> The BWC Special Notification Form shall be transmitted by Department email to the Supervisor of the BWC Unit or his designee. The BWC Unit shall monitor the instances of deactivation and the reasons for such BWC deactivation. The Chief shall be notified when BWC deactivation becomes problematic, regular, continued or improper with regard to this Policy.

20. Officers shall notify pertinent Department personnel and/or other criminal justice personnel (prosecutors, judges, or other law enforcement personnel) in any legal proceeding when a BWC recording of an incident or event is in existence.

### **C. RECORDING WITHIN A RESIDENCE**

1. Before entering a private residence without exigent circumstances, officer shall notify occupants they are being recorded before entering and recording inside the residence. If the occupant declines to give consent, and absent exigent circumstances, the BWC shall be deactivated while inside the residence.
2. 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 notify occupants they are being recorded in order to continue to record.
3. Officers should record the request to turn the BWC off and the officer's response to that request, if possible. If consent is refused, officers will document the refusal in their incident report. Whether an incident report is filed or not, the officer shall notify his/her Supervisor that consent to record was refused and submit a BWC Special Notification Form, indicating consent was refused inside a residence, to the BWC Unit.<sup>2</sup>
4. Officers recording in a residence shall be mindful not to record beyond what is necessary to the civilian contact, and shall not use the BWC with exploratory intent to create an inventory of items in the residence.

### **D. RECORDING IN AREAS WHERE THERE MAY BE A REASONABLE EXPECTATION OF PRIVACY**

1. Officers should be mindful of locations where recording may be considered insensitive or inappropriate. Such locations may include locker rooms, places of worship, religious ceremonies, certain locations in hospitals or clinics, law offices, and daycare facilities. At such locations, an officer may use one's discretion based on the circumstances and decide to deactivate or power off the BWC. An officer may also consider diverting the BWC away from any subjects and recording only audio, if appropriate. When exercising discretion, the officer should generally base their decision to either deactivate or power off, diverting the BWC, or recording only audio on the following BWC Discretionary Recording Considerations. The officer should be able to articulate the reason for their decision to exercise discretion.
2. BWC Discretionary Recording Considerations include but are not limited to: the sensitive or private nature of the activities or circumstances observed; the presence of individuals who are not the subject of the officer-civilian interaction; the presence of people who appear to be minors; any request by a civilian to stop recording; and the extent to which absence of BWC recording will affect the investigation.
3. Officers shall use their discretion when deciding whether or not to record during medical calls for service. When making these decisions, officers shall consider the following;

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<sup>2</sup>Ibid.

- The nature of the medical aid call
  - The location of the incident
  - Whether or not recording may be considered insensitive or inappropriate
  - Whether the circumstances are in any way suspicious or would require further investigation
4. If an officer uses discretion to deactivate or power off the BWC, the officer shall record the reason with a message on the BWC while activated and shall document this action in their incident or written report. Whether an incident report is filed or not, the officer shall notify their Supervisor that the recording was stopped and submit a BWC Special Notification Form, indicating discretion was used, to the BWC Unit.

#### **E. RECORDING INSIDE THE POLICE STATION**

1. Officers will not use their BWC when inside the police station unless required as outlined below. Officers will power off their BWCs upon entering the station and power on the BWC upon exiting the station. Using BWCs for training purposes is not a violation of this restriction.
2. Officers assigned to the Records Office, Main Desk and Wagon are required to have their BWCs powered on and available. While assigned to the Records Office or Main Desk, officers shall record all contact with civilians in accordance with Section IV. B. 7. in order to comply with this policy.
3. Wagon officers are required to activate their BWC when dispatched to a call for service and for prisoner transport. If the Wagon Officer transports an arrested person to the police station, the officer will power off their BWC upon placing the arrested party inside a secure holding cell.
4. BWCs shall not be activated during the booking process. The police Department will continue to audio and video record all bookings.

