

 <p><b>YUMA POLICE DEPARTMENT</b> <b>Policy and Procedures</b> <i>"Committed to Excellence"</i></p>	<p><b>3.07 Body-Worn Camera Program</b></p> <p><i>Effective: TBD</i></p>
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#### **A. PURPOSE:**

1. To establish procedures and guidelines for operating body worn cameras.

#### **B. POLICY:**

1. Body worn cameras provide documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Body worn cameras also provide opportunities for training, policy and practice review, and officer performance review. Officers shall utilize this device in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation, achieve operational objectives, and ensure evidence integrity.

#### **C. DEFINITIONS:**

1. **Body Worn Camera (BWC)** – A camera worn on an individual officer's person that records and stores audio and video.
2. **BWC Program Administrator/Coordinator** – Police Department program manager for the digital evidence storage and camera system.
3. **Critical Incident** – Any actual or alleged event or situation that creates a significant risk of substantial or severe harm to the physical or mental health, safety, or well-being of an individual.
4. **Data** – All sounds, images, and associated metadata.
5. **Digital Evidence** – BWC files, including photographs, audio recordings, and video footage or other evidence, captured by a BWC and stored digitally.
6. **Digital Evidence Management System (DEMS)** – A comprehensive system allowing the sharing, managing, and redaction of recovered BWC data, accessed through Evidence.com
7. **Docking Station** – A portable multi-ported docking station that simultaneously recharges the BWC and uploads all digitally encrypted data from the BWC device, and subsequently transfers the digitally encrypted data to the Digital Evidence Management System.

- 8. Officer** – Refers to sworn or civilian employees authorized to utilize BWC.
- 9. Record Mode** – The mode which activates the BWC system.
- 10. Evidence Storage** – A cloud based system for storing BWC data. This virtual warehouse stores BWC digital data in a highly secure environment accessible to personnel based on assigned security permissions.
- 11. Metadata** – Case numbers, address locations, and other descriptors used to identify digital evidence. Identifying and classifying information that describes the video.
- 12. Metadata Tagging** – Overlaying information that allows the recorded media to be searched. This process consists of systematically assigning tags to digital assets being collected or archived. Tagging is necessary to link the data to its Records Management System counterpart.
- 13. Normal (Buffering) Mode** – The BWC system continuously loops video recording for up to 30 seconds before a recording is started by the officer. During the 30 seconds before the recording is started, there is NO audio. It is video only.

#### **D. PROCEDURES:**

##### **1. General Considerations:**

- a. Video footage obtained from the BWC may not depict everything in an officer's field of vision at the time of an incident. Nor may everything depicted on video footage have been seen by the officer at the time of the incident.
- b. Only authorized personnel shall use or be in possession of a BWC device.
- c. Officer safety takes precedence over recording events and shall be the primary consideration when contacting citizens or conducting vehicles stops, not the ability to record an event.
- d. BWC equipment is for official use only and shall not be utilized for personal use.
- e. Officers issued a BWC shall wear the BWC at all times while on-duty and there is a potential for enforcement related contact.
- f. Officers shall not alter, remove, dismantle or tamper with any hardware and/or software component or part of the BWC device, to include the recording light. Officers shall not delete or alter in any manner any digital evidence obtained. This is strictly prohibited.

