



The Leadership
Conference

Upturn

Police Body Worn Cameras: A Policy Scorecard









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Policy Scorecard

Department (by size) \$: DOJ funded	 Policy Available	 Officer Discretion	 Personal Privacy	 Officer Review	 Footage Retention	 Footage Misuse	 Footage Access	 Biometric Use
1 New York	✗	✓	✓	✗	○	○	✗	✗
2 Chicago \$	✓	✓	✓	✗	✗	✗	✗	✗
3 Los Angeles \$	✓	✓	○	✗	✗	○	✗	✗
4 Philadelphia	✓	✓	✓	✗	✗	○	✗	✗
5 Houston	✓	✓	○	✗	✓	✗	✗	✗
6 Washington, DC \$	✓	✓	○	✗	✗	○	○	✗
7 Dallas	✗	✓	○	✗	✓	○	✗	✗
8 Phoenix	✗	○	○	✗	✗	✗	✗	✗
9 Baltimore	✗	○	○	○	✗	✓	✗	✓
10 Miami-Dade \$	✗	✓	○	✗	✗	○	✗	✗
11 Las Vegas \$	✗	✓	✓	✗	✓	✓	✗	✗
12 Detroit \$	✗	?	?	?	?	?	?	?
13 Memphis	✗	✓	○	✗	✗	○	✗	✗
15 Milwaukee	✓	○	○	✗	✗	✗	✗	✗
16 San Antonio \$	✗	?	?	?	?	?	?	?
18 San Francisco	✓	✓	✓	✗	✗	○	✗	✗
21 Atlanta	?	?	?	?	?	?	?	?
26 Austin	○	○	✗	✗	✓	○	✗	✗
31 Cleveland	✗	✓	✓	✗	✗	✓	✗	✗
37 Seattle \$	✓	✓	○	✗	✗	✗	✗	✗
38 New Orleans \$	○	○	○	✗	✗	○	✗	✗
46 Albuquerque \$	✓	○	✗	✗	✗	✗	✗	✗
Oakland	✓	✓	○	○	✗	✓	✗	✗
Ferguson	✗	✗	✗	✗	✗	✗	✗	✗
Parker, CO	✓	✓	✓	○	○	○	✓	✗

Purpose

In the wake of high-profile incidents in Ferguson, Staten Island, North Charleston, Baltimore, and elsewhere, law enforcement agencies across the country are rapidly adopting body-worn cameras for their officers. One of the main selling points for these cameras is their potential to provide transparency into some police interactions, and to help protect civil rights, especially in heavily policed communities of color.

But accountability is not automatic. Whether these cameras make police more accountable — or simply intensify police surveillance of communities — depends on how the cameras and footage are used. That’s why The Leadership Conference, together with a broad coalition of civil rights, privacy and media rights groups, developed shared [Civil Rights Principles on Body Worn Cameras](#). Our principles emphasize that “[w]ithout carefully crafted policy safeguards in place, there is a real risk that these new devices could become instruments of injustice, rather than tools for accountability.”

This scorecard evaluates the body-worn camera policies currently in place at more than two dozen police departments across the country. Our goal is to highlight promising approaches that some departments are taking, and to identify opportunities where departments could improve their policies.

Methodology


For our initial release, we chose to examine the body-worn camera programs in 25 local police departments. First, we looked at the 15 largest departments in the country that have already equipped — or will very soon equip — some officers with body cameras. Then, we hand-selected the remaining 10 departments based on other factors, including whether they recently received DOJ funding for cameras (as indicated by 💰 on the scorecard), whether they have been in the national spotlight for recent incidents, and whether they have adopted certain promising policies that we wanted to highlight.

Over time, as departments learn from their initial experiences with cameras, their policies will necessarily evolve — and hopefully improve. As we become aware of policy changes, we will do our best to keep our scorecard current and update our analysis. If you see anything that looks out of date, please [let us know](#).

Evaluation Criteria

We evaluated each department policy on eight criteria, derived from our [Civil Rights Principles on Body Worn Cameras](#). We believe that these are among the most important factors in determining whether the proper policy safeguards are in place to protect the civil rights of recorded individuals.

For each factor, we scored department policies on a three level scale. We awarded a policy a green checkmark ✅ only if it fully satisfies our criteria — these are the policies that other departments should consider if they are looking to improve their own. A yellow circle ⚠️ means that a policy partially satisfies our criteria, and that the department has room for improvement. A red ex ❌ indicates that a policy either does not address the issue, or a policy runs directly against our principles. In cases

where the department has not made its policy public, we use a question mark  as a placeholder for future review.

Our eight criteria examine whether a department:



Makes the Department Policy Publicly and Readily Available

- The department publishes the most recent publicly available version of its policy on its website, in a location that is easy for members of the public to find.
- The policy posted on the department's website either is outdated, or is difficult for members of the public to find.
- The department's policy is not available on its website.



Limits Officer Discretion on When to Record

- The policy clearly describes when officers must record, and requires officers to provide concrete justifications for failing to record required events.
- The policy clearly describes when officers must record, but does not require officers to provide concrete justifications for failing to record required events.
- The policy does not clearly describe when officers must record.



Addresses Personal Privacy Concerns

- The policy specifically protects categories of vulnerable individuals (e.g., victims of sex crimes) from being recorded without their informed consent.
- The policy mentions the importance of personal privacy, but either offers vague guidance on when not to record, or does not require informed consent from vulnerable individuals.
- The policy does not address personal privacy concerns.



Prohibits Officer Pre-Report Viewing

- The policy requires officers to file an initial written report or statement before relevant footage is reviewed, for all incidents.
- The policy requires officers to file an initial written report or statement before relevant footage is reviewed, for some incidents.
- The policy allows — or even encourages — officers to view relevant footage before filing an initial written report or statement.



Limits Retention of Footage

- The policy requires the department to delete unflagged footage within six months.
- The policy requires the department to delete unflagged footage — but after more than six months.
- The policy does not require the department to delete unflagged footage, or we are unable to determine whether the unflagged footage must be deleted.



Protects Footage Against Tampering and Misuse

- ✓ The policy expressly prohibits both footage tampering and unauthorized access, and indicates that all access to recorded footage will be logged or audited.
- The policy expressly prohibits both footage tampering and unauthorized access, but does not indicate that all access to recorded footage will be logged or audited.
- ✗ The policy does not expressly prohibit both footage tampering and unauthorized access.



Makes Footage Available to Individuals Filing Complaints

- ✓ The policy expressly allows individuals who are filing police misconduct complaints to view all relevant footage.
- The policy expressly allows individuals who are filing police misconduct complaints to view some relevant footage.
- ✗ The policy does not expressly allow individuals who are filing police misconduct complaints to view relevant footage.



