
Portable Audio/Video Recorders

433.1 PURPOSE AND SCOPE

The Orem Police Department has identified a need to equip its police officers with body worn cameras (BWC) as part of its continuing effort to improve transparency, protect its members from false, frivolous claims, and increase efficiency. This policy is intended to provide officers with the instructions and guidelines on when and how to use BWCs so that their contacts with the public can be recorded reliably and in accordance with the law.

433.2 POLICY

It is the policy of the Department to issue to personnel, when available, a BWC to be utilized while engaging in the performance of their official duties or during those times when the employee is engaged in special uniformed assignments or details. The Department may have a limited number of BWCs and may not be able to equip each officer. Officers with BWCs shall be required to adhere to the mandates and practices outlined within this policy. All recordings are property of the Department and will be handled in strict adherence to this policy.

The captured data from the BWCs will be handled and stored through a web-based, digital storage facility (evidence.com).

This policy does not cover the use of in-vehicle cameras or the use of surreptitious recording devices used in undercover operations which are both covered in separate sections of this policy manual.

433.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

433.4 DEFINITIONS

The following definitions relate to terms used within this policy:

Body Worn Camera (BWC) – A body worn camera system that records digital video and audio which can be mounted in various configurations on an officer's person. The Department has chosen to deploy the Taser/Axon Body 2 cameras.

Normal (Buffering) Mode – The mode of operation in which the camera captures a continuous 30 second loop of video but no audio.

Event (Record) Mode – The mode of operation in which the camera system captures the 30 seconds of buffered video and records both video and audio footage thereafter.

Law Enforcement Encounter – A Law Enforcement Encounter is defined by Utah State Law as:

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- (a) An enforcement stop
- (b) A dispatched call;
- (c) A field interrogation or interview;
- (d) Use of force;
- (e) Execution of a warrant;
- (f) A traffic stop, including
 - 1. A traffic violation
 - 2. Stranded motorist assistance; and
 - 3. Any crime interdiction stop; or
 - 4. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
 - 5. Nothing in this policy shall prevent an officer from activating a BWC for any other situations not listed here.

Media Storage – The on-line web-based media storage facility that stores digitally encrypted video and audio recordings from the camera systems. The data is accessible to authorized personnel and maintains an audit trail of all user activities.

Evidence Docking Station (EDS) – A docking station that facilitates the secure uploading of all data captured by the controller to media storage and simultaneously recharges the camera system.

Agency Administrators – Agency administrators have full access to and user rights within the media storage system. He or she can assign and track equipment, control passwords, delete non-evidentiary recordings according to policy and state law, conduct audits and quality control reviews, and act as a liaison with Taser/Axon representatives.

433.5 GENERAL PROCEDURES

Only those officers that have completed the Department-approved training on the policy, use, and operation of the BWC and the media storage system will be allowed to operate the BWC and media storage systems. Refresher training will occur occasionally and will be mandatory for anyone that is issued a BWC.

The BWC will be issued by a Project Administrator to each individual officer and the unique identification number for each device will be entered in the Spillman Inventory System. Only those BWC systems that are issued by the Department will be allowed to be used during the course of official police duties. This policy shall also apply to members while engaged in uniformed secondary duties or overtime assignments that have been authorized and approved through the Department.

Each BWC shall be worn in a fashion that it is clearly visible and evident that a BWC is present.

It should be noted that state law requires that officers given verbal notice that a BWC is present

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when entering a residence if the BWC is not clearly visible. No verbal notice is required, however, when the BWC is worn in a clearly visible place.

Each officer will be responsible for the care and maintenance of all issued BWC equipment and will inspect it before and after each shift for any physical damage or malfunctions. At the beginning of each shift, the officer will verify that the power is functioning on their BWC by initiating the power button as well as depressing the battery test function button. This will ensure the operational readiness of the equipment so that it will most likely function properly when activated.

