



# Fishers Police Department



## General Order 73

Body Worn Cameras (BWC)

CALEA Standards 41.3.8

### **PURPOSE <41.3.8a>**

The purpose of this policy is to establish guidelines for the use and management of body worn cameras (BWC) and the retention and disposition of recorded video.

### **BWC Assignments**

All sworn members and their immediate supervisors assigned to the Patrol Division who are normally assigned to field duties and any other sworn member at the discretion of the Chief will be assigned and required to utilize a BWC. Sworn members assigned to the Investigations Division, or assigned to a special assignment or task will have access to either a BWC or BWC compatible cell phone app. It will be the responsibility of the Investigations supervisor for each investigations unit to assign specific usage and/or method of recording by the BWC or digital audio recorder for each operational event. Any and all arrest or search warrant operations will be recorded using the BWC unless operational considerations preclude their use (IE: Walsh Act, informants, etc.). BWC usage guidelines will either be given verbally at the beginning of an investigation or will be documented in an operational plan. The Investigations supervisor has discretion to decide, on an event-by-event basis, whether a BWC/BWC compatible app/other recording device is to be utilized. Any sworn member under the Investigations chain of command shall be subject to the above usage guidelines (including during part-time employment) unless serving in a Patrol function under a Patrol chain of command.

### **POLICIES <41.3.8a>**

It is the policy of this agency to use body worn cameras as an effective law enforcement tool thereby reinforcing the public’s perception of our professionalism and transparency. The intent of the BWC program is to record officer-citizen contacts but may be used to assist with other law enforcement activities.

It is not the policy of the Police Department to require officers to cease recording an event, situation, or circumstance solely at the request of anyone other than the officer or police supervision. While not required by law or this policy, agency members assigned a BWC may find it valuable to inform other parties that they are being recorded. This has proven to be influential in garnering cooperation of subjects and has shown to reduce incidents of response to resistance.

## DEFINITIONS

**Automatic Activation:** BWC should activate when emergency lights are turned on, blue tooth is connected within 30 feet of patrol vehicle (with MVS), in the event of a crash, or with Taser safety deactivation (on applicable models)

**BWC:** Department issued equipment that records audio and video of officer contact with citizens when performing official duties. The equipment consists of an Axon body worn camera.

**Event Mode:** Records audio and video on BWC.

**Evidence.com:** Secure cloud based offsite storage location for audio/video recordings.

**Evidence Transfer Manager (ETM):** A docking station for the Axon Body Worn Camera. When the BWC is docked, video data stored on the camera is automatically downloaded to evidence.com. The ETM also charges the BWC battery.

**Evidence Sync:** A desktop-based application that allows BWC video to be uploaded using a desktop or MDT accomplishing the same function as the ETM.

**Manual Activation:** Officer turns on the BWC

**Mobile Bluetooth Player:** A smartphone application (app) that allows for a Bluetooth connection from the BWC to a supported smartphone device. The app will allow an officer to view live or recorded video stored on the BWC. Video cannot be altered or modified, but officers can tag the video with the appropriate ID# (Case Number) and Category in the field while the video is stored on the BWC.

**MVS:** Department issued in-car video recording system (Mobile Video System) that is installed in the patrol vehicle that records audio and video of officer contact with citizens when performing official duties.

**Buffering:** The BWC continuously records video in 30 second looped increments. Once the officer places the BWC into Event Mode, the previous 30 seconds of video is included in the evidentiary recording. Only video is recorded during buffering, not audio.

**MVR:** Mobile video recording shall refer to any audio/video recording made using an in-car video recording system and or a body worn camera recording system.

### A. Configuration of BWC

- a. Configuration of each BWC shall be performed by the agency personnel authorized only by the Chief of Police.
- b. BWC equipment owned by the Police Department shall be maintained by the City Information Technology Department (IT). The IT Department will be responsible for computer related operating equipment and the operation of backend software related to the BWC.

