

PURPOSE :

Body-worn video cameras (BWC) are intended to equip officers with a personal video system that will capture an audio/visual record of events as they occur. Small body worn recording devices enhance officer safety, transparency and the capture of evidence, and will complement the in car digital video hardware (ICDV) operated by the Calgary Police Service.

POLICY:

To be authored.

PROCEDURE:

The following SOP has been developed to enhance the objectives of camera deployment:

- Officer Safety
- Reduce complaints from citizens
- Enhance police investigations
- Gathering of evidence to support prosecution
- Recording events involving use of force
- Reduction of hostility during events
- Assist in training and debriefings

(A) ROLES AND RESPONSIBILITIES

BWC is a tool to be used **overtly** to assist in obtaining evidence at the scenes of incidents and crimes. When BWC is utilized, recordings are considered as supporting the members' visual observations and will **supplement**, not replace notes.

- 1) BWC pilot equipment may only be used by members who:
 - a. Have been selected to participate in the BWC pilot project,
 - b. Are on duty and lawfully placed at the time of using the BWC equipment, and
 - c. Are conducting or taking part in planned and authorized testing of BWC equipment or systems.
- 2) It is the responsibility of individuals using the BWC equipment to ensure that:
 - a. Equipment is employed in accordance with the procedures set out in **B** of this policy,

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- b. Equipment is functioning properly,
- c. All recordings made with BWC equipment are uploaded in accordance with training instructions provided,
- d. Equipment components, recording mechanism and data cards are not tampered with, willfully damaged or lost,
- e. Accidental damage, loss or other equipment failure is fully reported to a supervisor as soon as practicable and documented in a departmental report, and
- f. BWC cameras issued to the member are for the express use of the member assigned that equipment.

(B) BWC PRINCIPLES

- 1) BWC equipment is an overt tool worn so as to be visible to citizens and other members. To ensure awareness of video recording, members wearing a BWC, when in recording mode, shall announce to citizens and other CPS members that the interaction is being recorded. The notification shall be made:
 - a. as soon as it is safe and practicable to do so and,
 - b. by pointing at the BWC and stating audibly that the interaction is being recorded.
- 2) **Covert** recording is prohibited. The BWC is not intended to gain surveillance video.
- 3) BWC recording occurs within the premise of a call for service or other on-view incident, with the express purpose for capturing potential evidence providing that the CPS member is lawfully placed.
- 4) While BWC enhances officer safety, the capturing of evidence and transparency, recordings **will** be supported by traditional reporting procedures i.e. officer notes and PIMS reports.
- 5) Significant media interest in the deployment of BWC is anticipated. CPS members will refer all media inquiries to the Strategic Communications Section.
- 6) Discretion and judgment must be exercised in deciding when to activate and deactivate the BWC recording. Decisions must be articulable. If practicable, the reason not to record will be stated verbally by the user so that it is recorded on the BWC prior to the equipment being deactivated. Reasons for deactivation shall be reported in the member's notebook. Members should be aware of the potential of having to articulate their decisions during future court proceedings.
- 7) The review of any video recordings will be documented in the officer's notes. It must be impressed that officers will have adequate notes based on their *independent recollection* of the events prior to reviewing the video and making supplementary notes.

(C) STORAGE AND SIGN OUT OF THE BWC

- 1) Each member will be assigned a specific BWC which will be retained in the work area docking station when not deployed, and signed out by recording users regimental and work area on Wearable Camera Agent online at the beginning of the member's shift. The camera LDVXXXXX number will be documented in the member's notebook. The sign-out process will be specific to each individual work area and according to the training materials provided.

(D) EQUIPMENT MAINTENANCE:

Members who have been assigned a BWC are responsible for checking the following upon signing out the BWC:

- 1) That previous recordings are uploaded to CPS network,
- 2) That the date and time stamp is accurate by comparing with the date and time on a CPS network PC and by noting any variance,

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- 3) That the camera recording function is working, and
- 4) That the battery is fully charged.

(E) TECHNICAL ASSISTANCE:

If technical difficulties arise with the BWC, contact 403-543-0840 and ask Supervisor for the on call BWC member's phone number.