In the event that any damage occurs to the BWC or a malfunction occurs at the beginning, during, or end of a shift, the officer will notify his or her immediate supervisor. A replacement device will be issued, if available. The supervisor will notify an Agency Administrator of the damaged or malfunctioning device and take it out of service until it can be repaired or replaced.

The BWC system will be utilized by officers of this Department to record all Law Enforcement Encounters, as defined in this policy, with the public.

The BWC shall be worn on the front of the uniform in a manner so as to obtain the best possible view and angle of any interaction. Officers should be aware of their body placement and attempt to position themselves so as to utilize the BWC to the best of its ability, keeping officer safety above all. Any other applications or mounting options will be at the discretion of the Chief of Police.

The BWC will be turned on at the beginning of the officer's shift and remain in the Normal (Buffering) Mode throughout the entire shift except when actively recording.

Officers will activate the Event (Record) Mode when dispatched to a call for service, to record any Law Enforcement Encounters and any other situations or circumstances that the officer deems necessary and in accordance with this policy.

The BWC should remain activated and in the Event (Record) Mode throughout the entirety of a Law Enforcement Encounter, investigation, or until the officer leaves the scene unless one of the below-listed exemptions exists. The MUTE function of the BWC should not be activated except in accordance with the below exemptions as well. This is to ensure the integrity of the recording and to document all actions taken by the officer as well as interactions with involved parties.

An officer may deactivate or mute a BWC:

- a) To consult with a supervisor or another officer;
- b) During a significant period of inactivity; or
- c) During a conversation with a sensitive victim of crime, a witness of a crime, or an individual who wishes to report or discuss criminal activity if;
 - (a) The individual who is the subject of the recording requests that the officer deactivate the BWC; and
 - (b) The officer believes that the value of the information outweighs the value of the potential recording and records the request by the individual to deactivate the BWC.

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If an officer deactivates or mutes a BWC, the officer shall:

- a) Vocalize the purpose for which the BWC is being deactivated so that the reason for deactivation is captured on the recording; and
- b) Document the reason for deactivating the BWC in a written report

Officers will document in their written reports or on a citation the utilization of the BWC. They will attach the appropriate case number to each video utilizing the Report Management System syncing feature or by accessing the media storage system and adding it manually. When circumstances do not require a written report be taken but a recording has been made, the officer will assure that the video has been properly categorized using metadata to indicate what type of interaction took place, but no report shall be required merely because there was a recording.

Furthermore, the video recording is not a replacement for a written report, but rather a supplement thereto.

Officers with the Department shall NOT use the BWC in a mode that would allow for the recording lights to be deactivated or appear as if the BWC was not recording, sometimes known as Stealth mode.

433.5.1 EXCEPTION FOR WEARING BWC

Because the BWC must be left at the station for downloading and recharging purposes, an officer should not take a BWC home after shift without prior approval from a supervisor. It should be noted that officers may encounter situations and circumstances while they are travelling to and from work for their assigned shifts or may be called to respond to an emergency directly from their home. A BWC and subsequent video recording may not be available under these circumstances.

433.5.2 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

433.5.3 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped (Utah Code 77-7a-104):

- (a) During significant periods of inactivity such as report writing or other breaks from direct participation in the incident, including consultation with a supervisor or other officer.
- (b) When speaking with a victim, witness, or person wishing to report or discuss criminal activity if both of the following apply:
 1. The subject of the recording requests deactivation.
 2. The member believes the value of the information outweighs the value of the potential recording.
- (c) During a conversation with a victim of a sexual offense or domestic violence if:

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1. The member is conducting an evidence-based lethality assessment.
2. The victim or the member believes that deactivating the body-worn camera recording will either:
 - (a) Encourage complete and accurate information sharing by the victim, or
 - (b) Is necessary to protect the safety or identity of the victim.
3. The body-worn camera is reactivated as soon as reasonably possible after the evidence-based lethality assessment is complete.

The member should record the request to deactivate the portable recorder. A member should document any instance where he/she should have activated his/her body-worn camera but failed to do so, and the reason for the failure (Utah Code 77-7a-104).