#### **F. NOTICE OF RECORDING**

The officer shall make a reasonable effort to inform civilians that the officer is recording them unless a threat to the officer's life or safety, or the life or safety of any other person or a volatile situation makes BWC notification dangerous or the circumstances make notification impractical. Officers shall notify civilians with language such as ***"I am advising you that I am audio and video recording our interaction with my Body Worn Camera."*** Officers shall not record civilians surreptitiously.

#### **G. CONSENT TO RECORD**

Officers do not have to obtain consent to record in public. If a person requests that the officer stop recording, the officer has no obligation to stop recording if the occurrence is being recorded pursuant to Section IV. B of this policy. Officers shall record the request to turn the BWC off and the officer's response to that request.

#### **H. RECORDING OF VICTIMS/WITNESSES**

1. 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.
2. If a victim indicates in any way that they are uncomfortable with being recorded, the officer shall inform the victim that the victim may request to have the BWC deactivated. The officer shall record the request to deactivate the BWC and the officer's response.

#### **I. BWC DEACTIVATION**

1. To the extent possible, prior to deactivating or powering off a BWC, the officer shall audibly state and record the reason. Typically, once the officer activates the BWC, the officer will continue recording until the event has concluded. Below are some non-exhaustive examples of when deactivation may be permissible:
  - a) The officer has concluded the interaction.
  - b) All persons stopped have been released or left the scene, or an arrestee has arrived at the station for booking. The transporting officer shall continue recording until the transporting officer places the arrested party inside a secure holding cell.
  - c) The event is sensitive, the officer has weighed the BWC Discretionary Recording Considerations specified in Section D, and has decided to deactivate or power off the BWC;
  - d) The incident has concluded prior to the arrival of the officer;
  - e) A supervisor orders the officer to deactivate or power off the camera off.
2. Suspicious Device Protocol: First initial responding officers and/or first officers on scene of a suspicious object shall power off their BWC when in the immediate proximity of the suspicious object. All other responding officers shall ensure they are at least 300 feet from the object prior to activating their BWCs. When dispatching any calls for suspicious objects, the Supervisor should remind first responding officers to power off their BWCs prior to approaching the scene of the device.

#### **J. CAMERA DEPLOYMENT - OFFICER RESPONSIBILITY [41.3.8(4E)]**

1. Medford Police Officers issued BWC equipment are responsible for the safety, security, and functioning of this equipment. Officers must use the BWC equipment with reasonable care to ensure its proper functioning. Officers shall inform their Commanding Officer of any equipment malfunctions or if there has been a loss of a BWC, so that the Commanding Officer can procure a replacement unit and/or record the malfunction, as soon as possible. Officers shall document the malfunction or loss and submit a BWC Special Notification Form.
2. Medford Police Officers shall use only BWCs issued by the Medford Police Department. The BWC equipment and all data, images, video recordings, audio recordings, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of the Medford Police Department and shall not be released without the authorization of the Chief of Police or her or his designee.
3. At the beginning of each shift, the officer will:



- a) Ensure that the issued equipment has a fully charged battery and is functioning properly.
- b) Ensure that the BWC does not contain recorded footage from a prior shift. (If previous recordings exist, they must be uploaded before starting the shift)
- c) Notify the Commanding Officer whenever there is a malfunction or damage to the BWC.

4. During each shift, the officer shall:

- a) Affix BWC properly upon his/her uniform in a manner consistent with training.
- b) Position and adjust the BWC to record events.
- c) Position and adjust the BWC microphone to ensure that it is unobstructed.
- d) Activate the BWC and record as outlined in this policy.
- e) Document the existence of a BWC recording in all of the appropriate documents, (i.e., Incident Report, Accident Report, Use of Force Report, FIO, Administrative Reports).
- f) Notify investigative or specialized unit personnel of the existence of BWC recording, and
- g) Document in the incident report the circumstances and reasons if the officer fails to activate the BWC, fails to record the entire contact, interrupts the recording, or the BWC malfunctions. Whether an incident report is filed or not, the officer shall notify their Supervisor and submit a BWC Special Notification Form to the BWC Unit by the end of the shift or as soon as practical.