(F) BWC ACTIVATION PARAMETERS

- 1) Members will, verbally state the date, time, location, nature of the incident, whenever safe and practicable to do so upon activation.
- 2) If a member's vehicle is equipped with ICDV (In car digital video) members will utilize that system while operating the vehicle under ICDV policies. Members will then activate the BWC when arriving at an event when safe and practicable to ensure continuity of the entire event. It is unnecessary to have both systems simultaneously recording.

(G) BWC DEACTIVATION PARAMETERS

- 1) As a general guideline, the BWC will be deactivated in the following circumstances:
 - a. a specific incident/call for service and/or related charges are completed,
 - b. a call for service or any other incident is deemed not to be a police matter, in which case, this deduction shall be verbalized prior to deactivation,
 - c. the subject is taken into a CPS facility such as the Court Services Section which is recorded by CCTV systems. NOTE: Officers will continue recording at CPS district offices, but will attempt to prevent capturing unrelated arrestees or will not record when lawyer/client privileges are being exercised.
- 2) Prior to deactivation, members shall, providing that it is safe to do so, state the time, place and reason for deactivation.
- 3) If the BWC is reactivated during the same incident, the reason for reactivation should be audibly verbalized and documented in the member's notebook and any related PIMS report.
- 4) Accidental deactivation of the BWC should be documented in the member's notebook and any related PIMS report.

(H) SPECIAL CONSIDERATIONS FOR RECORDING OR NOT RECORDING:

- 1) **Citizen Objection to Recording.** In some circumstances, members may encounter situations where one party objects to the recording taking place. It is recommended that members continue to record when incidents are occurring or allegations of a criminal or other investigative nature are present. The onus is also on the member for providing reasons for doing so including:
 - a. that an incident has occurred requiring police (who are lawfully placed) to attend,
 - b. that the member's continued presence might be required to prevent a breach of the peace or injury to any person,
 - c. the member's duty to secure the best evidence available, with emphasis given to the objective and accurate depiction of the incident in the interest of all parties present,
 - d. that continuing to record would safeguard all parties with a true reflection of any significant statement made by any party, or that of the scene,

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- e. that the same incident may occur again in the future,
 - f. that continuing to record will safeguard the member from any potential allegations from any party.
- 2) **Private Dwellings.** If a member attends a private dwelling for an incident that would normally be recorded in the member's notebook, the BWC should be activated. Members should be mindful of the citizen's expectations of privacy and if possible, avoid recording anything inside the dwelling that is unrelated to the original incident, or else, not in plain-view.
- 3) **Domestic Violence.** Reports of domestic violence are a priority for the CPS. BWC can capture detailed evidence in these situations. Every effort should be made to activate and keep the BWC recording, with any objections handled in accordance with responses outlined in **(H)1**. Scene examination photographs, and capturing of injuries sustained should be referred to the Forensic Crime Scenes Unit for attendance.
- Members are reminded that children may also be present in these situations. The identities of children should be protected, and if possible, cameras should be directed away from children.
- 4) **Sexual Assault.** While BWC recordings may be a potential benefit in capturing important evidence, sensitivity must be employed by members responding to such incidents. If the complainant is a child or youth, child abuse protocols must be followed.
- 5) **Young Persons.** BWC is to be used accordingly when young persons are provided access to their parents and/or legal counsel.
- 6) **Witness and Victim Statements.**
- a. A member wearing a BWC may interact with victims or witnesses who are giving their first account of an incident. Any initial disclosure from such persons will be treated as an evidential recording. While capturing verbatim accounts from victims and witnesses has inherent benefits, members should be mindful to the sensitivity of the information being reported, coupled with any potential threat to the safety of the individual that may arise as a result of disclosure.
 - b. BWC recordings do not replace the need for formal written statements from victims or witnesses and the use of video recorded interview rooms. KGB statements will be administered within the realm of a CPS facility in accordance with Calgary Police Service Policy on administering KGB statements.

(I) RECORDING RESTRICTIONS:

- 1) CPS Members will not record:
- a. Entire patrols,
 - b. Their own duty/administrative duties or the activities of other members that are not incident or charge related,
 - c. Activities at the Court Services Section, and/or,
 - d. Activities of citizens who are not involved in an incident, except where individuals are unavoidably captured due to their proximity to an incident,
 - e. Entering on Calgary Police Service Check-Stop Bus,
 - f. A static point assigned on a major event unless circumstances arise.
 - g. In a law office, except when responding to an emergency call for service originating from (inside) the law office (exigency).
- 2) Misuse of BWC and/or recordings may be regarded as misconduct. BWC recordings are the express property of the Calgary Police Service and subject to relevant ICTS policies. BWC recordings may not be replayed or copied

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for any purpose other than for police purposes. Members must immediately notify their supervisor, of any violations or suspected violations of this Standard Operating Procedure.

