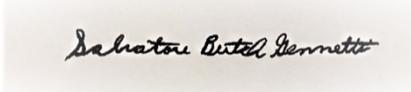


<h1>MALDEN POLICE DEPARTMENT</h1> <h2>BODY WORN CAMERA POLICY</h2>		
Massachusetts police accreditation standards referenced: 1.1.2; 41.3.8; 42.2.1; 42.2.2; 52.1.1 Link to Police Reform Law Requirements		GENERAL ORDER GEN 2022-005 POLICY NUMBER: OPE-004
Effective Date: 03/09/2022 Revised Date: 05/18/22, 06/09/22, 8/08/22 Total Pages: 12	<i>ISSUING AUTHORITY</i> <hr/> Salvatore Gennetti  Police Commissioner	

I. 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 Malden Police 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 witness 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 Malden Police Department to respect the legitimate privacy interests of all persons in Malden, 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 Malden Police 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. BWCs will not include technological enhancements including, but not limited to, facial recognition or night-vision capabilities. **41.3.8 (4g)**

When performing any patrol function, as determined by the Police Commissioner, officers must wear and activate BWCs according to the Malden Police Department policy.

Officers shall not be disciplined for violations of this policy during the first 180 days of the implementation of the BWC program. This 180-day period shall begin on the first day that BWC's are being utilized by officers in the field. **41.3.8**

II. PROCEDURES:

Sec. 2.1 Training: Prior to being issued a BWC, officers shall successfully complete Malden Police Department approved 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 Malden Police Department approved training. **41.3.8 (4j)**

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. 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). Officers shall record all contact with civilians in the following occurrences unless the decision to stop recording is made pursuant to Section 2.6 and 2.7: **41.3.8 (4c)**

1. Vehicle Stops;
2. Investigative person stops: consensual, or FIO's, or articulable reasonable suspicion stops, or stops supported by probable cause;
3. All dispatched calls for service involving contact with civilians;
4. Initial responses by patrol officers, including on-site detentions, investigations pursuant to an arrest, arrests, and initial suspect interviews on-scene;
5. Prisoner transports;
6. Pat frisks and searches of persons incident to arrest (if not already activated);
7. Incidents of Emergency Driving;
8. Incidents of Pursuit Driving;
9. When an officer reasonably believes a crowd control incident may result in unlawful activity;
10. Any contact that becomes adversarial, including a Use of Force incident, when the officer has not already activated the BWC; or
11. Any other civilian contact or official duty that 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.

If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall notify his/her Duty Supervisor and 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 notify his/her Duty Supervisor and shall submit a BWC Special Notification Form via the department intranet to document that a recording failure occurred by the end of the shift or as soon as practical. The submission of the BWC Special Notification Form will result in email notifications to the Patrol Commander and the VEU Supervisor.

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. If the officer turns off the recording per occupant request, that officer should notify operations by radio that the incident is no longer being recorded by request, 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 turn off the BWC, the officer shall document this action in the incident report. If the officer does not create an incident report, the officer shall notify his/her Duty Supervisor and shall submit a BWC Special Notification Form via the department intranet to document that he/she decided to stop recording by the end of the shift or as soon as practical. The submission of the BWC Special Notification Form will result in email notifications to the Patrol Commander and the VEU Supervisor.

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 turn off the BWC. 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 turn off the BWC, the officer shall document this action in the incident report. If the officer does not create an incident report, the officer shall notify his/her Duty Supervisor and shall submit a BWC Special Notification Form via the department intranet to document that he/she decided to stop recording by the end of the shift or as soon as practical. The submission of the BWC Special Notification Form will result in email notifications to the Patrol Commander and the VEU Supervisor.

Sec. 2.5 Notice of Recording: The officer shall make a reasonable effort to inform civilians, as close to the start of the encounter as is reasonably possible, 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. The officer shall notify other department members and/or criminal justice personnel (prosecutors, judges, other law enforcement personnel) when a BWC is recording.

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 turn the BWC off and the officer's response to that request, if possible.

