



# Department of State Police General Order

Effective Date: <b>November 10, 2021</b>	Number: <b>ADM-35</b>
Subject: <b>Body-Worn and Cruiser-Mounted Cameras</b>	

## Policy

The Massachusetts State Police (MSP) will implement the use of Body-Worn Cameras (BWC) and Cruiser-Mounted Cameras (CMC) by members to:

- Enhance policing transparency;
- Increase public trust; and
- Help foster police-community relations through public facing recording.

## Definitions

Public Facing BWC/CMC Recordings: Are often an effective tool to preserve member and civilian interactions. These recordings are also effective in capturing video and audio evidence for use in criminal and internal investigations, as well as member training. The Department recognizes that video images cannot always show the full account nor do video images capture an entire visual or auditory scene as experienced by the member. For this reason, variations between a member’s first-hand account and the BWC/CMC recordings may vary. As such, persons reviewing recordings must be cautious about drawing conclusions about what the recordings actually represent.

Record After the Fact (RATF): Is an audio and/or video only recording feature that may be included in the BWC and the CMC system. RATF captures events that occur while the camera system is powered on, even if not actively recorded by a member. This is a limited ability to retrieve an event that was not originally classified as a recorded event. RATF shall not be enabled unless agreed to by the parties

## Purpose

The purpose of this policy is to establish guidelines for the:

- Proper use;
- Management;
- Storage; and
- Retrieval of video and audio data recorded by BWC/CMCs.

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

Note: BWC/CMC footage is subject to the Massachusetts Public Records Law, M.G.L. c. 66, § 10 and, unless the recordings falls within one of the exemptions noted in M.G.L. c. 66, § 10, the Department will release the footage upon request and in compliance with such law.

**Training**

All Department members shall successfully complete Department-approved training on the operation of the system and this policy.

**BWC  
Activation  
and Incidents  
of Use**

BWC's shall not be activated remotely by a supervisor.

Members shall activate the BWC in conjunction with official law enforcement duties while:

- On regular tours of duty;
- Overtime assignments; and
- Paid details where such use is appropriate for the proper performance of duties, and where the recordings are consistent with this policy and the law.

If there is an immediate threat to a member's life or safety, making BWC activation impossible or dangerous, the member shall activate the BWC at the first reasonable opportunity to do so when such situation calls for BWC activation. There will be a thirty (30) second buffer for BWC, which means, the thirty (30) seconds prior to activation of the BWC will also be recorded/retrievable as video only.

Every member is required to record contact with civilians, regardless of the number of BWC members present and recording, in the following occurrences:

- Vehicle Stops, motorists assists, and crash investigations;
- Investigative person stops: field interview observations, consensual stops, or articulable reasonable suspicion stops, or stops supported by probable cause;
- All dispatched calls for service involving contact with civilians;
- Initial responses by members, including on-site detentions, investigations pursuant to an arrest, arrests, and initial suspect interviews on scene;
- Traffic safety and sobriety checkpoints, while interacting with the public, and during all field sobriety testing;
- Pat-frisks, searches of persons incident to arrest (if not already activated), consents to search, and inventory searches;
- K-9 searches (applicable to BWC equipped K-9 members only);
- All searches for lost/missing persons or criminal suspects (unless the incident or event is of such duration that deactivating the BWC/CMC is necessary to conserve available recording time pursuant to **BWC/CMC Pause/Deactivation**);
- Incidents of emergency response driving and pursuit driving, however a BWC recording need not be used if Cruiser-Mounted Camera is recording;
- When a member reasonably believes a lawful/peaceful crowd control public event that would not otherwise require recording may transition, or does actually transition, into unlawful activity;
- Any contact that becomes adversarial, including a Use of Force incident; or
- Any other civilian contact or official duty circumstance that the member reasonably believes should be recorded in order to enhance policing transparency, increase public trust and police-community relations, or preserve representations of member-civilian interactions.

BWC members are not required to wear and/or activate BWCs while in a Department

**BWC  
Activation  
and Incidents  
of Use,  
continued**

facility, or other areas where general access is restricted; however, booking procedures shall be recorded.

