

DEPARTMENT MANUAL

CHAPTER 142.0**SALEM POLICE**

		DATE OF ISSUE	EFFECTIVE DATE
		08/05/2021	08/29/2022
SUBJECT:		ISSUING AUTHORITY	
Body Worn Cameras Program		Chief Lucas J. Miller	
REFERENCE (S): MPAC	PAGE	NEW X AMENDS RESCINDS	
	1 of 8		

142.1 Purpose

142.1.1 The purpose of this policy is to establish operational and administrative guidelines for the Body Worn Camera (BWC) Pilot Program.

142.2 Policy

142.2.1 Body worn video is essentially audio-video documentation of a police officer's investigative and enforcement activities from the perspective of the officer's person. The use of body worn video is expected to result in greater transparency, more effective prosecution, and improved protection against false allegations of excessive use of force, misconduct, or racial profiling. The BWC is 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 or expected to have seen or recollect everything documented in the footage.

142.2.2 Audio and video recordings of investigative or enforcement actions are evidence and subject to the rules of evidence. It is in the best interest of justice that the Department regulates and controls all forms of evidence collection and storage.

142.3 Definitions

142.3.1 Body Worn Camera (BWC): A body worn audio/video recording system primarily consisting of a camera and a controller/battery pack.

142.3.2 Body Worn Camera User (BWC User): An individual as prescribed by a law enforcement or public safety agency charged with the use of a Body Worn Camera in accordance with recommended regulations. All law enforcement officers who would reasonably be expected to interact with members of the public shall wear a body camera, in accordance with department policy.

42.3.3 Storage System: digital media storage system. The virtual warehouse stores digitally encrypted data in a highly secure environment which can be located on-site via physical servers or cloud-based, and that is accessible to police personnel. Accessibility is limited based upon the level of security clearance assigned to the Officer.

142.3.4 System Administrator: System administrator has full access to the storage system. Assigns and tracks equipment; controls passwords; conducts quality checks of uploaded data; coordinates data retention; provides copies of requested data to the requesting officer.

142.3.5 Docking Station: A docking station that simultaneously recharges the controller/battery pack and uploads all data captured to the storage system. This ensures that evidence handling is secure and that data is not altered.

142.3.6 Buffering Mode: When powered on, the BWC continuously loops video recording for a 30 second period. No audio is recorded while buffering.

142.3.7 Event Mode: When placed in Event Mode, the BWC records audio and visual data. The previous 30 seconds of buffered video is also saved.

142.3.8 Mute Mode: When placed in Mute Mode for sensitive situations or discussion of tactics, the BWC records only visual data.

142.4 Procedures

142.4.1 General

- A. The only approved body worn camera authorized is the Taser Axon (BWC).
- B. These body worn audio/visual recording systems shall be operated in accordance with manufacture's guidelines and Salem Police Department training and policy.

142.4.2 Administration

- A. Prior to each shift the officer shall inspect the BWC to ensure the system is fully charged and operational. Only fully operational systems shall be used.
- B. The BWC shall be worn at all times by the assigned officer. All Patrol Division Sergeants and Officers along with Traffic Officers will be required to wear their BWCs during their regularly scheduled and overtime shifts while working in Patrol/Traffic. BWCs will not be required for Off-Duty (Details) work. All other divisions (CID, CIU, DV, etc.) will not be required to wear BWCs unless directed by their Supervisor or while working in Patrol.
- C. Any problems with the camera system shall be promptly reported to the officer's supervisor.
- D. Officers shall not attempt to make repairs to the BWC.
- E. Malfunctions, damage, loss, or theft of BWC equipment shall be promptly reported to a supervisor.

142.4.3 Recording Guidelines

- A. Officers will use the department issued BWC only.
- B. Officers assigned a BWC will ensure it is powered on in "buffering" mode during their tour of duty and activate the BWC to "event" mode to record an entire incident when required by this policy.
- C. Upon initiating a recording, officers, if practical, will announce to the individuals that they are being recorded. Example: "A police camera is operating and you are being audio and visually recorded".
- D. Individuals may be recorded when there is no

expectation of privacy. This includes when they are in a public place or in public view.

