

**NOTE:**

In November and December 2023 the SRT BWC TTA program conducted a three-part webinar series based on *Body-Worn Camera Policies and Procedures: Guidelines for Prosecutors*. This newsletter provides a brief summary of Part 2 of that series. The 30-minute webinars and accompanying documents are available [HERE](#).

While video evidence is generated by BWCs worn by the police, BWC evidence has a significant impact on prosecutors. Prosecutor input regarding a law enforcement agency's BWC policy will assist prosecutors in properly screening cases, holding those guilty responsible, and ensuring innocent people are not prosecuted.

Regarding BWC footage, there are many ways for a prosecutor to work with law enforcement, but the ideal situation involves prosecutors working with the law enforcement agency to create a policy that fulfills the needs of both agencies. This collaboration should be ongoing, because BWCs and their requirements are constantly updating and changing.

The authors of the guidelines

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recommend that prosecutor offices enact MOUs with all law enforcement agencies in their jurisdiction. An MOU would ensure that all agencies know their duties and responsibilities. Five major topics are typically covered in an MOU:

1. Identify how and when the DA will be notified of existing footage for an arrest or when a case is referred to the office for prosecution;
2. Specify when and how BWC evidence will be made available to the prosecutor's office;
3. Designate a point of contact for issues that arise relating to BWC usage;
4. Establish the retention policy required for such evidence in cases where no arrest is made or for footage not associated with an arrest; and
5. Agree on the handling of freedom of information requests and how decisions regarding redaction will be made before release.

A cooperative relationship between law enforcement agencies and prosecutors is essential because a continual, ongoing process of review is necessary. For example, camera activation

and deactivation have important ramifications for prosecutors. If BWCs are not activated and have not recorded an entire incident, it could lead to holes in case evidence and hinder the ability to fully prosecute a case. A BWC policy should document when and why cameras are turned off and why footage is not available. Prosecutors and law enforcement agencies should have input into these decisions and have a general agreement.

Prosecutors and police should meet and come to an agreement on procedures to maximize the benefits of BWC video and minimize liability before any serious problems occur. Having a procedural agreement in place will minimize uncertainty and errors in the midst of a crisis. Putting a policy in place from the beginning also promotes transparency and allows an opportunity to educate the public on BWC uses and limitations.



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