**Cruiser-  
Mounted  
Camera  
Activation  
and Incidents  
of Use**

CMC recordings are video only and may be activated by member-initiated recording or via auto-record trigger. Audio of CMC recordings is provided by the BWC only when the BWC member is present and recording. All CMCs shall be programmed with auto-record triggers after five (5) seconds that will automatically activate recording. These auto-record triggers include activation of emergency lighting, siren use, crash detection, gun rack opening/patrol rifle, and dog door opening, unless the member is in the vicinity of his/her home, in which case the member is permitted to turn off the CMC cameras to avoid the auto-record triggers of gun rack opening/patrol rifle, and dog door opening.

Members 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 member is working a fixed post assignment).

If the CMC system does not automatically activate by an auto-record trigger when an event recording is required, the member shall activate the device by pressing the “record” button. Members shall utilize the video recording functions of the CMC system whenever it is employed, except where/when exempted by this policy.

There will be a one (1) minute buffer for CMC, which means, the one (1) minute prior to activation of the CMC will also be recorded/retrievable as video only, unless the BWC is activated during that time frame to provide audio. Members failing to record a required incident shall document the circumstances in the applicable report and articulate the reason(s) the incident was not recorded.

Members shall activate the CMC in conjunction with official law enforcement duties while:

- On regular tours of duty;
- Overtime assignments;
- Paid details where such use is appropriate for the proper performance of duties, and where the recordings are consistent with this policy and the law.

If there is an immediate threat to a member’s life or safety, making CMC activation impossible or dangerous, the member shall activate the CMC at the first reasonable opportunity to do so when such situation calls for CMC activation.

Every member is required to record contact with civilians regardless of the number of CMC and/or BWC members present and recording, in the following scenarios:

- Traffic and criminal enforcement stops;
- In-progress violations of law;

**Cruiser-Mounted Camera Activation and Incidents of Use,**  
continued

- Pursuits;
- Investigative person stops: field interview observations, consensual stops, or articulable reasonable suspicion stops, or stops supported by probable cause including field interviews, interrogations, and field sobriety testing;
- Emergency response driving;
- Escort or motorcade driving;
- Fatal crash or major crime scenes (in accordance with **BWC/CMC Pause/Deactivation**);
- Safety Cars at traffic safety and sobriety checkpoints, unless otherwise directed by the checkpoint supervisor;
- Prisoner transport, at which time the rear CMC shall be utilized when transporting a prisoner(s) in the rear seat;
- Transport of individuals other than prisoners in the rear seat shall be recorded by the transporting member, unless the passenger is a Department member or other government official;
- Searches of vehicles and/or persons; and
- Any other incident the member deems appropriate while acting in the performance of their official duties.

**Notice of Recording**

BWC/CMC members shall make every effort to inform civilians that they are being recorded at the earliest opportunity unless there is an immediate threat to the member's life or safety, making BWC/CMC notification impossible or dangerous. BWC/CMC members should make every effort to notify civilians with language such as "Ma'am/Sir, I am advising you that our interaction is being recorded."

For custodial interrogations and crime scenes, BWC members are reminded to comply with the requirements of INV-16 Electronic Recording of Interrogations and crime lab policies, respectively.

Use of a BWC/CMC is an acceptable method of conducting a recording of custodial interrogations and crime scenes.

**Consent to Record**

BWC/CMC members are not required to obtain consent to record. If a civilian has requested the BWC/CMC member to stop recording, members have no obligation to stop recording if the recording is initiated under any of the circumstances identified in **BWC/CMC Activation and Incidents of Use**. A civilian's request to turn the BWC/CMC off should be recorded, as well as the member's response.

**Recording within a Residence**

Members recording in a residence shall not record beyond what is necessary for the civilian contact, and not use the BWC with exploratory intent in an effort to create an inventory of items in the residence. BWC/CMC members are not required to obtain consent to record, but must provide notice pursuant to **Notice of Recording**. A civilian's request to turn the BWC/CMC off should be recorded, as well as the member's response.

