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## Body Worn Video Systems

### 379.1 PURPOSE AND SCOPE

- (a) To provide policy and procedures for the use of portable video recording systems, also known as Body Worn Video (BWV) Systems, including both audio and video recording of field activity in the course of official police duties.
- (b) The use of the portable video recording systems provide documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Officers shall utilize this device in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

### 379.2 PROCEDURE

- (a) Unauthorized use, duplication, and/or distribution of Body Worn Video (BWV) system files are prohibited. Personnel shall not make copies of any BWV file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWV files.
- (b) All recorded media, images and audio from the BWV are the property of the Barstow Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police or his/her designee.
- (c) The BWV shall not be used to record non-work related activity and shall not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms.
- (d) Officers should be aware of surroundings when operating the BWV, such as in a hospital emergency room where privacy of patients should be considered when operating the BWV system.
- (e) Personnel will use only the BWV system issued and approved by the Barstow Police Department for official police duties. The wearing of any other personal video recorder for the same purpose is not authorized without permission of the Chief of Police or his/her designee.
- (f) Personnel shall not remove, dismantle, or tamper with any hardware and/or software component or part of the BWV system.
- (g) There are many situations where the use of the BWV system is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, officers may activate the system any time they feel its use would be appropriate and/or valuable to document an incident.

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Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, officers assigned to the patrol division shall make every attempt to activate their BWV cameras prior to making contact in any of the following incidents:

- (a) Enforcement encounters where there is a reasonable suspicion the person is involved in criminal activity. This includes, but is not limited to dispatched calls as well as self-initiated activities.
- (b) Probation or Parole Searches
- (c) Service of Search or Arrest Warrants
- (d) Vehicle Pursuits
- (e) K-9 Deployments
- (f) Pedestrian Checks
- (g) Traffic Enforcement Stops
- (h) In-Progress Calls
- (i) Where there is a likelihood that the incident may result in a use of force.
- (j) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require activation of the BWV system.

Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, officers assigned to the investigations division shall make every attempt to deploy, and activate under the provisions of this policy, their BWV systems during all parole or probation sweeps. Officers assigned to the investigations division shall also be required to deploy, and activate under the provisions of this policy, their BWV systems during all search warrant service and any arrest warrant service where sufficient prior planning exists. Officers assigned to the investigations division shall also deploy, and activate under the provisions of this policy, their BWV systems during all parole or probation searches planned at least one day in advance.

Officers may activate the BWV system before or during any other incident at their discretion.

An officer shall have the latitude to terminate the recording when there is no likelihood of force being used or anything else of evidentiary value occurring. It shall be deemed a violation of this policy for an officer to fail to activate the BWV system or intentionally terminate a recording in order to commit a violation of law or department policy.

Officers shall not use the BWV recording functions to record any personal conversation of or between another department member or employee without the recorded member/employee's knowledge and permission.

Officers are not required to obtain consent from a private person when:

- (a) In a Public Place

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- (b) In a location where there is no reasonable expectation of privacy (e.g. inside a building or dwelling where the officer is lawfully present and engaged in the performance of official duties).

Officers are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.

### **379.3 RESPONSIBILITIES**

#### System Administrator

- (a) Designated by the Chief of Police and has 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 I.T. Department Regarding System Operations
  6. Ensure BWV files of evidentiary value are secured and retained per this policy.
  7. Ensure BWV files are reviewed and released only in accordance with federal, state, and local laws, as well as City and Barstow Police Department policies regarding retention and duplication.

#### Supervisors

- (a) Ensures officers utilize the BWV system according to policy guidelines.
- (b) Review recordings only as directed by the Chief of Police or his/her designee.
- (c) Ensure videos related to critical incidents are uploaded to Evidence.com, or the current company designated to retain BWV system files by the Barstow Police Department.
- (d) Supervisors may have the ability to immediately resolve citizen complaints by reviewing video captured by the BWV. In those circumstances where a complaint is resolved with no further action needed, supervisors shall add an additional category of "Citizen Complaint" to the video and make appropriate notes in the notes section of Evidence.com. This will allow management personnel to capture incidents that are resolved by this camera system.
- (e) It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.

#### Field Personnel

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- (a) All patrol division personnel are required to deploy the BWV system while in an on-duty status. Use of the BWV system shall be indicated within this policy.
- (b) Ensure the battery on the controller and in the DVR is fully charged daily and operating properly.
- (c) Report unresolved equipment malfunctions and/or problems to their supervisor immediately.
- (d) Monitor system effectiveness and make recommendations for operational improvement and policy revision.
- (e) Document the use of the BWV on one of the following, whichever is appropriate for the situation:
  - 1. Police Report or Computer Entry
  - 2. Notation on a Citation
  - 3. Field Interview Cards
- (f) Once video is captured, officers shall identify BWV files by:
  - 1. When assigned, noting the incident number in the "Case ID" field.
  - 2. Entering a title. The title should include sufficient information to identify the file, such as event description (i.e. DUI, T-Stop, Domestic Violence, etc.) and a suspects last name.
  - 3. Selecting the appropriate category(ies).
  - 4. The information may be entered via mobile application on a hand held device, MDC, or Barstow Police Department computer work station via the Evidence.com website.

Note: Officers should continue to prepare reports in the same manner as prior to the implementation of the BWV system. Officers should not substitute "refer to video" for a detailed and thorough report. Officers should avoid using exact quotes, but should represent statements in their reports as a summary of what is contained in the statement/video, such as "In summary, the victim related....."

### **379.4 OPERATION**

- (a) Officers shall test BWV equipment prior to going into service and ensure the unit is properly charged and operational.
- (b) Officers shall position the camera on their uniform to facilitate optimum recording field of view or use the camera as a eyeglass attachment.

