

**Bay St. Louis Police Department
Law Enforcement
Policies and Procedures**

Subject: In Car Video systems and Body Worn Cameras	Policy Number: 6.26
Issue Date: 1 October 2010	Revision Dates: 14 June 2013, 6 May 2015, 13 May 2015.
Approval Authority Title and Signature:	<i>Michael J. De Nardo, Chief of Police</i>

POLICY AND SCOPE:

The video systems are designed to assist and compliment officers in the performance of their duties. The recording systems are used to record certain duty related activities, thereby creating a visual and/or audio record of the incident as a supplement to the officer's report.

PURPOSE:

It is the purpose of this policy to provide officers guidelines for the use of recording systems. This policy is not intended to describe every possible situation where the system may be used; however, there are many situations where the uses of the recording systems are recommended and some required.

DEFINITION:

Video Camera: This policy refers to all video recording cameras permanently installed in marked police vehicles by the Bay St. Louis Police Department. Video recording systems shall be installed in marked police vehicles only under authorization of the Chief of Police. Only authorized systems shall be allowed for usage in any departmental vehicle.

Body Worn Cameras: referred to by (BWC) This policy refers to all body worn cameras issued to officers for use. Body worn cameras shall be issued to officers under the authorization of the Chief. Only departmental issued body worn cameras shall be authorized for wear.

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Video Custodian: Refers to the officer assigned and responsible for the management, of all video recording devices used by this agency. He/she shall ensure all systems are serviceable, being properly utilized, and all uploading of recordings are accomplished as set in this policy.

TRAINING:

No employee of the police department shall be authorized or issued a in-car video system or Body Worn Cameras until they have completed the required training given by the Video Custodian or qualified designated person.

Authorized use:

The video/camera systems shall be utilized for official business only. No employee of the police department shall use or allow any other person to use the video/camera systems for personal business. Employees shall not video/record any inappropriate material, on any of the recording systems.

PROCEDURE FOR IN –CAR SYSTEMS

1. Camera Systems shall be operated and maintained according to the manufacturers' guidelines.
2. Prior to the beginning of each shift, officers shall determine if their camera equipment is working properly and report any problems immediately to their Watch Commander.
3. At the beginning of each shift, Shift Supervisors shall check each units data card assigned to his/her watch. The Shift Commander shall ensure that the data card is properly installed and the device is locked.
4. The Video camera will automatically activate when the overhead emergency lights are in operation.
5. Recordings shall be made of all traffic stops, pursuits, responses to emergency calls for service, and any other incidents requiring the activation of lights and siren for emergency response.
6. All prisoner transports shall be recorded.
7. Field interviews shall be recorded when the interview is within the proximity and scope of the recording device.
8. Officers are not limited to the circumstances listed above. They may record any event which they deem necessary based upon the nature of the event and the capabilities of the recording system.

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9. Officers are under no legal obligation to inform persons involved in the incident that they are being recorded. The decision to inform this person is left to the discretion of the officer.
10. Video systems shall be used to record events in sequential order until the end of the data card capacity or until it is determined that the data card should be secured for evidentiary purposes. Date and time functions shall be utilized for documentation purposes.
11. No one shall alter recordings in any manner. Data cards may be erased only after they have been properly transferred to the permanent archives file.
12. Videos will be transferred to the permanent archives file by the video Custodian..
13. Video tapes may be erased by the Video Custodian only after transferring all recorded events to the archives file.
14. The archives file will be properly marked and maintained by the Video Custodian.
15. Data cards shall stay locked in the recording device until fully used.
16. Once data cards have been fully utilized for recording purposes, the Shift Supervisor shall mark and forward each data card to the Video Custodian. A new data card will be re-installed by the Shift Supervisor on duty.
17. Video's immediately removed from the data card, due to the nature of the event, shall be marked as evidence and forwarded to the Video Custodian. A new data card shall be re-installed in the patrol vehicle by the Shift Supervisor.
18. Disciplinary action will result (as per in the Bay St Louis City Employee Handbook)in the event any officer fails to utilize recording devices for traffic stops or other contacts with violators, suspects or civilians where the officer encounters or is likely to encounter antagonistic, aggressive, argumentative, unreceptive or hostile behavior.

