

# BODY-WORN CAMERAS

POLICY & PROCEDURE NO. <b>4.62</b>	ISSUE DATE: 12/08/2022
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## I. GENERAL CONSIDERATIONS AND GUIDELINES

The use of a body-worn camera (BWC) system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct and maintains public confidence in the police force. The goal of this department's body-worn camera program is to ensure that audio visual recordings provide as true and accurate a depiction of events as is reasonably possible, in order to provide the best possible evidence and documentation of events.

In many cases, accurate and reliable recordings can help defend officers and the department against false accusations and unjustified litigation. The use of these cameras can also give officers added protection against false accusations of police misconduct during interactions with the public.

In instances where an officer is injured or killed, investigating officers can review the recording and, through video forensics, clarify and identify evidence that can lead investigators to specific persons or vehicles. The chance of apprehending offenders in these instances is dramatically improved and can save hundreds of hours of investigative time.

The purpose of this policy is to provide officers with guidelines for the use, management, storage, and retrieval of video media recorded by body-worn/in-car camera systems.

## II. POLICY

It is the policy of this police department that:

- A. Body-worn cameras will be used to record public interactions, motor vehicle stops, pursuits and police responses involving criminal and civil violations of the law, as well as when an officer believes, in his/her best judgment any situation, condition or event has the potential for loss of life, injury or damage to property or chance of citizen complaint.
- B. Video recordings will be retained pursuant to records retention standards set forth by the Secretary of the Commonwealth, and made available for court and other legal or administrative proceedings.

### **III. DEFINITIONS**

- A. *Recorded media*: Refers to audio-video signals recorded on any of several storage devices or other portable digital storage devices (CD, DVD, hard drive, etc.) or retained in a cloud-based storage system.
- B. *BWC: Body-Worn Camera*.
- C. *BWC Manager*: An employee assigned by the Chief of Police to oversee the operational use of and coordinate maintenance of body-worn/in-car camera systems, media duplication, storage and retrieval, and procedures.

### **IV. PROCEDURES**

#### ***A. Duties and Responsibilities***

- 1. OFFICERS' RESPONSIBILITIES
  - a. The inspection and general maintenance of BWC equipment.
  - b. BWC equipment shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies.
  - c. Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the BWC is performing in accordance with the manufacturer's recommendations covering the following matters:
    - 1) Camera Lens:
      - a) Lens is clean and free of debris; and
      - b) Camera facing intended direction.
    - 2) Malfunctions, damage or theft of BWC equipment shall be reported to the officer's immediate supervisor prior to placing the unit into service. A subsequent written report shall include information on the suspected cause(s) of equipment failure and any recommendations for corrective action.

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- d. Officers may review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.
  - e. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, departmental accidents), a supervisor or the officer in charge shall respond to the scene and ensure that:
    - 1) The BWC is secured;
    - 1) The recorded media is downloaded properly; and
    - 2) Copies of the media or access are provided to authorized investigative personnel.
  - f. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that the BWC Manager is advised in a timely manner.
  - g. Supervisors shall conduct ***periodic reviews*** of officer-assigned media in order to:
    - 1) Assess officer performance and compliance ***with this policy***;
    - 2) Assure proper functioning of BWC equipment;
    - 3) Determine if BWC equipment is being operated properly; and
    - 4) Identify recordings that may be appropriate for training.
  - h. Supervisors shall conduct bi-weekly reviews of personnel who have newly assigned BWC equipment in order to ensure compliance with departmental policy. Supervisors shall, thereafter, conduct quarterly reviews.
  - i. Minor infractions (not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken.
  - j. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals.
  - k. Unless an individual declines to be recorded as described in j., the BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.

- l. Officers should keep in mind that consent to record another person is not needed in public, such as a traffic stop, at a business, outside of a home, or even inside of a home where a person does not have an expectation of privacy, such as a guest.
  - m. In the event someone who is in public requests not to be recorded, they should be informed that while they are in public, consent is not needed.
  - n. Examples of situations where someone may revoke consent to record may be matters such as civil complaints (ex. Landlord/tenant disputes, other civil matters). If an arrest or search is possible, a recording will be made.
2. BWC MANAGER
- a. The BWC Manager shall be responsible for the ordering, issuance, retrieval, storage, and duplication of all recorded media or for the management of cloud-based storage systems.
  - b. The BWC Manager shall ensure that adequate cloud-based storage is available for use.
  - c. The BWC Manager shall be responsible for managing cloud-based storage systems.
  - d. Recorded footage may only be erased/deleted:
    - 1) Pursuant to a court order; or
    - 2) In accordance with established retention guidelines.
    - 3) The BWC Manager shall be responsible for cloud-based retention of footage deemed to be of evidentiary value consistent with the department's evidence storage protocols and retention schedule; and

### ***B. Recording***

1. MANDATORY RECORDING: Officers assigned to BWC equipment will activate the same to record the following:
  - a. Traffic stops (to include, but not be limited to, traffic violations, stranded motorist assistance and all crime interdiction stops);
  - b. Pedestrian stops (including officer-initiated consensual encounters)
  - c. Vehicle pursuits;
  - d. Prisoner transports;
  - e. Crimes in progress;
  - f. Calls for service;
  - g. Searches;

