

**PINEVILLE POLICE DEPARTMENT  
GENERAL ORDER  
SECTION: 16 EQUIPMENT OPERATIONS  
SUBJECT: 1607 BODY WORN CAMERA  
EFFECTIVE: 10/16/2022**

## **1. POLICY**

This Policy is intended to outline the objectives and intent of the use of **Body-Worn Cameras (“BWC”)** in conjunction with the BWC Procedure that follows. Procedures are enumerated with a prefix of “PR.”

Advances in technology have enhanced the Department’s investigative and evidence gathering capabilities as well as officer safety and security. These same advances increase concerns of encroachment on the right to privacy of both citizens and employees. The objective of this policy is to increase the efficiency and integrity of the Department’s law enforcement mission, increase officer safety, and safeguard the rights of the citizens and employees in the use of such technology. The Department shall at all times employ and enforce this policy consistent with the co-equal, non-competing interests of providing the best possible law enforcement services to the community and the best possible working environment for Department employees.

Selected uniformed field assignments may be equipped with BWCs. Use of this technology provides for video and audio documentation of a police officer’s citizen contacts and enforcement and investigative activities from the perspective of the officer’s person. It is anticipated that the use of this equipment will promote officer safety, result in greater transparency, more effective prosecution, and improve the investigation of citizen complaints and protect against false allegations of officer misconduct. This policy is intended to achieve an appropriate balance between the benefits of BWC devices and civilians’ and officers’ reasonable expectations of privacy.

The BWC device is used to record certain activities and create a visual and audio record to supplement an officer's report. Video and audio recordings of enforcement or investigative actions are evidence and public record, and, therefore, subject to rules of evidence and laws of disclosure. It is in the best interest of justice that the Department regulates and control all forms of evidence collection and storage in accordance with the laws and rules of evidence as well as the retention and dissemination of public records and information.

## **2. PURPOSE AND SCOPE**

Certain uniformed law enforcement assignments within the Department may be equipped with a BWC. This system will be used to document events and capture data to be preserved in a Web-based digital storage facility. Once captured, these recordings cannot be altered in any way and are protected with multiple layers of encryption. The Department has adopted the use of BWC technology to accomplish the following objectives:

- (a) To promote officer safety.
- (b) To document statements and events during the course of an incident.
- (c) To enhance the law enforcement operator’s ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- (d) To preserve visual and audio information for use in current and future investigations.

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- (e) To provide an impartial measurement for self-critique and field evaluation during officer training.
- (f) To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.

**3. DEFINITIONS RELATED TO THIS POLICY**

**Audio Recording** – The electronic recording of conversation, spoken words, or other sounds

**Body-Worn Camera (“BWC”)** – Equipment worn by a Department member that captures audio/video and audio signals and includes at a minimum a camera, microphone, and recorder

**Controller Switch** – Master on/off power

**System Administrator (“SA”)** – Supervisor responsible for inventory, control, and operational maintenance of the BWC system equipment

**Event Record Button** – Push-button activation switch located in the center of the BWC device

**Web-Based Storage Facility** – A virtual warehouse that stores digitally encrypted data in a highly secure environment accessible to personnel based on assigned levels of security clearance (i.e., an online Web-based digital media storage facility)

**Evidence Transfer Manager (“ETM”)** – A router with built-in docking stations physically installed at Department work site. The ETM simultaneously recharges the device while uploading all digitally encrypted data to the Web Based Storage Facility.

**Master System Administrator (“MSA”)** – Supervisor(s) authorized by the Department and assigned to the Information Support Section with full access to user rights; assigns and tracks master inventory of equipment; controls passwords and end-user security access rights; is responsible for quality checks of video, audio, and sound quality; coordinates with SAs; and serves as liaison to the BWC manufacturer’s representatives on operational and equipment-related matters.

**Media or Data** – For the purposes of this procedure, references to media or data include photographs, audio recordings and video and audio footage captured by the BWC device. The media is stored digitally and encrypted.

**Remote Camera/DVR** – Cable-tethered camera/DVR affixed to an approved mounting. Accessories provided with the system may offer a variety of mounting options, such as on glasses, collars, epaulettes, helmets, etc.

**Video Recording** – The electronic recording of visual images with or without audio component

**4. REQUIRED ACTIVATION OF THE BWC**

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Although this policy identifies those situations in which activation of the BWC is required, an officer has discretion to manually activate the system any time the officer believes it would be appropriate or valuable to document an incident. The BWC shall only be activated for legitimate law enforcement purposes.