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- (c) Officers shall dock their issued camera for automated upload of BWV data files daily at the end of their shift at the docking station to ensure storage capacity is not exceeded and/or to view uploaded audio/video recordings.

### **379.5 REVIEW OF BODY WORN VIDEO (BWV) FILES**

- (a) Although the data captured by the BWV is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a need to know-right to know basis. Employees authorized under this policy may review video according to the provisions of this policy.
- (b) Once uploaded to Evidence.com, personnel may view their own audio/video data only. Evidence.com automatically time/date stamps and records each access by officer name.
- (c) An employee may review BWV files as they relate to:
  - 1. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports.
  - 2. Prior to courtroom testimony or for courtroom presentation.
  - 3. Providing a statement pursuant to an administrative inquiry, including officer involved shooting investigations.
  - 4. Critical Incidents: Officers are encouraged to consult legal representation and may review their video prior to providing a statement pursuant to an administrative inquiry.
    - (a) When safe and practical, an on-scene supervisor may retrieve the Taser® Axon Flex camera, or other BWV system, from the involved officer(s) at the scene. The supervisor will be responsible for assuring the camera is docked and uploaded into Evidence.com.
    - (b) Following a time sensitive critical incident, a video may only be viewed prior to being uploaded in Evidence.com:
      - 1. When exigent circumstances occur, such as an officer being injured and to obtain identifying suspect information or other pertinent information.
      - 2. To allow investigators, such as Administrative Investigation personnel, to view the video in order to assist in an investigation.
  - 5. Potential Training Purposes
- (d) For Official Use: Evidence.com shall only be accessed from Department authorized computers, Department workstations, or MDC's.

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1. Exception: Administrative user of Evidence.com may access Evidence.com from a computer or device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking user, etc.
- (e) No BWV files shall be reviewed or copied for personal use or gain unless authorized by this policy, the Chief of Police, or his/her designee.

### **379.6 BODY WORN VIDEO (BWV) FILES REQUEST**

- (a) Departmental Requests
  1. Any requests shall be completed by the system administrator with the approval of the Chief of Police or his/her designee.
- (b) Non-Departmental Requests
  1. All other requests for BWV files shall be accepted and processed in accordance with federal, state, and local laws, as well as any regulatory action (i.e. Public Records Act, etc.) as set forth in policies of the Barstow Police Department.
  2. Media inquiries and/or requests shall be received and processed in accordance with the Public Records Act and the policies of the Barstow Police Department.
- (c) Request for Deletion of Accidental recording
  1. In the event of an accidental activation of the BWV where the resulting recording is of no investigative or evidentiary value, the recording officer may request that the BWV file be deleted by submitting an e-mail request with sufficient information to locate the BWV file to the officer's Division Commander who shall review the file, approve or deny the request, and forward to the system administrator for action.
- (d) Copying Procedures
  1. A copy of the BWV file may be made by the involved officer in accordance with the provisions of this policy for evidentiary purposes.
  2. If the BWV file is in fact evidence to a case, the officer shall make a copy of the video and book the copy into evidence.
  3. Other than as provided in this policy, no member of this Department shall download any video from Evidence.com onto any computer, device, drive, CD, DVD, or any other format without the express consent of the Chief of police or his/her designee.
- (e) Investigators Conducting Criminal or Administrative Investigations
  1. Advise the system administrator to restrict access/public disclosure of the BWV file in criminal or administrative investigations, when necessary.

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2. Document the reason for access by entering the related CR or IA Case number on the BWV "Notes" field prior to viewing.
  3. Review the file to determine whether the BWV file is of evidentiary value and process in accordance with established procedures.
  4. Investigators shall notify the system administrator to remove the access restriction when the investigation is closed.
- (f) Training Request
1. A BWV file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a BWV file for training purposes may come from any source.
  2. A person recommending utilization of a BWV file for training purposes shall submit the recommendation through the chain of command to the Chief of Police or his/her designee.
  3. If an involved officer or employee objects to the showing of a recording, his/her objection will be submitted to the Chief of Police or his/her designee to determine if the officer or employee's objection outweighs the training value.
  4. After a meeting with the affected officer or employee and his/her chosen representative, the Chief of Police or his/her designee shall review the recommendation and determine how best to utilize the BWV file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g. policy, training bulletins, officer safety bulletins, briefings, or other training).

### **379.7 CATEGORY AND RETENTION PERIODS**

- (a) Employees utilizing the BWV system shall identify each video by category. In the event a video is taken that does not fall into a listed category and has no apparent evidentiary or administrative value, the officer may leave the video as uncategorized.
- (b) Categories:
  1. Arrests
  2. Contacts and Detentions
  3. Critical Incidents
  4. Evidence
  5. Pursuits
  6. Traffic Stops
  7. Training

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8. Use of Force
  9. Citizen Complaint
  10. Investigation - No Action
  11. Self-Initiated Activity - No Action
  12. Uncategorized
- (c) Retention:
1. All BWV files shall be held for a period of one year from the date the file is downloaded into the Evidence.com system.
  2. Exception: The retention period may be changed when the amount of stored data exceeds the capacity of the Department's current storage contract due to budgetary restrictions or contractual agreements.

### **379.8 REPAIR PROCEDURES**

- (a) Personnel shall immediately report any recognized problems with the BWV system to their immediate supervisor.
- (b) Upon notification, the supervisor shall contact the system administrator or designee stating the problem or malfunction. The supervisor shall include the serial number of the damaged/malfunctioning unit and the actual affected part (i.e. battery worn camera, battery pack, etc.)
- (c) The system administrator or designee will report unresolved deficiencies to TASER® International via web-based support.