1. PURPOSE

The purpose of this policy is to establish guidelines governing the use of body worn cameras (BWCs) to record law enforcement actions. This policy also provides guidelines for the management, storage, release, and retrieval of BWC digital recordings.

The Hawai'i Police Department uses BWCs as a means by which evidence and activity can be recorded in an environment that cannot be duplicated. While recordings obtained from a BWC provide a record of these events, video recordings have limitations and may depict events differently than how they are recalled by the member. Specifically, it is understood the BWC may capture information that may not have been heard and/or observed by the involved member(s) and/or may not capture all information observed by the member(s).

BWC recording perspectives must be considered with all other available evidence, including member statements and observations, witness/suspect statements, interviews from involved parties, forensic analysis, and all other documentary evidence when evaluating a recorded incident.

Furthermore, the Hawai'i Police Department recognizes and supports the privacy of the public that they serve and have developed this policy to assist and provide guidance in the effective use of this law enforcement tool.

2. PERSONS AFFECTED

All sworn personnel.

3. POLICY

It is the policy of the Hawai'i Police Department that sworn members assigned a BWC will be required to use it in performance of their official duties in accordance with this policy and applicable law.

4. DEFINITIONS

4.1. **Active Mode** – The condition whereby a BWC is actively recording both audio and video; typically caused by a manual activation or pushing of the event button.

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4.2. **Body-Worn Cameras (BWCs)** – Camera systems issued by the Hawai'i Police Department and designed to be worn and used by members to accomplish a law enforcement objective of documenting police-related incidents and activities.

4.3. **BWC Administrator** – A sergeant or higher designated by the Police Chief and assigned to the Records and Identification Section to oversee video storage, inventory, and equipment; access to BWC data; retention timelines; training; requests for and release of recordings; and the audit of the process.

4.4. **BWC Recording** – Digital multimedia recording including but not limited to audio, video, photographs, and associated metadata. Metadata includes identifiers captured as part of the digital recordings e.g., date/time, coordinates, labeling.

4.5. **Limited Public Safety Statement** – Verbal information required from members involved in a critical incident in order to establish probable cause, or information necessary to initiate an investigation and/or preserve the crime scene.

4.6. **Standby Mode** – A passive condition whereby a BWC device is powered on and capturing a pre-event buffer.

4.7. **Transfer Docking Station (TDS)** – Device that charges BWCs and uploads the BWC recordings to the BWC database.

5. RESPONSIBILITIES

5.1. First-Line Supervisor

5.1.1. Ensure that members equipped with BWCs are using them in accordance with this policy.

5.1.2. Ensure BWCs are docked before members leave for the day. Exceptions to this are at the first-line supervisor's discretion, however, the supervisor granting this exception must ensure the footage is uploaded at the beginning of the member's next shift.

5.1.3. Issue spare body camera equipment to replace members' defective BWCs. Instructions are contained inside the spare BWC box.

5.1.4. May access BWC recordings for purposes consistent with this policy, but not to search for violations of department policy without cause.

5.1.5. In the event of a critical incident as defined under General Order 604 the first uninvolved scene supervisor shall promptly recover the BWCs of all members involved as actors in the critical incident, and return the BWCs to a TDS so the recording may be uploaded.

5.2. Personnel

5.2.1. Personnel shall ensure that any BWC issued to them is maintained in serviceable condition.

5.2.2. Personnel shall use their BWC in accordance with guidelines outlined in this policy.

5.2.3. While on-duty and not inside a secured police facility, personnel shall have their issued BWCs operating either in Standby Mode or Active Mode.

5.2.4. Notwithstanding the other requirements of this policy, after a member switches their BWC into Active Mode and completes recording, the BWC shall be returned to Standby Mode.

5.3. Task Force Officers (TFO)

5.3.1. Federally deputized task force officers equipped to wear and use BWCs shall adhere to all applicable federal BWC policies.

