

WEST JORDAN POLICE DEPARTMENT

GENERAL DIRECTIVE

No. 105

REVISION DATE: June 2, 2016
TO: All Police Department Personnel
SUBJECT: Mobile Audio/Video Recording
ORIGINATION DATE: May 6, 2013

PURPOSE

Mobile camera systems are effective tools that can be used to enhance officer safety, document evidence for use in criminal/civil investigation, protect officers from claims of improper conduct and enhance public trust by preserving factual representations of officer-citizen interactions.

The purpose of this policy is to establish guidelines for the use, management, storage and retrieval of video and audio data recorded by mobile video systems.

DEFINITIONS

Body Worn Camera (BWC)

Any device used to record audio/visual documentation of an incident or citizen contact that is carried on a person. Such devices may include but are not limited to the AXON Flex, spy pen, Go Pro, cell phone, etc.

Covert Device

BWC system housed in a covert covering.

Event (Record) Mode

The mode of operation in which the camera system captures the records both video and audio footage.

In-Car Camera System

A camera system mounted to a police vehicle for the purpose of documenting police activity in and around the police vehicle.

Normal (Buffering) Mode

The mode of operation in which the camera system captures a continuous loop of video but no audio before the system is activated.

Recording

The data recorded by mobile camera systems.

NOTICE OF CONFIDENTIALITY: The contents of all West Jordan Police Department directives, policies and procedures are confidential and for the WJPD use only. The contents shall not be viewed by, or distributed by any method to, anyone outside the WJPD unless prior approval is given by the WJPD Chief of Police or designee.

POLICY

Only department issued video systems are authorized by this policy. Some spy pen or personally owned device usage is allowed when no other camera system is available, practical or when the camera has been authorized by the Chief of Police or his designee. Employees utilizing a camera system shall adhere to the operational objectives and protocols outlined in this policy to maximize the effectiveness of the camera system and to preserve the integrity of evidence to video and audio data.

Recordings shall be treated as evidence. Recordings generated are, and shall remain, the property of West Jordan Police Department. Recordings shall not be duplicated, altered, erased or released outside of the department without authorization from the Chief of Police or designee. Personnel shall only view recordings when there is an investigatory purpose or other authorization by the Chief of Police or designee. Unauthorized alteration, destruction, dissemination of recordings or other violations of this policy may result in disciplinary actions and/or criminal prosecution.

PROCEDURES

The West Jordan Police Department issues BWC systems. In-car camera systems are mounted to patrol vehicles. When practical and safe to do so, officers issued a BWC or who have an in-car camera shall utilize the system(s) in the following instances (not limited to):

- All vehicle stops, to include vehicle pursuits and DUI investigations including field sobriety tests.
- All consensual person stops and self-initiated activity where an officer would normally notify dispatch.
- Domestic violence calls.
- Vehicle, person or residential searches.
- Suspect contacts.
- Interviews (subjects and Miranda rights, etc.)
- Confrontational individuals.
- Use of force situations.
- Unless otherwise prohibited by department policy, officers may record any citizen contact or call for service, at their discretion.

Officers who have both BWC and in-car camera systems must ensure the above mentioned incidents are recorded with one or both of those systems. Prior to exiting a vehicle in the above circumstances the BWC shall be activated. There are times when, through error or malfunction, no recording of these incidents will be made. In the event an incident is not recorded and should have been, the involved officers shall document the reason a recording was not made either in the incident report or in writing to a supervisor.

When a traffic citation is issued, the officer will indicate on the citation that a camera system was used.

Officers will document in their written reports the use any camera system. They will attach the appropriate case number/ citation number and/or label to each video file using the report management system syncing feature or by accessing the media storage system. Officers will classify each video file in one of the following categories:

1. **Evidence**: Any video that is related to a police case number or traffic citation (including; vehicle pursuits, traffic accidents, other documented police activities).
2. **Stop**: A video of an incident during which an officer stopped a person for questioning or other investigation and no case number was pulled or citation issued (Example: vehicle or pedestrian stops).

3. Citizen Contact: Communications with citizens during which the citizen was not being detained, no citation was issued, and no report of the incident generated.
4. Emergency Response: A video created of an officer driving in emergency response mode. No case number was taken or citation issued in relation to the code run.
5. Miscellaneous: A video created that doesn't fit any other category.
6. Administrative Hold: Any video created that may be related to pending litigation, internal investigation, homicide, sex crime, police use of deadly force or death investigation.
7. Accidental Recording: A recording made in error that has no evidence value and would be of no interest to department business.
8. SWAT: Recordings made by SWAT team personnel during operations.

