

Body Worn Video System

451.1 PURPOSE AND SCOPE

- A. To provide policy and procedures for use of the portable video recording system (BWV) including both audio and video recording of field activity in the course of official police duties.
- B. The use of the portable video recording system provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Officers shall utilize this device in accordance with the provisions in this general order to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

451.2 PROCEDURE

- A. Unauthorized use, duplication, and/or distribution of BWV files are prohibited. Personnel shall not make copies of any BWV file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWV files.
- B. All recorded media, images and audio from the BWV are property of the Escalon Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.
- C. The BWV shall not be used to record non work related activity and shall not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms.
- D. Officers should be aware of certain circumstances when operating the BWV may not be appropriate such as:
 - 1. In a hospital emergency room where privacy of patients, including patients not part of the officer's call, should be considered.
 - 2. Anytime a person's private health information is being discussed.
 - 3. Ambulance responses to accidents and illnesses when victims are not involved in any criminal activity.
 - 4. When the use of the BWV causes emotional distress to a victim of a crime, such as a rape victim.
 - 5. Other examples as covered in training.
- E. Officers should be aware of other privacy issues relating to a person's place of residence and/or other areas where there could be an expectation of privacy (Examples are to be covered in training).
 - 1. Upon initial contact with private persons at a private residence, officers shall make a reasonable attempt to notify them that the BWV is present before entering the residence unless the officer enters the residence because of a warrant or exigent circumstances.

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2. If a private person objects to the use of BWV inside a private residence, the officer may turn off the device in accordance with this policy.

F. Personnel will use only the BWV system issued and approved by the Department for official police duties. The wearing of any other personal video recorder for the same purpose is not authorized without permission of the Chief of Police.

G. Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the BWV.

H. There are many situations where the use of the BWV is appropriate. This policy is not intended to describe every possible circumstance. (Examples are to be covered in training). In addition to the required conditions, officers should activate the system any time they feel its use would be appropriate and/or valuable to document an incident.

I. Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, officers shall make every reasonable effort to activate their BWV cameras prior to making contact in any of the following incidents:

1. Enforcement encounters where there is a reasonable suspicion that the person is involved in criminal activity or a violation of law. This includes, but is not limited to dispatched calls, self-initiated activities, traffic stops, pedestrian checks or any other investigative or enforcement encounters.

2. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require taping.

3. Officers may activate the BWV before or during any other incident at their discretion.

An officer shall have the latitude to terminate the recording when there is no likelihood of force being used or anything else of evidentiary value occurring. It shall be deemed a violation of this policy for an officer to fail to activate the device or intentionally terminate a recording in order to commit a violation of law or department policy.

4. Officers shall not use the BWV recording functions to record any personal conversation of or between another department member or employee without the recorded members/employee's knowledge or permission.

J. Officers are not required to obtain consent from a private person when:

1. In a public place.

2. In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where the officer is lawfully present and engaged in the performance of official duties).

3. Officers are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.

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451.3 RESPONSIBILITIES

A. System Administrator

The System Administrator(s) are designated by the Chief of Police and have oversight responsibilities to include, but not limited to, the following:

1. Operation and user administration of the system.
2. System evaluation.
3. Training.
4. Policy and procedure review and evaluation.
5. Coordination with IT regarding system related issues.
6. Ensure BWV files of evidentiary value are secure and retained per this policy.
7. Ensure BWV files are reviewed and released in accordance with federal, state, local statutes and City of Escalon/Escalon Police Department retention policy.

B. Supervisory

1. Supervisors will ensure officers utilize the BWV according to policy guidelines.
2. Supervisors are to review recordings only as directed by the Chief of Police and/or his designee.
3. Supervisors shall ensure videos related to critical incidents are uploaded to BWV server.
4. Supervisors may have the ability to immediately resolve citizen complaints by reviewing video captured by the BWV. In those circumstances where a complaint is resolved with no further action needed, supervisors shall add an additional category of citizen complaint to the video and make appropriate notes in the notes section of WatchGuard storage system. This will allow Professional Standards personnel to capture incidents that are resolved by this camera system.
5. It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.

C. Personnel utilizing the BWV shall be responsible for the following:

1. Ensuring the battery on the controller and in the DVR is fully charged daily and operating properly.
2. Immediately reporting unresolved equipment malfunctions and/or problems to their supervisor.
3. Monitoring system effectiveness and making recommendations for operational improvement and policy revision.
4. Documenting the use of the BWV on one of the following:
 - a. On the police report/computer entry.
 - b. As a notation on a citation.

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c. On a Field Interview card.

Note: Officers should continue to prepare reports in the same manner as prior to the implementation of this camera system. Officers should not substitute "refer to video" for a detailed and thorough report. Officers should avoid using exact quotes, but should represent statements in their reports as a summary of what is contained in the statement/video, such as, "In summary the victim related"

5. Once video of evidentiary value is captured officers shall identify BWV files by:

a. When assigned, noting the EPD case number in the Case ID Field.

b. Entering a title. The title should include sufficient information to identify the file, such as crime code, suspect name, location, event, etc.

c. Selecting the appropriate category(s).

d. The information may be entered via hand held device, MDC, or EPD computer work station via the evidence.com website

451.4 OPERATION

A. Officers shall test BWV equipment prior to going into service and ensure the unit is properly charged.

B. Officers shall position the camera on their uniform to facilitate optimum recording field of view.

C. Officers shall dock their issued camera for automated upload of BWV data files daily at the end of their shift at the docking station to ensure storage capacity is not exceeded and/or to view uploaded audio/video.

