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|  | <p><b>POLICY:</b></p> <p>1.36<br/>Body Worn Cameras</p> | <p>Swampscott Police Department<br/>531 Humphrey Street<br/>Swampscott, MA 01907</p> |
| <p><b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:</b></p>            |   |  |

**NOTE: The policies contained within this manual are for the internal use of the Swampscott Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the Town, its officials or employees. The Swampscott Police Department reserves the right to revise any policy content, in whole or in part.**

**Sec. 1 - GENERAL CONSIDERATIONS:**

The Swampscott Police Department recognizes the importance of community trust, accountability, and transparency within the community.

The purpose of this policy is to establish guidelines for the proper use, management, storage, and retrieval of video and audio data recorded by Body Worn Cameras (BWCs). BWCs are effective law enforcement tools that reinforce the public's perception of police professionalism and preserve factual representations of officer-civilian interactions.

BWCs 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 Police Department’s ability to document and review statements and events during the course of an incident, preserve video footage, audio information and evidence for investigative and prosecutorial purposes. BWC recordings, however, provide limited perspective of encounters or incidents and 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.

It is the policy of the 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 Department rules and policies. This Policy does not apply to the use of surreptitious recording devices used in specialized operations.

The Department prohibits recording civilians based solely upon the civilian’s political or religious beliefs. 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.

When performing any patrol function, as determined by the Chief of Police and pursuant to Section 2.2 below, officers must wear and activate BWCs according to this policy.

## **Sec. 2 - PROCEDURES:**

### **SEC. 2.1 TRAINING:**

Prior to being issued a BWC, all police officers shall attend and successfully complete Department approved training related to this policy as well as the activation, use, categorization, and uploading of data. All department personnel including those who may supervise officers wearing BWCs or will require access to review videos shall also attend Department-approved training.

### **SEC. 2.2 CAMERA ACTIVATION AND INCIDENTS OF USE:**

Officers will activate the BWC only in conjunction with official law enforcement duties, where such use is appropriate to the proper performance of duties, and where the recordings are consistent with this policy and the law. As in all law enforcement and investigative activities, the safety of officers and members of the public are the highest priority. If exigent circumstances surrounding the officer's involvement, or an immediate threat to the officer's life or safety makes BWC activation not immediately feasible, then the officer shall activate the BWC as soon as they realize it has not been activated. Once activated, the officer shall not deactivate the BWC until the encounter has fully concluded and/or the officer leaves the scene (**see Section 2.8, BWC Deactivation**). The BWC pre-event buffering shall be set to 30-seconds with no audio recording during the pre-event buffering window. The BWC video recall feature shall be disabled.

Officers shall record all contact with civilians in the below occurrences unless the decision to stop recording is made pursuant to Section 2.3 (Recording within a Residence) and 2.4 (Recording in Areas Where There Might Be a Reasonable Expectation of Privacy):

- a. Vehicle and pedestrian investigative detentions and stops;
- b. Observed unlawful conduct;
- c. Use of force;
- d. High-risk situations;
- e. Vehicle and foot pursuits;
- f. Prisoner transports;
- g. Advising an individual of Miranda rights;
- h. Booking prisoners (unless booking room cameras are capturing video/audio)
- i. Statements made by suspects, victims, or witnesses;
- j. Vehicle searches;
- k. Physical arrest of persons;
- l. Observed items of evidentiary value;
- m. Service of a search warrant;
- n. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording;
- o. Any other circumstances where the officer believes recording an incident would be appropriate.
- p. Detectives will use BWCs on planned operations.

