

MO-2017-10

Mobile Police Department

**July 10, 2017*

SUBJECT: Body Worn Camera System (Rescinds *MO-2015-05)
TO: All Personnel
PURPOSE: To establish procedures for when and how officers use body-worn cameras and equipment.

I. POLICY

It is the policy of Mobile Police Department that officers shall activate the body-worn camera (BWC) when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

II. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras so that officers may reliably record their contacts with the public in accordance with the law.

III. PROCEDURES

A. Objectives

Mobile Police Department has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWC's 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. BWC's enhance this agency'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 may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and How to Use the BWC

This policy is not intended to describe every possible situation where the BWC may be used, however, there are many situations where the use of the BWC system is appropriate. In addition to the required situations, officers may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. In some circumstances it may not be possible to capture images of the incident due to conditions or location of the camera, however, the audio portion can be valuable evidence and is subject to the same activation requirements as the BWC.

1. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties. Non-adversarial contacts such as community meetings, casual conversation with citizens or other similar situations should not be recorded.
2. Officers shall record any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
3. Use of the BWC is allowed, but not required, when engaged in off-duty employment.
4. The 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 (see items D. 1-4).
5. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses, victims, etc. have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or other similar situations.
6. Officers shall note in any incident, arrest, traffic citation, daily activity and any other related reports when recordings were made during an incident. However, BWC recordings are not a replacement for written reports.
7. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document on their daily activity report and, if applicable, in any written report why a recording was not made, was interrupted, or was terminated.

C. Procedures for BWC Use

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only BWC's 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.
3. Police personnel who are assigned BWC's 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.
4. 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. Supervisors shall immediately send an email to the Commander of the Property Unit documenting any malfunction. As soon as possible, a replacement for the malfunctioning equipment shall be obtained from Property.
5. Officers shall inspect and test the BWC for proper function prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Unless specifically authorized by this order, personnel shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his designee.
7. Any viewing of video in Evidence.com shall be notated with a reason for the viewing in the "NOTES" section of the video file, **with the exception of BWC evidence viewed by Technology & Cyber-Intelligence Section personnel during the conduct of their review, archiving, and/or production of related video imagery, who may, at their discretion, elect to insert comments within the "NOTES" section of the video file(s).*

8. Civilians can be shown video to further the efforts of a criminal investigation with the approval of the investigating officer's section commander. Civilians can be shown video to further the efforts of an internal investigation or citizen's complaint or to serve a public safety interest with approval of the Chief of Police. Approval shall be obtained by submitting a Video Request Form (PD-39) to the Cyber Intelligence Unit for review. Once approved, the name of any civilian allowed to view BWC video, along with the reason for viewing as required in #7 above, shall be recorded in the "NOTES" section of the video file. The Cyber Intelligence Unit shall be notified by email of any viewing by civilians at *wtt@cityofmobile.org.
9. Civilians can be allowed to view BWC video prior to download via the Bluetooth capability of the equipment only in exigent circumstances. The Unit Commander must approve the viewing and an administrative report by the approving supervisor detailing the circumstances, the person allowed to view and the specific video file(s) viewed shall be submitted through the chain of command to the Chief of Police. The approving supervisor shall also notify the Cyber Intelligence Unit of the viewing by sending an email to *wtt@cityofmobile.org.
10. Sworn personnel may view their own audio/video data (e.g. to verify an identification, a vehicle license number or to review an incident for statement accuracy) by logging onto Evidence.com and documenting the reason for access in the "NOTES" section prior to viewing any data. Evidence.com automatically time/date stamps and records each access by officer name.
11. Only the Chief of Police, or his designee, shall reveal the existence and/or content of video recordings to the media.
12. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
13. If an officer is suspected of wrongdoing or involved in an officer-involved shooting, traffic collision involving injury, other serious use of force, or other incident at the supervisor's discretion, the department reserves the right to limit or restrict an officer from viewing the video file.
14. 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 designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.

D. Restrictions on Using the BWC

BWCs shall be used only in conjunction with official law enforcement duties. Officers shall use caution when entering a restroom, locker room, medical facility or other area where individuals would have a reasonable expectation of privacy. The BWC shall not be used to record:

1. Communications with other police personnel, except in the furtherance of a criminal investigation, without the permission of the Chief of Police or his designee;
2. Encounters with undercover officers or confidential informants unless the recording is authorized for the purpose of documenting a criminal investigation;
3. When on break or otherwise engaged in personal activities;
4. Any court proceedings or testimony.