- g. Altering/deleting digital evidence will only be performed by authorized personnel in accordance with established policy, records retention requirements, and applicable laws.
- h. The use of any other personal video/audio recording, when a BWC is available, is not authorized without permission of the Chief of Police or designee.
- i. All digital evidence collected using the BWC is considered a record of the Yuma Police Department and is for official use only.
- j. Accessing, copying, forwarding or releasing any digital evidence for any reason other than official law enforcement business and contrary to this procedure is strictly prohibited. Public release of digital evidence, other than through a public records request, is prohibited unless approved by the Chief of Police or designee.
- k. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a personal recording device such as a video camera, cell phone or other device to record or capture digital evidence from a BWC device and/or digital evidence storage is strictly prohibited.
- l. Officers shall continue to prepare reports in the same manner as prior to the implementation of the BWC system and shall not write "refer to video" for a substitute for a detailed and thorough report.
- m. Officers shall document the existence of video, lack of video, and any delay of the start of a video in the departmental report. If this policy requires an event be recorded, and there is no recording or the recording was delayed, officers must explain, in writing, why it was not recorded or why the start of the recording was delayed.
- n. The BWC system allows officers to mute the audio while the camera is activated. This will allow an officer to mute audio while discussing investigative techniques or gathering protected information (e.g. victim's rights information). It is expected that officers issued a BWC keep the camera activated until the incident that caused the activation has concluded. The camera shall be unmuted when muting is no longer needed. Should the mute function be utilized, the officer shall document this in their report.
- o. Officers not assigned to a call or event, but who capture video of any pursuit, use of force above handcuffing, any incident where an officer or subject is physically injured, or alleges to have been injured, or any critical incident, the officer shall ensure s/he is assigned to the call and upload the BWC file. If an initial departmental report is completed,

- all employees capturing the event shall complete a supplemental report indicating additional BWC files exist.
- p. The BWC may be deactivated with supervisor approval in situations where multiple cameras are on scene and the officer is not directly dealing with individuals related to the call (e.g., perimeter or crime scene security).

#### **E. RESPONSIBILITIES:**

1. **Program Administrator or designee** – The Program Administrator is designated by the Chief of Police and has oversight responsibilities for the Body-Worn Camera Program. These responsibilities include, but are not limited to:
  - a. Determining who will be issued and required to wear a BWC;
  - b. Reviewing policies, directives, best practices, and procedures for continued development and improvement of the BWC Program.
2. **Program Coordinator or designee** – The Department's Program Coordinator has oversight responsibilities to include, but not limited to:
  - a. Maintaining and troubleshooting the BWC units;
  - b. Maintaining a record of assigned BWC units and related equipment;
  - c. Being proactive and able to complete minor repairs of BWC equipment;
  - d. Arranging for the warranty and non-warranty repair of the BWC units;
  - e. Repairing or replacing BWC components (cameras, docking stations, etc.);
  - f. Maintaining BWC equipment repair and maintenance records;
  - g. Updating software and systems settings as necessary;
  - h. Training officers on current policy and the proper use of BWC units;
  - i. Coordinating with ITS regarding system related issues;
  - j. Ensuring BWC system files of evidentiary value are secured and retained per policy;
  - k. Ensuring all necessary documentation is completed and archived, such as requests for video deletion and audit information;
  - l. Creating copies of BWC system files for official Department business including, but not limited to, public records requests, copies for prosecutorial processes, internal reviews, and redacting;

- m. Reviewing policies, directives, best practices, and procedures for continued development and improvement of the BWC Program;
- n. Establishing and maintaining an audit program.

3. **Video Analyst** – The Department's Video Analyst(s) has responsibilities to include, but not limited to:

- a. Training officers on current policy and the proper use of BWC units;
- b. Coordinating with ITS regarding system related issues;
- c. Ensuring BWC system files of evidentiary value are secured and retained per policy;
- d. Reviewing BWC video footage;
- e. Creating copies of BWC system files for official Department business to include, but not limited to, public records requests, copies for prosecutorial processes, internal reviews, and redacting.

4. **Records Manager** – The Department's Records Manager has oversight responsibilities including, but not limited to:

- a. Ensuring BWC system files are reviewed and released in accordance with Federal, State, and local laws, and with YPD policy, to include the Investigation Division release approval process.

5. **Supervisors** – Supervisors shall ensure officers utilize the BWC system according to policy guidelines.

- a. Supervisors shall randomly inspect assigned BWC systems once a month to ensure the system is functioning properly and officers are using the devices appropriately, in accordance with policy. The findings will be documented in Blue Team/PPR.
- b. Supervisors shall ensure digital evidence is uploaded to digital evidence storage by the end of the officer's shift.
- c. Supervisors have the ability to immediately resolve citizen complaints by reviewing video captured by the BWC.