If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document in an incident report that a recording failure occurred and the basis for same. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, and does not document it in an incident report, the officer shall notify his/her Division Commanding Officer that a recording failure occurred and submit a BWC Special Notification Form under the “Non-Recording of Interaction” category.<sup>1</sup>

Officers, who show a pattern of repeated failure to 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 did not activate his body-worn camera as required, it will be a factor examined when determining final resolution of the investigation.*

### SEC. 2.3 RECORDING WITHIN A RESIDENCE:

- Before entering a private residence without exigent circumstances, officers must attempt to obtain the occupant(s) consent before recording inside the residence. If the occupant declines to give consent, and absent exigent circumstances, the BWC should be turned off while inside the residence.
- 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.
- Officers should record the request to turn the BWC off and the officer’s response to that request, if possible. Officers should notify dispatch if possible that a request to turn the camera off was made.
  - o 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 camera is recording. If the person requests that the interaction is not recorded, such request shall be reflected on the recording, transmitted to dispatch, and in an incident report.
    - Despite a request to stop recording, an officer may continue to record if the officer believes that there is a safety concern, other exigent circumstances, or to protect the officer against false claims. The officer must document in an incident report the reasons for continued recording of the incident.

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<sup>1</sup> The BWC special notification form automatically generates email notifications to personnel based on category submission. Chief and Captain are notified in discretionary and civilian deactivation requests, and non-recordings submitted through the BWC special notification system. **These category submissions are only for cases not documented in an incident report.** VEU personnel receive notifications on all other submission categories.

## **SEC. 2.4 RECORDING IN AREAS WHERE THERE MAY BE A REASONABLE EXPECTATION OF PRIVACY:**

Officers should be mindful of locations where recording may be considered insensitive or inappropriate. Such locations may include, but are not limited to, locker rooms, places of worship, religious ceremonies, certain locations in hospitals or clinics, law offices, and daycare facilities. At such locations, at the officer's discretion and based on the circumstances, the officer may turn off the BWC. The officer may also consider diverting the BWC away from any subjects and recording only audio, if appropriate. When exercising discretion in such situations as, to stop recording, divert the BWC, or record only audio, the officer must be able to articulate the reason for his/her decision to exercise that discretion in an incident report.

If an officer uses his/her discretion to turn off the BWC, the officer shall document this action in an incident report.

## **SEC. 2.5 NOTICE OF RECORDING:**

The officer shall make a reasonable effort to inform civilians that the officer is recording them unless an immediate threat to the officer's life or safety, or the life safety of any other person makes BWC notification dangerous. Officers shall notify civilians with language such as "***I am advising you that I am recording our interaction with my Body Worn Camera.***" Officers shall not record civilians surreptitiously. For notice to occupants of a private residence or another location where there is an expectation of privacy, see Sections 2.3 and 2.4.

## **SEC. 2.7 RECORDING OF VICTIMS/WITNESSES:**

Police Officers, at their discretion, may record any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.

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 general order.

- **NOTE:** 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.

Individuals may be recorded when there is no expectation of privacy. This includes when they are in a public place or in public view.

## **SEC. 2.8 BWC DEACTIVATION:**

To the extent possible, prior to deactivating a BWC, the officer shall state the reason for doing so. Generally, 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:

1. The officer has concluded the interaction;
2. All persons stopped have been released or left the scene;
3. The event is sensitive, and the officer has decided to deactivate the BWC;
4. The incident has concluded prior to the arrival of the officer;
5. A supervisor orders the officer to turn the camera off.

### **Sec. 3 CAMERA DEPLOYMENT:**

Sec. 3.1 Officer Responsibility: BWC equipment is the responsibility of every officer issued the equipment. Officers must use the equipment with reasonable care to ensure proper functioning. Officers shall inform their Division Commanding Officer as soon as possible of equipment malfunctions or the loss of a BWC so that they can procure a replacement unit.

Police officers shall use only BWCs issued by this Department. The BWC equipment and all data, images, video recordings, audio recordings, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Department and shall not be released without the authorization of the Chief of Police or his/her designee.

