



## Police Commissioner's Special Order

Number: SO 25-2  
Date: 1/15/25  
Post/Mention: Indefinite

### **SUBJECT: RULE 405, BODY WORN CAMERA POLICY -- REVISED**

Rule 405, Body Worn Camera Policy, is hereby amended and reissued superseding all previous rules, special orders, memos and directives on this subject and is effective immediately.

Rule 405 applies to officers from the date at which they receive Department issued Body Worn Camera equipment.

Changes made to this Rule to include:

Sec. 1 General Considerations – third paragraph edited

Sec. 2.2 Camera Activation and Incidents of Use – fourth paragraph edited

Sec. 2.8 BWC Deactivation – bullet #5 is new

Sec. 2.9 Special Activation Factors has been retitled and bullet numbers 12-15 are new

Sec. 2.10 Officers Assigned to a Federal Task Force – new section

Sec. 3.1 Officer Responsibility – third paragraph is new

Sec. 5 SUPERVISOR RESPONSIBILITIES is a new section title, with “Unit Commanders” being added

Sec. 5.2 District or Unit Commanding Officers or Designees – last sentence is new

Commanding Officers shall ensure that this order and the attached Rule are posted on Department bulletin boards.

Michael A. Cox  
Police Commissioner

**BODY WORN CAMERA POLICY****Sec. 1 GENERAL CONSIDERATIONS:**

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 Department's ability to document and review statements and events during the course of an incident, preserve video and audio information and evidence for investigative and prosecutorial purposes. BWC recordings, however, provide limited perspective of encounters and incidents and must be considered with all other available evidence, such as witnesses' 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 in Boston, 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. The Department prohibits recording civilians based solely upon the civilian's political or religious beliefs or upon the exercise of the civilian's constitutional rights, including but not limited to freedom of speech, religious expression, and lawful petition and assembly. BWC footage shall not be reviewed to identify the presence of individual participants at such events who are not engaged in unlawful conduct.

Unless otherwise excepted by this Rule, Officers assigned BWCs must wear and activate BWCs in accordance with Department policy when performing uniformed duty. Unless an exception applies, when not in uniform, Officers must wear BWCs when assigned to anti-crime units (YVSF, K-Car), and when executing pre-planned arrests, entries, or warrants to search physical locations.

**Definitions and Terms:**

Activate = Start a recording

Deactivate = Stop a recording

BWC = Body Worn Camera

## **Sec. 2 PROCEDURES:**

Sec. 2.1 Training: Prior to being issued a BWC, officers shall successfully complete BPD Academy training related to this policy as well as the activation, use, categorization, and uploading of data. All department personnel 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.

Activation of the BWC shall begin after acknowledgment of a dispatched or directed call for service.

For self-initiated (on sight) calls, or where officers are assisting on a call, officers shall activate BWC immediately after notifying operations.

As in all law enforcement and investigative activities, the safety of officers and members of the public are the highest priority. If an immediate threat to the officer's life or safety makes BWC activation dangerous, then the officer shall activate the BWC at the first reasonable opportunity to do so. 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). When wearing a BWC, Officers shall record all in-person law enforcement related encounters with civilians unless the decision to stop recording is made pursuant to Section 2.6 and 2.7. This includes, but is not limited to, the following:

1. Vehicle Stops;
2. Investigative person stops: consensual, or articulable reasonable suspicion stops pursuant to Rule 323 (FIOE Report), or stops supported by probable cause;
3. All calls for service;
4. All self-initiated calls
5. All initial responses by patrol officers (primary, assisting or responding)
  - a. Initial responses include but are not limited to on-site detentions, investigations pursuant to an arrest, arrests, and initial suspect interviews on-scene;
6. Transport of prisoners;
7. Pat frisks and searches of persons incident to arrest (if not already activated);
8. Incidents of Emergency Driving;
9. Incidents of Pursuit Driving;
10. When an officer reasonably believes a crowd control incident may result in unlawful activity;
11. Any contact that becomes adversarial, including a Use of Force incident, when the officer has not already activated the BWC; or
12. Any civilian contact the officer reasonably believes should be recorded to enhance policing transparency, increase public trust and police-community relations, or preserve factual representations of officer-civilian interactions, provided that recording is consistent with Sections 2.3, 2.4, 2.5, 2.6, 2.7, 4.1 and 4.2 of this policy.
13. Specialized Undercover Investigative Units (i.e. DCU, Fugitive Unit, SIU, etc.), engaged in an investigation, shall use and activate their BWC on a case-by-case basis, per their Commander or Commander's Designee. These units, while executing court-approved orders (i.e. search warrants, arrest warrants, etc.), shall activate their BWC.

