

Exhibit A

Memphis Police Department Policy and Procedures



Revised 01-31-20

MEMPHIS POLICE DEPARTMENT POLICY AND PROCEDURES
SECTION: In-Car Video/Body Worn Cameras

In-Car Video/Body Worn Cameras

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SECTION: In-Car Video/Body Worn Cameras

I. PURPOSE

It is the goal of the Memphis Police Department to strengthen its services to the community by authorizing the use of Body Worn Cameras (BWC) and In Car Video (ICV) technology. The BWC/ICV program will add further clarity and transparency to the examination of police related events. This examination aids in improvement of prosecution by adding reinforcement and authentication to police casework, methods and evidence. The BWC/ICV program has the potential to improve community relations by providing an objective record that can be used to confirm valid allegations, while providing an unbiased record that may assist in disproving false allegations. Furthermore, the ICV/BWC program improves accountability by providing objective data for review. Supervisors **must** review ICV/BWC prior to finalizing any official documents involving response to resistance/use of force. Finally, the Memphis Police Department will gain valuable training tools which supply the means to examine the effectiveness of training.
(41.3.8A)

Prior to using a BWC, affected personnel shall receive Department-approved training on its proper operation, care and the department's policy with respect to the use of the BWC/ICV. Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment and to incorporate changes, updates or other revisions in policies or equipment.
(41.3.8F)

II. DEFINITIONS

Body-Worn Camera System (BWC): Wearable (on-officer) camera system with secured internal memory for storage of recorded video and audio.

Computer Aided Dispatch (CAD): Automated dispatching software used by police dispatchers to dispatch calls. This software generates an event number referred to in this policy as a CAD event number.

Digital Evidence: BWC/ ICV files, including photographs, audio recordings and video footage, captured by a BWC/ICV and stored digitally.

Evidence Transfer Manager (ETM): The docking unit used to recharge the BWC. The ETM also encrypts the video data and transfers it to Evidence.com using a secure connection.

Evidentiary value means that the information may be useful as proof in a criminal prosecution, related civil or administrative proceeding, further investigation of an actual or suspected criminal act, or in considering an allegation against a law enforcement agency or officer.

Mobile Data Terminal (MDT): The computer and associated hardware that is installed in police vehicles, which controls the ICV system.

In-Car Video System (ICV): A mobile video recording device permanently installed in a police vehicle.

Mobile Video System (MVS): Refers to both BWS and ICV systems.

III. PROCEDURES – BODY WORN CAMERA

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A. Beginning of Shift Procedures

1. At the beginning of each shift, an officer will be issued a BWC and will be responsible for confirming the BWC is fully charged and has no physical signs of damage. An officer must confirm that there is no data retained on the device from a previous shift. An officer shall start a shift with his/her device free of digital evidence.
2. The officer should determine that the BWC is functional by producing and labeling a test video. The officer shall verify that the audio and video are recorded appropriately when reviewing the test video. This test shall be performed prior to a shift supervisor placing the shift in service and available for calls. Officers will make ready the device prior to leaving the precinct in accordance with the manufacturer product manual and per Memphis Police Department provided training.
3. An officer will immediately notify a supervisor if any damaged or malfunctioning equipment is discovered. The supervisor should then contact the MVS team, located at the Real Time Crime Center, in order to remedy, replace, or report the said equipment.
4. Each BWC is assigned to a specific officer and shall not be shared with or assigned to any other officer. Officers shall maintain issued components (e.g. cord, belt clip, mounting devices) and verify that those components are in good working order. (41.3.8E)

B. Use of BWC During the Shift

1. An officer shall at all times during his/her shift have BWC equipment ready to record police interactions with those they may encounter. This state of readiness includes having the BWC on and in standby mode. Officers shall attempt to maintain a clear, level, and unobstructed forward-facing view. Officers shall attempt to keep the microphone portion of the device unobstructed in order to accurately record audio.
2. **Officers shall activate their BWC when responding to all calls for service prior to making the scene of a dispatched call.** In the event that recording was not started prior to making the scene of a dispatched call, an officer will activate the device as soon as reasonably possible.
3. Officers shall record all law-enforcement encounters and activities. Calls for service, self-initiated events (specials), and citizen contacts while not engaged in police activity are to be documented via BWC. It is not necessary for an officer to record in a constant state, but is required when his/her duties are being performed and allowed when otherwise prudent. It should be understood that under no circumstance shall an officer's safety be compromised in an effort to record an event.
4. Unless unsafe, impractical, or impossible, officers shall inform subjects that they are being recorded at the beginning of the contact (e.g. "Ma'am/Sir, I am advising you that our interaction is being recorded").
5. It should be understood that even when individuals are in various stages of undress, medically incapacitated, or in a location where video would otherwise be prohibited, BWC recording should continue. Videos will be redacted in a manner to reasonably protect privacy.