D. Officers operating Department Motorcycles may dock their camera at the end of their shift and then take their assigned motorcycle home. It will be the responsibility of the officer to pick up their camera as soon as practical at the beginning of their next shift. It is recognized traffic officers may make enforcement stops to and from work which may result in those stops not being recorded.

451.5 REVIEW OF FILES

A. Although the data captured by the BWV is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data (General Order 812). All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis. Employees authorized under this policy may review video according to the provisions of this policy.

B. Once uploaded to BWV server, personnel may view their own audio/video data. WatchGuard automatically time/date stamps and records each access by officer name.

C. An employee may review BWV files as it relates to:

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1. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports.
2. Prior to courtroom testimony or for courtroom presentation.
3. Providing a statement pursuant to an administrative inquiry, including officer involved shooting investigations.
4. Critical Incidents: Officers are encouraged to consult legal representation and may review their video prior to providing a statement pursuant to an administrative inquiry.
 - a. When safe and practical, an on scene supervisor may retrieve the WatchGuard camera from the involved officer(s) at the scene. The supervisor will be responsible for assuring the camera is docked and uploaded into BWV server.
 - b. Following a time sensitive critical incident, a video may only be viewed prior to being uploaded in BWV server:
 - c. When exigent circumstances occur, such as an officer being injured and to obtain identifying suspect information or other pertinent information.
 - d. To allow investigators, such as Professional Standards personnel, to view the video in order to assist in an investigation.
5. For potential training purposes.
 - a. For official use, BWV server shall only be accessed from Department authorized computers, Department workstations or MDC's.
 - b. Exception: Administrative users of BWV server may access BWV server from a computer or device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking users, etc.

451.6 BWV FILES REQUEST

A. Departmental Requests

1. Any request shall be completed by the system administrator with the approval of the Chief of Police.

B. Non-Department Requests

1. All other requests for a BWV file shall be accepted and processed in accordance with federal, state, local statutes and Departmental policy (public records act, etc.) as set forth in 810 Public Information Release.
2. Media inquiries and/or requests shall be received and processed in accordance with 346 Media Relations.

C. Request for Deletion of Accidental Recording

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1. In the event of an accidental activation of the BWV where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the BWV file be deleted by submitting an email request with sufficient information to locate the BWV file to the Chief of Police or designee who shall review the file, approve or deny the request, and forward to the System Administrator for action.

D. Copying Procedures

1. If a copy is needed for the District Attorney, or other evidentiary purposes, officers will make a request from the Police Services Manager, who will make a copy and route it to the correct entity or location.

2. If the need for the copy is immediate, or the Police Services Manager is unavailable, then the request can be made to a supervisor (sergeants, and FTO's) to make a copy.

3. Other than as provided in this General Order, no member of this Department shall download any video from BWV server onto any computer, device, drive, CD, DVD or any other format without the express consent of the Chief of Police.

E. Investigators Conducting Criminal or Internal Investigations Shall:

1. Advise the System Administrator to restrict access/public disclosure of the BWV file in criminal or internal investigations, when necessary.

2. Document the reason for access by entering the related CR or IA Case number on the BWV "NOTES" field prior to viewing.

3. Review the file to determine whether the BWV file is of evidentiary value and process in accordance with established procedures.

4. Investigators shall notify the System Administrator to remove the access restriction when the investigation is closed.

F. A BWV file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a BWV file for such purpose may come from any source.

1. A person recommending utilization of a BWV file for training purposes shall submit the recommendation through the chain of command to the Chief of Police or his designee.

2. If an involved officer or employee objects to the showing of a recording, his/her objection will be submitted to the Chief of Police or his designee to determine if the employee's objection outweighs the training value.

3. After a meeting with the affected employee and his/or chosen EPOA representative, the Chief of Police or designee shall review the recommendation and determine how best to utilize the BWV file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g. General Order, Training Bulletin, Officer Safety Bulletin, briefing or other training).

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451.7 CATEGORY AND RETENTION

A. Employees utilizing the BWV shall identify each video by category. In the event a video is taken that does not fall into a listed category and has no apparent evidentiary or administrative value, the officer may leave the video as uncategorized. Retention periods are established by the Chief of Police in accordance with state and federal mandates. Test recordings are retained for 2 days only.

1. Traffic Warning
2. Traffic Citation
3. Traffic Accident
4. Assault
5. Domestic
6. Drug Charge/Seizure
7. D.U.I
8. Evading
9. Motorist Assist
10. Suspicious Vehicle/Person
11. Arrest
12. Injury
13. Interview
14. Medical
15. Test Recording

451.8 REPAIR PROCEDURE

A. Personnel shall immediately report any recognized problems with the BWV to their immediate supervisor.

B. Upon notification, the supervisor shall contact the System Administrator or designee stating the problem or malfunction.

C. The System Administrator or designee will report unresolved deficiencies to WatchGuard via web based support at <http://www.watchguardvideo.com/contact> by completing the required information on-line and describing the issue or defect in detail in the "Message" window provided.

D. Provide the serial number of the unit needing service or repair and identify the unit as a WatchGuard body worn camera or battery pack as appropriate. A WatchGuard representative will contact the EPD BWV System Administrator for resolution.