

APPENDIX C: TECHNOLOGY-SPECIFIC SURVEILLANCE USE POLICY FORM (ONLY TO BE USED FOR NEW TECHNOLOGIES NOT ADDRESSED IN THE SURVEILLANCE USE POLICY)

Division or Unit (if applicable):	Somerville Police Department (SPD)
Compliance Officer:	Jeffrey DiGregorio, Administrative Captain
Submitted by:	Shumeane Benford, Chief
Date:	July 23, 2026
Surveillance Technology:	Body Worn Cameras

A. Purpose: the specific purpose(s) for the surveillance technology:

This policy is intended to provide officers with instructions on when and how to use body-worn cameras so that officers may reliably audio and video record their contacts with the public in accordance with applicable Massachusetts law.

The use of the portable video recording system provides persuasive documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Officers shall utilize this device in accordance with the provisions in this Policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

The Somerville Police department has adopted the use of body worn cameras to accomplish several objectives. The primary objectives are as follows:

- a. To more accurately document police-public contacts, arrests, and critical incidents, and to enhance the accuracy of officer reports and testimony in court. To this end, officers will be allowed access to recordings before completing their written reports and before testifying in cases relevant to recordings collected by the Department except as otherwise provided for in Section 4(A)(iv).
- b. To enhance the Somerville Police Department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for training purposes.
- c. To document crime and accident scenes, or other events that include the confiscation and documentation of evidence or contraband.
- d. To improve police accountability and aid in conducting internal investigations and making disciplinary decisions.

1. Authorized use: the uses that are authorized, the rules and processes required before that use, and the uses that are prohibited:

It is the policy of the Somerville Police Department that officers shall only activate the body worn camera when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy, and Massachusetts and Federal law. This policy does not govern the use of surreptitious recording devices used in undercover operations. The City will only deploy this technology on terms consistent with this Policy and an approved Surveillance Technology Impact Report per the Public Oversight of Surveillance Technology Ordinance.

Process before use. It shall be the responsibility of each individual officer to test the body worn camera equipment at the beginning of each tour of duty. Officers equipped with the body worn camera will ensure that the batteries are charged prior to the beginning of their shift, special event, or work period. In the event that the equipment is found to be functioning improperly, the officer shall report the problem in writing on an approved department form immediately to their immediate supervisor so that the information can be documented, and arrangements made for repair. Once the officer has made a report under this section, he/she shall be excused from using a body worn camera until the Department has supplied him/her with a properly functioning body worn camera.

Authorized use. Officers shall activate the body worn camera to record all contacts with civilians in the performance of official duties except as otherwise indicated by this policy. Whenever practical, officers should immediately inform individuals that they are being audio and video recorded at the beginning of the encounter. The failure to provide notice shall not require deactivation of the body worn camera. However, the absence of a notification will require the officer to document in writing on a department approved form the reason notification did not occur following the interaction. The body worn camera shall be activated prior to initiating contact for any law enforcement or investigative purpose, unless exigent circumstances otherwise make it unsafe for officers to do so. "Law enforcement purposes" are defined as enforcing the law; investigating possible violations of the law; enforcement of Department policies, rules, and regulation; staff training, or researching and advising regarding matters of current and proposed federal, state and local law.

Rules and Restrictions. Officers assigned body worn cameras will wear them in an open and apparent location at all times while on duty performing patrol or supervisory functions in the patrol division in any type of uniform. Body worn cameras will be worn according to manufacturer's specifications and/or recommendations. The Department will make those specifications and recommendations readily available to the officers required to wear the body worn cameras. Officers will make every reasonable effort to ensure that the body worn camera recording equipment is capturing events by positioning and adjusting the body worn camera to record the event.

Upon entering a private residence or sensitive location without a no-knock warrant or in non-exigent circumstances, the officer shall immediately notify occupants they are being audio and video recorded. "Sensitive location" is defined as a public location in which minors may be present and/or individuals may be engaging in private or personal conduct or in vulnerable positions including, but not limited to, locker rooms, places of worship, religious ceremonies, treatment areas in hospitals or clinics, law offices, and day care facilities. In "Sensitive Locations," which may also include schools, officers have discretion not to record in light of the circumstances and nature of any civilian interactions in which they may be involved.