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6. **Once a recording event begins, the BWC shall remain activated until the event has concluded in order to conserve the integrity of the recording.** Once an event has concluded, an officer will mark the conclusion of the recording verbally after clearing the call/special. In cases of arrest, an officer shall continue recording until custody is transferred.

Exceptions: *Should an officer have an activated BWC and respond to a call inside of a location that is out of view of the ICV system, the officer may discontinue the ICV recording (e.g. indoor report calls, crime scenes, and other police related events). Should the call progress back towards the car and contact with another individual is made, the event should be recorded by the ICV system.*

7. Officers will document the fact that a BWC video was or was not captured on all incident reports, arrest tickets, misdemeanor citations, summons, and traffic citations. This documentation will be referenced by the Computer Aided Dispatch number written on/in the document. In the event that the BWC was not activated, terminated early, or otherwise interrupted, a supervisor will be immediately notified.
8. Officers will be permitted to review their own BWC video when preparing official documents. Officers may only view content on their assigned device and not those devices of other department members when preparing an official document. The supervisor **must** also review the BWC video prior to completing or approving official reports involving response to resistance/use of force. The viewing will be utilized as a tool when completing written reports to ensure the accuracy and consistency of events. The availability of this review does not supersede policy directives governing the circumstances in which an event must be recorded. An officer may not simply stop recording in order to complete a report unless policy permits (e.g. cleared the scene, supervisor approval, etc.).

The following situations are exceptions to the above policy statement:

- a. If the officer is involved in (or witness to) a use of force incident that per policy requires the response of an Inspectional Services Bureau investigator, **only after** the ISB investigator has been consulted and approved may an officer be authorized to view their BWC recording. The viewing of any BWC recording will only be permitted after receiving authorization from the ISB investigator acting under the direction of the commander of ISB.
 - b. If the officer is involved in (or witness to) a critical incident, such as a police shooting or an in-custody injury resulting in death, **only after** the commander of ISB and commander of Homicide have been consulted and approved may the officer be authorized to view their BWC recording. The viewing of any BWC recording will only be permitted after receiving authorization from both commanders and/or their designees.
9. Officers are responsible for the labeling and the categorization of videos they produce. The videos will be categorized in accordance with the available choices in the system. Officers will obtain the Computer Aided Dispatch number either through an automated feature, from the dispatcher, or through a manual lookup and entered in the ID field. (41.3.8G) Officers who categorize videos incorrectly may be subject to discipline.

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10. Activation of the BWC is not required during periods of unassigned time, breaks or lunch periods.
11. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

C. End of Shift Procedures

At the end of each shift, each officer is responsible for turning in their issued BWC device to a department-approved area (e.g. equipment room) where an ETM is located. Designated personnel (e.g. equipment room officer) will be the only authorized additional handler of BWC equipment other than the assigned officer. The designated department member will verify that the BWC is properly docked to the ETM to facilitate digital transfer of evidence.

D. OCU Procedures

Members of the Criminal Apprehension Team (CAT) and Gang Response Team (GRT) will utilize the Body Worn Camera (BWC) when performing daily enforcement.

1. The BWC will not be activated for the following:

- The BWC/ICV **will not** be used to knowingly record confidential informants or undercover officers.
- Officers **will not** record any type of tactical briefings, IE Search Warrants, Rips, Reversals, Prostitution Stings, etc.
- Officers **will not** record any aspects of training, unless specifically requested to do so by the OCU Commander.
- The BWC **will not** be used during undercover operations.

2. OCU Personnel Working Non-OCU related details:

Any OCU officer working overtime in a Uniform Patrol Station, Special Event Detail, Blue Crush Detail, or a THSO Detail will be acting as a Uniform Officer and will be governed under the Memphis Police Department's Uniform Patrol Body Worn Camera policy.