5.3.2. In addition to following the labeling procedures outlined in section 6.5 of this policy, TFOs shall label BWC recordings of federal arrests or searches with “TFO” and shall inform the BWC Administrator by email as soon as practical.

5.3.3. TFOs shall coordinate with the BWC Administrator to ensure that task force supervisors are provided with copies of any BWC

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recordings resulting from federal pre-planned arrests or searches within 48 hours of the conclusion of the operation.

5.4. BWC Administrator

5.4.1. The BWC Administrator shall ensure random audits are conducted twice a year for all districts to determine if personnel are using the BWC appropriately and in accordance with policy.

5.4.2. Ensure that officers, who are assigned BWCs and their supervisors, complete a Department approved 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.

5.4.3. If the department intends to release BWC recordings resulting from FBI pre-planned arrests or searches, the BWC Administrator will coordinate with the TFO to notify the relevant FBI Assistant Director in Charge (ADIC)/Special Agent in Charge (SAC) as soon as practicable, but no less than 72 hours prior to release.

a. BWC recordings of FBI pre-planned arrests or searches pursuant to state, local, tribal, or territorial laws or regulations shall not be released absent the consent of the FBI.

b. Following the intended release notifications, the BWC Administrator will coordinate with ADICs/SACs to discuss any necessary redactions or withholdings of the BWC recordings prior to public release to protect the privacy and other interests of the FBI, law enforcement personnel, or victims.

5.5. Major of Technical Services

5.5.1. The Major of Technical Services or designee shall conduct an annual administrative review of the BWC program. The review should include a sufficient amount of departmental data and any

relevant external data to assess the alignment of policy, training and operational practices consistent with the department's mission, vision, and values, and shall be forwarded via proper channels to the Police Chief for review.

6. BODY WORN CAMERAS

6.1. General

6.1.1. Members shall only use BWCs issued by the Hawai'i Police Department.

6.1.2. Members shall not alter, tamper with, or dismantle any hardware or software component of a BWC.

6.1.3. BWC recordings are property of the Hawai'i Police Department and shall not be edited, altered, erased, duplicated, copied, shared, or otherwise distributed in any manner outside of the parameters of this policy, without prior authorization by the Police Chief or designee.

6.1.4. All BWC recordings related to criminal proceedings, claims filed, pending litigation, or personnel complaints, shall be preserved in accordance with current laws.

6.1.5. BWC recordings are to be used for official Department purposes only. This includes gathering evidence for investigations and criminal cases.

6.2. BWC Activation and Deactivation

6.2.1. Personnel shall place their BWCs in Active Mode

a. Prior to arrival at the scene of any call for service, regardless if the member was sent or assigned themselves to the call;

b. Prior to initiation of any law enforcement contact; and

c. Prior to the initiation of a traffic stop.

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6.2.2. Personnel shall return their BWCs to Standby Mode when they return to service from any type of call, contact, or stop.

6.2.3. Calls, contacts and stops to be recorded shall include, but are not limited to:

a. Dispatched calls for service;

b. Law enforcement actions;

c. Public interactions;

d. Subject/traffic stops;

e. Use of force incidents;

f. Self-initiated police services;

g. Motor vehicle pursuits; and

h. Transporting to and entering a department detention or temporary detention facility.

6.3. Restrictions/Exceptions on Use of BWC

6.3.1. BWCs shall not be used to record:

a. Conversations involving personnel matters without the authorization of the Police Chief or designee;

b. Encounters with undercover officers or confidential informants;

c. When on break or otherwise engaged in personal matters;

d. While in the restroom or locker room unless it is part of a law enforcement function; or

e. During briefings or de-briefings because of confidential matters that are being discussed.

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6.3.2. In locations where individuals have a reasonable expectation of privacy, such as a residence, members may choose to stop recording or move the interview to an alternate location, if reasonable. This section shall not apply if the recording is being made pursuant to an arrest or search of the residence or the individuals or the encounter is confrontational. If a member stops recording under this section, the reason shall be documented in a report.

