



BODY WORN CAMERAS and IN-CAR RECORDERS

<i>Original Date of Issue</i> July 30, 1999	<i>General Order Number</i> 99-08
<i>Effective Date of Reissue</i> October 7, 2020	<i>Section Code</i> OPS-12
<i>Reevaluation Date</i> October 2023	<i>Amends</i> OPS-12 Previous Version (2013)
<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.
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. 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

Officers shall log into the in-car recorder at the beginning of their shift and synch their BWC to the vehicle.

Officers shall inspect and test the in-car recording system prior to each shift to verify proper functioning and shall notify their supervisor of any problems. If another squad car is available with a working in-car recording device officers shall utilize that vehicle for their watch.

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 activating a synched BWC
5. excessive speed with no lights or siren

All traffic stops shall be recorded in their entirety-including when the citation is being written. Officers should, to the extent possible, use the recording equipment to document the administration of field sobriety tests, remembering that their top priority is safety.

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. Officers, if able, shall activate the in-car recorder system immediately upon being involved in a motor vehicle crash. It is recommended that officers consider 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 a recording is going to be made inside the Department by one of the OWI or interview room cameras the BWC and in-car system may be stopped if interior recordings are initiated. When leaving the Department, if still in the presence of the person, the in-car recorder shall be reactivated during transport of any person.

When stopping a video recording it should whenever possible be done from the in-car recorder to allow classification to synch to the BWC as well. It is mandatory to give each video a classification at time of stopping the video.

Officers shall be as accurate as possible when classifying videos to achieve required retention.

Officers can choose from the list below in the vehicle when classifying a video.

Video Classifications	Retention Length
1-equipment check	365 days
2-No CFS	365 days
3- Parking/motorist assist	365 days
4- Warning	365 days
5- CFS / no report	365 days
6- Accident	365 days
7- OWI	730 days
8-CFS / Report	365 days
9- Citation	365 days
10- Use of Force	730 days
11- Arrest	730 days
12- Robbery	730 days
13- Assault	730 days
14- Domestic	730 days
15- Death Investigation	indefinite

Upon completion of a recorded event which results in an arrest the Officer shall use the CFS# classification to associate the call for service number associated to the video files. This shall be done by all responding officers.

Use of video classification and CFS# entry applies only to events managed with in vehicle recorders.

Body Worn Cameras (BWC)

BWC's that are properly synched to an in-car device will automatically start when the in-car recorder is activated.

The BWC will also start an in-car recorder when initiating a recording.

All patrol cars shall be equipped with an auxiliary charging device for the BWC.

When responding to a call for service officers shall activate the BWC prior to arriving on scene or at the first opportunity to safely do so. Additionally, officers shall activate the BWC at the initiation of any other law enforcement action, including parking enforcement even if there is no interaction with the public, or investigative encounter between a police officer and 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. 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 during the following types of situations:

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 BWC shall remain activated until the event is completed to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.

Once an officer has finished investigating a collision and the involved parties have been released, the officer 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, the officer may deactivate the BWC when 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, 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, the 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.

If an officer's BWC needs to be replaced during their watch for any reason, the patrol supervisor will use the WatchGuard Kiosk application to check out another camera for them to use.

Procedures for BWC Use

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

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 failure or malfunctions shall be brought to the attention of the employee's supervisor as soon as possible so that a replacement unit may be procured. A radio log shall be made indicating that the camera is not functioning when it is first known. Employees must report back to the station for a replacement unless unable to because of an emergent call for service. If an employee is unable to come back to the station for a replacement due to an emergent situation then every attempt should be made to have a backup officer on scene with a working camera.

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 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.

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 the in-car recorder or BWCs in any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

Record After-The-Fact

The new recording system has the capability of running in a continuous record, However, this feature has been disabled on the body worn devices, the only time any recording will be captured on a body worn device is when the recording is activated by the front button, or when initiated by a synched in car recording device. This is to maintain a level of privacy for those wearing body worn devices and to prevent excessive drain on battery life. If at some point this feature is to be used it will be by directive of the Chief of Police and appropriate notification will be sent to all users prior to the change.

