



Lunenburg Police Department

Policy Number: 1.35	Subject: Body Worn Camera (BWC)
Issue Date: 1/8/2021 Revision Date(s): 12/15/2021; 01/10/2023; 5/30/2024 Effective Date: 1/8/2021	Massachusetts Police Accreditation Standards Referenced: 41.3.8
Issuing Authority: <i>Chief Thomas L. Gammel</i>	

I. GENERAL CONSIDERATIONS AND GUIDELINES [41.3.8(A)]

Body-Worn Cameras (BWC) are an effective tool that reinforce the public's perception of police professionalism and preserves factual representations of officer/civilian encounters. BWCs can accomplish several objectives, such as:

- Allowing for additional documentation of police/public contacts, arrests, and critical incidents;
- Serving as a means to enhance officer accountability;
- Enhancing an agency's ability to review probable cause for arrest; officer and suspect interaction; evidence for investigative and prosecutorial purposes; and evidence for use in internal investigations; and to provide additional information for officer training; and
- Providing supplemental documentation of crime and accident scenes.

The BWC is intended to record anything that the officer could have potentially heard and/or observed using their senses. This does not mean that the officer is required or expected to have seen and/or heard everything captured in the footage. Likewise, there may be information that the officer obtains through their senses that is not captured by the BWC. As such, each incident should be based on the totality of the circumstances when reviewing the video/audio for retraining or disciplinary purposes.

The purpose of this policy is to establish guidelines for the proper use, management, storage, and retrieval of video and data recorded by the BWCs. It is the policy of the Lunenburg Police Department to respect the legitimate privacy interests of all persons encountered by members of the Lunenburg Police Department while ensuring professionalism within its workforce.

II. PROCEDURES

A. Training: [41.3.8(J)]

All Officers and Supervisors of the Department shall receive training on the use and operation of the BWC, and this policy.

B. Activation: [41.3.8(C)]

An officer equipped with a BWC shall activate its recording functions as soon as practicable under the following circumstances:

1. All police/citizen encounters which include all 911 emergency calls;
2. All non-emergency calls for service;
3. All police initiated investigations/stops including vehicle stops;
4. All pursuits, and/or emergency driving as soon as it safe and practicable;
5. All prisoner transports; and
6. When ordered to by a supervisor.

Exception: Officers are not required to record normal casual conversations/encounters with citizens that do not correspond with the above-noted circumstances.

Officers will not compromise their safety or the safety of others to obtain BWC recordings when activation is not tactically feasible.

C. Recording Within A Residence: [41.3.8(C)]

Before entering a private residence without exigent circumstances, officers shall seek the occupant's consent to continue recording inside the residence. If the civilian declines to give consent, and in the absence of exigent circumstances, officers shall turn off the BWC while in the residence.

D. Recording In Sensitive Areas: [41.3.8(C)]

When recording in areas where there may be a reasonable expectation of privacy, officers should be mindful of their location as BWC recording may be considered insensitive, inappropriate, or prohibited by privacy considerations. Such locations may include residences, locker rooms, places of worship, religious ceremonies, certain locations in hospitals or clinics, law offices, or day care facilities. Based on the circumstances encountered at such locations, the BWC may be turned off.

E. Notice Of Recording:

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 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.

F. Consent to Record:

Aside from the restrictions in Section II.C (Recording Within a Residence), officers are not required to obtain consent to record. If a civilian has requested officer to stop recording, officers have no obligation to stop recording if the recording is pursuant to the circumstances identified in Section II.B. When evaluating whether or not to continue recording, officers should weigh the discretionary recording considerations specified in Section II.D. The request to deactivate the BWC should be recorded, as well as the officer's response to that request.

G. Recording of Victims / Witnesses: [41.3.8(C)]

If an officer is in range (visual or audio recording) of a victim or witness who is giving an account of a crime, the BWC officer may record the encounter but should weigh the BWC considerations specified in Section II.D in determining whether or not to activate/deactivate the recording. If the victim is in anyway unsure of the need for the recording to be made or is uncomfortable with being recorded, the officer(s) shall inform the civilian that they can request to have the BWC deactivated. If the camera is already activated, the request to turn the BWC off should be recorded, as well as the BWC officer's response to that request.

H. BWC Deactivation: [41.3.8(C)]

To the extent possible, prior to deactivating a BWC, the officer shall state the reason for doing so. Generally, once a BWC is activated, recording will continue until or unless the event has concluded or the officer is ordered to deactivate the BWC by a supervisor. The officer may deactivate the BWC during the booking process once detainee is brought into the booking area. If the booking room audio/video recording systems are not functioning the BWC will remain activated until the completion of the booking process, and the detainee is secured in a cell.

