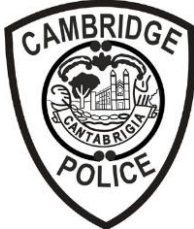





POLICIES AND PROCEDURES MANUAL

	BODY WORN CAMERAS	
	POLICY NUMBER: 41-9	ISSUING AUTHORITY 
	EFFECTIVE DATE: March 7, 2025	Christine A. Elow Police Commissioner

I. GENERAL CONSIDERATIONS AND GUIDELINES

The use of body-worn cameras by members of the department provides a potentially valuable resource in the delivery of services. Information collected through this technology can be critical in the investigation of criminal incidents and complaints against employees. The use of department-approved body-worn cameras can provide powerful evidence of criminal activity and has proven to be a valuable tool for police departments in documenting sworn members’ honesty, integrity, and professionalism.

II. POLICY

It is the policy of the Cambridge Police Department to:

- A. provide to all sworn members of the department body worn cameras as a tool for investigations, as a means to enhance transparency, and as way to document sworn members’ interactions with the public;
- B. protect and preserve the privacy and constitutional rights of all people;
- C. abide by the provisions of the City’s Surveillance Ordinance and all related state and federal laws, including public records law;
- D. strictly adhere to the requirements and restrictions for activation and deactivation of the body worn cameras, including during regular duty and extra duty assignments;
- E. train sworn members and supervisors to ensure an understanding of the department's philosophy on the use of body-worn cameras, including limitations involving special circumstances, such as contacts with juveniles or other department employees;
- F. use all body-worn cameras and all other recording and imaging devices in compliance with the manufacturer's operational guidelines, training, and this policy;
- G. align the use of body-worn cameras with the core values of the department and its commitment to procedural justice.

III. DEFINITIONS

- A. *41.3.8*: The Commission for Accreditation of Law Enforcement Agencies (CALEA) standard related to body-worn cameras.
- B. *Activation*: The act of starting a recording after powering on;
- C. *Buffering Time*: Up to a thirty (30) seconds of pre-event video only recording that is captured when a camera is activated.
- D. *Body-Worn Camera (BWC)*: An electronic device worn on a sworn member's body capable of capturing audio and video recordings.
- E. *Charging Dock*: A docking station that recharges the camera controller while uploading all data captured from the BWC to evidence storage.
- F. *Contact*: An interaction with an individual initiated by a sworn member, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law. Contacts do not include routine, non-investigative interactions with the public.
- G. *Deactivation*: The act of stopping a recording without powering off;
- H. *Labeling/Categorizing/Tagging Video*: The process of labeling content of a recording and identifying specific information for future reference.
- I. *Post-Event Recording*: The ability of the BWC to create a recorded event from the device memory when the user did not activate the recording feature of the BWC.
- J. *Powering Off*: The act of turning off the camera's power supply;
- K. *Powering On*: The act of turning on the camera's power supply;
- L. *Pre-Event Recording*: The ability of the BWC to capture video from its buffering time.
- M. *Recordings*: Refers to audio and video captured by BWCs.
- N. *Sleep Mode*: The act of turning on the sleep mode function without powering off;
- O. *Subject of the Video Recording*: Any identifiable sworn member or any identifiable suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on a BWC recording and shall not include people who only incidentally appear on the recording.

IV. PROCEDURES 41.3.8 BWCS

- A. Policy statement on purpose and department philosophy regarding use.
 - 1. BWCs are intended to record police interactions with members of the public. These recordings serve many purposes including enhancing agency transparency, accountability, and public trust while documenting emergency responses and crime scenes as well as collecting evidence. This policy provides guidance for how and when BWCs will be used by sworn members, including storage, retention, use, and release of recordings consistent with the department's commitment to procedural justice.

