

BODY WORN VIDEO CAMERA (OR BWVC) POLICY AND PROCEDURES

I. Purpose

The purpose of the BWVC digital recording system is to provide an accurate, unbiased audiovisual record of enforcement related and non-criminal incidents that will enhance criminal prosecutions and limit civil liabilities.

II. Policy

It is the policy of the Rockport Police Department to issue, and maintain a BWVC for all uniformed officers in this department. Use of the BWVC equipment is mandatory as outlined in this policy. It is the specific intent of this policy to be non-punitive in nature. No disciplinary action for violations of this policy will be proposed unless the employee refuses either actively or passively in the manner detailed in this policy, as demonstrated by repeated instances of his/her conduct, to use the BWVC system. It is recognized that it may not always be practical to activate the BWVC system prior to engaging in a public contact. However, those occurrences should be the exception rather than the rule.

III. Procedure

A. Training

Department personnel will not use the BWVC until they have completed training in the proper use of the system. The training will consist of the following:

- 1. A review of the department policy on the use of the BWVC equipment.*
- 2. A video training of the BWVC system, its functions, and recommended activations.*
- 3. An over the phone training (if needed) and hands-on review of the BWVC and its associated components as directed by Manufactures Operating Manual.*
- 4. An in-field presentation followed by a practical application by the trainee to demonstrate competency of use. A written record of the training provided will be completed by the trainer and maintained in the officer's training file.*

IV. Components of the BWVC System

The BWVC system consists of:

- 1. Watchguard CopVu Camera and Charging/Data Transfer Cable*

V. Department Personnel Responsibilities

- 1. At the conclusion of the department member's duty shift, the BWVC will be downloaded to the computer assigned to the BWVC. The memory will then be downloaded to the officer's file and dated for the date of the recordings. Files will then be deleted from the BWVC. The Administrative Assistant will download all data recorded by the officers. The data will be downloaded onto an external hard drive and secured in the Administrative Office for a period of two years.*
- 2. If any member of the department determines that a file should be kept beyond the required two year period, the Administrative Assistant shall be notified. The file shall be retained until the department member notifies the custodian that the file can be destroyed or two years has passed.*
- 3. Department personnel shall activate the BWVC system during all vehicle stops, all self-initiated public contacts and all calls for service whether they are acting as the primary officer or back up officer.*
- 4. Any and all conversations with the subject of self-initiated detentions shall be recorded by using the BWVC.*
- 5. Department personnel should record any other activities when, in their judgment, it would be beneficial to do so. This includes probable cause for stops and detentions, or any situation, condition, or event having a potential for loss of life, injury or damage to property.*
- 6. Department personnel shall not knowingly use the BWVC system to covertly record police personnel.*
- 7. In the event of a critical incident (i.e. officer involved shooting, accident, and injury, ect.) the officer will submit his or her BWVC to the Administrative Assistant for the purpose of directly downloading the recorded data. The officer will obtain a backup BWVC, and utilize the backup BWVC until his or her assigned BWVC has been returned.*
- 8. In the event of equipment failure or lack of data space to the BWVC the officer will obtain a backup BWVC to complete his or her shift. At the end of the officer's shift the backup BWVC will be downloaded and returned to the supervisor.*
- 9. Any BWVC malfunctions or equipment errors should be reported in writing to the Administrative Assistant immediately.*

VI. Activation of the BWVC System

- 1. The BWVC is activated in the manner described by the manufacturer.*
- 2. Once the BWVC is activated, it shall remain on until the incident has reached a conclusion or the Department member leaves the scene.*

3. *Department personnel shall not in any manner attempt to modify, alter, erase, or tamper with any portion of the disk or BWVC Hard drive. Any department member that attempts to do so will be subject to investigation and possible disciplinary action up to and including termination of employment.*

VII. DVD Disk Review

1. *BWVC recordings may be randomly reviewed to monitor officer performance.*
2. *An investigator participating in an official department investigation such as a personnel complaint, claims investigation, administrative inquiry, or criminal investigation may review a specific incident contained on a DVD disk.*
3. *Department personnel may review their own DVD-RAM/DVD disk for training and/or report writing purposes.*
4. *A Supervisor may review a specific incident contained on an officer's DVD-RAM/DVD disk for the purpose of training, critique, or addressing a personnel complaint.*
5. *In no event shall any DVD-RAM/DVD disk be used or shown for the purpose of officer ridicule or embarrassment. This includes submissions of any portion of a video recording to a media organization, unless previously authorized by the Chief of Police or his/her designee.*
6. *Any other review will require the express approval of the Chief of Police.*
7. *Release of BWVC recordings is subject to all applicable provisions of state or federal public information or freedom of information statutes.*

VIII. DVD-RAM/DVD Integrity

1. *DVD disks shall be retained for a minimum of ninety days unless a specific request is made to store them for a longer period. The recordings that are being downloaded at the end of a shift will be erased from the BWVC immediately following the disk being copied. Once a member has downloaded onto a disk, that disk becomes the "original" copy and is immediately turned into the Administrative Assistant.*
2. *Unless otherwise required by state or federal statute, only a copy of a disk of a specific incident may be released. The original disk shall not be released unless ordered to do so by a valid court order and only after review of that order by the Chief of Police or his/her designee. In such a case, a copy of the original disk shall be made and retained until the original is returned.*
3. *If a member of the department requests a copy of a specific incident for court purposes, the request shall be made via a department memorandum or by using the Records Release form. The memorandum should include as much pertinent information as possible to assist the Administrative Assistant in locating the incident. Absent extenuating circumstance, the request shall be made at least three (3) work days in advance. The request by memorandum must be reviewed and signed off by a supervisor prior to any release. The Administrative Assistant will not release any material unless a supervisor has approved it.*

4. *It is the responsibility of the department member obtaining a copy of a disk to return that copy as soon as practical. The Administrative Assistant shall destroy the DVD disk immediately.*
5. *All disks are the property of the Department and shall be stored in a secure location with limited access.*

IX. Administrative Custodian Responsibilities:

1. Ensuring there is a sufficient supply of memory on the BWVC hard drive available for Department personnel at all times;
2. Accounting for all Disks/Audio recordings turned in and keeping a log of all turned in; and
3. Processing all requests for copies of Disks/Audio.