Intelligence & Technology		
	Body Worn Cameras	Order 17.105

A. Purpose

The purpose of this policy is to establish guidelines and limitations for the use and management of the Tempe Police Department body worn camera system.

B. Policy

1. Officers shall utilize this device in accordance with the provisions in this general order to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity. The purpose of the body worn cameras is to:

   a. Promote greater transparency and accountability;

   b. Document evidence for criminal investigations and prosecutions, internal or administrative investigations, and civil litigation;

   c. Assist in resolving complaints against officers, including false allegations by members of the public; and

   d. Enhance training.

C. Definitions

1. Body Worn Camera (BWC): A camera worn on an individual officer's person that records and stores audio and video.

2. BWC Program Administrator: Police Department program administrator for digital evidence storage and camera system, with full access to user rights and sets user access and parameters.

3. Contacts: Interactions with individuals, either officer or individual initiated.

4. Critical Incident: An incident in which an officer or officers observe and/or are involved in potentially life-threatening circumstances or when serious physical

injury occurs.

5. Digital Evidence: BWC files, including photographs, audio recordings and video footage or other evidence, captured by a BWC and stored digitally.

6. Docking Station: A portable multi-ported docking station installed at each station that simultaneously recharges the BWC while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to the digital evidence storage.

7. Metadata: General Offense numbers, Street Check numbers, and other descriptors used to identify digital evidence. Identifying and classifying information that describes the video.

8. Officer: For the purposes of this policy; the term "Officer" refers to uniformed officers, Community Responders, and Detention Officers unless otherwise indicated.

9. Serious Physical Injury: Physical impairment which creates a reasonable risk of death, or which causes serious and permanent disfigurement, or serious impairment of health, or loss or protracted impairment of the function of any bodily organ or limb.

D. General Considerations

1. Video footage obtained from the BWC may not depict everything in an officer's field of vision at the time of an incident. Additionally, everything depicted on video footage may not have been seen by the officer at the time of the incident.

2. Only authorized personnel shall use or be in possession of a BWC device.

3. Officer safety takes precedence over recording events and shall be the primary consideration when contacting members of the public or conducting vehicle stops, not the ability to record an event.

4. BWC equipment is for official use only and shall not be utilized for personal use.

5. Officers shall not alter (including color), remove, dismantle, or tamper with any hardware and/or software component or part of the BWC device, nor shall any digital evidence obtained be deleted or altered in any manner.

6. Employees shall not use any personal, non-issued, or non-department-owned device to record, photograph, or otherwise capture audio or video of any person, incident, or law enforcement activity while on duty or acting in an official capacity. This prohibition applies unless prior written authorization is

granted by the Chief of Police or an Assistant Chief of Police.

7. All digital evidence collected using the BWC is considered a record of the Tempe Police Department and is for official use only.

8. Accessing, copying, forwarding, or releasing any digital evidence for other than official law enforcement use and contrary to this procedure is strictly prohibited. Public release of digital evidence is prohibited unless approved by the Chief of Police or their designee.

9. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a personal recording device such as video camera, cell phone or other device to record or capture digital evidence from a BWC device and/or digital evidence storage is strictly prohibited.

10. Officers should continue to prepare reports in the same manner as prior to the implementation of this camera system and should not substitute "refer to video" for a detailed and thorough report.

11. Any time an employee stops a recording or fails to start a recording when one is required by policy, a notation will be made in the General Offense report or Street Check. When no report or Street Check is required, a notation will be made in CAD.

12. Non-uniformed officers may be exempt from this policy with the approval of a lieutenant or higher.

13. When employees are involved in United States Marshal Service (USMS) Task Force Operations, they will adhere to the USMS use of BWCs by federally Deputized task force members.

14. Officers issued a device will wear their BWC and adhere to this policy when working a uniformed assignment, including off-duty positions.

E. Responsibilities

1. Program Administrator – The Program Administrator(s) are designated by the Chief of Police and have oversight responsibilities to include, but not limited to, the following:

   a. Maintain and troubleshoot the BWC units.

   b. Maintain a record of assigned BWC and related equipment.

   c. Be proactive and able to complete minor repairs.

d. Arrange for the warranty and non-warranty repair of the BWC units.

e. Repair or replace BWC components (cameras, docking stations, etc.).

f. Maintain BWC equipment repair and maintenance records.

g. Update software and system settings as necessary.

h. Train officers on current policy and the proper use of BWC units.

i. Coordination with IT regarding system related issues.

j. Ensure BWC system files of evidentiary value are secure and retained per this policy.

k. Ensure BWC system files are reviewed and released in accordance with federal, state, local statutes, and City of Tempe/Tempe Police Department retention policy.