- B. All sworn members shall wear BWCs:
1. at all times when in uniform, including, but not limited to, when on regularly scheduled shifts, swaps, overtime shifts, and details, except when assigned in an administrative role at the station or when testifying in any courthouse;
 2. any time a sworn member leaves the station and is in plain clothes, except if the sworn member is acting as a taskforce member during that shift, working undercover, or testifying in any courthouse.
- C. Requirements for activation. Sworn members shall activate BWCs during:
1. all dispatched calls for service involving contact with civilians;
 2. vehicle stops by both initial responding and all back-up sworn members;
 3. investigative-person stops including consensual, or FIO's, or articulable reasonable suspicion stops, or stops supported by probable cause;
 4. initial responses by sworn members on patrol assignments, including on-site detentions, investigations pursuant to an arrest, field sobriety testing, arrests, and initial suspect interviews on-scene;
 5. transfer of custody of a prisoner to the transporting sworn member;
 6. pat frisks and searches of persons incident to arrest (if not already activated);
 7. driving with emergency lights and/or siren activated;
 8. incidents of pursuit driving;
 9. when a sworn member reasonably believes a crowd control incident may result in unlawful activity;
 10. any contact that becomes adversarial, including a use of force incident, if the sworn member has not already activated a BWC;
 11. during the execution of a search warrant or arrest warrant;
 12. during any interaction with the public initiated by sworn members, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law, including but not limited to locations where there may be a reasonable expectation of privacy, such as:
 - a. public, private, or parochial elementary or secondary schools;
 - b. medical treatment facilities; and
 - c. places of worship.
 13. any other civilian contact that the sworn member reasonably believes should be recorded to enhance policing transparency, to increase public trust and police-community relations, or to preserve factual representations of sworn member-civilian interactions, provided that recording is consistent with this policy.

D. Factors for activation and deactivation of the BWC.

1. Sworn members shall not use BWCs surreptitiously. Whenever possible, sworn members who activate a BWC should notify any person(s) that they are being recorded with video and audio by a BWC as close to the inception of the encounter as is reasonably possible. Sworn members shall not intentionally activate their BWCs to record conversations of other employees without their knowledge during routine non-enforcement activities.
2. Sworn members should keep their BWCs activated until the event is completed to ensure the integrity of the recording.
3. Sworn members shall not use BWCs to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or investigative encounter between a member of the department and a member of the public.
4. Sworn members shall not:
 - a. make copies of any BWC recordings;
 - b. erase, alter, or tamper with recordings;
 - c. capture a screen shot of BWC recordings for their personal use, including utilizing a recording device such as a phone camera or secondary video camera to record such; or
 - d. use any privately-owned BWC while in the performance of official duties.
5. Sworn members shall not post any BWC recording on any social media site. Public dissemination shall only be authorized by the Commissioner through the Director of Communications and Media Relations. Sworn members shall only use/access BWC recordings during their official duties.
6. The department shall not utilize any biometric technology, such as facial recognition, to conduct searches of video files or passive searches of the public. Stored video and audio data from a BWC shall not:
 - a. be used to create a database of photos;
 - b. be used as fillers in photo arrays; or
 - c. be searched using facial recognition software.
 - d. Exception: This section does not prohibit sworn members from using recognition software to analyze the recording of a particular incident when a sworn member has reason to believe that a specific suspect or person in need of assistance may be the subject of a particular recording. The exception must be approved by the sworn member's direct supervisor.
7. Sworn members shall not power on or activate BWCs in department locker rooms/restrooms, or any other place where sworn members would have a reasonable expectation of privacy, unless this policy otherwise requires BWCs to be activated for purposes of enforcing or investigating the law.

8. Sworn members shall not intentionally record confidential informants or undercover sworn member unless the recording is conducted specifically for the purpose of documenting an operation, drug purchase/sale, or other undercover operation in furtherance of a criminal investigation or unless otherwise required by this policy.
9. Recording in a residence:
 - a. Upon entering a private residence without a warrant or in non-exigent circumstances, the sworn member shall notify occupants they are being both audio and video recorded, but may deactivate the recording or place the camera into sleep mode upon the request of an occupant if there is no other reason pursuant to this policy to record.
 - b. If a sworn member deactivates or places into sleep mode a BWC per the occupant's request, that sworn member shall notify the Emergency Communications Department (ECD) and document in the narrative portion of the incident report that the sworn member deactivated the BWC by occupant request.
 - c. Sworn member recording in a residence shall not record beyond that which is necessary and shall not use the BWC with exploratory intent to create an inventory of items in the residence.
10. Recording in areas where there may be a reasonable expectation of privacy.
 - a. Sworn members should use their discretion whether to record in locations where recording may be considered insensitive or inappropriate, particularly where the sworn member is conducting a routine follow-up investigation, including, but not limited to, gathering video or other evidence.
 - b. Such locations may include, but are not limited to, locker rooms, places of worship, religious ceremonies, certain locations in hospitals or clinics, law offices, courthouses, and day care facilities.
 - c. At such locations, at the sworn member's discretion and based on the circumstances, sworn members may deactivate, place into sleep mode, or power off the BWC.
 - d. Sworn members shall power off their cameras whenever they are in the police station unless otherwise required by this policy.
11. Discretionary BWC recording considerations include, but are not limited to:
 - a. the sensitive or private nature of the activities or circumstances observed; the presence of individuals who are not the subject of the sworn member-civilian interaction; the presence of people who appear to be minors;
 - b. any request by a civilian to stop recording; and
 - c. the extent to which the absence of BWC recordings will affect the investigation.
12. When a sworn member decides to deactivate, place into sleep mode, or power off the BWC, the sworn member shall notify both the ECD and their supervisor and shall note the reason for deactivation of the BWC in the narrative portion of the incident report.