Limits the Use of Biometric Technologies

- ✓ The policy sharply limits the use of biometric technologies (e.g., facial recognition) to identify individuals in footage.
- The policy places some limits on the use of biometric technologies (e.g., facial recognition) to identify individuals in footage.
- ✗ The policy places no limits on the use of biometric technologies (e.g., facial recognition) to identify individuals in footage.

Of course, a department's policy is only as good as how it is put into practice. Departments must ensure that their stated policies are followed and, when department personnel violate those policies, that the appropriate disciplinary measures are taken.

Findings

Departments are moving quickly to deploy body-worn cameras, and are experimenting with a wide range of policies in each of the dimensions we studied. Departments that have a strong policy in one area often falter in another — every department has room to improve. At the same time, we are pleased to find examples of strong policy language currently in use for nearly all of our criteria. The positive policy language highlighted on this site should serve as a model to departments looking to improve their policies.

We found that:

- Two major departments — Detroit PD, and San Antonio PD — either don't have, or have never released, a body-worn camera policy, even though they have started to send cameras into the field in pilot programs.
- Even when camera policies are in place, seven of the 12 largest departments we

reviewed do not make their policies publicly and readily available on the department's website. Many of the policies we analyzed were found externally on other websites.

- The departments in Washington, DC and Parker, CO both provide individuals — including those who seek to file a police misconduct complaint — with a specific process to view relevant camera footage. Such purpose-built footage access policies are integral to ensuring appropriate transparency of policing practices.
- Baltimore PD has the only policy we've seen that speaks to the use of biometric technologies in conjunction with body camera footage. Baltimore's policy sharply limits the use of facial recognition to identify recorded individuals — an important and positive step. Such policies will help improve community relations and dampen fears about the surveillance potential that cameras could bring.
- Ferguson PD has the least well thought out policies of those that we reviewed: it received the lowest mark in every one of our eight scoring criteria.

Department Policies

New York Police Department



-
- ✗ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
 - ✓ Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - Limits Retention of Footage
 - Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage

Last updated: October 15, 2015

✗ **Makes the Department Policy Publicly and Readily Available**

NYPD does not publish its BWC policy on its website. However, the most recent publicly available policy is available from other sources, e.g., Appendix A of the NYPD Inspector General's [BWC report](#) from July 2015. The policy is Operations Order 48, issued on December 2, 2014.

✓ **Limits Officer Discretion on When to Record**

NYPD lists a specific set of police actions that officers must record. (Step 6)

6. Activate BWC prior to initiating, or as soon as practical after initiating, the following police actions:
 - a. All enforcement encounters where there is at least reasonable suspicion the person(s) has committed, is committing or may be involved in criminal activity consistent with [guidance on stop-and-frisk]. This includes, but is not limited to, self-initiated stops and radio runs
 - b. All enforcement encounters where there is reason to believe that the individual is committing a

- violation/petit offense for which a summons may be issued . . .
- c. All vehicle stops
- d. Taking or attempting to take an individual into custody (e.g., arrests, protective custody of an emotionally disturbed person, etc.)
- e. All incidents involving the use of force
- f. Any public interaction, regardless of context, that escalates and becomes adversarial, so long as it is not one of the prohibited situations in step "8" below
- g. All interior vertical patrols of non-Housing Authority buildings and Housing Authority buildings conducted pursuant to [the patrol guide]. The BWC must be activated upon entering the building and will not be deactivated until exiting the building and terminating the interior vertical patrol along with any associated police action, if any.

When officers fail to record, NYPD requires them to document and justify such failures. (Note after Step 6; Step 11)

NOTE . . . In any case of a failure to record an incident as required in step "6," such failure to activate and the reason for such failure to activate must be properly documented in the uniformed member's ACTIVITY LOG and immediately reported to the desk officer.

...

- 11. Do not terminate recording until the completion of the police action, once the BWC has been activated.
 - a. If for any reason a recording is interrupted, document the reasons for or factors contributing to the interruption in ACTIVITY LOG and notify the desk officer.

✔ Addresses Personal Privacy Concerns

NYPD prohibits recording "where a reasonable expectation of privacy exists," and allows victims and witnesses to opt out of recording in non-confrontational situations. (Step 8)

- 8. Do not activate the BWC to record any of the following:
 - ...
 - c. Places where a reasonable expectation of privacy exists (unless taking police action outlined in step "6" above), such as, but not limited to, hospital emergency rooms, locker rooms and restrooms
 - d. Attendance at events covered under the "Handschu Guidelines" . . . unless taking police actions outlined in step "6" above
 - e. A potential witness who requests to speak to an officer confidentially or desires anonymity
 - f. A victim or witness who requests that he or she not be recorded and the situation is not confrontational
 - g. A victim who requests that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation.

Officers must notify subjects that they are being recorded. (Step 10)

- 10. Inform subjects being recorded by BWC that the interaction is being recorded, when practicable and consistent with officer safety.

✘ Prohibits Officer Pre-Report Viewing

NYPD allows officers to request and review footage before giving testimony or an interview. While the policy does ask officers to "distinguish between facts recalled independently, recollection refreshed by review of video and other sources, and facts not previously known but learned by reviewing the video," it does not

expressly require that officers make initial statements before they reviewing. (Step 14)

14. Request from the integrity control officer access to review any video pertaining to an event captured from the personally assigned BWC when notified to give testimony (either sworn or unsworn) or to be interviewed in any criminal, civil or administrative case or matter or appear before an investigative body (e.g., CCRB, Internal Affairs Bureau, Investigations Unit, etc.).

- a. This is consistent with refreshing one's recollection by reviewing ACTIVITY LOG and Department reports.
- b. Be cognizant of and distinguish between facts recalled independently, recollection refreshed by review of video and other sources, and facts not previously known but learned by reviewing the video.

NOTE. The BWC is intended to record anything the uniformed member could potentially observe using his or her sense of sight. That does not mean that the uniformed member is required or expected to have seen or recollect everything documented in the footage.

○ Limits Retention of Footage

NYPD deletes "non-archival" footage automatically after one year. (Additional Data at the end)

... Video captured by BWCs will be preserved for one year, at which time it will be automatically deleted, unless it is otherwise accepted for archival or directed to be archived by the Legal Bureau ...

○ Protects Footage Against Tampering and Misuse

NYPD expressly prohibits footage tampering and unauthorized sharing of footage, but does not indicate that access to recorded footage will be logged or audited. (Additional Data at the end)

The BWC as well as video, audio and data captured by the BWC, irrespective of the content, are at all times the property of the Department. Uniformed members of the service may not copy, publish, share or disseminate any audio, video, image or data to anyone except as authorized by the Department. Furthermore, members of the service may not edit, delete or alter any video or audio captured by the BWC or stored on the Department's network or approved storage media.

