



## SAMPLE POLICY

This sample policy is provided as an example for agencies to better understand what should be included in a directive. The sample policy includes examples of acceptable documentation for demonstrating compliance with each of the components of the Collaborative Standard. In most cases, at least two samples per bullet are preferred, as noted.

	EFFECTIVE DATE January 1, 2017	NUMBER <b>400</b>
SUBJECT <b>Body Worn Cameras</b>		
REFERENCE IACP, Ohio Collaborative Resources	SPECIAL INSTRUCTIONS Sign waiver upon completion	
DISTRIBUTION All personnel	REEVALUATION DATE 3/10/2018	NO. PAGES 4

- **PURPOSE < BULLET A >**

To provide Officers with instructions on when and how to use body-worn cameras (BWCs) so that Officers may reliably record their contacts with the public in accordance with the law.

- **POLICY < Bullet A >** (Organizational philosophy)

It is the policy of the Department that Officers shall activate the BWC when such use is appropriate to the proper performance of his official duties, where the recordings are consistent with this policy and the law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

- **PROCEDURES**

- **ADMINISTRATION**

< **Bullets B and C** > (Requirements and restrictions for activation and deactivation and use of captured data)

The Department has adopted the use of the BWC to accomplish several objectives.

- A. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They serve to enhance the accuracy of Officer's reports and testimony in court.
- B. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, Officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide information for Officer's evaluation and training.
- C. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

- **USE OF THE BODY-WORN CAMERA (BWC)**

< **Bullets B and C** > (Requirements and restrictions for activation and deactivation and use of captured data)

- A. The following are situations that require the activation of the BWC.
  1. All contacts with citizens in the performance of official duties.
  2. All traffic stops, OVI investigations and field sobriety tests.
  3. All investigatory stops, suspicious persons or vehicle calls.
  4. All Jail booking of prisoners.
  5. Responding to domestic disputes.
  6. Responding to disorderly conduct or disturbing the peace calls.
  7. Vehicle searches and / or inventory search.
  8. Miranda Warnings and responses from in custody suspects.
  9. Physical or verbal confrontations or use of force situations.
  10. Any other circumstance where the Officer believes that a recording of an incident would be appropriate.
- B. Whenever possible, Officers should inform individuals that they are being recorded unless unsafe, impractical, or impossible. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see Section IV, A-F).
- C. If an interruption occurs, the Officer will document the reason for the interruption or termination of the recording. If an Officer feels it is necessary to stop recording (e.g. talking to a victim of sexual assault, confidential informant) within the constraints of policy, the Officer will verbally indicate their intent to stop recording before stopping the device, and upon reactivation, state that the camera was restarted. Documentation can be in the form of an incident report or other means approved by the Chief of Police.
- D. If an Officer fails to activate the BWC, the Officer will document why a recording was not made. Documentation can be in the form of an incident report or other means approved by the Chief of Police.
- E. Civilians shall not be allowed to review the recordings at the scene.
- F. Personal use of BWC equipment on or off duty is prohibited.

- **PROCEDURES FOR BODY-WORN CAMERA (BWC) USE**

< **Bullets B, C and D** > (Requirements and restrictions for activation and deactivation, use of captured data and retention requirements)

- A. BWC equipment is issued primarily to on-duty uniformed personnel as authorized by the Department. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
- B. Officers shall use only BWCs issued by the Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Police Department.
- C. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the Communications Specialist or Lieutenant as soon as possible so that a replacement unit may be procured.
- D. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their Supervisor of any problems.
- E. Officers shall not edit, alter, erase, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief.
- F. Officers are encouraged to inform their Supervisor of any recordings that may be of value for training purposes.
- G. Requests for deletion of portions of the recording (in the event of a personal recording) must be submitted in writing and approved by the Chief or his designee in accordance with State record retention laws. All requests and final decisions shall be kept on file.
- H. Officers will note in incident, arrest and related reports when BWC recordings were made. When preparing written reports, Officers should review their recordings as a resource. The report notation should contain the BWC unit's identification (i.e. BWC-XX). BWC recordings are not a replacement for in-car video or written reports.

- **RESTRICTIONS ON USING THE BODY-WORN CAMERA**

- < **Bullets B, C and D** > (Requirements and restrictions for activation and deactivation, use of captured data and retention requirements)

BWCs will be used only in conjunction with official law enforcement encounters and activities.