6.3.3. In the following circumstances members may choose to place their BWCs in Standby Mode:

a. A victim or witness expressly refuses to provide a statement if recorded and the encounter is non-confrontational.

b. If recording would interfere with the member's ability to investigate or may be inappropriate because of the type of investigation, the victim's or the witness' emotional state, age, or other sensitive circumstance (e.g., sexual assault victim).

c. Situations in which recording may compromise confidential information, citizen informants, or undercover officers;

d. At a healthcare facility or treatment center, unless the police contact or communication relates to enforcement action such as a police investigation (i.e., use of force); or

e. When contact with public is not in-person (e.g., telephone call).

6.3.4. Members are not required to initiate or stop recording simply because they were requested to do so by a member of the public, and shall not solicit or encourage a request from the public to stop recording.

6.4. BWC Usage

6.4.1. Members shall inspect and test the BWC prior to use to verify it is functioning properly.

6.4.2. Any time the BWC is not functioning properly, the member shall notify their first-line supervisor as soon as possible. The first-line supervisor shall:

a. Notify the BWC Administrator or designee as soon as possible via email or telephone to coordinate the assignment of a replacement BWC;

b. Send the BWC Request/Replacement Form to the BWC Administrator documenting the date and time the BWC taken out of service, the member to whom it was assigned, and describing the malfunction; and

c. Ensure a spare BWC be assigned and issued to the member as soon as possible.

6.4.3. [redacted]

6.4.4. Members shall not purposely block the BWC from recording during an event.

6.4.5. It shall be assumed that BWC is being used to record in all incidents. Members shall document in their reports (including criminal narratives, any incident synopsis in RMS, citations, etc.) when BWC recordings are **not** made.

6.4.6. If a member fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the member shall document the reason in the report.

6.4.7. Repeated failure to activate a BWC may result in disciplinary action.

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6.4.8. A BWC recording is not a substitute for a written narrative report detailing the facts and information in an official police investigation. Members shall not rely on the submission of BWC footage to describe their observations or actions in an official narrative report.

6.4.9. Members may inform their supervisors of any recording which they feel may have value for training purposes. The Police Chief shall determine whether recording may be beneficial for debriefing or training purposes.

6.4.10. Members may submit a memorandum to the Police Chief or designee via proper channels, requesting the deletion of any accidental recording, if it has no investigative or evidentiary value. Approved requests will be handled by the BWC Administrator or designee.

6.5. Labeling of BWC recordings

6.5.1. Members shall label each BWC recording with an appropriate "ID" and category.

a. The ID shall be the report number, citation number, or other relevant unique case identifier. If no such number exists, members shall use a one- or two-word descriptor for the incident (i.e., Beat Check, Warning Given, etc.).

b. Members shall choose from the available categories to additionally label each recording.

6.5.2. Members should also include an appropriate "TITLE" for each recording indicating the crime classification for the incident.

6.5.3. While some automation may exist to assist members with this process, members are still responsible for ensuring recordings that are labeled automatically are labeled correctly.

6.5.4. Members shall ensure that BWC recordings are labeled in the TDS during or by the end of each shift. Exceptions to this are at the first-line supervisor's discretion, however, the supervisor granting

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this exception must ensure the recordings are labeled at the beginning of the member's next shift.

7. STORAGE AND ACCESS

7.1. Storage

7.1.1. Members shall ensure that BWC recordings are docked in the TDS for upload during or by the end of each shift.

7.1.2. The BWC Administrator shall ensure that BWC recordings are securely stored in accordance with the Department's records retention schedules.

7.2. Access and Retention

7.2.1. All BWC recordings related to criminal investigations or proceedings, claims filed, pending litigation, or personnel complaints shall be preserved in accordance with current laws.

7.2.2. All access to the system is automatically logged, subject to an audit, and is for official use only. Authorization levels vary and are dependent upon rank/assignment and are assigned by the BWC System Administrator as authorized by the Police Chief.