✗ Makes Footage Available to Individuals Filing Complaints

NYPD expressly prohibits footage tampering and unauthorized sharing of footage, but does not indicate that access to recorded footage will be logged or audited. (Additional Data at the end)

✗ Limits Biometric Searching of Footage

NYPD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Chicago Police Department



-
- ✓ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
 - ✓ Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - ✗ Limits Retention of Footage
 - ✗ Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage
 - 💰 Received a [\\$1,000,000 DOJ grant](#) for BWCs in 2015

Last updated: October 15, 2015

✓ **Makes the Department Policy Publicly and Readily Available**

Chicago PD publishes its most recent publicly available BWC policy online on its [Department Directives System](#). The most recent policy is [Department Notice D15-01](#), which was issued on January 30, 2015, and was current as of June 5, 2015.

✓ **Limits Officer Discretion on When to Record**

Chicago PD provides officers with a clear list of situations that must be recorded. (§VI.E)

E. Department members assigned a BWC will activate the system to event mode to record the entire incident for all:

1. routine calls for service;
2. investigatory stops;
3. traffic stops;
4. foot and vehicle pursuits;
5. emergency driving situations;
6. emergency vehicle responses to in-progress or just-occurred dispatches where fleeing suspects or vehicles may be captured on video leaving the crime scene;
7. high-risk situations, including search warrants;
8. situations that may enhance the probability of evidence-based prosecution; . . .
9. situations that the member, through training and experience, believes to serve a proper police purpose, for example, recording the processing of an uncooperative arrestee. . . .

Chicago PD gives its officers discretion to turn off the camera "when further

recording of the incident will not serve a proper police purpose.” But in those cases, officers must state the reason on camera before turning it off. (§VI.G)

G. During the recording of an incident, Department members will not disengage the BWC until the entire incident has been recorded or when further recording of the incident will not serve a proper police purpose. In the event of an arrest, the incident is concluded when the subject is transported to the district station.

NOTE: Department members will verbally state the justification of any disengagement of the BWC system prior to the entire incident being recorded before disengaging the BWC. Upon disengagement, the Department member will notify their immediate supervisor. Additionally if a case report is completed, the member will document the justification in the narrative portion of the report.

✔ Addresses Personal Privacy Concerns

Chicago PD prohibits officers from recording “where a reasonable expectation of privacy exists,” and specifically protects both medical patients and exposed individuals. (§VI.H)

H. The BWC will not be used to record:

1. in locations where a reasonable expectation of privacy exists, such as dressing rooms or restrooms, unless required for capturing evidence.
2. sensitive exposures of private body parts, unless required for capturing evidence.
- ...
4. inside medical facilities, except when a situation arises that the member believes to serve a proper police purpose.

NOTE: Members will be aware of patient privacy rights when in hospital settings and follow the procedures consistent with . . . this directive when disengaging the BWC.

In addition, officers must notify all individuals that they are being recorded, and victims may opt out of recording. (§VI.B, §VI.E.8 NOTE)

B. Upon initiating the recording, Department members will announce to the individual(s) that they are being recorded.

EXAMPLE: “The police camera is operating and you are being audibly and visually recorded.”

...

E.8. . . . NOTE. If victims of incidents that are sensitive in nature request not to be recorded, the member will comply with the request and disengage the BWC consistent with . . . this directive.

✘ Prohibits Officer Pre-Report Viewing

Chicago PD allows officers to view their own recordings without restriction. (§V.H)

Department members assigned a BWC are authorized to view their own recordings on [the Department’s evidence management system] using their unique user access credentials from a Department computer at a Department facility.

✘ Limits Retention of Footage

Chicago PD relies on its department-wide data retention policy for BWC videos. (§V.G)

All digitally recorded data created by the BWC will be retained in accordance with the Department's Forms Retention Schedule (CPD 11.717).

In the [Forms Retention Schedule](#), the retention period for “Body Worn Camera Video” is “90 days unless extended hold requested.” Based on the [accompanying guidance](#), this appears to be a minimum retention duration, rather than a requirement to delete footage after 90 days.

✘ **Protects Footage Against Tampering and Misuse**

Chicago PD prohibits unauthorized copying and dissemination of footage — but it does not expressly prohibit footage tampering (*i.e.*, modification and deletion). (§VIII)

All digitally recorded data created with the BWC are the property of the Chicago Police Department. Dissemination of any digitally recorded data outside the Department is strictly prohibited without specific authorization by the Superintendent or an appointed designee. . . .

NOTE: Unauthorized duplicating, capturing, or disseminating of audio or video from BWC footage is strictly prohibited. For example, Department members are authorized to view their own BWC footage on a Department workstation but may not record this footage with a cell phone, camera, or other method.

Also, Chicago PD mentions that it logs all access to recorded footage. (§V.H)

All [evidence management system] access is tracked.

✘ **Makes Footage Available to Individuals Filing Complaints**

Chicago PD does not expressly allow individuals who are filing police misconduct complaints to view footage.

✘ **Limits Biometric Searching of Footage**

Chicago PD does not place any limits on the use of biometric technologies (*e.g.*, facial recognition) to search footage.

Los Angeles Police Department



-
- ✓ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
 - Addresses Personal Privacy Concerns
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 - ✗ Limits Biometric Searching of Footage
 - 💰 Received a [\\$1,000,000 DOJ grant](#) for BWCs in 2015

Last updated: October 15, 2015

✓ **Makes the Department Policy Publicly and Readily Available**

LAPD publishes the most recent version of its [BWC policy](#) on its website. This version was approved by the Board of Police Commissioners on April 28, 2015.

✓ **Limits Officer Discretion on When to Record**

LAPD requires officers to record the entire contact of "any investigative or enforcement activity involving a member of the public." (§§III, V)

III. WHEN ACTIVATION OF BODY WORN VIDEO EQUIPMENT IS REQUIRED. Officers shall activate their BWV devices prior to initiating any investigative or enforcement activity involving a member of the public, including all:

- Vehicle stops;
- Pedestrian stops (including officer-initiated consensual encounters);
- Calls for service;
- Code 3 responses (including vehicle pursuits) regardless of whether the vehicle is equipped with In-Car Video equipment;
- Foot pursuits;
- Searches;
- Arrests;
- Uses of force;
- In-custody transports;
- Witness and victim interviews (except as specified below);
- Crowd management and control involving enforcement or investigative contacts; and,
- Other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.

...

V. RECORDING OF THE ENTIRE CONTACT. The BWV shall continue recording until the investigative or enforcement activity involving a member of the public has ended. If enforcement or investigative activity with a member of the public resumes, the officer shall activate the BWV device and continue recording.

When officers fail to record a required activity, they must document the reason in writing in various department reports and systems. (§VI)

VI. DOCUMENTATION REQUIRED FOR FAILING TO ACTIVATE BODY WORN VIDEO OR RECORDING THE DURATION OF THE CONTACT. If an officer is unable or fails to activate the BWV prior to initiating an enforcement or investigative contact, fails to record the entire contact, or interrupts the recording for any reason, the officer shall set forth the reasons why a recording was not made, was delayed, was interrupted, or was terminated in the comments field of the incident in [various reports and systems].

