

Body Worn Camera

450.1 PURPOSE AND SCOPE

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

This agency has adopted the use of the Body-Worn Camera to accomplish several objectives. The primary objectives include the following:

- (a) BWC's shall be used to transparently reflect the mission of the department, maintain public trust and confidence, and provide accountability to the citizenry.
- (b) BWC's allow for more accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports.
- (c) Audio and video recordings also 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.
- (d) 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.

450.2 USE OF BODY WORN CAMERA

BWC CAMERA USAGE

- (a) Before using the BWC system, the officer must complete all prescribed BWC Department training relating to this policy as well as for the activation, use, annotation, and uploading of data.
- (b) Officers shall follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Officer safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.
- (c) All sworn officers assigned to the patrol division, including traffic officers, will be assigned a BWC. Officers assigned to the narcotics unit will have BWC's available for uniform interdiction work only and will not be required to wear BWC's when engaged in plain clothes work. Additional BWC's will be maintained for those officers in investigations or other assignments who have a need to capture video evidence.
- (d) Officers assigned a BWC system shall, at the beginning of their shift, inspect the recording system for obvious signs of damage or inoperability. If at any time during the shift it is determined the unit is not functioning properly, officers will notify their immediate supervisor and the unit will be taken out of service. The inspection shall include the following:

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1. The camera lens is clean and free of obstruction;
 2. The system has sufficient battery life for a shift of duty;
- (e) Officers shall report any malfunction of the BWC system to his/her immediate supervisor and ensure that the system is submitted for repairs. The supervisor will assign the officer another BWC, if available, to use in the interim. Officers shall not attempt to repair the BWC system.
1. Officers shall wear the BWC system in the prescribed manner and location consistent with manufacturer recommendations.
- (f) The BWC system shall be activated as soon as it is reasonable to do so any time an officer may become involved in any enforcement contact. Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, the officer shall begin recording as soon as practical during an enforcement contact and continue to record until the completion of the event, to include the recording of statements.
1. An enforcement contact includes all interactions with citizens where there is a reasonable suspicion that the person is involved in criminal activity or a violation of law, except the administrative taking of reports (such as not-in-progress burglary or stolen vehicle reports) or during community outreach events (such as giving a talk to a citizen group or making neighborhood contact with store clerks while on patrol).
 2. In addition to enforcement contacts, officers shall record all Code 3 responses regardless of the type of call.
- (g) Once activated, the BWC system shall not be deactivated until the event has been concluded unless:
1. The event is protracted and continued recording is of no value (i.e. traffic control, crash scenes, extended perimeters; officer is on scene but in no position to record, etc.).
 2. It is necessary to discuss issues or concerns with another officer or supervisor in private. During this time, the BWC may be temporarily turned off. The intention to stop the recording will be noted by the officer verbally on the BWC. (Example: "Recording stopped to obtain personal identifying information of witness.") If feasible, the mute option for the microphone should be utilized rather than turning the unit off.
- (h) In all instances that warrant the system being deactivated, the officer should verbally record the reason for the deactivation. For example, "recording stopped due to extended perimeter."

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- (i) Officers shall place their BWC in the approved department docking station, in the prescribed manner, before going off duty, to ensure recorded media is uploaded daily.
- (j) Officers shall review all files (audio, video and photographs) in the storage software, during their next tour of duty to ensure each of their files have been properly categorized and tagged with the auto-tagging feature. If any problems are identified with categorization or tagging, officers shall manually enter the appropriate information using the pre-defined list in the storage software (i.e. Major, Felony/Misdemeanor, Error, Infractions, No Enforcement Action, Restricted etc.), to ensure that the files are stored properly. Report numbers, citation numbers and suspect names should also be applied to specific video files, if applicable.
- (k) When officers create a recording of an incident related to a report, the officer shall explain in the report the existence of such recording. If for some reason, no recording is created, the officer shall notate that in the report and the reason that no recording was created. If there is no camera available for shift, the officer shall note that in CAD history at the beginning of the shift.
- (l) Any officer who is assigned a BWC and a take-home vehicle shall make every effort to report to the station to obtain their BWC before responding to calls for service. In the event that obtaining the camera prior to responding to the call is not practical, the officer shall use their department issued iPhone or iPod with the Capture application to document the call for service and notate the reason for not using their BWC in their report.
- (m) Officers may inform individuals they are being recorded.
 - 1. The viewing of BWC recordings, by any citizen, at the scene of an incident is prohibited without supervisor approval.
 - 2. Requests by subjects of BWC recordings, shall be referred to the Public Record Request procedure outlined in 451.6 (b).