If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document in the incident report that a recording failure occurred. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, and does not create an incident report, the officer shall submit BWC Special Notification Form to his/her Duty Supervisor to document that a recording failure occurred by the end of the shift or as soon as practical. The Duty Supervisor shall submit the officer's Form through his/her chain of command to his/her Bureau Chief.

**Sec. 2.3 Recording within a Residence:** Upon entering a private residence without a warrant or in non-exigent circumstances, the officer shall notify occupants they are being recorded. When determining whether or not to record, the officer shall be guided by the safety of all person(s) present, and weigh the discretionary factors referenced in Section 2.4 with the fact that a home is a uniquely private location. Per SO 019-015, if the officer deactivates the BWC recording per occupant request, that officer should notify the Operations Division by radio that the incident is no longer being recorded by occupant request and call off on a Code 29, if possible. Officers recording in a residence shall be mindful not to record beyond what is necessary to the civilian contact, and shall not use the BWC with exploratory intent to create an inventory of items in the residence.

If an officer uses his/her discretion to stop recording, the officer shall document this action in the incident report. If the officer does not create an incident report, the officer shall submit a BWC Special Notification Form to his/her Duty Supervisor to document that he/she decided to stop recording by the end of the shift or as soon as practical. The Duty Supervisor shall submit the officer's Form to his/her District or Unit Commanding Officer. The District or Unit Commander or his/her designee shall provide a copy of the form to his/her Bureau Chief.

**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 locker rooms, places of worship, religious ceremonies, certain locations in hospitals or clinics, law offices, and day care facilities. At such locations, at the officer's discretion and based on the circumstances, the officer may stop recording. The officer may also consider diverting the BWC away from any subjects and recording only audio, if appropriate. When exercising discretion in such situations, the officer should generally base his/her decision to stop recording, divert the BWC, or record only audio on the following BWC Discretionary Recording Considerations. The officer must be able to articulate the reason for his/her decision to exercise discretion.

BWC Discretionary Recording Considerations include, but are not limited to: the sensitive or private nature of the activities or circumstances observed; the presence of individuals who are not the subject of the officer-civilian interaction; the presence of people who appear to be minors; any request by a civilian to stop recording; and the extent to which absence of BWC recording will affect the investigation.

If an officer uses his/her discretion to stop recording, the officer shall document this action in the incident report. If the officer does not create an incident report, the officer shall submit a BWC Special Notification Form to his/her Duty Supervisor to document that he/she decided to stop recording by the end of the shift or as soon as practical. The Duty Supervisor shall submit the officer's Form to his/her District or Unit Commanding Officer. The District or Unit Commander or his/her designee shall provide a copy of the form to his/her Bureau Chief.

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 or 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.

Sec. 2.6 Consent to Record: Officers do not have to obtain consent to record. If a civilian requests the officer stop recording, the officer(s) has no obligation to stop recording if the officer is recording an occurrence identified in Section 2.2. When evaluating whether to stop recording, officers should weigh the BWC Discretionary Recording Considerations identified in Section 2.4. Officers should record the request to stop recording and the officer's response to that request, if possible.

If an officer deactivates their BWC in response to a civilian request, the officer shall also indicate the request in an incident report.

If an officer deactivates their BWC in response to a civilian request and does not create an incident report, the officer shall fill out a BWC Special Notification Form and submit it to his or her Duty Supervisor indicating that a civilian requested the officer stop the recording. This form shall be filed by the end of the shift or as soon as practical.

The Duty Supervisor shall submit the officer's Form to his/her District or Unit Commanding Officer. The District or Unit Commander or his/her designee shall provide a copy of the form to his/her Bureau Chief.