5. Prior to end of shift: docking/uploading requirements:

- a) At the end of the shift, each officer shall place their BWC in a transfer station. The docking station will charge the BWCs battery and transfer video data to the storage system.
- b) If an officer becomes aware that this process is not occurring or becomes aware of any other malfunction of the system, the officer shall notify her or his Commanding Officer immediately and submit a BWC Special Notification Form indicating a BWC malfunction to the BWC Unit by the end of the shift or as soon as practical.

6. Every officer shall place their assigned BWC in the transfer station for a minimum of 15 minutes each week so that the firmware and other updates may be downloaded to your device.

## **K. LABELING AND CATEGORIZATION OF BWC RECORDINGS**

- 1. Proper categorization of recorded data is critical. The retention time for recorded data typically depends on the category of the event captured in the video. Accurate categorization and accurate descriptions also help officers, supervisors, prosecutors, and other authorized personnel to readily identify and access the data they need for investigations or court proceedings.
- 2. At the conclusion of the call or as soon as reasonably practical, officers shall appropriately categorize the video. If an officer is unable to categorize the video at the conclusion of a call, the officer will be required to categorize the video upon upload of the video to the secure cloud-based storage platform. [41.3.8(4H)(4I)]
- 3. Officers shall label BWC recordings according to the following categories:

- 1 Death
- 2 Deadly Force
- 3 Less than Lethal Use of Force
- 4 Sexual Assault
- 5 Crash – Fatal
- 6 Use of Force
- 7 Arrest
- 8 Felony - No Arrest
- 9 Misdemeanor - No Arrest
- 10 Significant Event
- 11 Domestic Violence/Family Trouble
- 12 Protective Custody
- 13 Missing Person
- 14 Traffic Stop
- 15 Investigate Person
- 16 Investigate Premise / Alarm Call / 911
- 17 Crash – Non-Fatal
- 18 Agency Assist
- 19 Public Assist
- 20 Paperwork Service
- 21 Well Being Check
- 22 Medical Aid
- 23 Mental Health Interaction
- 24 Transport
- 25 Parking Enforcement
- 26 Test / Training
- 27 Accidental Recording

The Department may also develop other categories, as needed.

4. Encounters or incidents should be labeled by the officer to reflect the most serious category. If an officer is assisting other officers on a call, the assisting officer shall use the category of the original incident.

#### **L. REQUEST TO REDACT**

Officers utilizing BWC equipment should be aware that their BWCs may unintentionally capture private moments or experiences as well as security information such as door, phone, and computer codes. If the officer knows that their BWC captured sensitive information or material, the officer shall submit a BWC Special Notification form, requesting to redact unintentional private/security information or sensitive material, to the BWC Unit by the end of the shift or as soon as practical. The officer shall document on the form the nature of the information captured and the request for redaction. The Supervisor of the BWC Unit or her/his designee shall authorize redaction when they determine it is necessary.

#### **M. RECORD AFTER THE FACT**

The BWC is equipped with a recording function (Record-After-the-Fact) that captures events that occur while the camera is inactive. This feature will only be accessed only during critical incident type situations if the officer failed to activate the record mode, activates the record mode late or the record mode fails mechanically. If this occurs, the officer shall immediately notify his supervisor/Commanding Officer of the occurrence. The responding supervisor shall immediately notify the Supervisor of the BWC Unit who shall immediately notify the Chief of Police or designee with the information of the incident. Critical incidents include but are not limited to, an officer involved death, officer involved shooting or other use of deadly force, gross negligence or suspected criminal behavior. The Chief of Police or designee will either approve or disapprove the accessing of the recording by the BWC Unit based on the aforementioned criteria. If the Chief of Police or designee approves the retrieval, the BWC Unit or designee will retrieve the BWC from the officer. After-the-fact recordings have a limited time saved or stored on the device of 0-16 hours before it is automatically re-written over by the device.