I. BWC Report Writing:

To help ensure accuracy and consistency, officers may review the BWC recording prior to preparing reports. For an Officer Involved Shooting (OIS) refer to Section IV.B. BWC video footage is a tool that may aid officers in providing an accurate and complete account of the incident. Officers should continue to prepare reports in the same manner as prior to the implementation of this BWC Program. Officers should NOT state "refer to video" as a substitute for a detailed and thorough report.

J. School Resource Officer (SRO): [41.3.8(C)]

The School Resource Officer will be issued a BWC. The determination of when the BWC will be activated will be developed through a Standard Operating Procedure that is agreed upon by the Superintendent of Schools and the Chief of Police.

III. BWC DEPLOYMENT:

A. Officer Responsibilities:

At the beginning of each shift, the officer will: **[41.3.8(I)]**

1. Ensure the issued BWC has a fully charged battery and is functioning properly.
2. Notify a supervisor if the BWC is malfunctioning or damaged.

During shift, the BWC officer will:

1. Activate the BWC as outlined in Section II above.
2. Document the existence of a BWC recording in all appropriate documents, i.e. Arrest Reports, Incident Reports, MV Citations, and CAD remarks when no incident report or citation is required.
3. Ensure the incident number, officer code and a category is assigned to every recording.
4. Notify investigative units or specialized unit personnel of the existence of BWC recording for possible evidentiary value.
5. If an officer fails to activate the BWC, fails to record the entirety of an interaction, interrupts the recording or the BWC malfunctions or is damaged, the officer shall document the circumstances in an incident report or CAD remarks when no incident report is required. **[41.3.8(B)]**
 - a. The officer shall notify their supervisor, via email, if any such incident occurs. Reason and/or description for failure to activate, record, or malfunction, shall be documented in the email, along with the call, incident, arrest, or accident numbers associated.

B. Supervisor Responsibilities:

Supervisors will:

1. Ensure all officers utilize the BWC in accordance with this policy.
2. During roll call (beginning of respective shifts), ensure each BWC is working properly and any malfunctions or damage to BWC is documented. The supervisor will remove the BWC from service and issue a spare BWC unit, if available. **[41.3.8I]**
3. Ensure the camera is properly affixed and placed correctly on the officer's uniform.
4. Review BWC recordings during the course of duty when an officer utilizes a level of force.
5. Conduct a bi-weekly review by randomly selecting two prior incidents in which the officer should have activated their BWC. The review will determine if the officer activated their BWC in accordance with this policy and the video was uploaded and cataloged correctly.
6. Submit bi-weekly audit report to the Program Administrator.

7. At the end of the shift ensure each BWC is in the uploading stage by verifying indicator lights.

IV. INTERNAL ACCESS/REVIEW:

A. Officer Access to Footage: [41.3.8(D)]

Officers may review their own BWC recording as it relates to:

1. Their involvement in an incident for the purposes of completing an investigation, preparing official reports and any supplemental reports required.
2. Preparation for possible testimony in court or other legal proceedings to refresh recollection.
3. Providing a statement (written or oral) pursuant to an investigation and/or the request of the Chief, Lieutenant or their designee.
4. Officers will be allowed to view other BWC recorded video involved in the call with the permission of a supervisor and or the Lieutenant, which permission will not unreasonably be denied.
5. Officers will be allowed to view BWC footage before providing a written statement pursuant to officer involved shootings or other critical incidents as outlined in Section IV.B below.
6. If an officer(s) is rendered incapacitated/unresponsive while on duty, other officers may connect that officer's BWC to a mobile terminal and view the BWC video in order to identify a possible suspect or aid in the apprehension of a possible suspect.

B. BWC Officer Access to Footage Following an Officer Involved Shooting: [41.3.8(D)]

Following an Officer Involved Shooting (OIS), or other use of deadly force, involved officer(s), including supervisor(s), shall not view the BWC recording on any device prior to the Chief or Lieutenant viewing the footage and uploading it into the system. However, if exigent circumstances exist, such as the officer(s) being rendered incapacitated/unresponsive while on duty, other officers may connect that officer's BWC to a mobile terminal and view the BWC video in order to identify a possible suspect and aid in the apprehension of a possible suspect. Officers involved in an OIS and officers who witness an OIS or other use of deadly force shall be allowed to view their own BWC recording after writing their initial report and before providing any additional statement/supplemental report. This policy does not nullify the verbal notification compliance that is outlined in Policy 1.01, Use of Force Section VI, VII, VIII, and IX.

C. Collecting and Storage of Video From Officer Involved Shooting or Other Use Of Deadly Force Incidents:

Following an Officer Involved Shooting (OIS), or other use of deadly force, the Lieutenant and/or the Chief will be responsible for collecting and securing BWCs from all involved officers at the earliest opportunity. The Lieutenant will transport the cameras to the police department for upload into the system. The BWC will be returned to the officer(s) once the video is uploaded into the system at the Lieutenant's discretion.