E. Upon entering a private residence without a warrant or in non-exigent circumstances:

a. Permission should be obtained to record the incident. Example: "*A police camera is operating, and you are being audio and visually recorded, do I have your permission to continue recording?*"

b. This advisement and the response should be made while the BWC is recording. If the person requests that the interaction not be recorded, such request shall be honored and reflected in the case report.

F. Officers assigned a BWC will activate the system to event mode to record the entire incident for all:

1. Routine calls for service to include responses to 911 calls, starting when the Officer begins travel to the call and ending consistent with paragraph G below;
2. Investigatory stops to include searches and inventories of vehicles or persons;
3. Traffic stops;
4. On-View Criminal Activity (to include Arrests and seizures);
5. Foot and Vehicle eludings/pursuits;
6. Emergency driving situations;
7. Transports (excluding ride-alongs and passengers for meetings);
8. Situations that would produce evidence to support a prosecution and all victim statements unless a privacy issue arises;
9. Questioning suspects or witnesses;
10. When an officer reasonably believes he is being recorded using video or audio equipment by a member of the public.

Note: Officers may activate their BWC in other situations where they determine that doing so serves a proper police purpose, subject to the limitations of subsections E and I of this section. Whenever officers activate their BWC for a reason other than those enumerated in this subsection, they shall verbally state the reason for doing so once the recording has begun. Officers will not unreasonably endanger themselves or other persons in order to comply with this subsection.

G. Once recording of an incident has begun, Officers shall not stop recording with the BWC until the entire incident has concluded. This occurs when the Officer has completed his or her part of the active investigation and there is little possibility of having further contact with any person involved in the incident, or the officer is leaving the area of the incident. For transports, the incident has concluded when the Officer reaches the transport destination, such as the jail, hospital, or police station, and is exiting the vehicle. In the event of an arrest, the incident is concluded when the subject is transported to the police station and lodged in a cell. Officers shall also end the recording if one of the circumstances set forth in subsections E or I arise after recording has commenced.

H. Citing one of the reasons set forth in subsections E and I, officers will verbally state the justification of any disengagement of the BWC or use of Mute Mode prior to the entire incident being recorded before disengaging the BWC. The Officer will notify their supervisor within a reasonable time period and, if a case report is completed, the officer will document the justification in the narrative of the report.

I. Prohibited recordings

The BWC will not be used to record:

1. In locations where a reasonable expectation of privacy exists, such as dressing rooms or restrooms, unless required for capturing evidence.
2. In sensitive exposures of private body parts, unless required for capturing evidence
3. Personal activities or other department members during routine, non-enforcement related activities.
4. Inside medical facilities, except when a situation arises that the officer believes that recording would serve a proper police purpose.

5. Routine medical calls, except when a situation arises that the officer believes that recording would serve a proper police purpose.

142.4.4 Restrictions

- A. BWCs are intended for official departmental use only and are not to be used for frivolous or personal activities.
- B. The BWC will not be intentionally activated to record conversations of fellow employees with or without their knowledge during routine, non-enforcement related activities.
- C. Officers will advise other department members and/or other criminal justice personnel (prosecutors, judges, or other law enforcement personnel) when a BWC is recording.
- D. The recording of confidential informants must be authorized by the Chief of Police or a Captain.
- E. Officers shall not allow citizens to review the recordings.
- F. Officers are prohibited from accessing, copying, tampering with, or releasing BWC recordings except for official law enforcement purposes and the reasons detailed in Section 142.4.6 of this policy.
- G. Officers shall not make copies of any recordings for their personal use and are prohibited from using a recording device (such as a camera phone or secondary video camera) to record audio and/or video from the storage system or any device utilized to view recorded data directly from the BWC.
- H. The recording of an officer while involved in an undercover operation must be authorized by the Chief of Police.
- I. Location data shall be utilized by the OIC and/or Command Staff for the purposes of officer safety and during the investigation of a complaint, but not for random checks of officer status.
- J. 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.

K. A quarterly audit of "Live Stream" activation will be conducted to ensure that this feature is not being used for unauthorized discipline or otherwise abused. The results of the audit and review will be made available in the Watch Commander's Office.

