

## **GENERAL ORDER**

NUMBER : # 34 SUBJECT : Body Worn Camera	EFFECTIVE DATE: 01/08/2013 REVIEW DATE: 03/02/2015 <b>REVISED DATE: 03/12/2015</b> <i>Amends/Supersedes all previous orders related to body worn cameras</i> APPROVED BY CHIEF: 01/08/2013
CHIEF OF POLICE :	W. Neal White

**NOTE:** This order is for internal use only, and does not enlarge an officer’s civil or criminal liability in any way. It should be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this order, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

### **I. POLICY**

Officers of the Berryville Police Department will use the issued body worn audio/visual camcorders (BWC) during law enforcement-related encounters and activities that occur while on duty. Examples of these types of activities include interviewing suspects of crimes, conducting field sobriety tests, performing traffic stops, establishing probable cause for pedestrian stops and detentions, arrests, conducting searches, citizen contacts that turn adversarial, or any situation, condition, or event having a potential for loss of life, injury, or damage to property.

### **II. PURPOSE**

The purpose of this policy is to establish guidelines for electronic data collection resulting from the use of a BWC. It also serves to direct officers and supervisors in the proper use and maintenance of the BWC. The purpose of the BWC is to provide an accurate unbiased audio/visual record of enforcement related and non-criminal incidents that will enhance criminal prosecutions and limit civil liabilities.

### **III. PROCEDURE**

1. General Guidelines for the Use of BWC
  - A. The BWC is intended to supplement reports and investigations and ultimately aid in prosecuting traffic and criminal offenses, to improve officer performance through training, and promote officer safety.
  - B. The BWC is to be used to document events, actions, or statements made during arrests, interviews, and critical incidents in order to enhance report preparation and investigation.
  - C. The BWC is meant to enhance the Department's ability to review probable cause for arrests, searches and seizures, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for officer evaluation and training.
2. Prior to deployment in the field, all officers will be trained on the proper use, care, maintenance, and procedures governing the use of the issued BWC.
3. The BWC shall not be deactivated until the enforcement action is completed.
4. Officers shall not erase or alter any audio and/or video on the BWC.
5. Any malfunctions, damage, or loss of a BWC shall immediately be reported to a supervisor or the Chief of Police in writing.
6. The issued BWC shall be worn on the uniform in the chest area.
7. When the BWC is used to record an event, encounter, or interview that culminates in the filing of an official police report or IBR, the officer shall denote in the narrative of the report that there is a BWC recording available.

### **IV. PROHIBITIONS**

1. Any use of the BWC for any purpose other than official law enforcement business is a violation of this policy. Non-law enforcement business can include, but is not limited to:
  - A. Covertly recording other law enforcement personnel;
  - B. Recording a conversation with a supervisor, council member, or other government employee;
  - C. Personal use of the BWC;
  - D. Recording a conversation that the officer is not party to, unless the officer is handling a law enforcement incident and is in a lawful position when the taping occurs; and
  - E. Accessing recorded data for personal use and uploading onto public and social media websites.

2. Officers shall not use the BWC to record a particular person based solely on the person's race, color, age, sex, marital status, sexual orientation, gender identity, creed religion, ancestry, national origin or physical disability.
3. Officers shall only use department issued recording equipment while on duty, no personally owned equipment will be substituted for department recording equipment.

**V. DATA MANAGEMENT**

1. BWC recordings shall only be downloaded using computers operated and maintained by the Berryville Police Department
2. Before going off-duty, officers will download all recordings to a designated secure server/computer. When any recordings deemed to be of evidentiary value are transferred to the department server/computer, the officer shall copy the data on a media storage device (i.e. CD-Rom, flash drive, etc.) and enter a copy into evidence. Other data not copied to a media storage device will remain on the secure server/computer for ninety (90) days at which time it shall be erased.
3. Data will not be released to another criminal justice agency for trial or other reasons without having a duplicate copy made and returned to safe storage; and
4. Data will not be released to any outside non-criminal justice entity, regardless of the content, without explicit authority from the Chief of Police or their designee.
5. Media storage devices containing data files deemed of evidentiary value shall be retained for three (3) years or until the case is resolved or evidence is released, whichever is longer, and then the media storage device or its contents shall be destroyed.
6. Digital copies for purposes not associated with the investigation or prosecution of a violation of law will only be made or created subject to one of the following:
  - A. Permission from the Chief of Police or his designee; or
  - B. Required by court order.

## **VI. SUPERVISOR RESPONSIBILITIES**

1. Department supervisors shall ensure that officers under their command are trained in the appropriate use of the BWC as well as data management software associated with the BWC.
2. Supervisor will perform inspections of officers under their command to ensure that they are wearing issued body worn cameras.
3. Supervisors can review recordings to investigate complaints against an officer, to identify videos for training and instructional purposes, and in performance of random audits. Supervisors shall not use recordings as a mechanism to initiate disciplinary action without the establishment of a justification for investigation such as a citizen complaint. Intentional trolling of recordings in search of officer policy violations is counterproductive to the BWC program and creates an environment of distrust among supervisors and their subordinates.
4. In instances of officer involved shootings, in custody deaths, or other cases of bodily harm and death; a supervisor shall take custody of the involved officer's BWC and establish an immediate chain of custody by downloading the recording. The supervisor shall document their handling of the recording and ensure that no tampering occurs with the recording.