- 1. If 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 the digital evidence storage and in Blue Team.

2. This will allow Professional Standards Unit personnel to capture incidents that are resolved by this camera system.
  - d. Lieutenants shall review, for the purposes of quality control and performance review, at least ten (10) random BWC files per month. The random BWC files selected must involve cases in which a report was completed. This does not include the review of BWC files that are part of an official report, investigation or other official inquiry.
  - e. Sergeants shall review, for the purposes of quality control and performance review, at least one (1) random BWC file per officer, per month. The random BWC files selected must involve a case where a report was completed. This does not include the review of BWC files that are part of an official report, investigation or other official inquiry.
  - f. Supervisors shall notate in Blue Team and the employee's PPR file whenever random BWC files have been reviewed.
  - g. Members of the field training staff may review any number of BWC files as part of an OIT's performance review, daily observation report or evaluation.
6. **Officers** – Officers shall utilize the BWC system according to policy guidelines.
  - a. All authorized police personnel assigned a BWC shall wear it while on duty in a uniformed capacity. Other personnel not assigned a camera, who occasionally perform duties in a uniform capacity, shall check out and utilize a spare BWC. Spare devices must be registered by the BWC Program Coordinator prior to use.
  - b. All personnel assigned a BWC shall activate the BWC to record all contacts with citizens in the performance of official duties.
  - c. The BWC shall be activated upon dispatch of the call, prior to on-scene arrival.
  - d. If an officer fails to activate the BWC, fails to record the entire contact or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
  - e. Personnel wearing a BWC while on duty in an ununiformed capacity shall utilize the BWC system according to the policy guidelines.

## F. PROCEDURES:

**1. Training:**

- a. Officers shall complete Department training prior to the use of any BWC.
- b. Training shall include, but is not limited to:
  - 1. Legal Implications
  - 2. Practical Use Issues
  - 3. Evidentiary Chain of Custody
  - 4. Technical Elements
  - 5. Sensitivity Issues
  - 6. Professional Standards
  - 7. Signed Acknowledgement of Policy
- c. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
- d. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

**2. Pre-Shift Inspection:**

- a. Officers shall inspect their assigned BWC daily to ensure there is no visual damage and the device is in working order.
- b. Inoperable equipment shall be tagged and returned to the Program Coordinator as soon as possible.
- c. Loaner BWC devices shall be maintained and may be signed out while assigned equipment is being serviced. Spare devices must be registered by the BWC Program Coordinator prior to use.

**3. Camera Position:**

- a. Officers shall wear the BWC as trained, above the midline center of their torso or on the left or right breast pocket, and in a position that provides for effective recording.

**4. Malfunctions:**

- a. When a BWC malfunctions, the officer shall notify his or her supervisor and the Program Coordinator.
- b. If the equipment is inoperable, it shall be taken to the Program Coordinator for repair as soon as possible.



- c. If the Program Coordinator cannot repair the unit, the Coordinator shall contact the manufacturer to facilitate the repair.
- d. Repair and replacement of damaged or nonfunctional BWC equipment is handled through the Program Coordinator and performed through an authorized service provider.

#### **5. Advisements about Recording:**

- a. Private citizens do not have a reasonable expectation of privacy when speaking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. Officers are not required to give notice they are recording.
- b. Officers are encouraged to advise the citizen(s) they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.
- c. If asked by a citizen, officers shall advise they are recording.
- d. Officers are not required to initiate or cease recording an event, situation or circumstances at the demand of a citizen.
- e. When practical, employees shall advise other department members, other emergency responders, or other law enforcement and justice personnel (attorneys, judges, etc.) when a BWC is recording.

