



BODY WORN CAMERAS and IN-CAR RECORDERS

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<i>C.A.L.E.A.</i> 41.3.8	<i>Reference</i> (see "INDEX AS:")

INDEX AS:

Use of Force	Traffic Stops
Internal Investigations	Recording Devices
Evidence	In-car Recorders
Evaluations	Body Worn Cameras (BWC)

I. PURPOSE

The purpose of this policy is to identify when recording devices should be used and procedures to be followed when using the recording equipment.

Note: this policy specifically does not govern nor apply to covert operations and any related recordings.

II. POLICY

It is the policy of the Iowa City Police Department that all members serving a patrol or investigative function, to include road CSOs and Animal Control Officers, be required to use recording devices to collect evidence and document interactions between officers and the public. Only approved equipment will be used by department members and usage shall comply with the manufacturer's instructions. All videos are the property of the Iowa City Police Department. Any distribution of a video or portion of a video shall only be done with the authorization of the Chief of Police or his/her designee. The unauthorized playing or copying of any video is prohibited.

III. DEFINITIONS

Audio/video recording equipment consists of:

1. In-car recorders to include a camera, recorder, flashcard and LCD Display. These units are within the vehicle. A remote voice link device is carried by the officer.
2. Body worn cameras (BWC) of a type selected and issued by the Department, are cameras worn on an individual officer's person that record and store audio, video and metadata evidence.

IV. PROCEDURES

The Iowa City Policy Department has adopted the use of the BWC and in-car recorders to accomplish several objectives. The primary objectives are as follows:

1. BWCs and in-car recorders allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance the Iowa City Police Department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The BWC and in-car recorders may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

The Commander of Administrative Services or his/her designee will supervise the use, storage, duplication and erasing of the material recorded by members of this department.

If an officer notices that there is a problem with the equipment, he/she shall notify a watch supervisor. The watch supervisor will forward notification of the problem or malfunction to the Commander of Administrative Services or his/her designee. Only persons trained in the servicing of audio/visual equipment will service the equipment. Any defective unit will not be used, and when practical, will be removed from service until repaired.

If an employee who is not trained in the use of the in-car recorder is assigned to a vehicle containing one, they should notify a supervisor at the conclusion of the assignment. The supervisor shall then assign identity to that portion of the video not identified.

Officers are not required to inform the person(s) that the recording equipment is in use, however, it may be advantageous to do so to de-escalate a situation and possibly reduce the need to use force. People generally are on their best behavior when they know they are being recorded.

Officers shall disclose the use of a video recorder upon inquiry.

OPERATION OF THE RECORDING APPARATUS

In-car Recording Apparatus

In-car audio/visual recording units will be installed such that they are activated when:

1. turning on emergency lights
2. turning on siren
3. manual activation by pushing the ® record button
4. manual activation by remote voice link button
5. excessive speed with no lights or siren

All traffic stops shall be recorded in their entirety. Officers should, to the extent possible, use the recording equipment to document the administration of field sobriety tests, remembering that safety is the first priority.

In addition to traffic stops, officers shall manually activate their recording equipment on calls for service and on self-initiated field activity if it involves an encounter with a person. The in-car recorder system's remote voice link device shall be carried by officers and utilized to record audio information outside the range of the vehicle microphones. Officers, if able, shall activate the in-car recorder system immediately upon being involved in a motor vehicle crash. It is recommended that officers give consideration to activating the in-car recorder system when responding to calls-for-service where video capture of persons/vehicles leaving the scene of incidents has investigative value. Once a recording unit has been activated it shall only be stopped when the incident in question is concluded unless allowed under this policy.

When the recording is stopped, the in-car recorder system will allow a priority to be set. The following priorities are available:

- Priority 1 = normal recordings, traffic stops etc.
- Priority 2 = officer marking for personal review
- Priority 3 = file to be saved as evidence
- Priority 4 = OWI
- Priority 5 = for supervisor review

BWC and In-car Recorder Apparatus (where applicable)

When responding to a call for service officers shall activate the BWC and in-car recorder system prior to arriving on scene. Additionally, officers shall activate the BWC and in-car recorder system at the initiation of any other law enforcement or investigative encounter between a police officer and a member of the public to include: Stops (including traffic stops), frisks, searches, arrests, consensual interviews and searches, enforcement actions of all kinds, and any encounter that becomes in any way hostile or confrontational. Additionally, the BWC shall be activated when a firearm is used to destroy an animal.

Exceptions to this requirement include interviews with victims of sexual assault, domestic abuse, or other sensitive crimes, or the recording of witnesses who are

concerned about retaliation if they are seen as cooperating with the police. Officers' may also use their discretion during routine and casual situations such as officers on foot or bike patrol who wish to converse with neighborhood residents and where turning on a video camera could make the encounter seem officious and may make the person reluctant to speak with the officer.

Officers may also deactivate their BWC and in-car recorder system during the following types of situations:

Once an officer has finished investigating a collision and the involved parties have been released, you may deactivate the BWC prior to clearing the call to complete any paperwork.

If an officer responds to assist with traffic control at the scene of a collision, fire or similar incident, you may deactivate the BWC as long as there is no interaction with persons or that interaction has ended.