450.3 USAGE RESTRICTIONS

We, as an organization, recognize and respect an individual's right to privacy, and acknowledge there are times when it would not be in the best interest of the public, or the Department, to record sensitive information. As such, officers shall follow items (a) through (h) below with respect to the use of BWC systems.

- (a) Officers will use only the BWC system, issued and approved by the Department for official police duties. Personnel shall not remove, dismantle or tamper with any hardware and/or software component of the BWC.
- (b) In locations where an individual has a reasonable expectation of privacy, such as a private residence, the officer shall honor an individual's request that the officer not record the inside of the individual's residence, unless the recording is being made

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pursuant to a valid investigation, from a place where the officer is lawfully allowed to be present, is made during the lawful arrest of an individual in the residence, or is being made in conjunction with a lawful search of the residence.

- (c) Officers shall not knowingly record undercover officers or confidential informants.
- (d) Officers shall not knowingly record any Victim Witness staff, Prosecutors Office staff or Judges while engaged in their official capacities.
- (e) Officers shall not use agency owned BWC devices to record any type of personal activities, or use the camera for any reason outside of their scope of employment with the Department.
- (f) Officers shall not intentionally record in areas where there is a reasonable expectation of privacy such as locker rooms, restrooms, etc., unless the recording is being made pursuant to a valid investigation.
- (g) Officers shall not surreptitiously record other members of this Department without authorization from the Chief of Police, or his/her designee, or a court order.
- (h) Due to safety and security concerns, other information that officers should consider not capturing on video as it relates to victims, witnesses, close family members of victims/witnesses, officers and prosecutors include:
 - (a) 1. (a) Vital information and personal identifying information such as DOB, SSN, etc.;
 - (b) Private information such as personal identification numbers (PINs), passwords, financial account numbers and information relating to financial transaction cards;
 - (c) Additional contact information such as place of employment, school, places of worship, etc.
 - (d) Officers utilizing BWC's should not record patients during medical or psychological evaluations by a doctor or similar professional during treatment, unless required for evidentiary criminal investigation purposes.
(Example – Blood draw for investigation purposes, excited utterances or dying declarations) When recording in hospitals, and other medical facilities, officers shall be careful to avoid recording persons other than suspect(s) whenever possible.

450.4 OFFICER REVIEW OF RECORDED MEDIA

- (a) Officers shall have “review access” to recorded media up-loaded from their assigned body worn camera system. This is to allow an officer to review media as he/she prepares reports, prepares for court, and for self-critique.

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- (b) Officers shall not have review access to the recorded media of other officers, unless granted permission by a supervisor.
- (c) Supervisors may review media of their respective subordinates on a random basis or with cause.
- (d) Under no circumstances, will recorded media be used for entertainment purposes or in an attempt to embarrass another officer or private citizen.
- (e) Any uploading or converting digital recording for use on any type of social media is strictly prohibited unless authorized by the Chief of Police or his/her designee.
- (f) Officers will not make copies of any recording for their personal use, and are prohibited from using a recording device (such as a camera phone or secondary video camera) to record media from the repository.
- (g) Officers may use BWC videos for training purposes as authorized by the Chief of Police or his/her designee. Prior to using any such video, the officer shall ensure that the video is not actively being used as evidence in any criminal or civil case. The command staff, and the City Attorney shall view the redacted video to be used for training prior to approval for use. Training videos shall be documented as such, properly redacted of private citizen information and retained according to the City's retention schedule.