**B. Inspection, Maintenance and Repair <41.3.8e>**

- a. Officers responsible for operating a BWC shall inspect their BWC prior to each shift and report any deviations in the operating condition, appearance, or suitability for its intended use to a supervisor.
- b. Once a supervisor has received notification of a problem with a BWC, a work order shall be submitted to 3475 and/or the FPD Axon Coordinator to repair the system.
- c. Once the authorized individual has received the request, he/she shall coordinate the repair. If a BWC is taken out of service, notification will be made to the officer's supervisor(s) and the officer may be assigned a loaner BWC at the discretion of the supervisor.
- d. Supervisors shall conduct quarterly documented inspections of officer's BWC equipment to determine whether the equipment is fully operational and being properly used.

**C. Training on the use of the BWC <41.3.8f>**

- a. Officers and supervisors will be trained on the BWC prior to or upon being issued a BWC.
  - 1. Documented instruction pertaining to agency policy on the use of the BWC equipment and the laws relating to use of audio video recorders shall be provided by supervisors, FTOs, and/or IT personnel.
  - 2. Documented instruction and hands-on operation of the BWC and its associated components followed by practical application by the officer to demonstrate competency of use shall be provided under the direction of the officer's supervisor, FTO, and/or IT personnel. Additional competency will be provided with officer signature upon completion of the training software power point.

**D. BWC General Procedures**

- a. Body worn cameras (BWC) will only be operated in accordance with established training guidelines as determined by the manufacturer and the Chief of Police or designee.
- b. Only sworn Fishers Police Officers and approved civilian employees and task force members are permitted to wear the BWC.
- c. All Patrol Officers who are assigned a BWC are required to wear their assigned BWC any time they report for regular duty. Officers who serve an undercover role in a specialized assignment will not be subject to this policy and will refer to the governing policies and procedures for that special assignment. Sworn members serving in an Investigations chain of command will deploy BWC/BWC compatible recording app/other recording device at the direction and discretion of an Investigations Supervisor.

- d. Officers are required to ensure that the BWC is working properly at the beginning of each shift. Officers in uniform (including duty and soft duty uniform), engaged in law enforcement related overtime details (off duty or extra duty) are required to wear and utilize the BWC according to training directions. BWC's should be worn in a location and manner that maximizes the camera's ability to capture video footage of the officer's activities, without hindering the officer's ability to safely perform his/her duties.
- e. Uniformed officers shall activate the BWC prior to arriving on scene of dispatched calls for service, at the time of any self-initiated activity, whenever there is a potential for dealing with a suspect of a crime, or when there is any concern for officer safety. This would include recording contacts with citizens in the performance of official duties. The BWC may be activated whenever officers feel its use would benefit their law enforcement duties. Once the camera is activated to record (event mode), it shall remain on until the police action is completed. **<41.3.8b>**
- f. The officer should activate the BWC at the first reasonable opportunity to do so unless an immediate threat to the officer's life or safety makes activating the BWC impossible or dangerous, in which case the officer should activate the BWC as soon as it is safe to do so.
- g. Additional arriving officers that are equipped with a BWC should activate their cameras and begin recording the situation upon their arrival until the officers leave the scene.
- h. Recordings made pursuant to an arrest or search of the residence or person(s) are not considered a consensual encounter for the purposes of this policy. The BWC should remain activated until the event is completed in order to ensure the integrity of the recording. This is to include, but is not limited to, the transportation of detainees to the jail or hospital.
- i. The BWC, which serves as the microphone for the MVS (in-car camera), shall be left on at all times during contact with subjects while the MVS is recording. If the BWC is to be muted, officers must record on the BWC they are muting and the reason why prior to muting. The reason for muting the BWC must also be documented in the officer's report.
- j. Activate the BWC for contacts with citizens when performing official duties. This includes self-initiated field activity.
- k. Officers are prohibited from covertly recording other police personnel with their BWC without a court order or without the direction of the Chief of Police subsequent to an authorized official investigation.
- l. If an officer encounters a victim or witness who is hesitant or refuses to be recorded, recording may be ended as a last resort as necessary to further the investigation.