## **V. RECORDING RESTRICTIONS**

### **A. PROHIBITED RECORDINGS**

1. Officers shall not use BWCs to record any persons or events in violation of this policy or any rule of MPD, including:
  - 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 for capturing evidence;
  - c) Activities of other Department members during routine, non-enforcement related activities, during breaks, lunch periods, or time periods when an officer is not responding to a call, or when not in service;
  - d) Non-work-related personal activity, especially in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, gym, or restrooms;
  - e) Any personal conversation of or between other Department employees without the recorded employee's knowledge;
  - f) Inside medical facilities, except when a situation arises that the officer believes to serve a proper police purpose.
  - g) Roll Call and/or Investigative briefings;
  - h) Encounters with undercover officers or confidential informants;
  - i) Departmental meetings, workgroups, in-service training, or assignments of an operational or administrative nature;
  - j) A telephone conversation, except in accordance with the provisions of state and federal law while in the performance of official duties;
  - k) Court hearings or proceedings;
  - l) Routine medical calls.
  - m) Inside the police station except for the lobby area;
  - n) Communication with other law enforcement agency personnel.

- o) Strip searches.
- p) During crowd control, protests or demonstrations unless the officer believes it may transition, or does transition, into unlawful activity and or individuals within the group escalate to disruptive behavior.

In the foregoing circumstances, unless otherwise required by this policy, officers shall have the discretion of deactivating or powering off their BWC.

2. Exceptions to the foregoing may be granted for training purposes with notification to, and subsequent approval of, involved personnel. If an officer inadvertently records as listed above, the officer shall submit a BWC Special Notification Form indicating a request to redact. **[41.3.8(4C)]**

## **B. RECORDING RESTRICTIONS**

Officers are **prohibited** from using their personal phone or any smart device for BWC applications. Any uploading or converting digital recordings for use on any personal storage device, phone or any type of social media is prohibited.

## **C. IMPROPER USE OF BWC FOOTAGE:**

1. Officers shall use BWC data, images, video recordings, audio recordings, or metadata only for legitimate law enforcement reasons. Officers shall never use data, images, video recordings, audio recordings, or metadata for personal reasons, or non-law enforcement reasons.
2. Department personnel shall not use BWC data, images, video recordings, audio recordings, or metadata to ridicule or embarrass any employee or person depicted on the recording.
3. All data, images, video recordings, audio recordings, and metadata are the property of MPD. Department personnel shall not disseminate BWC data, images, video recordings, audio recordings, or metadata unless the Chief of Police or designee approve the dissemination and the Department personnel disseminates the BWC data, images, video recordings, audio recordings, or metadata in the course of her or his official duties.
4. Department personnel shall not copy or otherwise reproduce any BWC recording/footage (including using an iPhone, iPad, or other electronic or other device).
5. The Administration, Captains, Commanding Officers, and Supervisors, shall not randomly, selectively or by schedule, review BWC recording or footage for disciplinary purposes. Review shall be permissible upon any knowledge of any complaint with the permission of the Supervisor of the BWC Unit and/or Chief of Police.

## **D. CHIEF OF POLICE ORDER**

The Chief of Police may issue orders restricting the use of BWCs during designated events or activities.

## **VI. SUPERVISOR RESPONSIBILITIES**

### **A. SHIFT SUPERVISORS**

1. All Command Staff and Supervisors assigned to oversee officers utilizing Department-issued BWCs shall:
  - a) Ensure officers are utilizing BWC consistent with this policy.
  - b) Notify the Body Worn Camera Unit if an officer uses or is temporarily issued a BWC that is not assigned to him or her, so the BWC Unit may reassign the officer's audio and video to their account.
  - c) Contact the Body Worn Camera Unit whenever any officer is unable to use the BWC or upload digitally recorded data due to technical problems.
  - d) Request replacement BWC equipment from the Body Worn Camera Unit when an officer indicates the equipment is lost or malfunctioning (via email), issue a spare BWC, and ensure a new BWC is received by the requesting officer.
  - e) Ensure that officers include all required references to BWCs in appropriate Department documentation, such as incident reports.
  - f) Commanding Officers and Supervisors may, but are not required to, review BWC video footage and audio recordings, consistent with this policy, to approve any reports.

