Body Worn Cameras

309.1 PURPOSE AND SCOPE

The West Valley City Police Department has identified a need to equip its police officers with body worn cameras (BWC) as part of its continuing effort to improve transparency, protect its members from false frivolous claims, and increase efficiency. This policy is intended to provide officers with the instructions and guidelines on when and how to use BWCs so that their contacts with the public can be recorded reliably and in accordance with the law.

309.2 POLICY

It is the policy of this Department that selected members will be issued a BWC to be utilized while engaged in the performance of their official duties. Members with BWCs shall be required to adhere to the mandates and practices outlined within this policy. All recordings are property of the Police Department and will be handled in strict adherence to this policy manual.

(a) The captured data from the BWCs will be handled and stored through a web-based, digital storage facility.

(b) This policy does not cover the use of in-vehicle cameras or the use of surreptitious recording devices used in undercover operations.

309.3 DEFINITIONS

The following definitions relate to terms used within this policy.

Digital Camera - A body worn camera system that records digital video and audio which can be mounted in various configurations on an officer's person.

Controller - The control and function center of the camera system that enables the recording of video and houses the various operational modes.

Normal (Buffering) Mode - The mode of operation in which the camera captures a continuous 30 second loop of video but no audio.

Event (Record) Mode - The mode of operation in which the camera system captures the 30 seconds of buffered video and records both video and audio footage.

Media Storage - The online web-based media storage facility that stores digitally encrypted video and audio recordings from the camera systems. The data is accessible to authorized personnel and maintains an audit trail of all user activities.

Evidence Transfer Machine (ETM) - A docking station that facilitates the secure uploading of all data captured by the controller to media storage and simultaneously recharges the camera and controller systems.

Agency Administrator - An agency administrator has full access to and user rights within the media storage system. He or she can assign and track equipment, control passwords, delete non-evidentiary recordings according to policy and state law, conduct audits and quality control reviews, and act as a liaison with BWC representatives.

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Axon Capture – An application designed for the use with smart phones in capturing evidence (videos, audio recordings, and photos) and uploading it into Evidence.com.

Axon Signal – A device placed in Department vehicles to assist in activating the BWC system during light activation.

Live Streaming – A feature within Evidence.com known as "Axon Respond" that allows specified users to view live footage as it is being recorded from a selected body camera.

309.4 GENERAL PROCEDURES

(a) Only those employees who have completed the Department-approved training on the policy, use and operation of the BWC system and the media storage system will be allowed to operate it.

1. Refresher training will occur annually and will be mandatory for anyone that is issued a BWC system or has access to the evidence storage systems known as Evidence.com.

(b) The BWC system will be issued by the Training Unit to each individual employee and the unique identification number for each device will be recorded and tracked in Evidence.com. Only those BWC systems that are issued by the Department will be allowed to be used during the course of official police duties. This policy shall also apply to members issued a BWC while engaged in uniformed secondary employment that has been authorized and approved by the Department.

(c) Each member of the Department will be responsible for the care and maintenance of all issued BWC equipment and will inspect it before and after each shift for any physical damage or malfunctions. At the beginning of each shift, each employee will verify that the power is functioning on their BWC and controller by initiating the power button as well as depressing the battery test function button. This will ensure the operational readiness of the equipment so that it will most likely function properly when activated.

(d) In the event that any damage occurs to the BWC or a malfunction occurs at the beginning, during, or end of a shift, the employee will notify his or her immediate Supervisor. A replacement device will be issued to the employee by the immediate Supervisor and notification will be made to the Professional Standards Lieutenant or Training Unit Sergeant of the circumstances. The Training Unit will then verify that the damaged or malfunctioning BWC is completely taken out of service and that the new BWC is properly assigned to the employee and functioning correctly in the media storage system. All damage not related to a manufacturing defect will be documented whether it was accidental or occurred during the course of the employee's regular assigned duties by a memo to the employee's immediate supervisor and forwarded through the chain of command.

