

#### 41.3.8 CRUISER VIDEO CAMERAS/ BODY WORN CAMERA (BWC) (LE1)

##### PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, management, storage, retention, and retrieval of information recorded by department issued body worn cameras (BWC) and Cruiser Video Cameras. The BWCs/ Cruiser Video Cameras are intended to assist and complement officers in the performance of their duties. A BWCs/ Cruiser Video Cameras recording should never be regarded solely as the Truth about an incident. It needs to be weighed and tested against witness testimony, forensics, the involved officer's statement, and other elements of a fair, thorough, and impartial investigation that takes human factors into consideration.

When BWCs and Cruiser Video Cameras are used to record certain enforcement activities, they can provide a valuable visual and audio record of the incident. It is anticipated that this evidence will:

1. Assist officers in report writing;
2. Protect officers from unfounded allegations of misconduct;
3. Reduce needless litigation in the criminal justice system; and
4. Provide a more transparent record of encounters with law enforcement.

##### A. Situations for Use

###### In-Car Camera System

It is the policy of the Mansfield Division of Police to use in-car data capture systems to provide documentation of events, actions, conditions, and statements made during law enforcement activities. In-car video/audio enhances our ability to review probable cause for arrest procedures, suspect/officer interaction, provides valuable officer training and establishes an impartial witness to officer/witness contacts. The use of the in-car data capture system shall be in accordance with applicable statutory and case law.

The mobile audio/video recording equipment will **automatically engage** when the emergency lights are activated and/or when the cruiser speed reaches 80MPH. The In-car recording can be manually activated at the officer's discretion when he/she feels it is necessary to document a scene or incident.

###### Body Worn Camera (BWC)

It is the policy of the Mansfield Division of Police to use Body Worn Camera systems to provide documentation of events, actions, conditions, and statements made during law enforcement activities. Body Worn Camera Systems enhances our ability to review probable cause for arrest procedures, suspect/officer interaction, provides valuable officer training and establishes an impartial witness to officer/witness contacts. The use of Body Worn Cameras shall be in accordance with applicable statutory and case law.

- Officers that are operating a cruiser with an In-Car Camera System shall "sync" the Body Worn Camera to the In-Car Camera System prior to the start of their shift. When a Body Worn Camera is synced with the In-Car Camera System, it will automatically engage when the emergency lights are activated and/or when the cruiser speed reaches 80MPH. The Body Worn Camera can be

manually activated at the officer's discretion when he/she feels it is necessary to document a scene or incident.

## **B. Activation and Deactivation**

### **In-Car Camera System**

**Officers shall activate the in-car camera when dispatched and/or responding to** all calls, traffic stops, pursuits, arrests, crash scenes and event; whenever recording is appropriate and can be done without compromising the safety of the officer. Recording includes the activation of the microphone transmitter pack. **Officers shall turn off any outside audio and/or Bluetooth (car or phone FM/AM/Digital radio, etc.) prior to or immediately following camera activation.**

- Officers shall activate the In-car system when dispatched to the incident in order to ensure implementation in emergency and serious situations, as enumerated above. The In-Car Camera System may be activated manually prior to the automatic activation with the emergency lights, in order to record facts that may pertain to the incident, such as probable cause in a car stop.
- Officers shall not stop operation of the audio/video In-car recording system until after the contact, car stop, or situation is completed.
- It is not the policy of the Mansfield Division of Police to require its members to cease recording at the request of anyone other than their supervisor. If a recording is suspended, terminated, or interrupted for any purpose, the reason the recording is stopped shall be stated and recorded, PRIOR to deactivation and if a report is generated for the incident, the reason shall also be documented in the narrative of the report and/or supplement(s).
- Members shall inform persons who inquire about the In-car audio/video recording equipment when the equipment is in use or may be used.

### **Body Worn Camera (BWC)**

Officers shall activate the Body Worn Camera **when dispatched to and/or responding to** all calls, traffic stops, pursuits, arrests, crash scenes and events, whenever recording is appropriate and can be done without compromising the safety of the officer. **Officers shall turn off any outside audio (car FM/AM/Digital radio, etc.) prior to or immediately following camera activation.**

- Officers shall activate the Body Worn Camera system enroute to the incident in order to ensure implementation in emergency and serious situations, as enumerated above. The Body Worn Camera System may be activated manually prior to the incident, such as probable cause in a car stop.
- Officers shall not stop operation of the Body Worn Camera system until after the contact, car stop, or situation is completed.
- Members shall inform persons who inquire about the In-car audio/video recording equipment when the equipment is in use or may be used.
- Immediately contact a supervisor when experiencing recording problems, or when the body camera is full.
- When transporting detainees or citizens and the In-Car Camera System is unavailable for any reason, the BWC shall be activated.