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PROCEDURE FOR BODY WORN CAMERAS:

1. Prior to issuing body worn cameras to assigned shift officers, the shift supervisor shall ensure the camera is properly charged, and all data from the prior user has been properly uploaded into the departments server/files.
2. Officers will be issued a body worn camera by the shift supervisor.
3. Officers will test the BWC system operation according to their training at the start of each shift. The test shall include:
 - a. That the camera/recording device is functional.
 - b. Verifying the device has an adequate power source.
 - c. Ensuring the device is placed/affixed for optimal use.
 - d. BWC shall be worn on the uniform shirt between the first and second button from the top, attached to the front shirt pocket.
 - e. At the end of shift the BWC will be secured in the bank charger located in the Patrol Sergeants office, were it will be automatically uploaded and recharged.
 - f. If at any time the BWC is found to not be functioning properly, it is to be removed from service by the shift supervisor and turned over to the Video Custodian as soon as possible.
 - g. Shift supervisors are responsible to ensure officers return their BWC at the end of each shift.

The following personnel SHALL be a permanently issued a BWC with charger: Chief of Police, All Lieutenants, Investigators, Narcotics officers. These personnel SHALL follow the same rules covered by this policy, with the exception of turning the BWC in after working hours. If the officer goes on vacation or any extended time off they SHALL return the BWC to the Video Custodian. The video custodian shall inspect their BWC's monthly to ensure proper utilization, and procedure if being followed.

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UPLOADING, STORAGE, AND RETENTION OF RECORDINGS:

Any BWC recorded incident SHALL be documented in the associated departmental report, i.e. incident reports, accident reports, on traffic citations, that are the sole documentation. Officer shall note time date and number of recording on the BWC. This information can be obtained by scrolling thru the BWC's library.

Uploading of a BWC will be done in accordance with the manufactures specifications and departmental training. BWC shall be stored in a departmental designated secure location, including but not limited to:

- a. An approved web based server that is maintained by the City of Bay St. Louis police Department or an approved outside vendor.
- b. An approved, on-site City of Bay St. Louis server, (with access only to authorized police personnel).
- c. Physical storage media such as CD's, DVD's, or other digital storage devices.

All BWC recordings will be logged as evidence following agency policy and training. BWC recordings that are associated with a departmental report number that are unloaded directly into a server will have a property/evidence entry made into the Report Management System (RMS) as if it was physical evidence.

All BWC recordings shall be uploaded at the end of an officer's shift or when critical to an investigation. If there is a circumstance when this cannot be accomplished, a supervisor shall be notified and approval given.

ACTIVATION OF THE BWC:

Once activated the BWC, with some exceptions, shall remain on and not be turned off until the initial incident that caused the activation has concluded. For purpose of this section, conclusion of the incident occurs when the gathering of evidence or exchange of communication related police enforcement activities are concluded. It is understood that not all incidents will clearly start out as needing documentation by a BWC recording or having a clear ending when the BWC is no longer needed. Officers will be expected to use discretion and common sense when activating and deactivating the BWC.

No citizen, suspect, of any public official shall order an officer to turn their BWC off. Exception to this will be the Chief of police or Investigator conducting interviews .

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REQUIRED ACTIVATION OF THE BWC:

This policy is not intended to describe every possible situation in which the BWC system may be used. In addition to the required situation, an officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the BWC. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the BWC. The activation of the BWC system is required in any of the following situations:

- A. All field contacts involving actual or potential criminal conduct within video or audio range:
 1. Traffic stops to include, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops. If the circumstances of the traffic stop indicate the BWC is no longer needed, then it is the officer's discretion to end the recording and they shall document in a initial police report the reason why.
 2. Priority responses.
 3. Authorized vehicle pursuits.
 4. Suspicious person/vehicle contacts.
 5. Arrests
 6. Vehicle searches
 7. Physical or verbal confrontations or use of force.
 8. Domestic Violence calls.
 9. Driving while impaired including field sobriety maneuvers.
 10. Any call for service involving a crime where the recorder would clearly aid in the apprehension and/or prosecution of a suspect.
- b. Any self-initiated activity in which an officer would normally notify the Central Dispatch Center and a BWC recording would be useful.
- c. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

TYPES OF PROHIBITED RECORDINGS:

- a. Conversations with confidential informants and under cover officers to protect confidentiality and officer safety.
- b. Places where a reasonable expectation of privacy exists, (e.g. bathrooms, locker rooms)

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- c. Strip searches conducted by a authorized officer at a correctional facility or law enforcement facility.
- d. Conservation with other agency personnel that involve case tactics or strategy.
- e. General conversations between employees of this agency, unless authorized by the Chief of Police.