### **B. COMMANDING OFFICERS AND SUPERVISORS**

Commanding Officers and shift supervisors who are responsible for checking and approving officer's reports shall make sure the report contains the BWC status (activated/not activated). If the status states not activated, the supervisors shall determine the cause and take appropriate action.

It is recommended that Commanding Officers and shift supervisors review BWC footage before signing off on Use of Force reports.

The Supervisor of the BWC Unit and their designees are responsible for reviewing BWC activity logs and reports to ensure officers remain in compliance with this policy. The BWC Unit personnel are specifically charged with conducting random reviews of recordings in accordance with the BWC Audits authorized under this policy. The Supervisor of the BWC shall provide feedback to officers on BWC use and performance and recommend training as needed to correct any deficiencies.

## **VII. INTERNAL ACCESS & REVIEW**

### **A. OFFICER ACCESS TO HER OR HIS OWN FOOTAGE, WHEN NOT RELATED TO OFFICER INVOLVED DEATH, OFFICER INVOLVED SHOOTING, OR OTHER USE OF DEADLY FORCE** [41.3.8(4B)4C)]

1. BWC video footage is a tool that may aid officers in providing an accurate and complete account of any incident. According to the memorandum issued by the Middlesex District Attorney's Office titled, *Police*

*Department Adoption of Body-Worn Cameras*, “It is important that individuals responsible for drafting police reports and applications for criminal complaints have access to relevant video footage on a timely basis. Prosecutors rely on police reports to inform their charging decisions, dangerousness assessments, and sentencing recommendations. Judges routinely rely on written police reports in making probation violation determinations or in dangerousness proceedings; in Sexually Dangerous Person proceedings, police reports are actually substantively admissible for their truth, see G.L. c. 123A, § 14(c). This reliance necessarily begins immediately, at the time of arrest. Because police reports must accurately reflect what actually transpired, and not merely one police officer’s subjective memory of events, access to video footage to inform the drafting of thorough, detailed and accurate reports is essential.”

2. Officers are allowed to view their own BWC recording when they are involved in an incident, for the purposes of completing an investigation and preparing official reports. To help ensure accuracy and consistency, officers should review the BWC recording prior to preparing reports.
3. Officers are allowed to view their own BWC recording when they are preparing for court. Officers shall advise the prosecuting attorney that they reviewed the BWC recording.
4. Officers are allowed to view their own BWC recording when they are providing a statement pursuant to an internal investigation or involving other critical incidents. At the officer’s request, the officer’s attorney and/or Union Representative may be present when the officer views the video.
5. Officers may request the assistance of the BWC Unit to view their own BWC recording to ensure the BWC system is/was working properly or to review and/or critique her/his own performance.
6. If an officer requests access to footage be made available for a time frame longer than the retention schedule allows, a request to extend the retention schedule shall be made through a BWC Special Notification Form by the end of the shift or as soon as practical. The footage will be available according to the schedule outlined in Section IX.C.
7. If an officer needs a physical copy of their BWC footage, a request shall be made through a BWC Special Notification Form, requesting a copy, to the BWC Unit. Physical copies of the video shall be subject to M.G.L. Ch. 66, Sec. 10, the Public Records Law, and in accordance with all applicable state laws and regulations.

**B. OFFICER ACCESS TO FOOTAGE FOLLOWING AN OFFICER INVOLVED DEATH, OFFICER INVOLVED SHOOTING, OR OTHER USE OF DEADLY FORCE**

[41.3.8(4C)]

1. Following an officer involved death, officer involved shooting or other use of deadly force, officers and supervisors at the scene shall not view any video before the Massachusetts State Police Detective Unit or Detective Supervisor assigned by the Chief of Police views the footage and uploads it into the system.
2. At a time determined by the supervisor in charge of the investigation, officers who: (1) were involved in the incident, (2) discharged their weapon, and/or (3) witnessed the incident may view their own video before giving a statement and/or writing a report. At the officer’s request, the officer’s attorney may be present when the officer views the video.

