



ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Operations		
POLICY & PROCEDURE # 1.46	DATE OF ISSUE:	EFFECTIVE DATE:
	7/10/2024	7/10/2024
SUBJECT: BODY-WORN CAMERAS	ISSUING AUTHORITY: Chief James Cogan	
REFERENCE(S): Massachusetts Police Accreditation Commission # 41.3.8	____NEW __X__AMENDS ____RESCINDS	

I. PURPOSE

The purpose of this policy is to establish guidelines for the use, management, storage, and retrieval of video and audio data recorded by the Acton Police Department's body-worn camera (BWC) and cruiser-mounted camera (CMC) program. **[41.3.8(4A)]**

II. DISCUSSION

Body-worn cameras (BWCs) and cruiser-mounted cameras (CMCs) are effective tools for the factual recording, and preservation, of interactions between police officers and civilians. BWC/CMCs are also effective in capturing video and audio evidence for use in criminal investigations, internal investigations, and officer training.

BWC/CMCs are intended to record anything that an officer could have potentially heard and/or observed using their senses. This does not mean that the officer is required or expected to have seen and/or heard everything captured in the recorded footage. Likewise, there may be information the officer obtains through their senses that is not captured by the BWC/CMC. As such, each incident should be based on the totality of the circumstances when reviewing any recording for training or disciplinary purposes.

III. POLICY

It is the policy of the Acton Police Department to respect the legitimate privacy interests of all persons in the Commonwealth while ensuring professionalism in its workforce.

IV. DEFINITIONS

• **Body-Worn Camera (BWC):** A portable electronic recording device worn on a law enforcement officer's person that creates, generates, sends, receives, stores, displays, and processes audiovisual recordings or records audio and video data of law enforcement-related encounters and activities.

• **Cruiser-Mounted Camera (CMC):** An audio / visual recording system that is permanently mounted inside of designated department vehicles that creates, generates, sends, receives, stores, displays, and processes audiovisual recordings or records audio and video data of law enforcement-related encounters and activities.

- **Law enforcement officer or sworn member:** An Acton Police Officer (“Officer”) with the sworn authority to conduct searches and make arrests.
- **Recordings:** Shall refer to video footage in the form of meta-data files that are captured by BWC / CMCs worn by Acton Police Officers or mounted in Acton Police Department vehicles.
- **Pre-Event Buffer:** All recordings (BWC & CMC) will include a 30-second “pre-event” buffer. This “buffer” is a video-only recording of the 30 seconds preceding the BWC or CMC activation.
- **Subject of the video footage:** Any identifiable law enforcement officer or any individual including but not limited to an identifiable suspect, target, arrestee, victim, witness, detainee, conversant, injured party, or other similarly situated person who appears on the BWC / CMC recording, which shall not include people who only incidentally appear on the recording and are not related to the incident or the event that is being reviewed/investigated.
- **Use of force:** Any action beyond verbal commands and compliant handcuffing by a law enforcement officer that is intended to control, restrain, or overcome the resistance of another. This includes any action that results in death, injury, or complaint of injury or pain that persists beyond the use of a physical control hold. Force also includes the use of a weapon [including pointing of a firearm or Electronic Control Device (“Taser”) at a person] or empty-handed control and restraint tactics utilized against a member of the public during a lawful arrest or detention.
- **Video footage/video file:** Any images and/or audio and metadata that is recorded by a BWC / CMC.
- **Patrol Duties:** A Patrol officer who is assigned to a shift in the patrol division or Community services who is routinely expected to answer calls or take enforcement actions in uniform. This includes Patrol Supervisors working in the field overseeing Patrol Officers. This section includes those who are on overtime assignments. Nothing in this policy shall prevent any sworn member of the Department not outlined here from utilizing a BWC in accordance with this policy if they so choose.
- **Break-in Period:** There will be a so-called three (3) month “break-in” or adjustment period to allow all Department personnel to become acclimated and thoroughly familiar with the BWC equipment and related procedures outlined in this policy and any future statutory enactments. During this three-month adjustment period, there will be no disciplinary sanctions imposed against any officer for any violations of this policy that appear to be unintentional or inadvertent in nature pertaining to the use of BWC. At the completion of the three-month period, the established progressive disciplinary process shall commence. Officers may be verbally counseled by a Supervisor or Commander during this specific period and/or may receive additional training if applicable. This period shall begin on the date that the BWCs are first distributed to each officer. At no time during this “break-in” period of BWCs shall an officer be reprimanded for failing to