13. Should a remote activation function become available and the department decides to acquire this function, it shall only be used in exigent circumstances, including but not limited to address concerns regarding officer safety. BWCs shall only be remotely activated by those personnel authorized to do so by the Police Commissioner.

E. Special considerations for recording victims and witnesses.

1. If a sworn member is in range during the recording of a victim or witness who is giving an account of a crime, the sworn member may record the encounter, or may at their discretion determine whether to activate/deactivate/place into sleep mode the BWC. The sworn member taking the statement shall document in the narrative portion of the incident report whether any other sworn members deactivated or placed into sleep mode their BWCs and the reasons for doing so to the extent that the sworn member is aware of such actions and the reasons therefor.
2. If the victim or witness objects to the recording or is uncomfortable with being recorded, the sworn member shall inform the person that they can request to have the BWC deactivated or placed into sleep mode. In such cases, the sworn member shall document the request in the narrative portion of the incident report.
3. If the camera is already activated, the request to turn off the BWC should be recorded, as well as the sworn member's response to that request.

F. Supervisor Responsibilities.

1. Supervisors are responsible for:
 - a. monitoring the operational activities related to the effective use of BWCs;
 - b. ensuring that sworn members only access BWC recordings during their official duties in accordance with department policy;
 - c. inspecting BWC equipment to ensure proper functioning; and
 - d. forwarding through the chain of command any recommendations relative to BWC recordings that they believe would be useful for sworn member training purposes.
 - e. The foregoing duties are to be conducted as needed based upon the supervisor's own observations, by periodic reminders, and/or upon requests from an officer under their supervision or from a superior officer.

G. Criminal and administrative use of recordings.

1. Use of BWC recordings from inside a residence.
 - a. The review of a BWC recording from inside a residence for a new or unrelated investigation requires a warrant.
 - b. If review of BWC recording from inside a home leads to probable cause of an additional, unrelated crime, the review should stop and a warrant to view the recording(s) should be sought.
 - c. Should a sworn member, at their discretion, consider material too sensitive to be

accessible for other members of the department, the sworn member shall notify their supervisor of the sensitive material. The sworn member's supervisor shall review the recording and, if appropriate, send a request to the system manager to make the recording unavailable, except to the assigned investigator, for a given amount of time.

2. Internal access and review.
 - a. Except in situations where deadly force is used, sworn members may review their own BWC recording in the following circumstances.
 - (1) In advance of completing an investigation and preparing official reports.
 - (i) To help ensure accuracy and consistency, sworn members should review their BWC recording prior to preparing reports.
 - (ii) If sworn members review their BWC recordings prior to writing a report, the sworn member shall document that they reviewed their BWC recordings in the narrative portion of their incident report.
 - (2) For the purposes of preparing for court or other forum in which their testimony is to be given.
 - (i) When they are preparing for court, sworn members should advise the prosecuting attorney that they have reviewed the BWC recording.
 - (3) In advance of providing a statement pursuant to an internal investigation or other critical incidents, or when preparing for disciplinary hearings or appeals, officers shall be allowed to review their own recordings using department-issued equipment.
 - b. Sworn member-involved death, serious injury, or other use of deadly force.
 - (1) Following a sworn member-involved fatal shooting, or other use of deadly force, sworn members and supervisors at the scene shall not view any BWC recording without authorization from the Commissioner or designee and the District Attorney's Office.
 - (2) In the case of a non-fatal sworn member-involved shooting or other non-fatal use of deadly force when the Cambridge Police Department is the lead investigative agency, sworn members who were involved in the incident, discharged their weapon, or witnessed the incident shall be allowed to view their own BWC recording before giving a statement (excluding statements necessary to relay public safety information), at a time determined by the supervisor in charge of the investigation. At the sworn member's request, the sworn member's attorney may be present when the sworn member views the video.
 - (3) In the case of a fatal sworn member-involved incident, the District Attorney's Office will determine whether a sworn member who was involved in the incident, discharged their weapon, or witnessed the incident, may view their own BWC recording before giving a statement. If the District Attorney's Office or its designee, allows a sworn member to view their own BWC recording before giving a statement,