2. Supervisors

a. Supervisors will ensure officers utilize the BWC system according to policy guidelines.

b. Supervisors shall ensure digital evidence is uploaded to digital evidence storage in a timely fashion.

c. Supervisors responding to a citizen complaint should record the encounter and are encouraged to advise the member of the public they are recording.

d. Supervisors may have the ability to immediately resolve questions/concerns or complaints by reviewing video captured by the BWC.

e. In the event a formal complaint is made, the category will be changed to Administrative Investigation and notes made within that category.

f. Supervisors shall conduct a monthly review of the uploaded BWC video of all employees assigned under their direct supervision to ensure:

1) Uncategorized videos get categorized appropriately.

2) The ID field for videos are appropriately filled in with corresponding General Offense or Street Check numbers.

3) Activation rates of BWC usage are at expected levels.

g. It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint, monthly random video review, or outside of the procedures outlined in section F.18 of this policy.

- Any viewing of BWC video outside of the above parameters, must be reported in writing to the immediate supervisor of the viewing employee (e.g., a sergeant is required to notify their lieutenant, a lieutenant is required to notify their commander, etc.).

3. Axon Performance – Random Video Review

a. Axon Performance will provide supervisors with one (1) randomly selected BWC video for review each month per assigned employee. The parameters set for this review are videos between 5 - 20 minutes in length which were uploaded within the last 30 days.

b. All employees, regardless of rank, assigned a BWC will be included in the monthly random video review.

c. Supervisors shall complete review of all assigned videos each month.

d. Once a video review is completed, the supervisor shall select one of the following criteria for each video:

1) No Concern Identified

2) Late Activation

3) Late Upload

4) Incorrect Category

5) Concern with Professionalism

6) Poor Audio Quality

7) Poor Video Quality

F. Procedures

1. BWC Issue

- All designated or uniformed officers and police personnel assigned a BWC shall wear it while working in a uniformed capacity, including during on duty

shifts and while working any off-duty, overtime, or extra duty assignments.

2. Training

    a. Officers shall complete Department training prior to the use of any BWC.

    b. Training should include, but is not limited to:

        1) Legal implications

        2) Practical use issues

        3) Evidentiary continuity

        4) Technical elements

        5) Sensitivity issues

        6) Professional standards

        7) Signed acknowledgement of policy

3. Storage

    - When not in use, the BWC devices shall be stored in the designated docking station or in a secure storage location.

4. Pre-Shift Inspection

    a. Officers shall inspect their assigned BWC devices daily to ensure there is no visual damage and the device is in working order.

    b. Inoperable equipment shall be returned to the Program Administrator as soon as possible.

    c. Loaner BWC devices will be maintained at the Apache and Hardy substations and may be signed out while assigned equipment is being serviced.

5. Camera Position

    a. Officers shall wear the BWC on the front of the torso, above the midline, and in a manner that provides for effective recording while engaged in official law enforcement activity.

b. Officers shall not remove, reposition, or affix the BWC to any object or location other than their person for the purpose of recording an event, person, interview, arrestee, or other law enforcement activity.

- BWCs are intended to capture the individual officer's perspective, consistent with its placement and technical capabilities.

6. Malfunctions

a. When a BWC malfunctions while on duty, the officer will immediately notify his or her supervisor, document the malfunction in the report/CAD, notify the Program Administrator prior to next shift, and replace the BWC at their first opportunity with an operable device when necessary.

b. If equipment is determined to be inoperable, it will be taken to the Program Administrator for repair as soon as possible.

c. If the Program Administrator cannot repair the unit, the manufacturer will be contacted to facilitate the repair.

d. Repair and replacement of damaged or nonfunctional BWC equipment is coordinated through the Program Administrator and performed through an authorized service provider.

7. Advisements about Recording

a. Members of the public do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence.

1) When practical, officers should advise subjects they are being recorded.

2) If asked by a subject, officers should advise they are being recorded.

b. Officers are not required to initiate or cease recording an event, situation, or circumstance solely at the demand of a subject.

8. Activating BWC

a. From an evidence perspective, it is important to capture as much of the encounter as possible. Therefore, once the need is established, employees should turn the BWC on as soon as practicable.

b. Recordings should be incident specific, and officers should not record their entire shift, however the BWC will be powered on at the beginning of the

shift.

c. When to activate

1) Officers shall activate their BWC immediately upon being dispatched or responding to: Any hot tone, any Priority 1 call, any incident involving emergency response driving (Code 3) or that reasonably appears to require it, or any high-profile incident (see definition below).

a) If immediate activation is not practicable, the BWC shall be activated no later than when the officer begins actively responding to the location of the call. This will ensure recording captures the response to the scene, arrival, and the on-scene investigation.

b) High-profile incident – Any incident where, based on information available at the time, there is a reasonable likelihood of significant public or media interest. Examples may include but are not limited to incidents involving schools, public figures, protests, large crowds, known media presence, or incidents specifically flagged as high-profile by Dispatch or a supervisor.