activate or discontinuing a recording if they reasonably believe based on the circumstances, they were correct to do so based on policy.

V. PROCEDURES

A. Training

1. All full-time sworn employees of the Department shall attend and/or watch an initial training class on the operation of the BWC system. The training class shall include a thorough review of the provisions of this policy. **[41.3.8(4F)]**

B. BWC Deployment

1. Officer Responsibilities

At the beginning of, and/or during, each tour of duty officers shall:

- a. Properly affix, and correctly place, their assigned BWC on their uniform;
- b. Ensure their issued BWC has a fully charged battery and is functioning properly. Their immediate supervisor shall be notified forthwith if the BWC is malfunctioning or damaged; **[41.3.8(4E)]**
- c. Activate the BWC as outlined in Section V (C);
- d. Ensure an ID number and category type is assigned to every recording;
- e. Notify investigative units of the existence of BWC recordings for possible evidentiary value;
- f. If an officer becomes aware that they have failed to activate the BWC, failed to record the entirety of an interaction, interrupted the recording, or the BWC malfunctions or is damaged, the officer shall document the circumstances in an incident report;
- g. At the end of each tour of duty/daily work assignment officers assigned to the Uniformed Patrol Division shall ensure their assigned BWC is docked and uploading;
- h. Officers assigned to positions outside of the Patrol Bureau shall ensure that their BWCs are properly charged at all times, and shall dock and upload their assigned BWC at least once a week;
- i. Officers shall only wear and utilize BWCs that have been issued to them by the Department. Any associated BWC equipment (i.e. mounting devices) shall be issued by the Department unless otherwise authorized, in writing, by the Chief or their designee;
- j. BWCs do not need to be worn by officers working primarily in an administrative capacity and/or if their normal place of work assignment is

within the police station. BWCs shall be worn by said officers in the event they leave the police station or otherwise deploy to the field.

- k. BWCs do not need to be worn by officers attending court proceedings outside of their normal tours of duty.

2. Supervisor Responsibilities

Supervisors shall be responsible for the following:

- a. Ensuring all officers utilize the BWC in accordance with this policy.
- b. During roll call or the beginning of respective assignments, ensure BWCs are working properly, and document any malfunctioning or damaged BWCs. **[41.3.8(4E)]**
- c. Confirm that a BWC is properly affixed, and correctly placed, on each officer's uniform.
- d. Review BWC recordings when conducting a use of force review. **[41.3.8 (4C)]**

3. Special Overtime/Detail Assignments

- a. Officers working non-patrol overtime assignments, strikes, or security details that involve, or may involve, the exercising of police powers, shall wear their BWCs, whether in or outside of the Town, and utilize them in accordance with the provisions of this policy.
- b. Officers assigned strictly to traffic details, funeral escorts, or training are not required to wear their BWCs.