Body Worn Camera Systems

The BWC system will be turned on at the beginning of the officer's shift and remain in the "Normal" or "Buffer" mode throughout the entire shift.

Officers will activate the event or "Record" mode to record any of the above-mentioned interactions or events and any other situations or circumstances that the officer deems necessary and in accordance with this policy.

Except as stated below, the BWC is to remain activated and in the "Event" mode throughout the entirety of an encounter, investigation or until the officer leaves the scene. This is to ensure the integrity of the recording and to document all the actions taken by the officer as well as interactions with involved parties. The camera may be shut down while the officer remains on scene for reasons including: to consult with a supervisor or other assisting officer, when the officer anticipates a long period of inactivity, or when interviewing a person who requests the camera be shut off to give a statement and the value of immediately obtaining a statement outweighs the need to continue to record the incident. The reason for the deactivation shall be documented in the police report. The officer may also verbalize the reason for deactivation to allow for documentation on the recording as well.

In-Car Camera Systems

The in-car camera system will be turned on at the beginning of the officer's shift and remain in the "Normal" or "Buffer" mode throughout the entire shift.

Officers will activate or "Record" all traffic stops, vehicle pursuits or emergency "code" runs with their in car camera system.

The recording equipment will be programmed to automatically engage when the emergency lights are activated to Mode 2 and 3. It may be manually activated at the officer's discretion when he/she feels it is necessary to document an activity or scene.

Recording equipment in departmental vehicles shall not be moved from the original installed position without written authorization from the division commander; however, the camera can be manipulated to better capture a scene/event.

Data Storage, Security and Access

1. Recordings generated are, and shall remain, the property of West Jordan Police Department. Recordings shall not be duplicated, altered, erased or released outside of the department without authorization from the Chief of Police or designee.
2. Officers utilizing a BWC system shall make every effort to download the recordings of an event by the end of shift. If this is impractical, the officer may download the recording(s) on the following day with supervisor approval.
3. Recordings related to a specific case number will be tagged, by the officer uploading the recording, with the case number.
4. Unusual or exceptional events related to law enforcement activities generate the interest of many groups or individuals. In our effort to cooperate with other law enforcement agencies and interested parties with legitimate needs, the department may provide copies of recordings, subject to this policy and upon the approval the Chief of Police or designee.
5. Camera systems may record events which can be useful as training aids. When officers feel that a recording might be valuable as such, the following shall apply:
 - a. The officer responsible for generating the recording shall arrange to review it with the division commander and training sergeant.
 - b. If the recording is considered to be of value for training purposes, and the recording segment is not subject to further judicial review (the case to which the segment is relevant has been adjudicated or otherwise disposed), the training sergeant shall be authorized to request reproduction of the recorded segment.
 - c. Unless specifically authorized in this policy, no other reproduction of any recording segment is permitted without documented approval of the Chief of Police or designee.
6. Creating, disseminating or keeping personal copies of any image, video or audio file related to department business without the express authorization of the Chief of Police or designee is prohibited.

Accessing Data

Once data is uploaded to the server, personnel may view their own recordings by going to the appropriate evidence storage system. Storage systems will automatically time/date stamp and log each access by officer name.

Recordings may be viewed in any of the following situations along with other guidelines in this policy:

- By an officer who made the recording to aid in preparation of reports, court, etc.
- By a department detective who is participating in an official investigation.
- By command staff or supervisors investigating an allegation of misconduct, administrative inquiry/review or criminal investigation.
- By prosecution or court personnel with the permission of the Chief of Police or designee.
- By media personnel with the permission of the Chief of Police or designee.
- Training officers for the purpose of training value.
- Professional Standards & Training Bureau (PSTB) audits.
- Supervisor review.

Data Retention

Media storage systems are used to store videos recorded from both body worn and in-car camera systems. Storage systems must limit access, prevent the alteration or deletion of videos, have settings for automatic retention/deletion and allow videos to be classified to correlate with retention standards.

The following retention standards will apply and will be set in the media storage systems in relation to video classification:

1. Evidence 5 years
2. Stop 5 years
3. Citizen Contact 6 months
4. Emergency Response 6 months
5. Miscellaneous 6 months
6. Administrative Hold Not deleted
7. Accidental Recording 30 days
8. SWAT Not deleted (Administrative approval required for deletion.)

Officer Responsibilities

1. Officers are not required to advise or obtain consent from a private person to record in a public place or where the officer is lawfully present.
2. Officers shall ensure their camera equipment is maintained and operational. Officers are to report any problems with recording equipment to their supervisor immediately, and those problems are to be resolved as soon as possible.
3. When a camera is used in any investigation, statement, contact, traffic stop, etc., this fact shall be documented on any report and/or citation prepared regarding the contact.
4. Officers may review a recording to verify information for accuracy.
5. Officers shall not allow citizens to review the recordings.
6. Recordings related to a specific case number will be tagged, by the officer uploading the recording, with the case number.

