

**Waveland Police Department  
Law Enforcement  
Policies and Procedures**

<b>Subject: Body Worn Cameras</b>	<b>Policy Number: 04.32</b>
<b>Issue Date: 02/29/2016</b>	<b>Revision Date: 02/29/2016</b>
<b>Approval Authority</b> <b>Title and Signature: David J Allen, Chief of Police</b>	

*David J Allen*

**POLICY**

The use of the Body Worn Camera (BWC) system provides objective video/audio documentation evidence, transparency of law enforcement operations, may protect the officer and the department from civil litigation and allegations of misconduct.

When utilizing these devices, officers shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness of the BWC and the integrity of evidence and related video documentation.

Operators of the BWC system shall make every effort to record all field contacts involving actual or potential law violations, traffic stops, searches of vehicles, premises and persons, or anytime the officer is acting in a uniformed patrol capacity and while officially interacting with members of the public. If it is safe and practical to do so, officers should activate the BWC while approaching the scene or as soon as practical before interacting with members of the public.

**PURPOSE**

It is the purpose of this policy to provide officers with guidelines for the use of the BWCs and to institute operation, retention, review, accountability protocols. This policy is not intended to describe every possible situation where the BWCs may be used.

**PROCEDURE A-OPERATOR RESPONSIBILITIES**

- The proper operation of the BWC recording equipment is the responsibility of the officer assigned to the equipment. The equipment will be operated and maintained according to the manufacturer's instructions and recommendations.
- Prior to going into service officers who wear the BWC will ensure that the equipment is charged and working properly. Any problems with the BWC should be brought to the

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## Law Enforcement Policies and Procedures, Body Worn Cameras 04.32

supervisor's attention immediately. Officers are encouraged to place the camera in a position on their uniform that will allow the recording of all field contacts as further described in, but not limited to, Directive A of this policy. Officers should activate the camera prior to making contacts or traffic stops unless it is impractical to do so due to the urgency of the situation.

- Any problems or issues with the export computer equipment notify the Lieutenant by way of telephone call, if day time hours. In all cases leave a written note of the fault in the Lieutenants mail slot. This is the duty of the individual Officer. (use form 04.32-1)
- At the end of a shift, officers will download the data from the BWC into the appropriate file. Once the BWC system is downloaded, the camera will be cleared and data can only be retrieved from the computer server.
- In instances where an officer is assigned a personal BWC and takes law enforcement action while out of his assigned work area, for example on his way home from work, the officer may download the information from the BWC for that particular instance at the start of his next shift to avoid having to return to the station, unless otherwise directed by a supervisor.
- In instances where an officer is not assigned a BWC and instead shares its use, the officer should return the BWC and assigned charging station, only after downloading into the video computer, at the end of his shift so the BWC is available for use by another officer.
- The BWC camera should not be deactivated during contacts. If there is an equipment failure resulting in a deactivation, the officer will notify his/her supervisor and provide the reason for the deactivation upon learning of it. If a subject or subjects state that they do not wish to be recorded, the officer will not deactivate the camera.
- Officers that disable their BWC at the request of someone providing information that does not want to be recorded the request must be recorded prior stopping the BWC.
- When there are multiple BWC system equipped officers on scene at an incident all BWC systems should record the incident. The primary unit will be responsible for documenting that the incident was recorded and which officers were on scene with BWCs. All other officers at the scene will be required to write a report as per the usual instructions of the report writing manual regardless of whether they were wearing a BWC.

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## Law Enforcement Policies and Procedures, Body Worn Cameras 04.32

- Prior to taking any suspect into custody, officers should activate their respective BWC, if it has not already been activated. Additionally, when a suspect is read their Miranda Warning, it should be recorded on the BWC.
- When an officer interviews either a suspect or witness, the officer should utilize their BWC to capture the interview.
- During a shift, officers may review portions of the video/audio recording, e.g., to verify an identification, a vehicle license number or to review an incident for statement accuracy.
- Officers will not make copies of any recording for personal use.
- Officers will document in the narrative of their report that there is corresponding imagery evidence.
- Routine maintenance and care of the video system is the responsibility of the individual officer issued the BWC. Each officer will ensure that the system is kept clean and in working order, that the rechargeable battery is fully charged when reporting for duty each work day, and the video files are regularly downloaded. The Department shall maintain sufficient supplies to keep the BWC operational.
- During the course of a field contact, arrest, or investigation, when the situation has moved to a controlled environment, the officer may deactivate the BWC to discuss tactical, intelligence gathering, or administrative information.