Activation of the BWC is required in the following situations:

1) All field contacts involving actual or potential criminal conduct within video and audio or audio range, including:

- a) Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops)
- b) Emergency responses
- c) Vehicle pursuits
- d) Suspicious vehicles
- e) Arrests and transports
- f) Vehicle searches
- g) Consent to Search
- h) Physical or verbal confrontations or use of force
- i) Pedestrian checks/Terry Stops
- j) DWI investigations including field sobriety tests
- k) Domestic violence calls
- l) Swat Rolls
- m) High Risk Warrants

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

3) Any other legitimate law enforcement contact where the officer believes that a recording of an incident would be appropriate. In exercising this discretion, officers should be aware of and sensitive to civilians' reasonable privacy expectations.

4) Officers may happen upon a situation requiring immediate action to prevent injury, destruction of evidence, or escape. In these situations, officers should activate the recorder if doing so does not place them or others in danger. Otherwise they will activate the BWC at the first available opportunity when the immediate threat has been addressed. The officer will document the reasons for the delayed activation in a supplement or after action report.

## **5. OFFICER RESPONSIBILITIES**

At the start of each shift, uniformed officers will properly equip themselves with a BWC to record video and audio in the field in accord with manufacturer guidelines. The BWC must be worn at all times by officers assigned a device while on duty.

Officers assigned a BWC shall test the equipment prior to use and shall immediately report insufficient recording media, malfunctioning BWC systems, damage, loss or theft of BWC equipment to an immediate supervisor.

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At the end of their shift, an officer issued a BWC will ensure that their BWC is charged for the next use and media uploaded.

## **6. SUPERVISOR RESPONSIBILITIES**

Supervisors will inspect BWC equipment assigned to personnel to ensure sufficient recording media and proper operability per testing protocols provided under training. Non-functioning BWC systems shall not be placed into service and the equipment malfunction shall be immediately reported in writing to the SA and MSA.

The Department member's immediate supervisor shall be responsible for providing written notice to the MSA documenting the suspected cause of equipment failure or corrective action initiated related to possible misuse. All lost or stolen BWCs shall be documented in an incident report.

## **7. MASTER SYSTEM ADMINISTRATOR (MSA)**

The MSA is a supervisor authorized by the Department with full access to use rights.

The MSA is responsible for:

- a) Assigning and tracking inventory of equipment;
- b) Password control;
- c) End-user security access rights;
- d) Quality checks of video and audio as well as sound quality;
- e) Coordinating with the System Administrators; and
- f) Serving as liaison to manufacturer's representatives on operational equipment related matters.

## **8. RECORDING**

Department members issued a BWC shall place the device in the Record Mode as soon as practical at the onset of a given situation. Once the BWC system is activated it shall remain on and not be turned off until an investigative or enforcement contact or incident has concluded or unless this Policy or State Law allows otherwise. For purposes of this section, conclusion of an incident has occurred when an officer has terminated contact with an individual, cleared the scene of a reported incident, or has completed transport of a civilian or an arrestee.

The officer must seek and obtain supervisory approval prior to deactivating the BWC in any instance in which cessation of the recording prior to the conclusion of an incident may be permitted. If supervisory approval cannot be reasonably obtained, the officer must document on the BWC the reason for termination of the recording and document the date, time, and reason for the deactivation of the recording in subsequent written reports as applicable. The officer must inform their immediate supervisor of the deactivation as soon as reasonably possible.

Additional arriving units to a scene shall place their BWC in the Record Mode as soon as practical (if so equipped), and continue to record until the incident has concluded unless this Policy or State Law allows otherwise.

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**9. PROHIBITED AUDIO/VIDEO RECORDINGS BY EMPLOYEES IN THE WORK PLACE**

The BWC **shall not** be used to record non-work-related personal activity. The BWC shall not be activated in places where an employee has a reasonable expectation of privacy, such as locker rooms, dressing rooms, or restrooms. If a criminal offense has occurred in these locations, the BWC may be activated and precautions shall be taken to respect the dignity of the victim which may include avoiding recording video and audio of persons who are nude or when sensitive areas are exposed. The BWC **shall not** be intentionally activated to record conversations of fellow employees during routine, non-enforcement-related activities without their knowledge or during rest or break periods, or in designated break areas unless an active, pre-existing and authorized investigation is underway.

**10. TRAINING**

All members who are authorized to use BWC equipment must complete mandatory training provided by the Department to familiarize themselves with the recording system and Departmental procedures prior to its use.

**11. GENERAL PROCEDURES**

(a) Department members should not intentionally record confidential informants or undercover officers unless the recording is conducted specifically for the purpose of documenting a sting, drug purchase/sale, or furtherance of a criminal investigation.