450.5 RESPONSIBILITIES

- (a) System Administrator - The System Administrator(s) are designated by the Chief of Police and have oversight responsibilities to include, but not limited to, the following:
 - 1. Operation and user administration of the system.
 - 2. System Evaluation
 - 3. Training
 - 4. Policy and procedure review and evaluation.
 - 5. Coordination with Information Services regarding system related issues.
 - 6. Ensure BWC files of evidentiary value are secure and retained per this policy.
 - 7. Ensure BWC files are reviewed and released in accordance with federal, state, local statutes and Twin Falls Police Department retention policy.
- (b) Supervisors informed of a malfunctioning body camera system shall ensure the System Administrator is made aware of the malfunction.
- (c) If a critical incident is potentially captured on recorded media (i.e. officer involved shooting, in-custody death, etc.), the supervisor shall ensure that the system is not tampered with until authorized Critical Incident ITask Force (CITF) personnel can review the media. TFPD personnel, in conjunction with a CITF representative, will ensure the media is uploaded according to department policy. Once the scene is

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rendered safe, the supervisor should, in order to ensure digital media is secured, remove the BWC system from the officer and secure it for CITF in a locked storage area (to include trunk of patrol car). As a general rule BWC's will not be turned over to CITF as evidence. If the CITF determines a BWC contains biological or physical evidence that can only be recovered by collecting the BWC, they will coordinate with TFPD personnel for the collection of the BWC. Refer to CITF protocol.

- (d) Recordings may be reviewed by supervisors and Command Staff to monitor officer performance, identify training issues, provide critiques of officers, detect early intervention inquiries, or for investigative/complaint purposes.

450.6 STORAGE AND RELEASE OF RECORDED MEDIA TO PUBLIC

- (a) The recorded media and all recorded images that are captured during the scope of an officer's duties are the property of the Twin Falls Police Department.
- (b) No member of the Department shall release a copy of BWC files to any member of the public, outside of the Public Record Request procedure, as put in place by the Department and City. Any release of BWC files shall be made in accordance with Idaho Public Records Law (I.C. 74-102).

450.7 USE OF PERSONAL OWNED DEVICES TO RECORD VIDEO OR AUDIO

- (a) Officers shall not, without express approval from a member of the Command Staff, use their personally owned recording devices (such as a camera phone or secondary video camera) in place of the BWC or as a backup to the BWC system.
- (b) Officers shall not use any personally owned device to record media from their BWC, another officer's BWC media from storage software, or any other device which allows the officer to view the BWC system files.

450.8 AUDIO RECORDERS

Officers who are not issued body worn cameras, shall use department issued iPhones or iPods in conjunction with the Capture application, for the purposes of documenting field investigations and enforcement contacts.

450.9 RETENTION OF DIGITAL MEDIA

Digital Media files created by the BWC system shall be retained according to the retention rules of the State of Idaho and the City of Twin Falls.

- (a) All BWC files with evidentiary value attached to a major criminal investigation with no statute of limitations, as outlined in Idaho Code § 19-401, shall be retained for 100 years at the conclusion of the case they are attached to.

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- (b) All BWC files with evidentiary value attached to felony or misdemeanor cases will be retained for five (5) years.
- (c) All BWC files with evidentiary value attached to any infraction, or any non-enforcement action, shall be retained for two (2) years at the conclusion of the associated matter.
- (d) An officer who makes a recording in error (such as in the locker room or restroom) shall tag the file as an error, and notify the System Administrator via email. The officer shall include his/her supervisor as a recipient of the email in order to request the video be deleted no sooner than 14 days after tagging.

450.10 FAILURE TO COMPLY

Failure to comply with this policy will result in a review and possible implementation of disciplinary procedures.