Memorandum of Agreement
Between the
City of Somerville
and the
Somerville Police Superior Officers Association

(Note: The following Memorandum of Agreement is an "Off-the-Record" document unless and until approved and ratified by both parties.)

The City of Somerville (the "City") and the Somerville Police Superior Officers Association, (the "Union"), hereby agree to a new collective bargaining agreement effective July 1, 2024 through June 30, 2025. Except as modified by this Memorandum, the terms and conditions of the previous contract will remain in effect.

1. **ARTICLE XXII - Duration of Agreement**

Revise Article XXIII to reflect a one-year agreement commencing July 1, 2024 and ending June 30, 2025.

2. **ARTICLE XVIII - Compensation**

Amend Article XVIII, Section 1 by providing pay scales to reflect an increase in base wages across the board as set forth below:

Effective July 1, 2024 3%

3. **ARTICLE VI - Paying Police Details**

a. **Section 8:** Revise Section 8 to read (language to be removed in ~~strikethrough~~, new language underlined in red and underlined):

"No paying detail assignments shall be made until the person, firm, corporation or entity requesting or required to have such detail has agreed to pay the following rates of pay per employee therefore, namely:

A minimum of ~~$75.00~~$80.00 per hour, for patrol officers ~~($.75 per hour less for detail work performed for other City departments)~~, and $90.00 for priority details as determined by the Chief and/or their designee ($5.00 per hour less for detail work performed for other City departments), plus $4.00 per hour for Sergeants, plus $7.00 per hour for Lieutenants, and plus $10.00 per hour for Captains, when any of said superior officers (i.e. Sergeants, Lieutenants, and Captains) perform a detail in a supervisory capacity. Priority details shall include those events and activities that pose a substantial risk to public safety and factors involved in such classification shall include:

a) The uniqueness of the detail and the circumstances involved;

b) Location of the detail;
c) Safety features not common to non-priority details; and
d) Vehicle traffic flow and pedestrian flow at the detail site.

If the Chief and/or their designee classifies a detail as priority, eligible off-duty employees on the call-in list are required to select the priority detail first before any other detail on said list can be chosen.

A Sergeant shall be employed when three (3) or more ~~men~~ patrol officers are assigned to a given detail; a Lieutenant when six (6) or more officers are assigned to a given detail; and a Captain when twelve (12) or more officers are assigned to a given detail, with a guaranty of a minimum of four (4) hours' pay per detail for each employee so assigned; provided, however, that the applicable detail rate shall be increased by $1.00 hourly if an employee works from 12 o'clock Midnight to 8:00 A.M., and Sundays and Holidays; provided, however, that details performed on the following holidays shall be paid at time and one half the regular detail rate: New Year's Eve (after 5:00 P.M.), New Year's Day, July 4 (Independence Day), 5:00 P.M.), Thanksgiving Day, Christmas Eve and Christmas Day. Employees may not refuse overtime on these dates and work a paid detail. Employees may not refuse overtime on these dates and work a paid detail. …"

b. Detail rate changes shall be effective prospectively no sooner than 60 days after ratification by all parties.

c. **Section 12**: Revise Section 12 to read (language to be removed in ~~strikethrough~~, new language underlined in red and underlined):

"Overtime assignments shall take priority over detail assignments. In the event an employee works the overtime assignment, he shall not be charged with the detail hours offered. If the overtime assignment is unfilled when the overtime list is exhausted, employees who have not reported to an assigned detail shall be offered the overtime assignment, which shall take preference over the assigned detail in such case. If an overtime assignment cannot be filled from the overtime list, then employees working a paid detail can be reassigned to the overtime opportunity with the same number of hours as the detail, and shall not be charged with the detail hours involved. When an employee signs up for a detail, or is assigned a detail, and an overtime shift remains unfilled, the junior employee on that shift's detail list will be first assigned to overtime without right of refusal."

d. Insert a new Section 13 as follows:

"(a) All details that are requested and paid for directly by the City or a City department and that do not involve payment from an external entity, subject to the submission of all requisite paperwork, shall be paid within 21 days of the later of: (a) the receipt by Auditing of payment by journal entry for the detail from City department that procured the detail, or (b) the

officer's submission of a payment inquiry, on such forms as the City may prescribe for such purposes, after the passage of not less than six weeks after submission of the paperwork for such detail without payment.