If an officer deactivates a BWC in response to a civilian request, the officer shall also indicate the request in an incident report. If an officer deactivates a BWC in response to a civilian request and does not create an incident report, the officer shall notify his/her Duty Supervisor and shall submit a BWC Special Notification Form via the department intranet indicating that a civilian requested the officer turn the BWC off by the end of the shift or as soon as practical. The submission of the BWC Special Notification Form will result in email notifications to the Patrol Commander and the VEU Supervisor. **41.3.8 (4c)**

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 the civilian may request to

have the BWC turned off. If the camera is already activated, the officer should record the request to turn the BWC off and the officer's response, if possible. If the recording is stopped, the officer shall notify his/her Duty Supervisor that a recording was stopped pursuant to a civilian request and the officer shall submit a BWC Special Notification Form via the department intranet by the end of the shift or as soon as practical. The submission of the BWC Special Notification Form will result in email notifications to the Patrol Commander and the VEU Supervisor.

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: **41.3.8 (4c)**

1. The officer has concluded the interaction;
2. All persons stopped have been released or left the scene or an arrestee has arrived inside the station at the booking desk or secure court or corrections/jail 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. A supervisor orders the officer to stop recording.

Sec 2.8.1 Audio Muting: Officers may activate the audio muting feature of the BWC during a recording event while consulting with other law enforcement members or supervisors, as such discussions:

- May be for training purposes; or
- Could undermine, reveal or disrupt Malden Police Department strategy or plans, ongoing investigations; or
- Could jeopardize the secrecy, safety or security of victims, witnesses, confidential informants, undercover members, sworn members, or members of the public; or
- For another legitimate law enforcement related reason

To the extent possible, the officer should state the reason for muting the audio prior to activating that feature of the BWC. Upon completion of the discussion, the audio muting feature shall be turned off, allowing the BWC to continue with both video and audio recording.

If an officer activates the audio muting feature of the BWC, that officer shall notify his/her Duty Supervisor and shall complete a BWC Special Notification Form via the department intranet to indicate that he/she activated the audio muting feature by the end of the shift or as soon as practical.

Sec. 2.8.2 Suspicious Device Protocol: First initial responding officers and/or first officers on the 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 BWC's. When dispatching any calls for suspicious objects, operations should remind first responding officers to power off their BWC's prior to approaching the scene.

Sec. 2.9 Special Operations/Tactical/Traffic Unit Activation Factors

1. Special Operations Unit (SOU) Callouts: Briefings, tactical discussions or communications regarding officer placement or safety are not to be recorded. SOU officers will activate their BWC's on approach to any entry point or at the direction of SOU supervisors.
2. Supervisor and SOU Patrol Cars: Officers should avoid capturing lock codes to the extent feasible when accessing gun safes.
3. Traffic Units/Motorcycles: Traffic and motorcycle units shall wear BWC's and record consistent with this policy. Traffic and motorcycle units are not required to activate BWC's during escorts, unless an interaction with the public warrants it.
4. Sensitive Nature/Redaction: Concerns regarding tactics and internal communications shall be redacted for public dissemination when legally permissible.

Sec. 2.10 Pre-Event Buffer: The pre-event buffer on each BWC will be set to 30 seconds and will consist only of video recording. No audio will be recorded during the 30 second pre-event buffer.

III. CAMERA DEPLOYMENT:

Sec. 3.1 Officer Responsibility: BWC equipment is the responsibility of every officer issued the equipment. Officers must use the equipment with reasonable care to ensure proper functioning. Officers shall inform their Duty Supervisor as soon as possible of equipment malfunctions or loss of a BWC so that the Duty Supervisor can procure a replacement unit. **41.3.8 (4i)**

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 Malden Police Department and shall not be released without the authorization of the Commissioner or his/her designee. **41.3.8 (4i); 41.3.8 (4i)**