2) Officers shall activate their BWC prior to arrival on scene and prior to any citizen contact when dispatched or responding to any other call for service.

- To ensure compliance, the BWC shall be activated no later than when an officer announces arrival on scene via MDT or radio, providing an auditable timestamp.

3) When conducting OV or initiating contact with an individual, officers shall activate their BWC prior to the contact.

4) Recognizing that police officers can be surprised by a dynamic event, activating the BWC will only be expected when it can be done safely.

9. Other Considerations

a. Starting and Stopping Recordings

1) Officers should avoid unnecessarily starting and stopping recordings. When appropriate, the mute function may be used for brief periods, however, muting shall not be used to avoid recording enforcement or investigative activities, or any interaction where evidentiary information is reasonably likely to be obtained.

2) The mute function may be used in limited circumstances, including but not limited to, consulting with another officer or supervisor, discussing confidential or sensitive information, administrative or non-investigative communications, and brief personal communications.

3) When practical, employees shall provide a verbal statement prior to activating the mute function or stopping a recording (e.g., "Muting to confer with another officer"), to ensure clarity and to avoid the misconception that the audio was malfunctioning during later review.

4) Officers shall ensure the BWC is unmuted prior to initiating or re-engaging in any investigative or enforcement-related interaction. This includes, but is not limited to, contact with victims, witnesses, suspects, or members of the public.

5) When it can be done safely, officers shall immediately unmute when circumstances change and enforcement or investigative activity becomes reasonably likely, or when a subject begins making spontaneous statements.

6) Muting should be limited in duration and only used for the time necessary to address the specific purpose. Officers shall not use the mute function to intentionally avoid recording law enforcement activity.

b. Arrests and Transport

1) BWC shall be activated by officers transporting any prisoners until the custody of the prisoner is transferred to a detention facility.

- When two or more Officers are riding in the same vehicle and are transporting a prisoner, only one officer is required to record during the transport.

2) Following any prisoner transport, the prisoner compartment will be inspected as soon as practical following the transport. Employees are required to record this search utilizing their BWC.

c. Suspect Interviews

1) Officers are encouraged to fully record suspect interviews. Officers should not stop and start the recording during a suspect interview.

2) When recording interviews, officers shall ensure they record any admonishments (Miranda) prior to the start of an interview.

3) Consideration may be given to accommodating a suspect's request or demand to stop recording in return for their cooperation, if/when their cooperation is beneficial to the investigation.

d. Victim/Witness Interviews

1) Recordings of victim and/or witness interviews may be invaluable for capturing physical evidence and individuals' demeanor, as well as for hindering potential recantation.

2) Consideration may be given, however, not to initiate and/or to stop recording in circumstances where the victim/witness refuses to be recorded.

3) Officers are reminded a victim/witness may be revealed as a suspect at any point in the investigation and appropriate recording protocol may change.

a) An option may be to discontinue video but continue audio recording.

b) Many incidents (e.g., DV) require recorded interviews by law or department policy.

c) In any event, the employee should indicate on the recording the reason(s) they are about to stop video and/or audio recording and document the same in their report.

e. Private Residences

- Members of the public have a reasonable expectation of privacy in their homes. However, when officers are lawfully present in a home (warrant, consent, or exigent circumstances) in the course of official duties, there is no reasonable expectation of privacy.

f. Searches

- The BWC should be activated during the execution of a search warrant, an arrest warrant, or a consent search in which the officer is looking for evidence or contraband. Extended searches and/or secured scenes do not require continued recording if there is no significant contact with members of the public.

g. Collisions

- When practicable, officers should activate their BWC as soon as possible following a collision in which they were involved.

h. Training

- Upon approval by the Training Sergeant, a BWC may be used during training.

i. Detention Officer Transport

1) Detention Officers shall activate their BWC prior to conducting field pickups, loading, unloading, or escorting prisoners into any jail facility or transport vehicle.

2) BWC shall be remain activated by officers transporting any prisoners until the custody of the prisoner is transferred to a detention facility.

3) Detention Officers shall activate their BWC during any interaction with a prisoner or the public while not inside a jail facility which utilizes CCTV recording (e.g., Tempe jail, MCSO jail, etc.).