Supervisor Responsibilities

1. Supervisors will ensure officers utilize camera systems according to policy guidelines. Under no circumstances shall any recording be used or shown for the purpose of ridicule or embarrassing any person.
2. Supervisors will ensure that officers keep their camera systems maintained and operational.
3. In the event of an allegation of misconduct by an employee assigned a camera system, the supervisor may review the recording, if available, to determine if misconduct occurred. If a complaint has been or will be initiated, the supervisor will classify the appropriate recorded data as “Administrative Hold” and have the video reassigned to a supervisor as the “owner” of the video.

4. Digital recordings may be reviewed by supervisors:
 - a. To monitor officer performance for both positive and negative incidents.
 - b. To ensure the camera system is being operated and utilized properly.
 - c. To identify training issues.
 - d. For early intervention inquiries.
 - e. On allegations of misconduct.
 - f. Upon receipt of a commendation or complaint.
5. Any display or viewing of a recording other than that normally required in conducting police duties, must be approved in advance by the Chief of Police or designee.
 - a. All recordings are subject to criteria imposed by the rules of evidence and Government Records Access and Management Act (GRAMA) Laws.
 - b. External requests must be in writing to the Chief of Police on official letterhead of the requesting agency.
 - c. Requests must be signed by a command level officer of the requesting agency.
 - d. Duplicated recordings are furnished to the requesting agency for the express use of the requestor. Further duplication and/or distribution are prohibited without the express written authorization of the Chief of Police or designee. Duplicate recordings shall be labeled in a manner consistent with the intent of this policy.

Juvenile Recordings

It is recognized that video images of juvenile offenders will at times be recorded by camera systems when responding to calls of service and investigations. Officers shall protect recordings of juveniles the same as still photographs of juveniles. Rules of juvenile photographs as set by state statute shall be strictly adhered to.

Prohibited Recording

1. An issued camera shall not be used to record non-work related activity.
2. A BWC will not be activated in places where a reasonable expectation of privacy exists, such as dressing rooms, locker rooms or restrooms, unless enforcement action is being taken in those areas.
3. Except those instances involving criminal or administrative investigations of department personnel, a personal conversation between employees shall not be recorded without all parties to the conversation being aware of the fact that it may be recorded.
4. Employees should avoid recording confidential informants or undercover officers, where possible.
5. Officers shall not make copies of any recordings for their personal use, and are prohibited from using any recording device (such as another video camera) to record BWC or in-car camera system data.
6. Posting any recordings on any media or social networking site is strictly prohibited without authorization from the Chief of Police or designee.

Personally Owned BWC Systems

1. Employees may purchase and use their own video/audio recorders. Employees choosing to use a personally owned system shall adhere to this policy.
2. All recordings on personal devices used in the course and scope of employment with the West Jordan Police Department are the property of the department.
3. Employees will notify their supervisors that they have a personally owned BWC system and will surrender the device with its recordings upon demand of a supervisor.
4. Downloading and storage requirements are the same for personally owned BWC systems as for the department issued BWC systems.

Deletion of Unintentional Recordings

In the event there is an accidental or unintentional activation of a camera system where the recording has no investigative significance or purpose such as while driving in a vehicle or where a reasonable expectation of privacy exists (restroom, etc.); officers may request a recording deletion. The requesting officer must submit an email or department memo to their division commander detailing the circumstances of the unintentional or accidental recording. The request will be sent to the Chief of Police for review. If approved, the action will require the Chief of Police or designee and another system administrator to facilitate the deletion.

Media File Requests (GRAMA Requests)

All requests for recordings and GRAMA requests will be accepted and processed in accordance with federal, state and local statutes and in accordance with departmental policy. The release of recordings should reasonably ensure that rights to privacy of victims, witnesses and suspects are maintained whenever possible and that reasonable efforts are made to ensure the integrity of an investigation is not compromised. Legitimate redactions and/or denials of requests may be made to ensure that this is accomplished. Classification of camera recordings as private, protected or controlled will be made as allowed by state law (GRAMA).

All requests will be required to be made in writing and submitted to the records division for proper review and processing. In the event that the request is granted, the records division will help coordinate the retrieval of the recording, any needed redaction and assist in facilitating the release.

This policy will not conflict or interfere with the release of recordings pursuant to a court order or valid subpoena.



Douglas L. Diamond, Chief of Police