3. BWC video footage is a tool that may aid officers in providing an accurate and complete account of the incident. BWC footage should not replace an officer's memories of the incident and the officer should base his/her statement on his/her memories, not solely on the video. Before reviewing their BWC video footage, officers will be reminded that what is shown on video may depict events that the officer did not see, hear or recall.
4. Officers in a stressful incident like a shooting shouldn't be disciplined for giving testimony that contradicts a video absent evidence that they intentionally misstated the facts. Due to lighting, distance, angle and other technical factors, what is depicted on BWC video footage is not necessarily consistent with what actually occurred or what the officer perceived to have occurred.

**C. COLLECTING AND SECURING BWC FOOTAGE FOLLOWING AN OFFICER INVOLVED DEATH, OFFICER INVOLVED SHOOTING, OR OTHER USE OF DEADLY FORCE**

1. The Patrol Supervisor shall respond immediately to a death investigation or reported use of deadly force on their shift. The Patrol Supervisor, as soon as circumstances allow, shall collect all BWC equipment which belong to the officers who: (1) were involved in the incident, (2) discharged her or his weapon, and/or (3) were a witness during the time of the officer involved death, officer involved shooting or other use of deadly force. The Patrol Supervisor shall power-off the BWC and store the equipment in a secure compartment of their vehicle until the Massachusetts State Police Detective Unit or Detective Supervisor assigned by the Chief of Police arrives on scene.
2. Once on scene, the Massachusetts State Police Detective Unit or Detective Supervisor assigned by the Chief of Police shall secure any remaining BWC equipment from involved officers and witness officers, as well as equipment already secured by the Patrol Supervisor, at the earliest opportunity. The Massachusetts State Police Detective Unit or Detective Supervisor assigned by the Chief of Police will transport the cameras to the Medford Police Station for upload into the cloud-based storage platform. The Massachusetts State Police Detective Unit or Detective Supervisor assigned by the Chief of Police shall work with the BWC Unit personnel. Once uploaded, the Supervisor of the BWC Unit shall restrict video access from all users except for the Chief of Police and whomever he/she has chosen to lead the investigation. Notwithstanding the foregoing, officers retain their rights in accordance with Section VII. B above.
3. If exigent circumstances exist, the review of BWC footage by a Commanding Officer or a non-involved supervisory designee shall be permitted in an effort to expeditiously relay necessary information, in order to:
  - a) identify a suspect(s)
  - b) gather pertinent information that is necessary to protect life or safety prior to investigators arrival on scene.
4. In exigent circumstances only, the on-scene supervisor shall assign one officer custody of the device and instruct the officer to transport the BWC(s) back to the police station. Upon arrival at the police station, the transporting officer shall immediately transfer custody of the BWC(s) to the Commanding Officer or her/his designee. The Commanding Officer or her/his designee should review the BWC footage and relay the necessary information without delay.
5. The Commanding Officer or designee shall maintain possession of the BWC(s) until the Massachusetts State Police Detective Unit or Detective Supervisor assigned by the Chief of Police takes possession. All BWC

footage shall be uploaded into the cloud-based storage platform as soon as practical and the BWC device(s) shall be stored in a temporary evidence locker and its location is recorded within the SAFE Evidence Management System.

#### **D. OFFICER ACCESS TO FOOTAGE FROM ANOTHER OFFICER**

[41.3.8(4C)]

1. Officers who may have a need to review video or audio footage from another officer shall make a request to the Supervisor of the BWC Unit through a BWC Special Notification Form, requesting to review video and audio footage from another officer. The request may be related to Section VII. A or VII. B above and must articulate the reason why the officer needs to review the footage. The request shall not be unreasonably denied.
2. The Supervisor of the BWC Unit shall approve or deny the request. If approved, the supervisor will provide access to the video and audio footage to the requesting officer. If providing another officer's video or audio, the BWC Unit shall notify the officer whose BWC footage is being requested for viewing.

