

# New Orleans Police Department Policy Manual

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## **BODY-WORN CAMERA (“BWC”)**

### 447.1 POLICY

The New Orleans Police Department is committed to the belief that video/audio documentation of a department member’s daily encounters is an important and valuable resource for law enforcement. The New Orleans Police Department also is committed to respecting civilians’ reasonable privacy expectations, including but not limited to medical and health privacy and privacy in one’s home.

Selected field assignments may be equipped with **Body-Worn Camera (“BWC”)** devices. Use of this technology provides for video/audio documentation of a police officer’s enforcement and investigative activities from the perspective of the officer’s person. Benefits to using this equipment can be expected to promote officer safety, result in greater transparency, more effective prosecution, and improved protection against false allegations of excessive use of force, misconduct or racial profiling. This policy is intended to achieve an appropriate balance between the benefits of BWC devices and civilians’ reasonable expectations of privacy.

The BWC device is used to record certain activities, as set out in this policy and in procedure 447, thereby creating an unbiased visual and/or audio record of the incident and a supplement to the officer’s report. Audio or video recordings of enforcement or investigative actions are evidence, and subject to rules of disclosure. It is in the best interest of justice that the department regulate and control all forms of evidence collection and storage.

### 447.2 PURPOSE AND SCOPE

Certain law enforcement assignments within the New Orleans Police Department may be equipped with an on body audio/video recording system (BWC) as directed by the Superintendent of Police or their designee. This system will be used to document events and capture data to be preserved in a Web-based digital storage facility at [EVIDENCE.COM](http://EVIDENCE.COM). Once captured, these recordings cannot be altered in any way and are protected with multiple layers of encryption. The New Orleans Police Department has adopted the use of *BWC* technology to accomplish the following objectives:

- (a) To promote officer safety.
- (b) To document statements and events during the course of an incident.
- (c) To enhance the law enforcement operator’s ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- (d) To preserve visual and audio information for use in current and future investigations.
- (e) To provide an impartial measurement for self-critique and field evaluation during officer training.
- (f) To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.

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#### 447.2.1 DEFINITIONS RELATED TO THIS POLICY

**Audio Recording** – The electronic recording of conversation, spoken words, or other sounds.

**Body-Worn Camera (“BWC”)** – Equipment worn by a department member that captures audio/video signals and includes at a minimum a camera, microphone and recorder. There are two models of BWC systems in use by the New Orleans Police Department: 1) **AXON ‘body’ System** – Self-contained / clip-on audio/video recording device; and 2) **AXON ‘flex’ System** – Variable mount audio/video recording device that includes a cable tethered camera/DVR attached to a controller.

**Controller Switch** – Master on/off power switch located on the top left outward facing corner of the BWC device.

**District/Division System Administrator (“DSA”)** – Supervisor assigned to the district or division responsible for inventory control and operational maintenance of the BWC system equipment at a District/Division level.

**Event Record Button** – Push button activation switch located in the center of the BWC device.

**EVIDENCE.COM** – Online Web-based digital media storage facility. The virtual warehouse stores digitally encrypted data in a highly secure environment accessible to personnel based on assigned levels of security clearance. The New Orleans Police Department account is accessed at: <https://nopd.evidence.com>

**Evidence Transfer Manager (“ETM”)** – A router with built-in docking stations physically installed at a police department work site. The ETM simultaneously recharges the device while uploading all digitally encrypted data to EVIDENCE.COM.

**Master System Administrator (“MSA”)** – Supervisor(s) authorized by the New Orleans Police Department and assigned to the Information Support Section with full access to user rights; assigns and tracks master inventory of equipment; controls passwords and end-user security access rights; is responsible for quality checks of video and sound quality; coordinates with District/Division System Administrators; and serves as liaison to Taser International representatives on operational and equipment related matters.

**Media or Data** – For the purposes of this procedure, references to media or data include photographs, audio recordings and video footage captured by the BWC device. The media is stored digitally and encrypted.

**Remote Camera/DVR** – Cable tethered camera/DVR affixed to an approved Taser mounting device unique to the **AXON flex** system. Accessories provided with the **AXON flex** system offer a variety of mounting options, such as on glasses, collars, epaulettes, helmets, etc.

**Video Recording** – The electronic recording of visual images with or without audio component.

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#### 447.3 REQUIRED ACTIVATION OF THE BWC

This policy is intended to achieve an appropriate balance between the benefits of BWC devices and civilians’ reasonable expectations of privacy. Although this policy identifies those situations in which activation of the BWC is required, an officer has discretion to manually activate the system any time the officer believes it would be appropriate or valuable to document an incident. The BWC shall only be activated for legitimate law enforcement purposes.