1. At the beginning of each shift, the officer will:
  - a. Ensure that the issued equipment has a fully charged battery and is functioning properly; and
  - b. Ensure that the BWC does not contain data from a prior shift; and
  - c. Notify the Division Commanding Officer whenever there is a malfunction or damage to the BWC.
2. During each shift, the officer shall:
  - a. Affix his/her 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 Section 2 above;
  - e. Document the existence of a BWC recording in all of the appropriate documents, i.e. Incident Report, Citation, FIO, Administrative Reports;
  - f. Notify investigative or specialized unit personnel existence of BWC recording; and
  - g. Document in the incident report the circumstances and reasons if he/she fails to activate the BWC, fails to record the entire contact, interrupts the recording, or the BWC malfunctions. If the officer does not create an incident report, the officer shall notify his/her Division Commanding Officer and submit a BWC Special Notification Form under the “Non-Recording of Interaction (in part or in total)” category by the end of the shift or as soon as practical.

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

- a. At the end of the shift, each officer shall place his/her BWC in his/her assigned docking 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 his/her Division Commanding Officer immediately and submit a BWC Special Notification Form under the “Malfunction of Body Worn Camera Mount and/or Upload” category.

### **SEC. 3.2 LABELING AND CATEGORIZATION OF BWC RECORDINGS:**

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.

#### **SECTION 3.2.1 CATEGORIZATION:**

At the conclusion of the call or as soon as practical, officers shall dock their camera in order to upload video data to Evidence.com. Officers will then login to their Evidence.com accounts in order to categorize the video according to the following categories:

1. Death Investigation
2. Lethal Force
3. Sexual Assault/Abused Person
4. Less Lethal Use of Force
5. Arrest
6. Felony - No Arrest
7. Misdemeanor -No Arrest
8. Investigate Person
9. Investigate Premise
10. Significant Event - Public Safety
11. Traffic Stop
12. Encounter/FIO
13. Mental Health
14. Sick Assist (Medical Aid Calls)
15. No Report - Dispatch/On Site

- 16. Test/Training
- 17. False Activation
- 18. Training Demo

The Department may also develop other categories, as needed.

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.<sup>2</sup>

### **SEC. 3.2.2 BODY WORN CAMERA MOBILE DEVICE APPLICATION:**

The BWC Mobile Device Application's location services will be set to off and will be maintained in the off status with the exception of times when the body camera is activated by the officer and recording. In no case shall any form of location service data be maintained or reviewed in any case where the camera was not activated in accordance with sec 2.2. Employees shall follow the training and procedures provided by the Department and the BWC vendor.

The "Live Stream" function is a resource to aid in obtaining "real time" information to assist in critical incident or search and rescue management. Only Command Staff or the OIC may access the "Live Stream" function of the BWC system during critical or search and rescue incidents which pose a serious risk to life, serious risk of bodily harm, or imminent danger to any persons. If "Live Stream" is activated, those personnel shall complete a report to the Chief documenting why the function was activated and the duration of the incident. Additionally, the officer must be notified that the "Live Stream" function is activated.

### **SEC. 3.3 REQUEST TO REDACT:**

Officers wearing BWCs should be aware that their BWCs may unintentionally capture private/security information such as door codes, phone codes, and computer codes. If the officer knows that his/her BWC captured sensitive information or material, the officer shall notify his/her Shift Supervisor that a recording may have sensitive information and submit a BWC Special Notification Form under the "Content is of a Sensitive Nature" category by the end of the shift or as soon as practical. The Officer in Charge of the Video Evidence Unit will authorize redaction when he/she determines it is necessary.

### **Sec.4. RECORDING RESTRICTIONS:**

#### **4.1 PROHIBITED RECORDINGS:**

The BWC device will not be used to record:

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<sup>2</sup> After video has been uploaded and processed, Incident number and location information from CAD and RMS systems will be added through Axon's Auto-tagging feature. Auto-tagging is completed in batches and can take up to 16 hours to be displayed.