#### **E. SUPERVISOR ACCESS TO FOOTAGE** [41.3.8(4C)]

Any supervisor within the recording officer's chain of command may review the footage consistent with this section above. A supervisor outside of the chain of command, regardless of rank or position and excluding the Chief of Police, shall only be allowed to review footage with the permission of the Supervisor of the BWC Unit and/or Chief of Police.

#### **F. OTHER ACCESS TO FOOTAGE** [41.3.8(4C)]

1. The Professional Standards Unit may review BWC video recordings or audio recordings, consistent with this policy, to assist them in completing use of force reviews and investigating complaints.
2. The BWC system shall create and maintain a log any time a recording is accessed, viewed, or downloaded. Random audits of recorded video may be conducted on an annual basis by the Supervisor of the Body Worn Camera Unit or their designee to verify that BWCs are functioning properly and are being used in accordance with this policy. The methodology for these audits will be as follows;

The BWC Unit will randomly choose an officer's BWC footage related to an arrest, a motor vehicle stop and a general incident. If an officer does not have one of the listed categories, the BWC Unit will choose another general incident.

3. Officers who have BWC footage disseminated as part of a public records request or forwarded to the courts for discovery purposes will have their BWC footage reviewed prior to dissemination. If the footage relates to an arrest, motor vehicle stop or general incident, the officer shall have this review counted toward their compliance review.
4. For good cause, periodic checks shall also be conducted to determine if there was any unauthorized access to officer BWC video files. Unauthorized access will be reported directly to the Chief of Police along with a report detailing the circumstances regarding the unauthorized access. All checks shall be logged.



5. During any compliance review of an officer's BWC footage, it will remain the intent of the BWC Unit to monitor policy issues. However, should any reviewed footage exhibit evidence of unsafe practices, criminal conduct, conduct unbecoming a police officer or any other improper behavior that is not considered a minor or infrequent infraction, the BWC Unit shall document the infraction and consult with the Chief of Police for possible referral to the Professional Standards Unit and/or other appropriate agencies.

## **VIII. DETECTIVE RESPONSIBILITIES**

### **A. DETECTIVE DIVISION RESPONSIBILITIES**

1. The Detective Commander and Detective Supervisors must ensure that detectives adhere to the duties and responsibilities as follows in this section.
2. The BWC Unit will give detectives access to all BWC footage that would assist in the investigations related to their assigned cases. Detectives shall only review footage that relates to an assigned case.
3. When assigned a case for investigation, the assigned detectives will:
  - a) Determine the identity of all involved officers.
  - b) Request the assistance of the BWC Unit to search the cloud-based storage platform for any associated BWC media, using applicable search parameters to verify that they have located all relevant files.
4. Should a detective consider material too sensitive to be accessible for other Department members, the detective shall immediately notify their supervisor of the sensitive material. The detective's supervisor shall review the video, and if deemed inappropriate, request the BWC, through a BWC Special Notification Form, to restrict video access.

## **IX. EXTERNAL ACCESS**

### **A. PROSECUTORIAL/LAW ENFORCEMENT ACCESS [41.3.8(4C)]**

1. Federal, state, and local prosecutors shall make requests for BWC footage directly to the Department Court Prosecutor. Should an officer receive a subpoena for BWC footage, the officer shall direct the subpoena to the Supervisor of the BWC Unit or designee. The BWC Unit Officer shall advise the Detective Division Supervisor of any BWC video footage requests involving open investigations.
2. Officers are not permitted to provide video to any external partners and shall forward any requests made without a subpoena directly to the Supervisor of the BWC Unit or designee for processing.

### **B. PUBLIC INFORMATION REQUESTS [41.3.8(4D)]**

The Department's Records Access Officer shall respond to public information requests submitted under the Massachusetts Public Records Law, M.G.L. Ch. 66, sec. 10 in accordance with all applicable state laws and regulations. An officer who's recording has been requested shall be notified as to whether or not the request was approved or denied.

