

SUBJECT: BODY WORN CAMERA EQUIPMENT Effective Date: SEP 01, 2016

PURPOSE

The purpose of this directive is to provide standard guidelines and procedures for the use of Body Worn Camera (BWC) equipment including the use and storage of all recorded video CD/DVDs used or produced with this equipment.

SCOPE

This order applies to all sworn personnel of the Dubuque Police Department.

RESPONSIBILITY

All sworn departmental personnel are responsible for compliance with this order. Shift supervisors are responsible for ensuring that officers using the equipment follow procedures in accordance with this policy and training provided in its use.

POLICY

The Dubuque Police Department requires the use of BWC recording equipment for the purpose of collecting evidence for use in the prosecution of those who violate the law, the protection of community members against improper police conduct, the protection of officers against unwarranted complaints, and use as a training tool whenever applicable.

It is the intent of this policy that the recording equipment be used in a manner that provides optimum benefits to the department and the community it serves.

Procedures are hereby adopted by which this policy will be enacted.

PROCEDURES

I. ADMINISTRATION

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

- A. BWC's allow for accurate documentation of contacts between police and the community, including arrests, traffic stops, general calls for service, and critical incidents. BWC also serve to enhance the accuracy of officer investigations and reports, and officer, victim and witness testimony in court.

- B. Audio and video recordings enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, evidence recorded for investigative and prosecutorial purposes, use of force incidents, complaints of police misconduct, and to provide additional information for officer evaluation and training.
- C. The BWC may also be useful in documenting crime and accident scenes, victim and witness statements, and the collection and documentation of property, evidence or contraband taken into custody.
- D. The Staff Bureau Captain or his/her designee will be responsible for maintaining, issuing, and the overall integrity of the system, including the BWC's and the storage of the audio/video files.
- E. The Staff Bureau Captain or designee will be responsible for establishing all user profiles within the BWC system. Those profiles and access right guidelines are as follows:
 - 1. Officers will have the authority to access only their own videos which are stored within the system. Supervisors may authorize the viewing of other officers' videos if necessary for the completion of an investigation or other case specific needs.
 - 2. Supervisors have the authority to access all BWC videos stored within the system.
 - 3. Professional Standards/Internal Affairs has the authority to access all BWC videos stored within the system.
 - 4. The Training Supervisor has the authority to access all BWC videos stored within the system.
 - 5. Following any critical Incident, the involved officer's immediate supervisor, or Professional Standards will review all video including BWC and in car video related to the incident.
 - 6. Iowa State Code Chapter 22, *Examination of Public Records* (Open Records), addresses public access to police records. Peace officers' investigative reports are address under Chapter 22.7 *Confidential Records*. In many cases, videos may be considered investigative material and may therefore be considered confidential records. The Chief of Police, with consultation with the City and/or County Attorney as necessary, may use Chapter 22 and applicable court rulings as guides to determine which records are subject to public information requests.
 - 7. Prosecuting Attorneys including the County Attorney and City Attorney will have access to all BWC video as prosecutors through the video request form. Those video requests will be processed and forwarded via DVD, through the Staff Bureau Captain or his/her

designee. Dissemination of videos to Defense attorneys will be made through normal discovery or other authorized court procedures.

8. The Dubuque Police Department reserves the right to redact video to protect the identity of individuals in certain circumstances. This may include but is not limited to individuals incidentally recorded who are not involved in the case, juveniles, protection of the dignity of persons recorded, or general protection of public sensibilities when dealing with videos depicting graphic incidents. In these cases, authorization will be made by the Chief of Police and will be completed by the Staff Bureau Captain or her/his designee. In all cases the original video will remain intact and only copies will be edited or redacted.

II. When and How to Use the BWC

- A. Officers should strongly consider activating the BWC to record all contacts with community members in the performance of official duties. However, officers shall activate the BWC during the following instances:
 - 1. Traffic stops to include but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops. If the circumstances of the traffic stop indicated the BWC is no longer needed, then it is the officer's discretion to end the recording but shall document why on camera.
 - 2. Suspicious person/vehicle contacts, including pedestrian stops.
 - 3. Arrests and prisoner transports
 - 4. Vehicle searches and impounds
 - 5. Physical or verbal confrontations or any use of force
 - 6. Domestic violence calls for service
 - 7. OWI investigations including field sobriety testing
 - 8. Upon request by the person the officer encounters
- B. Officers should strongly consider activating the BWC with any contact with an individual that seems to be escalating or becoming adversarial even if it is a situation that would not otherwise require recording.
- C. Officers should strongly consider activating the BWC on any call for service involving a criminal investigation where the recording may later aid in the apprehension and or prosecution of a suspect.
- D. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording, unless the contact moves into an area restricted by this policy.