While on a tow call or issuing a parking citation as long as there is no interaction with persons or that interaction has ended and after capturing any violation or damage with the BWC. **NOTE:** *The recording must be longer than 60 seconds in order for it to be accepted into the video system.*

Animal control calls (unless a firearm is used) as long as there is no interaction with persons or that interaction has ended.

Other calls where there is no further interaction with persons or that interaction has ended, for example, an OWI investigation where the person has been taken to jail or otherwise released and the officer still has additional paperwork.

When a recording is going to be made inside the Department by one of the OWI or interview room cameras, the in-car recorder may be deactivated while escorting the person into the Department as long as the BWC is activated; however, officers shall only deactivate their BWC after the appropriate room video system has been activated to avoid any lapses in recording. When leaving the Department, if still in the presence of the person, BOTH recorders (in-car recorder and BWC) shall be reactivated prior to deactivating the OWI and interview room cameras to avoid any lapses in recording.

If at any point during these types of calls any of the previously listed situations occur where a BWC is required, the BWC shall be reactivated.

The above list is to serve as a guide and is not intended to be all inclusive. If in doubt, record it.

If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not

made, was interrupted, or was terminated. This is to include muting the audio. A brief statement in the recorder prior to the interruption shall be sufficient documentation.

Procedures for BWC Use

Officers who are assigned BWC equipment shall use the equipment unless otherwise authorized by supervisory personnel.

Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.

Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.

The BWC shall be worn on the officer's chest with clear view to the front (not blocked by clothing or other equipment) and properly oriented.

Procedures for Both In-car Recorder and BWC Use

Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.

Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute recordings in any manner without prior written authorization and approval of the Chief of Police or his or her designee.

In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or the individuals or other enforcement action is occurring in such a location. The in-car recorder and BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.

Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of

Police or his or her designee. All requests and final decisions shall be kept on file.

Officers shall note in their incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

Restrictions on Using the In-car Recorder or BWC

In-car recorders and BWCs shall be used only in conjunction with official law enforcement duties and shall not be used to record the following:

- Encounters with undercover officers or confidential informants.
- When on break or otherwise engaged in personal activities.
- Communications with other police personnel without the permission of the Chief of Police.
- Unless in the scope of officers' official duties and with an articulable reason, officers will not use their in-car recorder or BWCs in any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

Storage and Release

All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, in-car recorder or BWC identifier, and assigned officer.

All images and sounds recorded by the in-car recorder or BWC equipment are the exclusive property of the Iowa City Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

All access to in-car recorder or BWC files must be specifically authorized by the Chief of Police or their designee, and all access is to be logged and available for audit to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

Files shall be securely stored for a period three years. After three years, the video system will automatically prevent the ability to restore a backed up video to live status. Then, on a quarterly basis, the Property and Evidence Custodian or designee will destroy all backed up files that reside on physical storage such as DVD and Blu-ray discs that have reached their retention limits. A listing of the destroyed discs will be forwarded to the Commander of Administrative Services.

Primary Officer Responsibilities

The primary officer shall, at the end of their investigative narrative under a separate heading, list all officers that made recordings at any time of the incident. Officers who are not assigned as the primary officer shall make the primary officer aware of any recordings they made during the incident.

Supervisory Responsibilities

At least on a semi-annual basis (Jan-Jun/Aug Dec), supervisors will randomly* review two in-car or BWC recordings of each employee under their supervision to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required. On January 1st and August 1st of each year, each Watch Commander, Lieutenant of Investigations and Animal Control Supervisor, shall forward to the Commander of Field Operations the information on the prescribed form (Appendix A). *Randomly, for the purpose of this policy, means videos randomly selected that are not already being reviewed for another purpose.

Media Card Control

Normally, video for the in-car recorders is downloaded wirelessly through a secured wireless connection. In the case of failure of that system, the video files will need to be downloaded manually. In-car recorder videos are captured on media cards on a recorder located in each vehicle. The media cards are secured within the recorder to which only supervisors have access via key. Spare media cards and keys to the recorders are available only to supervisors. The recorder activates a warning for the operator when the media card is nearing capacity. A supervisor shall be notified who will then replace the media card. The media card is then uploaded to the server by the supervisor. Once the upload is complete the files are automatically erased from the card. The media card is then available for re-use.

BWCs have no user removable media cards and are downloaded by use of a docking station.

If the video contains documentation of a use of force, the fact that there is a video should be included in the Use of Force Report form. In instances where there is a complaint against a member of the department, the supervisor receiving the complaint shall ascertain if the event in question was recorded.

Video files are stored on the server located within the Police Department. Backup DVD's and/or Blu-ray discs (BD) are created automatically when there is enough data to fill a disk. Files that are tagged as evidence or for review will be kept live and accessible on the server for a period of 1 year. Files not tagged as evidence are kept on the server for a minimum of 90 days. If a video is needed after the 90 day period, it must be re-activated from the backup DVD/BD. All backup disks are stored in the evidence room and under the control of the Evidence

Custodian. **Only the Evidence Custodian, the Commander of Administrative Services and the Commander of Field Operations are authorized to remove disks from the storage area.**

Samuel Hargadine, Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.