Officers may deactivate the recording or place the body worn camera into sleep mode upon the request of an occupant if there is no other reason pursuant to this policy to record. When determining whether or not to record, the officer shall be guided by the safety of all person(s) present, and weigh the discretionary factors of sensitive locations with the fact that a home is a uniquely private location. If an officer exercises their discretion to power off or place the body worn camera into sleep mode, the officer shall document this action via a "Use Narrative" report following the interaction. If an officer fails to activate the body worn camera or notify an individual they are being recorded, fails to record the entire contact, or

interrupts the recording, the officer shall document in writing on a department approved form why a recording was not made, was interrupted, or was terminated. Whenever practical, the officer shall immediately state the basis for interrupting or terminating the recording in a manner captured by the recording prior to interrupting or terminating the recording.

A civilian request to stop recording may be considered as one factor, but shall not be dispositive. Otherwise, the recording shall remain active until the event is complete unless otherwise authorized by this policy. If a recording is created in a location in which individuals have a reasonable expectation of privacy, such as a residence, the recording may only be used for investigatory purposes related to the incident permitting the officer to be within the private location unless a warrant authorizing subsequent review of the recording is obtained.

Officers may deactivate the body worn camera or place the camera into sleep mode when entering sensitive locations. When exercising discretion in sensitive locations, the officer should generally base their decision to stop recording, divert the camera, or record only audio on the following considerations: officer safety, the sensitive or private nature of the activities or circumstances observed; the presence of individuals who are not the subject of the officer-civilian interaction; the presence of people who appear to be minors; any request by a civilian to stop recording; and the extent to which absence of a body worn camera recording will affect the investigation.

Reasonable alternatives to powering off or placing the camera into sleep mode in sensitive locations include repositioning away from uninvolved persons, limiting capture of unrelated private areas, recording audio only when appropriate, or briefly pausing recording during non-investigative private discussions.

2. Data collection: the surveillance data that can be collected by the surveillance technology:

Body worn cameras are intended to record all contacts police officers have with citizens in the performance of their official duties. The devices will capture audio and video recordings of police contacts, conversations, and other engagements with civilians. The BWCs are to be worn, activated, and the resulting data processed and accessed in accordance with police department policy. The cameras shall be worn in an open and apparent location and not used as surreptitious recording devices. The body worn camera shall be activated prior to initiating contact with the citizen, and at the initiation of any other law enforcement or investigative encounters.

e

Body worn cameras shall be used only in conjunction with official law enforcement purposes. The body worn camera shall be powered off or placed into sleep mode in order to avoid recording the following:

- a. Communications with other police personnel without the permission of the chief of police or his/her designee;
- b. When on break or otherwise engaged in personal activities;
- c. Encounters with undercover officers or confidential informants;
- d. Persons, events, or conversations without the knowledge of those involved (no surreptitious recordings).
- e. When the officer is in the police station absent exigent circumstances consistent with this policy or a civilian encounter pursuant to Section 2(B) of this Policy.

First Amendment protected activities (e.g. speech, associations, or religious gathering), or to record activity that is unrelated to a response to a call for service or investigative encounter between a member of the department and a member of the public. As previously stated, officers may not activate the cameras at public demonstrations absent specific indicia of unlawful activity. If an officer records an incident under this section, the officer must submit a Use Narrative identifying the facts and circumstances observed justifying recording the incident. This includes when The Police Department has notice of facts and circumstances giving rise to a reasonable belief that a civil disturbance will occur at a public event or demonstration.

Body worn cameras shall not include, or be modified to include, biometric technology, including facial recognition technology. The department shall not utilize any biometric technology, such as facial recognition, to conduct searches of video files or passive searches of the public. Stored video and audio data from a BWC shall not: be used to create a database of photos, be used as fillers in photo arrays; or be searched using facial recognition software.

3. **Data protection:** the safeguards that protect information from unauthorized access, including, but not limited to, encryption, access-control, and access-oversight mechanisms:

All files shall be securely downloaded periodically and no later than the end of each shift or work period. Each file shall contain information related-to the date, body worn camera identifier, and assigned officer. Such files shall be maintained on a secure, local or cloud-based server that is password protected, and accessible only to the Chief and the designated superior officer.

