

Body-Worn Camera Policies

policy terms & public engagement



Derrick Rice



Sources of guidance

American Bar Association, 2020

“Principles on Law Enforcement BWC Policies”

ACLU of Massachusetts, 2020

“Model Body-Worn Camera Policy”

State of Massachusetts Law Enforcement BWC Task Force, 2022

“Recommended Regulations for the Procurement and Use of BWC”

Somerville City Council discussions, 2022

“Recommendations for an effective BWC Use Policy in Somerville”

City of Somerville Police Department Staffing & Operations Analysis via Raftelis, 2023

City of Somerville PSFA and Civilian Oversight Task Force reports, 2025

“Absent transparent and effective policies, **BWCs can heighten the divide** between law enforcement and communities.”

American Bar Association

“If the technology is to be effective at providing oversight, reducing police abuses, and increasing community trust, it is **vital that they be deployed with good policies** to ensure they accomplish those goals. Without good policies, they risk becoming just another police surveillance device.”

The American Civil Liberties Union

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Surveillance Technology Use Ordinance

Sec 10-61, Purpose includes:

- to balance any decision to use surveillance technology with an assessment of the costs and protection of privacy, civil liberties and civil rights
- to allow for informed public discussion before deploying surveillance technology
- to provide for transparency, oversight, and accountability



Broadly Supported Policy Points

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|---|--|----|---|
| 1 | Right to access by subjects of footage and the public with clear timelines | 6 | Civilian privacy protections and rights regarding being recorded |
| 2 | Restrictions on access, limitations on acceptable law enforcement use | 7 | Prohibition against alternative uses |
| 3 | Prohibition of police review prior to written statements or testimony | 8 | Clear statement of purpose for police accountability |
| 4 | Right to access by civilian oversight body | 9 | Prohibition of any post-processing of BWC footage, including biometrics |
| 5 | Detailed BWC use policy and consequences of non-compliance | 10 | Limitations on retention of footage |

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Policy Points vs Proposed STIR

- In conflict.
- Unsatisfied.
- Partially satisfied.

- | | |
|--|---|
| Right to access by subjects of footage and the public with clear timelines | Civilian privacy protections and rights regarding being recorded |
| Restrictions on access, limitations on acceptable law enforcement use | Prohibition against alternative uses |
| Prohibition of police review prior to written statements or testimony | Clear statement of purpose for police accountability |
| Right to access by civilian oversight body | Prohibition of any post-processing of BWC footage, including biometrics |
| Detailed BWC use policy and consequences of non-compliance | Limitations on retention of footage |

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Prohibit review prior to written statements

“Permitting officers to review recordings before preparing any written reports can undermine the accuracy of those reports.

First, some officers potentially could use video to manufacture after-the-fact justifications for their actions ...

Second, human memory is fallible ...”

American Bar Association

All cited sources agree.

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Statement of purpose for police accountability

“The policy should clearly state that one of the purposes of BWCs is to serve as a basis for disciplinary action if misconduct is observed.

The current SPEA agreement states *“It is further understood that disciplinary actions and excessive monitoring is not the intended purpose of GPS monitoring or BWCs.”*

I believe that one of the primary purposes of BWCs is to reduce misconduct, and to serve as the basis for disciplinary action if necessary. The policy should clarify that BWC footage can be used as the basis for disciplinary action.”

- Ben Ewen-Campen 2022

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Right to access

From the STIR:

“Body worn camera recordings are presumptively public records subject to disclosure under the Public Records Law”

Recommended:

Explicit right to access for subjects of footage, with an explicit timeline for that footage to be provided (typically within a week).



Civilian Oversight




“If the City does adopt body-worn cameras, the Commission should share authority over management of the footage. In general, the Commission should have access to all video and audio footage obtained by the police ...”

Civilian Oversight Task Force

“Unfettered access to the subject law enforcement agency's records is vitally important for effective civilian oversight.”

NACOLE

On some other points

-  STIR has no specified timeline for deletion of routine footage.
-  STIR has no prohibition against facial recognition or other automated processing
-  STIR explicitly grants broad officer discretion to passively record the public “if they feel it useful or necessary”

Sequencing

“It is important to first develop a proposed policy based on community priorities and best practices before entering into the negotiation process.”

SPD Staffing and Operations Analysis

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Community Engagement and Transparency

“It is also vital that a robust public engagement process be undertaken, and that this policy be shaped by community input. The engagement should be varied, including opportunities for individuals to submit comments online, listening sessions open to the public, and direct engagement with community groups.”

SPD Staffing and Operations Analysis

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The importance of the STIR

- The STIR frequently delegates to "the SPD BWC Policy", outside Council's direct authority and the view of the public
- City Council has no authority* to demand STIR changes
- City Council has no authority* to revoke STIR approval

* except to pass another ordinance

Advised course of action

Expert guidance and Somerville's prior efforts support:

- Require these minimum policy requirements within the STIR
- Require or conduct genuine public engagement on the policy
- *Then* consider STIR approval
- Reconcile bargaining agreements afterwards

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We all want community safety

Thank you for your attention.

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