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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 Worn Camera Task Force**

**July 12, 2022, 9:30 a.m.**

**Via Microsoft Teams**

**Members Absent:** Stephen Carley, Grace Lee, Carmelo Ayuso, Kaleigh Marshall, Fred Taylor, Chief Sargent, Mayor Sarno, Deborah Battista.

Chair Davis called the meeting to order at 9:31 a.m., attendance was taken, and a quorum was established. A motion was made and passed to accept the June 28, 2022 meeting minutes into the record with one abstention from Emiliano.

Members of the public were invited to comment. Anne Marie Grant commented that the legislature should make the use of body cameras mandatory for law enforcement. She also believes that the use of body cameras has lowered the incidences of use of force. Next “Jen” commented that auto trigger technology should be used and the placement of the cameras should be specific as to placement on the chest so it is not obstructed.

Chair Davis introduced the first topics to be discussed, going in order and carried over from the last meeting from Steven McCarthy which included body camera placement, triggers, post and pre-recording. Steven McCarthy stated that triggers to record are important to include in the language and Chief Fowler agreed we could mention triggers without requiring them. Rose said the public wanted some specificity regarding placement of the body cameras and that we should add a paragraph. Chair Davis read EOPSS suggested language highlighted below that may satisfy everyone’s concerns:

**R.5.1 - Commencement of Shift**

At the beginning of each shift, the BWC user 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;

• Only use agency issued and approved BWC technologies; and

• Wear the BWC by mounting it on the chest, unless the stature or other physical attributes of the user, or the evolution of BWC technology, necessitate a different placement location in order to maximize the camera’s ability to capture video footage of the officer’s activities.

A motion was made and seconded to accept the highlighted language, discussion ensued, a vote was taken and passed unanimously to accept the new language into the draft.

Next the issue of pre and post event recording, and the costs associated with such technology was discussed by Lt. Sean Murtha representing Chief Sargent of Worcester. Chief Fowler said the battery life of a body camera is important to consider. The issue of pre and post recording was discussed without further action taken on existing language. Tim King felt the language reads fine as is. Alyssa Hackett felt consistency was important where we have the option to use shall or should. Hillary Farber stated post event recording is troubling to her and she requested clarity from Steven McCarthy on how long post event recordings are available. Steven McCarthy explained the process and said the unit keeps recording. Hillary said that it would violate the public’s expectation, to be recording in this fashion, without notice in those particular circumstances where recording is prohibited.

Emiliano suggested editing the language, and Tim King asked if the additional verbiage would limit technology. No further action was taken to edit the language regarding pre and post recording.

Steven McCarthy’s language to create R.1.28 Automatic Activation was discussed:

R.1.28 – Automatic Activation

It is recommended that the BWC shall be capable of automatic activation when triggered by accessory sensors that register when a firearm and/or electrical discharge weapon are drawn. It is also recommended that the BWC be capable of automatic activation when a paired cruiser camera system is activated. Other sensors such as those that detect sudden shocks, radio emergency button activation, or long periods of officer inactivity (“officer down”) are highly recommended.

A motion was made and seconded to accept Steven McCarthy’s language R.1.28, and discussion ensued. Chief Fowler and Tim King agreed to edit the language inserting “recommended” vs. “shall”. The vote to accept R.1.28 language as amended passed unanimously.

Chair Davis referred the Task Force to the letters submitted by MCOPA and Mayor Sarno, and their positions on the review of video footage as it relates to writing a report.

Chair Davis then introduced the language crafted by EOPSS which would be added to the Task Force’s Supplemental Recommendations highlighted below, making it clear that there were differing opinions on the Task Force, but that we are required to use specific language from the legislature:

3. The Task Force heard from the public on the issue of an officer’s access to the BWC video footage, and more specifically on the issue of when such access should be given for the purpose of making a written statement concerning an event. While the Task Force discussed the issue, and the members had differing views on what the recommended regulation should be, the legislature constrained the Task Force’s ability to offer a recommendation other than that imposed by the statute, which requires that the Task Force make the following recommendation:

An officer may not access or view “any recording of an incident involving the officer before the officer is required to make a statement about the incident;”

Accordingly, this is the recommendation in section R.5.2, which concerns on-duty requirements.

Rose made a motion to accept the language into the draft as written, and the motion was seconded by Chief Fowler. Discussion ensued. Hillary expressed concern over adding the language to the draft, that the use of the word “constrained” was unnecessary. DA OKeefe stated he agreed with the language as it presently reads. Tim King expressed his support of EOPSS language.

Chief Fowler said he was representing the MA Chiefs and as such appreciated EOPSS adding the language. He said that MCOPA stands opposed to the language the legislature came up with before allowing the TF to do it’s work, that our hands are tied and this language works. Tim King also stated that he felt the TF was constrained. Discussion finished, the vote was taken and passed with all in favor and one against, Hillary Farber.

Chair Davis raised the need to reconvene the group next week so that members not present today have the opportunity to join us.

Chief Fowler asked to discuss R.5.4, the issue of search warrants and the Yusef case as it relates to this work. Dan confirmed that the Privacy Subcommittee addressed the issue and he would look back at historical documents to see the position of the group. It was decided to pick up the discussion at the next meeting on July 19, 2022.

A motion was made and passed to adjourn at 11:27 a.m..