1. In locations where a reasonable expectation of privacy exists, such as dressing rooms or restrooms, unless required for capturing evidence.
2. Insensitive exposures to private body parts, unless required capturing evidence.
3. Personnel activities of other department members during routine, non-enforcement related activities.
4. Inside medical facilities, except when a situation arises that the Officer believes to serve a proper police purpose.
5. During medical calls.
6. Inside the Police Station with the exception of the Lobby, booking, sallyport, and community room (when used by community members) or any room where an interview with a victim/witness or suspect may be conducted pursuant to other restrictions in this policy. Outside of these guidelines, officers shall place the BWC on sleep mode while in the station and take it off sleep mode when exiting the station.

#### **Sec. 4.2 RESTRICTIONS/IMPROPER RECORDINGS**

Officers are prohibited from using their personal phone or smart device for unauthorized BWC applications.

Any uploading or converting digital recordings for use on any type of social media is prohibited.

BWCs shall not be used to record:

1. During breaks, lunch periods, or time periods when a member is not responding to a call, or when not in service;
2. During any personal conversation of or between other department employees without the recorded employee's knowledge;
3. During non work-related personal activity, especially in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms;
4. During Investigative briefings;
5. During Encounters with undercover members or confidential informants;
6. During Police Department meetings, workgroups, in-service training, or assignments of an operational or administrative nature. Using BWCs for training purposes is not a violation of this restriction;
7. During communication with other law enforcement agency personnel;



- a. A telephonic conversation, except in accordance with the provisions of State and Federal Law while in the performance of official duties; or
- b. Strip searches (refer to department policy, “Detainee Processing Policy and Procedure 30.3.”).

#### **SEC. 4.2 IMPROPER USE OF BWC FOOTAGE:**

1. Officers shall use BWC data, images, video recordings, audio recordings, or metadata only for legitimate law enforcement reasons. They shall not 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. Department personnel shall not disseminate BWC data, images, video recordings, audio recordings, or metadata unless the Police Chief or his/her designee approve the dissemination and the Department personnel disseminates the BWC data, images, video recordings, audio recordings, or metadata in the course of his/her 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 and Officers in Charge, shall not randomly review BWC recording/footage for disciplinary purposes.

#### **Sec. 5 SUPERVISOR RESPONSIBILITIES:**

**Sec. 5.1 Duty Supervisors:** All Division Commanding Officers and Officers-in- Charge assigned to oversee officers utilizing Department-issued BWCs shall:

1. Ensure officers are utilizing their BWC consistent with this directive.
2. Ensure BWCs and related equipment are kept in a secure location within the district or unit.
3. Notify the Video Evidence Unit if an officer utilizes a BWC that is not assigned to him or her, so the Unit may reassign the recordings of audio and video to the officer who created the recordings.
4. Contact the Video Evidence Unit whenever any officer is unable to use the BWC or upload digitally recorded data due to technical problems.
5. Request replacement BWC equipment from the Video Evidence Unit when an officer indicates the equipment is lost or malfunctioning by submitting a BWC Special Notification Form under the “Malfunction of Body Camera, Mount, and/or Upload” category. Once procured by the Video Evidence Unit, ensure new equipment is received by requesting officer.

6. Ensure that officers include all required references to BWCs in appropriate Department documentation, such as incident reports.

7. Division Commanding Officers and Officers in Charge may review BWC data, images, video recordings, audio recordings, or metadata, consistent with this Policy, to approve any reports.

### **Sec 5.2 Division Commanding Officers and Sergeants**

Division Commanding Officers and Division Sergeants are responsible for reviewing BWC activity logs and reports to ensure officers remain in compliance with metrics established by the Department through policy, training and Axon's Performance software.

