



**Chapter:** Uniforms and Equipment  
**Subject:** 04-20 – Body Worn Cameras  
**Effective:** January 14, 2025  
**Supersedes:** Official Order 04-20, dated March 14, 2024  
**Distribution:** Department Members

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**PURPOSE:** The purpose of this Order is to ensure members understand their responsibilities by establishing department policy and procedure regarding the proper use of the BWC system.

#### 04-20-1 POLICY

The goal of the department's Body Worn Camera (BWC) program is to accurately document and provide greater transparency into the interactions of enforcement members and members of the public. Effective use of a BWC can provide valuable information for member accountability, contribute towards effective investigations, and enhance the accuracy of reports and testimony in court.

The BWC system shall be used in compliance with this Order and the manufacturer's operating guidelines to assist enforcement members with the performance of their duties by providing a recorded account of official law enforcement duties. It is the policy of this department that enforcement members assigned a BWC system shall activate it when such use is appropriate to the performance of law enforcement duties and where the recordings are consistent with this policy and law.

This Order does not govern the use of covert recording devices used in undercover operations. For the purpose of this policy, the term "file" refers to any audio, video, or related metadata information. A BWC system consists of the BWC/Digital Video Recorder (DVR), accessories, and any applicable required software that may be used.

#### 04-20-2 EQUIPMENT USE AND MAINTENANCE

- A. Enforcement members who are assigned a BWC system are required to use the system as required by this Order unless otherwise authorized by a supervisor.
- B. Worksite commanders shall ensure compliance of the BWC system with applicable department written directives.
- C. When assigned a BWC system and required to wear it by this Order, enforcement members shall check that the system is properly functioning. The check shall be performed at the beginning and end of each shift and documented in their eDaily report.

- (1) Damaged or malfunctioning BWC systems shall not be used, and the member shall note on their eDaily report that the BWC system is damaged or malfunctioning.
  - (2) Enforcement members not required to complete an eDaily, will report any damaged or malfunctioning issues to their supervisor by email.
- D. The BWC system shall be worn in such a manner as to ensure the optimal, unobstructed view of an event, as outlined in training. The optimal location may vary, depending on the physical build of the user. Enforcement members shall ensure that the camera orientation provides the most unobstructed view possible.
- E. Any damage or malfunction of the BWC shall be reported to the shift supervisor and the worksite Technology Liaison Officer (TLO) immediately. If a shift supervisor or TLO is not immediately available, an email may be used for notification purposes. Notification of the malfunction shall be made on the member's eDaily report, and if applicable, in the incident report.
- (1) A malfunctioning BWC shall be taken out of service and a replacement BWC shall be issued if available.
    - a. The TLO shall coordinate the repair or replacement of the BWC, when possible.
    - b. If no replacement BWC systems are available, the shift supervisor shall be notified and document the non-use on the enforcement member's eDaily report.

#### **04-20-3 BODY WORN CAMERA TRAINING**

- A. Worksite commanders that have BWC systems at their worksite shall ensure that each enforcement member assigned a system, and their supervisor, receives training in the care and operation of the system prior to use.
- B. Enforcement members shall not use a BWC unless trained in the proper use of the system.
- C. Training shall be coordinated by the Mobile Office Unit and conducted by a TLO or designee overseeing the department's BWC program.
- D. Training will include department policy and legal obligations, as outlined in [the Law Enforcement Body-Worn Camera Privacy Act, MCL 780.311 et seq](#), concerning the proper use of BWC systems.

#### **04-20-4 BODY WORN CAMERA USE**

- A. Except as otherwise provided in this order, when assigned a BWC system, enforcement members shall activate the BWC system to record the following:
  - (1) Dispatched or self-initiated law enforcement action.
  - (2) All contact with individuals in performance of official duties, except as provided in Section 04-20-4 F.
- B. Activation of the BWC should take place prior to contact with involved individuals. If circumstances prevent recording at the start of an event, members will begin recording as soon as practical. Members shall document in the incident report, or their eDaily report, specific details of the circumstances delaying the recording.