**Recording of  
Victims /  
Witnesses**

If a BWC/CMC member is in video or audio-recording range of a victim or witness who is giving his/her first account of a crime, the member shall record the encounter with notice to the victim/witness. However, should the member determine the investigation or inquiry would be impeded by continuing to record, or would cause reasons for concern for the safety of the witness or victim, the member has the discretion to turn off the BWC/CMC only as long as necessary to gather the information required to continue the investigation or inquiry. The member shall state the reason for turning off the BWC/CMC prior to doing so.

**Audio Only  
Recording is  
Prohibited**

Intentionally obstructing video recordings while allowing audio only to record on a BWC/CMC device is strictly prohibited. Due to the possibility of violating legitimate privacy expectations, inadvertently recording protected conversations, or unintentionally violating M.G.L. c. 272, §99 Interception of Wire and Oral Communications, all camera pre/post event buffers shall be configured so they do not record audio.

**BWC/CMC  
Pause/  
Deactivation**

Once the BWC/CMC is activated, recording should continue uninterrupted until or unless the event has paused or concluded. To the extent possible, prior to pausing/deactivating a BWC/CMC, the member should state the reason for doing so.

The following are examples of when an event shall be considered paused or concluded:

- Victim and/or witness contact has paused or concluded;
- All persons stopped have been released or left the scene or an arrestee has arrived at the barracks for booking. If a transporting member has a BWC, recording shall continue until the transporting member arrives inside the station at the booking desk;
- The member determines the investigation or inquiry will be impeded by continuing to record, or would cause reasons for concern for safety of the witness or victim;
- The BWC/CMC member may pause the recordings while consulting with other law enforcement members or supervisors, as such discussions:
  - May be for training purposes; or
  - Could undermine, reveal or disrupt MSP 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 other legitimate law enforcement related reason.

It should be noted that pausing the BWC does not pause the CMC as both systems must be paused independent of each other, but it does stop the audio feed from the BWC;

- The incident has concluded prior to the arrival of the member;
- The incident or event is of such duration that deactivating the BWC/CMC is necessary to conserve available recording time; or
- The member is ordered to turn the BWC/CMC off by a supervisor.

**Member Responsibilities for BWCs**

At the beginning of each shift, the BWC member shall:

- Ensure that the issued equipment has a charged battery and is functioning properly;
- Notify a Supervisor whenever there is a malfunction or damage to the BWC;
- Shall only use MSP issued and approved BWC technologies; and
- Wear BWC in a manner that does not obstruct or intentionally defeat the purpose of the BWC Policy.

While on duty, the BWC member shall:

- Activate the BWC and record as outlined in the sections above ;
- Properly tag/classify recordings for retention; and
- Document the existence of a BWC recording in written narratives.

If a member fails to properly activate the BWC, fails to record the entire contact, improperly pauses the recording, or the BWC malfunctions, the member should document the circumstances and reason in the incident or arrest report, if known to the member, should an incident or arrest report of the interaction be made. In the event an incident or arrest report was not created, the circumstances and reason for the failure to properly activate should be logged in the Daily Administrative Journal.

Docking/Uploading requirements- BWC Best Practice is as follows:

- Prior to the end of the shift, each member places his/her BWC in his/her docking station. The docking station will charge the BWC's battery and transfer video data to the storage system;
- Each member shall place his/her BWC in a docking station no less than one (1) time per week and upload all of their video data into the evidence management system, unless otherwise directed by his/her Section/Station/Unit Commander;
- The member shall ensure all uploaded videos are properly tagged/classified in the evidence management system for retention;
- Before going on any planned leave of one (1) work week or more, each member shall place his/her BWC in a docking station and upload all of their video data into the evidence management system; and
- If a member becomes aware that this process is not occurring or becomes aware of any other malfunction of the system, the member shall immediately notify his/her first line supervisor.

**Member Responsibilities for Cruiser-Mounted Cameras (CMC)**

In general, members equipped with CMC systems will follow the same procedures as defined for Body-Worn Cameras.

They shall:

- Ensure the CMC's 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 station equipped to wirelessly upload CMC video.