1. At the beginning of each shift, the officer will: **41.3.8 (4i)**
 - a. Ensure that the issued equipment has a fully charged battery and is functioning properly; and
 - b. Ensure that the BWC does not contain data from a prior shift; and
 - c. Power on his/her BWC and leave it powered on for the duration of the shift; and
 - d. Notify a Duty Supervisor whenever there is a malfunction or damage to the BWC
2. During each shift, the officer shall:
 - a. Affix his/her BWC properly upon his/her uniform in a manner consistent with training; and
 - b. Position and adjust the BWC to record events; and
 - c. Position and adjust the BWC microphone to ensure that it is unobstructed; and **41.3.8 (4i)**
 - d. Maintain sufficient battery power during his/her shift by charging the BWC via the cruiser's USB port or mobile data terminal **41.3.8 (4i)**
 - e. Activate the BWC and record as outlined in Section II above; and
 - f. Document the existence of a BWC recording in all of the appropriate documents, i.e., Incident Report, Crash Report, Citation, FIO, Administrative Reports; and
 - g. Notify investigative or specialized unit personnel of the existence of BWC recording; and
 - h. 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 notify his/her Duty Supervisor and shall submit a BWC Special Notification Form via the department intranet by the end of shift or as soon as practical to document the circumstances and reasons. The submission of the BWC Special Notification Form will result in email notifications to the Patrol Commander and the VEU Supervisor.
3. Prior to end of shift: docking/uploading requirements:
 - a. At the end of the shift, each officer shall place his/her BWC in his/her assigned docking station. The docking station will charge the BWCs battery, conduct firmware updates, and transfer video data to the storage system. **41.3.8 (4i)**
 - b. If an officer becomes aware that this process is not occurring or becomes aware of any other malfunction of the system, the officer shall notify his/her Duty Supervisor immediately. **41.3.8 (4i)**
 - c. A supervisor 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 tag data with the appropriate BWC Mobile Device Application categories in accordance with the nature of police activity. Categorization options are in order of seriousness 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. Use of Deadly Force or Less than Lethal Force
3. Crash Investigation - Fatal
4. Sexual Assault Investigation
5. Use of Force
6. Arrest
7. Felony - No Arrest
8. Misdemeanor - No Arrest
9. Crash Investigation – Non-Fatal
10. Investigate Person
11. Investigate Premise
12. Public Assist
13. Significant Event - Public Safety
14. Traffic Stop
15. Encounter/FIO
16. Medical Aid/Mental Health
17. No Contact/Other
18. Prisoner Transport
19. Test/Training
20. Accidental Recording

The Department may develop other categories, as needed.

Encounters or incidents should be labeled by the officer to reflect the most serious category. If an officer is assisting other officers on a call, the assisting officer shall use the category of the original incident.

Sec. 3.2.2 Body Worn Camera Mobile Device Application: When installed, the BWC Mobile Device Application's location services will be set to off and should be maintained in the off status with any use of the application. Employees shall follow the training and procedures provided by the department and the BWC vendor.

Section 3.2.3 Title Description: In most instances, the Computer Aided Dispatch (CAD) system will auto-populate the BWC Mobile Device Application title of each data file with the incident location. Officers may also include in the title description specifics of the incidents not easily categorized above for ease of retrieval. Officers are responsible for ensuring the accuracy of the title description of each of their BWC recordings prior to the end of their shift.

Sec. 3.2.4 ID Description: In most instances the Computer Aided Dispatch (CAD) system will auto-populate the BWC Mobile Device Application "ID" field of each data file with the CAD number assigned to the incident. Officers are responsible for ensuring the accuracy of the ID description of each of their BWC recordings prior to the end of their shift.

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 submit a BWC Special Notification Form via the department intranet, documenting the nature of the information captured and the request for redaction. The submission of the BWC Special Notification Form will result in email notifications to the Patrol Commander and the VEU Supervisor. The supervisor of the VEU will authorize redaction when he/she determines it is necessary.

IV. 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 Malden Police Department, including: **41.3.8 (4b)**

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. Strip Searches;
6. Encounters with undercover officers or confidential informants; or
7. 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: 41.3.8 (4b)

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. Department personnel shall not upload or share any BWC recording/footage to any public or social media websites without approval of the police commissioner or his/her designee.
6. Department personnel shall not allow civilians to review any BWC recording/footage.
7. Department supervisory personnel who are authorized to access and view BWC recording/footage will only do so in situations that are specifically authorized and defined by department policy. The viewing of BWC recording/video shall not be done arbitrarily, on the basis of random choice, curiosity, or personal inclination.

V. SUPERVISOR RESPONSIBILITIES:

Sec. 5.1 Duty Supervisors: All Duty Supervisors and OIC's 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 department. **41.3.8 (4i)**
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. **41.3.8 (4i)**
6. Ensure that officers include all required references to BWCs in appropriate department documentation, such as incident reports or Special Notification Form.

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

Sec. 5.2 Video Evidence Unit:

The VEU supervisor will review BWC activity logs and reports utilizing Axon Performance software to ensure officers remain in compliance with Department BWC policy and training. **41.3.8 (4m)**

VI. 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): : 1.1.2

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 the Retention Schedule in Section 9.2.

If an officer needs a physical copy of their footage, that officer shall submit a BWC Special Notification Form via the department intranet. The submission of the BWC Special Notification Form will result in email notifications to the Keeper of Records and VEU. 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: 1.1.2

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 CID Commander and the Patrol Commander 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 the arrival of the CID Commander and the Patrol Commander.