Sec. 2.7 Recording of Victims / Witnesses: If an officer's BWC would capture a visual or audio recording of a victim or witness who is giving his/her first account of a crime, the officer may record the encounter but should weigh the BWC Discretionary Recording Considerations specified in Section 2.4 in determining whether to activate or discontinue audio and/or video recording. If the officer decides to activate and/or continue audio and/or video recording, the officer shall make the notification specified in Section 2.5. If the victim is in any way unsure of the need for the recording or is uncomfortable with the thought of being recorded, the officer shall inform the civilian that they may request to stop the recording. If the BWC is already recording, the officer should note the request to stop recording and the officer's response, if possible.

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 or an arrestee has arrived at the booking area or secure court facility. If a transporting officer has a BWC, that officer shall continue recording until the transporting officer enters the booking area or secure court facility;
3. The event is sensitive, the officer has weighed the BWC Discretionary Recording Considerations specified in Section 2.4, and has decided to deactivate the BWC;

4. The incident has concluded prior to the arrival of the officer;
5. Supervisory counseling outside of the immediate contact with civilians. Officers should re-activate their BWC when law enforcement related civilian contact is resumed;
6. A supervisor orders the officer to stop recording.

Sec. 2.8.1 Suspicious Device Protocol: First initial responding officers and/or first officers on scene of a suspicious object shall **power off** their BWC when in the immediate proximity of the suspicious object. All other responding officers shall ensure they are at least 300 feet from the object prior to activating their BWCs. When dispatching any calls for suspicious objects, the Operations Division should remind first responding officers to **power off** their BWCs prior to approaching the scene of the device.

#### Sec. 2.9 Special Activation Factors

1. **Motorcycles:** Mobile Operations Patrol (MOP) Officers shall wear body-worn cameras and activate when interacting with the public during patrol activities. MOP units are not required to activate their cameras during escorts, except in the performance of emergency driving or where an interaction with the public may warrant possible interaction recording under Section 2.2 of this Rule.
2. **K-9:** K-9 Officers will wear body-worn cameras daily and will activate when performing patrol functions as described in Rule 405. If they are utilized for specific incidents involving EOU they will consult with and follow the protocol of EOU personnel.
3. **Tactical Cars:** Officers assigned to a Tactical Car will wear BWC and activate once they activate emergency driving or expect to interact with the public. Officers should avoid capturing lock codes to the extent feasible when accessing gun safes.
4. **Explosive Ordnance Unit (“Bomb Squad”):** Bomb Squad Officers shall adhere to Special Order 19-036 and not wear their body-worn cameras when approaching possible suspicious objects. Otherwise, cameras are to be worn daily and activated when interacting with the public. Bomb tech will exercise their best judgment and due caution when deciding when to have BWCs on during EOU related duties.
5. **Dive Team:** Officers will use BWC in the regular assignments as directed but not during dive operations.
6. **Crisis Negotiator:** Crisis negotiators will follow training and protocols to determine whether the BWC is to be activated. Remote negotiations (by phone, loud speaker etc.) do not require BWC activations.
7. **Snipers:** Officers are not expected to activate body-worn cameras during sniper deployment if the BWC would interfere with operations.
8. **SWAT Team - Code 99 / Search Warrants:** Briefings, tactical discussions or communications regarding officer placement or safety are not to be recorded. SWAT Officers will activate their cameras on approach to an entry point, or at the direction of SWAT Team Supervisors.
9. **Hazmat:** Will wear body-worn cameras daily and activate per Rule 405 when performing day to day patrol duties unless electrical or signal interference is a concern.
10. **Harbor Patrol Unit:** Will wear body-worn cameras daily and activate per Rule 405 when performing day to day patrol duties.
11. **Commercial Vehicle Enforcement Unit (CVEU):** Will wear body-worn cameras daily and activate per Rule 405 when performing day to day patrol duties.
12. **Anti-Crime Car (K-Car):** Will wear body-worn cameras daily and activate during law enforcement encounters consistent with Section 2.2.

13. **Youth Violence Strike Force (YVSF):** Will wear and activate body-worn cameras during law enforcement encounters consistent with Section 2.2.
14. **Drug Control Unit (DCU):** Will wear and activate body-worn cameras when in uniform or during pre-planned arrests, entries, and warrants to search physical locations, unless operationally necessary to conceal law enforcement affiliation.
15. **Detectives in Uniform:** While in uniform, Detectives may choose to wear a BWC when performing investigative functions. At all other times, Detectives in uniform shall wear a BWC.
16. **Sensitive Nature / Redactions:** Concerns regarding tactics and internal communications shall be redacted for public dissemination when legally permissible.