**Supervisor Responsibilities**

The Supervisor of BWC/CMC members shall:

- Ensure all members assigned a BWC/CMC utilize the BWC/CMC in accordance with this policy;
- Upon notification of a malfunction, Supervisors will remove the BWC/CMC from service, report the malfunction or damage to the Management Information Section at 508-820-2690 and issue a spare unit, where available; and
- Access BWC/CMC recordings during the course of duties in accordance with policy's **Internal Access/Review**.

**Internal Access/Review**

BWC/CMCs and their recordings shall not be used for the purpose of harassing:

- Members of the public;
- Sworn members; or
- Department employees.

BWC members shall be provided, through their unique user name/password, with access to their BWC footage, and may also review that footage prior to making any statements or producing any reports. All members shall also have reasonable access to other Department BWC/CMC footage, and may review that footage, prior to making any statements that could reasonably be seen as resulting in disciplinary action.

In the event a member refuses to make a statement after being provided reasonable access to other Department BWC/CMC recordings, Department administrative action may be taken against the member for the member's refusal to cooperate with an investigation, or to make any statements or reports. In the event a member refuses to make a statement after being denied reasonable access to their own or other Department BWC/CMC recordings, Department administrative action shall not be taken against the member for failing to make a statement, but could still be pursued for the underlying event and/or refusal to cooperate with an investigation.

**BWC/CMC Member Access to Footage**

BWC/CMC members and other members of the Department may review BWC/CMC recordings as they relate to:

- Their involvement in an incident for the purposes of completing an investigation and preparing official reports. To help ensure accuracy, members are encouraged to review the BWC/CMC recording(s) prior to preparing reports;
- Providing testimony in court to refresh recollection. Members shall inform the prosecuting attorney whether the member reviewed the BWC/CMC recording(s) prior to a court appearance; and
- Providing a statement pursuant to an internal investigation, including member-involved shooting investigations and other critical incidents as outlined in **BWC/CMC Member Access to Footage** Following an Officer-Involved Shooting.

**BWC/CMC Member Access to Footage Following an Officer-Involved Shooting**

Following an officer-involved shooting, or other use of deadly force, members, including supervisors, shall not view the BWC/CMC recording prior to the Force Investigation Response and Support Team (“FIRST”) and/or the State Police Detective Unit (SPDU) of jurisdiction investigating member(s) viewing the recordings and uploading it into the system. This prohibition shall not apply where exigent circumstances exist, such as a member being injured, or where the BWC/CMC recording may reasonably provide identifying suspect information or other pertinent, time-sensitive information that may be valuable in addressing the exigent circumstances in a timely manner.

All members involved in an officer-involved shooting or other use of deadly force, and BWC/CMC members who witness a member-involved shooting or other use of deadly force, shall be authorized to view all BWC/CMC recording(s) prior to a walkthrough and/or statement.

**Collecting and Securing BWC/CMC Recordings following an Officer-Involved Shooting or Use of Deadly Force**

In the event of an officer-involved shooting or other use of deadly force, FIRST Team personnel and/or SPDU of jurisdiction investigating member(s) shall be responsible for collecting and securing the BWC/CMCs from all involved members and witness members at the earliest opportunity.

FIRST Team personnel and/or the SPDU of jurisdiction investigating member(s) shall ensure that all involved BWC/CMCs are uploaded into the system. Consistent with evidence collection and preservation protocols, BWC/CMC(s) will be returned to member(s) once the BWC/CMC digital files have been uploaded into the system.

**Non-BWC/CMC Member Access to Footage**

Non-BWC/CMC members who are not supervisors, as defined in **Supervisor Access to Footage**, who wish to access recordings of a BWC/CMC member by:

- Written or verbal permission of a supervisors; or
- In accordance with **Internal Access/Review**, and **BWC/CMC Member Access to Footage Following an Officer-Involved Shooting**, and only if required to produce a report, make a statement, provide testimony, or for training purposes.

Said member shall either submit a verbal or written request via To-From or e-mail with the BWC/CMC member’s supervisor. Approval of such request must be documented by the supervisor or Duty Lieutenant in writing via To-From, DAJ entry, or e-mail.