○ **Addresses Personal Privacy Concerns**

LAPD allows (but does not require) officers to turn off their cameras when they encounter victims in sensitive circumstances, or patients in health care facilities. (§VI Exceptions)

Officers are not required to activate and record investigative or enforcement encounters with the public when:

- A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational;
- In the officer's judgment, a recording would interfere with his or her ability to conduct an investigation, or may be inappropriate, because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault);
- Situations where recording would risk the safety of a confidential informant, citizen informant, or undercover officer; or
- In patient-care areas of a hospital, rape treatment center, or other healthcare facility unless an enforcement action is taken in these areas.

LAPD "encourages" officers to notify subjects that they are being recorded, but officers do not need to obtain consent. (§IX)

IX. NOTICE TO MEMBERS OF THE PUBLIC OF RECORDING. Officers are encouraged to inform individuals that they are being recorded when feasible. Officers, however, are not required to obtain consent from members of the public when the officer is lawfully in the area where the recording takes place. For example, an officer who lawfully enters a business or residence shall record any enforcement or investigative activity, as set forth above, and is not required to obtain consent from members of the public who may also be present. In addition, officers are not required to play back BWV recordings to allow members of the public to review the video footage.

✗ **Prohibits Officer Pre-Report Viewing**

Not only does LAPD allow officers to view recordings of incidents before filing documentation — they require it. (§§XVIII-XIX)

XVIII. VIEWING OF BODY WORN VIDEO RECORDINGS BY OFFICERS. The accuracy of police reports, officer statements, and other official documentation is essential for the proper administration of justice and complying with the Department's obligation to maintain full and complete records of enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Officers

are therefore required to review BWV recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to ensure that their reports, statements, and documentation are accurate and complete.

XIX. PROCEDURE FOR REVIEWING BODY WORN VIDEO RECORDINGS IN CATEGORICAL USE OF FORCE INCIDENTS. If an officer is involved in a Categorical Use of Force (CUOF), such as an officer-involved shooting, an officer shall not review his or her BWV until authorized by the assigned Force Investigation Division (FID) investigator. Once authorized, the officer shall review his or her BWV recording, and any other relevant BWV footage as deemed necessary and appropriate by the assigned FID supervisor, prior to being interviewed by investigators. An officer may have an employee representative present during the review of the BWV recordings without the FID investigator or supervisor present. The separating and monitoring of officers involved in a CUOF shall be maintained during the review of BWV recordings and a review shall not occur jointly among involved employees.

✘ **Limits Retention of Footage**

LAPD does not directly address footage retention. It only mentions that commanding officers are “responsible for . . . ensuring adherence to record retention protocols . . .” without reference to what those protocols are. (§XXVII)

XXVII. COMMANDING OFFICER’S RESPONSIBILITIES. . . . Area commanding officers are also responsible for supervising the proper maintenance and disposition of division records, ensuring adherence to record retention protocols and properly filing all BWV documents for future reference.

○ **Protects Footage Against Tampering and Misuse**

LAPD considers unauthorized use, release, modification and deletion of footage to be “serious misconduct and subject to disciplinary action.” But the policy does not indicate that access to recorded footage will be logged or audited. (§§VII-VIII, XII)

VII. CONFIDENTIAL NATURE OF RECORDINGS. . . . Unauthorized use or release of BWV recordings may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded. Therefore, any unauthorized use or release of BWV or other violation of confidentiality laws and Department policies are considered serious misconduct and subject to disciplinary action.

VIII. PROHIBITION AGAINST MODIFICATION OF RECORDINGS. Officers shall not copy, edit, alter, erase, or otherwise modify in any manner BWV recordings except as authorized by law or Department policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action. . . .

XII. PROPERTY OF THE DEPARTMENT. Body Worn Video equipment and all data, images, video, and metadata captured, recorded, or otherwise produced is the sole property of the Department and any unauthorized release is strictly prohibited.

✘ **Makes Footage Available to Individuals Filing Complaints**

LAPD considers footage to be confidential department records, and does not expressly allow individuals who are filing police misconduct complaints to view footage. (§VII)

VII. CONFIDENTIAL NATURE OF RECORDINGS. Body Worn Video use is limited to enforcement and investigative activities involving members of the public. The BWV recordings will capture video and

audio evidence for use in criminal investigations, administrative reviews, and other proceedings protected by confidentiality laws and Department policy. Officers shall comply with all applicable laws and policies regarding confidential information . . .

 **Limits Biometric Searching of Footage**

LAPD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Philadelphia Police Department



-
- ✓ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
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 - ✗ Limits Biometric Searching of Footage

Last updated: January 14, 2016

✓ Makes the Department Policy Publicly and Readily Available

Philadelphia PD publishes its pilot [BWC policy](#) on its website, linked from the Department's [manual of Directives](#). Directive 4.21 on "Body-Worn Cameras — Voluntary Pilot Program" was issued and effective on April 20, 2015.

✓ Limits Officer Discretion on When to Record

Philadelphia PD requires officers to record all contact with the general public, and the entirety of each contact. (§§4-A, B)

- A. Authorized Body-Worn Cameras shall be activated when responding to all calls for service and during all law enforcement related encounters and activities involving the general public. This shall include, but is not limited to (PLEAC 2.4.2 a):
1. When responding to crimes in progress and priority one (1) assignments,
 2. When initiating any vehicular or foot pursuit,
 3. When conducting any vehicle or pedestrian investigation,
 4. When initiating a sight arrest or citation,
 5. When handling a disturbance or crisis related incident,
 6. When handling any protest or demonstration, and
 7. When confronted by any member of the general public that is or may become confrontational, antagonistic or hostile.
- B. With the following exceptions, once a Body-Worn Camera has been activated, it shall remain activated and recording until the event or incident has concluded and the officer has been placed back into service by Police Radio. . . .

When officers are permitted to turn off their cameras before the contact ends (e.g.,

for privacy reasons), officers must state the reason on camera before turning it off. (§7-J)

J. If an officer is required to deactivate Body-Worn Camera prior to the conclusion of any incident or event pursuant to Sections 4-B and/or C, the officer shall state, while the device is still activated, why the device is being deactivated.

NOTE: When the conditions that required the deactivation have ceased, if the event or incident is ongoing, the officer shall reactivate the Body-Worn Camera.