4. School Resource Officers (SROs)

- a. Activation

While in a school district building, or on school district grounds, a SRO shall only activate their BWC in cases of suspected criminal activity or when assisting school personnel with matters that may result in disorderly or otherwise disruptive behavior in the school environment. This includes, but is not limited to, the following situations:

- a) Any violent interaction with or between a student and staff;
- b) When an intruder enters a school district building or grounds;
- c) When engaged in a criminal investigation in accordance with Department policy;
- d) A call for help, or any disturbance, that requires immediate police intervention; or

- e) Any use of force incident involving the SRO.
- b. Exceptions
 - 1) SROs are not required to record normal and casual conversations or encounters with citizens, students, or members of the school community that do not correspond with the above-described circumstances.
 - 2) SROs will not activate their BWCs when present during meetings between students and school personnel that are of an administrative nature only. If the nature of the meeting involves suspected criminal activity or the potential for disruptive behavior, this exception shall not apply.

5. Plain Clothes Personnel

- a. Plain clothes officers engaged primarily in information-gathering activity (e.g. neighborhood canvases, interviews of witnesses or victims, the retrieval of video evidence, routine licensing & background checks, conducting searches of electronic devices, etc.) may not be required to activate their BWCs. The activation of an officer's BWC during these circumstances shall be at the discretion of the officer and/or the unit supervisor, based on the nature and needs of a particular investigation. Officers will not be required to wear a BWC during the course of their shift if the assignment involves acting in an undercover capacity. This includes covert surveillance, undercover buys, meetings with informants, or any other activity where the need to protect the integrity of an investigation exists.
- b. Officers who are assigned a BWC will activate the camera during the execution of search warrants. Officers shall keep their BWC activated during the initial securing of the scene. They may deactivate their BWC, at the discretion of the unit supervisor, once the scene is secure, and the likelihood of any use of force scenarios has subsided. Interactions in which a search warrant or Miranda rights are presented should be recorded.
- c. Plain clothes officers shall activate their BWCs when engaging in law enforcement activities as detailed in Section V (C), unless an exception previously mentioned can be identified. Discretion shall be given to plain clothes officers regarding the manner of placement of the BWC on their uniform of the day, at the discretion of the unit commander.

C. BWC Activation

All officers equipped with a BWC shall activate its recording functions as soon as practicable under the following circumstances:

- 1. Routine calls for services;
- 2. Investigatory stops;

3. Traffic stops;
4. Foot and vehicle pursuits;
5. Emergency driving situations;
6. When gathering evidence;
7. Detainee Transports and booking procedures;

Note: Officers are encouraged to record any situations that the officer, through their training and experience, believes would be beneficial.

Note: Officers are not required to record normal and/or casual conversations during encounters with citizens that do not correspond with the above-noted circumstances.

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

D. Cruiser Mounted Camera (CMC) Deployment and Activation

1. All CMC systems will be programmed with auto-record triggers that will automatically activate recording. In general, officers operating marked cruisers equipped with CMC systems will follow the same procedures as defined for Body-Worn Cameras.
2. Officers shall ensure the CMCs are in good working order, immediately report any malfunction or damage to a supervisor, activate and record as directed by this policy, and upload recordings to the evidence management system upon arriving at any Department equipped to wirelessly upload CMC video. **[41.3.8(4E)]**
3. If the CMC system does not automatically activate by an auto-record trigger when an event recording is required, the officer shall activate the device by pressing the “record” button. Officers shall utilize the video recording functions of the CMC system whenever it is employed, except where/when exempted by this policy.
4. Officers may turn off individual CMC camera recordings when the auto-record trigger event does not coincide with a delineated scenario requiring recording. (e.g.: emergency lights are on, but the officer is working a fixed post assignment, road closure detour, etc.)

E. BWC Muting/Sleep Mode/Deactivation

1. **Muting** – To the extent possible, prior to muting their BWC, officers shall state the reason(s) for doing so. Generally, once a BWC is activated recording will continue

until the event has concluded or the officer is ordered to mute or deactivate their BWC by a supervisor.