Verbal requests and approvals must be documented in the DAJ by the supervisor or Duty Lieutenant stating the name of the requesting officer, the approving supervisor, and the scope of the request (i.e. BWC/CMC member, date/time of footage...)

**Access to Footage**

BWC/CMCs and their footage shall not be used for the purpose of harassing members of the public, sworn members, or Department employees.

As part of supervision, any supervisory member within the recording member’s immediate

**Access to Footage, continued**

chain of command shall perform regular reviews and auditing of BWC/CMC usage in accordance with Rules and Regulations Article 3.7 Supervisory Members, and shall not require employee notification. Review of footage for the purposes of evaluations shall not be done outside of the current EES cycle for the member to whom the footage relates.

The Colonel, the Deputy Superintendent, and any Division Commander or his/her designees, in the ranks of Major, Detective Captain, and Captain, may review BWC/CMC recordings for any reason. Any Non-Commissioned or Commissioned Officer conducting a Personnel Investigation may review BWC/CMC recordings pertaining to that investigation.

Any request for access to BWC/CMC recordings outside of the immediate chain of command of the BWC/CMC member, must be submitted in writing via To-From or e-mail to the BWC/CMC member's Division Commander. The Division Commander or his/her designee, as enumerated above, may approve or deny said request in writing. The BWC/CMC member shall be provided written notice of such request if approved.

Nothing in this policy shall be construed to prohibit the Department's Chief Legal Counsel, Legal Division, and Records Unit access to BWC/CMC recordings for legitimate legal purposes such as, but not limited to:

- Public records requests;
- Court orders;
- Litigation;
- Freedom of Information Act requests; and
- Discovery requirements.

The Department and SPAM will make mutually good faith efforts to notify one another if either reasonably anticipates that BWC/CMC footage may be published by any media outlet.

**Office of Professional Integrity and Accountability Access to Footage**

While mindful that BWC/CMCs and their footage shall not be used for the purpose of harassing members of the public, sworn members, or Department employees, members of the Office of Professional Integrity and Accountability shall conduct periodic reviews to ensure BWCs and CMCs are being used appropriately.

**Use of Footage for Training**

Both BWC and CMC footage is the property of the Department and may be used by the Department for training purposes. Any member coordinating training may forward a request to the Division of Standards and Training to use BWC/CMC footage for training purposes. Prior to use, involved members shall be notified of intended use of footage and given an opportunity to provide input, including any objections. Final authority for use under this section resides solely with the Colonel.

**External Access**

BWC/CMC recordings related to an ongoing investigation or in support of a prosecution shall be provided by the State Police Legal Section to the applicable law enforcement entity in accordance with ADM-16 Notifying Prosecuting Agencies Regarding Evidence.

Should a member receive a subpoena for BWC recordings, the member shall direct the subpoena as soon as practicable to the State Police Legal Section.

BWC/CMC recordings are presumptively subject to a public records request (M.G.L. c. 66, § 10). If a member receives a request for BWC/CMC footage from members of the media, the request shall be directed to the Legal Section, with a copy to the Director of the Office of Media Relations. All other requests for BWC/CMC recordings, including victim or witness requests, shall be directed to the Legal Section. Members are reminded of the requirements of Rules and Regulations Article 5.23 Dissemination of Information.

**BWC/CMC  
Recording  
Retention**

No BWC/CMC footage or recordings shall be deleted/destroyed while any related investigation is still open/pending. Similarly, no BWC/CMC footage or recordings shall be destroyed until all appeals and/or related litigation is exhausted and closed. The Department shall retain all other BWC/CMC footage or recordings based on the below retention schedule:

- A. Schedule I - Indefinite Retention
  - Death Investigation
  - Motor Vehicle Accidents Resulting in Death
  - Sexual Assault/Abused Person
- B. Schedule II - 10 Year Retention:
  - Use of Force
  - Felony
- C. Schedule III - 6 Year Retention
  - Misdemeanor
- D. Schedule IV – 3 Year Retention
  - Motor Vehicle Accidents with Personal Injury
  - Investigate Person – member responding to call
  - Investigate Premise – member responding to call
  - Significant Event - Public Safety
  - Traffic Stop
  - Member initiated encounter/Field Interview Observation (FIO)
- E. Schedule V - 1 year Retention
  - Motor Vehicle Accidents with Property Damage only
  - No Report - Dispatch / On Site
  - Civilian Transport without arrest
  - Test/Training

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**Requests to Delete Video**

The camera systems will not allow recordings to be deleted by members. All recordings that do not fall within the retention schedules of **BWC/CMC Recording Retention** shall be retained for 30 days.

