

BODY WORN RECORDING SYSTEMS

1. Policy: Body Worn Recording Systems

This philosophy of the Waukee Police Department is to utilize advances in audio/video technology to accurately document police/citizen interactions and to provide quality law enforcement services. A policy is established to provide direction to officers in the use of the body worn recording systems. This policy is intended to provide officers and supervisors with instruction on when and how to use body worn recording devices so that they may reliably record their contacts with the public. Officers shall activate body worn recording devices when such use is appropriate to the proper performance of his or her official duties as established in this policy. This policy does not govern the use of surreptitious recording devices used in covert operation.

2. Procedure: Use

A. The primary objectives of the body worn recording device are as follow:

1. Accurate documentation of police-citizen contacts, arrests, and critical incidents.
2. Enhance the accuracy of reports and testimony in court.
3. Enhance the department's ability to review probable cause for arrest, officer and suspect interaction, and to obtain evidence for investigative and prosecutorial purposes.
4. To provide additional information for officer evaluation and training.
5. Documentation of crime and accident scenes or other events including the confiscation and documentation of evidence.
6. Other legitimate law enforcement purposes as determined by a supervisor.

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- B. Except for officers performing administrative functions, all uniform personnel shall be issued a body worn recording device prior to beginning their shift and be required to use it as established in this policy. A supervisor may grant an exception to this requirement if there are no body worn recording devices available for deployment.
- C. Prior to use, all officers and supervisors shall be trained in the use of body worn recording equipment.
- D. All recording equipment shall be tested for proper functioning at the beginning of each officer's shift. Any deficiencies with the equipment shall be reported to a supervisor. Any time recording equipment is determined to be malfunctioning, it shall be replaced by operable equipment as soon as possible. Officers are responsible for the proper care of recording equipment assigned for use and will immediately report any loss or damage to the equipment to their chain of command. The patrol division supervisors shall be responsible for inspection of recording equipment as part of their vehicle and personnel inspections.
- E. Recording devices shall be deployed in a manner that best captures the totality of the incident. Officers are allowed to manipulate the body worn recording equipment to capture specific events.
- F. Regardless if the officer is the primary or secondary unit(s), the body worn recording system shall be activated in the following situations:
 - 1. All traffic stops.
 - 2. All calls for service.
 - 3. Based on officer or supervisor discretion, any other incident deemed necessary or beneficial.
- G. Officers are not required to inform the public that they are being recorded but shall disclose recording equipment use upon inquiry. Non law enforcement personnel shall not be allowed to view recordings at the scene.

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- H. The recording devices shall be activated prior to the officer exiting their vehicle or as soon as practical during an event requiring use. Except as noted in this policy, once an officer activates a recording device, they shall continue to record until the completion of the event.
 - I. Body worn recording system shall not be used in the following situations:
 - 1. With supervisory approval, during situations in which the victim of a crime requests not to be recorded. The request not to record shall be captured on the recording system prior to turning the device off.
 - 2. With supervisory approval, during incidents of a sensitive nature that may be hampered by recording the situation (e.g. person wanting to become a confidential informant).
 - 3. During transport or booking procedures that are captured by the in-car recording system or the holding facility recording system.
 - J. The body worn recordings are intended to supplement department reports. Submitted reports are still required to capture the totality of the incident.
3. Procedure: Review
- A. Officer may use media captured via the body worn recording systems to assist with the investigation and completion of reports.
 - B. Unless otherwise restricted by the Chief of Police or designee, officers involved in an officer involved shooting incident may review media captured from the body worn recording systems prior to making any statement.
 - C. With Chief of Police or designee approval, officers may use media captured via the body worn recording systems for training purposes unless restricted by the Chief of Police or designee. Use of the media for training shall not hinder administrative or criminal investigations.

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- E. When a complaint on an employee is received, any recording from the body worn recording system as well as any other evidence (e.g. photos) that is relevant to the complaint shall be noted in the investigating supervisor's report for potential review by other supervisory personnel involved in the complaint review process.
 - F. When a use of force incident is captured on the body worn recording system, the first line supervisor of the officer(s) involved in the incident shall note in the use of force review form the existence and location (date, time, vehicle, officer, etc.) of the media files and any other relevant evidence (e.g. photos) for review by other supervisors in the chain of command.
4. Procedure: Restrictions
- A. Except when necessary in a criminal investigation or approved by the Chief of Police, employees shall not make surreptitious recordings of other employees.
 - B. Employees shall not use the body worn recording devices to intentionally intercept communications that are privileged under the law.
 - C. During non-enforcement related activities the body worn recording devices shall not be intentionally activated to record communications with fellow employees with or without their knowledge.
 - D. When a recording device is being utilized and when practical, officers shall advise other employees and law enforcement personnel.
 - E. Employees shall not record the following situations:
 - 1. Employee breaks
 - 2. Report writing
 - 3. Discussion of a case with other officers
 - 4. General discussion with employees

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7. Citizen contact/call for service (1 year)
 8. Trash (e.g. system test, accidental activation, etc.)
(180 days)
- C. If a recording is related to more than one category, officers shall select the category with the longest retention period (e.g. a misdemeanor arrest turns into a use of force. The audio/video file shall be categorized as a use of force).
 - D. Officers shall be required to enter any case number associated with a recording in the system for future reference.
 - E. The Administrative/Investigative division shall periodically review files marked for indefinite retention. Files no longer needed shall be purged from the system.
 - F. At any time, any officer may request Administrative/Investigative division personnel place a recording from the body worn recording systems in property/evidence control based on the circumstances of a specific incident.
6. Procedure: Security and Access
 - A. All recordings created on the body worn recording systems shall be the property of the Waukee Police Department and will be used for official departmental purposes only. Except in the following situations, recordings shall be released without authorization to the Chief of Police or his/her designee:
 1. The recording has been requested by the city attorney, county attorney, the attorney general's office, or the United States attorney's office as part of a criminal prosecution.
 2. The recording has been subpoenaed by an attorney and the release has been approved by a supervisor after checking with the appropriate prosecutor.