2. Sleep Mode – Officers can use the sleep mode function of the BWC under the following circumstances:
 - a) Within the secure areas of the Acton Public Safety Facility (unless involved and/or present during a detainee booking procedure);
 - b) Within Federal, State, or County court facilities with the exception of detainee intake areas;
 - c) When entering their own personal residence;
 - d) Using restroom facilities, or similar areas where there may be a reasonable expectation of privacy.
3. Deactivation – Generally, once a BWC is activated recording will continue until the event has concluded. Officers are permitted to deactivate a recording in accordance with Section V (H) and (I). To the extent possible, prior to deactivating their BWC, officers shall state the reason(s) for doing so.

F. Notice of Recording

Officers will make every effort to inform civilians that they are being recorded at the earliest opportunity unless there is an immediate threat to the officer's life or safety, making BWC notification impossible or dangerous.

All BWCs shall be conspicuously placed on the front of an officer's uniform, to allow the BWC to be immediately noticeable to those interacting with the officer.

G. Consent to Record

Officers are not required to obtain consent to record. If a civilian requests that an officer stop recording, the officer has no obligation to stop recording if the recording is pursuant to the circumstances outlined in Section V (C). When determining whether or not to continue recording, officers should weigh the discretionary recording considerations specified in Section V (H) and (I). The request to deactivate the BWC should be recorded, as well as the officer's response to that request.

H. Recording within a Residence

If there are no exigent circumstances, and a resident in their dwelling asks an officer to cease recording, the officer will use their judgment, based on the totality of the circumstances, as to whether or not to continue recording. If the officer deactivates the BWC, and circumstances change, the officer will be permitted to turn their camera back on.

Officers recording in a residence shall not record beyond what is necessary for the civilian contact, and will not use the BWC with exploratory intent in an effort to create an inventory of any items in the residence.

I. Recording in Sensitive Areas

Within the guidelines of Section V, Subsection C of this policy, when a BWC is activated in areas where there may be a reasonable expectation of privacy, officers should be mindful of their location, as BWC recording may be considered insensitive, inappropriate, or prohibited by privacy considerations.

Such locations may include courtrooms, locker rooms, places of worship, religious ceremonies, certain locations in hospitals/clinics, law offices, or daycare facilities. Based on the circumstances encountered at such locations, the BWC may be turned off.

J. BWC Report Writing

To help ensure accuracy and consistency, officers may review BWC recordings prior to preparing reports in all cases except those involving: **[41.3.8(4B)]**

1. An officer-involved shooting;
2. The use of lethal force; or
3. The death of an employee.

VI. RESTRICTIONS

A. Improper Recordings

BWCs shall not be activated to record:

1. Breaks, lunch periods, or times when officers are not responding to a call, or are not in service;
2. Personal conversations of, or between, other department employees without the recorded employees' 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. Communications over secure radio channels or other devices with undercover officers or confidential informants; or
6. Departmental meetings, work groups, in-service training, or assignments of an administrative nature. The use of BWCs for training is not a violation of this provision.

B. Improper Use of BWC Recordings

BWC recordings shall not be used for any of the following reasons:

1. 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. Dissemination by any department employee unless approved by the Chief of Police, or their designee, or in the authorized course of their official duties;
4. Copied by an employee for any unauthorized and/or personal use.

VII. ACCESS AND REVIEW [41.3.8(4B)(4C)]

A. Officer Access to Recordings

Officers may review their own BWC recordings as it relates to:

1. Their involvement in an incident for the purposes of completing an investigation, and preparing official reports and/or any required supplemental reports.
2. Preparation for possible testimony in court and/or other legal proceedings to refresh their recollection.
3. Providing a statement (oral or written) pursuant to a directive of the Chief of Police, or their designee.
4. Officers will be allowed to view recordings made by other officers that were involved in the same call, with the permission of a supervisor, and such 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 Section VII (B).
6. If an officer is rendered incapacitated/unresponsive while on duty, a supervisor may view the BWC recording in order to identify a possible suspect or aid in the apprehension of a possible suspect.