(b). **Paid Detail Fund**. The City has established and maintains a special detail fund in accordance with the provisions of M.G.L. c. 44, Section 53C, into which all money received from police paid details is deposited, and from which paid detail money is paid to employees under the current system.

The City agrees, upon ratification by the union, to submit an appropriation request to the City Council in the aggregate sum of $50,000.00, which sum shall be deposited into the superior officers' detail fund, thereupon to pay superior officers for paid details within twenty-one (21) calendar days after a detail has been worked and the proper documentation therefore submitted.

The City shall continue to pay for details within the twenty-one (21) day period so long as money is available from the superior officers' detail fund and from paid detail receipts. Paid details worked for which there is no receipt of payment therefore from a vendor shall be paid from the detail fund in the order the City receives proper documentation submitted by employees for details worked.

Under no circumstances shall the City be required to pay for paid details worked out of City funds other than from moneys received from vendors and from said aggregate $50,000.00 appropriation.

Nothing in this Section shall obligate the City to appropriate further funds to the superior officers' detail fund, and the City shall continue to collect the administrative service fee from all details paid for by vendors."

4. **ARTICLE X, VACATIONS**

Revise Section 1 to read (language to be removed in ~~strikethrough~~, new language underlined in red and underlined):

"Up to ten years	Three (3) weeks
Beginning 10th year	Four (4) weeks
Beginning 15th year	Five (5) weeks
Beginning 20th year	Six (6) weeks
Beginning ~~30th~~ 25th year	Seven (7) weeks"

This new vacation schedule shall be effective January 1, 2025.

5. **EXHIBIT A - BODY WORN CAMERA POLICY REVISIONS**

Strike the existing Exhibit A (Body Worn Camera Policy) and replace with the revised Body Worn Camera Policy attached hereto as Exhibit A.

The Association will recommend a favorable ratification vote and the City will recommend a favorable funding vote to the City Council. The parties hereto execute this Memorandum of Agreement subject to the terms and conditions stated above, and subject to ratification and funding as outlined by M.G.L. c. 150E.

SOMERVILLE POLICE SUPERIOR OFFICERS ASSOCIATION

Michael Holland, President

Kevin Shackelford, Vice President

Eli Kim, Secretary

Scott Whalen, Treasurer

Date: 5/27/26

CITY OF SOMERVILLE

Jake Wilson, Mayor

Shumeane Benford, Chief of Police

Matthew Sirigu, Labor Counsel

Date: 5/27/26

Body Worn Camera Policy

Purpose

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.

Policy

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 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.

Objectives

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

i. 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).

ii. 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.

iii. To document crime and accident scenes, or other events that include the confiscation and documentation of evidence or contraband.

iv. To improve police accountability and aid in conducting internal investigations and making disciplinary decisions.

Procedures

1. Definitions

A. **Activate/Activation:** The act of starting a recording after powering on.

B. **Body Worn Camera (BWC):** An electronic device worn on a sworn member's body capable of capturing audio and video recordings.

C. **Contact(s):** An interaction with an individual initiated by a sworn member, whether consensual or nonconsensual, for the purpose of enforcing the law, responding to a call for service, or investigating possible violations of the law. Contacts do not include routine, non-investigative interactions with the public such as general foot patrols and police presence at public events.

D. **Deactivate/Deactivation:** The act of stopping a recording without powering off.

E. **Law Enforcement Purposes:** 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.

F. **Power Off:** The act of turning off the camera's power supply.

G. **Power On:** The act of turning on the camera's power supply.

H. **Recording(s):** Audio and video captured by BWCs.

I. **Sleep Mode:** The act of turning on the sleep mode function without powering off.

J. **Sensitive Locations:** public locations 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.

2. When and How to Use the Body Worn Camera

A. 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.

B. 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.

i. Whenever practical, officers should 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.

ii. 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.