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- B. All recordings on police department equipment are subject to random unannounced review by supervisory staff for training purposes and to ensure compliance with policy.
- C. The body worn recording systems and the audio/video file server/viewing program shall be configured to prevent unauthorized deletion or editing of video files.
- D. Each officer shall have access to view recordings they create in the body worn recording systems and server and make copies as needed for evidence and report purposes. Supervisory personnel and designated administrative services division personnel shall have access to view all recordings and make copies as needed. Under no circumstances shall any employee make a copy of an audio/video file for personal use.
- E. All officers shall receive training on the procedure to mark or retrieve their stored recordings on the server, the conversion process from proprietary formatting to standardized format, and the procedure to copy the recording to a disk. All requests for copies of body worn recordings will be derived from the original file in the body worn recording system.
- F. If the recording has been copied to disk and placed in evidence and the original file in the body worn recording system no longer exists the disk copy will be considered the original and all requested copies will be made from said original.
- G. Upon request by an officer or supervisor, it shall be the responsibility of the Administrative/Investigative division to convert the file, create a disk containing the recording, and place the disk into evidence.
- H. The Administrative/Investigative Lieutenant shall be designated as the system administrator. The system administrator shall have full access rights to the body worn recording systems, including managing the systems and assigning user access rights, managing files within the system, conducting routine audits, and maintaining and updating the system as needed. IT administrators shall not delete any files from the system without the approval of the administrative services Lieutenant or the Chief of Police.

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- I. The secure server that stores the body worn recording systems files will track all user activity on the system, to include but not limited to; system log in, file viewing, and file format conversion in preparation for copying to disk.
- J. Employees shall not tamper with the recording equipment, change any settings, disconnect any cable or wiring, or perform any other action that will disable the equipment or limit its capabilities. Employees are prohibited from manipulating any data stored on the secured server except for making copies as noted above. Annually, the Administrative/ Investigative Lieutenant with the assistance of the city IT department shall conduct an audit of the system to ensure security settings are intact and no unauthorized deletions have occurred. The audit report shall be supplied to the Chief of Police on departmental memorandum. Any unauthorized activity on the system shall be investigated by the internal affairs administrative or designee.
- K. When a recording from the body worn recording system is requested and/or subpoenaed, the request/subpoena shall be handled by Administrative/Investigative division. The Administrative/Investigative division shall take the following action:
 1. Recording in the system or in evidence: The Administrative/ Investigative division shall make a copy of the recording and forward to the person requesting. If the requesting party is not the city attorney, county attorney, attorney general, or U.S. attorney's office, the administrative services division personnel handling the request shall receive supervisory approval prior to release. If the recording is subpoenaed relevant to an active case, prior to the release, the supervisor shall confirm with the prosecuting attorney the need to turn over said recording. If the recording is requested as an open records request from the media or other party, the Chief of Police or designee shall make the determination if the recording will be released. Barring a court order, the Chief of Police or designee shall have the final decision on whether to release a body worn recording. The administrative services division shall produce a copy of

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the recording to satisfy the request/subpoena following the approval procedures listed in this policy.

2. Recording not in the system or in evidence: If the request for a recording is made and there was no recording on the incident or the incident has been purged from the system due to the current retention schedule, Administrative/ Investigative division personnel shall inform the requester the recording does not exist.
- L. Administrative/Investigative personnel shall notify the Administrative/Investigative Lieutenant any time they are searching for recording of any incident that was required to be recorded on the body worn recording system but was not and/or the incident was not properly marked in the system. The Administrative/Investigative Lieutenant shall forward the information to the division commander of the employee involved.

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5. Personal activities

- F. The body worn recording devices shall not be utilized to record confidential informants or employees acting in an undercover capacity.
- G. Accessing, copying, posting, or releasing body worn recordings for other than law enforcement purposes is prohibited.
- H. Recordings from body worn recording devices shall be subject to open records law as provided by the Iowa Code. If the requirement for public release is not evident, legal counsel shall be consulted prior to release.

5. Procedure: Data Storage and Retention

- A. Data from the body worn recording systems is automatically downloaded to a secure server for storage. The equipment records to an internal hard drive and has no removable media. All recordings are uploaded wirelessly to a secure server at the Waukee Police Department.
- B. Officers shall be required to mark all audio/video captured on the body worn recording systems with one of the following categories. Length of the retention is also noted. Retention parameters on any recording may be changed to indefinite by a supervisor based on a complaint, potential liability, litigation, investigation, etc.
 - 1. Felony incident/arrest (indefinite retention)
 - 2. Pursuit/Use of force (5 years)
 - 3. Misdemeanor arrest (1 year)
 - 4. Traffic accident (1 year)
 - 5. Traffic stop (1 year)
 - 6. OWI (1 year)