CESSATION OF RECORDING:

If there is a break in the recording of a case related incident, the officer report shall explain why that break occurred on the recording or in an associated report.

Examples of such breaks include but not limited to:

- a. There is a malfunction to or accidental deactivation of the device.
- b. There is personnel information being shared that is not case sensitive, such as victim family information /discussion, protected personnel information, or personal medical information. In practice, BWC recordings should not be used in a medical facility unless there is an obvious need to document evidence, actions, or potential accountability issues.
- c. The officer is placed on a related assignment that has no investigative purpose such as a scene security post, scene processing, traffic post, etc. Recording may cease if an officer is simply waiting for the arrival of a tow truck, taxi, family member or other similar non-confrontation, non evidentiary situation.
- d. There is a long break in the incident/contact such as an interruption related to police action that is not evidentiary in nature or unrelated to the incident.
- e. There is activity such as transport or change of venue where there is no incident related police activity occurring.
- f. There is recognition by the officer that the contact no longer creates potential evidentiary or mutual accountability issues.
- g. Once an event has been stabilized, if it is necessary to discuss issues surrounding the investigation with a supervisor or another officer in private, operators may turn off their BWC system. The operator shall break contact with any citizen if they plan on intentionally turning off the BWC and there is a likelihood that evidence or mutual accountability documentation still exists. This includes discussions between Field Training Officers with officers in training that are specific to training issues.
- h. If a request is made for a BWC to be turned off by a party being contacted, the officer shall take into account the overall circumstances, and what is the most beneficial to all involved, before deciding to honor the request. For example, an officer may choose to turn off the BWC device if its operation is inhibiting a victim or witness from giving a statement. It is up to the officer to make the determination as to what is best for the investigation or contact.

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CLASSIFICATION AND RETENTION OF RECORDINGS:

When an officer has stopped the video device the officer shall classify the recording. These classifications will serve to assist in locating the recording and each classification will have an established retention time. Any video recording in any classification can be changed to another classification or have its retention status changed for the benefit of an investigation or organizational needs.

Classifications, descriptions and retention are as follows:

- (a) **NON-EVENT-** A miscellaneous activation of the Video system which does not meet the requirements of any other classification. **Retention period will be seven (7) days.**
- (b) **INCIDENT-ONLY- Activation** of the video system where there may be some liability or possibility of a complaint or future action. Examples may include moving items from roadways, motorists-assists, traffic control, general citizen complaints, and citizen's contacts, in which there was a violation of the law but the officer has chosen to issue a verbal or written warning. These recordings should be available for a period of time to address any complaints or issues that could be resolved by reviewing the recording. **Retention period will be thirty (30) days.**
- (c) **TRAFFIC-** Traffic stops involving a citizen, vehicle, bicycle, golf cart, pedestrian etc. where the officer issues a citation into Municipal Court or County Court for traffic related offenses. **Retention period will be one hundred and eighty (180) days.**
- (d) **CASE REPORT-** Anytime a video recording of evidentiary value has been made during an investigation and a case report has been generated. **These recordings are subject to general policy and procedures regarding the retention of case evidence.**
- (e) **RESTRICTED-** Any video recording that documents an incident which is deemed sensitive in nature, whether evidentiary or mutual accountability in nature can have access restricted to select individuals. This status would be deemed necessary by a supervisor and entered by the video custodian. Examples could include cases involving use of force resulting in a Internal affairs Investigation, officer involved shootings, allegations of criminal actions by an officer or by a citizen with the officer as the victim, and investigations alleging misconduct. Access to a restricted Video Shall be approved by the Chief of Police or his/her designee.

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WHEN ACTIVATION IS NOT REQUIRED:

Activation of the BWC system is not required during break, lunch periods, When not in service, or when the officer is otherwise involved in administrative or non-enforcement duties.

No member of this agency SHALL surreptitiously record a conversation of any other member of this agency without written consent from the Chief of Police, this is to include any criminal or internal investigation, or as an administrative function.