- C. Except as provided in Section 04-20-4 F, once the BWC system is activated in accordance with this Order, enforcement members shall not deactivate the audio or video functions of the BWC system until the following has taken place:
- (1) Their involvement in the dispatched or self-initiated police action has ended.
  - (2) The official contact or action is completed.
    - a. For the purposes of this Order, official contact or action is considered completed when the gathering of evidence or exchange of communication related to law enforcement activities are concluded.
- D. Enforcement members shall not use the BWC system:
- (1) To make any recording in violation of law or department policy.
  - (2) For any use unrelated to official law enforcement duties.
- E. If an enforcement member records activity or is aware of another member that has recorded activity prohibited by this subsection, they shall immediately notify their supervisor to request the video be deleted. Authorization to delete the file shall be made by the worksite commander. In such instances, worksite commanders shall submit a request to the Mobile Office Unit, who shall consult with the Records Management Officer before taking action.
- F. Uniformed enforcement members are not required to activate a BWC recording or may temporarily deactivate audio and video functions under the following circumstances:
- (1) While engaged in department-related duties that traditionally do not require enforcement action (e.g., public relations or community service events, meetings with community groups or public officials, etc.). However, if circumstances arise during such an event that requires enforcement action and the BWC system is accessible to the member, it shall be activated as soon as practical.
  - (2) While engaged in contact with an individual and the individual requests the recording be deactivated and, in the enforcement member's judgment, continuing to record the encounter may hinder the investigation (e.g., witness refuses to divulge information while being recorded). In this instance, the individual's request should be recorded by the BWC prior to turning off the BWC system and the enforcement member may choose to stop recording. Enforcement members shall not actively seek a request from an individual to deactivate the BWC system. Any deactivations under this section shall be documented in the incident report, to provide detailed justification for the deactivation.
  - (3) While engaged in private conversations with other department members or police officers from another department, where no other individuals are present.
  - (4) When the encounter is being recorded by both audio and video inside an interview room.
  - (5) When policing a traffic crash after all interactions with the public have ended, such as when a member is inside their patrol vehicle waiting for the tow truck.
  - (6) During encounters with undercover officers or confidential informants.
  - (7) When a state correctional facility, county jail, or local police department lockup has a policy prohibiting the use of recording devices inside the facility, members may

deactivate their BWC system immediately prior to entering the facility. The reason for deactivation shall be documented in the incident report or the member's eDaily report.

- (8) In the event an enforcement member unexpectedly becomes involved in a rapidly evolving situation, where there is an immediate/imminent threat of death or serious bodily harm to the enforcement member or others and activation of the BWC cannot be done immediately. The BWC shall be activated as soon as practical.
  - (9) In places where a heightened expectation of privacy exists such as restrooms, locker rooms, or health care facility, unless for direct law enforcement purpose such as a crime in progress or the recording location is material to a criminal investigation.
    - a. The BWC system shall not be used in a health care facility while in patient care areas unless the recording is for official purposes and care should be used to record only the parties involved in the event being investigated.
  - (10) There may be limited circumstances when the respect for an individual's privacy or dignity outweighs the need to record an event. Such circumstances may include natural death scenes, death notifications, child or sexual assault victim interviews, and when the use of the BWC system would impede or limit the cooperation of a victim or witness. Any deactivations under this section shall be documented in the incident report, with detailed justification provided for the deactivation.
- G. When deactivating or muting a BWC recording during the course of an event in which this policy otherwise requires recording, enforcement members shall, when practical, record on camera the reason for the interruption, termination, or muting of the recording prior to deactivating the BWC system. Enforcement members will also document the reason for deactivation or muting in the incident report or their eDaily report, if no incident report exists.
- (1) Enforcement members not required to complete an eDaily, will report the reason for deactivation or muting in the incident report or to their supervisor by email.
- H. Enforcement members using a BWC system are not required to advise an individual they are recording the interaction unless the individual specifically asks if they are being recorded, at which point the enforcement member may inform the individual they are being recorded, unless doing so would be unsafe.