#### **6. When and Where to Record:**

- a. Recordings should be incident specific and officers should be recording with the BWC anytime they are conducting official police related business.
- b. From an evidence perspective, it is important to capture as much of the encounter as possible. Therefore, once the need is established, employees shall turn the BWC on as soon as practicable.
- c. Officers shall exercise caution in order to avoid recording tactical conversations or operationally sensitive information.
- d. When recording telephone calls to the public for any official police business, take caution not to record background conversations. When available, utilize a quiet area.
- e. Officers shall exercise caution to avoid recording victim protected information (e.g. address, social security number). Officers may utilize the mute button to avoid recording that information.

#### **7. Enforcement Related Contacts:**



- a. Officers shall use the BWC to record enforcement related contacts. The BWC shall be activated prior to actual contact with the citizen, or as soon as safely possible thereafter, and continue recording until the contact is concluded.
- b. Enforcement related contacts include, but are not limited to:
  - 1. Traffic stops
  - 2. Pedestrian stops
  - 3. Any self-initiated activity which could result in civil or criminal enforcement
  - 4. Field interviews
  - 5. Detentions
  - 6. Arrests
  - 7. Requests for consent to search persons, vehicles, buildings/curtilage, and personal property
  - 8. Searches of buildings/curtilage, persons, vehicles, and personal property
  - 9. Advisement of *Miranda* Rights
  - 10. Persons present at calls for service who are accused of crimes
  - 11. Consensual encounters in which the officer is attempting to develop reasonable suspicion for the subject of the encounter
  - 12. Victim, suspect, and witness interviews
  - 13. Transportation of prisoner(s) or citizens(s)
  - 14. Emergency vehicle response
  - 15. Vehicle and foot pursuits
  - 16. Critical incidents
  - 17. Use of force incidents
  - 18. Any time an officer feels it is appropriate to record
- c. This policy does not exclude officers from recording non-enforcement related contacts where it is reasonably believed audio and/or video recordings may be of value to the agency.
- d. Officers shall activate the BWC to record the situations in (b), even if the event is out of view of the camera.
- e. If a citizen demands to see BWC video as the result of a contact, the officer shall advise the citizen to contact the Professional Standards Unit.
- f. Non-employee civilians shall not be allowed to review the recordings at the scene, unless viewing the recording is necessary to assist in the investigation.

8. Activating the BWC in the midst of a dynamic event (e.g., pursuit) is only expected if/when it can be done safely.

#### 9. Arrests

- a. Officers shall fully record all arrests.
- b. Officers shall not stop and start the recording during an arrest.

#### 10. Suspect Interviews:

- a. Officers are encouraged to fully record suspect interviews.
- b. Officers shall not stop and start the recording during a suspect interview.
- c. The BWC may be muted when the officer steps away from the interview (e.g., to consult with another officer).
- d. When recording interviews, officers shall ensure they record any admonishments (*Miranda*) prior to the start of an interview.
- e. If a recording is stopped for any reason during an interview, the officer shall note the reason in their report.

#### 11. Victim/Witness Interviews:

- a. Recordings of identified victims and/or witness interviews may be invaluable for capturing physical evidence and individual's demeanor, as well as for reducing potential recantation.
  1. Consideration may be given to stop recording in circumstances where the victim/witness refuses to be recorded.
  2. An option may be to discontinue video, but continue audio recording with department issued digital audio recorder.

#### 12. Private Residences:

- a. Private citizens have a reasonable expectation of privacy in their homes and curtilage. However, when officers are lawfully present (warrant, consent, or exigent circumstances) in the course of their official duties, there is no reasonable expectation of privacy and officers may record.

#### 13. Searches:

- a. Officers assigned a BWC shall activate it during the execution of a search warrant, an arrest warrant, or a consent search in which the officer is looking for evidence or contraband. Officers shall attempt to capture a subject's verbal consent on video.

#### **14. Collisions:**

- a. When practicable, officers shall activate their BWC as soon as possible following a collision in which they were involved.