1. Indicate on the recording why recording was stopped and document the same in the report.
  2. If an officer subsequently identifies the victim/witness as a suspect in the investigation, reinitiate recording subject.
- m. Supervisors will direct the use of BWCs during warrant services unless the situation dictates otherwise (I.E. during mutual aid incidents where the lead agency does not allow for BWC usage). BWC usage instructions will be given verbally prior to warrant service. In addition, the supervisor will note the reason BWCs are not being used in the Operations Plan and/or After-Action Report.

**E. BWC Activation <41.3.8b>**

- a. BWC activation will occur with one or all of the following:
1. Event Mode record button on the BWC pressed twice - Manual Activation
  2. Emergency light activation at slide switch position 2 and (Full front and rear lights) – Automatic Activation
  3. Bluetooth activation when within 30 feet of patrol vehicle with MVS Automatic Activation
  4. In the event of a crash – Automatic Activation
  5. Taser safety deactivation (on applicable models) – Automatic Activation

**F. BWC Deactivation <41.3.8b>**

- a. BWC deactivation will occur with one or all of the following:
1. Event Mode button on the BWC held down until beep or vibrate to indicate the recording has stopped – Manual Deactivation
  2. Manual deactivation using the Mobile Data Terminal (MDT).
- b. Deactivation of BWC may only be done:
1. After the officer has gone in service from the detail which resulted in the activation.
  2. If after responding to an emergency, the on-scene supervisor determines that a recording of the investigation or citizen contact is not necessary.
  3. If the initial recording started due to testing, training, school traffic, part-time work without enforcement action or accidental activation.
  4. If involved in activity that is not actively recording footage that could be used as evidence and the officer has a reasonable belief there will be no loss of critical documentary information.
  5. At the discretion of a Supervisor (or longest tenured detective on-scene), at the conclusion of any operational event (arrest warrant service, search warrant service, etc.), after the scene has been cleared and stabilized, and

if further scene documentation is set to take place by other means (such as scene photography by an E.T. before and after a search). This shall also apply for events and scenes in which Investigations personnel are called-out and for scenes/events which they are to take command and control.

- c. The BWC will not be deactivated at any time during any emergency response or while officers are performing a traffic stop. The only exception would be if, during a traffic stop, a supervisor approves deactivation to protect the identity of a witness or confidential informant.
- d. If, during an emergency response, an officer is advised that an emergency response is not necessary or is disregarded, the officer may stop the recording after all emergency lights have been turned off.

#### **G. Prohibited Use of BWC**

- a. BWC's shall not be used to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between an officer and a member of the public.
- b. Audio or video recording devices shall not be used in Department locker rooms, restrooms or any other intimate places where there would be a reasonable expectation of privacy.
- c. Audio or video recording devices should not be used while on the grounds of any public, private, or parochial elementary or secondary school, or inside of a medical treatment facility, except for when one or more of the following applies:
  - 1. During times when all parties being visibly or audibly recorded are in a private room with consent for such recording;
  - 2. While during an active investigation or effecting an arrest;
  - 3. While controlling a person through arrest control or defensive tactics techniques; or
  - 4. Any other circumstance that is extraordinary.
- d. Without prior supervisory approval, officers shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically for the purpose of documenting an operation, drug purchase/sale or other undercover operation in furtherance of a criminal investigation.
- e. All digital recordings captured using the BWC will be considered property of the Fishers Police Department. Accessing, copying or releasing any recording by any officer for other than official law enforcement purposes is strictly prohibited without permission from the Chief of Police or designee.
- f. BWC's may be used at the officer's discretion when making death notifications or when citizen contact requires a discreet approach.

## **H. Review of BWC Recorded Media Files**

- a. If an officer is involved in a critical incident (as defined in General Order 37), the officers and supervisors will refrain from viewing the BWC recording in the field. This does not preclude the review of the BWC recording if exigent circumstances are present (description of suspect, vehicle, direction of travel, etc.). The officer will be allowed to review the BWC recording prior to giving any statement regarding the incident.
- b. Although the BWC video is not a replacement for a well-written report, officers may refer to the video recording as a resource for the purpose of completing a criminal investigation and preparing official reports.
- c. Officers may review BWC video prior to court room testimony or for court presentation.
- d. During a complaint investigation against an officer, the officer may review all associated BWC recordings prior to making any statement.
- e. All non-departmental requests for BWC recorded media must be accompanied by a completed "Request for Public Records" form. The request will be reviewed and redacted per policy guidelines in FPD GO 53 prior to release.
- f. Non-departmental requests for viewing BWC video must be made with a completed "Request for Public Records" form, approved by either City Legal or FPD Patrol Supervisor (or denied by FPD Command Staff), and scheduled by the Records Manager or designee. Video watching will follow the policy outlined in GO 53.