the sworn member's attorney may be present when the sworn member views the BWC recording. If such an officer is required to provide a statement prior to reviewing their own BWC recording and is later permitted to view that recording, the officer may submit a supplemental report. The District Attorney's Office will determine whether or not to accept the supplemental report as part of its investigation.

H. BWC recordings as evidence.

1. The Property and Evidence Unit is responsible for storing, and maintaining records of all BWC recordings that are physically booked into evidence.
2. Redactions to BWC recordings shall only be made by those persons authorized by the Police Commissioner or their designee.

I. Equipment maintenance and inspection procedures.

1. Sworn members shall ensure their BWCs are functioning properly before the start of their shifts and shall immediately report any malfunctioning or damaged equipment to a supervisor. Specifically, sworn members should ensure their BWCs have fully-charged batteries at the beginning of their shifts.
2. The Shift Commander or designee may reassign another unit if audio/video equipment has a malfunction, provided a unit is available, or reissue another BWC until repairs or replacement can be made, if available.
 - a. If a BWC fails during a shift, the sworn member shall notify a supervisor to check on the availability of a temporary replacement.
3. BWCs shall be mounted on a sworn member's outer garment using a department-issued mount in a position that provides the camera with an unobstructed view.
4. Unless they are charging their BWCs remotely, sworn members should return their BWCs to their designated docking stations at the end of their shifts. The docking stations will charge the BWC's battery and transfer video data to the storage system.
 - a. If a sworn member works at multiple locations during any one or consecutive shifts, the sworn member shall ensure that their BWC is available to them at the beginning of their next shift and is appropriately charged.
 - b. Sworn members are responsible for ensuring that all BWC recordings that pertain to events occurring during their tour are uploaded before they leave work or before they begin a new assignment if working an extended tour.
 - c. Sworn members are responsible for tagging and classifying their recordings.
5. If a sworn member is incapacitated and unable to return the BWC to the docking station by the end of the shift, a supervisor should take possession of the device and conduct the docking function and tagging recordings.

J. Training requirements for users and supervisors.

1. All sworn members, supervisors, and certain non-sworn employees of the department shall

- receive training in the use of the BWC and this policy prior to authorization to use the BWCs and related functions. Training will include:
- a. rules of evidence, privacy, confidentiality, and public disclosure;
 - b. hardware operation, charging, docking, malfunctions, lost or damaged equipment;
 - c. categorization (tagging), video upload procedures, video access, security, retention;
 - d. guidelines for reporting improper recordings, and presenting digital evidence in court; and
 - e. hands-on exercises and scenarios that demonstrate when and how to operate the BWC;
 - f. Refresher training will be offered by the Department annually or at other reasonable intervals.
2. Training may be conducted by outside vendors, department staff, or a combination of both. Training materials should be kept up to date by the department and previous training materials archived.
 3. BWC recordings should be used to improve sworn member safety tactics in use of force situations. Department personnel who believe a recording may provide training benefits shall, through their chain of command, make notification of such recording to the Training and Certification Unit to review, approve and use. When a particular department recording is being contemplated for use in training purposes, the involved officers shall be notified prior to its use and have an opportunity to make a request within a reasonable time frame to the Police Commissioner or their designee that the recording not be utilized for training purposes.
- K. Requirements for documented review of BWC recordings including frequency and quantity.
1. A designated Body Worn Camera Unit member shall audit and document BWC recordings on a quarterly basis.
 2. The documented audits should be completed on the most recently available BWCs and by selecting downloads at random. A minimum of twelve (12) reviews will be completed quarterly.
 3. These audits will focus on:
 - a. compliance with department policy on BWC utilization;
 - b. compliance with BWC tagging/categorization requirements;
 - c. compliance with BWC training requirements;
 - d. examination of BWC audit logs/trails for viewing/dissemination compliance requirements; and
 - e. records retention compliance.
 4. The designated BWC unit supervisor shall keep a log documenting findings.
 5. BWC recordings shall not be reviewed randomly or on a scheduled basis for disciplinary

purposes.