(b) Internal investigators' are allowed reasonable access to or review of BWC recordings when investigating complaints of misconduct and/or conducting internal Administrative investigations.

(c) If an officer believes that a recorded event may lead to a citizen complaint, he/she shall bring the recording to the attention of his/her immediate supervisor as soon as possible. The supervisor should review the recording and conduct any further investigation that the supervisor deems appropriate in accord with Department Policy.

(d) The assigned MSA will coordinate access requests to recorded events for officers and investigators for legitimate law enforcement purposes or as directed by the Chief. Officers shall have unlimited access to view their own recordings at any time via issued usernames and passwords. Officers will not have the ability to edit, delete, or otherwise modify their own recordings.

(e) Department members 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 Web Based Storage Facility.

(f) When handling calls for service or incidents involving the treatment of individuals at a medical facility, Department members may be required to restrict use of a BWC in accordance with facility privacy protocols according to state law. Where facility protocols or state law do not allow for the recording of an event for which recording would otherwise be required, an officer must notify his or her supervisor as soon as

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reasonably possible, and shall document the reasons for the non-activation of the BWC in the incident report.

(g) Whenever an officer is subject to internal administrative investigation, discipline, or questioning during an internal administrative investigation, the officer and his or her representative or legal counsel shall be given an opportunity to review all relevant recordings prior to being questioned.

(h) Officers shall be permitted to disable or cover the BWC's blinking LED for operational safety considerations so as to limit the officers' exposure or visibility. This may be done at the beginning of each shift as long as the officer is able to verify at the beginning of the shift that the modes are operating in accordance with the manufacturer's specifications.

(i) There may be limited circumstances where the respect for an individual's privacy or dignity outweighs the need to record an event (e.g., a victim traumatized following a violent assault). Where an officer believes such circumstances exist, or that use of a BWC would impede or limit the cooperation of a victim or witness during an investigative contact, an officer may deactivate the BWC in accord with this Policy.

(j) Officers have discretion whether to activate a BWC during consensual contacts of a non-criminal nature.

(k) Department members shall not use electronic devices or other means in order to intentionally interfere with the capability of the BWC equipment.

(l) Department members assigned a BWC shall not erase, alter, reuse, modify, destroy, abuse, or tamper with BWC audio-video and audio recordings or the device.

(m) Department members are to select a system-defined category for each digital recording (e.g., field interview, case file, citation, traffic stop, traffic accident, miscellaneous, training, or other appropriate category listed for the event, provided, however, that miscellaneous shall be used only where the activity does not reasonably fall within another category). Specific instructions on system use are provided through training.

(n) Digital Recordings shall be preserved in accordance with state law or at least three years after the final disposition of the matter (including appeals) unless a written request is made to store for a longer period of time for a legitimate law enforcement purpose.

(o) When an incident arises that requires the immediate retrieval of a BWC digital recording (For example: serious crime scenes, officer-involved shootings, officer involved incidents and/or Department vehicle crashes) a supervisor from the involved member's chain of command or the assigned investigator shall respond to the scene to secure the device and maintain a chain of custody.

### **13. AUTHORIZED USER ACCESS TO UPLOADED MEDIA OR DATA**

General access to digital recordings shall be granted to Department-authorized users only. It is the responsibility of authorized users to keep their username and password confidential. Accessing, copying, or releasing any recordings for other than official law enforcement purposes is strictly prohibited, except as allowed by law or this Policy.

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- (a) The Chief may authorize an investigator to review specific incidents contained on BWC recordings if that investigator is participating in an official Department investigation of a personnel complaint, claims investigation, administrative inquiry, or criminal investigation.
- (b) A supervisor may review specific BWC media or data for the purpose of training, performance review.
- (c) Field Training Officers may use media captured via a BWC device to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR).
- (d) Under no circumstances shall members with access to BWC media or data files be allowed to use, show, reproduce or release recordings for the purpose of ridicule or embarrassment of any officer or individual or for other non-law enforcement related purposes. This includes submission of any portion of a BWC recording to a media organization unless release has been approved in advance by the Chief or his designee.

**14. DELETION OF UNINTENTIONAL RECORDINGS**

In the event of an unintentional activation of BWC 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), a Department member may request a recording deletion. An interoffice correspondence detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the member's appropriate supervisor. If approved, the actual deletion requires two-party authorization. One of those parties will be the member's Commander; the other will be the MSA. Only the MSA shall facilitate the actual removal of any record approved for deletion. Records related to any request for the deletion of records shall be maintained by the MSA.