### **DIRECTIVE A- REQUIRED ACTIVATION OF BWC**

Activation of the BWC is required in any of the following situations:

- All field contact activities involving actual or potential criminal conduct, within video or audio range, which includes, but is not limited to:
  - Traffic stops
  - Pedestrian checks
  - Suspicious/disabled vehicles
  - Detentions and arrests
  - Prisoner transports
  - DUI investigations (with exception for DRE evaluations)
  - Operators shall record enforcement contacts that the officer reasonably believes at the time may become confrontational or combative.

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## Law Enforcement Policies and Procedures, Body Worn Cameras 04.32

- Any call for service involving a crime where the recording may aid in the apprehension and/or prosecution of a suspect, such as:
  - Any incident involving an allegation of domestic violence
  - Any incident involving violence, drugs, or weapons
- Officers will make audio/video recordings of any event where the officer reasonably suspects that an audio/video record could have value as evidence, limit liability or resolve citizen complaints.

Activation of the BWC is **not** authorized when exchanging information with other officers, during breaks, or when not in service.

### **DIRECTIVE B-SURREPTITIOUS RECORDINGS**

During any lawful investigation and within the normal scope of duties, no member of the Police Department will intentionally secretly record with a BWC any confidential communication. Prohibited recordings would include other members of the Police Department, other law enforcement agencies or the public.

### **PROCEDURE B-REVIEW OF BWC RECORDINGS**

Only the following members of the Police Department shall have access to review the BWC digital recordings:

- Police Chief
- Asst. Chief
- Lieutenant
- Sergeants
- Internal Affairs Investigators
- Officer reviewing his or her own recordings

Review of recordings is permitted for the following purposes:

- By the Officer, Sergeant for the purpose of completing their reports or preparing for courtroom testimony.
- Any sworn personnel conducting an investigation which is captured by the BWC shall review the video evidence prior to completing an investigative/supplemental report. If an unforeseen circumstance (eg. exigent circumstances or technical situations which would not allow the sworn personnel involved to review the video evidence prior to completing the investigative/supplemental report) occurs, the sworn personnel will be required to complete their report as current Department Policy dictates. Once the unforeseen circumstance is resolved, the sworn personnel will review the BWC video. If there are any additional observations, the sworn personnel shall document those observations in a

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supplemental report.

- By a Officer or Senior Officer, with supervisor approval, who is conducting follow-up on a specific case or incident and finds it necessary to review a video involving another officer.
- By the Police Chief, Lieutenant or Sergeant who is conducting a review of a critical incident, such as a use of force, vehicle pursuit, citizen complaint or evaluation of Police Department business practices.
- By Internal Affairs Investigators while conducting an administrative inquiry or as part of a personnel investigation.
- By the District Attorney's Office through a formal request to the Police Chief or his/her designee.
- As directed by the Police Chief.
- Recordings may be used for the purposes of training with the approval of the Commander or Lieutenant of the area involved.
- As required by law.

#### **DIRECTIVE C- PROHIBITED USES OF BWC RECORDINGS**

- Recordings may not be used for any personal use or uploading to any internet web site without the express written authorization of the Chief of Police.
- In no event shall any recording be used or shown with the intent to ridicule or embarrass any employee or any member of the public.

#### **PROCEDURE C- DOCUMENTATION AND STORAGE**

- Any pertinent incident that was recorded with either the video or audio system shall be documented in the associated Incident Report.
- Video/audio media will be stored in a designated secure location. All video/audio media that is not secured as evidence will be retained for a minimum of 6 months, after which time it can be erased or recycled.
- All equipment, video media and copies will be maintained and kept in the custody of the

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**Law Enforcement Policies and Procedures, Body Worn Cameras 04.32**

Police Department.

- A copy of the video/audio recording will be made for any authorized person enumerated in Procedure B. Additionally; a copy may be made available to Police Department personnel for court testimony or to the court for evidentiary purposes. The Lieutenant or his designee is the only person that is authorized to duplicate (write to DVD/USB) a video/audio file captured by the BWC.

Only authorized employees may duplicate/copy video or audio files. Personnel shall do so for legitimate law enforcement purposes only. Unauthorized duplication, copying or distribution is expressly prohibited, and personnel who do so may be subject to disciplinary action. BWC recordings shall be safeguarded similar to other forms of evidence.

Review of a "always on video" recording will only be conducted if:

- An unrecorded incident or an internal investigation
- Will only be copied by an administrator and only with the permission of the Chief of Police

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