When officers fail to record a required event, they must notify their immediate supervisor and document the reason why the event was not recorded. (§6-H)

H. If an incident or event that was required to be recorded pursuant to Section 4-A was not recorded for whatever reason, the officer(s) assigned a Body-Worn Camera shall:

1. Notify their immediate supervisor, and
2. Document this fact on the underlying incident 75-48, along with the reason(s) why the incident/event was not recorded.
3. If the incident/event does not require a 75-48 or the officer assigned the Body-Worn Camera is not responsible for the incident 75-48, the officer assigned the Body-Worn Camera shall submit a separate 75-48. This 75-48 will list the underlying incident DC number and the reason why the incident/event was not recorded. This report will be coded "3413 - Informational Request."

✓ Addresses Personal Privacy Concerns

Philadelphia PD requires officers to turn off their cameras upon the request of a crime victim, and in certain sensitive location and circumstances (§§4-B, 4-C, 7-F)

4-B. . . [O]fficers shall deactivate a Body-Worn Camera prior to the conclusion of an incident or event under the following circumstances

1. Prior to entering the residence of any individual, unless prior consent is provided and recorded with the Body-Worn Camera,
2. When requested by a crime victim, witness or informant,
3. When the recording would capture gruesome images, persons nude or when sensitive human areas are exposed and there is no legitimate law enforcement need to capture the images,
4. When entering a religious institution, during services, and
5. When entering a hospital room or private patient area in a hospital.

4-C. PROHIBITED RECORDING

1. Body-Worn Cameras shall not be used or activated to:

- ...
- b. In places where a reasonable expectation of privacy exists (i.e., locker rooms, dressing rooms or restrooms),
 - c. To record conversations with confidential informants and undercover officers,
 - d. During any strip searches, . . .

7-F. Prior to entering the residence of any individual, unless prior consent is provided and recorded with the Body-Worn Camera, the Body-Worn Camera shall be deactivated.

1. Once inside a residence, if practical, officers shall request permission to record. If permission is granted, the Body-Worn Camera shall be activated and the resident will again be asked for consent to record.
2. If at any time a resident rescinds consent to record while in a residence, officers shall immediately or as soon as practical, deactivate the Body-Worn Camera.

In addition, because Pennsylvania is a "two-party consent" state, officers must inform subjects that they are being recorded, assuming "oral communications" are taking place. (§7-E)

E. Once on location of an incident or event, officers shall inform, as soon as reasonably practical, the individuals identifiably present that the officer has intercepted and recorded the oral communication (i.e. that they are being recorded) (PLEAC 2.4.2 b).

✘ Prohibits Officer Pre-Report Viewing

Philadelphia PD allows officers to review footage when writing their reports. (§9-B-2)

2. Department personnel shall review their own digital recordings and may view shared digital recordings from other officers on scene for report writing, court preparations, and/or training purposes.

Even in a critical incident, like a weapon discharge or other serious use of force, the operational protocol specifies that the officer's camera be taken by a supervisor to the district and uploaded as soon as possible — but it does not explicitly prohibit the officer from reviewing the footage in the field before that can happen. (§7-K)

K. If any Body-Worn Camera video captures a police discharge, seriously injured officer, a motor vehicle accident involving serious bodily injury or death, or any use of force resulting in serious bodily injury or death, the officer's Body-Worn Camera shall be taken to the district by the first available supervisor and uploaded.

1. The supervisor shall immediately notify the Body-Worn Camera System Administrator of the incident and request the video footage be locked from view from all departmental personnel except the Police Commissioner, Deputy Commissioners, the assigned investigator, and the District Attorney's office. However, the Police Commissioner or their designee may approve access to other individuals or entities if necessary or required by court order.
2. Once the video footage is uploaded, stored, and locked, the Body-Worn Camera will be returned to the officer, if possible, as soon as practical.

✘ Limits Retention of Footage

Philadelphia PD specifies a retention period of 15 days for unflagged footage, but that appears to be a minimum retention period. The policy does not clearly indicate when unflagged footage must be deleted. (§§4-D, 9-A-1)

4-D. Unless a specific incident or event is marked as evidence, digital recordings captured by Body-Worn Cameras shall be retained for fifteen (15) days from the date of the incident or event. The retention of digital recordings marked as evidence shall be consistent with existing document retention periods for the appropriate investigative files.

...

9-A. Evidentiary and Right to Know Access to Data

1. Retention periods for the purpose of the Voluntary Pilot Program shall be fifteen (15) days, unless video is required for evidentiary purposes. If the video is required as evidence, the retention period shall be the same as that required for evidence of that particular crime (PLEAC 2.4.2 d).

○ Protects Footage Against Tampering and Misuse

Philadelphia PD expressly prohibits both footage tampering and unauthorized access to footage. But the policy does not indicate that access to recorded footage will be logged or audited. (§§6-E, K; 9-B-5)

6-E. Officers shall not erase, alter, modify, or tamper with any Body-Worn Camera, software,

hardware, or any audio/video recording.

...

6-K. Officers, investigators and supervisors shall not personally make any copies of any recordings for their personal use.

...

9-B-5. In no event shall any digital recording captured by a Body-Worn Camera be used for the purposes of officer ridicule or embarrassment. This includes submission of any portion of a digital recording from a Body-Worn Camera to a media organization.

✘ **Makes Footage Available to Individuals Filing Complaints**

Philadelphia PD relies on Pennsylvania's public records law to make footage available, and does not expressly allow complainants to view relevant footage. (§9-A-4)

4. The release of any digital recordings obtained through Body-Worn Cameras through a public records request will be consistent with the Pennsylvania Right to Know Act (65 P.S. §37.304 et seq.). To ensure compliance, the Digital Evidence Custodian/ Body-Worn Camera System Administrator shall coordinate with the Department's Right-to-Know Officer on such requests.

Any public release of footage must be authorized by the Commissioner. (§9-B-6)

6. If there is a legitimate law enforcement need, only the Police Commissioner or his designee shall have the authority to release any digital recordings from a Body- Worn Camera to the media and/or social media outlets.

✘ **Limits Biometric Searching of Footage**

Philadelphia PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Houston Police Department



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- ✓ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
 - Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - ✓ Limits Retention of Footage
 - ✗ Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage

Last updated: October 30, 2015

✓ **Makes the Department Policy Publicly and Readily Available**

Houston PD maintains a [dedicated webpage](#) about its BWC program, which includes its most recent publicly available [draft BWC policy](#) (dated October 1, 2015).

✓ **Limits Officer Discretion on When to Record**

Houston PD requires officers to record "any law enforcement related activities." (§9, §12(j), §14)

9 ACTIVATION OF BWC EQUIPMENT

The BWC has three modes: off, standby, and event. Normally, while performing routine matters and prior to participating in any law enforcement related activities Officers shall keep the BWC on standby mode.

Officers shall place the BWC in event mode to record any law enforcement related activities. This requirement applies to all officers on the scene. The BWC shall be activated while officers are acting in a law enforcement capacity, prior to actual contact with a citizen(s), or as soon as it is safe to do so. Officers shall continue recording until the law enforcement activity is completed or until there is a reason, as permitted by this policy, to deactivate the BWC.