### **Sec. 6 INTERNAL ACCESS/REVIEW:**

#### **SEC. 6.1 OFFICER ACCESS TO THEIR OWN FOOTAGE (NOT RELATED TO OFFICER INVOLVED DEATH, OFFICER INVOLVED SHOOTING, OR OTHER USE OF DEADLY FORCE):**

Officers may review their own BWC recording when they are:

1. 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;
2. Preparing for court. Officers should advise the prosecuting attorney that they reviewed the BWC recording; and
3. Providing a statement pursuant to an internal investigation or other critical incidents.

If an officer requests access to footage be made available for a time frame longer than the retention schedule allows, a request to extend retention schedule may be made through the BWC Special Notification Form under the "Request to Extend Retention Schedule" category. The footage will be available according to Schedule II in Section 9.2.

If an officer needs a physical copy of their footage, a request shall be made through the BWC Special Notification Form under the "Request for Physical Copy of One's Own Digital Evidence" category.

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.

Officer Access to Other Officers' Footage: Officers may review the BWC footage of other officers:

- A. If related to an Officer Involved Shooting or other use of Deadly Physical Force; or
  - B. For report writing purposes where the footage is reasonably related to the officer's report; or
  - C. Prior to providing a statement pursuant to an internal investigation or 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.

**SEC. 6.2 OFFICER ACCESS TO FOOTAGE FOLLOWING AN OFFICER INVOLVED DEATH, OFFICER INVOLVED SHOOTING, OR OTHER USE OF DEADLY FORCE:**

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 Criminal Investigation Division views the footage and uploads it into the system.

The on-scene incident commander shall be permitted to view BWC video and relay necessary information if exigent circumstances exist and it is necessary to view the video to (1) identify suspect information or (2) gather pertinent information that is necessary to protect life or safety prior to Criminal Investigation Division arrival.

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. At the officer's request, the officer's attorney may be present when the officer views the video.

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.

**SEC 6.3 COLLECTING AND SECURING BWC FOOTAGE FOLLOWING AN OFFICER INVOLVED DEATH, OFFICER INVOLVED SHOOTING, OR OTHER USE OF DEADLY FORCE:**

The Patrol Supervisor shall respond immediately to a death investigation or reported use of deadly force on his/her shift.

The Patrol Supervisor, as soon as circumstances allow, shall collect all BWC equipment, including department-issued mobile devices, which belong to the officers who: (1) were involved in the incident, (2) discharged their weapon, and/or (3) witnessed during the time of the officer involved death, officer involved shooting or other use of deadly force, and store the equipment in a secure compartment of his/her vehicle until the Criminal Investigation Division personnel arrive on scene. Once on scene, the Criminal Investigation personnel shall secure any remaining BWC equipment from involved officers and witness officers, as well as equipment already secured by the Patrol Supervisors, at the earliest opportunity. The Criminal Investigation personnel will transport the cameras to the Swampscott Police Station for upload into the system. The BWC equipment will be returned to the officer as soon as possible following the event.

Once uploaded, the Video Evidence Unit shall restrict video access from all users except for the Chief of Police/Designee.

**Sec. 6.4 Supervisor Access to Footage:** Any supervisor within the recording officer's chain of command, and any Captain, may review the footage consistent with Section 4.2. A supervisor outside of the chain of command shall only be allowed to review footage with the permission of the Video Evidence Unit.

## **Sec. 7 SUPERIOR DETECTIVE AND DETECTIVE RESPONSIBILITIES:**

Superior detectives must ensure that detectives adhere to the duties and responsibilities as follows in this Section:

Detectives will not use the BWC system or evidence.com until they have successfully completed the required training.

The Department will give detectives access to all BWC footage related to their assigned cases and detectives shall review all footage that relates to their assigned case.

When assigned a case for investigation, the assigned detectives will:

1. Determine the identity of all involved officers.
2. Search evidence.com for any associated BWC media, using applicable search parameters to verify that they have located all relevant files.

BWC footage related to an incident may be updated at a later time or date. Detectives must be aware of and organize all BWC footage related to their cases.