(e) The BWC system will be utilized by members of this Department to record interactions with the general public in the following types of circumstances, but not limited to only these types of events:

1. Any citizen contact that could result in a report being taken, including telephone contact.

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2. All arrests and investigative detentions.
3. Traffic stops.
4. Vehicle and foot pursuits.
5. All searches unless otherwise noted in this policy.
6. Serving a warrant or conducting searches or seizures pursuant to a warrant or exception to the warrant requirement, regardless of whether the public is present.
7. Subject, victim or witness interviews unless otherwise directed.
8. When advising an individual of their Miranda rights.
9. During interrogations and interviews.
10. Any use of force.
11. Any other contact that becomes adversarial.

(f) An employee who is issued a BWC shall wear it so that it is clearly visible to the person being recorded. Any other applications or mounting options will be at the discretion of the Chief of Police.

(g) The BWC camera system will be turned on at the beginning of the employee's shift and remain in the "Normal" or "Buffer" mode throughout the entire shift.

(h) Whenever practicable, the employee shall position his or her BWC so as to optimize the recorded field of view.

(i) Department members will activate the event or "Record" mode to record any of the above-mentioned interactions or events and any other situations or circumstances that the employee deems necessary and in accordance with this policy.

1. The BWC is to remain activated and in the "Event" mode throughout the entirety of an encounter or until the Department member leaves the scene. This is to ensure the integrity of the recording and to document all actions taken by the employee as well as interactions with involved parties.
2. Members of the Department may deactivate a BWC during a conversation with a sensitive victim of a crime, witness to a crime, or an individual who wishes to report or discuss criminal activity when the individual who is the subject of the recording requests that the employee deactivate the employee's BWC; and the employee believes that the value of the information outweighs the value of the potential recording. The request by the individual to deactivate the BWC must be recorded.
3. The on scene supervisor may authorize deactivation during an ongoing crime scene where there is an extended waiting time and the scene is documented by photographs and crime scene logs. The BWC will be activated during encounters with the public and during evidence collection.

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4. Given the compulsory nature of Public Safety Statements taken by supervisors after officer involved critical incidents, members of the Department should deactivate their BWC prior to answering those compelled questions.

5. If an employee deactivates a BWC, the employee shall document the reason for deactivating a BWC in a written report.

(j) Department members will document in their written reports the utilization of the BWC. They will attach the appropriate case number to each video utilizing the report management system syncing feature or by accessing the media storage system. When circumstances do not require a written report be taken but a recording has been made, the employee will indicate this by documenting it in the call notes in the Computer Aided Dispatching (CAD) system. The video recording is not a replacement for a written report, but rather a supplement thereto.

(k) An employee shall report any malfunctioning equipment to his/her supervisor.

(l) When a traffic citation is issued, the officer will indicate on the citation and in the call notes in the CAD system that a BWC was utilized.

309.5 USE OF BWC IN THE LOBBY OF THE POLICE DEPARTMENT

The lobby of the Police Department is equipped with cameras to capture video and audio continuously. Officers who are assigned to the lobby do not need to activate their BWC during interactions with the public in the lobby area. If for any reason the officer exits the lobby, or deals with an incident where BWC video would be beneficial or have evidentiary value, then the officer will follow general procedures governing use of the BWC.

309.6 UNAUTHORIZED MANIPULATION OF RECORDING PROHIBITED

Under no circumstances will a member of the Department edit or attempt to edit, alter, erase, delete, duplicate, copy, record, or distribute by any other means any recordings made with the BWC without the prior authorization and approval from the Chief of Police or the Chief's designee. All recordings are considered the property of the West Valley City Police Department and no personal use of the BWC will be permitted whether on or off duty.

Violations of the provisions of this policy shall be formally documented and may be grounds for disciplinary action.

