



# CITY OF MARICOPA POLICE DEPARTMENT

Operations

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Steve Stahl, *Chief of Police*

03/11/2019

**Body Worn Cameras**

## 1. PURPOSE

The purpose of this policy is to establish procedures for the Body Worn Camera System (BWCS), which includes a Body Worn Camera (BWC) designed to record the audio and video of field activity in the course of official police duties.

## 2. POLICY

The policy of the Maricopa Police Department (MPD) is to use the BWC in order to provide documentary evidence that includes, but is not limited to, criminal investigations, civil litigation and allegations of officer misconduct. Members shall utilize this device in accordance with the provisions of this policy in order to maximize the effectiveness of audio/video documentation to achieve operational objectives and protocols and to ensure the integrity of evidence. [41.3.8a]

## 3. PHILOSOPHY

### Body Worn Cameras (BWC)

- BWCs are intended to capture unbiased accounts of police and citizen interactions. Audio and video recordings will provide members with the ability to review incidents prior to completing Department reports, document the collection of evidence, enhance officer training, prevent and resolve complaints brought by the public and strengthen police transparency, performance and accountability.

## 4. CONSIDERATIONS

- Video footage obtained from the BWC may not depict everything in an officer's field of vision at the time of an incident. Additionally, everything depicted on video footage may not have been seen by the officer at the time of the incident.
- Digital evidence captured by the BWC is not all inclusive. The system captures a less broad and less detailed image than the totality of the human senses. An officer's recollection of specific details may be different than what is captured in digital evidence. Officers should review digital evidence prior to completing reports when necessary to ensure accuracy. Officers shall review digital evidence prior to providing testimony at hearings, trial or depositions.
- Officer safety takes precedence over recording events and shall be the primary consideration when contacting citizens or conducting vehicle stops.
- Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this policy is strictly prohibited. Public release of digital evidence is prohibited unless approved by the Chief of Police or designee. [41.3.8c]
- Personal computer equipment and software programs shall not be utilized when making copies of digital evidence from a BWC is strictly prohibited.
- Officers shall prepare thorough and detailed incident reports. "Refer to video" or similar language shall not be used as a substitute.
- Not all situations can be identified as to when officers should or should not



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record; therefore, an officer's good judgment must always be used in addition to policy.

- All department members will be given initial entry training on the use of BWC prior to being assigned one for active use. [41.3.8f]

## 5. PROCEDURE

- Unauthorized use, duplication and or distribution of BWC files are prohibited.
- Only trained members shall operate BWC equipment.
- Members shall not remove, dismantle or tamper with any hardware/software component or part of the BWC.
- Members will use only BWC equipment provided by the MPD.
- All members assigned a BWC shall make every attempt to activate the device to record all contacts with citizens in the performance of their official duties (e.g., calls for service, traffic incidents, supervisors contacting citizens regarding complaints, etc.). Members shall also activate their BWC during emergency or pursuit driving situations, when practical. Officers are reminded to turn on the PDRD prior to arrival or start of contact (e.g., when observing a violation or upon arrival at a call) to record the event in its entirety. [41.3.8b]
- While working off-duty assignments, members who have been assigned a BWC shall wear and utilize the device in accordance with the provisions of this policy.
- Once activated, the recording shall not be intentionally terminated until the conclusion of the incident.
  - Recording Exceptions
    - Activating the PDRD in the midst of a dynamic event (e.g., pursuit will only be expected if/when it can be done safely.
    - If during the course of an investigation an officer needs to meet with a supervisor or other officer to discuss investigatory strategies outside the presence of those citizens involved in the incident, the camera may be turned off. Prior to turning the camera off a comment should be recorded explaining that the camera will be turned off for this purpose. Once the discussion is complete and the officer is back with the citizen, the camera will be turned back on.
    - Members shall not record confidential informants or undercover officers.
- Members will not allow citizens to review the recordings during the contact with the citizen. Supervisors may allow the citizen making a complaint to review the recording at the station to help resolve a complaint.
- Members shall not access, copy or release BWC recordings for other than official law enforcement purposes.