REVIEW OF BWC RECORDINGS:

All recording media, recorded images and audio recordings are the property of the Bay St. Louis Police Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by policy or law. (i.e. Subpoena attorney, court order or Federal Subpoena.) those requests shall be directed to the City Attorney. To prevent damage or alteration of the original recorded media; it shall not be copied, viewed or otherwise inserted into any device not approved by this agency BWC administrator or Chief of Police.

Recordings may be reviewed in any of the following situations:

- a. For use when preparing reports, statements, or for court testimony. The exception to an officer reviewing a BWC recording for the purpose of completing a report is if the incident falls under the Officer-Involved Incident as developed in conjunction with the Office of the District Attorney.
- b. By a supervisor investigating a specific act of officer conduct.
- c. By a supervisor to assess officer performance.
- d. To assess proper functioning of BWC systems.
- e. By an investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.
- f. An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment, unless restricted at the time of request.
- g. By court personnel through proper process or with permission of the Chief of Police.
- h. Public release of BWC video recordings will be in accordance with current departmental evidence release policies. Release may also occur at the direction of the Chief of Police.

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- i. Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Chief of Police to determine if the training value outweighs the officer's objection. Any officer with a BWC that are on the scene of a critical incident, but are not a subject or witness officer, will complete police reports and notify the Criminal Investigation Division that they have video that may be pertinent to their investigation.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any citizen, victim, and employee.

The Chief of Police and Video Custodian shall review recordings from in-car and BWC systems for:

- a. Ensure proper procedure is being followed.
- b. Classification and retention of recordings are followed.
- c. Monitor conduct and performance of officers
- d. Identifying and correcting any internal agency problems.
- e. Identifying any exceptional performance of officers.

SECURITY OF VIDEO/AUDIO TAPE RECORDINGS:

1. Archives are to be retained until all cases and processes of the legal system have been exhausted for every event recorded on the tape or disk. The Evidence Custodian will check the status of the incidents on an annual basis and determine which archived media may be destroyed or erased for re-use. This annual status report shall be forwarded to the Chief of Police. Archived media are to be destroyed or erased only by order of the Chief of Police.
2. All tapes, disks, media, archives and the documents, files and images contained on them are the property of the Bay St. Louis Police Department. Duplicate copies may be made only:
 - h. in response to a Motion for Discovery filed by a defendant or defense attorney;
 - i. with the permission or order of the Chief of Police
 - j. as part of an internal affairs investigation
 - k. for training purposes after all legal proceedings have been concluded
3. The viewing of video recordings is limited to law enforcement and court personnel, and only as necessary in furtherance of the criminal justice process. Any other viewing shall be only with the approval of the Chief of Police.

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DOCUMENTATION:

In no way is a BW meant to replace a written report if one is called for. Officers are still responsible for completing a thorough report in the same manner they would if they did not have a BWC recording. If an officer is on a call where their role would not normally call for a report, but the BWC was activated, they will still make a supplemental report if a case number was issued for evidentiary entry purposes. Otherwise they will follow retention protocols previously outlined.

TRAINING AND SUPERVISORY RESPONSIBILITIES:

Users of the BWC systems and supervisors shall be trained on the proper use of the system and shall become familiar with this policy prior to deployment of the BWC device.

Supervisors shall ensure that BWC units are assigned to their officers are in working order and the officer using the BWC has been properly trained.

Supervisors will monitor and verify that their officers are properly using the BWC units as required by departmental policy and training. This includes proper categorizing and logging of evidence.

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2 July 2015

To: Departmental personnel
From: Chief De Nardo
Re: Temporary revision of Policy 6:26; In car video systems and body worn cameras

The following is a temporary revision to the Video systems and Body Worn Cameras policy.

Change: Entire page 4 Procedures for body worn cameras is to be changed temporarily to read as follows;

1. Officers are issued individual BWC'S they are responsible for the proper care and use of item.
2. Officers shall ensure they are fully charged, and operating properly prior to beginning of their shift.
3. Officers shall ensure they download their BWC prior to end of shift.
4. Supervisors shall ensure the listed procedure is accomplished.
5. The location on the officer of the BWC shall be the officers discretion , but shall be worn were it will properly function.
6. The BWC **SHALL** be worn by officers in this department for patrol whenever they are in uniform, and investigations while at work or on a call out. (This means details, classes, court, etc)

Again this is a temporary change pending the receiving of the bank charger and additional BWC's.