


## 17.105 Body Worn Cameras

Digital Evidence		
	Body Worn Cameras	General Order 17.105
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### A. Policy

The use of the body worn camera provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Officers shall utilize this device in accordance with the provisions in this general order to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

### B. 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** - Police Department program administrator for digital evidence storage and camera system, with full access to user rights and sets user access and parameters.
3. **Digital Evidence** - BWC files, including photographs, audio recordings and video footage or other evidence, captured by a BWC and stored digitally.
4. **Docking Station** - A portable multi-ported docking station installed at each station that simultaneously recharges the BWC while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to the digital evidence storage.
5. **Metadata** - General Offense numbers, Street Check numbers, and other descriptors used to identify digital evidence. Identifying and classifying information that describes the video.

### C. General Considerations

1. **Video footage obtained from the BWC may not depict everything in an officer's field of vision at the time of an incident. Additionally, everything depicted on video footage may not have been seen by the officer at the time of the incident.**
2. **Only authorized personnel shall use or be in possession of a BWC device.**
3. **Officer safety takes precedence over recording events and shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.**
4. **BWC equipment is for official use only and shall not be utilized for personal use.**
5. **Officers shall not alter (including color), remove, dismantle or tamper with any hardware and/or software component or part of the BWC device, nor shall any digital evidence obtained be deleted or altered in any manner.**
6. **The use of any other personal recording device for the same purpose is not authorized without permission of the Chief of Police or designee.**
7. **All digital evidence collected using the BWC is considered a record of the Tempe Police Department and is for official use only.**
8. **Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this procedure is strictly prohibited. Public release of digital evidence is prohibited unless approved by the Chief of Police or their designee.**
9. **Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a personal recording device such as 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.**
10. **Officers should continue to prepare reports in the same manner as prior to the implementation of this camera system and should not substitute "refer to video" for a detailed and thorough report.**

#### **D. Responsibilities**

1. **Program Administrator - The Program Administrator(s) are designated by the Chief of Police and have oversight responsibilities to include, but not limited to, the following:**

- a. **Maintain and troubleshoot the BWC units.**
- b. **Maintain a record of assigned BWC and related equipment.**
- c. **Be proactive and able to complete minor repairs.**
- d. **Arrange for the warranty and non-warranty repair of the BWC units.**
- e. **Repair or replace BWC components (cameras, docking stations, etc.).**
- f. **Maintain BWC equipment repair and maintenance records.**
- g. **Update software and system settings as necessary.**
- h. **Train officers on current policy and the proper use of BWC units.**
- i. **Coordination with IT regarding system related issues.**
- j. **Ensure BWC system files of evidentiary value are secure and retained per this policy.**
- k. **Ensure BWC system files are reviewed and released in accordance with federal, state, local statutes and City of Tempe/Tempe Police Department retention policy.**

## **2. Supervisors**

- a. **Supervisors will ensure officers utilize the BWC system according to policy guidelines.**
- b. **Supervisors shall ensure digital evidence is uploaded to digital evidence storage in a timely fashion.**
- c. **Supervisors may have the ability to immediately resolve citizen complaints by reviewing video captured by the BWC.**
  - 1) **In those circumstances where 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.**

2) **This will allow Internal Affairs personnel to capture incidents that are resolved by this camera system.**

d. **It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.**

## **E. Procedures**

### **1. BWC Issue**

o **All designated or uniformed officers and police personnel assigned a BWC shall wear it while on duty in a uniformed capacity.**

### **2. Training**

a. **Officers shall complete Department training prior to the use of any BWC.**

b. **Training should include, but is not limited to:**

- o **Legal implications**
- o **Practical use issues**
- o **Evidentiary continuity**
- o **Technical elements**
- o **Sensitivity issues**
- o **Professional standards**
- o **Signed acknowledgement of policy**

### **3. Storage**

o **When not in use, the BWC devices shall be stored in the designated docking station or in a secure storage location at each station.**

### **4. Pre-Shift Inspection**

a. **Officers shall inspect their assigned BWC devices 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 Administrator as soon as possible.**

- **Loaner BWC devices will be maintained at the Apache and Hardy substations and may be signed out while assigned equipment is being serviced.**

## **5. Camera Position**

- **Officers shall wear the BWC above the midline of their torso and in a position that provides for effective recording.**

## **6. Malfunctions**

- a. **When a BWC malfunctions, the officer will notify his or her supervisor and the Program Administrator.**
- b. **If the equipment is inoperable, it will be taken to the Program Administrator for repair as soon as possible.**
- c. **If the Program Administrator cannot repair the unit, the manufacturer will be contacted to facilitate the repair.**
  - **Repair and replacement of damaged or nonfunctional BWC equipment is coordinated through the Program Administrator and performed through an authorized service provider.**

## **7. Advisements about Recording**

- a. **Private Citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. Officers are therefore not required to give notice they are recording.**
  - 1) **Officers are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.**
  - 2) **If asked by a citizen, officers shall advise they are being recorded.**
- b. **Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.**

## **8. When and Where to Record**

- a. **Recordings should be incident specific and officers should not record their entire shift.**
- b. **From an evidence perspective, it is important to capture as much of the encounter as possible. Therefore, once the need is established, employees should turn the BWC on as soon as practicable.**

**c. Enforcement Related Contacts**

- 1) **Officers shall use the BWC to record enforcement related contacts. The BWC should be activated prior to actual contact with the citizen, or as soon as safely possible thereafter, and continue recording until the contact is concluded.**
- 2) **Enforcement related contacts include, but are not limited to traffic stops, field interviews, detentions, arrests, persons present at radio calls who are accused of crimes, consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter, pursuits, critical incidents, and use of force incidents.**
  - o **Activating the BWC in the midst of a dynamic event (e.g., pursuit) will only be expected if/when it can be done safely.**
- 3) **Non-uniformed officers may be exempt from this policy with the approval of a lieutenant or higher.**

