

Law Enforcement Policies and Procedures, 5.07 Body-Worn Cameras

recording memory or malfunctioning body-worn camera systems to their immediate supervisor.

When there is fifteen (15) minutes or less of recording memory remaining on the body-worn camera it will display a flashing yellow light and vibrate once every five seconds. It should be downloaded immediately.

When there is fifteen (15) percent or less of battery life remaining the body-worn camera will display a flashing blue light and vibrate twice every five seconds. The device should be recharged immediately.

Body-worn cameras and equipment should be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned. Non-functioning body-worn camera systems shall not be placed into service and the supervisor shall immediately report the equipment malfunction in writing to the Master System Administrator.

In the event that a body-worn camera is lost or damaged, upon discovery, the officer shall immediately notify his/her supervisor.

Officers shall wear body-worn cameras in a position designed to produce an effective recording.

Officers shall not use personally-owned body-worn cameras while on duty.

Operation of Body-Worn Cameras

Except where otherwise indicated in this policy, officers shall activate their body-worn cameras to record all contacts with citizens while in the performance of their official duties. Activation of the body-worn camera is required in all field contacts involving actual or potential criminal conduct within video and audio or audio range including:

1. Traffic stops, to include but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops;
2. Emergency responses;
3. Pursuits;

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4. Suspicious vehicles;
5. Arrests and transports;
6. Vehicle searches;
7. Consent to Search;
8. Physical or verbal confrontations or response to resistance;
9. Pedestrian checks/Terry stops;
10. DUI investigations including field sobriety tests;
11. Domestic violence calls;
12. Statements made by individuals in the course of an investigation or complaint;
13. Advisements of Miranda Rights;
14. Seizure of evidence;
15. High risk warrants;
16. All calls for service;
17. When placing arrestees or prisoners in or removing them from a transport vehicle; and
18. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Personnel assigned to divisions other than Patrol or Traffic shall utilize body-worn cameras while serving high-risk arrest warrants, executing search warrants and/or conducting searches with consent, or whenever performing job tasks normally carried out by Patrol Division or Traffic Division personnel.

Unless the interaction with a citizen is part of an undercover assignment, whenever possible, officers should inform individuals at the earliest opportunity that they are being recorded. Officers have no obligation to stop recording in response to a citizen's request

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if the recording is pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is advisable.

Whenever possible, officers should request on-camera consent from victims or witnesses prior to being interviewed on video. If the victim or witness refuses to give consent to video recording, and the visual appearance of the victim or witness is not required for evidence, the officer should position the victim or witness in such a way relative to the camera that the camera captures only audio, not video, recordings of the person making the statement. This should be documented in the officer's written report.

Deactivation of the body-worn camera shall occur when:

1. The event has concluded;
2. Victim and/or witness contact has concluded;
3. All persons stopped have been released; and,
4. Once an arrestee has been placed into a vehicle to be transported to a detention facility.

Whenever an officer obtains a video and audio statement, the fact that the statement was recorded will be noted in his/her incident report. A video and audio statement is not a replacement for a written or tape-recorded statement. If an officer fails to activate a body-worn camera, or fails to record the entire contact, the officer shall document in their written report the reasons for doing so.

Officers shall not be required to activate body-worn cameras when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative, minister, etc.).

Officers shall not edit, alter, duplicate, copy, share, or otherwise distribute in any manner body-worn camera images and information without the prior written approval of the Chief or the Chief's designee. Officers are not authorized to make copies of any recordings for their personal use and are prohibited from using a recording device (such as a phone camera or secondary video and audio camera) to record media from the server.

Body-worn cameras shall not be used to record:

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1. Communications with other police personnel;
2. Encounters with undercover officers or informants, unless the recording is conducted specifically for the purpose of documenting a sting, drug purchase/sale, or other undercover operation in furtherance of a criminal investigation;
3. When an officer is on break or is otherwise engaged in personal activities;
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room, unless as a part of their official police duties;
5. A patient during a medical or psychological evaluation by a clinician or similar professional, or during treatment. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect;
6. Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility; and,
7. Inside a courtroom, unless prior approval is given by the presiding judge.