## **I. Storage and Data Uploads of Video on the BWC <41.3.8d>**

- a. All video associated with the MVS and BWC will be uploaded via a secure network to Evidence.com. The recordings are stored and can be viewed on Evidence.com. Evidence.com is a secure encrypted environment with all access tracked by individual user credentials. Department members are reminded not to share their unique access credentials with other users and may be subject to progressive discipline for doing so.
- b. All in car MVS and BWC videos, regardless of category, will be uploaded to network storage by following the approved manufacturer methods.

c. **Categories and Video Retention** - Videos will be retained according to Indiana State law. (5-14-3-2 through 9)

1. Uncategorized-Until Manual Deletion
2. Accident-3 years
3. Arrest-Until Manual Deletion
4. Assist- 200 days
5. Axon App data- Until Manual Deletion
6. Call Disregarded- 200 days
7. Case Report- 3 years
8. CID Video- 5 years
9. Citation - 2 years
10. Citizen Contact- 200 days
11. Civil Complaint- 200 days
12. Death Investigation- Until Manual Deletion
13. Disturbance- 200 days
14. Exempt Alarm- 200 days
15. False Alarm- 200 days
16. Forensic Services- Until Manual Deletion
17. Gone on Arrival- 200 days
18. Investigation- 3 years
19. Lab Photos- Until Manual Deletion
20. Mental Emotional- 200 days
21. No Citation- 200 days
22. No Report- 3 years
23. Non-Evidentiary video- 200 days
24. OPO- 2 years
25. Pursuit- Until Manual Deletion
26. Response to Resistance- Until Manual Deletion
27. Suspicious Activity- 200 days
28. Tort Claims- 3 years
  - i. Litigation for which record is admitted into evidence- Record becomes responsibility of the court
  - ii. If recording is used in a criminal, civil, or administrative proceeding- The agency shall retain the recording until final disposition of all appeals and order from the court.
29. Training- 30 days
30. Verbal Warning- 200 days
31. Written Warning- 200 days

**J. Access to Evidence.com Software BWC**

- a. The URL for the Evidence.com software is accessible via the Fishers Intranet.
- b. Each user will have individual access to all videos on Evidence.com in order to review videos for case reporting purposes.
- c. All sworn members may review video on Evidence.com for legitimate law



enforcement or agency purposes. Access to the system will be controlled by using network permissions; review of videos is tracked automatically with a time/date stamp and officer's name in Evidence.com. <41.3.8c>

**K. Creating Case Information for BWC <41.3.8c>**

- a. When auto-tagging is not available, prior to uploading video into evidence.com, tag the video with ID# (Case Number)--if there is no case number (school traffic, accidental activation, etc.) 000-00000000 should be used as ID#, Title (Name of subject) and Category on the in-car computer, a computer at the police station or by using the Mobile Bluetooth Player. Utilizing more than one category may be appropriate.
- b. In the event a video is taken that has no evidentiary or administrative value, the officer may list it in the "non-evidentiary video" category. This should NOT be used if the video is part of an arrest, case, or response to resistance.
- c. Auto-tagging occurs when videos uploaded into Evidence.com are merged with data provided by the CAD system (dispatched calls). This merge occurs twice during a 24-hour period. All videos made (in-car and BWC) that are associated with a call for service that dispatch has an officer assigned to will automatically update with a case number, title, and category during the merges as long as the videos are uploaded into Evidence.com within a five day period from the call. For officers who have MVS (in-car) and BWC, once a video is made on a CAD associated call, the officer will need to submit the videos when all three show up on the screen. If an officer only has a BWC and is on a dispatched call for service, he/she needs to upload the video either in a dock station or through SYNC within five days of when the video was made in order for the auto-tagging to work. For times when an officer is not on a call for service or associated with a call in CAD and a video is made, either with MVS including BWC or with BWC alone, the officer will have to manually add meta data. (Example: An officer turns on their emergency lights while directing school traffic and video is made without being associated with a call for service.)
- d. In the event a video is taken that has no evidentiary or administrative value, the officer may list it in the "non-evidentiary video" category. This should not be done if video is made during an arrest, case, or response to resistance.