(J) UPLOADING BWC RECORDINGS:

- 1) At the end of each shift, cameras are to be returned to the work area docking station for uploading as well as battery recharging. This process will be location specific and in accordance with the training provided.
- 2) For problems encountered during the uploading process, please contact:
403-543-0840 ask Supervisor for the on call BWC member's phone number.
- 3) When a BWC is present at an incident involving the discharge of a service issue firearm, the use of a CEW and/or force resulting in death or serious bodily harm, the following procedures will be adhered to:
 - a. the BWC(s) will be seized by the Incident Commander,
 - b. as soon as practicable, the Incident Commander will inform A/Sgt Kiez 403-703-9240 Or 403-771-2524 that a BWC has been seized relating to a use of force incident,
 - c. the incident commander will retain the BWC until the primary investigator on the investigation is able to oversee and witness the data retrieval from the camera(s),
 - d. involved officers will be given the opportunity to review the recording in consultation with their CPA representative and with legal counsel present if elected,
 - e. witness officers will be permitted to view the recording prior to providing a statement to investigators.

(K) REVIEW OF VIDEO/USE OF VIDEO TO AID INCIDENT AND INVESTIGATION REPORTING:

- 1) BWC provides accurate and complete evidence for police investigations, but is only one part of the overall investigation. Arguably, the BWC cannot capture the entirety of an incident, and certain aspects may be missed by the BWC including, but not limited to smells, environmental conditions, and certain audio which may be obscure or difficult to discern. Technical and operator errors as well make it necessary that the BWC video is used to augment and not replace officer notes and related PIMS reports. In short, officers need to be cognizant that potential elements not captured by the BWC are well articulated in their notes.
- 2) The presence of BWC at an incident shall be noted in a PIMS report.
- 3) In cases where the BWC recording will be disclosed as evidence, members who have made the recording **will** review video they have personally recorded to ensure:
 - a. the BWC has captured the entire incident and the recording is clear,
 - b. the video is adequately supported and is supplemented by notes in the member's notebook,
 - c. any inconsistencies between notes and videos are addressed.
- 4) Members can review recordings prior to authoring a PIMS report even in cases where the recording will not be submitted as evidence. The review of the recording will be documented in the member's notebook, and can be used to assist in preparing supplementary notes.
- 5) BWC recordings may be reviewed by the following persons for the reasons stated:
 - a. The members to whom the BWC is issued, to;
 - i) make sure the BWC is functioning,

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- ii) to assist with further investigation.
- b. An authorized member of the BWC Pilot Project Team for the purpose of assessing:
 - i) the technical quality of the recordings,
 - ii) the value or contribution to the project as a whole.
- c. Other investigative bodies for the purposes of furthering an investigation.

(L) BWC RECORDINGS FOR DISCLOSURE:

- 1) Digital copies of BWC recordings will be requested via the CPS Portal Forms/Police operational forms/ In Car Digital Video*Body Worn Camera.
- 2) Digital copies of BWC not required for disclosure or for other court proceedings will be retained at the Calgary Police Service Evidence and Property Unit.
- 3) The investigating member will request digital copies of BWC recordings when:
 - a. a criminal charge is laid,
 - b. use of force was necessitated and the digital copy of the recording is used to supplement an SBOR report.
 - c. a member has received a Subpoena to a Witness requiring their attendance in court for a (POPA) ***Provincial Offences Procedure Act.***
- 4) Members of the Joint Disclosure Team located in the Crown Prosecutors Office will process requests sent by investigating officers and attach video to event number.
- 5) Members of the Joint Disclosure Team will be in charge of vetting video.

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**CALGARY
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Calgary Police Service

SUBJECT: *Body Worn Camera (BWC) Pilot Program*



SOP NUMBER:

EFFECTIVE DATE: 13/08/27

REVISED DATE: 13/08/27

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