

Policy MP-26

Subject: Body Worn Cameras (BWC)
Effective Date: January 20, 2015
Approved: Bryon Preciado, Mills Chief of Police

I. POLICY

The expectation of this Department is that the use of body-worn cameras (BWCs) will improve policing services. The general policy of this department is that each officer to whom a BWC is issued shall activate that BWC as and when such is prescribed by this Policy or, consistent with the stated purpose and objectives of this Policy and applicable law, it is appropriate to the proper performance of the officer's duties. The policy does not address surreptitious recording in the course of an official investigation and/or the use of recording devices used in authorized undercover operations.

II. PURPOSE

This policy provides a directive and instruction on when and how officers are to use BWCs to record their contacts with the public. All Departmental policies inconsistent with this Policy are hereby modified to conform to this Policy. Any such inconsistency and questions about same shall be immediately brought to the attention of the Chief of the Department or the Chief's designee.

III. OBJECTIVES

The use of BWC technology is intended to accomplish several objectives, including the following:

- A. To record police-public contacts, arrests, and critical incidents as described in this Policy.

- B. To assist in the documentation of suspected crime and/or accident scenes, including but not limited to those which involve the collection of evidence and/or contraband.
- C. To enhance and/or ensure the accuracy of officer reports and testimony.
- D. To provide information for officer training and/or evaluation.

IV. PROCEDURES

- A. Officers to whom BWC have been issued shall use their BWC as outlined in this Policy.
- B. Supervisory personnel shall ensure that officers to whom BWC have been issued utilize the devices in accordance with applicable policies of the Department. Not less frequently than monthly, supervisory personnel shall randomly review BWC records to ensure that equipment is properly operating and that officers are using the equipment appropriately and in accordance with applicable policies and to identify areas in which additional training or guidance would be of assistance.
- C. BWC equipment will be issued to officers as determined by the Chief of the Mills Police Department or the Chief's designee.
- D. Unless otherwise provided in this Policy, officers shall activate their BWC to record all contacts with the public. When in doubt, an officer should activate his or her BWC.
- E. Officers shall use only BWCs issued by the Mills Police Department.
- F. Personnel assigned BWC will complete training as determined appropriate and approved by the Chief of the Department or the Chief's designee. Additional and/or periodic training may be required to ensure effective use and operation of BWCs.
- G. An officer to whom BWC equipment has been issued shall inspect and test the equipment prior to the officers' shift, in order to verify proper functioning.
- H. Care of BWC equipment issued to an individual officer is the responsibility of the officer, and he or she shall exercise reasonable care of the equipment to ensure proper functioning. Any equipment malfunction shall be immediately brought to the attention of the officer's supervisor.

- I. BWC shall be worn in the center of the chest above the belt line and below the shoulders
- J. Requiring officers to record every encounter with the public could undermine legitimate privacy concerns of the public and damage police-community relationships. For example, in situations involving rape, abuse, or other sensitive matters, an officer should take into account the possible evidentiary value of recording along with the willingness of a victim to speak on camera. Therefore, in limited circumstances an officer may temporarily discontinue recording with his or her BWC as follows: (i) if requested to do so by a member of the public; (ii) a detention, arrest, seizure, or search is not in progress; and (iii) one of the following conditions exists: (a) the individual has reasonable expectation of privacy, such as within the individual's residence; or (b) the officer reasonably believes that unless recording is temporarily suspended, information critical to an investigation might not otherwise be disclosed in a timely fashion.
- K. If an officer fails to activate his or her BWC or fails to record the entirety of a contact, including situations in which the officer temporarily suspends recording, as soon as practicable the officer shall document, either on camera or in writing, why the BWC was not activated or recording was suspended or terminated.
- L. No officer shall edit, alter, erase, duplicate, copy, share or otherwise distribute, in any manner, BWC recordings or data except as otherwise required by law or, without prior written authorization and approval of the Chief of the Department or the Chief's designee.
- M. Requests to delete portions of BWC recordings (for example, because the portion pertains to a personal and not an official matter, shall be submitted in writing and approved or declined in writing by the Chief of the Department or the Chief's designee. Requests for deletions and decisions on such requests shall be retained by the Department.
- N. Officers are encouraged to inform their supervisor of any recording that may be of value for training purposes.
- O. An officer may be limited or restricted from viewing BWC recordings or data according to the judgment of the Chief of the Department or the Chief's designee.
- P. If an officer is involved in an officer-involved shooting or incident which involves serious use of force, the officer's supervisor shall, as soon as

practicable, obtain and place the BWC used by the officer at the time of the shooting or incident and the BWC recordings made by it into evidence.

- Q. Officers to whom BWC have been issued shall note in incident, arrest, and related reports when recordings were made. Recordings will not replace the need to prepare written reports.
- R. BWC equipment shall only be used in conjunction with official law enforcement duties, and shall not be used, except with permission of the Chief of the Department or the Chief's designee for (i) communication with other law enforcement personnel; (ii) encounters with undercover officers or confidential informants; (iii) when an officer is on break or otherwise engaged in personal activities; or (iv) in any location of privacy such as a restroom or Department locker room.
- S. BWC equipment and all data, images, video, sound, files, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Town of Mills, may consist of records of investigations or which have been compiled for law enforcement purposes, and shall not be accessed, copied, or released except as provided by this policy and applicable law.
- T. All BWC generated files (that is, recording and data) shall be securely downloaded periodically and no later than the end of each shift during which the file was created. Each file shall contain information related to the date, BWC identifier, and the officer assigned to the equipment which created the file.
- U. It is important for the Department to have a record of who accesses BWC generated files to preserve the evidentiary value of such files.
- V. All BWC generated files shall be securely stored as directed by the Chief of the Department or the Chief's designee and shall be retained consistent with applicable public record laws of the State of Wyoming. A written Departmental log will be maintained describing who accesses each file, when and for what purpose. A further directive may be issued by the Chief of the Department categorizing files as "evidentiary" or "non-evidentiary" and describing protocols related to each.
- W. Upon request, public inspection and/or copying of BWC recordings and/or files shall be allowed, consistent with the Wyoming public records law (specifically, W.S. §§ 16-4-202 and 16-4-203) and applicable rules, regulations, and /or law of the Town of Mills.