**M. Supervisor Review of Video <41.3.8g>**

- a. Supervisors will have the ability to review all videos within the Evidence.com software for purposes of audit/review, after action review, complaint investigations, internal investigations, and criminal investigation. Evidence.com automatically tracks and records all user activities including a complete chain of custody for every video viewed.
- b. During annual inspections, it is the supervisors' responsibility to conduct a

documented review of MVS and BWC equipment and at least one video/audio recording for each employee for each type of video equipment. All video review will be documented. Additional documentation may occur on pursuit review forms and use of force notification forms when video is reviewed for those purposes. The purpose of video review is to:

1. Periodically ensure officer performance and confirm what is documented in report matches what is captured by video.
  2. Ensure that audio/video recording equipment is functioning properly.
  3. Determine if audio/video recording equipment is being operated properly.
  4. Identify any material that may be appropriate for training.
- c. Supervisors with newly assigned personnel may conduct more frequent reviews to ensure that the equipment is being operated in a manner consistent with departmental policy. Minor errors in use should be considered training opportunities. Continued violations may require corrective action.
- d. It is not the intent of the system to allow supervisors to conduct searches for unknown disciplinary issues. Use of the system in disciplinary investigations must be associated with a complaint or concern.

#### **N. Request for Copies of Videos**

- a. In the event an officer needs to view another officers BWC video/video not readily accessible, a request should be sent to the officer who recorded the video via evidence.com. The recording officer may share their video for an investigation or official department use only. All shared video is tracked via the evidence.com audit trail and is available at discovery
- b. There shall be no unauthorized copying or releasing of audio/video files. All audio/video file copying or releasing will be done in accordance with agency policy.

#### **O. Use of BWC Recordings for Training Purposes <41.3.8c>**

- a. Periodically, BWC's record events which may prove useful as training aids. Therefore, when these cameras record instances that are perceived to be of value as a training aid, the following procedures shall apply:
  1. The officer responsible for generating the audio/video file or a supervisor shall arrange to review the file with the Patrol Commander and Training Coordinator.
  2. Should the audio/video file be considered of value for training purposes, a Division Commander or Training Coordinator may authorize a copy of the video be made for training purposes.
  3. This policy is not intended to prohibit an officer from reviewing his/her own video for evaluation or training purposes (including FTO) from

within the system. It is intended to control any video that may be removed from the system for training or other purposes without agency permission.

**P. Misuse of BWC Equipment**

- a. Each BWC shall be used to its fullest capability. No member shall intentionally misuse or deface any part of the BWC.
- b. Regarding BWC, when possible, cameras shall be aimed in a position as to capture citizen contacts and or criminal acts at any time. No officer shall intentionally block the view of the camera. The BWC must be worn prominently on the outside of the uniform positioned in such a way as to capture citizen contacts and criminal acts.
- c. Computer software portions of the BWC fall under the same policies set forth in the department policy and shall not be deviated from.

**Q. Deletion of Unintentional Recordings**

In the event of an unintentional activation of the BWC system during a non-enforcement or non-investigative activity, including but not limited to, restroom, meal break, or other areas where a reasonable expectation of privacy exists, officers may request the recording to be deleted through their chain of command.

**R. BWC Documentation**

If an officer fails to activate his/her BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why the recording was not made, was interrupted or was terminated as soon as the officer becomes aware that there is not a recording. Appropriate disciplinary action shall be taken against any officer who is found to have intentionally or unintentionally failed to adhere to the recording or retention requirements contained in this policy, or to have intentionally interfered with a BWC's ability to accurately capture video footage. (Circumstances outside of the officer's control and/or knowledge will be taken into consideration.) ♦