

- A. **PURPOSE.** To establish procedures for the use of Video Audio Recording Devices (VARD) and provide guidance for the users in the use of the Digital In-Car Video System (DICV) and Body Worn Cameras (BWC) which will be used concurrently, and which together shall be referred to as VARD.
- B. **GOALS.** Use of VARD will enhance Police professionalism during citizen contacts, provides transparency, and will enrich the public's trust. They are an effective means of protecting the Department and its employees from potential liability by recording events as they transpire. The systems will enhance the efficiency and effectiveness of the Department and its officers and are intended to:
1. Support the Department's investigative efforts.
  2. Assist in the collection of evidence and for prosecutorial purposes.
  3. Enhance officer and citizen safety.
  4. Increase opportunities as police training aids.
  5. Facilitate the investigation of citizen complaints.
  6. Protect officers from false claims of misconduct.
- C. **OPERATION OF DIGITAL IN-CAR VIDEO (DICV) SYSTEM AND THE BODY WORN CAMERAS (BWC)**
1. Personnel must complete department approved training in the use of Video Audio Recording Devices (VARD) prior to being authorized to operate the equipment.
  2. VARD trained personnel shall use the equipment during their tour of duty as outlined in training and this procedure.
  3. VARD provides additional documentation of police/public encounters.
    - a. Video cannot always show the full story, nor does it capture the entire scene.
    - b. Use of the cameras does not reduce the requirement to provide thorough written documentation.

- c. VARD cannot accurately represent physiological and psychological phenomenon that officers experience under stress; so, it is critical that this is articulated in the written documentation.
  - d. Officers' perception and independent recollection at the time of the decision is critical.
- 4. Officer and citizen safety take precedence over activating VARD.
  - 5. BWC shall be worn above the midline of the officers' torso, on the outermost garment, and in a position designed to produce an effective recording.
  - 6. The VARD will have system triggers that activate automatically. Systems can also be activated by pressing the activation buttons.

#### D. SPECIFIC RESPONSIBILITIES

##### 1. Operator Responsibilities

- a. Prior to testing the VARD system and beginning patrol, the operator shall log on as trained.
- b. At the beginning and end of their shift and prior to logging off, officers shall test the VARD Systems for proper operation.
- c. Testing shall include activating the VARD Systems and documenting the test as outlined in training
- d. The VARD System shall be tested and signed off as outlined in training.
- e. Any malfunctioning DICV shall be written up for repair utilizing the computer in the Motor Pool. Operators shall also make a note on their daily activity log as to the suspected problem with the DICV and promptly notify their supervisor. The equipment shall be made available for repair as outlined in training.
- f. Any malfunctioning BWC shall be submitted to the Property Management Unit. A replacement/spare is to be checked out in the Watch Commander's Office.
- g. The VARD shall not be used for personal entertainment or for any activity that will distract the officer from his or her duty.

- h. Two-person patrol units shall wear and activate all assigned VARD equipment as outlined in training and this procedure.

## 2. Supervisor Responsibilities

- a. Supervisors shall monitor the use of VARD equipment for compliance with Departmental policy.
- b. Supervisors trained in the operation of the VARD equipment are responsible for the operating procedures outlined below.
- c. Supervisors may approve deviations from this procedure in exceptional circumstances.
- d. Supervisors shall review all available VARD recordings prior to writing their follow-up reports on pursuits, use of force incidents, and officer-involved car crashes.
- e. Supervisors shall review two videos per month for each employee assigned to them involving a contact with a citizen. The supervisor will document which video and officers they reviewed.

## E. OPERATING PROCEDURES

### 1. Body Worn Cameras shall be worn by:

- a. Personnel assigned to patrol duties including the Special Response Team.
- b. Plainclothes personnel when taking enforcement action, i.e., make an arrest, contact a suspect, search warrant, etc.
- c. Uniformed personnel assigned to work at a special event or similar assignment.
- d. Personnel assigned to undercover roles at the direction of the appropriate supervisor.
- e. Any personnel directed by a supervisor.

- 2. Personnel shall activate VARD during contact with the public to accomplish the goals of this procedure as outlined in Section B.1-6. This includes but is not limited to arrest situations, calls for service, field

interrogations, vehicle stops, prisoner transport, investigative activity, large public assemblies, or any other duty related official contacts with the public.

3. Personnel shall utilize VARD on any calls involving the use of emergency lights such as emergency responses or vehicular pursuits for the duration of the contact as outlined.
4. The VARD, when activated, shall not be deactivated until the operator has disengaged contact with a witness, complainant, victim, or suspect with the following exceptions:
  - a. Approved by a supervisor.
  - b. If recording an event will compromise the safety of a civilian or an officer or if an officer is interacting with a member of the public or another officer in a matter of an exceedingly sensitive or private nature or place. This is not limited to but includes the following examples:
    - (1) An informant providing the intelligence of criminal activity.
    - (2) Encounters with undercover officers.
    - (3) Death notifications.
    - (4) Strategic Tactical Planning.
    - (5) Pre-event briefing or post event debriefings.
    - (6) Locker rooms and bathrooms.
    - (7) Privileged conversations; counsel, clergy, etc.
    - (8) Court.
5. If an operator reasonably believes that the noise and/or light emitted by the camera will place them in danger, they may choose to place the camera into “stealth” mode.
6. A higher level of discipline shall be utilized when recording in medical or mental health facilities due to the sensitive environment and legal ramifications as outlined in training.