C. Use in Private and Sensitive Locations

i. **Notice.** Upon entering a private residence or sensitive location without a no-knock warrant or in non-exigent circumstances, the officer shall notify occupants they are being audio and video recorded.

ii. **Residences.** 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 referenced in Section 2(C)(iii) 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 pursuant to Section 2(D) of this Policy. 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.

a. 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.

iii. **Sensitive Locations.** 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.

a. 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.

b. The officer must be able to articulate the reason for exercising the discretion outlined above. If an officer exercises their discretion to power off or place the body worn camera into sleep mode, the officer shall document this action pursuant to Section 2(D) of this Policy.

D. Use Narratives. 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 state the basis for interrupting or terminating the recording in a manner captured by the recording prior to interrupting or terminating the recording.

E. BWC Placement. 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.

F. Authorized BWCs. Police personnel shall use only body worn cameras issued by the Somerville Police Department.

G. Training. 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.

i. 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 (e.g. COHR) in an effort to promote and maintain law enforcement best practices.

3. Restrictions on the Use of Body Worn Cameras

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

i. Communications with other police personnel without the permission of the chief of police or his/her designee;

ii. When on break or otherwise engaged in personal activities;

iii. Encounters with undercover officers or confidential informants;

iv. Persons, events, or conversations without the knowledge of those involved (no surreptitious recordings).

v. 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.

vi. 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.

a. Exception. Officers may record a crowd control incident the officer reasonably believes may result in 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.

b. Exception. 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.

B. 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:

i. be used to create a database of photos;

ii. be used as fillers in photo arrays; or

iii. be searched using facial recognition software.

4. Internal Police Department Access and Review

A. 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 and logged pursuant to Section 6(D), below. Officers may only access, copy, or release Body Worn Camera footage for official law enforcement purposes, in the following circumstances:

i. 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.

ii. Except as modified in Section 4(A)(iv) of this Policy, before 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.

iii. 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.

iv. Officer-involved death, serious injury, or other use of deadly force.

a. 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 subsection (b) and (c) below or as otherwise stated in this policy.

b. 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.

c. 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.

d. 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 Section 5(A)(ii) above.

B. Restrictions on Internal Access. Officers shall not:

i. access body worn camera footage for non-law enforcement purposes;

ii. use a camera or other recording device to make a copy of a body worn camera recording for any purpose; or

iii. 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.

5. External Access

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.

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.

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. Storage

A. **Data Security.** 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 described in paragraph 6(D), below.

B. **Docking.** 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 pursuant to paragraph 6(A), above.

C. **Custody.** 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.

D. **Access Log.** All requests for and 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.

E. **Retention.** 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. Body worn camera footage or recordings shall not be deleted/destroyed while any related investigation or litigation (including appeals) is open, ongoing, or pending.

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

1. Schedule I - Indefinite Retention

1.1. Death Investigation

1.2. Use of Deadly Force

1.3. Motor Vehicle Accident - Fatal

1.4. Sexual Assault/Abused Person

2. Schedule II - 7 Year Retention

2.1. Use of Force

2.2. Arrest

2.3. Felony – No Arrest

2.4. Motor Vehicle Accident – Hit and Run/Personal Injury

2.5. Incidents that result in employee disciplinary matters

3. Schedule III - 3 Year Retention
   - 3.1. Misdemeanor – No Arrest
   - 3.2. Motor Vehicle Accident – Property Damage
   - 3.3. Investigate Person
   - 3.4. Investigate Premise
   - 3.5. Significant Event – Public Safety
4. Schedule IV – 1 Year Retention
   - 4.1. Traffic Stop
   - 4.2. Encounter/Field Interview Observation (FIO)
   - 4.3. Sick Assist
5. Schedule V – 6 months
   - 5.1. No Report - Dispatch / On Site
6. Schedule VI – 30 Day Retention
   - 6.1. Test/Training

B. Officer and/or Union Involved Litigation: Recordings relevant to the following proceedings are to be retained until final disposition of any of the following actions:

i. Arbitration

ii. Administrative Agency investigations or litigation

iii. Civil suits

iv. Criminal investigations, charges or court actions

7. Supervisory Responsibilities

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

B. 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.