

## CHAPTER 129 Body Worn Camera

Discussion: As a result of media and political influence and portrayal of general police encounters the use of body cameras has become more prevalent. The Hattiesburg Police Department makes available to its officers body worn cameras in order to document and provide an objective account of events as they occur in official law enforcement contacts with the public. Audio/video recording have proven to be a valuable law enforcement tool. Recordings, however, provide a singular perspective of interaction and must be considered with all other available sources, such as witness statements, interviews, forensic analyses and documentary evidence, when evaluating the outcomes. The department uses recordings to:

Enhance officer safety.

Document events and statements made during arrest, police-public contacts, and other critical incidents which will augment and enhance officer's reports, collection of evidence, and court testimony.

Enhance the Department's ability to review procedures, interaction, and evidence.

Provide for officer evaluation and training.

Assist in providing protection for officers and the Department from false claims and allegations.

### 129.1.1 Operational Procedures

- A. Body Worn Camera equipment is issued primarily to uniformed personnel. Officers who are assigned Body Worn Camera equipment must use such equipment within the guidelines of department policy. Police personnel will only use Body Worn Cameras issued by this department.
- B. Officers are to wear their assigned body camera whenever performing any law enforcement duty to include normal work schedule, overtime assignments, Special Police Details or other duties in uniform.
- C. Officers are responsible for the proper care and maintenance of the Body Worn Camera assigned to them and will immediately report any loss of, or damage to, any part of the equipment to their supervisor. All care and maintenance will comply with manufacturer's recommendations and guidelines.
- D. The officer's immediate supervisor shall ensure the officer is equipped with a satisfactory Body Worn Camera prior to the officer beginning their shift. If a problem is found, the supervisor shall arrange for repair or adjustment of the camera.

- E. Officers shall activate the Body Worn Camera as soon as practical at the onset of a given situation. Once the camera is activated, officers shall continue the recording until the completion of the event or until they have left the scene. Recordings should include statements made by witnesses and suspects at the scene.
- F. All non-casual interactions with the public in the performance of their official law enforcement duties shall be recorded using Department assigned body camera equipment and following the procedures prescribed in this policy. Recordings are required for all emergency responses to include but not limited to:
1. Vehicle stops
  2. Pedestrian stops
  3. Foot pursuits
  4. Vehicle pursuits
  5. Interaction at calls for service
  6. Searches
  7. Arrest
  8. Use of force
  9. In-custody transports
  10. Management and control involving enforcement or investigative scenes
- G. Occasions and incidents will occur when an officer is unable to or does not activate recording equipment, or if already activated, must temporarily suspend recording. While exercising this discretion, the officer must be prepared to articulate the reason. In the case of a temporary suspension of a recording the officer shall declare on the recording the reason for the suspension prior to deactivation.
- H. In a residence, there is a heightened degree and expectation of privacy. If the resident wishes not to be recorded or discretion is being utilized by the officer, this request/discretion will be documented before the Body Worn Camera is deactivated. However if an officer enters a dwelling without the consent of the resident, such as serving a warrant, effecting an arrest, searching the residence or person, or when the officer is there based on an exception to the warrant requirement, recording should be made until conclusion of the event.
- I. Discretion and good judgment should be used when interviewing victims of sexual battery (adult and juvenile) or child abuse cases. A better course of action may be to record audio only. In any case, the request by the victim to not be videoed or circumstances of the interview should be fully documented in the report and declared on the recording prior to deactivation.
- J. AM/FM radios or other like devices should be turned off or muted when in-car or body worn

systems are activated. Officers are reminded that audio equipment records virtually all sounds within range, including conversation.

### 129.1.2 Retention

All recording shall be retained for a period consistent with the requirements of the State of Mississippi records retention schedule but in no event for a period less than 90 days. Members should upload the recorded media (regardless of origin), in accordance with current procedure for storing digital files, as a part of their daily work activities and any time the storage capacity is nearing its limit.