- When an officer is conducting an interview at the police station or other location, a portable digital recorder is the preferred methods for recording the interview.
- **If a resident request the camera be turned off on their private property, the officer should make best efforts to capture the request on camera prior to turning the camera off. If a recording is suspended, terminated, or interrupted for any purpose, the reason the recording is stopped shall be stated and recorded by the officer, PRIOR to deactivation. If a report is generated for the incident, the reason the camera was deactivated shall, also, be documented in the narrative of the report and/or supplement(s). However, Officers are encouraged to re-activate the BWC for investigative purposes should the need arise during the encounter with the resident.**

This will NOT apply when consent to enter the private home or building is not required, or when it is no longer required once inside the home/building. This includes entrances related to a search warrant, arrest warrant, domestic violence calls, and emergency or exigent circumstances.

### **Body Worn Camera Restrictions**

BWCs shall only be used in conjunction with official law enforcement duties. The BWC camera shall not generally be used to record the below restrictions, **unless there is an emergency or exigent circumstance:**

- Communications with other police personnel or duties outside of official law enforcement business, unless permission has been granted by the chief of police.
- Encounters with undercover officers or confidential informants.
- In any location where individuals have a reasonable expectation of privacy (i.e., restroom, locker room, etc.).

### **Body Worn Camera Exceptions**

Officer safety and the furtherance of police-community relationships are paramount. If there is a question of when to record, officers should record. However, officers are allowed some discretion with regard to recording encounters.

- Situations in which activating the camera would be unsafe, impossible, or impractical. A description of the reason why the body camera was not activated shall be recorded on any generated report **or supplement.**
- Informal, non-law enforcement related interactions with members of the community (Example: a citizen asking for directions or just having a chat with a citizen)

### **Supervisor Responsibilities-Body Worn Camera**

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, all **serious injury or fatal** marked patrol car accidents (regardless of who is at fault) a supervisor shall respond to the scene and ensure that the appropriate supervisor, BWC technician, detective supervisor/ investigator properly retrieves the recorded media. The media/device may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

\*If an officer is involved in a critical incident, the supervisor will take possession of the BWC as soon as practical, ensure it is uploaded to the server, classify it as an arrest, **remove the BWC from service and submit it as evidence. This shall then be documented** in a supplemental report.

- In the event a Body Worn Camera is damaged, malfunctioning, lost or stolen, the supervisor will complete a Chief's Report and copy the Forensic Science Section detailing the circumstances of the incident and whether the officer was negligent.

### C. Data Security and Access

#### **In-Car Camera System /Body Worn Camera**

Audio/video recordings generated on department equipment are and **shall remain the property of the Mansfield Division of Police** and shall not be duplicated or released outside of the department without proper authorization from the Chief of Police, including those copies made for public record requests.

- Prosecution and defense counsel requests are handled by the appropriate prosecutor and do not require authorization from the Chief of Police.
- Officers assigned to those cruisers with In-car audio/video recording equipment and/or BWCs will be responsible for the operation of the system.
- Officers may review their video evidence for pre-trial documentation and reporting.
- Defense attorneys may request a pre-trial viewing of the audio/video In-car and/or BWC evidence by appointment.
- **In compliance with Ohio Public Records Law** and Ohio Rules of Evidence, this agency will provide copies of evidentiary recordings upon request, subject to the following guidelines:
  - Division employees must submit a **signed written request** to the Chief of Police and/or his designee.
  - **Individuals, including private citizens, not working in law enforcement/court system will be provided copies of videos in accordance with public record laws; ORC 149: Documents, Reports, and Records.**
  - In an open case, the public records request may be forwarded to the Law Director for review and determination of release authority prior to the tape being copied and released.