The Department shall make available to all members a location within Department headquarters to dock and store their Department issued body worn camera. The docking station will charge the BWC's battery and transfer video data to the storage system. Members may take their Department-issued body worn camera home after their shift or work period provided all data captured by the Department-issued body worn camera during the officer's shift or work period has been downloaded and preserved on a secure, local or cloud-based server prior to the end of the officer's shift or work period.

Authorized Internal (SPD) Access. All images, recordings, sounds, and metadata recorded by the body worn camera shall be maintained by and remain in the custody and control of the Somerville Police Department unless and until transfer or release is required by law and/or this Policy.

All internal access to body worn camera data (images, sounds, recordings, and metadata) must be specifically authorized by this Policy and granted through the Chief of Police or designee. Officers may only access, copy, or release Body Worn Camera footage for official law enforcement purposes, in the following circumstances:

- a. Before completing an initial report or interview or providing an initial statement regarding the recorded event, provided such review does not unreasonably delay the timely drafting and submission of incident reports consistent with applicable Departmental policies. Officers shall note in the incident report, the arrest report, or related reports when recordings were made. However, body worn camera recordings are not a replacement for written reports.
- b. Except in the case of officer-involved death, serious injury, or other use of deadly force as outlined below, participation in any internal investigation, including but not limited to, being required to submit to an internal investigatory interview or write an internal investigatory report. In these circumstances, officers and their union representative and/or legal counsel shall be allowed to view their own body worn camera footage.

c. When investigating a complaint against an officer. In these circumstances, a supervisor may review any body worn camera recording when necessary to evaluate the merits of a complaint by a subject of the video footage or a specific allegation of misconduct, provided that the review is limited to any and all portions of the recording reasonably related to the subject of the complaint.

Following an officer-involved use of deadly force, whether or not fatal, officers and supervisors at the scene before and during such use of force shall not view any BWC recording from the scene without authorization from the Chief or designee and the District Attorney's Office as set forth in subsections (a) (b) and (c) below or as otherwise stated in this policy. The following internal access-mechanisms apply in the case of officer-involved death, serious injury, or other use of deadly force:

a. In the case of a non-fatal officer-involved shooting or other non-fatal use of deadly force when the Somerville Police Department is the lead investigative agency, officers who were involved in the incident, discharged their weapon, or witnessed the incident shall be allowed to view their own BWC recording before giving a statement (excluding statements necessary to relay public safety information), participating in any walkthrough, or answering investigatory questions regarding the incident at a time determined by the supervisor in charge of the investigation. At the officer's request, the officer's attorney may be present when the sworn member views the video. In the case of a non-fatal officer-involved shooting or other non-fatal use of deadly force when the Somerville Police Department is not the lead investigative agency, the lead investigative agency shall determine whether an officer who was involved in the incident, discharged their weapon, or witnessed the incident, may view their own BWC recording before giving a statement.

b. In the case of a fatal officer-involved incident, the District Attorney's Office will determine whether an officer who was involved in the incident, discharged their weapon, or witnessed the incident, may view their own BWC recording before giving a statement. If the District Attorney's Office or its designee, allows an officer to view their own BWC recording before giving a statement, the officer's attorney may be present when the officer views the BWC recording. If such an officer is required to provide a statement prior to reviewing their own BWC recording and is later permitted to view that recording, the officer may submit a supplemental report. The District Attorney's Office will determine whether or not to accept the supplemental report as part of its investigation.

c. If the Department conducts its own separate internal affairs investigation into an officer's conduct related to an officer-involved death, serious injury, or other use of deadly force, any subjects of the internal investigation shall be allowed to review their own BWC recording in accordance with the internal investigation process outlined above.

Officers shall not access body worn camera footage for non-law enforcement purposes, use a camera or other recording device to make a copy of a body worn camera recording for any purpose, or view and access footage from cameras other than the camera issued to them unless such footage is reasonably related to an incident under review and access is explicitly authorized by this policy and the Chief or designee.