Officers shall activate their BWC equipment prior to doing any of the following (the following is a non-exhaustive list):

- a. Arriving on scene to any call for service;
- b. Self-initiating a law enforcement activity;
- c. Initiating a traffic or pedestrian stop;
- d. Responding to a citizen who flags them down;
- e. Detaining, arresting, or attempting to detain or arrest a person.

- f. Searching, including all searches such as those of people, vehicles, buildings, and places.
- g. Transporting any person from one location to another, including prisoner transport through transfer of custody to jail personnel.
- h. Interviewing witnesses and complainants.
- i. Engaging in any vehicular or foot pursuit.

The following guidelines will apply to the above-listed activities:

Officers shall record during the execution of search warrant, an arrest warrant, or during a consent search including the officer's request for consent.

Officers equipped with a BWC shall record all prisoner or passenger transports, regardless of the gender of the prisoner or passenger. The entire transport shall be recorded through the transfer of custody to jail personnel or completion of the passenger transport.

When a prisoner is transported by a two-man unit, only one BWC is required to be activated during the transport.

Whenever an officer engages in a vehicular or foot pursuit, the BWC shall immediately be activated so long as it is safe to do so, so that the incident can be captured from inception through final disposition.

Maintaining the trust of citizens to provide information to the department is paramount. Officers shall not record persons who confidentially provide information for law enforcement purposes.

While the use of a BWC is required in these situations, there may be circumstances where it is immediately necessary for the officer to act in order to ensure his safety or the safety of others. In those situations, it may be impractical or unreasonable for the officer to activate their BWC before taking police action. As soon as it is safe to do so, the officer shall activate his BWC to ensure that the remainder of the incident will be properly recorded.

...

There may be times when an officer is interacting with a citizen and their discussion becomes unexpectedly contentious. As soon as an officer determines that this could occur or is occurring, the officer shall immediately activate his BWC.

...

12 PROHIBITED USAGE

- j. Officers shall not record informal or casual encounters with members of the public. Officers should consider that recording people in some circumstances may inhibit sharing information or developing strong ties between members of the community and officers. Officers may exercise their discretion as to whether to deactivate their BWCs during non-confrontational encounters with citizens. Officers shall audibly note the reason for the termination of the recording prior to deactivating their BWCs.

14 DEACTIVATION OF BODY WORN CAMERA EQUIPMENT

Deactivating a BWC to cease recording an event is governed by the following guidelines. In most circumstances, an officer's BWC may be deactivated once the following are true:

- a. All arrests have been made and arrestees have been transported from the scene and accepted by jail personnel;
- b. All witnesses and victims have been interviewed; and
- c. All citizen contacts on the scene are completed.

Officers may also deactivate their BWCs as in accordance with other circumstances permitted by this General Order.

Officers may exercise their discretion as to whether to deactivate their BWCs during non-confrontational encounters. Officers shall audibly note the reason for the termination of the recording prior to deactivating their BWCs.

Officers may deactivate the BWC when conferring with other personnel regarding handling of an incident, at the scenes of extended incidents, or when no enforcement action is occurring, but must audibly note the reason for termination. Officers shall properly classify their recordings when they stop each individual recording (if applicable).

**Officers must provide concrete justifications if they fail to record a required event.
(§9)**

Any justification for failing to activate the body worn camera because it is unsafe, unrealistic, or

impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision.

In these types of situations or if at any time an officer is required to activate their BWC and fails to do so, the officer must immediately after the conclusion of said event, use the BWC to record their explanation or reasoning as to why the BWC was not activated. The officer shall notify their supervisor when these situations occur.

If the event requires an officer to produce an incident report or notes to a call slip, an explanation of why the BWC was not activated must also be included in the documentation.

○ Addresses Personal Privacy Concerns

Houston PD allows officers to exercise discretion to turn off their cameras at “sensitive scenes” and in “non-confrontational situations.” (§9)

When interviewing complainants or witnesses at a sensitive scene, such as sexual assault victims, where outcry statements may be of significant importance, officers are encouraged to use the BWC, but shall use their discretion as to whether to record the interaction, so as to avoid making the witness uncomfortable or otherwise inhibiting a full and candid statement.

In non-confrontational situations, employees should inform complainants and witnesses they are being recorded. (For example, interviewing a complainant in a burglary or BMV.) Officers may exercise their discretion as to whether to deactivate their BWCs during such non-confrontational encounters. Officers shall audibly note the reason for the termination of the recording prior to deactivating their BWCs.

Officers are not required to turn off the camera “solely at the demand of a citizen,” (presumably, including crime victims) but should exercise caution in medical and psychiatric facilities, and in restrooms, dressing rooms and locker rooms. (§11)

11 PRIVACY CONCERNS AND ADVISEMENTS

Officers are not required to initiate or cease recording an event, situation, or circumstances solely at the demand of a citizen. However, there are instances when officers need to exercise caution in the use of their BWCs.

Medical and Psychiatric Facilities:

Officers shall avoid initiating a recording in any medical or psychiatric facility where persons are receiving treatment unless they are responding to an emergency or crime in progress.

Officers shall not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment.

Officers shall be considerate of a patient’s rights to privacy when in hospital settings. Officers are reminded that, regardless of the setting, when they confront a violent or assaultive suspect, or anticipate any use of force, officers shall, when reasonably able to do so, activate their BWCs to record the event.

Restrooms, Dressing Rooms, Locker Rooms:

BWC recordings shall not be initiated inside restrooms, dressing rooms, or locker rooms unless they are entering in response to an emergency or a crime in progress; there is reason to believe that a suspect is still inside the location; or other exigent circumstances exist.

✗ Prohibits Officer Pre-Report Viewing

Houston PD expressly allows officers to view footage while completing their reports, including in weapon discharge incidents. While the policy states that “[h]omicide investigators may limit, restrict, or prohibit review,” it does not state under what conditions they limit review. (§§10, 16, 18)

10 SPECIAL CIRCUMSTANCES

...

Weapon Discharges:

Officers involved in certain weapons discharges shall be allowed to review video captured by their BWC at the scene, when feasible.

In certain circumstances, Homicide investigators may limit, restrict, or prohibit review.

...

16 DOCUMENTATION WITHIN INCIDENT REPORTS

In incidents requiring an officer to complete an incident report, officers shall ensure each BWC recording is documented within their report for that event, both as in an article screen and in the narrative section of the report. In the narrative, officers shall describe the content of the video. The fact that a recording was made shall also be documented on any other corresponding documentation, crash report, Vehicle Pursuit form, Conducted Energy Device (CED) report, Use of Force report, etc.

...

18 REVIEWING BWC DIGITAL EVIDENCE

...