To respect the dignity of others, officers will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed.

Prior to deactivating the camera, the officer must announce that the incident has concluded and that the recording will now cease.

In the event of an officer-involved shooting, the officer's supervisor must take immediate possession of the officer's camera for evidence preservation purposes and chain of custody.

Handling of Digital Multimedia Evidence (DME)

All data files from body-worn cameras shall be securely downloaded as needed. Each file shall contain information related to the date, body-worn camera identifier, and assigned officer.

Digital media evidence files will be stored on two servers, one at the police station and another at an off-site facility. Access to both servers is password protected. Only

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supervisors shall have access to footage stored on the server. Officers who need video footage of incidents must have their supervisor download the video to a DVD. That DVD must be placed in the case file and an Evidence Supplement Form completed documenting the chain of custody.

All files from body-worn cameras shall be securely stored in accordance with state records retention laws at a minimum and for such periods as necessary for purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim, pending litigation, or disciplinary investigation. In capital punishment prosecutions, files shall be kept until the alleged offender is no longer under control of a criminal justice agency.

It is not the intent of the Department to review DME for the purpose of general performance review, for routine preparation of performance reports or evaluation, or to discover policy violations. Supervisors and Internal Affairs personnel may access DME for the following reasons:

- 1. When a supervisor needs to investigate a complaint against an officer for a specific incident in which the officer was involved;
- 2. When a supervisor needs to identify videos for training purposes and for instructional use;
- 3. When officers are still in a probationary period or are with a Field Training Officer;
- 4. When officers have had a pattern of allegations of abuse or misconduct;
- 5. When officers have agreed to a more intensive review as a condition of continued employment; and
- 6. When an officer has been identified through an early intervention system.

The Internal Affairs Division shall periodically conduct a random audit of recorded digital media to monitor compliance with departmental policies.

In the event of an unintentional activation of body-worn camera equipment during non-enforcement or non-investigative activities (e.g. in the restroom, during a meal break, or in other areas where reasonable expectation of employee privacy exists), officers may request a recording deletion. A written request detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the officer's

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appropriate supervisor. If approved, the actual deletion requires two-party authorization. One of those parties will be the officer's Major Work Unit commander and the other will be the MSA. Only the MSA shall facilitate the actual removal of any recording approved for deletion. Records related to a request for the deletion of recordings shall be maintained by the MSA. Under no circumstances shall any employee of the police department delete a recording.

Recordings from body-worn cameras may be shown for training purposes upon completion of a criminal case. All such use shall be pursuant to the written authority of the Chief of Police.

Non-Department personnel shall not be allowed to review the recordings unless pursuant to written consent of the Chief.

Retention and Destruction of Digital Media Evidence

The retention and destruction of DME shall be pursuant to state public records retention laws: For media that contains evidentiary footage, the retention times are as follows:

- 1. Traffic enforcement cases: three years;
- 2. Misdemeanor cases: five years;
- 3. Felony cases: twenty-five years; and,
- 4. Felony cases without statute of limitations: seventy-five years.

In addition, footage related to Internal Affairs complaints must be stored in accordance with departmental policy regarding retention of Internal Affairs files.

Digital media that does not contain footage of evidentiary value is not required to be retained for more than 60 days, unless otherwise required by law.

All stored DME is subject to release in accordance with the state public records retention laws.

Release of Digital Media

Digital media collected by body-worn cameras that contain evidentiary footage being used in an on-going investigation or court proceeding shall not be released to non-law enforcement entities without an order from a court of competent jurisdiction.

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The Master System Administrator will ensure that identities of persons not involved in an incident being recorded are pixilated or otherwise obscured to prevent unintentional disclosure. Identities of persons who have been identified to be juveniles under the age of eighteen will be obscured regardless of their involvement.

Any open record request for DME will be received by the Legal Department prior to release. If there is any question as to whether the information sought is exempt pursuant to MS Code 25-61-12, the request will be denied and the requesting party may proceed pursuant to MS Code 25-61-13.

No one is authorized to access recorded data for personal use. Uploading digital media onto public and/or social media websites is strictly forbidden and persons who do so will be subject to disciplinary actions, up to and including termination.

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