**Sec. 2.10 Officers Assigned to a Federal Task Force:**

Officers assigned to a Federal task force (“TFOs”) shall wear and activate BWCs in accordance with the policy applicable to each specific task force.

**Sec. 3 CAMERA DEPLOYMENT:**

**Sec. 3.1 Officer Responsibility:**

BWC equipment is the responsibility of every officer issued the equipment. Officers must know the location of each of their assigned cameras at all times. Officers must use the equipment with reasonable care to ensure proper functioning. Officers shall inform their Duty Supervisors as soon as possible of equipment malfunction or loss of a BWC so that the officer can procure a replacement BWC. An officer who loses or misplaces a BWC shall complete any necessary protocols required by the Department for lost equipment (per Rule 322).

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 Boston Police Department and shall not be released without the authorization of the Commissioner or his/her designee.

When acting in an undercover capacity as authorized by a member of the Command Staff, Officers shall not wear a body worn camera.

1. At the beginning of each shift, the officer will:
  - a. Ensure that his/her BWCs has a fully charged battery and is functioning properly;
  - b. Officers are to power on their BWC's after receiving their assignment(s) (roll call etc.). BWC's are to remain powered on for the duration of their tour of duty. Officers shall activate their BWC's as directed in section 2 of this rule;
  - c. Confirm that his/her BWC is properly paired, via Bluetooth, to his/her assigned Department-issued mobile device. If officers are unable to pair their Department-issued mobile device to their BWC, officers are still required to record video using the BWC. Pairing instructions are available on the BPD Intranet. If officers cannot pair their Department-issued mobile device to their BWC, they must complete the appropriate online BWC Special Notification form and must log in to evidence.com on a Department computer to tag their videos once the video has been uploaded to evidence.com; and
  - d. Notify a Duty Supervisor whenever there is a malfunction or damage to the BWC, and fill out the appropriate online BWC Special Notification Form.

2. At the beginning of each shift, the officer shall:
  - a. Affix their BWC properly upon their uniform in a manner consistent with training. Officers are trained to mount the camera on the upper torso using one of the issued mounts consistent with the following image;



- 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, including the Crime Scene Entry Scribe, of the 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 submit an online BWC Special Notification Form to document the circumstances and reasons.
3. Prior to end of shift: docking/uploading requirements:
  - a. When officers end a shift in their assigned district/unit: At the end of the officer's shift, each officer shall place the BWC used during that shift in a docking station assigned to the officer by the Boston Police Department. The docking station will charge the BWC's battery and transfer video data to the storage system. Officers shall ensure all required references to BWCs in appropriate Department documentation are included, such as incident reports or Form 26 reports at the end of their shift.

At the end of his/her shift each officer shall retrieve his/her other assigned BWC from the docking station prior to leaving the district/unit. Each officer shall ensure their other assigned BWC is secure, fully charged, has adequate storage available, and is accessible to the officer for use prior to his/her next patrol function.

- b. When the officer ends a detail (in or outside of his/her assigned district) or ends shift at a location outside of his/her assigned district/unit: The officer must dock the BWC used during his/her detail or shift at their assigned district/unit to upload video the next time the officer reports to his/her assigned district, but no later than two days after taking the video. Each officer shall ensure their other assigned BWC is secure, fully charged, has adequate storage available, and is accessible to the officer for use prior to his/her next patrol function.
- c. If an officer becomes aware that the uploading process is not occurring or becomes aware of any other malfunction of the system, the officer shall notify their Duty Supervisor immediately, and fill out the appropriate online BWC Special Notification Form.
- d. A District/Unit Commander may order, due to investigative needs, an officer to upload their videos via evidence.com at any time.

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 prior to the end of their shift, officers shall assign uploaded data into the appropriate BWC Mobile Device Application categories in accordance with the nature of police activity. Categorization options are in order of the seriousness of offense and should be labeled to reflect the most serious nature of police activity. These categories include but are not limited to:

1. Death Investigation
2. Code 303- Lethal/Less Lethal
3. Sexual Assault/Abused Person
4. 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. Sick Assist
14. No Report - Dispatch/On Site
15. Test/Training
16. Accidental Recording

The Department may develop other categories, as needed.

If an officer is assisting other officers on a call, the assisting officer shall use the finalized category for the incident.