#### **15. When and Where NOT to Record:**

- a. Incidental / unplanned recordings excluded, officers will not surreptitiously record other employees.
- b. As all possible situations cannot be addressed in policy, officers' good judgement must always be used in addition to policy.
- c. BWCs shall not be used to record non-work related activity.
- d. BWCs shall not be used to record in areas or activities such as pre-shift briefings, break rooms, or other activities where audio/video recordings are not reasonably believed to be of value or may record operational information.
- e. BWCs shall not be unnecessarily activated in places where persons have a reasonable expectation of privacy, such as locker rooms, dressing rooms and restrooms.
- f. This does not preclude an officer from using a BWC to obtain potential evidence during an investigation within these types of areas.
- g. BWCs shall not be used during Department administrative investigations.
- h. When possible, officers shall avoid recording exposed areas of the body that could cause embarrassment or humiliation, such as exposed breast, genitals, and buttocks.
- i. Officers shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers shall be careful to avoid recording persons other than persons involved in the incident and to avoid recording confidential medical information.
- j. Officers are not required to record informal or casual encounters with members of the public. Officers should consider that recording people in some circumstances may inhibit sharing of information or developing strong ties between members of the community and officers.
- k. Officers shall not record a known Confidential Informant and / or undercover officer.

- l. Officers shall only utilize issued BWC devices while on-duty. The use of the BWC while off-duty is prohibited, unless working approved uniformed off-duty employment.
- m. Except for enforcement related issues, BWC shall not be used to record in court rooms, prosecutor meetings or defense interviews.

#### 16. Critical Incidents:

- a. Following a critical incident any involved officer(s) shall turn their BWC over to a supervisor on scene prior to viewing any footage of the incident.
- b. The supervisor(s) shall assume the responsibility of uploading the video in a timely manner.
- c. If a criminal investigation ensues and the involved officer(s) voluntarily submits to a criminal interview, they will be able to view the recorded footage of the incident only after the initial interview. The involved officer(s) may then be re-interviewed, if desired.
- d. If an administrative investigation ensues, the involved officer(s) may view the recorded footage and provide any further information regarding the footage the officer believes is relevant prior to the completion of the investigation.

*(It should be noted, video evidence has limitations and may depict events differently than the involved officer recalls. The video evidence may be used to assist the officer's memory and may assist in explaining their state of mind at the time of the incident. Viewing video evidence may or may not provide additional clarity to what the officer may remember.)*

#### 17. Entering Metadata:

- a. Each BWC system file requires metadata be entered, even if the files are of the same event. Metadata should be added as soon as possible, but not later than the end of the officer's shift.
- b. Metadata should be entered in the field via equipment provided to the officer by the Yuma Police Department. If needed, metadata can be entered via computer through the Evidence.com portal.
- c. Metadata that must be input includes:
  - 1. ID – This is the report number or CAD number

2. Title – This can be the subject's name, a location, address, or other identifying information.
3. Category – Select one of the pre-defined categories.

#### **18. Downloading/Storage:**

- a. BWC Units are not to be taken home unless permission has been granted to do so.
- b. After verifying the required metadata has been added to all recorded events, officers shall place the BWC into the docking station at the end of their shift. This allows for the battery to recharge and the data will automatically transfer from the BWC to digital evidence storage.

#### **19. Retention of Digital Evidence:**

- a. All digital evidence related to any criminal proceeding, claim filed, pending litigation or a personnel complaint, shall be preserved until that matter is resolved and/or in accordance with state law.
- b. Recordings of no evidentiary, administrative, or training value will be purged after (185) days.
- c. Recordings of evidentiary value shall be retained in conjunction with other evidence related to the same case(s).
- d. Recordings of Use of Force encounters shall be retained for a minimum of two (2) calendar years.
- e. Recordings related to civil claims shall be retained until any litigation holds are released.
- f. All recordings shall be retained in accordance with the applicable Arizona State Library record retention schedule.