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: 1.1.2

The CID Commander shall respond immediately to a death investigation or reported use of deadly force.

The Patrol Supervisor, as soon as circumstances allow, shall collect all BWC equipment assigned 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 CID personnel arrives on scene. Once on scene, CID 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 CID personnel will transport the cameras to the Malden Police Department 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 CID investigators assigned to the case. The CID Commander 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 Special Notification Form to the Video Evidence Unit describing why they need to review the footage.

The Supervisor 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 Patrol Commander and 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 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 Supervisor.

Sec. 6.6 Patrol Commander Access to Footage: The Patrol Commander shall conduct periodic checks to ensure department personnel are using BWCs according to department policy. **41.3.8 (4m)**

Sec. 6.7 Internal Affairs Access to Footage: Supervisors conducting investigations based on civilian complaint or on allegations of criminal behavior or violation of department policy by department personnel may access and view BWC recording/footage related to the investigation. **41.3.8 (4e); 52.1.1**

VII. CID COMMANDER AND DETECTIVE RESPONSIBILITIES:

The CID Commander 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 and detectives shall review all footage that relates to their assigned case. **42.2.1; 42.2.2**

When assigned a case for investigation, the assigned detectives will: **42.2.1; 42.2.2**

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.

BWC footage related to an incident may be updated at a later time or date. Detectives must be aware of and organize all BWC footage related to their cases.

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 Form to the Video Evidence Unit to make the data unavailable for a given amount of time.

VIII. 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 the Malden Police Department Prosecutor. The officer shall indicate that a request for video has been made. The officer shall also direct a copy of the subpoena as soon as practicable to the Video Evidence Unit for response. **41.3.8 (4e)**

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, the Video Evidence Unit shall determine if the case has been assigned to a detective. If the case has a detective assigned, the Video Evidence Unit shall contact the CID Commander or his/her designee who must authorize the release of the video. Notice to the Video Evidence Unit authorizing the release of the video will be made via the BWC Special Notification Form available via the department intranet. The video evidence unit shall review the BWC footage and provide it directly to the requestor after authorization.

If no detective is assigned to the case, the Video Evidence Unit shall review the BWC footage and provide it directly to the requestor after approval from Video Evidence Unit supervisor.

Sec. 8.2 Public Information Requests: The 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. The video evidence unit shall complete redactions as necessary. **41.3.8 (4f)**

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 Legal Department. Should an officer receive a civil case subpoena or court order, he or she shall forward the request directly to the Prosecutor of the Malden Police Department who shall contact the Legal Department.

If these offices receive other external requests for BWC footage, they shall request necessary and responsive footage from the Video Evidence Unit. Any requests shall be made in writing.

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: In cases where the officer has not received a subpoena or request for BWC footage directly, the Video Evidence Unit will inform officers when their videos and/or BWC information are released, 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.

IX. RETENTION: 41.3.8 (4h)

Sec. 9.1 Camera Storage: BWC recordings and data are kept in a cloud-based storage platform managed by the 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
- Use of Deadly Force or Less than Lethal Force **1.1.2**
- Sexual Assault Investigation
- Crash Investigation - Fatal

b. Schedule II- 7 Year Retention:

- Use of Force
- Arrest
- Felony - No Arrest
- Misdemeanor – No Arrest

c. Schedule III- 3 Year Retention:

- Investigate Person
- Investigate Premise
- Crash Investigation – Non-Fatal
- Public Assist

d. Schedule IV- 180 Day Retention:

- Significant Event - Public Safety
- Traffic Stop
- Encounter/FIO
- Medical Aid/Mental Health
- Prisoner Transport
- No Contact/Other
- Test/Training
- Accidental Recording



Body Worn Camera Special Notification Form

Date: _____

BWC Device: _____

IC#: _____

Time: _____

- Officer failed to activate the BWC
- Officer failed to record the entire contact
- The recording was interrupted
- Discretion used to turn off BWC in a residence
- Discretion used to turn off BWC due to reasonable expectation of privacy
- Officer deactivates BWC in response to civilian request
- Officer request to redact unintentional private/security information
- Officer request to redact sensitive information or material
- BWC is lost
- BWC is malfunctioning
- Request to extend retention schedule for access to footage
- Request for a copy of BWC footage
- Request to review video or audio footage from another officer
- Request by detective to limit access of footage because material is too sensitive
- External request for BWC footage
- Audio was muted

Additional Notes: _____

Submitted by: _____ PSN: _____

Received by: _____ PSN: _____