142.4.5 Deletion of Unintentional Recordings

- A. An officer may request the deletion of an unintentional recording by submitting a memorandum of explanation to their Officer in Charge (OIC).
- B. The OIC shall forward such request with his/her recommendation to their Captain.
- C. If approved, the Captain shall forward a memo to the System Administrator and Chief to complete the deletion.
- D. Such memos will be retained by the System Administrator.

142.4.6 Viewing of BWC Video

- A. Officer Access to Their Own Footage: Officers may review their own BWC footage when they are:
 - a. 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;
 - b. Preparing for court. Officers should advise the prosecuting attorney that they reviewed the BWC recording; and
 - c. Providing a statement pursuant to an internal investigation or other critical incidents. At the officer's request and before providing a statement, the officer's attorney and/or Union

Representative may be present when the officer views the video.

- B. 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.
 - d. For review by the Criminal Investigation Division (CID).
- C. Officers should not use the fact that a recording was made as a reason to write a less detailed report.
- D. BWC recordings shall not be viewed by supervisors for the sole purpose of searching for violations of Department policy not specifically related to a complaint or investigation.
- E. Notwithstanding subsections A and B above, the Chief, consistent with a legitimate public safety purpose, may temporarily sequester BWC recordings and limit access to them in the immediate aftermath of an incident.

142.4.7 Data upload and media storage

- A. The BWC shall be placed in the docking station at the end of shift for recharging and uploading captured data to the storage system. The BWC shall not be removed from the docking station until all data has been uploaded and the battery has been fully recharged.
- B. Uploaded data shall be maintained on the storage system in accordance with Salem Police Department policy. If recorded data is evidentiary in nature and is other than vehicle and traffic infractions, the district attorney's office shall be notified and advised of the existence of such evidence.

142.4.8 Department review of recorded data

- A. All BWC videos and related data are the property of the Salem Police Department.
- B. Recordings shall not be randomly reviewed to search for policy violations; however, recordings can be randomly viewed for the purposes of enhancing department or individual officer training as well as enhancing department policy.
 - a. Any minor policy violations discovered through this process shall not result in officer discipline.
 - b. Serious policy violations (e.g., excessive force, racial slurs, etc.) and criminal conduct discovered through this process may be subject to discipline or referral to DA's office.
 - c. Recording may be viewed for activation compliance.
- C. The Chief of Police or his designee may review specific incidents recorded by the BWC when required for an official investigation of department personnel.
- D. Specific incidents may be used for the purpose of training and critique as determined by the Chief of Police.
- E. Under no circumstances shall any recordings be used or shown for the purpose of bringing ridicule or embarrassment upon any person or the Department.
- F. The release of recordings, critical or otherwise, to any person or entity shall be made in accordance with Salem Police Department policy and the provisions of the State of Massachusetts Freedom of Information Act and other relevant state laws.
- G. BWC Video will be shared with the Essex County District Attorney's office via the "Evidence.com" website which has a secure portal for this purpose.
- H. If any new features are offered by the BWC vendor, the Chief must approve prior to implementation.

142.4.9 Retention Schedule

The Department will retain BWC footage as long as an investigation is NOT still open/pending based on the

following categorization schedule, but may retain the footage longer on a case-by-case basis as determined by the Police Chief or his/her designee. Officers will "tag" their video based on this schedule. The footage retention schedule for cloud-based footage access is as follows:

- a. Schedule I- Indefinite Retention:
 - Death Investigation
 - Lethal/Less Lethal
 - Sexual Assault / Abused Person
 - Motor Vehicle Accidents Resulting in Death
- b. Schedule II- 10 Year Retention:
 - Use of Force
 - Felony
- c. Schedule III- 6 Year Retention:
 - Misdemeanor
 - Missing Persons (Retain while active plus 6 years)
- d. Schedule IV- 3 Year Retention:
 - Motor Vehicle Accidents with Personal Injury
 - Investigate Person
 - Investigate Premise
 - Significant Event - Public Safety
 - Traffic Stop
 - Encounter/Field Interview Observation
 - Sick Assist (Medical Aid Call)
- e. Schedule V- 1 Year Retention:
 - Motor Vehicle Accident with Property Damage only
 - No Report - Dispatch / On Site
 - Civilian Transport without arrest
 - Testing/Training

6/16/2022 - policy changes by Capt. Ryan

8/29/2022 - Definitions of BWC and Mute Mode added