Access-oversight Mechanisms. See Section 8 of this Technology-Specific Use Policy for additional details concerning internal access-control and access-oversight mechanisms.

4. **Data retention:** the time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason that retention is appropriate to further the purpose(s), the process by which the information is regularly deleted after that period has elapsed, and the conditions that must be met to retain information beyond that period:
-

All files shall be securely downloaded periodically no later than the end of each shift or work period. Each file shall contain information related to the date, body worn camera identifier, and assigned officer. Files should be securely stored in accordance with state records retention laws and retained no longer than useful for purposes of training or for use in an investigation or prosecution. The recordings will be preserved based on the content of the recording (e.g. street encounter, arrest, criminal investigation) and a retention schedule contained in the Department's BWC Policy, which was developed based on the state's records retention schedule.

The Department shall retain all body worn camera footage or recordings based on the below retention schedule:

- A. Schedule I - Indefinite Retention
 - A.1. Death Investigation
 - A.2. Use of Deadly Force
 - A.3. Motor Vehicle Accident - Fatal
 - A.4. Sexual Assault/Abused Person
- B. Schedule II - 7 Year Retention
 - B.1. Use of Force
 - B.2. Arrest
 - B.3. Felony – No Arrest
 - B.4. Motor Vehicle Accident – Hit and Run/Personal Injury
 - B.5. Incidents that result in employee disciplinary matters
- C. Schedule III - 3 Year Retention
 - C.1. Misdemeanor – No Arrest
 - C.2. Motor Vehicle Accident – Property Damage
 - C.3. Investigate Person
 - C.4. Investigate Premise
 - C.5. Significant Event – Public Safety
- D. Schedule IV – 1 Year Retention
 - D.1. Traffic Stop
 - D.2. Encounter/Field Interview Observation (FIO)
 - D.3. Sick Assist
- E. Schedule V – 6 months
 - E.1. No Report - Dispatch / On Site
- F. Schedule VI – 30 Day Retention
 - F.1. Test/Training

Recordings relevant to officer- and/or union-involved litigation, meaning arbitrations, Administrative Agency investigations, civil suits, or criminal investigations, charges, or court actions are to be retained until final disposition of the action.

5. **Public access:** if and how collected surveillance data can be accessed by members of the public, including criminal defendants:
-

Accessing, copying, or releasing body worn camera data (images, sounds, recordings, and metadata) externally is permitted only in the following circumstances:

- a. Information Requests: Body worn camera recordings are presumptively public records subject to disclosure under the Public Records Law (M.G.L. c. 66, § 10). All requests for the release of Body Worn Camera recordings or data will be forwarded to the City Attorney for review and release in the time

periods set forth in the Public Records Law. The City will release body worn camera footage upon request by the subject of a body worn camera recording, or their parent or legal guardian, or a member of the public in compliance with such law unless the recording or a portion thereof falls within one of the Public Records Law exemptions under G.L. c. 4, §7(26). The City will provide body worn camera recordings pursuant to requests for information made pursuant to M.G.L. c. 150E. The Public Records Law provides specific timelines for responses to public records requests and the City will comply with all legal requirements for responses to such requests.

b. Law Enforcement and Police Oversight: Body worn camera recordings related to an ongoing investigation or in support of a prosecution shall be provided to the applicable law enforcement entity or police oversight authority in accordance with existing Department policies and procedures and applicable law. The City will provide and/or release body worn camera footage in response to a lawful subpoena or request by a police oversight authority. Should the Department receive a subpoena for body worn camera recordings, the subpoena shall be directed to the City Attorney as soon as practicable.

This includes the establishment of a police oversight authority by the City itself and will be subject to any establishing ordinance of such an entity.

c. Redactions: Any body worn camera recording made public pursuant to a public records request or released for another legitimate law enforcement or investigatory purpose shall be redacted to obscure the identities of minor children, and to obscure the identities of other individuals when the release of the video footage would unreasonably, substantially, or seriously interfere with the individual's privacy.

D. Media: If the Department or an officer receives a request for body worn camera footage from members of the media, the request shall be directed to the City Attorney with a copy of the request to the Director of Communications.

e. Notice to Officers: Officers whose body worn camera recordings are to be released pursuant to A – D above will be notified and provided with a copy of the released recordings for their own records upon request.