7. During a vehicle stop or another incident, the VARD may be muted during private conversations or tactical planning with another officer or supervisor.
8. Personnel are encouraged to narrate an incident while preparing for a traffic stop or contact. The intent of the narration is to assist in necessary written documentation and to provide an explanation of recorded events.
9. During the initial contact, personnel are not required to inform people that video recording is in use. However, if asked if recording equipment is in use, officers shall not conceal the fact that the incident is being recorded.
10. Officers and Supervisors may use VARD to review incidents prior to and during the writing of reports. VARD may also be reviewed prior to administrative or court proceedings. The VARD may aid personnel if they were unable to observe all a suspect's actions and statements.
  - a. Personnel should also be aware that upon entering the motor pool, the wireless computer server will begin automatically uploading all recorded video from the DICV system. Once this video is uploaded into the server, the video can be viewed in the VARD system software.
  - b. The body-worn cameras will be uploaded in approved docking stations.
11. The assigned investigator will properly locate and categorize all associated VARD with the corresponding complaint number to ensure proper preservation of evidence.
12. If an event is not recorded as required under Section E (Operating Procedure), the operator shall note in the report or citation because the recording did not take place. The officer shall notify the Watch Commander of any incidents where the VARD system did not record an arrest or use of force incident.
13. The VARD systems have a 30-second pre-event record function that provides video only

#### F. VARD MAINTENANCE AND STORAGE

1. The Support Services Division will be responsible for the maintenance and storage of all recorded data and related equipment.

2. Personnel shall use only Department-issued VARD equipment to record incidents.
3. At the end of their tour of duty, personnel shall log off their VARD to ensure recorded videos are properly stored and uploaded as outlined in training.
4. Personnel who wish to use recordings for informal hearings are responsible for retrieving the digital evidence as outlined in training.
5. All VARD recordings are to remain in their original state and shall be the sole property of the Grand Rapids Police Department. Video recordings are intended for official Department use only.
6. Any public requests for deletion of VARD recordings (such as events of privileged or personal recordings) must be submitted in writing to the City of Grand Rapids Law Department.
7. Removal, duplication, release, alteration, erasure, or other use of Department VARD digital recordings except as permitted by Department policy without authorization of the Chief of Police or designee is prohibited.
8. All VARD recordings will be treated as official reports of the Department. Any theft, intentional misplacement, alteration, sabotages, or editing of any recording without the consent of the Chief of Police or designee is equivalent to falsifying a police report or tampering with evidence.
9. In the event of problems with VARD upload, download or significant circumstances the Watch Commander shall be notified and follow the established training protocols.

G. DIGITAL RECORD RETENTION. The Records Custodian of the Support Services Division shall maintain a written schedule for the retention of digital video records. The retention schedule (as outlined in [MOP 11-8](#)), along with any subsequent changes or amendments, must be approved by the Chief of Police.

#### H. ADMINISTRATIVE REVIEW

1. The Department recognizes that officers oftentimes become engaged in dynamic situations in which it may not be practical to activate the

VARD, i.e., spontaneous foot chases, unexpected altercations, etc. However, Officers shall make every attempt to comply with this procedure without compromising their safety or that of others.

- a. Persons reviewing recordings must be cautious before conclusions are reached about what the video shows. The standard used should be “objectively reasonable” based on the totality of the circumstances.
  - b. When evaluating the unique perspective of VARD, one must consider:
    - (1) The camera does not follow the operator’s eyes
    - (2) Some danger cues cannot be recorded
    - (3) The officer’s level of experience and history
    - (4) Camera speed and human reaction time differ significantly
    - (5) Camera recordings are only 2 dimensional
    - (6) Extended hands and arms may block views at critical times
    - (7) Cameras do not utilize human senses
    - (8) Cameras cannot record perceptual distortion and/or other normal reactions to stress
  - c. The review must consider witness testimony, forensics, officer statements and all facets of the investigation.
2. Recordings may be reviewed by supervisors or unit commanders at their discretion in support of the goals of this procedure.
  3. Livestreaming of VARD cameras will be granted on a case-by-case basis by the Chief of Police or designee. This feature shall only be activated on a limited basis under emergencies or exigent circumstances.
  4. Officers are encouraged to notify the Training Unit of recordings that may contain material suitable for training purposes. The Training Unit may not use any recording or portion of a recording without the approval of the recorded officer or officers.

- I. PROCEDURE APPLICATION. This procedure is not intended to enlarge the employees' or employers' civil liability in any way. It shall not be construed as a creation of a higher standard of safety or care in any evidentiary sense with respect to third party claims insofar as the employers' or employees' legal duty imposed by law.