4) The BWC shall remain activated until all prisoners are secured inside the jail facility or transport vehicle.

10. When and Where NOT to Record

a. Incidental recording excluded; employees will not surreptitiously record other employees.

b. Not all locations and types of incidents can be listed when officers should or should not record, therefore officers' good judgment must always be used in addition to policy.

c. BWCs shall not be used to record non-work-related activity.

d. BWCs shall not be used to record areas or activities such as pre-shift briefings, Department locker rooms, break rooms, or other activities not related to a criminal investigation.

e. BWCs shall not be activated in places where persons have a reasonable expectation of privacy, such as locker rooms, dressing rooms, or restrooms.

- This does not preclude an officer from using a BWC to obtain potential evidence during an investigation within these types of areas.

f. BWCs shall not be activated during Department administrative investigations.

g. When possible, officers should avoid recording exposed areas of the body that could cause embarrassment or humiliation, such as exposed breast, groin, etc.

h. Officers shall not record while in a facility whose primary purpose is to provide medical and/or psychiatric services, unless responding to a radio call involving a suspect who is still present, or when officers are conducting investigatory follow up at the facility.

   - Officers shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers shall be careful to avoid recording persons other than the suspect.

i. Officers shall not record a known Confidential Informant and/or undercover officer.

j. If not otherwise required by policy, minors should not be recorded without their parent's consent when they are not a suspect or victim. In circumstances where minors are recorded (e.g., group of students recorded by responding officers), their images may be concealed during the redaction process if necessary.

k. Victims/witnesses who refuse to be recorded and their testimony is critical to the incident.

11. Discretionary Recording

a. Although all contacts shall be recorded when practical, the duration of the recording will be for the entirety of the contact or left up to the discretion of a supervisor.

   - When it is not necessary to link a recording to an incident number (e.g., casual conversation with a citizen), the recording will be categorized as "No Action Taken".

b. Due to the unique roles of detectives/non-uniformed officers and the individual investigative strategies that vary from case to case, discretionary application of the BWC is necessary.

   1) For planned events (interviews, field contacts, etc.) where the use of body armor would be recommended, non-uniformed officers shall also wear/activate their assigned BWC when doing so will not compromise the investigation (e.g., safety, undercover capacity, obtaining sensitive

information, etc.).

2) For unplanned events (e.g., responding to in-progress calls), as with body armor, non-uniformed officers shall wear/activate their BWC as soon as practical to do so.

3) The BWC should be activated during the execution of a search warrant or entry into a constitutionally protected area by way of exigent circumstances and/or consent. However, for planned or unplanned tactical events, the decision to use or not use the BWC may be at the discretion of the Tactical Commander or designee.

4) Consideration should be given to using other recording devices (audio) when the BWC is not practical.

12. Accidental Recordings

- Employees may request in writing through their supervisor that an inadvertent recording of no relevance to an investigation and/or contact be deleted. If approved by the supervisor, the request will be forwarded to the Program Administrator for deletion and documentation.

13. Critical Incidents

a. Following a critical incident, any involved officer(s) will turn their BWC and department-issued cell phone over to a supervisor on scene prior to viewing any recording of the incident.

b. The supervisor(s) will subsequently assume the responsibility of uploading the video in a timely manner.

c. If a criminal investigation ensues and the involved officer(s) voluntarily submits to a criminal interview, they will be able to view the recorded footage of the incident after the initial interview and the opportunity for one sleep cycle, if desired. The involved officer(s) will then have the opportunity to be re-interviewed if desired.

14. Entering Metadata

- Each recorded segment requires metadata be entered, even if the segments are of the same event. Metadata should be added as soon as possible, but not later than the end of the officer's shift.

15. Impounding

a. After verifying the required metadata has been added to all recorded events, officers shall place the BWC into the docking station at the end of their shift. This will allow for the battery to recharge and the data will automatically be transferred from the BWC to digital evidence storage.

b. Recordings from off-duty may be downloaded the next available on duty opportunity, provided there is no immediate need for a recording to be downloaded.

16. Documentation

- When digital evidence is utilized, and footage of an incident uploaded, it will be indicated in the report that the digital evidence exists.

17. Retention of Digital Evidence

a. All recordings related to any criminal proceeding, claim filed, pending litigation, or a personnel complaint, shall be preserved until that matter and any possible appeal is resolved and/or in accordance with the law.

b. Recordings of no evidentiary, administrative, or training value will be purged after 200 days.

c. Recordings of evidentiary value will be retained in conjunction with other evidence related to the same case(s).

d. Recordings of Use of Force:

1) Encounters will be retained for 36 months after review is complete in accordance with Arizona State Archives and Records Management (ASARM) Schedule Number GS-1031, Rev. 3, Series 53218.