B. Recording Access Following an Officer-Involved Shooting (OIS)

Following an officer-involved shooting (OIS), or other use of lethal force, involved officers, including supervisors, shall not view BWC recordings on any device prior to the

Chief of Police and Patrol Division Commander viewing the footage and uploading it into the system. However, if exigent circumstances exist, such as the 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. Officers involved in an OIS, and officers who witness an OIS or other use of lethal force, shall be allowed to view their own BWC recordings after writing their initial reports, and before providing any additional statements/supplemental reports.

C. Collection & Storage of OIS or Lethal Force Recordings

Following an OIS, or other use of deadly force, the Deputy Chief of Police or their designee will be responsible for collecting and securing BWCs from all involved officers, at the earliest opportunity.

D. Supervisor Access to BWC Footage

Any supervisor within an officer's direct chain of command, or a supervisor outside the direct chain of command, may request to see BWC footage, consistent with Section VI(B). It shall be allowed with the permission of either the Chief of Police or the Patrol Division Commander, or their designee.

E. Audit and Review [41.3.8(4C)]

1. Supervisors shall conduct a periodic review of the BWC recordings generated by officers under their command in order to assure proper functioning and use of the equipment, and to identify recordings that may be appropriate for future departmental training.
2. BWC recordings will be automatically selected by the Axon Performance software and assigned to supervisors for review.
3. BWC recordings shall not be randomly viewed by supervisors for the sole purpose of searching for policy violations not specifically related to an official complaint or formal investigation.

F. GPS Location Data

1. All BWCs are equipped with GPS technology that has the ability to pinpoint the exact location of the BWC. This information is only accessible to the OIC in the

event of an emergency or exigent circumstances to ensure officer safety when an officer cannot be reached by normal means (police radio or cell phone).

2. The purpose of this GPS location data is not to monitor the routine daily activities of Officers and shall not be used for disciplinary purposes unless said review is specific to a given civilian/internal complaint or an incident which is under active investigation (whether criminal or administrative) by the Internal Affairs Unit or by the OIC for report approval in the case of use of force incidents or arrests.

G. External Access

1. The Deputy Chief of Police or his designee will be responsible for all external distribution of BWC footage. A log shall be maintained of all BWC footage that is distributed, to include the name of the receiver, as well as the date and time a recording was requested and distributed.
2. Prosecutorial access may be requested via a discovery request to the Records Manager or Court Prosecutor. Access to BWC recordings are subject to all applicable state and federal laws, and any orders of a court of competent jurisdiction. BWC recordings shall be preserved, stored, and retained in accordance with the requests, directions, and orders of the appropriate prosecutorial and/or judicial authority.
3. Public information requests shall be submitted to the Records Division for review and response, in accordance with all applicable state laws/regulations. **[41.3.8(4D)]**

H. Property Rights

All BWC recordings are the sole property of the Acton Police Department. **[41.3.8(4J)]**

VIII. BWC & CMC RECORDING SECURITY & RETENTION [41.3.8(4G)]

BWC recordings are uploaded directly from the docking stations at the PSF to Axon's Evidence.com website where they are secured using user names and passwords to gain entry and view recordings. **[41.3.8(4H)]**

BWC recordings shall be kept and maintained by the Department in accordance with the following retention schedules:

A. Retention Schedules

1. Schedule One (indefinite retention):
 - a. Death investigations
 - b. Use of lethal force
 - c. Sexual Assault/Abused person

2. Schedule Two (seven-year retention)
 - a. Use of less than lethal force
 - b. Arrests
 - c. Felony investigations
3. Schedule Three (three-year retention)
 - a. Misdemeanors with no arrest investigation
 - b. Investigation of a person
 - c. Investigation of a premises
4. Schedule Four (ninety-day retention)
 - a. Significant public safety events
 - b. Traffic stops
 - c. Citizen encounters
 - d. Calls for service with no investigation or report due
5. Schedule Five (thirty-day retention)
 - a. Training
 - b. Testing
 - c. Recorded in Error