#### **04-20-5 SPECIALTY UNITS**

- A. Specialty Units include the Aviation Unit, Bomb Squad, Canine Unit, Emergency Support Team, Traffic Crash Reconstruction Unit, and the Marine Services Team.
- (1) Enforcement members assigned to these specialty units shall activate their BWC system with all contact with individuals in performance of official duties, except as provided in Section 04-20-4 F.
  - (2) Enforcement members assigned to these specialty units performing tasks in which wearing the BWC would be impractical or unsafe shall not wear the BWC while performing those tasks.
  - (3) Enforcement members assigned to these specialty units that participate in serving arrest warrants or search warrants shall activate their BWC system.

**04-20-6 MJTF TEAMS AND MTIS**

- A. Enforcement members assigned to a Multijurisdictional Task Force (MJTF) team or the Marijuana and Tobacco Investigation Section (MTIS) are not required to wear or activate their BWC system, except under the following circumstances:
  - (1) Upon approaching the curtilage of a residence or building prior to executing a planned search warrant. The BWC shall remain activated while the search warrant is being executed until the scene is secure. Once secured, enforcement members may deactivate their BWC while processing the scene and conducting interviews.
  - (2) While executing planned buy/bust or planned arrest operations. Once the scene is secured, enforcement members may deactivate their BWC while processing the scene and conducting interviews. For purposes of this Order, the term “secured” means that the scene is safe and under law enforcement control.

**04-20-7 INVESTIGATIVE UNITS**

- A. Investigative Units include Special Investigation Section (Detective Unit, Fugitive Teams, Major Case Unit, Task Forces), Investigative Support Section (Surveillance Teams), Gaming Section, Fraud Investigation Section, and Cyber Section.
  - (1) Enforcement members assigned to these investigative units are not required to wear or activate their BWC system, except during the service of a search warrant or a pre-planned arrest.

**04-20-8 ADMINISTRATIVE DUTIES AND TRAINING**

- A. Enforcement members with primarily administrative duties are not required to wear the BWC during the normal course of their duties, unless:
  - (1) The member anticipates participating in enforcement activity (e.g., serving an arrest warrant, executing a search warrant, etc.), or
  - (2) The member is detailed to work a uniformed assignment where law enforcement interaction with the public is occurring, or is likely to occur, or
  - (3) The member is directed to wear the BWC by a supervisor.
- B. Enforcement members are not required to wear the BWC while attending training unless required to do so by their supervisor or unless the BWC is necessary for the training.

**04-20-9 BODY WORN CAMERA REPORTING**

- A. Enforcement members issued a BWC system shall have a heading of “Body Worn Camera” in their incident reports and shall indicate if the BWC was activated. Enforcement members shall document the existence of BWC recordings by other members or police officers in their incident report under the BWC heading by including the assisting officer’s rank, first and last name, and police department, if they are not a department member.
- B. If an enforcement member fails to activate a BWC system as required or fails to record the entire contact for any reason, the member shall document the reason why on the incident report or their eDaily report, if no incident report exists.