433.6 REVIEW OF MEDIA

Officers may review video recordings to verify information or accuracy for their reports or for purposes of preparing for courtroom testimony or pursuant to an administrative hearing.

Officers involved in any officer-involved critical incident will be permitted to review their own recording when requested.

The on-scene supervisor of an officer-involved critical incident will ensure that the BWC evidence is preserved and will take custody of the BWC until video evidence is uploaded to evidence.com.

The data captured during an officer involved critical incident by the BWC may only be viewed as directed by the Supervisor on scene or with the approval of the Chief of Police.

Officers will not allow a citizen or other involved party, at any time, to review any part or portion of a BWC recording without prior authorization of the Chief of Police or designee.

Supervisors will be authorized to review recordings in the field if it is deemed necessary to mitigate citizen complaints or when exigent circumstances exist.

Reviews and audits of recorded data may be randomly conducted by supervisors for ensuring that the equipment is functioning properly and that the officers are using the device appropriately and in accordance with this policy.

433.7 PROHIBITED RECORDINGS

BWCs will only be used in conjunction with official law enforcement duties and shall not be used for any personal reason. The BWC shall not be used to record:

- a) Personal conversations with other Department employees not related to current investigations
- b) Encounters with undercover officers or confidential informants if the recording could jeopardize their safety or an investigation
- c) When an officer is engaged in personal activities such as while on breaks or meals
- d) Whenever an individual could have a reasonable expectation of privacy such as in a restroom or locker room

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e) Conversations between individuals where the officer is not a party to the conversations unless capture would be authorized by law

433.8 MEDIA STORAGE AND RETENTION

Upon the completion of their shift, officers will place their assigned BWC into the Evidence Docking Station (EDS) for charging purposes and uploading of recorded media. The media that is captured will only be uploaded to evidence.com and will only be used for official purposes.

To avoid potential interruption in the uploading process and possible corruption of the recorded data, the BWC system should not be removed from the docking station until the upload process has completed unless absolutely necessary.

All recorded media will be categorized by the officer and a case number attached (if a case number was assigned) to allow for proper retention.

Retention of all records will be maintained in accordance with federal, state, and local laws and regulations. When an Officer is notified by evidence.com that a body camera video is scheduled for deletion. The Officer shall verify the video is properly categorized and that there is no reason to preserve the video. This shall be done prior to the deletion date. Once the legally mandated retention period has been reached for specific recordings, they will be purged from the system unless notice of evidence preservation has been given requiring further retention.

433.9 DELETION OF UNINTENTIONAL RECORDINGS

In the event there is an accidental or unintentional activation of the BWC where the recording has no investigative significance or purpose such as while driving in the vehicle or where a reasonable expectation of privacy exists (restroom, etc.) officers may request a recording deletion by:

- 1) Request through email to one of the Patrol Lieutenants that an accidental recording be deleted. The email should contain sufficient information to outline why the recording should be deleted as well as the circumstances surrounding the accidental activation.
- 2) The Patrol Lieutenant will review at least a portion of the accidental recording to verify there is no investigative purpose for the video and will then email a Division Commander or the Chief of Police requesting permission to delete the recording as well as a statement verifying that the recording has been reviewed and fits the proper criteria to be deleted.
- 3) The Division Commander or Chief of Police will then respond via email to the Patrol Lieutenant either authorizing deletion or denying the request. The Patrol Lieutenant will comply with these findings.

433.10 GRAMA REQUESTS

It is the goal of the Department to support and promote openness and transparency in an effort to maintain a strong relationship with the community that we serve. All requests for recordings or GRAMA (Government Records Access and Management Act) requests will be accepted and processed in accordance with federal, state, and local statutes and in accordance with

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Departmental policy. The release of recordings must also ensure that all rights to privacy of victims, witnesses, and suspects are maintained whenever possible and that the integrity of an investigation is not compromised. Legitimate redactions and/or denials of requests may be made to ensure that this is accomplished. Classification of BWC recordings as private, protected, or controlled will be made on a case by case basis and as allowed by state law.