

SECTION 03

CHAPTER 04

BODY WORN VIDEO AND AUDIO EQUIPMENT

1.0 DIRECTIVE

Springdale Police Department personnel assigned to patrol operations and special operations will utilize department issued body worn video and audio equipment in the course of carrying out their duties as an officer of the Springdale Police Department. All officers not assigned to administrative duties or investigations will be required to use the body worn video and audio equipment. As well as any officer who has a reasonable expectation that they will be in a position to respond to calls for service or to interact with the public.

2.0 PURPOSE

To establish procedures for the use and protection of body worn video and audio equipment utilized in law enforcement activities.

Body worn video and audio recording equipment has been demonstrated to be of value in the prosecution of criminal offenses, law enforcement investigations, in evaluation of officer performance, as well as in training. In order to maximize the utility of this equipment in these and related areas, officers shall follow the procedures for Body Worn Video and Audio Recording (BWVAR) equipment use as set forth in this policy.

3.0 DEFINITIONS

Body worn video and audio recording equipment (BWVAR)-refers to a body worn camera capable of recording in a digital media format

BWVAR Monitor - Officer appointed by the Chief of Police to monitor the use, care and proper documentation of body worn video and audio recording equipment utilized in Department operations. For the purpose of this policy this duty will be assigned to the Patrol Supervisor.

4.0 OBJECTIVES

The Springdale Police Department has adopted the use of body worn video/audio recording systems in order to accomplish several objectives, including, but not limited to:

- Accurate documentation of events, actions, conditions, and statements, made during arrests and critical incidents, so as to enhance officer reports, collection of evidence, and testimony in court.

- Enhance the supervisors' ability to evaluate probable cause for arrest, arrest procedures, officer and suspect interaction and evidence for investigative purposes, as well as for officer evaluation and training.
- Enhance the Field Training and Evaluation Program by providing the trainee the opportunity to actually review his/her performance in a given situation.

5.0 EQUIPMENT

5.1 ONLY DEPARTMENTAL ISSUED BWVAR EQUIPMENT WILL BE USED BY OFFICERS

Department issued BWVAR are intended for official Departmental use only and are not to be used for unofficial, personal, or frivolous activities. Intentional misuse or abuse of the devices can result in disciplinary action.

Officers will only use those BWVAR issued by the Department while on duty. The wearing or use of personal video/audio recorders while on duty is prohibited.

All recording media, images, and audio, are confidential and property of the Springdale Police Department and will not be copied, released, or disseminated, in any form or manner outside the parameters of this policy, or for unofficial purposes, without the expressed written consent of the Chief of Police. Under no circumstances will any member of the Department make a personal copy of any recorded event without prior written permission of the Chief of Police.

5.2 ISSUING AND SECURITY OF BWVAR

The Operations Commander will be responsible for overseeing the issuance of the BWVARs. The issuance will be documented on the officer's inventory card.

As the department places BWVAR in service the BWVAR will be rotated with the shifts to ensure that there is a BWVAR system used during every patrol shift. As the department purchases more BWVAR systems each officer will be assigned one system. Once every officer has been issued a BWVAR it will not be rotated to another officer without the written permission of the BWVAR Monitor. THE BWVAR is the responsibility of the officer to which it is issued.

Officers issued BWVAR will ensure the security of the equipment by controlling access by maintaining possession of their assigned equipment unless directed by a higher authority to relinquish control.

6.0 OFFICER RESPONSIBILITY

6.1 INSPECTION AND EQUIPMENT MALFUNCTIONS

Prior to the start of their shift, officers assigned a BWVAR will ensure its readiness by conducting an operational readiness inspection. Officers should check the BWVAR battery at the beginning of their shift. Any problems preventing the use of the equipment during the shift will be immediately reported to the BWVAR Monitor. The BWVAR Monitor will ensure that a



maintenance log is maintained and that the equipment is fixed as quickly as possible. The maintenance log will contain:

- The date that the malfunction was reported
- The reported malfunction
- The steps taken to correct the malfunction and the dates the steps were taken
- The date that the camera was placed back into full service

6.2 USE OF EQUIPMENT

BWVAR will be used to record and document officer contacts with the public whenever an officer takes law enforcement action. This will include but not be limited to the following circumstances :

- All crime investigation (CDV, Robbery, Aggravated Assaults, etc.)
- Motor vehicle stops
- Field interviews (investigative encounters)
- Search of persons/vehicles/residences
- K-9 activity
- Suspicious persons, public intoxication, etc. (investigative encounters)
- Motor Vehicle Collision Investigations
- Arrests
- Emotionally Disturbed Persons
- When weapons are present or are alleged to be present
- Any time an interaction with a citizen becomes confrontational and or argumentative and the facts of the interaction could come into question
- Response to any incident which would normally require the preparation of an incident report.

Officers are to obtain consent from victims and witnesses prior to the utilization of the BWVAR during interviews. Both permission and denial of consent should be documented in the Incident Report and neither should affect the handling of the call for service.

Officers should use discretion in recording the during the response or in recording the scene where there is a victim of rape or sexual assault. Additionally, to respect the dignity of others, unless articulable exigent circumstances exist, officers will try to avoid recording persons who are nude or when sensitive human areas are exposed.