309.7 REVIEW OF MEDIA

(a) Officers may review their own video recordings to verify information or accuracy for their report. Data may also be viewed for purposes of courtroom testimony or for preparation pursuant to an administrative hearing.

(b) Officers involved in any officer-involved critical incident will be permitted to review their own recording when requested.

1. The on-scene supervisor of an officer-involved critical incident will ensure that the BWC is turned off and that Department policy is adhered to in regards to the preservation of any and all evidence. The BWC will remain in the possession of the involved officer until documented by the assigned investigative team.

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2. The data captured during an officer-involved critical incident by the BWC may only be viewed as directed by the commander of the investigative team; at times when exigent circumstances exist, such as an injured officer and the need to identify the involved suspect; or with the approval of the Chief of Police.

(c) Officers will not allow a citizen or other involved party to review any part or portion of a BWC recording. A supervisor may authorize an exception as a matter of mitigating personnel complaints. The authorizing supervisor will only allow the citizen to review relevant portions of the BWC footage and will only provide access to the footage while physically present with the complaining party.

(d) Supervisors will be authorized to review recordings in the field if it is deemed necessary to mitigate citizen complaints or when exigent circumstances exist.

(e) Reviews and audits of recorded data will be randomly conducted by supervisors as well as the Professional Standards Lieutenant and Training Unit Sergeant for the purpose of ensuring that the equipment is functioning properly and that officers are using the device appropriately and in accordance with this policy.

(f) An audit of five BWC recordings will be conducted at least twice annually by the Chief of Police or his designee to ensure that only authorized users are accessing the data for legitimate and approved purposes.

309.8 PART-TIME OR OUTSIDE EMPLOYMENT USE

(a) Officers who have a BWC issued to them will utilize it in the course of all part-time and outside employment which has been authorized and approved by the Department. Those officers who do not have a BWC issued to them are not required to have one, unless they are participating in a direct enforcement activity (ex: DUI shifts, fugitive apprehension or warrant services, seat belt enforcement, or select traffic enforcement operations), employment that requires regular direct contact with the public (ex: USANA, Maverik Center, Utah Cultural Celebration Center, other festivals or public events), or any other activity or assignment for which the Chief of Police deems a BWC necessary.

(b) Officers working a direct enforcement shift who do not have a BWC issued to them will check one out from the Investigations Section pool of BWCs. The officer will make sure that the BWC is working properly and that it has been correctly assigned to them through Sync. At the end of the shift the officer will download any recorded videos by placing it back on the docking station or utilizing the Sync upload feature. If there is not a BWC available for use, officers will contact their immediate supervisors and/or the Planning & Research Section Lieutenant over secondary employment for approval.

(c) The officer will be required to ensure that the BWC has sufficient time to download any recordings and charge prior to their next duty shift.

(d) The only exceptions to this policy will be those approved by the Chief of Police.

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309.9 PROHIBITED RECORDINGS

Body worn cameras will only be used in conjunction with official law enforcement duties and shall not be used for any personal reason. The following restrictions will apply when a BWC is used for recording purposes:

(a) Conversations with other Department employees not related to current investigations.

(b) Any encounters with undercover officers or confidential informants if recording could jeopardize their safety or an investigation.

(c) Anytime an officer is engaged in personal activities such as while on breaks or meals.

(d) Whenever an officer is in a private place such as in restrooms or locker rooms.

(e) Conversations between individuals where the officer is not a party to the conversations unless capture would be authorized by law.

(f) Individuals involved in a protest, picketing or exercising their First Amendment right of protected speech will not be recorded in violation of the law. This does not restrict the recording of public demonstrations where Department members are present to maintain order and ensure public safety.

309.10 TASK FORCES AND OUTSIDE AGENCY ASSIGNMENTS

The Department participates in numerous outside agency assignments and Task Forces where the use of a BWC might conflict with the rules, regulations, policies or practices of the Task Force or outside agency. In some instances, the use of recording devices of any kind may be prohibited. Administration is sensitive to these key relationships that have been developed with various agencies and will work in conjunction with them regarding the BWCs. Any discussions or agreements with outside agencies regarding BWCs will only take place through the Office of the Chief of Police.