7.2.3. Release of BWC data to any person outside the department by any means is prohibited unless prior written approval is granted by the Police Chief or designee. Prior to release, such data will be redacted to exclude tactical planning and such peer-to-peer and/or non-law enforcement discussions that are irrelevant to the law enforcement purpose.

7.2.4. Members may view their own BWC recordings via their official department accounts or the official BWC mobile app via personal device for the purpose of criminal investigation, report preparation, statement preparation for administrative inquiry, or court testimony.

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a. This includes sharing videos with supervisors and other involved members for consultation on events for investigations or training purposes.

b. Due to the urgency of such a request, members involved as actors in a critical incident as defined under General Order 604 Critical Incident, shall provide a Limited Public Safety Statement prior to reviewing BWC recordings.

7.2.5. Members shall be allowed to review their own BWC recordings of an incident prior to making statements in administrative and criminal investigations.

Exception: Officers involved in critical incidents shall, during the Critical Incident Inquiry and/or Administrative Investigation, provide statements prior to reviewing BWC recordings as outlined in *GO 604 Critical Incidents* section 13.4.3(c).

7.2.6. Supervisors and investigators involved in investigative review for organizational integrity, administrative or criminal investigations shall be allowed to review all relevant BWC recordings.

7.2.7. Unless authorized by the BWC Administrator or the Police Chief, duplication of BWC recordings, including creating copies for personal use, is prohibited.

7.2.8. Department personnel needing access to BWC recordings shall first attempt to access recordings using their department accounts.

7.2.9. Members who require access but do not have the appropriate permissions, should request access to BWC files either from a supervisor who has access or from the BWC Administrator via the BWC Request/Repair Form. The request shall indicate the reason for the request, identification number, date, time, and member to whom the BWC is assigned.

7.2.10. All other requests, including media inquiries for viewing or a copy of a BWC recording, may only be authorized by the Police Chief or designee in accordance with Department policy and applicable law (e.g., Hawai'i Revised Statutes, Chapter 92F, as amended).

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7.2.11. The retention for any recording not governed by statutes or criminal investigation purposes shall be for at least two years.

7.2.12. The BWC Administrator or designee shall maintain a permanent record on all:

a. Logins to access BWC recordings.

b. Requests for access or copies.

c. Requests for deletion.

d. Records retention deletions.

8. DOCUMENTED SUPERVISORY REVIEW

8.1. The BWC Administrator or designee shall regularly audit BWC footage and associated documentation to verify officer adherence to established BWC policies, identify equipment issues, and address training needs. Audits will be conducted fairly and consistently, with a focus on education and corrective action.

8.2. Audit Frequency

8.2.1. Audits shall be conducted on a 7-week rotation, with one district being reviewed every week.

8.3. Audit Quantity

8.3.1. For each audit, three (3) officers chosen from each watch shall be randomly selected.

8.4. Audit Scope

8.4.1. Each audit shall consist of the review of one (1) video per selected officer, chosen from different incident categories when available. The audit shall assess the following areas:

a. **Integrity Check:** Verification of proper access to BWC footage.

b. **Equipment Operability:** Identification of any BWC malfunctions.

c. **Policy Conformance:** Evaluation of correct uploading, labeling, and buffering practices.

d. **Potential Training Needs:** Identification of any areas where additional training might be beneficial for the officer.

8.5. Audit Documentation

8.5.1. For each video review, the following information shall be documented:

a. Incident report number
b. Type of incident
c. Officer's name
d. The specific areas of review assessed
e. Any identified potential training needs based on the review.

8.5.2. The BWC Administrator shall forward the documented results of the audit to the Major of the Technical Services Division or designee who will forward them to the respective district commander or designee.

8.6. Reporting of Violations

8.6.1. The audit is intended to be a review of personnel adhering to BWC policy. Only violations of a serious type and nature as outlined in PM 8.1 will be referred to the Office of Professional Standards if observed.

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