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- h. Arrests;
  - i. Uses of force;
  - j. Witness and victim interviews;
  - k. Crowd management and;
  - l. Other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later review.
2. STOPPING OF RECORDING DURING AN INCIDENT: When the BWC is activated to record an event, it shall not be deactivated until the event has been concluded unless:
- a. The incident or event is of such duration that the BWC may be deactivated to conserve recording times;
  - b. The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and
  - c. The intention to stop the recording has been noted by the officer either verbally or in a written notation.
3. USE OF BODY-WORN CAMERA
- a. Operation
    - 1) All patrol officers shall be trained to have a working knowledge of the system. It shall be the individual's responsibility to activate the recorder every time [s]he records an incident or event.
    - 2) With the exception of police radios, officers shall ensure that the volume from other electronic devices does not interfere with BWC recordings.
    - 3) Officers shall activate their BWC when responding in a support capacity in order to obtain additional perspectives of the incident scene.
    - 4) Officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.
    - 5) If reasonably possible, upon initial contact with any person that may be subject to enforcement action or an investigation, that person should be informed affirmatively that they are being recorded.
    - 6) There must never be attempts to hide, cover, or conceal a body camera, and officers should be cognizant that outer wear such as rain or winter jackets may inadvertently conceal the camera.

- 7) At the end of the shift, officers assigned to BWC's shall discuss with their Supervisor anything recorded by the camera that could be considered "critical evidence."
- 8) If an officer fails to activate BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why recording was not made, was interrupted, or was terminated.
- 9) Officers shall not copy, modify, edit, alter, erase or otherwise modify in any manner BWC recordings, except as authorized by law or Department policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action.
- 10) Officers shall not change, alter or make repairs of any kind to BWC device, all repairs will be conducted with approval of the Chief of Police.
- 11) Body-worn camera equipment shall only be used in conjunction with official law enforcement and investigative activities involving members of the public. Body-worn cameras shall not be used to record Departmental personnel during briefings, meetings, roll calls or while in private areas such as locker rooms or restrooms.

### ***C. Media***

#### **1. USE OF CLOUD-BASED STORAGE**

- a. Body-worn cameras using cloud-based storage will be uploaded at least once for every shift worked.
- b. BWC recordings may be marked with corresponding identifying labels. The following labels may be used:
  - 1) Arrests;
  - 2) Criminal complaint;
  - 3) Physical or verbal confrontations;
  - 4) Motor vehicle stop;
  - 5) Searches;
  - 6) Public interaction;
  - 7) All prisoner transports and;
  - 8) Test.
- c. Access to footage via cloud-based storage is authorized to individual users for the sole purpose of review prior to completing

written reports in order to provide for the most accurate statement of events.

- d. Access to footage via cloud-based storage for purposes of review, training, administration, internal affairs, records retention, public records dissemination or other purposes shall be limited to ranking officers and the BMC Manager.

## 2. RETENTION

- a. Footage containing evidentiary material for criminal cases shall be retained in accordance with policy dealing with evidence. See the department policy regarding ***Evidence and Property Control***.
- b. Footage which is not considered criminal evidence shall be stored for at least (3) three years.
- c. All footage tagged with Test will be deleted in (30) thirty days

## 3. MEDIA DUPLICATION

- a. All recording media, recorded images and audio recordings are the property of this Department. Dissemination outside of the agency is strictly prohibited without specific written authorization of the chief of police or his or her designee.
- b. Distribution of media to the public will be conducted by the chief of police. Recorded footage will be distributed carefully due to the highly sensitive nature of some of the recordings.
- c. Distribution of cloud-based media shall utilize tracking and audit features to ensure a record of each distribution for discovery or other lawful purpose.

### ***D. Equipment Issue***

1. All BWC equipment will be issued to individual officers. Bank docking stations will be available at the station. Individual charging cords will also be available.
  - a. Officers may elect to leave the BWC in the station docking system when not on duty. In this case the BWC will be already be uploaded and charged when the officer begins a shift.
  - b. Officers who may be called upon to respond from home, such as investigators or K-9 officers, may elect to retain and charge their BWC at home. In these cases, the BWC must be placed in the docking station at least once per shift worked and the upload process be allowed to complete before the BWC is placed back in service.

2. The placement and operation of the BWC shall be based on officer safety requirements. The BWC should be affixed on the front of the officer on the outer-most garment.

### ***E. Periodic Review Protocol***

As described in Paragraph A, sec 3., subsection g. periodic reviews will be conducted to ensure compliance with this policy, and will be conducted as follows;

1. Different officers will be chosen for each periodic review, by their direct supervisor.
2. The reviewer will locate a call in the log at random where there should be an associated recording.
3. The reviewer will confirm that where it is reasonable, the officer informs parties that they are being recorded.
4. The reviewer will review the call in its entirety ensuring the call is completely recorded.