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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**

**Date:** December 7, 2021

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

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

**Call to Order and Attendance**

Chairwoman Angela Davis called the meeting to order at 9:32AM 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 Thomas W. Fowler, Salisbury Chief of Police

Chief Steve Sargent, Worcester Chief of Police

DA Michael O’Keefe, Cape & Islands District Attorney

Deborah Batista, Labor Representative

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

Rose King, Esq., Committee for Public Counsel Services

Sgt. Timothy King, MA Coalition of Police

Sheriff McDermott, 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

Kaleigh Marshall, Chelmsford Police Department

Joseph Santiago, Chelsea Police Department

**Vote to Approve the November 9th and 23rd, 2021 Meeting Minutes**

Sheriff McDermott noted a correction to the minutes as he is incorrectly listed as President of the MSA. November 23, 2021 Meeting. Attorney Stephen Carley’s name was also misspelled in the minutes. There was a motion to accept all November meeting minutes by Izzy Marrero. DA O’Keefe seconded the motion. The meeting minutes were approved unanimously.

**Subcommittee Updates**

Chairwoman Davis reminded folks that January 14th is the deadline for the Task Force subcommittees to present their first drafts to the draft development subcommittee. She stated that she will convene a meeting of the draft development subcommittee after the January 14th deadline when the group has received subcommittee drafts.

Dan Nakamoto (EOPSS) gave an update on the Privacy and Recordkeeping subcommittee stating that they are reviewing what currently occurs in Massachusetts with respect to privacy and recordkeeping and what national groups recommend for the items. They should complete their review this month and will develop a draft at that point. Dan also announced the next Technology and Procurement Subcommittee meeting will take place on Friday, December 10th.

Chairwoman Davis informed the group that she has received written public comments that will be shared with the group via the OneDrive account.

Captain McCarthy communicated that his subcommittee plans to meet next week or the following week to continue their work.

**Discussion of Listening Sessions**

Attorney Rose King noted that there was a recurring theme of concerns around whether to allow officers to view the footage before he or she has written the statement while noting that the legislature has already decided the matter. Attorney Emiliano Falcon-Morano suggested the Task Force vote on this as people have different viewpoints. Attorney Stephen Carley said he agrees that was a key point of contention. He noted that the opinions from stakeholders throughout the listening sessions were great to hear. He further stated that regardless of whether the legislature made a mistake or not in requiring the Task Force to make a recommendation precluding officers from viewing footage prior to writing a report, the Task Force’s report should reflect the different viewpoints that stakeholders and members have shared.

Attorney Suleyken Walker (EOPSS) stated that the Task Force may want to think about which subcommittee might want to address this issue. Attorney Rose King had initially suggested the training subcommittee may be a good fit. Attorney Alyssa Hackett stated that she did not hear any non-law enforcement representatives saying they were opposed to having the officers view body camera footage prior to writing the report. As a result of Commonwealth. v. Yusef, there must be an agreement regarding who can view the recordings. If we recommend the opinion of police officers, to view camera footage or not to, we could be violating privacy protections where a search warrant is required. She stated that she believes this issue should be addressed in in the Privacy and Recordkeeping subcommittee for that reason. Chief Fowler also agreed that this issue belongs to the Privacy subcommittee as the footage is classified as evidence, and there is a chain of custody related to who can view the footage. Officer Marrero suggested that it be mandated that every time body camera footage is viewed, there be documentation of when and who viewed the footage.

Fred Taylor stated that the NAACP position is that officers should write their report and may write a supplement if needed after viewing the footage. Chief Sargent agreed. He also believes officers should write the report prospectively. Should there be any discrepancy after the viewing, a supplemental report would be allowed.

Attorney Hillary Farber noted that the Privacy subcommittee has already been discussing this issue and they will continue to do so. She agreed with Attorney Hackett that there is a lot more to unpack on the complexity of this issue. In a listening session, there was advocacy from law enforcement under the guise of accuracy, but this is a very complex issue. The Task Force has not gotten into the social science of one’s memory and perception of events. This might result in conflicting recollection of events through one’s memory and what is on the recording may influence how the officer writes the report. She said it surprised her that the listening sessions were so overtaken by this issue since there are so many other issues around privacy that were not discussed.

There was some discussion on how to increase public involvement. Chairwoman Davis stated that the online portal is still open for individuals to submit comments. Mr. Taylor asked if there was a media push or press release done for this. Chairwoman Davis responded that there was no press release or push to the media.

DA O’Keefe said that he is going to conduct interviews in his district and report back. Attorney Walker suggested having material that is distributable for folks to have when conducting interviews. Attorney Walker said we may want to establish a response deadline when distributing materials. Mr. Taylor made a motion to establish a December 31st deadline. All voted in favor of this deadline for public comment.

**Public Input**

Anne Marie Grant, a member of the public, stated that her brother, Thomas Purdy, was asphyxiated to death by police and she believes body cameras are crucial. She said that if video evidence did not exist, she would not have known what happened to her brother. She suggested having a system to indicate which incidents have body camera footage for the public to request.

**Adjournment**

There was a motion to adjourn by Chairwoman Davis. Vice-Chair McCarthy seconded the motion. The meeting adjourned 10:36 am.