### 129.1.3 General Restrictions for All Department Recordings

- A. All audio/video recordings are the property of the Hattiesburg Police Department. Disclosure of the contents to others shall be made in accordance with reporting, investigative, prosecutorial, other official law enforcement needs and releases that comply with Mississippi Public Records Act.
- B. Members are prohibited from using department issued audio/video equipment for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity.
- C. Members are prohibited from retaining recordings of activities or information obtained while on duty whether the recording was created with department-issued or personally owned recorders such as cell phones. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes and with the approval of the Chief of Police. All such recordings shall be retained by the department.
- D. No image/recording taken by any employee in the course and scope of their duties may be used, printed, copied, scanned, e-mailed, posted, shred, reproduced or distributed in any manner other than allowed by department directives. This prohibition includes the posting of any Department photographs, video or audio recordings on personal websites such as: Face book, You Tube, other public safety agency websites, or e-mailing to friends, relatives or colleagues without prior consent and approval of the Chief of Police.
- E. No officer shall attempt to erase, edit or otherwise alter any data captured by a recording device.
- F. Mississippi is a one party state, meaning that officers are not obligated to inform persons that they are being recorded or cease recording upon demand or request when recording within the guidelines contained in department directives.
- G. Recordings shall not be used by any member for the purpose of embarrassment or ridicule.
- H. Privileged conversations shall not be recorded when it is necessary to provide anonymity of a

confidential source, during administrative conversations, or those involving law enforcement sensitive information.

- I. Recording of personnel during briefings, meetings, roll calls, hearings, training events or while in private spaces such as locker rooms or restrooms is prohibited except for official department recordings by department personnel as a part of their assigned duties as authorized by the Chief of Police.

#### 129.1.4 Restrictions for Body Worn Cameras

- A. Use of a Body Worn Camera device in a hospital or medical setting shall be limited to investigative purposes only. Officers will not record a patient's medical interaction and procedures unless it directly relates to the investigation and medical staff is made aware prior to recording. Officers will remain cognizant of HIPAA laws and guidelines.
- B. Officers should not record personal time and activities such as breaks, rest rooms or conversations or when the officer is in a location where there is reasonable expectation of privacy such as locker rooms, muster room, academy gym or personal offices.
- C. In general, officers should not activate the Body Worn Camera device when entering a public locker room, changing room, restroom or other place(s) where an individual, unrelated to the investigation, would have a reasonable expectation of privacy.
- D. Officers shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically for the purpose of documenting a sting, purchase/sale, or other operation in furtherance of a criminal investigation.
- E. Officers will not make surreptitious recordings of conversations with other department members except when necessary in the course of a criminal investigation and/or department administrative investigation.
- F. Recording in any court room while in session is prohibited unless officers are performing specific official actions related to court security under the direction of the Judge.

#### 129.1.5 Review of Recorded Media

- A. When preparing written reports, members may review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.
- B. Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever recordings would be beneficial in reviewing performance.
- C. Recorded media may be reviewed pursuant to lawful process or by court personnel who are

otherwise authorized to review evidence in a related case.

- D. By any member of the department or investigative team who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- E. Personnel reviewing recordings shall manually document name, badge number and the purpose of their viewing in the “notes” field in the body worn camera device application.
- F. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes. Training Academy may review recordings recommended by officers, supervisors or other administration as to suitability for incorporation into training platforms.

#### 129.1.6 Supervisory Responsibilities

- A. Supervisors will ensure that officers follow established guidelines and policy as it relates to the use and handling of Body Worn Cameras.
- B. Supervisors will review incidents of In-Car and/or Body Worn Camera recordings that involve person(s) under their command that include, but not limited to:
  - 1. Injury or allegations of injury to another person
  - 2. Responses to resistance
  - 3. Injury to officers
  - 4. Pursuits (vehicle and foot)
  - 5. Citizen and administrative complaints
- C. Supervisors will inspect the camera system for care and maintenance as a part of normal line inspections.