**d. Arrests**

- 1) **Officers may stop recording in the event mode when the arrestee is cooperative and safely secured inside a police car or law enforcement facility. If an arrestee becomes uncooperative, or if there is some evidentiary purpose, officers should resume recording in the event mode.**
- 2) **If an officer resumes recording in the event mode, the camera shall remain in event mode until the officer no longer has contact with the subject.**

**e. Suspect Interviews**

- 1) **Officers are encouraged to fully record suspect interviews. Officers should not stop and start the recording during a suspect interview.**
  - **The BWC may be stopped when the officer steps away from the interview (e.g., to consult with another officer).**
- 2) **When recording interviews, officers shall ensure they record any admonishments (Miranda) prior to the start of an interview.**

**f. Private Residences**

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

**g. Searches**

- **During the execution of a search warrant, an arrest warrant, or a consent search in which the officer is looking for evidence or contraband. Extended searches and/or secured scenes may not require continued recording if there is no significant contact with members of the public.**

**h. Collisions**

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

**9. When and Where NOT to Record**

- a. **Incidental recording excluded, employees will not surreptitiously record other employees (refer to [General Order 01.105, Organization – Internal Communications](#)).**
- b. **Not all locations and types of incidents can be listed when officers should or should not record, therefore officers' good judgment 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 conferences, Department locker rooms, break rooms, or other activities not related to a criminal investigation.**
- e. **BWCs shall not be activated in places where persons have a reasonable expectation of privacy, such as locker rooms, dressing rooms, or restrooms.**
  - o **This does not preclude an officer from using a BWC to obtain potential evidence during an investigation within these types of areas.**
- f. **BWCs shall not be used during Department administrative investigations.**
- g. **When possible, officers should avoid recording exposed areas of the body that could cause embarrassment or humiliation, such as exposed breast, groin, etc.**
- h. **Officers shall not record while in a facility whose primary purpose is to provide medical and/or psychiatric services, unless responding to a radio call involving a suspect who is still present.**
  - o **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 the suspect.**
- i. **Generally, officers should not record informal or casual encounters with members of the public. Officers should consider that recording people in some circumstances may inhibit sharing neighborhood information or developing strong ties between members of the community and officers.**
- j. **Officers shall not record a known Confidential Informant and/or undercover officer.**
- k. **Minors shall not be recorded without their parent's consent when they are not a suspect or victim.**

## 10. Entering Metadata



- Each recorded segment requires metadata be entered, even if the segments are of the same event. Metadata should be added as soon as possible, but not later than the end of the officer's shift.

## **11. Impounding**

- 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 will allow for the battery to recharge and the data will automatically be transferred from the BWC to digital evidence storage.

## **12. Retention of Digital Evidence**

- All recordings 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 the law.

## **13. Reviewing Impounded Digital Evidence**

- a. **Officers may review their own recordings.**
  - This may occur after the officer is interviewed in critical incidents, as defined by the lieutenant overseeing the incident.
- b. **Detectives are responsible for reviewing, updating and tracking digital evidence associated with their assigned cases.**
- c. **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 should review digital evidence prior to completing reports when necessary to ensure accuracy. Officers shall review digital evidence prior to providing testimony at hearings, trial, or depositions.**

- d. It is NOT the intent of the Department to review digital evidence for the purpose of general performance review, for routine preparation of performance reports, or to discover policy violations.
- e. Digital evidence may be viewed for administrative purposes 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, which results in injury or death.
  - 3) Any in-custody death.
  - 4) Any police pursuit.
  - 5) When any member of the Department intentionally or unintentionally discharges a firearm.
  - 6) When any member of the Department intentionally or unintentionally discharges any non-lethal device, including the application of a drive stun.
  - 7) Officer involved traffic collisions.
  - 8) Prior to the release of recordings in response to a proper legal request (e.g., in response to a subpoena or other court order).
  - 9) In preparation for a civil deposition or responding to an interrogatory where the incident arises from the employee's official duties.
  - 10) When preparing to testify in a criminal, civil, or administrative proceeding arising from the employee's official duties.

- 11) For investigations undertaken by the Department, for the purpose of proving or disproving specific allegations of misconduct.
- 12) For administrative proceedings, when digital evidence is used by the Department for the purpose of proving or disproving allegations of misconduct, only digital evidence relevant to the investigative scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence by investigators shall be documented as part of the chronological summary of any investigation undertaken by the Department.
- 13) In situations where there is a need to review digital evidence not covered by this procedure, a Commander or designee must approve the request. Each situation will be evaluated on a case by case basis.

#### **14. Discovery of Misconduct**

- 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 in question shall notify a supervisor. Nothing in this procedure prohibits addressing policy violations.

#### **15. Copying and Releasing Digital Evidence**

- Digital evidence captured by BWC shall be treated as official records and handled pursuant to existing Department policies and procedures.

#### **16. Use of Digital Evidence for Training Purposes**

- Officers and supervisors may find it useful, and are encouraged, to review recordings of incidents of which they were involved when

beneficial for the purpose of conducting a tactical debrief. When an incident is recorded which may be of value as a training aid for a broad section of the Department, the recording officer or that officer's supervisor should contact the Training Unit supervisor, who will review the digital evidence to determine the value of the incident for training. If the Training Unit supervisor determines the incident would be an appropriate training aid, the Training Unit supervisor shall obtain approval from the Department Legal Advisor and from the Organizational Services Assistant Chief.

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