OCU officers will store their BWC cameras inside the MPD approved BWC cabinet that is located within their assigned workstation. Whenever OCU officer(s) choose to work a Non-OCU related detail, it is the officers' responsibility to notify his/her immediate supervisor, **in advance**, in order to pick up his/her assigned BWC. When an officer takes control of his /her BWC for a detail, he/she should ensure the camera is taken to a work station to be docked until the camera is ready to be utilized.

Officers working in an undercover capacity will not utilize the BWC.

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IV. PROCEDURE: IN-CAR VIDEO

A. Beginning of Shift Procedures

1. At the beginning of each shift, an officer that is issued an ICV equipped vehicle will be responsible for ensuring that the system is void of physical damage. An officer must visually inspect the front and rear camera, MDT, mount, and microphone along with its charging base for damage.
2. The officer should determine that the ICV is functional by producing and labeling a test video. The officer shall confirm that the audio and video are recorded appropriately when reviewing the test video. The test video will include the availability of ICV triggers (e.g. weapons release, emergency lights, brake, mic, and mic mute). This test shall be performed prior to a shift supervisor placing the shift in service and available for calls. Officers will make the ICV equipment ready prior to leaving the precinct in accordance to Memphis Police Department provided training.
3. An officer will immediately notify a supervisor of any damaged or malfunctioning ICV equipment. That supervisor should then contact the MVS team, located at the Real Time Crime Center, in order to remedy, replace, or report the damaged or malfunctioning equipment. (41.3.8E)
4. The officer assigned the ICV vehicle shall remain logged in until the conclusion of the shift. In the event that there are two officers assigned to the vehicle, the driver will be the primary officer logged in and the passenger officer will login as the secondary.

B. Use of ICV During the Shift

1. An officer shall at all times during his/her shift have their ICV system ready to record police interactions with those they may encounter. This state of readiness includes having the MDT logged on and in standby mode with a clearly focused, level, and unobstructed forward-facing view. The microphone portion of the system must remain affixed to the officer and should remain unobstructed in order to accurately record audio during an event.
2. Officers shall activate their ICV system when responding to all calls for service prior to making the scene of a dispatched call. In the event that recording was not started prior to making the scene of a dispatched call, an officer will activate the device as soon as reasonably possible. Additionally, officers will begin recording specials prior to initiating any citizen contact or as soon as reasonably possible.
3. Officers shall record all law-enforcement encounters and activities. Calls for service, self-initiated events (specials), and confrontations while not engaged in police activity are to be documented via ICV where available. It is not necessary for an officer to record in a constant state, but is required when his/her duties are being performed and allowed when otherwise prudent. It should be understood that under no circumstance shall an officer's safety be compromised in an effort to record an event.

Exception: *Should an officer have an activated BWC and respond to a call inside of a location that is out of view of the ICV system, the officer may discontinue the ICV*

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recording. Should the call progress back towards the car and contact with another is made there, the event should be recorded by the ICV system.

4. When an officer makes contact with an individual(s) and the circumstances reasonably dictate, officers shall advise that the interaction is being recorded (e.g. “Ma’am/Sir, I am advising you that our interaction is being recorded”).
5. It should be understood that even when individuals are in various stages of undress, medically incapacitated, or in a location where video would otherwise be prohibited, ICV recording should continue. Videos will be redacted in a manner to reasonably protect privacy.
6. **Once a recording event begins, the ICV shall remain activated until the event has concluded in order to conserve the integrity of the recording.** Once an event has concluded, an officer will mark the conclusion of the recording verbally after clearing the call/special. In cases of arrest, an officer shall continue recording until custody is transferred.

Exceptions: *An officer shall stop recording an event counter to the above policy when directed to by the officer’s supervisor and/or a bureau supervisor. It must be understood that the officer is wearing a device that has captured evidence and that the evidence must be collected as part of an investigation. (41.3.8B)*

7. Officers will document the fact that an ICV record was or was not captured on all incident reports, arrest tickets, misdemeanor citations, summons, and traffic citations. This documentation will be referenced by the Computer Aided Dispatch number written on/in the document. In the event that the ICV was not activated, terminated early, or otherwise interrupted, a supervisor will be immediately notified.
8. Officers will be permitted to review their own ICV video when preparing official documents. Officers may only view content on their assigned device and not those devices of other department members when preparing an official document. The supervisor **must** also review the ICV video prior to completing or approving official reports involving response to resistance/use of force. The viewing will be utilized as a tool when completing written reports to ensure the accuracy and consistency of events. The availability of this review does not supersede policy directives governing the circumstances in which an event must be recorded. An officer may not simply stop recording in order to complete a report unless policy permits (*e.g. cleared the scene, supervisor approval, etc.*).

