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| Seal2  **CHARLES D. BAKER**  Governor  **KARYN E. POLITO**  Lt. Governor | The Commonwealth of Massachusetts  Executive Office of Public Safety and Security  One Ashburton Place, Room 2133  Boston, Massachusetts 02108  Tel: (617) 727-7775  TTY Tel: (617) 727-6618  Fax: (617) 727-4764  www.mass.gov/eopss | **TERRENCE M. REIDY**  Secretary  **ANGELA F.F. DAVIS**  Asst. Undersecretary |

**Law Enforcement Body Camera Task Force Meeting**

**Date:** November 23, 2021

**Time:** 9:30am - 11:00am

**Where:** Microsoft Teams (Virtual Meeting)

**Call to Order and Attendance**

Chairwoman Angela Davis called the meeting to order at 9:34AM once a quorum of members had been established. Roll call attendance was taken.

*Members Present:*

Asst. U/S Angela F.F. Davis (Chair)

Cpt. Steven McCarthy, State Police (Vice-Chair)

Alyssa Hackett, Esq., Committee for Public Counsel Services

Chief Steve Sargent, Worcester Chief of Police

Chief Thomas W. Fowler, Salisbury Chief of Police

DA Michael O’Keefe, Cape & Islands District Attorney

Emiliano Falcon-Morano, Esq., ACLU

Fred Taylor, NAACP

Grace Lee, Esq., People’s United Bank

Hillary Farber, Esq., University of MA School of Law

Israuel Marrero, Boston Police Department

Joseph Santiago, Chelsea Police Department

Kaleigh Marshall, Chelmsford Police Department

Rose King, Esq., Committee for Public Counsel Services

Sgt. Timothy King, MA Coalition of Police

Sheriff McDermott, President of the Massachusetts Sheriffs’ Association

Sheriff Patrick McDermott, Norfolk County Sheriff

Stephen Carley, Assistant Attorney General

Steven J. Brooks, Esq., Brooks & Crawley, LLP

Tim Mitchell, EOTSS

*Members Absent:*

Carmelo Ayuso, MA Minority State Police Officers Association

**Vote to Approve Meeting Minutes**

Attorney Hillary Farber noted a correction to the minutes. At the last meeting, she stated that she had shared the listening session with the Suffolk Lawyers for Justice which was incorrectly stated as MACDL in the minutes. There was a motion to accept the minutes with Attorney Farber’s amendment by Fred Taylor. Chief Fowler seconded the motion. The motion carried with one abstention from Vice-Chair McCarthy. The minutes were approved.

**Subcommittee Updates**

Dan Nakamoto gave an update on his two subcommittees. On Privacy and Recordkeeping, he noted that the group had met twice. They reviewed their mandate and discussed the use of facial recognition. The Technology and Procurement subcommittee has five items to address per the mandate. The statute’s data storage mandate is currently already in compliance. Tim Mitchell stated that the Task Force should strive for meeting the DCJIS standards.

Chairwoman Davis shared that the Public Input subcommittee continues meeting and discussing the importance of engaging the public. They are going to keep the public comment repository on the mass.gov website up for folks to send in their comments.

Vice-Chair Steve McCarthy said he is currently onboarding a new member of the Training, Supervision, and Disciplinary Review subcommittee and hopes to meet next week with the group.

**Topics Not Reasonably Anticipated/Other**

Officer Izzy Marrero asked for clarification on Chapter 253 of the Acts of 2020 Section 104(e) of the Task Force’s enabling legislation which states:

e)  On or before July 31, 2022, the task force shall, by majority vote, adopt recommended regulations for law enforcement agencies. The regulations recommended by the task force shall include, but not be limited to:

(vi) a requirement preventing an officer from accessing or viewing any recording of an incident involving the officer before the officer is required to make a statement about the incident;

He asked if this is going to be a recommendation that the Task Force must make or if they have any discretion. Attorney Suleyken Walker (EOPSS) clarified that the Task Force does not have any discretion since the legislature has already decided this provision must be included in the Task Force’s recommendations. However, law enforcement agencies do not need to abide by the recommendations of the Task Force. DA O’Keefe noted that this provision being included as a fait accompli is inappropriate and he would be in favor of filing a minority report.

Suleyken further stated that there is nothing precluding the Task Force from highlighting this as an issue if they choose to do so. Attorney Stephen Carley asked for Attorney Walker’s interpretation on whether that specific subsection in particular would prevent the task force from making a recommendation on the topic of officers being able to see the footage before writing a supplemental report or is the existing language is silent on that issue. She said it is silent as to that and it seems clear there is nothing precluding the Task Force from making a recommendation of that sort. Chief Fowler asked if Attorney Walker had an interpretation on what “making a statement” means in this context (narrative, written, or otherwise). She stated that she does not know what common practice is.

**Public Comment and Listening Session**

Stephanie Lessing, a member of the public, asked what will happen with the Task Force’s recommendations once they are determined. Attorney Walker responded that they will be filed with the legislature and noted that there is nothing binding in them. They exist for cities and towns to use as they wish.

DA O’Keefe stated that he would like to have conversations and get the perspective of average citizens in his jurisdiction on body worn cameras outside of those entrenched in the criminal justice world. Sheriff McDermott agreed that that is a good idea and he wishes to do the same. Sheriff McDermott asked if the statute speaks to cameras in the prisons and HOCs and if that is something the Task Force should address. Attorney Walker responded that she believes it is a separate topic.

Chief Earl Dessert, a member of the public, asked if and how the public would access body camera footage. DA O’Keefe responded that the footage would become a discovery product in court and would need to be turned over to the defense. He further stated that admissibility is something the court would make a ruling on. Chief Dessert noted that he is raising the issue to also understand storage and production costs and who that burden will fall on. He wondered if there were thoughts around easier ways to share footage with DAs without having to create DVDs. Chief Fowler stated that police departments are moving away from USB and DVDs as the technology evolves.

A member of the public commented the following in the chat feature of the virtual meeting:

Was part of Chief Dessert's question re: links vs media for video transmission about how the issue should be addressed in task force recommendations?

For example:

* LE agencies must use links; vs should use links vs can use links?
* Prosecutors must accept links vs should accept links vs can accept links? I think some LE agencies may be concerned that they have links, but the prosecutors won’t accept them,
* Some prosecutors may also be concerned that they would prefer links, but the law enforcement agencies can't send them.

**Adjournment**

Vice-Chair McCarthy made a motion to adjourn. Fred Taylor seconded the motion. The meeting adjourned at 11:03AM.