### D. Data Storage and Retention

#### **In-Car Camera System /Body Worn Camera**

Officers will hold all of the following types of recordings, which shall be retained per departmental policy:

- All motor vehicle pursuits;
- All patrol car accidents resulting in property damage or injury to any person;
- All OMVI arrests;
- Any other incident or event of significant evidentiary value;

- All RTR’s;
- Any incident that has resulted in the filing of a formal citizen complaint.
- Audio/video or digital recordings shall be treated as **evidence**. Intentional alteration or destruction of these recordings will result in disciplinary actions and/or criminal prosecution.
- **Videos which are designated by the officer, supervisor or prosecutor as evidence** shall be submitted to the Forensic Science Section as evidence.
- **Non-evidentiary video and digital recordings** are held in accordance with the records retention policy (30 days) unless there is a hold request, contingent on available storage space.
- Digital recordings that contain activities pertinent to the training function of the Division will be forwarded to the Professional Standards Section. **Any video or digital recordings deemed appropriate for training purposes, must have “Officer Involved Agreement/Permission” PRIOR to showing for training purposes.**

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee or citizen.

**Requests for deletion of portions of a recording (i.e., an accidental personal recording) must be 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.**

## **E. Equipment Maintenance and Inspection**

### **In-Car Camera System**

- Patrol vehicles may be equipped with **audio/video recording systems**, which shall be used based on the following guidelines:
  - **At the beginning of each shift**, the officer utilizing a vehicle equipped with the audio/video recording system shall inspect the system as part of their routine vehicle inspection.
  - Per training guidelines, turn on the mobile audio/video recorder equipment. Place the microphone transmitter on person. Ensure that the system has the opportunity to enroll with the wireless microphone and is working properly. Record a test of the system before leaving the compound whenever possible.
  - If the system is not working properly the officer should notify their immediate supervisor for trouble shooting. If the system cannot be made operational, the officer should take another cruiser with a working video system, if available.
  - Repairs, deviation in the operating condition, appearance or problems with the audio/video recording system should be noted on the cruiser check out form and forwarded to Motor Maintenance.

### **Body Worn Cameras**

Prior to the beginning of a shift, officers who have been issued a BWC shall:

- (a) Inspect the BWC system for physical damage and immediately notify a supervisor if damage is discovered.
- (b) Affix the BWC on the outer most garment of the uniform and position it vertically **on the upper torso to achieve the view in front of the officer.**
- (c) Prior to the beginning of the officer's shift, the officer shall conduct a test recording. During the test, the officer shall state his name, badge number, and the date.
- (d) After recording the required statement, the officer shall stop the recording and select and save the recording under the category preset "test".

#### **F. Training Requirements for In-car Camera System/Body Worn Camera**

- Prior to utilizing the In-car Cameras, all officers, including supervisory staff; must complete the online "WatchGuard" training. The WatchGuard online link is available through the Office of Professional Standards/Training.
- Officers will, also, complete any additional MANDATORY training in reference to the In-car audio/video recording equipment and Body Worn Camera, as determined through the Office of Professional Standards/Training.

#### **G. Documented Review Requirements of In-car recording System/Body Worn Camera**

- Sergeants will randomly review two (2) audio/video recordings of **each officer** under their command, every 42 day cycle. (Example: If you supervise 3 officers, there will be a total of 6 reviews, two for each officer; during the 42 Day Cycle).
- Lieutenants will review two (2) of the random audio/video recordings completed by **each Sergeant** (see above), under their command, every 42 day cycle.
- Captains may make random "spot" reviews of the audio/video recordings of those under their command, every 42 Day cycle.
- During the random reviews, Supervisors will review recordings with the subordinate officers, when those officers are available and circumstances permit.
- Supervisors will complete the Divisional "Video Review" form, which is located on CopNet in the "Forms" file, for each random review.
- Supervisory personnel reviewing random recordings are to use the reviews as a way to evaluate and train personnel under their command in an effort to promote positive feedback and officer safety as well as to correct unsafe or inappropriate behaviors. Those who discover violations of policy or ordinance, shall report those finding to their immediate supervisor.

**\*\*\*The Administrative Lieutenant will complete random reviews of BWC and/or In-car Camera footage during each 42-Day Cycle in place of the current above policy. This will be done for a 6-month trial period which will begin at the Chief's discretion. If an issue is found during these reviews by the Administrative Lieutenant, the officer's Watch Commander will be notified via email to address the issue and/or concern to determine if additional training or discipline is appropriate.**