Employee Reviews:

Officers should view their own digital evidence especially prior to providing testimony at hearings, trials, or depositions. Digital evidence can provide a cue to an officer's primary memory to recall more facts and greater detail of an incident.

Officers should be mindful of how digital evidence is useful in completing incident reports.

✔ **Limits Retention of Footage**

Houston PD deletes non-evidentiary footage after 90 days. (§20)

20 RETENTION

Recordings not classified as evidence or not needed for other official HPD business shall be retained for 90 days from the date of the recording before being automatically purged from the Video Evidence Management System database.

✘ **Protects Footage Against Tampering and Misuse**

Houston PD prohibits unauthorized footage sharing, and prohibits tampering of "BWC equipment and software" — but footage is neither "equipment" nor "software." (§§2, 12)

2 INTEGRITY OF VIDEO RECORDINGS

...

All digital evidence from any BWC shall be used for official HPD business only and is the property of the HPD. Only personnel authorized by the Chief of Police shall use or be in possession of a BWC device. The BWC recording of a criminal incident or critical incident shall be treated as evidence.

...

12 PROHIBITED USAGE

...

Officers are further prohibited from making copies of digital recordings or uploading digital recordings to public or social media sites at any time.

Recordings made by officers while performing their police duties shall not be used for personal gain or entertainment.

Officers shall not dismantle, erase, alter, or tamper with any department-issued BWC equipment or software, unless otherwise authorized by the General Order, by the Chief of Police, or by a court of law.

✘ **Makes Footage Available to Individuals Filing Complaints**

Houston PD relies on Texas's public records law to make footage available, and does not expressly allow complainants to view relevant footage. (§26)

26 REQUESTS FOR RECORDINGS

Recordings captured during the scope of an officer's duties may be subject to release under applicable laws.

These recordings shall only be used for official purposes such as court or other official proceedings. Any other attempt to access, copy, forward or release any digital evidence for other than official law enforcement use and contrary to this General Order is strictly prohibited.

Under Texas Occupations Code Section 1701.659, it is a Class A misdemeanor for a peace officer or other employee of the department to release a recording created with a body worn camera without permission of the department.

 **Limits Biometric Searching of Footage**

Houston PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Metropolitan Police Department of the District of Columbia



-
- ✓ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
 - Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - ✗ Limits Retention of Footage
 - Protects Footage Against Tampering and Misuse
 - Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage
 - 💰 Received a [\\$1,000,000 DOJ grant](#) for BWCs in 2015

Last updated: October 15, 2015

✓ **Makes the Department Policy Publicly and Readily Available**

MPD maintains a [dedicated webpage](#) about its BWC program. Not only does the page provide MPD's most recent publicly available [BWC policy](#) (dated June 29, 2015), it also provides program context, relevant documents, answers to frequently asked questions, and even sample BWC footage.

✓ **Limits Officer Discretion on When to Record**

MPD provides a long and detailed list of situations that officers must record. (§§V.3-4)

3. Members, including primary, secondary, and assisting members, shall start their BWC recordings as soon as a call is initiated via radio or communication from OUC on their mobile data computer (MDC), or at the beginning of any self-initiated police action.
4. In addition, members shall activate their BWCs for the following events:
 - a. All dispatched and self-initiated calls-for-service;
 - b. All contacts initiated pursuant to a law enforcement investigation, whether criminal or civil;
NOTE: Members are not required to record non-investigatory contacts (e.g., business checks).
 - c. All stops (i.e., traffic, pedestrian, and bicycle), and frisks as defined in GO-OPS-304.10 (Police-Citizen Contacts, Stops, and Frisks);
 - d. Vehicle and foot pursuits;

- e. All traffic crash scenes;
- f. Any incident or traffic crash in which the member is involved;
- g. DUI and consumption of marijuana investigations;
- h. High-risk encounters (e.g., barricade situations, active shooter situations);
- i. Tactical activities, to include canine, Emergency Response Team and Civil Defense Unit deployments;
- j. Mental health consumer encounters;
- k. Suspicious activities;
- l. Use of force situations;
- m. Arrests;
- n. Encounters requiring the advising of Miranda rights;
- o. All transports of prisoners and citizens;
- p. Any of the following searches of a person or property:
 - (1) Consent searches;
 - (2) Warrantless searches;
 - (3) Vehicle searches;
 - (4) Searches conducted incident to arrest;
 - (5) Inventory searches;
 - (6) Cursory searches;
 - (7) Probable cause searches;
 - (8) Execution of search or arrest warrants;
 - (9) Frisks;
 - (10) Field searches;
 - (11) Full-custody searches;
 - (12) Strip or squat searches;
- q. Hospital guard details as outlined in Part V.A.8 of this order;
- r. During the initial inventorying of seized money or any high value property;
- s. During school-based events as defined in Part III.11 of this order as well as other encounters with juveniles during events defined in this section;
- t. During First Amendment Assemblies;
- u. While assisting other law enforcement agencies (e.g., United States Park Police, District of Columbia Housing Authority Police) in handling incidents outlined in this section;
- v. While interacting with citizens inside a police facility (e.g., station personnel providing police services or information); and
- w. Any incident that the member deems it appropriate to activate the BWC in accordance with this order or upon direction from an official.

Officers must document "any delay or failure" to record in their written reports. (§§V.14.b)

- 14. Reporting Requirements: At the completion of their shift, members shall:
 - ...
 - b. Document in the non-public narrative section of all related reports or their notebook any delay or failure to activate their BWC and any interruption of a BWC recording required by this order.

📍 Addresses Personal Privacy Concerns

In general, MPD prohibits recording "in places where a reasonable expectation of privacy exists," and specifically prohibits recording of individuals with extreme injuries. (§IV.M)

- Members shall not . . .
 - (11) Record gratuitous or obscene images, such as the effects of extreme violence or injury, unless necessary for evidentiary documentation. . . .
 - (13) Record in places where a reasonable expectation of privacy exists, such as locker rooms or restrooms, unless the activation is required for the performance of official duties.

For privacy reasons, officers are also instructed to take special precautions when recording victims of intrafamily incidents, and medical patients. (§§V.A.7-8)

7. Intrafamily Incidents and Events

When a member responds to an intrafamily incident or event, he or she shall continue to record but make every effort to provide the victim privacy such that they do not record any discussions between the On-Call Advocacy Program (OCAP) advocate and the victim, regardless of whether the conversation is in-person or over the phone. Members shall position themselves in such a way as to afford the victim as much privacy as possible.