6. The Command Staff shall conduct a review of this policy and procedures as well as operational considerations/training materials at least annually and more frequently if necessary.

L. Role of the Professional Standards Unit and sanctions for non-compliance.

1. The Professional Standards Unit shall be responsible for investigating any improper use of a BWC including such use by sworn members who do not activate their BWC when required to do so.
2. Sanctions shall also be considered for any intentional mishandling of recordings including viewing, sharing, redacting, or releasing recordings when prohibited by this policy and for any tampering with or destruction of recordings.
3. Sworn members are subject to disciplinary action if they fail to activate their BWCs in accordance with this policy or if they improperly utilize their BWCs. Minor, inadvertent or infrequent variations from this policy will generally result in a recommendation for refresher training.
 - a. Sworn members will be subject to progressive discipline, up to and including termination, for repeated or flagrant violations of this policy.

M. Storage and retention requirements.

1. BWC recordings shall be stored in compliance with the Security Standards issued by the Federal Bureau of Investigation's Criminal Justice Information Services.
2. BWC recordings shall be preserved, stored, and retained in accordance with the requests, directions, and orders of appropriate prosecutorial and/or judicial authorities and any applicable laws and regulations.
3. Data gathered by BWCs shall be retained and stored by this department or an authorized third-party for a minimum of 37 months from the date of creation except for recordings specifically created while training sworn members on the use of BWCs.
4. Data gathered by the BWC may be retained and stored by the department for a longer retention period if voluntarily requested by:
 - a. a sworn member if the video recording is being retained solely and exclusively for department training purposes;
 - b. any member of the public who is a subject of the video recording;
 - c. any parent or legal guardian of a minor who is the subject of the video recording; or
 - d. a deceased person's next of kin or legally authorized designee.
5. BWC recordings shall not be deleted/destroyed in the following circumstances.
 - a. While any related investigation, including criminal, civil, or administrative investigation, court proceeding grievance or other administrative complaint or other litigation or dispute between the City and either of the Associations is still open/pending.

- b. For the period of time that evidence is retained during the course of an investigation or court, or other proceeding or action covered by this section.
 - c. Until all appeals and/or related litigation are exhausted and closed.
 - d. When related to a death or rape investigation.
 6. Any third parties acting as agents in maintaining BWC recordings shall not be permitted to independently access, view, or alter any video recording, except to delete videos as required by law or this department's retention policies.
 7. Pursuant to Massachusetts' Criminal Justice Records statutes, it is the goal of this policy to support and promote openness in government by releasing nonconfidential video recordings to the public upon request. This policy must also ensure that the privacy of victims, witnesses, and suspects is maintained whenever feasible.
 8. BWC video recordings should not be divulged or used for any commercial or other non-law enforcement purpose. This policy will not affect the release of recordings pursuant to a court order or subpoena.
 9. Nothing in this policy shall be construed to contradict any laws governing the maintenance and destruction of evidence in criminal investigations and prosecutions.
 10. Data gathered by a BWC may be used and shared with the District Attorney's Office or other law enforcement agencies as permitted by law.
 11. Sworn members are not permitted to provide video to any external partners and shall forward any requests made with or without a subpoena directly to the City of Cambridge Law Department.
- N. Property rights to BWC recordings.
1. All BWC recordings shall remain the sole property of the Cambridge Police Department.
 2. Any members of the public or the media who request BWC recordings including Freedom of Information Act requests, should be directed to the City of Cambridge Law Department, which is responsible for processing such requests. Whenever an officer's recording(s) are to be released, the officer will be notified of the recording(s) at issue and will be offered, where possible, a reasonable time to review the recording to be released. An officer who was not able to review the recording prior to its release will be allowed to view it as soon as is practicable after the release.
 - a. Approval for release in whole or in part of a BWC recording that involves the subject of an active criminal investigation or prosecution shall comply with the public records law.
 - b. If a disclosure of a BWC recording as part of the Commonwealth's discovery obligations in a prosecution might present a danger to any sworn member or civilian, the City of Cambridge Law Department will request that the prosecutor's office take such steps as are appropriate and authorized by law to protect the information from disclosure, such as by seeking a protective order from the court.