Should a detective consider material too sensitive to be accessible for other members of the Department, the detective shall notify his/her supervisor of the sensitive material. The detective's supervisor shall review the video and, if deemed appropriate, send a request via the BWC Special Notification Forms to the Video Evidence Unit to make the data unavailable for a given amount of time.

## **Sec. 8 EXTERNAL ACCESS:**

### **SEC. 8.1 PROSECUTORIAL/LAW ENFORCEMENT ACCESS:**

Federal, state, and local prosecutors shall make requests for BWC footage directly to Chief of Police/Designee. Should an officer receive a subpoena for BWC footage, the officer shall direct the subpoena with a Video Evidence Request as soon as practicable to Chief of Police/Designee for response.

Officers are not permitted to provide video to any external partners and shall forward any requests made without a subpoena directly to Chief of Police/Designee for processing.

Upon receipt of the request, Chief of Police/Designee shall determine if the case has been assigned to a detective. If the case has a detective assigned, the Unit will advise the federal, state, and local prosecutors to directly contact the detective supervisor for the related case. The detective supervisor or his/her designee will then contact and authorize the release of the video via the online Request Form.

If no detective is assigned to the case, Chief of Police/Designee shall review the BWC footage and provide it directly to the requestor after approval from Video Evidence Unit supervisor.

### **SEC. 8.2 PUBLIC INFORMATION REQUESTS:**

Chief of Police/Designee 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.

**SEC. 8.3 OTHER EXTERNAL INFORMATION REQUESTS:**

The Department may receive requests for BWC footage not covered by sections 8.1 and 8.2. For example, civil discovery requests are appropriately submitted to the assigned attorney to the Chief of Police/Designee. Requests for information submitted by a collective bargaining representative under M.G.L. c. 150E are appropriately submitted to the Chief of Police/Designee. Should an officer receive a civil case subpoena or court order, he or she shall forward the request directly to the Chief of Police/Designee.

If these offices receive other external requests for BWC footage, they shall request necessary and responsive footage from the Chief of Police/Designee through the BWC Special Notification Form under the “Request to View Another’s Digital Evidence” category.

The Chief of Police/Designee shall maintain a log of the request, and assist the requesting office to collect and process the requested footage. The Chief of Police/Designee shall provide the requested footage to the requesting office, and complete redactions if required by the requesting office. The requesting office will be responsible for the review, approval, and release of footage to the appropriate person(s) as consistent with applicable law and agreements.

**SEC. 8.4 OFFICER NOTIFICATION:**

In cases where the officer has not received a subpoena or request for BWC footage directly, the Chief of Police/Designee will inform officers when their videos and/or BWC information are released, unless prohibited by legal or investigative restrictions.

**SEC. 8.5 DETECTIVE NOTIFICATION:** When releasing BWC footage to the public that has been designated as part of an investigation via the BWC Platform, the assigned detective shall be notified, unless prohibited by legal or investigative restrictions.

**Sec. 9 RETENTION:**

**SEC. 9.1 CAMERA STORAGE:**

All recording media, recorded images and audio recordings are the property of the department. Dissemination outside of the agency is strictly prohibited without specific written authorization of the Chief of Police and or his/her designee.

BWC recordings and data are kept in a cloud-based storage platform managed by -Chief of Police/Designee.

**SEC. 9.2 VIDEO FOOTAGE RETENTION:**

A. The Department will retain BWC footage based on categorization, but may retain the footage longer on a case-by-case basis as determined by the Police Chief or his/her designee. 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.

1. BWC footage containing evidentiary material shall be retained in accordance with policy dealing with evidence and as set forth by the Secretary of the Commonwealth. See the department policy: *Evidence and Property Control*.
2. Recordings will be maintained indefinitely or until manually deleted 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;
  - c) Death or serious bodily injury; and
  - d) An incident where there is a complaint initiated within 30 days of the incident.
3. Media containing non-evidentiary material shall be retained for a minimum 1 year period.
4. 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.