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- The BWC will not be activated in places where a reasonable expectation of privacy exists, such as dressing rooms or restrooms.
- Members are not required to obtain consent from a private person when:
  - In a public place.
  - In a location where there is an expectation of privacy (e.g., inside a building or dwelling) but the officer is lawfully present.
- Members shall advise citizens that they are being recorded, when practical, as means to de-escalate contacts with community members and provide an accurate account of events.
  - Consensual contacts do not require an admonition to the citizen that they are being recorded; officers may do so at their discretion.
- Personal Conversation Recording Prohibitions
  - Members will not intentionally record conversations of fellow members, with or without their knowledge, during routine, non-enforcement related activities, to include:
    - While on breaks.
    - During report writing.
    - Discussing a case with other members.
    - During other administrative functions.
    - During general discussions with members.
  - As soon as practical, members will advise other Department members and/or other City employees, criminal justice personnel (prosecutors, judges, or other law enforcement personnel) prior to beginning recording using a BWC.

## 6. DATA REVIEW

- Critical Incident Protocol

*Note: refer to bullets 1 & 2 of Considerations section and take these factors into consideration while deciding to review unanalyzed BWC data prior to giving statements to investigators.*

  - In the event of a serious incident (e.g., officer/employee involved shooting, serious injury or death, serious use of force incident, serious police equipment accident, etc.) employees and supervisors will refrain from viewing BWC data until the unit responsible for the investigation arrives on scene.
  - When any situation involves one or more of the following circumstances, the involved officer(s) supervisor shall, as soon as practical, take physical control and custody of the involved officer(s) body worn camera:
    - In custody situation, which includes:
      - In custody death;



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- Serious injury to an involved officer;
- Serious injury inflicted, or alleged to have been inflicted, to another by an involved officer;
- Officer involved shooting;
  - Pursuits
  - Response to resistance
- Use of BWC Files for Training Purposes
  - Officers and supervisors may find it useful, and are encouraged, to review recordings of incidents of which they were involved when beneficial for the purpose of conducting a tactical debrief. When an incident is recorded which may be of value as a training aid for a broad section of the department, the recording officer or that officer's supervisor should contact the Training Unit Supervisor, who will review the digital files with the Support Services Commander to determine the value of the incident for training. If the Support Services Commander determines the incident would be an appropriate training aid, the Support Services Commander will bring the case to the executive staff for final approval.

## 7. RESPONSIBILITIES

- System Administrator
  - The System Administrator shall be designated by the Chief of Police or designee and shall have oversight responsibilities to include, but not limited to the following:
    - Operation and user administration of the system.
    - System evaluation.
    - Training.
    - Policy and procedure review and evaluation.
    - Coordination regarding system related issues.
    - Ensure BWC files are secured and maintained in accordance with public records retention guidelines.
    - Ensure BWC files are reviewed and released in accordance with federal, state, and local statutes.
- Members utilizing the BWC shall be responsible for the following:
  - Ensuring the battery is fully charged and operating properly at the beginning of their shift.
  - Working with the System Administrator to assess the system's effectiveness and to make recommendations for operational improvements and revisions to policy and procedure.
  - Documenting every use or non-use of a BWC on one of the following:
    - Appropriate Incident/Accident Report.



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- A notation on a citation.
- On the arrest report or juvenile record.
- On a field interview card.
- Spillman call notes attached to an incident, (e.g., self-initiated activity).
- Any accidental activation should be handled as outlined in Request for Deletion of Accidental Recording.
- Proper care of all Department property and/or equipment assigned to them
- Immediately reporting any loss of, or damage to, any part of the BWC equipment to the System Administrator through the chain of command.
- Each BWC is issued to a specific officer. Officer will not use BWC's issued to another officer without approval from a Lieutenant or the systems administrator.

## 8. OPERATING BWC

- Members shall test BWC equipment prior to going into service to ensure the unit is properly charged (steady green light).
- Members shall appropriately position the camera on their uniform or equipment to facilitate the recording.
- Manual activation is required to activate the BWC.
- Members shall upload BWC data files no later than at the end of each shift at an upload/charging docking station:
  - To ensure storage capacity is not exceeded, and
  - To view uploaded audio/video.
- Once the data is uploaded in its entirety, members will tag the segments of evidentiary value and label each with the assigned incident number in accordance with the protocol for data storage software.
- It is recommended that members periodically tag and categorize audio/video files throughout their shift to ensure the device is working correctly.