#### **C. OTHER EXTERNAL INFORMATION REQUESTS [41.3.8(4D)]**

1. The Department may receive requests for BWC footage not covered in Sections IX. A and IX. B. Civil discovery requests are appropriately submitted to the Records Access Officer who shall notify the Chief of Police. Requests for information submitted by a collective bargaining representative under M.G.L. c. 150E are appropriately submitted to the Chief of Police. Should an officer receive a civil case subpoena or court order, he or she shall forward the request directly to the Records Access Officer.
2. If officers receive other external requests for BWC footage, officers shall direct the request to the Records Access Officer.
3. The Records Access Officer shall maintain a log of all requests and shall provide all Department written responses. The Records Access Officer shall have no access to BWC footage and must work closely with the BWC Unit who shall provide the requested footage to the Records Access Officer after completing any and all redactions if required. The Records Access Officer will be responsible for the review, approval, and release of footage to the appropriate person(s) as consistent with applicable law and agreements.

#### **D. OFFICER NOTIFICATION [41.3.8(4D)]**

In cases where the officer has not received a subpoena or request for BWC footage directly, the Body Worn Camera Unit will inform officers when her or his videos and/or BWC information are released, unless prohibited by legal or investigative restrictions.

#### **E. DETECTIVE NOTIFICATION [41.3.8(4D)]**

When releasing BWC footage to the public that has been designated as part of an investigation, the assigned Detective and Detective Supervisor shall be notified, unless prohibited by legal or investigative restrictions.

### **X. RETENTION**

#### **A. STORAGE [41.3.8(4H)]**

1. All recording media, recorded images and audio recordings are the property of the Medford Police Department. Any dissemination not allowed through policy is strictly prohibited and unauthorized without the specific written authorization directly from the Chief of Police or designee.
2. BWC recordings and data are kept in a cloud-based storage platform.

#### **B. VIDEO FOOTAGE RETENTION [41.3.8(4G)]**

1. The Medford Police Department shall retain BWC footage based on categorization, however, the Department reserves the right to retain any BWC footage longer on a case-by-case basis as determined by the Police Chief or designee. The Department will retain video recordings as follows below or pursuant to the records retention standards set forth by the Secretary of the Commonwealth, and make the video available for court and other proceedings.
2. In all matters related to the discipline of a police officer or any appeal related to the discipline imposed upon a police officer, or in other litigation initiated by an authorized bargaining agent in which recordings are relevant the Medford Police Department will retain the body-worn camera footage for at least one (1) year after final disposition. A copy of body-worn camera footage that has been deemed pertinent to any Internal Affairs investigation may be maintained within the Internal Affairs investigative file indefinitely.

**C. RETENTION SCHEDULE [41.3.8(4G)]**

1. Schedule I – Indefinite Retention

- a) Death
- b) Deadly Force
- c) Less than Lethal Use of Force
- d) Sexual Assault
- e) Crash - Fatal

2. Schedule II – Seven (7) Year Retention

- a) Use of Force
- b) Arrest
- c) Felony - No Arrest
- d) Misdemeanor – No Arrest
- e) Significant Event
- f) Domestic Violence / Family Trouble
- g) Protective Custody

3. Schedule III – Three (3) Year Retention

- a) Missing Person
- b) Traffic Stop
- c) Investigate Person
- d) Investigate Premise / Alarm Call / 911
- e) Crash – Non-Fatal
- f) Agency Assist

4. Schedule IV – One (1) Year Retention

- a) Public Assist
- b) Paperwork Service
- c) Well Being Check
- d) Medical Aid

- e) Mental Health Interaction
- f) Transport
- g) Parking Enforcement

5. Schedule V – (180) Days

- a) Test / Training
- b) Accidental Recording

**NOTE:** Schedule III, IV, & V BWC recordings shall not be stored for more than 37 months without a record request or court order.

**D. THIRD PARTY VENDORS [41.3.8(4J)]**

1. If the Department uses a third-party vendor(s) for data storage, the contract with this vendor(s) will have language stating that the recordings obtained from MPD are the property of MPD and are not owned by the vendor and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of MPD.