In cases in which a recording has been requested for litigation, the District Attorney's Office and/or the Department's Legal Section shall be notified of the request and said request shall be addressed pursuant to evidentiary rules of court.

In the event of a purely accidental activation of the camera system that does not have any relevance to an event requiring camera activation, members may request that the video file be deleted.

Members shall submit an e-mail request with sufficient information to their Troop/Section/Unit Commander who shall review the recording to confirm it is an accidental recording and it contains no footage required for submission as evidence, or that could be subpoenaed for any criminal or civil proceeding.

The Troop/Section/Unit Commander shall submit the request and approval in writing (e-mail is sufficient) to the BWC/CMC System Administrator who shall delete the file and document the reason for deletion and authorizing authority in the audit log.

Video files recorded by members as part of the initial system training sessions may be routinely deleted by the BWC/CMC System Administrator with the approval of the Division Commander of Administrative Services.

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**Improper Recording**

BWC/CMCs shall not be used to record:

- Breaks, meal periods, or time periods when a member is not responding to a call, or when not in service;
  - Any personal conversation of or between other department employees without the recorded employee's knowledge;
  - Non work-related personal activity, especially in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms;
  - Investigative briefings and roll calls;
  - Encounters with undercover members or confidential informants;
  - Departmental meetings, workgroups, in-service training, or assignments of an operational or administrative nature. Using BWC/CMCs for training purposes is not a violation of this restriction;
  - Communication with Department members or other law enforcement agency personnel;
  - A telephonic conversation, except in accordance with the provisions of State and Federal Law while in the performance of official duties; or
  - Strip searches (refer to DET-02 Custodial Inventory).
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**Improper Use  
or  
Dissemination  
of BWC/CMC  
Recordings**

All recording/footage is the property of the Department, not the employee and any dissemination must be approved by the Colonel or his/her designee, the Legal Section, or be disseminated in the course of their official duties. BWC/CMC recording/recordings shall not be:

- Used for the purposes of ridiculing or embarrassing any employee or person depicted on the recording;
- Randomly reviewed for disciplinary purposes; or
- Copied/filmed/photographed/reproduced in any fashion by any employee other than in the course of their official duties, and with supervisor approval (e.g., using their personal electronic device to copy).

**Prosecutorial &  
Court Ordered  
Restrictions**

Access to BWC/CMC recordings/footage are subject to all state and federal laws, and any orders of a court of competent jurisdiction. BWC/CMC recordings/footage shall be preserved, stored, and retained in accordance with the requests, directions, and orders of appropriate prosecutorial and/or judicial authorities.

**BWC/CMC  
Technological  
Changes**

Vendor technology is constantly changing and vendors routinely add new features to BWC/CMC systems. Only those features approved and accepted by the Colonel/Superintendent shall be utilized for the Department's video systems.

Any additional vendor system features or enhancements shall be vetted by the BWC/CMC System Administrator, and if deemed desirable, shall be presented to the Colonel/Superintendent for approval and bargaining, before implementation.

**References**

M.G.L. c. 4, §7  
M.G.L. c. 66, § 10  
Rules and Regulations Article 3.7 Supervisory Members  
Rules and Regulations Article 5.23 Dissemination of Information  
ADM-16 Notifying Prosecuting Agencies Regarding Evidence  
INV-16 Electronic Recording of Interrogations  
DET-02 Custodial Inventory  
UOF-02 Lethal Force - Response

Promulgated By: **Christopher S. Mason, Colonel/Superintendent**