The following situations are exceptions to the above policy statement:

- a. If the officer is involved in (or witness to) a use of force incident that per policy requires the response of an Inspectional Services Bureau investigator, only after the ISB investigator has been consulted and approved may an officer be authorized to view their BWC recording. The viewing of any BWC recording will only be permitted after receiving authorization from the ISB investigator acting under the direction of the commander of ISB.
- b. If the officer is involved in (or witness to) a critical incident, such as a police shooting or an in-custody injury resulting in death, only after the commander of ISB

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and commander of Homicide have been consulted and approved may the officer be authorized to view their BWC recording. The viewing of any BWC recording will only be permitted after receiving authorization from both commanders and/or their designees.

9. Officers are responsible for the labeling and the categorization of videos they produce. The videos will be categorized in accordance with the available choices in the system. Officers will obtain the Computer Aided Dispatch number either through an automated feature, from the dispatcher, or through a manual lookup and added in the incident field. Officers who categorize videos incorrectly may be subject to discipline.
10. An officer shall turn the AM/FM radio off prior to recording an incident and it will remain off for the duration of the recorded event. If the AM/FM radio was not turned off prior to the start of the recording, it will be turned off as soon as conditions reasonably permit.
11. Officers who are issued an ICV vehicle shall utilize ICV equipment during any pursuit involvement. Pursuits should be recorded in their entirety even in the event of termination. In the event a pursuit is terminated, either by a supervisor or by the officer, the officer will record until met by a supervisor in conjunction with policy objectives set forth in Chapter 13: Section 6 at the location of termination.
12. Officers issued an ICV vehicle shall record all responses that require the use of emergency equipment (*e.g. call for assistance, hold-ups, etc.*).
13. Officers transporting prisoners, mental health consumers, and ‘Signal-5’ passengers shall record until custody has been transferred or the ‘Signal 5’ is complete and contact has ended.
14. ICV vehicles must remain locked any time an officer is not occupying the vehicle. The MDT must remain secured from unauthorized access at all times.
15. The MDT shall remain locked in the mount at all times. Only authorized personnel may remove the unit.

C. End of Shift Procedures

1. At the end of each shift, an officer assigned to an ICV equipped vehicle shall park in a precinct designated ICV parking area. This designated area is preferable to wireless access in order to extract data from the ICV system.
2. An officer shall only log off of the ICV system. Officers shall not turn the MDT off or close the device.
3. Officers will ensure that the microphone is secured in the charging base.
4. Officers shall lock the ICV equipped vehicle after their tour of duty is completed.

V. PROHIBITED VIDEO RECORDINGS AND RESTRICTIONS (41.3.8B)

A. Conversations between department employees will not be recorded without all parties to the

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conversation being aware of the fact that it is being recorded except those instances involving criminal investigations of department personnel.

- B.** Conversations that are not required to be captured as evidence for the furtherance of completing a police report and/or subsequent police investigation will not be recorded.
- C.** The BWC/ICV will not be activated in places where a reasonable expectation of privacy exists, such as locker rooms or restrooms, unless the activation is for the purpose of official law enforcement activity such as a call for service. When possible, 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. If this is unavoidable, the video may later be redacted.
- D.** The BWC/ICV will not be used to knowingly record confidential informants or undercover officers.
- E.** Officers shall not remove, dismantle, or tamper with any hardware or software component or part associated with the BWC/ICV.
- F.** Officers shall not destroy, erase, disseminate, edit, alter, tamper, or otherwise use BWC/ICV recordings without the written permission of the Director of Police Services.
- G.** Recordings may not be copied, recorded or shared except for official law enforcement purposes.
- H.** Recordings shall not be downloaded or converted for personal use or posted to any social media sites.
- I.** BWC/ICVs shall not be used while working secondary employment. Recordings will not be made of non-work related personal activities.
- J.** Officers shall not display BWC/ICV videos for members of the public unless approved by a supervisor.
- K.** Officers shall not use any other electronic device or other means in order to intentionally interfere with the functions of the BWC/ICV.
- L.** Officers shall not use BWC/ICV equipment in instances where there would be an immediate need for the officer's personal privacy. In the event that this circumstance arises, the break in recordings should be noted verbally and the recording restarted upon return to duty.
- M.** Activation of the BWC is not required during periods of unassigned time, breaks or lunch periods.
- N.** Recording devices will 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.
- O.** Officers shall not record a particular person based solely on the person's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, homelessness status, physical disability status or political affiliation.
- P.** Officers are encouraged to inform their supervisor or any recordings that may be of value for

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training purposes.