D. Supervisor Access To Footage:

Any supervisor within the officer's direct chain of command or a supervisor outside the direct chain of command may request to see footage. It shall be allowed with the permission of the Lieutenant and/or the Chief.

E. Audit And Review: [41.3.8(M)]

The Chief, Lieutenant, and their designee shall audit and review BWC recordings bi-weekly. The audit will ensure BWCs are being used in accordance with this policy as detailed in Section III.B. The review will also be responsible for identifying training opportunities.

F. Property Rights:

All BWC recordings/footage are the sole property of the Lunenburg Police Department.

V. BWC FOOTAGE RETENTION:

A. Retention Schedule: [41.3.8H]

BWC recordings will be retained based on categorization. Footage will be retained for a minimum of 180 days, or longer on case-by-case basis, but not more than 30 months. The footage retention will be based on the following schedule:

1. Schedule I – Indefinite Retention:
 - a. Death Investigation
 - b. Use of force, Lethal/Deadly
 - c. Sexual Assault/Abused Person
2. Schedule II – 7 Year Retention
 - a. Use of Force, Less Than Lethal
 - b. Arrest
 - c. Felony Investigation
3. Schedule III – 3 Year Retention
 - a. Misdemeanor, no arrest, investigation
 - b. Investigate a Person
 - c. Investigate a Premise
4. Schedule IV – 180 Day Retention
 - a. Significant Event, Public Safety
 - b. Traffic Stop
 - c. Encounters
 - d. No Report call response
5. Schedule V – 180 Day Retention
 - a. Training
 - b. Testing

VI. RESTRICTIONS:

A. Improper Recording: [41.3.8(B)]

BWCs shall not be activated to record:

1. Breaks, lunch periods, or times periods when an officer is not responding to a call, or when not in service.
2. Personal conversations of or between other department employees without the recorded employee's knowledge.
3. Non-work related personal activity, especially in places where a reasonable expectation of privacy exists, such as locker rooms or restrooms.
4. Investigative briefings.
5. Encounters and/or communications over secured radio channels with undercover officers or confidential informants.
6. Departmental meetings, work groups, in-service training, or assignments of an operational or administrative nature. The use of BWC's for training is not a violation of this provision.
7. If an officer fails to activate the BWC, fails to record the entirety of an interaction, interrupts the recording or the BWC malfunctions or is damaged, the officer shall document the circumstances in an incident report or CAD remarks when no incident report is required.
 - a. The officer shall notify their supervisor, via email, if any such incident occurs. Reason and/or description for failure to activate, record, or malfunction, shall be documented in the email, along with the call, incident, arrest, or accident numbers associated.

B. Improper Use of BWC Footage: [41.3.8(B)]

BWC recordings/footage shall not be:

1. Used for the purpose of ridiculing or embarrassing any individual depicted on the recording.
2. Randomly reviewed for any purpose not consistent with this policy.
3. Disseminated by any department employee unless approved by the Police Chief, Lieutenant, or their designee, or disseminated in the course of their official duties.
4. Copied by any employee (i.e. use their iPhone, iPad or any other electronic device to copy).
5. Improper Use of BWC Footage shall be referred to the Internal Affairs Bureau.

VII. EXTERNAL ACCESS:

The Lieutenant will be responsible for External distribution of BWC footage. A log will be maintained on all BWC footage that is distributed, to include the name of the receiver, and the date time and time that it was distributed.

A. Discovery:

Prosecutorial access may be requested via discovery requests to the Lieutenant and/or the Court Officer. Upon receipt of the request the Lieutenant/Court Officer will provide a copy of the footage via available medium, i.e. DVD, email.

B. Law Enforcement Access:

An outside law enforcement agency may request copy of BWC footage in writing. The request will be made to the Lieutenant, who will distribute the footage at their discretion.

C. Public Information Request: [41.3.8(F)]

Public Information Requests shall be submitted in accordance with G.L. 66 § 10, to the Lieutenant who is the Records Access Officer. All requests will be subject to all applicable State Laws and Regulations.

VIII. DATA STORAGE

A. Location & Security: [41.3.8(K)]

1. Body-Worn Camera video shall be stored on a secure server, locked in the evidence room. Access is limited to those designated by the Chief of Police.

B. Third Party Vendors: [41.3.8(L)]

1. Language for contracts with third-party vendors for data storage shall provide that recordings from such cameras are the property of the Lunenburg Police Department, are not owned by the vendor, and cannot be used by the vendor for any purpose inconsistent with the policies and procedures of the Lunenburg Police Department.