Sec. 3.2.2 BWC Mobile Device Application: Officers assigned BWCs shall comply with the use of the Department authorized BWC Mobile Device Application for all BWC requirements. Employees shall follow the training and procedures provided by the Boston Police Academy and the Video Evidence Unit.

When installed, the BWC Mobile Device Application and/or BWC Device Application's location services will be set to off and officers should not turn it on.

Section 3.2.3 Title Description: Officers shall enter the nature and location of each call in the title field in the BWC Mobile Device Application. Officers shall properly title all footage at the conclusion of the call or prior to the end of their shift.

Sec. 3.2.4 ID Description: Officers shall assign the BWC Mobile Device Application "ID" field as the "I number" or "P number" assigned to each video recorded.

If the call results in a 1.1 being written, all officers responding to the call shall use the CAD assigned I# for the call.

The CAD assigned P# should **only** be used for calls where a 1.1 report was not written and a miscel code was used to clear the call (I.E. – FIO's, 1N, 8J, 14P, etc.).

Sec. 3.2.5 Data Accuracy: Officers shall ensure that all of their body camera videos have the correct data entered in all three fields. Although there may be an auto-tagging feature that will populate the required data fields, officers must ensure the information is both accurate and complete.

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 inform his/her Duty Supervisor and request redaction of the video prior to distribution to any outside parties. The officer shall document in the BWC Special Notification Form to his/her Duty Supervisor the nature of the information captured and the request for redaction. The Duty Supervisor shall submit the officer's Form to his/her District or Unit Commanding Officer. The District or Unit Commanders or his/her designee shall provide a copy of the form to his/her Bureau Chief and an additional copy to Video Evidence Unit to maintain the record. The Commander of the BWC Unit will authorize redaction when he/she determines it is necessary.

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

Sec. 4.1 Improper Recording: Officers shall not use BWCs to record in violation of this Policy or any rule or procedure of the Boston Police Department, including:

1. During breaks, lunch periods, or time periods when an officer is not responding to a call, or when not in service;
2. Any personal conversation 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, dressing rooms, or restrooms;

4. Investigative briefings;
5. Encounters with undercover officers or confidential informants; or
6. Departmental 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.

If an officer inadvertently records as listed above, the officer shall follow the request to redact/delete procedures described in Section 3.3.

#### **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 Commissioner 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. Bureau Chiefs, supervisors and Internal Affairs shall not randomly review BWC recording/footage for disciplinary purposes

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

**Sec. 5.1 Duty Supervisors/ Unit Commanders:** All Duty Supervisors / Unit Commanders 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 via the Special Notification Form. Once procured by 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 or Form 26 reports.

Duty Supervisors and Unit Commanders may review BWC data, images, video recordings, audio recordings, or metadata, consistent with this Policy, to approve any reports.

**Sec. 5.2 District or Unit Commanding Officers or Designees:**

Commanding officers or his/her designee will review BWC activity logs and reports to ensure officers remain in compliance with Department policy and training. Review recordings and other data in accordance with Section 4.2 and Section 6.5. Duty Supervisors working outside of their normal assignment need not review BWC activity logs.

**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 via the BWC Special Notification Form must be sent to the Video Evidence Unit. 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 via the online BWC Special Notification Form and sent to the Video Evidence Unit. Physical copies of the video shall be subject to M.G.L. Ch. 66, Sec. 10 and in accordance with all applicable state laws and regulations.

**Sec. 6.2 Officer Access to Footage Following an Officer Involved Death, Officer Involved Shooting, or Other Use of Deadly Force (Rule 205 and/or Rule 303 Investigations):** 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 Homicide Unit or Firearm Discharge Investigation Team (“FDIT”) 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 Homicide Unit or FDIT 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 (Rule 205 and/or Rule 303 Investigations):** In accordance with Rule 205 and Rule 303, the Patrol Supervisor shall respond immediately to a death investigation or reported use of deadly force within his/her District.

The Patrol Supervisor, as soon as circumstances allow, shall collect all BWC's 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 Homicide Unit or FDIT personnel arrives on scene. Once on scene, the Homicide Unit or FDIT 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 Homicide Unit, FDIT personnel or VEU personnel will transport the cameras to the involved officer's assigned district, the Homicide Unit or the Video Evidence Unit 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 BIS Bureau Chief, Homicide Unit and/or FDIT investigators assigned to the case. The BIS Bureau Chief may approve access to other users, as necessary.