**04-20-10 RECORDED MEDIA STORAGE AND RETENTION PROCEDURES**

- A. Uploading and Storage of Recorded Media

- (1) All BWC recorded events shall follow the docking procedures to ensure files are off-loaded at the end of each shift.
- (2) All BWC files shall be tagged with the appropriate Event ID and incident number to ensure proper retention schedules are applied.
- (3) Members uploading BWC files shall ensure the BWC camera has the maximum possible free storage space available after upload and full battery charge.
- (4) Accessing, reviewing, copying, or releasing a file shall only be conducted in accordance with department policy, as outlined in this Order and as authorized by law. See written directives related to release of videos and written directives related to use of social media.
  - a. Only authorized users shall access the BWC files in the storage or retention system. Authorized users are those who have been approved for access by the department and have been provided their own unique login and password.
  - b. Authorized users shall only log into the storage or retention system using their own login and password.
  - c. Authorized users shall not provide their login or password information to other users.
- (5) Any source file created by the BWC system shall not be deleted, edited, erased, altered, copied, disclosed, reused, modified, destroyed, abused, obstructed, or tampered with, except as authorized in Section 04-20-4 E, by Official Orders, law, or approved Retention and Disposal policies, as outlined in written directives related to disposition of records.

B. Retention of Recorded Media

- (1) All BWC files shall be retained in accordance with the [MSP Retention and Disposal policy](#) and [the Law Enforcement Body-Worn Camera Privacy Act, MCL 780.311 et seq.](#)
  - a. Recorded media related to a criminal case may be retained for longer periods than outlined in the [retention policy](#), if required by the local prosecutor.
  - b. Recorded media related to a civil lawsuit against the department, or a member, shall be retained until approval for the recorded media's destruction is obtained from the Transparency and Accountability Division.

C. Public disclosure of BWC files shall only be made in accordance with department policy and the Law Enforcement Body-Worn Camera Privacy Act.

D. Training Material

- (1) Enforcement members involved in critical incidents or those that they feel would otherwise have training value, or supervisors aware of such incidents, shall submit a copy of the recorded media of the incident to the Training Division as soon as practical.

**04-20-11 SUPERVISORY RESPONSIBILITY**

- A. Supervisors shall ensure that enforcement members issued a BWC system are maintaining and using the system in accordance with department policy.
- (1) When a supervisor becomes aware that there was a failure to activate a BWC as outlined in Section 04-20-4, the supervisor is required to review the incident.
    - a. After conducting the review, the supervisor shall provide written documentation of the review to the worksite commander.
    - b. Justifiable exceptions due to extenuating or exigent circumstances will be taken into consideration when reviewing violations of this Order.
  - (2) Supervisors shall review all BWC footage associated with pursuits, member involved traffic crashes, and use of force incidents.
  - (3) At-post supervisors shall conduct random reviews of at least four recordings monthly to ensure the equipment is operating properly and that members are using the devices appropriately and in accordance with this Order. These reviews should include a mix of traffic stops, public contacts, action triggered recordings, complaints, and arrests.
- Supervisors are responsible for ensuring members perform their duties in accordance with department directives. This includes providing service and enforcing the law in a professional, nondiscriminatory, just, and equitable manner. Any indications that a member's decisions and actions are influenced by bias, prejudice, or discriminatory intent shall be immediately addressed in accordance with directives on conduct and authority.
- a. Supervisors may randomly review BWC recordings more frequently than stated in this Order.
  - b. Supervisory reviews shall be documented on the worksite's UD-021, Monthly Video Review Form. The UD-021 shall list the date the video was reviewed and the video's unique link.
  - c. Random reviews of recordings conducted by worksite supervisors pursuant to this section shall, to the extent reasonably practical, cover an even distribution of recordings of members under their supervision (i.e., if four reviews are conducted, they shall be of four different members).
  - d. Random reviews shall not be used to single out a member, for surveillance of a member, or for initiating disciplinary action against a member (i.e., supervisors shall not review recordings for the sole purpose of searching for conduct violations not related to a specific complaint or incident). However, this section shall not be construed as prohibiting non-random reviews of recordings to assist in addressing previously identified job performance matters.
- B. In the event of a critical incident, the supervisor may instruct the involved enforcement member or other officers on the scene to not interrupt, disengage, or de-active the recorded event.

DIRECTOR

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<b>Annual Review Responsibility:</b>	Field Services Bureau; Information Technology Division
<b>Accreditation Standards:</b>	CALEA 41.3.8