- E. Informing individuals that they are being recorded is at times advantageous. Likewise, there are times when not informing a person that they are being recorded is preferred. Therefore, unless governed by this policy it is the officer's discretion.
- F. Possible exceptions to the recording protocol:
1. When activating the camera would be unsafe, impossible or impractical.
 2. Crime witnesses or victims who do not wish to be recorded.
 3. Confidential informants.
 4. Other sensitive matters such as nudity, strip searches (unless the recording is being made pursuant to an arrest or lawful search of a residence or individual).
 5. Strategic discussions on tactics between officers and supervisors.
 6. Routine non-enforcement related activities including but not limited to: while in locker rooms, restroom or lunch breaks, meetings, presentations, or while participating in community events.
 7. In the event a situation develops during any of these exceptions and activation of the BWC is warranted, officers are encouraged to do so.
 8. Other circumstances where an officer believes his/her recording is inappropriate or detrimental to the investigation, with proper documentation of the reasons.
- G. In the event de-activation is necessary pursuant to this policy, before de-activating the BWC the officer shall whenever possible narrate the circumstances of the de-activation (e.g., "I am now turning off my BWC because...").
- H. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
- I. If an officer fails to activate a BWC where activation is required by this policy and/or fails to adequately articulate why this was done, disciplinary action may be taken.
- J. At no time is an officer expected to jeopardize his or her safety or the safety of another person in order to "immediately" activate their BWC. Any BWC not immediately activated due to the safety of an officer or other person being presently jeopardized, shall be placed into record mode as soon as possible and the officer shall document the reason the recording was not immediately started.

K. When the recording should stop:

1. Aforementioned circumstances
2. At the conclusion of the incident
3. The officer is leaving the scene
4. Supervisor authorization

III. PROCEDURES FOR BWC USE

A. The BWC will be affixed upon the officer's uniform at the beginning of the shift in accordance with departmental training. Authorized areas to wear the BWC are on the front of the uniform near the support side pocket or on the center of the top of the chest area. While some discretion with regards to the placement of the BWC is allowed, officers are responsible for ensuring the specific location utilized does not obstruct the BWC's recording capabilities. The BWC will be worn for the entire work shift as well as during any uniformed departmental overtime. Although all sworn officers are assigned a BWC, the following uniformed police units shall wear their assigned BWC while on duty as a part of their standard duty equipment:

1. Uniform Patrol Officers
2. Traffic Unit Officers
3. Community Policing Officers
4. Uniform Patrol Investigators
5. Uniformed Neighborhood Response Team Members

School Resource Officers on school property and not responding to a call for service elsewhere in the city are allowed to use discretion as to when to record events and interactions within the schools, however SRO's shall activate their BWC under any circumstance outlined under section "B" of this policy.

B. It is recommended that members of the Criminal Investigation Division, Sworn Administration personnel, and any other sworn staff in a temporary or extended plain-clothes capacity, should whenever practical carry their issued BWC. When not responding to a call for service in the City, listed personnel are allowed to use discretion as to when to record events and interactions during their investigations. In the event a situation arises during an investigation the BWC shall be activated as prescribed above in section "B" of this policy.

- C. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Dubuque Police Department.
- D. Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
- E. Supervisory personnel shall receive additional training to ensure their ability to conduct supervisory functions regarding the use of the Body Worn Camera system.
- F. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so a replacement unit may be procured.
- G. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
- H. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his or her designee.
- I. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
- J. If an officer is the subject of a complaint or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.
- K. Requests for deletion of portions of the recordings (e.g., in the event of an accidental or personal recording) must be submitted in writing and approved by the Chief or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.

L. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

M. Restrictions on Using the BWC

BWCs shall be used only in conjunction with official law enforcement duties and shall not generally be used to record the below.

1. Communications with other police personnel without the permission of the Chief of Police.
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities;
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

III. STORAGE

A. All files shall be securely downloaded at the completion of each officer's shift or work assignment. Each file shall contain information related to the date, time, BWC identifier, and assigned officer. Officers will be responsible for the individual downloading and charging of their assigned BWC into the secure server system. Each video downloaded into the Mobile Vision (BWC) system is date, time and officer stamped to show an internal chain of custody within the system.

B. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

C. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Chief of Police or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

D. Files should be securely stored in accordance with state records retention laws and shall be retained for a period of not less than two years.

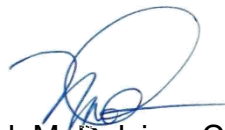
E. Media requests and/or requests for video by a private individual will be made through the Records Division and the appropriate request form shall be filed. The form will be reviewed by the Staff

Bureau Captain who will comply with Iowa Code Chapter 22 and make a determination of the status of the case and if the video will be released to the public.

IV. SUPERVISORY RESPONSIBILITIES

- A. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with the policy and procedures defined herein.
- B. At least on a monthly basis, the Staff Bureau Captain or his/her designee will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.
- C. Supervisors are responsible to review recorded video whenever there is an allegation or suspicion of misconduct. Additionally, supervisors should periodically review recorded data of personnel under their supervision to ensure compliance with departmental policies, constitutional requirements, and legal requirements. When reviewing video data supervisors should review a large enough quantity of video to ensure compliance. Supervisors shall document such reviews by memo to the Chief of Police if not otherwise documented in a disciplinary notice or personnel management system note.
- D. This policy will be reviewed annually to stay current and to comply with CALEA Standards.
- E. This policy will be posted on our website at cityofdubuque.org and upon request for public review.

Distribution: "B" & "Applicable Non-Sworn Personnel"



Mark M. Dalsing, Chief of Police

I have read and understand this order.