Record after the fact will be functional and running on all patrol vehicle recorders, this will be used in case of major incident or investigation that has cause to believe the patrol vehicle may have been in an area and captured footage of an event or pre/post event footage when a car recorder was not in the record state. Officers should be aware that all patrol vehicle records have this feature and are always in record state, however only videos that are event initiated are ever exported to the system for playback.

Any video captured after the fact, as well as the 1 min pre-record on all videos, have no audio associated with them as it is only video playback.

If a recording of value is found on a recorder it can be changed to an event and exported to the system for saving and further viewing.

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.

VIDEO RETENTION

Proper classification of videos will determine how long a video is retained. If an improper classification is made for a series of recordings they can be reclassified through the software interface. Refer to section on video classification for standard retention lengths.

If a video is part of a major case that will require longer or permanent retention a disk copy of all video should be requested and submitted to evidence by responsible officer or detective.

VIDEO ACCESS PERMISSIONS

- Supervisors will have access to view all videos.
- Investigation users have view only access to all videos.
- All officers will have access to view their own video and recordings from the intox area.

SUPERVISOR RESPONSIBILITIES

Supervisors shall review in-car and BWC recordings for all involved employees for use of force incidents and complaints. Documentation of these reviews will be logged on the prescribed form (Appendix A). Supervisors that discover an incident where an in-car or BWC recording device was not activated or improperly shut off shall complete a report of inquiry form (ROI) and forward to the captain of field operations. The supervisor shall include if there was sufficient time for the activation of a device.

If an in-car or BWC recording was not activated where there was sufficient time to do so or improperly shut off a report of inquiry shall be completed and forwarded to command staff for review.

On a monthly basis, supervisors will review at least one in-car and one BWC recording 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. Where possible video review should be of the same incident to ensure the system is synching as it is designed. By the 15th of each month 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) from the previous month.

Supervisors shall be trained in the use of in-car cameras and body worn camera and of their duty and responsibilities as it pertains to this policy.

COMMAND STAFF RESPONSIBILITIES

The captain of field operations shall maintain a record of incidents where employees did not activate an in-car or BWC recording device or improperly shut off a recording device in violation of this policy and monitor for repeats from the same employee.

By March 1st of each year the captain of field operations will submit an annual report to the city manager's office and Community Police Review Board from the previous year on compliance with this general order. This report should contain summary of the results of the monthly supervisory checks, Use of Force checks and all checks generated from internal affairs investigations.

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 USB drives on a recorder located in each vehicle.

The USB drives shall only be removed by a supervisor who will remove the USB drive and upload the files. The same USB drive must go back into the car it was removed from after uploading. USB drives are not interchangeable.

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 inside the secure server area at the City of Iowa City Facility, all files are backed up on a routine basis and backup tapes will be stored within City of Iowa City secured facilities.

VIDEO DISTRIBUTION PROCESS

When video is requested a complete case of all video will be assembled and a link to the video case will be created for cloud share purposes. Request for video from outside entities will be done through cloud share capabilities through the WatchGuard system. Videos from prior video system shall be done via physical disk. When requested by the JCAO, or City of Iowa City Legal division, they will

be responsible for dissemination of the cloud share link to other involved parties. It is the responsibility of the receiving party to create physical disks as needed from the cloud share. Cloud share default expiration shall be 60 days unless otherwise requested.

The Chief of Police has the discretion to authorize the deletion of any in car video recordings or body camera recordings that have been unintentionally captured, invasive or private, and not pertinent to any case or inquiry.

DISCIPLINE

Any employee who violates this policy will be subject to discipline as GO 99-06 Titled Internal Affairs, Iowa Code Chapter 400 titled Civil Service, and the Contract between the City of Iowa City and the Police Labor Relations Organization of Iowa City allow.

Any employee found to intentionally turn off or disable an in-car recording device or body camera when their use is required will be subject to suspension or termination as GO 99-06 Titled Internal Affairs, Iowa Code Chapter 400 titled Civil Service, and the Contract between the City of Iowa City and the Police Labor Relations Organization of Iowa City allow.

Denise Brotherton, Interim 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.