



POLICY AND PROCEDURE

NO.403

Body Worn Camera Pilot Program Policy

Date Issued April 30, 2019	Date Effective April 30, 2019	Revision No.	No. of pages 6
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1. GENERAL CONSIDERATIONS:

Body-Worn Cameras (BWC) are an effective tool to preserve factual representations of officer/civilian interactions. BWCs are also effective in capturing video and audio evidence for use in criminal investigations, internal investigations and officer training.

The BWC is intended to record anything that the BWC officer could have potentially heard and/or observed using his/her senses. This does not mean that the BWC officer is required or expected to have seen and/or heard everything captured in the footage. Likewise, there may be information the BWC officer obtains through his/her 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 BWCs during the 6 month BWC Pilot Program.

It is the policy of the Worcester Police Department (Department) to respect the legitimate privacy interests of all persons in Worcester, Massachusetts, while ensuring professionalism in its workforce.

2. PROCEDURES:

2.1 TRAINING:

All officers of the Department and supervisors assigned to the BWC Pilot Program shall attend department training on the operation of the BWC system and this policy.

2.2 ACTIVATION:

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-emergent calls for service;
3. All police initiated investigations/stops; and
4. When ordered to by a supervisor.
5. **Exception:** Officers are not required to record normal casual conversations/encounters with citizens that do not correspond with the above-noted circumstances.

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

2.3 RECORDING WITHIN A RESIDENCE:

Before entering a private residence without exigent circumstances, the BWC officer 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, the BWC officer shall turn off the BWC while in the residence.

2.4 RECORDING IN SENSITIVE AREAS:

When recording in areas where there may be a reasonable expectation of privacy, BWC 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.

2.5 NOTICE OF RECORDING:

BWC 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. BWC officers may take into account tactical considerations as to if, or when, to notify a citizen of the recording. When notification is practical, BWC officers may notify civilians that they are being recorded. All BWCs will be conspicuously placed in the center of the BWC officer's chest area to allow the camera to be immediately noticeable to those interacting with the BWC officer.

2.6 CONSENT TO RECORD:

Aside from the restrictions in Section 2.3 (Recording Within a Residence), BWC officers are not required to obtain consent to record. If a civilian has requested the BWC officer to stop recording, BWC officers have no obligation to stop recording if the recording is pursuant to the circumstances identified in Section 2.2. When evaluating whether or not to continue recording, BWC officers should weigh the discretionary recording considerations specified in Section 2.4. The request to deactivate the BWC should be recorded, as well as the BWC officer's response to that request.

2.7 RECORDING OF VICTIMS / WITNESSES:

If a BWC 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 Sec 2.4 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 BWC officer 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.

2.8 BWC DEACTIVATION:

To the extent possible, prior to deactivating a BWC, the BWC 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.

2.9 BWC REPORT WRITING:

To help ensure accuracy and consistency, BWC officers may review the BWC recording prior to preparing reports in cases where they have NOT used force. When a BWC officer utilizes a level of force classified as either a Level 3 through 5 in the Use of Force Model (Policy 400), the BWC officer is required to write their initial report first and then review their recording. It is imperative for the officer to distinguish and delineate the following information in their report:

1. Facts that are recalled independently of a recording;
2. Recollections that are refreshed by viewing a recording; and
3. Facts that were not previously known but that are learned by viewing a recording.

BWC officers should continue to prepare reports in the same manner as prior to the implementation of this BWC Pilot Program. Officers should NOT state “refer to video” as a substitute for a detailed and thorough report.

3. BWC DEPLOYMENT:

3.1 OFFICER RESPONSIBILITIES:

At the beginning of each shift, the BWC officer will:

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 2 above.
2. Document the existence of a BWC recording in all appropriate documents, i.e. 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 a BWC 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 BWC officer shall document the circumstances in an incident report.

3.2 SUPERVISOR RESPONSIBILITIES:

Supervisors assigned to the BWC Pilot Program will:

1. Ensure all BWC officers utilize the BWC in accordance with this policy.
2. During roll call, ensure each BWC is working properly and any malfunctions or damage to BWC is documented (IDC format). The supervisor will remove the BWC from service and issue a spare BWC unit, if available.
3. Ensure the camera is properly affixed and placed correctly on the BWC officer's uniform.
4. Review BWC recordings during the course of duty when an officer utilizes a level of force classified as Level 3 through 5 of the Use of Force Model (Policy 400).
5. Conduct a weekly review by randomly selecting two prior incidents in which the BWC officer should have activated his/her BWC. The review will determine if the BWC officer activated his/her BWC in accordance with this policy and the video was uploaded and cataloged correctly.
6. Submit a weekly audit report to the Program Administrator.