Officers should provide preparatory narration with each video activation or usage, if time and situations allow. Narration should provide date, time and nature of interaction. Officer safety should never be compromised to provide this narration.

Once an officer has activated his BWVAR the recording will remain activated until the incident has been resolved. The recording should begin when the officer reports to Lexington County Communications that the officer is on-scene.

Officers will ensure their BWVAR is turned off once a traffic stop has been completed or an incident is resolved and Lexington County Communications has been notified that the officer is clear.

6.3 RESTRICTIONS ON USE OF EQUIPMENT

Officers are prohibited from covertly recording conversations or activity with other officers, Departmental personnel, or Town personnel under any circumstances. This does not prohibit more than one officer responding to a location initiated by a call for service to record on-scene activity simultaneously. Nor does it prohibit officers from routine use as required by this policy to inadvertently record other officers or Departmental personnel during the course of activities outlined in this policy.

Officers are prohibited from recording encounters with undercover officers or confidential informants, when on break or otherwise engaged in personal activities, unless for a direct law enforcement purpose such as a crime in progress or the recording of the location is material to a criminal investigation.

7.0 SUPERVISOR RESPONSIBILITY

It is incumbent on supervisors to ensure officers utilize BWVAR according to policy guidelines.

The supervisors of the officers assigned BWVAR equipment, Operations Commanders, and/or the designee of the Chief of Police will conduct weekly reviews of recordings in order to identify officers who perform their duties at the highest level of professionalism. Supervisors should flag videos which may be appropriate for training purposes.

All audio/video recordings will be transferred from the BWVAR device by the BWVAR Monitor (Patrol Supervisor) or the Evidence Custodian to a designated hard drive at the Police Department for review and storage weekly.

If a complaint is associated with a recorded event, or an officer believes an incident may generate a complaint, the supervisor will flag the video for indefinite retention.

8.0 VIDEO EVIDENCE

All audio/video recordings will be transferred from the BWVAR device by the BWVAR Monitor (Patrol Supervisor) or the Evidence Custodian to a designated hard drive at the Police Department for review and storage weekly.

The external hard drive that contains the audio/video recordings will be maintained by the evidence custodian in a secure location.

All recordings that are non-investigative, non-arrest, and are not part of any internal investigation will be retained not less than 14 days.

Videos which are to be copied for evidence are to be copied by the BWVAR monitor or designee.

Once a criminal incident has been recorded, the recording will be saved on the external hard drive for the length of time needed for court proceedings. When a recording is needed for court the officer must request a copy from the evidence custodian. The incident recording may be written to a DVD for evidentiary purposes or in municipal court. Involved officers are responsible for requesting that the audio/video recording be burnt to a DVD for court. The officer should be prepared to testify to the content of the video.

If a DVD or recording is used as evidence, it should be held for 14 days after the court date to allow for an appeal after which time it may be processed for destruction or if identified transferred to the Operations Commander for use as possible training tools.

BWVAR recordings associated with a Use of Force incident will be flagged by the supervisor accordingly and downloaded for review and included in the Use of Force Packet.

Recordings identified by supervisors as appropriate for training tools and are not evidentiary are to be copied and forwarded to the Operations Commander for consideration.

Recorded DVDs and recordings will be held for a minimum of 60 days provided they are not necessary for prosecutorial purposes. Other videos will be stored and maintained in accordance with S.C. Preservation of Evidence Act, S.C. Code 17-28-320, the expungement statute of S.C. Code 17-1-40, or any other statute, regulation, or case law will follow the retention requirements outlined therein.

8.1 DATA FROM BWVAR NOT PUBLIC RECORD

Data recorded by a BWVAR is not a public record subject to disclosure under the Freedom of Information Act. Data may be released under the following circumstances:

- The State Law Enforcement Division, the Attorney General, and a circuit solicitor may request and must receive data recorded by a BWVAR for any legitimate criminal justice purpose;
- A law enforcement agency, the State Law Enforcement Division, the Attorney General, or a circuit solicitor may release data recorded by a BWVAR in its discretion;
- A law enforcement agency may request and must receive data recorded by a BWVAR if the recording is relevant to an internal investigation regarding misconduct or disciplinary action of a law enforcement officer;

• In addition to the persons who may request and must receive data recorded by a BWVAR provided above, the following are also entitled to request and receive such data pursuant to the South Carolina Rules of Criminal Procedure, the South Carolina Rules of Civil Procedure, or a court order:

1. a person who is the subject of the recording;
2. a criminal defendant if the recording is relevant to a pending criminal action;
3. a civil litigant if the recording is relevant to a pending civil action;
4. a person whose property has been seized or damaged in relation to, or is otherwise involved with, a crime to which the recording is related;
5. a parent or legal guardian of a minor or incapacitated person described in sub item (1) or (2); and an attorney for a person described in sub items (1) through (5).

9.0 VIDEO PURGE

Video (s) will be automatically purged from the server sixty (60) days from the date of download. The only exception to this provision will be video which has been flagged for indefinite retention.

This directive is effective upon receipt.

Kevin L. Cornett

Kevin L. Cornett, Chief of Police

Town of Springdale Police Department