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Executive Office of Public Safety and Security

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LAW ENFORCEMENT BODY WORN CAMERA TASK FORCE

Date: September 14, 2021

Time: 9:30AM-12:00PM

Place: Microsoft Teams (Virtual Meeting – access link posted publicly on mass.gov)

I. Welcome

At 9:32AM the meeting was called to order.

II. Introduction of Membership

Members introduced themselves and identified the organizations they represent as part of the Task Force.

Present Members:

Asst. U/S Angela F.F. Davis (EOPSS)
Alyssa Hackett, Esq., Committee for Public Counsel Services
Carmelo Ayuso, State Police
Chief Thomas W. Fowler, Salisbury Chief of Police
Cpt. Steve McCarthy, State 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
Israel Marrero, Boston Police
Jose Lozano, Boston Police
Kaleigh Marshall, Chelmsford Police Department
Rose King, Esq., Committee for Public Counsel Services
Sgt. Tim King, Waltham Police Department
Sheriff Patrick McDermott, Norfolk County Sheriff
Stephen Carley, Esq., MA Attorney General's Office
Tim Mitchell, EOTSS

Members Not Present:

Superintendent (Raymond) Kelly Richardson, Lowell Police Department
Tom Ashe, Mayor Dominic Sarno's Office

Staff Present:

Dan Nakamoto, EOPSS (Board Advisor)

Suleyken Walker, Esq., EOPSS (Board Counsel)
Michaela Martini, EOPSS (Staff)

III. Purpose Discussion

Asst. U/S Davis read the principal deliverables identified in the statute to the group. There was a motion by Attorney Grace Lee to have an individual with background on body worn cameras join the next meeting of this body and give a macro- view of body worn cameras so that all members of the Task Force could begin this work with the same level of information. This motion was seconded by Israel Marrero. All members voted in favor. The motion was accepted.

IV. Process Discussion

a. Meetings

Asst. U/S Davis opened the discussion to folks re meetings of the Task Force for future. Tuesdays seemed to be the best day to meet.

b. Public Hearings

With respect to public hearings, Asst. U/S Davis asked the Task Force if they would prefer to hold the hearings at the beginning of the process to have the public inform their work or if folks had other suggestions. Members agreed that was a good suggestion so they can collect information before drafting anything only to have feedback be given after the fact. Attorney Lee suggested having members of the public participate throughout the process to make sure the Task Force is giving folks an opportunity to opine through the duration of the work.

Attorney Suleyken Walker (Board Counsel, EOPSS) noted that by virtue of these Task Force meetings being subject to the open meeting law, this platform would provide an opportunity for public members to participate in addition to public hearings. She also noted that geographic representation is a requirement for the hearings. District Attorney Michael O'Keefe stated that this group needs to clarify for members of the public that the adoption of a body worn camera program is not a requirement per this legislation. He stated that a recommendation by the Task Force may be that departments who wish to roll out a body worn camera program should have the support to do so. Officer Kaleigh Marshall stated that she wanted to second DA O'Keefe's point to clarify for folks outside this Task Force that this program is not a statewide mandate.

Attorney Emiliano Falcon-Morano stated that the ACLU (which he represents on this Task Force) agrees with the interpretation of the statutory language that not all departments need to adopt body worn camera programs but if specific departments or communities wish to participate, they can. Attorney Hillary Farber stated she would support beginning our work and identifying our process and early findings before bringing in the public so they have an opportunity to inform once they know how the Task Force is proceeding.

Attorney Stephen Carley stated that his former experience in holding public hearings suggests it may be best to have a memorandum or statement drafted by EOPSS that gives a summary of the Task Force's mandate, what the legislature is seeking, and the type of feedback this body is looking for.

Dan Nakamoto (EOPSS) noted that EOPSS had worked with Massachusetts Chiefs to survey police departments to get a sense of local BWC programs. About 2/3 of the departments responded and it showed that about 10% of both small and large police departments had some sort of BWC program in place. Also, he noted that EOPSS is in the first year of a 5 year capital grant program (\$4.0M per year for 5 years) to assist municipal police departments in purchasing BWCs, servers and other hardware. He acknowledged that hardware is a lesser cost for BWCs as there are significant costs for storage and management of recordings.

Trooper Carmelo Ayuso stated that the Massachusetts State Police has body worn cameras and wondered if this Task Force should inquire into the policies and procedures at other police departments (as well as the State Police) and share amongst members.

Dan Nakamoto stated he is in possession of about twenty policies/procedures of local departments as well as the State Police.

Chief Fowler stated Dan's survey is correct but another five or so in addition to that number have also adopted the program.

Cpt. Steven McCarthy said he has fifty national policies this group could look at as well.

Attorney Carley suggested that the Task Force form a document share. Asst. U/S Davis stated EOPSS will set up and share a SharePoint as a repository for all relevant documents and materials.

c. Working Groups

Asst. U/S Davis stated that she will prepare a document to present to the next meeting regarding possible subcommittees.

d. Timeline & Working Model

Asst. U/S Davis noted that this Task Force will need a draft report by May 1st, 2022 to meet the July 31st report deadline. DA O'Keefe suggested one subcommittee be a drafting group so that the work on the report is an ongoing process. Attorney Carley also suggested the Task Force have topic-specific drafting groups and they submit drafts to the wider group. Attorney Falcon-Morano commented that his issue with working groups is that the topics are so intertwined so he would like to ensure there are proper channels of communication between groups/topics. There was discussion about possibly having an earlier date than May 1st for a draft to allow sufficient time for review, comment and redrafting.

V. Other

a. Identify Chair

Tim Mitchell nominated Asst. U/S Davis as Chair of the Task Force. DA O'Keefe seconded the motion. All voted in favor and the motion passed. A motion was made by Chief Fowler and seconded by Carmelo Ayuso that Cpt. Stephen McCarthy serve as Vice-Chair. All voted in favor and the motion was passed.

b. Other Comments

Vice-Chair McCarthy stated that the Secretary of State's Office is not included in this process and they should be involved due to the discussion of retention and privacy. Attorney Carley stated that it will be complicated to see how this interacts with these variables including the public records law, investigatory exemption, and expense of retention.

Attorney Falcon-Morano noted that the Task Force was responsible for draft regulations to be enacted by EOPSS. Attorney Walker said her reading of the statute is that EOPSS would not be posting anything for public comment. Attorney Falcon-Morano was not sure if this body would propose or enact regulations but Attorney Walker clarified that the Task Force is simply offering up what good regulations or policy might be.

DA O'Keefe noted that the MDAA's Tara Maguire is a great resource and will be monitoring this Task Force in the event he is unable to attend.

There was discussion on what the Task Force was expected to submit in July 2021. Chairwoman Davis acknowledged that this group could discuss further the reasons why a report was not done by that date and potentially draft something for the Committee to consider.

It was decided the next meeting will be held on October 28th. Chairwoman Davis said she will be sending materials out to make sure everyone is well-informed of what is going on if they are unable to attend this next meeting. After this next meeting, she proposed moving times around if needed due to conflicts.

There were no public comments.

VI. Adjournment

Motion to adjourn made by Tim Mitchell. All voted yes and the motion was passed. The meeting adjourned at 11:05AM.