Activation of the BWC is required in the following situations:

- 1) All field contacts involving actual or potential criminal conduct within video or audio range:
  - a) Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
  - b) Emergency responses
  - c) Vehicle pursuits
  - d) Suspicious vehicles
  - e) Arrests and transports
  - f) Vehicle searches
  - g) Consent to Search (Consent to Search Form shall be completed per Policy 322/PR 322)
  - h) Physical or verbal confrontations or use of force
  - i) Pedestrian checks / Terry Stops
  - j) DWI investigations including field sobriety tests
  - k) Domestic violence calls
  - l) Statements made by individuals in the course of an investigation or complaint
  - m) Advisements of Miranda rights
  - n) Seizure of evidence
  - o) Swat Rolls
  - p) High Risk Warrants
  - q) On all calls for service
- 2) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- 3) Any other legitimate law enforcement contact where the officer believes that a recording of an incident would be appropriate. In exercising this discretion, officers should be aware of and sensitive to civilians’ reasonable privacy expectations.
- 4) The BWC may not be used for the purpose of intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.

#### 447.4 OFFICER RESPONSIBILITIES

At the start of each shift, any member assigned to a District, Division and/or Unit that has been provided with body worn cameras shall wear and use the BWC, as directed in Policy 447.3, while in a uniform or plainclothes capacity. For officer safety, a member will not be required to wear the BWC while working in an active undercover capacity.

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Officers shall wear a BWC while working in a proactive capacity, including but not limited to; traffic check points, directed patrols and/or traffic enforcement overtime shifts.

Members assigned a BWC shall ensure they have adequate recording media for the entire duty assignment and shall test the equipment prior to use according to manufacturer guidelines and testing procedures. Members shall immediately report malfunctioning BWC systems to their supervisor.

#### **447.4.1 SUPERVISOR RESPONSIBILITIES**

Supervisors shall issue and inspect BWC equipment to assigned personnel to ensure proper operability per testing protocols provided under training. Non-functioning BWC systems shall not be placed into service and the equipment malfunction shall be immediately reported in writing, via 105, to the supervisor's respective District/Division System Administrator (DSA) with a copy forwarded to the District/Division Commander. The DSA shall be responsible for coordinating maintenance or repairs issues directly to the Master System Administrator (MSA) assigned to the Information Systems Section.

Supervisors shall log into **EVIDENCE.COM** each working day and perform a random review of their subordinates BWC recordings to ensure category accuracy and the proper use of the BWC is enforced.

Supervisors shall insure any officer working under their supervision wear a BWC while working in a proactive capacity, including but not limited to; traffic check points, directed patrols and/or traffic enforcement overtime shifts.

#### **447.4.2 MASTER SYSTEM ADMINISTRATOR (MSA)**

The Master System Administrator (MSA) is a/are supervisor(s) authorized by the New Orleans Police Department and assigned to the Information Systems Section with full access to use rights.

The MSA is responsible for:

- a. Assigning and tracking inventory of equipment;
- b. Password control;
- c. End-user security access rights;
- d. Quality checks of video and sound quality;
- e. Coordinating with the District/Division System Administrators; and
- f. Serving as liaison to Taser International representative on operational equipment related matters.

#### **447.5 CESSATION OF RECORDING**

Once the BWC system is activated it shall remain on and shall not be turned off until an investigative or enforcement contact or incident has concluded. For purposes of this section, conclusion of an incident has occurred when an officer has terminated contact with an individual, cleared the scene of a reported incident, or has completed transport of a civilian or an arrestee. *Refer to PR447.4(b) for exceptions to this requirement.* In any instance in which cessation of the recording prior to the conclusion of the incident may be permitted, the officer must seek and obtain supervisory approval prior to deactivating the BWC. If supervisory approval cannot be reasonably obtained, officers must document on the BWC the reason for termination of the recording prior to deactivation of the BWC.

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#### 447.6 PROHIBITED AUDIO/VIDEO RECORDINGS BY EMPLOYEES IN THE WORK PLACE

The BWC **shall not** be used to record non-work related personal activity. The BWC shall not be activated in places where an employee has a reasonable expectation of privacy, such as locker rooms, dressing rooms or restrooms, unless a criminal offense has occurred in these locations, at which time every precaution shall be taken to respect the dignity of the victim by avoiding recording videos of persons who are nude or when sensitive areas are exposed. The BWC **shall not** be intentionally activated to record conversations of fellow employees during routine, non-enforcement related activities without their knowledge.

#### 447.7 TRAINING

All members who are authorized to use BWC equipment must complete mandatory training provided by the NOPD Academy to familiarize themselves with the audio/video recording system and departmental procedures prior to its use.