E. Storage

1. 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, BWC identifier, and assigned officer.
2. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Chief of Police or his designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. All internal and external requests for BWC data (images, sounds and metadata) must be made on a Video Request Form (PD-39) and submitted to the Cyber-Intelligence Unit. Release of BWC data shall be governed by applicable statutory law. Authority for final approval or denial of each request rests with the Chief of Police. **When a request for body worn camera or other video imagery is received, regardless of the format, nature, or process by which the request is made, the person receiving the request shall exhaust all efforts reasonably practical to ensure that the video requested is preserved by assigning the proper retention category until such time as the legal authority to release such imagery has been resolved. This directive shall include all formal and informal requests for body worn camera imagery and other video imagery, as well as the notification by an individual, firm, or other entity, that such body worn camera imagery or other video imagery will potentially be requested in the future.*
5. **Bulk requests by the City of Mobile Municipal Court, Mobile County District Attorney's Office, and/or the United States Attorney's Office for the Southern District of Alabama, shall be exempt from individually completing a Video Request Form (PD-39) when ten (10) or more cases are concurrently requested. In these instances, a general letter, docket sheet, activity log, or other similar document can be utilized to identify the cases of interest, and attached singularly to one PD-39 in bulk.*
6. Sergeants and above are authorized to share video with the City Prosecutor's Office and the District Attorney's Office as needed for law enforcement and prosecution purposes. Sergeant's and above are authorized to download and burn video to disc to be entered into Property as evidence. Sergeants and above are authorized to review video involving use of force investigations and shall forward the investigation with the file number of any relevant video through the chain of command to Internal Affairs upon completion. Investigating supervisors shall also be responsible for updating the retention period for files relevant to use of force or other internal investigations by assigning the case to the appropriate category in Evidence.com. All other downloads, burning or sharing of video is prohibited unless approved as outlined in Paragraph E, #4 above. **In either event, any release of BWC imagery by Department personnel must include a BWC Video Receipt (PD-40) bearing all appropriate names and signatures, respectively.*
7. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.
8. Files identified as evidence in a case assigned to an investigator shall be burned on a DVD and placed into Property to be held until no longer needed as potential evidence. Investigators shall also be responsible for updating the retention period for files assigned to them by assigning the case to the appropriate category in Evidence.com.
9. **When a specific and detailed request, legal process, FOIA/Open Records, or demand letter is received by any person within the Department, a copy of such document, PD-39, or other notice shall be provided to the Cyber-Intelligence Unit, directed to the attention of the Technology & Cyber-Intelligence Section Commander, so that an expeditious effort can be*

made to preserve any and all requested or related body worn camera imagery or other video imagery. **These requests must be forwarded to the attention of the Technology and Cyber-Intelligence Section Commander within five (5) business days of receipt.*

10. **BWC Video Imagery and Audit Files requested by City of Mobile Municipal Court, Mobile County District Attorney's Office, and/or the United States Attorney's Office for the Southern District of Alabama, may be identified, located, archived, and distributed pursuant to a singular or bulk request without prior viewing by the archiving individual or personnel, as well as under a blanket release from redaction. However, all cases identified for archiving in bulk requests by the City of Mobile Municipal Court, Mobile County District Attorney's Office, and/or the United States Attorney's Office for the Southern District of Alabama shall be reviewed by the officers' command level supervisor and/or his/her designee prior to discoverable viewing at or before Grand Jury. The purpose of this review is to identify any violations or administrative procedure, officer conduct, or other matter which would require supervisor and/or command level review pursuant to Department protocol.*
11. **When produced pursuant to a request from the City of Mobile Municipal Court, Mobile County District Attorney's Office, and/or the United States Attorney's Office for the Southern District of Alabama, a secondary or office DVD copy is not required. In these instances, reliance solely on the archived copy of the requested BWC imagery stored to the evidence.com cloud will solely be sufficient.*
12. **Only video imagery captured from officers easily identifiable in an initial query or search will be archived and produced upon request. Imagery captured by unknown devices or officers not assigned to specific case numbers and calls, as listed within evidence.com will be produced upon request, as any other alternative will cause an undue burden upon this Department.*

F. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. At least on a monthly basis, supervisors will systematically review BWC recordings of personnel under their supervision to ensure that the equipment is operating properly and that officers are using the devices appropriately, in accordance with policy, and to identify any areas in which additional training or guidance is required. Review of video by supervisors must be uniform and equal among all officers under their supervision and shall be documented as "Supervisor Review" in all "NOTES" section of each video reviewed.
3. Supervisors shall review video obtained by all personnel under their command involving use of force, citizen complaints, vehicle pursuits, and officer involved traffic collisions.
4. Internal Affairs shall randomly review video recorded by personnel in the Early Intervention Program on at least a monthly basis.