6. **Third-party data-sharing:** if and how other city or non-city entities can access or use the surveillance data, including any required justification and legal standard necessary to do so, and any obligation(s) imposed on the recipient of the surveillance data:
-

Third-party data sharing is permitted in the following circumstances:

Law Enforcement and Police Oversight. Body worn camera recordings related to an ongoing investigation or in support of a prosecution shall be provided to the applicable law enforcement entity or police oversight authority in accordance with existing Department policies and procedures and applicable law. The City will provide and/or release body worn camera footage in response to a lawful subpoena or request by a police oversight authority. Should the Department receive a subpoena for body worn camera recordings, the subpoena shall be directed to the City Attorney as soon as practicable.

Media. If the Department or an officer receives a request for body worn camera footage from members of the media, the request shall be directed to the City Attorney with a copy of the request to the Director of Communications.

7. **Training:** the training, if any, required for any individuals authorized to use the surveillance technology or to access information collected by the surveillance technology, including whether there are training materials:
-

Police personnel who are assigned body worn cameras must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment. New police personnel shall be given a copy of the City's Public Oversight of Surveillance Technology Ordinance and Surveillance Technology Use Policy for their review and trained on operating BWCs in compliance with the Surveillance Ordinance and said Policy.

Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes. The Chief shall establish a regular training schedule in which body worn camera footage is reviewed and discussed with officers and Police Department public health staff such as the Community, Outreach, Help & Recovery Unit in an effort to promote and maintain law enforcement best practices.

As established in the City's Surveillance Technology Use Policy, "The Chief of Police, or their designee, shall ensure that all department personnel successfully complete training which the Chief of Police deems necessary to successfully operate and monitor Video Surveillance Equipment".

8. **Oversight:** the mechanisms to ensure that the surveillance use policy is followed, including, but not limited to, identifying personnel assigned to ensure compliance with the policy, internal record keeping of the use of the technology or access to information collected by the surveillance technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the sanctions for violations of the policy:
-

Supervisory personnel shall ensure that officers equipped with body worn camera devices utilize them in accordance with policy and procedures defined in this policy.

All requests for accessing, copying, or releasing of body worn camera recordings must be logged. The access log is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes consistent with the terms of this Policy.

- i. The Chief shall designate a superior officer who, along with the Chief, shall have access to and control of original files downloaded from body worn cameras.
- ii. The designated superior officer shall maintain an access log of all officers that request access to files downloaded from body worn cameras, and of all officers that obtain access to such files. The log shall include, at minimum, the identity of the recipient, the method of access provided, the date and time of the release, and the scope of the recording or data released (e.g. length and time stamps of recording).
- iii. Any body worn camera data shared shall be a copy of the original file maintained by the designated superior officer.

Audits. While mindful that body worn cameras and their footage shall not be used for the purpose of harassing members of the public, officers, or Department employees, members of the Office of Professional Standards shall conduct periodic reviews to ensure body worn cameras are being used appropriately. Random reviews of the body worn camera usage or recordings will take place to ensure the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required. These reviews

are for training and program improvement purposes and not to be used for disciplinary purposes absent a complaint, other exigent circumstances, or repeated instances of violations of Departmental policy for which the employee has already been counseled. Also, internal reviews may be conducted following a citizen complaint if the footage is deemed applicable to that complaint. Failure to adhere to policy and misuse of this technology would result in discipline up to and including termination consistent with the principles of just cause.

As BWCs are phased into use in the SPD, the City will continue to monitor compliance with this Policy and SPD's BWC Policy and industry best practices concerning BWCs. The City anticipates enhancing its processes and procedures concerning the use of such devices and the data they produce as the use of BWCs becomes common and widespread in the SPD. Any proposed changes to the City's practices and procedures impacting the terms and conditions of officers' employment and not within the scope of the Department's Body Worn Camera Policy will be bargained with the impacted unions as required by law, and any proposed changes that are in conflict with or beyond the scope of this Technology-Specific Use Policy will be presented to the City Council for approval of an amendment to this Technology-Specific Use Policy.