The BWC will not be used to record:

- A. Communications with police personnel without the permission of the Chief.
  - B. Encounters with undercover officers or confidential informants.
  - C. When on break or otherwise engaged in personal activities or when in a location where there is reasonable expectation of privacy, such as restroom, locker room, squad room.
  - D. For any purpose that is contrary or inconsistent with the Department's mission and core values or in any way that is contrary to federal, state and local law.
  - E. While in patient care areas of a healthcare facility, unless the patient becomes adversarial with the Officer. The Officer shall record for law enforcement purposes only, but not record any patient / doctor conversations; having discussions with attorneys, peer support counselors, doctors, etc.

- **STORAGE < **Bullet D** > (Storage, retention, disclosure and privacy)**

- A. All BWC files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier and assigned Officer. The procedures for downloading files from BWC to the server shall be in accordance with manufacturer and agency agreements on file.
  - B. All images and sounds recorded by the BWC are the exclusive property of this Department. Accessing, copying or releasing files for non-law enforcement purposes is strictly prohibited.
  - C. All access to BWC files must be specifically authorized by the Chief or his designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
  - D. Files should be securely stored in accordance with State records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution.

- **SUPERVISORY RESPONSIBILITIES**

- A. Supervisors are responsible and have discretion for the assignment of BWCs based upon the availability of equipment and the needs of the agency.
  - B. Supervisory personnel shall ensure that Officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein. Bullet F (Accountability) < **Bullet F** > (Accountability)
  - C. On a monthly basis, Supervisors will conduct documented random reviews of BWC recordings of traffic stops and citizen contacts as well as reports generated as a result of these incidents and activities to ensure that the equipment is operating properly, that Officers are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance is required. Bullet E (Documented Reviews) < **Bullet E** > (Documented Reviews)
  - D. The Chief or designee will review BWC captured data and conduct a documented annual analysis of the data, frequency and use. < **Bullet E** > (Documented Reviews)

- **RELEASE OF BODY WORN CAMERA RECORDINGS < **Bullet D** > (Disclosure)**

Any request for the release of Body Worn Camera recordings will be directed to the Chief of Police or designee. The release of recordings will be consistent with Ohio Public Records laws (149.43).

- **TRAINING < **Bullet F** > (Read and sign and testing)**

All body worn camera operators and supervisors will complete an annual review of this directive and complete knowledge testing on the proper use of the equipment. Testing may include the following topics:

1. All practices and protocols of this policy;
2. An overview of relevant state and federal laws governing consent, evidence, privacy, and public disclosure;
3. Procedures for operating the equipment safely and effectively;
4. Scenario-based exercises that replicate situations officers might encounter in the field;
5. Procedures for downloading and tagging recorded data;
6. Procedures for accessing and reviewing recorded data (restricted to personnel authorized to access the data);
7. Procedures for preparing and presenting digital evidence for court, and
8. Procedures for documenting and reporting any malfunctioning device or supporting systems.

**AGENCY PROOF OF COMPLIANCE DOCUMENTATION**

**Standard 12.2016.4, Bullets A-F**

Note: Where possible, at least two samples should be provided for each bullet. This is not an all-inclusive list. Agencies may utilize other forms of documentation to prove compliance.

**Bullet A – Policy statements supporting Ohio Collaborative Guiding Principles**

See agency BWC policy 12.2016.4

**Bullet B – Requirements and restrictions for activation and deactivation of the device**

Samples may include: Case reports documenting BWC usage to include investigative action notes detailing why recording was activated / deactivated.

**Bullet C – Criminal and administrative use of the camera captured data**

Samples may include: Case reports documenting BWC usage to include investigative action notes detailing the criminal and / or administrative use of data

**Bullet D – Data storage, retention, and disclosure requirements reflective of public records law and privacy concerns**

Samples may include: Communications demonstrating compliance with Public Records Law; Public records request log; Letter to requestor explaining the process; Letter to requestor explaining what the record does / does not contain; Documentation demonstrating destruction of agency in compliance with agency policy on retention and destruction; Documentation demonstrating retention, i.e. evidence log, retention log

**Bullet E – Requirements for a documented review of camera captured data**

Samples may include: Documentation in support of agency reviews of camera captured data; memo; checklist; annual reports; quality checks; notation on case report; administrative follow-up reports; weekly reports

**Bullet F - Accountability and training requirements for users and supervisors (Read and Sign and Testing)**

Samples may include: Read and sign and testing reports for current year over agency directive and Reports indicating corrective action taken on violations of agency policy.

**Please call the Office of Criminal Justice Services with any questions at 888-448-4842.**