VI. SUPERVISOR RESPONSIBILITIES

All supervisory level personnel shall take prudent steps to ensure that the sworn members under their command understand that improper use of the BWC/ICV systems will not be tolerated and evidence of such practices will not be condoned or ignored.

Supervisory personnel shall ensure that officers who are equipped with BWC devices utilize them in accordance with policy and procedures defined herein. Supervisory personnel shall ensure that officers log into the MDT and conduct the required test video at the beginning of the shift. This will be done through the *Veretos* site once officers have been placed in service. Supervisors will also ensure that videos have been given a classification and assigned a CAD number.

When an incident arises that requires the immediate retrieval of BWC recordings for chain of custody purposes (including, but not limited to: serious crime scenes, officer involved shootings or other situations as determined by policy/supervision), a supervisor will respond to the scene and ensure the BWC remains affixed to the officer in the manner it was found and that the BWC recording remains uncompromised. The supervisor is responsible for the care and custody of the BWC until it has been removed and secured by the lead investigator or ISB.

BWC/ICV videos will not be randomly reviewed to assess an officer's performance, but may be viewed as follows:

1. The supervisor is investigating a specific act of officer misconduct.
2. The officer has been placed on a performance improvement plan within the Performance Enhancement Program in order to address identified behavioral or performance deficiencies.
3. The supervisor is directed by the rank of Colonel or above via written directive. The aforementioned is not meant to limit or restrict the Department's review as part of an official investigation.
4. On a monthly basis or at the request of the Director of Police Services or his designee, supervisors may randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required. This review should be documented.

VII. GENERAL PROCEDURES FOR HANDLING RECORDINGS

- A. Copies may only be made for court, approved training, or other approved purposes authorized by the Director of Police Services or his designee.
- B. Recordings may be reviewed in any of the following situations:
 1. By an officer viewing their own recordings,
 2. By a supervisor investigating a specific act of officer conduct,
 3. By an Internal Affairs investigator who is conducting an official investigation,
 4. By an investigator conducting a criminal investigation,

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5. By attorneys or media personnel through a specific approved open records request,
6. In a courtroom during an official judicial proceeding,
7. For approved training purposes. If the officer involved in the recording objects to the showing of the recording, the objection will be reviewed by the Director or his designee to determine if the training value outweighs the officer's reason for not showing the recording.
8. Employees desiring to watch a recording made by another officer shall submit a request in writing to their Deputy Chief.

VIII. CRITICAL INCIDENTS

In circumstances where an officer may be involved in or witness to an event that requires the collection of digital evidence in the field as part of an investigation:

- a. Officers shall not stop recording until directed to by the officer's supervisor.
- b. Supervisors, after consulting with the bureau charged with investigating and/or supporting the investigation, may be directed to secure the officer's BWC/ICV equipment. When instructed to do so, the supervisor will verbally state the date, time, and the bureau supervisor issuing the order prior to assuming control of the device. This equipment will be held for the investigating bureau supervisor.

NOTE: In the event an officer is rendered incapacitated and the scene conditions permit, the first responding officer shall secure the officer's MVS equipment and handover the equipment to the first available scene supervisor. If an officer is injured and ambulatory, the scene supervisor shall remove the MVS equipment and secure the device(s) from the injured officer being transported when practical. For the purpose of this note, MVS equipment pertains to ICV Microphone and BWC along with the attached controller.

IX. Retention Requirements

As a general rule, recordings classified as non-evidentiary will be retained for ninety days before deletion. Recordings classified as evidentiary will be retained for one year after any final legal disposition. Further, evidentiary data shall be retained for the period specified by any applicable state or local statute. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable retention period. (41.3.8G)

X. Violations

Members of the Memphis Police Department who violate the policies and procedures set forth in this chapter shall be subject to corrective disciplinary action pursuant to applicable Department Rules.