309.10.1 TASK FORCE MEMORANDUM OF UNDERSTANDING (MOU)

The Task Force Memorandum of Understanding (MOU) with each of the various federal agencies sponsoring the task forces in which Department personnel participate shall articulate the parameters under which federally deputized Task Force Officers (TFOs) will use a BWC during federal task force operations, and the storage/retention of those recordings. The MOU or addendum to a preexisting MOU shall be in place prior to use of BWCs by TFOs.

309.10.2 TASK FORCE OFFICERS WILL USE BWC IN ACCORDANCE WITH DOJ POLICY

For federal task forces in which the Department participates, the use of a BWC will be consistent with the federal Department of Justice (DOJ) policy governing the use of BWCs by federally deputized Task Force Officers (TFOs) and the rules, regulations, policies or practices of the federal task force or outside agency.

Consistent with the DOJ BWC policy, federally deputized Department personnel functioning in a task force assignment will wear and activate their BWC for the purpose of recording their actions only during (1) a planned attempt to serve an arrest warrant or other planned arrest, or (2) during

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the execution of a search warrant. TFOs will deactivate their BWCs when the scene is deemed secured by the designated federal supervisor on scene.

TFOs are prohibited from recording undercover personnel, confidential informants/sources, on-scene witness interviews prior to or after the operation, personnel using specialized or sensitive investigative techniques or equipment, or on-scene actions by any non-law enforcement persons who are assisting law enforcement personnel prior to or after the operation. TFOs are prohibited from activating their BWC if the TFO is using specialized or sensitive investigative techniques, operating in a sensitive area, or working in an undercover or covert status on behalf of the federal task force or the federal agency sponsoring the task force. TFOs generally shall not use their BWCs to record any activities related to investigations involving public corruption, medical facilities, national security, or other sensitive investigations.

309.11 MEDIA STORAGE AND RETENTION

(a) Upon the completion of their shift, officers will place their assigned BWC camera and controller into the Evidence Transfer Manager (ETM) or docking station for charging purposes and uploading of recorded media. The media that is captured will only be uploaded to Evidence.com and will only be used for official purposes.

1. Any malfunction concerning the uploading or charging of the BWC shall be documented and then reported to the officer's supervisor prior to the completion of the officer's shift.

2. The supervisor will then notify the Professional Standards Lieutenant or Training Unit Sergeant of the malfunction by the end of his/her shift, so that the issue may be remedied as soon as possible. The Training Unit will maintain a list of all issues received, from whom, and when and how the issue was resolved.

(b) It should be noted that officers may encounter situations and circumstances while they are traveling to and from work for their assigned shifts. BWCs and subsequent video recordings may not be available under these circumstances.

(c) To avoid potential interruption in the uploading process and possible corruption of the recorded data, the BWC system will not be removed from the docking station until the upload process has completed.

(d) Only approved docking stations will be used to upload and recharge BWCs.

(e) A case number will be attached to each recording and a video category must be selected by the officer to allow for proper retention.

(f) Retention of all records will be maintained in accordance to federal, state and local laws and regulations. Once the legally mandated retention period has been reached for specific recordings, they will be purged from the system unless notice of evidence preservation has been given by means of a litigation hold requiring retention of the BWC data beyond the legal retention period.

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309.11.1 STORAGE OF TFO BWC RECORDINGS IN FEDERAL TASK FORCE OPERATIONS

A TFO who activates a BWC during a federal task force operation is responsible for downloading the BWC recording into the Department's web-based digital storage facility.The TFO shall designate all task force related BWC recordings under the category "Federal Recording" in addition to any other applicable recording categories. The category "Federal Recording" shall restrict access to the recording to the TFO who captured the recording, the Special Operations chain of command, and Command Staff. Access to TFO BWC recordings will also be provided to the federal chain of command as designated by the TFO's sponsoring federal agency.