2) Encounters with final sustained findings resulting in discipline will be retained for 60 months after separation of employee in accordance with ASARM Schedule Number GS-1031, Rev. 3, Series 20834.

3) Encounters governed by another ASARM Series with a longer retention period will be retained in accordance with the longer schedule.

e. Recordings related to questions, concerns or complaints will be retained until the incident's resolution and the resolution of any applicable appeal.

f. Recordings related to civil claims will be retained until any litigation holds are removed.

g. All recordings will be retained in accordance with the applicable Arizona State Library & Archives record retention schedule.

18. Reviewing Impounded Digital Evidence

a. Officers may review their own recordings after the officer is interviewed in critical incidents, as defined by the lieutenant overseeing the incident.

b. Detectives are responsible for reviewing, updating, and tracking digital evidence associated with their assigned cases.

c. Digital evidence captured by the BWC is not all inclusive. The system captures a less broad and less detailed image than the totality of the human senses. An officer's recollection of specific details may be different than what is captured in digital evidence. Officers should review digital evidence prior to completing reports when necessary to ensure accuracy. Officers shall review digital evidence prior to providing testimony at hearings, trial, or depositions.

d. It is NOT the intent of the Department to review digital evidence for the purpose of general performance review, for routine preparation of performance reports, or to discover policy violations.

e. Digital evidence shall be viewed for administrative purposes limited to the following:

1) Any incident in which a member of the Department is injured or killed during the performance of their duties.

2) Any incident involving the use of force by a member of the Department, including canines, which results in a documentable use of force.

3) Any incident that results in a charge of Resisting Arrest.

4) Any in-custody death.

5) Any police pursuit.

6) When any member of the Department intentionally or unintentionally discharges a firearm or pulls the trigger and the firearm fails to fire.

7) When any member of the Department intentionally or unintentionally discharges any less lethal device, including the application of a drive stun.

8) When an officer is involved in a traffic collision.

9) Prior to the release of recordings in response to a proper legal request (e.g., in response to a subpoena or other court order).

10) By the Public Relations Unit, pursuant to a Public Records Request, prior to dissemination.

11) In preparation for a civil deposition or responding to an interrogatory where the incident arises from the employee's official duties.

12) When preparing to testify in a criminal, civil, or administrative proceeding arising from the employee's official duties.

13) For investigations undertaken by the Department, for the purpose of proving or disproving specific allegations of misconduct.

14) By an employee's direct supervisor as part of a monthly random video review.

15) For administrative proceedings, when digital evidence is used by the Department for the purpose of proving or disproving allegations of misconduct, only digital evidence relevant to the investigative scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence by investigators shall be documented as part of the chronological summary of any investigation undertaken by the Department.

16) Footage related to loud party calls may be reviewed by those involved in the appeals process, as per City Code commanders are required to handle all Loud Party appeals.

17) For accreditation purposes, when review of digital evidence is necessary to verify compliance with accreditation standards or requirements and to document compliance.

f. In situations where there is a need to review digital evidence not covered by this procedure, a commander or designee must approve the request. Each situation will be evaluated on a case-by-case basis.

19. Discovery of Misconduct

- Employees reviewing event recordings should remain focused on the incident or incidents in question and review only those recordings relevant to their investigative scope. If improper conduct is discovered during any review of digital evidence, the person who discovered the conduct in question shall notify a supervisor. Nothing in this procedure prohibits addressing policy

violations.

20. Copying and Releasing Digital Evidence

- Digital evidence captured by BWC shall be treated as official records and handled pursuant to existing Department policies and procedures.

21. Use of Digital Evidence for Training Purposes

- Officers and supervisors may find it useful, and are encouraged, to review recordings of incidents of which they were involved when beneficial for the purpose of conducting a tactical debrief. When an incident is recorded, which may be of value as a training aid for a broad section of the Department, the recording officer or that officer's supervisor should contact the Training Unit supervisor, who will review the digital evidence to determine the value of the incident for training. If the Training Unit supervisor determines the incident would be an appropriate training aid, the Training Unit supervisor shall obtain approval from the Department Legal Advisor and from the Support Services Assistant Chief.

22. Violations

- For violations of this policy, refer to the categories of violation and/or the chart of sanctions under General Order 03.201, Code of Conduct.

G. Annual Review

This order will be reviewed annually by the Department and the policy will be updated as necessary.