**Sec. 6.4 Officer Access to Footage:** Officers who need to review video or audio footage from another officer shall make a request via the online Special Notification Form to the Video Evidence Unit describing why they need to review the footage.

The Commander of the Video Evidence Unit shall approve or deny the request. With approval, the Video Evidence Unit will provide access to the video and audio footage to the requesting officer. If providing another officer's video or audio, the Video Evidence Unit shall notify the District or Unit Commander of the officer whose BWC footage is requested that the BWC footage is being shared.

**Sec. 6.5 Supervisor Access to Footage:** Any supervisor within the recording officer's chain of command, and any Bureau Chief, 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 Commander.

**Sec. 6.6 Audit and Review Access to Footage:** Audit and Review shall conduct periodic checks to ensure Department personnel are using BWCs according to Department policy.

## **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.

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.

The assigned Detective will review all BWC footage within a reasonable time. However, if the Detective determines that the BWC footage is not relevant to the investigation or the investigation is closed, the Detective may, with the approval of their supervisor, choose not to review the BWC footage. The supervisor's approval shall be noted in the case management file.

Detectives should be aware that additional BWC footage may be updated at a later time or date. When compiling BWC videos for discovery purposes, Detectives shall conduct a final review/search for relevant BWC videos prior to providing/sharing with prosecutors. Detectives shall conduct a final search of the system for BWC videos one week prior to trial. Detectives shall conduct a final search of the system for relevant BWC videos for any case where they are made aware of an agreed upon final disposition (plea deal).

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 the Video Evidence Unit. In accordance with current practice, should an officer receive a subpoena for BWC footage, the officer shall direct the subpoena to their supervisor with a Form 26. The officer shall indicate in their Form 26 that a request for video has been made. The officer shall also direct a copy of the subpoena and Form 26 as soon as practicable to the Video Evidence Unit for response.

Officers are not permitted to provide video to any external partners and shall forward any requests made without a subpoena directly to the Video Evidence Unit.

Upon receipt of the request, Video Evidence Unit ("VEU") shall determine if the case has been assigned to a detective. If so, the VEU will notify the assigned Detective and/or Detective Supervisor of the request. The Detective or Detective Supervisor will then be responsible for providing all responsive and related case video directly to the federal, state, or local prosecutor.

If no detective is assigned to the case, VEU shall identify all relevant BWC footage and provide it directly to the federal, state, or local prosecutor.

Sec. 8.2 Public Information Requests: Video Evidence Unit shall respond to public information requests submitted under 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 in the Office of the Legal Advisor, and requests for information submitted by a collective bargaining representative under M.G.L. c. 150E are appropriately submitted to Office of Labor Relations. Should an officer receive a civil case subpoena or court order, he or she shall forward the request directly to the Office of the Legal Advisor.

If these offices receive other external requests for BWC footage, they shall request necessary and responsive footage from the Video Evidence Unit via the online BWC Special Notification Form.

The Video Evidence Unit shall maintain a log of the request, and assist the requesting office to collect and process the requested footage. The Video Evidence Unit 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: The Video Evidence Unit will notify officers of requests for BWC footage made under Section 8.2 (Public Information Requests) and Section 8.3 (Other External Information Requests) where the officer has not received a subpoena or request for BWC footage directly, 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: BWC recordings and data are kept in a cloud-based storage platform managed by Video Evidence Unit.

Sec. 9.2 Video Footage Retention: 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 Commissioner or his/her designee. The footage retention schedule for cloud-based footage access is as follows:

- a. Schedule I- Indefinite Retention:
  - Death Investigation
  - Code 303- Lethal/Less Lethal
  - Sexual Assault / Abused Person
  
- b. Schedule IIA- 10 Year Retention:
  - Use of Force
  - Arrest
  - Felony - No Arrest

c. Schedule IIB- 6 Year Retention:

- Misdemeanor - No Arrest

d. Schedule III- 3 Year Retention:

- Investigate Person
- Investigate Premise
- Significant Event - Public Safety
- Traffic Stop
- Encounter/FIO
- Sick Assist

e. Schedule IV- 1 Year Retention:

- No Report - Dispatch / On Site
- Test/Training
- Accidental Recording

Michael A. Cox  
Police Commissioner