7. Ensure each BWC device is returned at the end of each officer's shift. Examine the BWC to ensure the device is properly functioning and is returned to the base station. Ensure the BWC is in the uploading stage by verifying indicator lights.

4. INTERNAL ACCESS/REVIEW:

4.1 BWC OFFICER ACCESS TO FOOTAGE:

BWC 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 (oral or written) pursuant to a Bureau of Professional Standards investigation or a Commander's investigation.
4. Officers will be allowed to view other BWC officers recorded video involved in the call with the permission of a BWC supervisor, 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 sec 4.2 below.
6. If a BWC officer 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.

4.2 BWC OFFICER ACCESS TO FOOTAGE FOLLOWING AN OFFICER INVOLVED SHOOTING:

Following an officer involved shooting, or other use of deadly force, involved officers, including supervisors, shall not view the BWC recording on any device prior to the designated Detective Bureau supervisor viewing the footage and uploading it into the system. However, if exigent circumstances exist, such as BWC officer 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. BWC officers involved in an officer involved shooting and BWC officers who witness an officer involved shooting or other 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 400, Use of Force section 10.

4.3 COLLECTING AND STORAGE OF VIDEO FROM OFFICER INVOLVED SHOOTING OR OTHER USE OF DEADLY FORCE INCIDENTS:

Following an officer involved shooting, or other use of deadly force, Detective Bureau supervisory personnel will be responsible for collecting and securing BWCs from all involved officers at the earliest opportunity. Detective Bureau supervisory personnel will transport the cameras to the police department for upload into the system. The BWC will be returned to a BWC supervisor once the video is uploaded into the system at the discretion of the Detective Bureau supervisor.

4.4 NON-BWC OFFICER ACCESS TO FOOTAGE:

Non-BWC officers shall only access footage with the permission of a supervisor who is assigned to the program and is in the direct chain of command of the BWC officer, which permission will not unreasonably be denied.

4.5 NON-BWC SUPERVISOR ACCESS TO FOOTAGE:

Any supervisor within the BWC 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 a BWC supervisor or Program Administrator.

4.6 AUDIT AND REVIEW:

The Program Administrator will establish a review committee (comprised of a Program Administrator, Defensive Tactics/Use of Force Instructor and an officer certified by the Force Science Institute) which shall audit and review BWC recordings periodically. The committee will ensure BWCs are being used in accordance with this policy as detailed in Sec 3.2. The review committee will also be responsible for identifying training opportunities.

4.7 PROPERTY RIGHTS:

All BWC recordings/footage is the sole property of the City of Worcester Police Department.

5. BWC FOOTAGE RETENTION:

During the BWC Pilot Program, no recordings or footage shall be deleted. Footage recorded during the pilot program will be retained no longer than 1 year after the BWC Pilot Program concludes; however, footage recorded during the BWC Pilot Program related to any criminal or civil proceeding, any criminal or administrative investigation, or any use of force will be retained during the pendency of any relevant proceeding, investigation, or statute of limitations period. All video/audio evidence shall be retained for the period of time that a person remains in custody of the Commonwealth or under parole or probation supervision in connection with that crime, without regard to whether the evidence was introduced at trial. The retention period for footage recorded pursuant to the BWC Pilot Program may be superseded by any future BWC policy implemented.

6. RESTRICTIONS:

6.1 IMPROPER RECORDING:

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 (code 4).
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.

6.2 IMPROPER USE OF BWC FOOTAGE:

BWC recordings/footage shall not be:

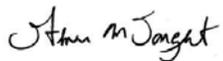
1. Used for the purpose of ridiculing or embarrassing any individual depicted on the recording.
2. Randomly reviewed for any purpose not consistent with this policy.
3. Disseminated by any department employee unless approved by the Police Chief or his designee, or disseminated in the course of their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

6.3 EMPLOYEE ACCOUNTABILITY DURING PILOT PROGRAM:

Officers will not be disciplined for minor violations of this policy and/or the Department Rules and Regulations during the BWC Pilot Program.

The BWC Pilot Program shall be supervised by the Program Administrator. Minor infractions, not criminal in nature, discovered during the audit and review of recorded material should be viewed as training opportunities and not disciplinary actions. Said infractions will be reduced to writing and submitted to the Program Administrator.

Per:



Steven M. Sargent
Chief of Police