#### **20. Reviewing Digital Evidence:**

- a. Officers may review their own BWC recordings prior to completing a departmental report.
- b. Officers may review other officers' BWC recordings if needed to complete their investigation or departmental report.
- c. Officers may view BWC footage of a critical incident after the officer has been interviewed.
- d. Detectives are responsible for reviewing, updating, and tracking digital evidence associated with their assigned cases.
- e. Digital evidence captured by the BWC is not all inclusive. The system captures a less broad and less detailed image than the totality of the human senses. An officer's

recollection of specific details may be different than what is captured in digital evidence. Officers shall review digital evidence prior to providing testimony at hearings, trial or depositions.

f. Situations in which administrative viewing of digital evidence may occur include, but are not limited to, the following:

1. Any incident in which a member of the Department is injured or killed during the performance of their duties.
2. Any incident involving the use of force by a member of the Department, including canines.
3. Any in-custody death.
4. Any police pursuit.
5. When any member of the Department intentionally (except for training purposes) or unintentionally discharges a firearm.
6. Officer involved traffic collisions.
7. Prior to the release of recordings in response to a proper legal request (e.g., in response to a subpoena or other court order).
8. In preparation for a civil deposition or interview where the incident arises from the employee's official duties.
9. When preparing to testify in a criminal, civil or administrative proceeding arising from the employee's official duties.
10. For administrative investigations when digital evidence is used by the Department for the purpose of proving or disproving allegations of misconduct.
11. For quality control and performance reviews.
12. For training purposes.
13. For policy and practice review.
14. In situations where there is a need to review digital evidence not covered by this procedure, a Captain or designee must approve the request. Each situation will be evaluated on a case by case basis.

## **21. Discovery of Misconduct:**

- a. Employees reviewing event recordings should remain focused on the incident or incidents in question and review only those recordings relevant to their investigative scope. If improper conduct is discovered during any review of digital evidence, the person who discovered the conduct shall notify a supervisor. Nothing in this procedure prohibits addressing policy violations.

- b. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the Department reserves the right to limit or restrict an officer from viewing the video file, except as otherwise required by law.

## **22. Copying and Releasing Digital Evidence:**

- a. Digital evidence captured by BWC shall be treated as evidence and handled pursuant to existing Department policies and procedures and applicable Federal and State law.
- b. Officers shall not make copies of recorded audio/video for non-evidentiary purposes without written authorization from a Captain or above.

## **23. Disclosure of Public Records**

- a. Public records requests shall be accepted by the Records Division.
- b. The Records Manager, or their designee, is responsible for processing and releasing BWC recordings pursuant to a public records request.
- c. BWC recordings of critical incidents, such as officer involved shootings, use of force incidents or those that may involve potential or actual legal consequences must be approved through the Chief's office or designee.
- d. Public disclosure of BWC recordings shall be in accordance with Federal, State, and local laws and regulations.

## **24. Redaction**

- a. The Video Analyst is responsible for redaction of BWC recordings.
- b. Redaction of BWC recordings shall be in accordance with State laws and regulations.

## **25. Use of Digital Evidence for Training Purposes:**

- a. Officers and supervisors may find it useful, and are encouraged, to review recordings of incidents in which they were involved when beneficial for a tactical debrief.
- b. A BWC recording of a non-critical incident may only be used for training with a Lieutenant's approval.



- c. A BWC recording of a critical incident, or incident that may involve legal consequences, may only be used for training with approval of the Chief of Police or designee.

#### **26. Error Recordings:**

- a. Officer shall use the Metadata tag “Error Recording” when a recording has been captured in error and contains no information of value. The officer shall email his/her supervisor indicating the recording was captured in error and can be deleted. The supervisor shall review and approve or deny the request. Upon approval, the supervisor shall send the Program Coordinator an email advising of the error. The Program Coordinator shall review the file to ensure it is not misclassified and does not contain evidence, misconduct, or substantive information, prior to deleting.
- b. All requests and final decisions shall be approved in accordance with the State record retention laws.
- c. All requests and final decisions shall be maintained as a Yuma Police Department record.