TFO BWC recordings made during federal task force operations shall be deemed federal records pursuant to the Federal Records Act. TFO BWC recordings shall be treated as law enforcement sensitive information and shall be subject to applicable federal laws, rules, and policy governing the disclosure and/or dissemination of such records. The federal agency sponsoring the task force is responsible for considering requests to release TFO BWC recordings. When such a request for release of a TFO BWC recording is received by the Department, it shall be forwarded to the Special Operations Lieutenant and the City Attorney's Office for coordination with the relevant federal agency. These recordings cannot be disseminated without the written permission of the DOJ except under the following conditions:

(a) Internal Dissemination – The Department is authorized to use TFO BWC recordings for internal investigations of its personnel consistent with the Department's policies and procedures but may not disseminate TFO BWC recordings outside of the Department for public release without the written permission of the DOJ. The Department shall provide written notification to the sponsoring federal agency prior to any internal review.

(b) Expedited Public Release – If TFO BWC recording(s) depict conduct committed solely by a TFO resulting in serious bodily injury or death of another, the Department shall notify the sponsoring federal agency and the United States Attorney as early as possible if it desires to publicly release the TFO's BWC recording(s). The sponsoring federal agency and the United States Attorney will expeditiously review the recording(s) and provide official concurrence with public release as soon as practical unless there are specific and compelling circumstances justifying an objection to public release that cannot be resolved by redaction or other means. Upon official concurrence, the Department may immediately release the recording(s) with any agreed-upon redactions, giving as much advance notice as possible to the sponsoring federal agency and United States Attorney as to the time and manner of its release.

309.12 DELETION OF UNINTENTIONAL RECORDINGS

In the event there is an accidental or unintentional activation of the BWC where the recording has no investigative significance or purpose such as while driving a vehicle or where a reasonable expectation of privacy exists (restroom, etc.); officers may request a recording deletion. The requesting officer must submit an email or Department memo to their immediate supervisor detailing the circumstances of the unintentional or accidental recording. The request will be reviewed by the officer's immediate supervisor. If approved, the officer's lieutenant will contact

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a system administrator to facilitate the deletion. Lieutenants who need one of their recordings deleted will submit a request to another lieutenant or the Bureau Deputy Chief.

309.13 MEDIA FILE REQUESTS (GRAMA REQUESTS)

It is the goal of the West Valley City Police Department to support and promote openness and transparency in an effort to maintain a strong relationship with the communities we serve. Their trust is vital to our success and the overall wellbeing of our communities. All requests for recordings or GRAMA (Government Records Access and Management Act) requests will be accepted and processed in accordance with federal, state and local statutes and in accordance with Departmental policy. The release of recordings must also ensure that all rights to privacy of victims, witnesses and suspects is maintained whenever possible and that all efforts are made to ensure the integrity of an investigation is not compromised. Legitimate redactions and/or denials of requests may be made to ensure that this is accomplished. Classification of BWC recordings as private, protected, or controlled will be made on a case by case basis and as allowed by state law (GRAMA).

(a) All requests will be required to be made in writing and submitted to the Records Section for proper review and processing. In the event that the request is granted, the Records Section will help coordinate the retrieval of the recording and assist in facilitating the release.

(b) This policy will not conflict or interfere with the release of recordings pursuant to a court order or valid subpoena.

309.14 LIVE STREAMING

BWC cameras may be activated for live streaming by a supervisor or system administrator for any legitimate business purpose. Additionally, any Intelligence Analyst working the Real Time Crime Center may also activate the live streaming feature to assist in gathering live intelligence related to the in-progress investigation. Real time notice shall be provided to any involved officer whenever practicable if an officer's BWC is activated for live streaming.

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