## 9. OFFICER, SUPERVISORY AND INVESTIGATORY REVIEW OF BWC

- Once uploaded to the server, members may view their own audio/video data (e.g., to verify an identification, a vehicle license number or to review an incident for statement accuracy) at a Department desktop computer by logging onto the server.
- Commanders/supervisors conducting internal investigations, PSU staff conducting audits, active Field Training Officers and the FTO Coordinator may view BWC files when performing official duties (e.g., to investigate allegations of misconduct or evaluate the performance of a subordinate). The Department may also conduct random reviews of BWC data to ensure compliance with



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Department policy. [41.3.8g]

- Each and every time a member reviews a BWC file, the member shall document the specific reason for accessing the file on the video file page in the “add notes” field prior to viewing. Any exceptions will be approved by the Chief of Police.

## 10. FILE REQUESTS

- Department Requests
  - To make a Department request (to include requests from the County Attorney’s Office, Office of the City Attorney and the Disciplinary Advisory Board) for a BWC file, the requestor shall forward a written request via email, with sufficient information to locate the BWC file to the System Administrator.
- Non-Department Requests
  - All other requests for a BWC file shall be accepted and processed in accordance with the provisions of the Arizona Public Records Law.
  - A request for a BWC file from the Public Defender’s Office or in a civil action shall require going through discovery from the County/City Attorney, a subpoena or a public records request.
- Retention and Public Release [41.3.8d]
  - All BWC recordings captured using Department equipment shall be the property of the MPD and be considered a record of the MPD.
  - Retention of recordings begin on the date of the recording
  - The release of information requested through a public records request will be subject to the same statutory exemptions from disclosure as any other Department record. All BWCS recordings shall be retained in accordance with Arizona records retention laws and shall be categorized in the database in the following categories:

- Recordings that are of evidentiary value

Retention until 90 days after final disposition of underlying matter. Disposition includes declination of prosecution, dismissal, sentencing, and expiration of statute of limitations.

- Not of evidentiary value

185 days, pursuant to the minimum set by state law. (Note:



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These recordings may be retained longer at MPD's discretion.)

- Prior to releasing any BWC recordings, members will ensure proper redaction is completed. Members will coordinate the necessary redaction through the System Administrator.
  - Members will ensure all non-involved parties are redacted from the BWC file prior to any public records release.
  - Redaction is not necessary for BWC files provided as evidence to the courts.

## 11. COPYING PROCEDURES

- A copy of the BWC file can be made by members requiring a BWC file as evidence in City/Superior Court. Members shall:
  - Request a copy be made by Property and Evidence. Submit the copy to the court using the appropriate transfer of evidence procedure.
  - The court copy will be returned to Property and Evidence when notified by the court and scheduled for destruction.
- Investigators Conducting Criminal or Internal Investigations shall:
  - Advise the System Administrator to restrict disclosure of the BWC file when necessary.
  - Document the reason for access by entering the DR number (criminal) or PSU case number (internal) on the BWC file "add comment" field prior to viewing.
  - Review the file to determine whether the BWC file is of evidentiary value and process in accordance with established protocols.
  - The BWC file may be duplicated to the PSU file as evidence for internal investigations.
- A BWC file may be utilized as a training tool for individuals, specific units and the Department as a whole. A recommendation to utilize a BWC file for such purpose may come from any source.
  - A person who recommends utilizing a BWC file for training purposes shall submit the recommendation through the chain of command to the Training Unit supervisor.
  - If the Training Unit supervisor sees training value in the video, a recommendation will be made through the chain of command to utilize the video in a training capacity.
  - Upon approval, the Training Unit supervisor will determine how best to utilize the BWC file considering the identity of the person(s) involved, sensitivity of the incident and the benefit of utilizing the file versus other



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means (e.g., policy and procedure, training bulletin, officer safety bulletin or in-service training).

- BWC files can be used in a training capacity only upon completion of all criminal court action. In addition, the City Attorney's office must approve any use of a BWC file that captures an incident involved in civil litigation.

## 12. REQUEST FOR DELETION OF ACCIDENTAL RECORDING

- In the event of an accidental activation of the BWC and the resulting recording is not of investigative or evidentiary value, the member may request that the BWC file be deleted by submitting a memorandum request with sufficient information to locate the BWC file through the chain of command to their Division Commander who shall review the file, endorse the request and forward to the System Administrator.
  - Memorandums will be retained by the System Administrator.

## 13. REPAIR PROCEDURES

- Members shall immediately report any recognized problems with the BWC to their immediate supervisor in writing. This will prompt an inspection by the system administrator. [41.3.8e]
- Upon notification, the supervisor shall contact the System Administrator stating the problem/malfunction and include the assigned member's contact number.