8. Medical Facilities, Ambulances, and Patient Privacy

- a. Members shall record ambulance transports when they are present for law enforcement purposes.
- b. Members are reminded that they shall only activate their cameras in hospitals and other medical facilities for the events listed in Part V.A.4 [required recording events] of this order, including hospital guard details.
- c. Members shall not record in the common areas of medical facilities except when recording a required event as required by Part V.A.4 of this order.
- d. When recording in hospitals or other medical or psychiatric facilities, members shall be careful to avoid, when possible, recording persons other than the suspect, complainant, and witnesses.
- e. When a member is in a hospital or medical facility pursuant to Part V.A.4, he or she shall continue to record and make every effort to provide patients with privacy such that they do not record patients during medical or psychological treatment or evaluations by a clinician or similar medical professional. Members shall position themselves in such a way as to afford the patients as much privacy as possible.

Officers must notify subjects that they are being recorded, but importantly, MPD is silent on whether subjects (in particular, crime victims or other vulnerable individuals) can affirmatively opt out of recording. (§IV.E)

- E. When practicable, members shall inform contact 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.")

One laudable feature of MPD's policy is that recording notices be made available in six languages — this policy is unique among major department policies we've seen. (§IV.G)

- G. In accordance with GO-SPT-304.18 (Language Access Programs), members shall ensure that they provide language access services to all limited and non-English proficient (LEP/NEP) persons in a timely and effective manner. Members shall provide LEP/NEP persons with a MPD and Body Worn Camera Recording Notice . . . in the appropriate language at the beginning of the BWC recording when practicable.

NOTE: MPD and Body Worn Camera Recording Notices are available in the following languages: Amharic, Chinese, French, Korean, Spanish, and Vietnamese.

Finally, MPD requires periodic privacy audits of recorded footage. (§§IV.J.1.a)

- a. The MPD Privacy Officer shall . . . [w]ork with the Director of the Office of Risk Management on periodic audits to ensure . . . [r]ecordings do not violate the privacy of citizens or members and adhere to the required policy.

 **Prohibits Officer Pre-Report Viewing**

MPD allows officers to view their recordings while completing their reports. (§V.D.1)

1. Members may view their BWC recordings and BWC recordings that have been shared with them to assist in accurate report writing, testifying in court, for training purposes, and debriefing. Members may also view their recorded data when they are the subject of criminal or administrative investigations in accordance with [the Investigative Reviews and Member Access provision] of this order.

✘ Limits Retention of Footage

MPD provides a detailed table of footage retention periods for various categories of events. For instance, events in the category “Incident, No Arrest” shall be retained for 90 days. However, these retention periods appear to be minimum durations, and no requirement exists for footage deletion. (§V.G.1)

1. BWC recordings shall be retained and accessible on the BWC database for a period of 90 calendar days unless they are categorized as follows:
...
16. Incident, No Arrest . . . 90 Days

○ Protects Footage Against Tampering and Misuse

MPD expressly prohibits officers from tampering with BWC hardware, software and recorded footage. (§IV.M)

- M. Members shall not:
 1. Remove, dismantle, or tamper with any hardware or software component or part associated with BWCs applications.
 2. Destroy, disseminate, edit, alter, modify, tamper with, or otherwise use BWC recordings without the written permission of the Chief of Police. Members who tamper with BWC recordings may be subject to criminal investigation and/or prosecution.
 3. Copy or download a BWC recording without written approval of an official. BWC recordings shall only be shared for official law enforcement purposes.
 4. Delete any BWC recording except as specified in Part V.C of this order (i.e., accidental recordings).
 5. Record, view, download or convert any BWC recording for personal use. . . .

The MPD BWC Coordinator must maintain “an audit log on the history of every recording,” but it’s unclear what this means. This could mean an audit log that details all files added to, and deleted from, the storage database — or it could mean an audit log of all access to stored footage. Until MPD clearly establishes the latter, full credit for this criterion is withheld. (§V.C.3)

3. An audit log on the history of every recording will be maintained in the storage database.

○ Makes Footage Available to Individuals Filing Complaints

MPD expressly allows a recorded individual to view footage — but only if the individual is the *only person* in the recording. This means that individuals would be denied access to footage in many situations — for example, any time the recorded incident happens in a busy public place. (§§VI.B.1(a), (c))

- a. Upon request, complainants shall be permitted to view unredacted copies of alleged non-criminal misconduct at the district station in the district where the complaint occurred under the following

conditions:

- (1) The watch commander must first view the recording and ensure that there are no other persons in the recording.
- (2) The complainant must sign the . . . Citizen Consent Form to view BWC Recording . . . prior to viewing the recording.
- (3) The viewing must occur in the presence of the watch commander.
- (4) The alleged incident must not involve an underlying criminal matter subject to prosecution (e.g., assault, driving under the influence).
- (5) The recording must be viewed at least 48 hours after the alleged incident to ensure the video has been uploaded to the MPD-approved storage database. . . .
- (6) Under no circumstances shall the complainant:
 - (a) Be allowed to use any recording device to make a copy of the BWC recording.
 - (b) Be provided a copy of the recording. Complainants may contact the FOIA Office to request copies of the recording.

...

c. Notwithstanding the provisions of this order:

- (1) A complainant's request to view a BWC recording prior to initiating a complaint is voluntary. Whether or not the complainant chooses to request to view the recording shall in no way be considered by MPD if the complainant chooses to proceed with the complaint. . . .

All other public requests for footage are handled by the DC FOIA Office. (§IV.F.1)

Requests for BWC recordings by the public shall be referred to the Freedom of Information Act (FOIA) Office, Office of the General Counsel.

Limits Biometric Searching of Footage

MPD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Dallas Police Department



-
- ✘ Makes the Department Policy Publicly and Readily Available
 - ✔ Limits Officer Discretion on When to Record
 - Addresses Personal Privacy Concerns
 - ✘ Prohibits Officer Pre-Report Viewing
 - ✔ Limits Retention of Footage
 - Protects Footage Against Tampering and Misuse
 - ✘ Makes Footage Available to Individuals Filing Complaints
 - ✘ Limits Biometric Searching of Footage

Last updated: October 15, 2015

✘ **Makes the Department Policy Publicly and Readily Available**

Dallas PD does not publish its BWC policy on its website. However, a [draft policy](#) was found on the Bureau of Justice Assistance's Body Worn Camera Toolkit. The policy was presented by the Dallas Chief of Police to the City Council's Public Safety Committee on May 26, 2015. It's the most recent policy we could locate.

✔ **Limits Officer Discretion on When to Record**

Dallas PD requires officers "all contacts that are conducted within the scope of an official law enforcement capacity." At the end of each recording, officers must verbally announce why the camera is being turned off. (§§3XX.04.A.1-3, B)

A. Officers will utilize the BWC in the following circumstances:

1. Officers will activate their body worn camera to record all contacts that are conducted within the scope of an official law enforcement capacity including but not limited to:
 - a. Before any enforcement stop, pedestrian or vehicle, officers will activate the body camera upon exiting the police vehicle. An officer may activate the camera any time prior to exiting the vehicle. If the BWC cannot be activated upon exiting the police vehicle, it will be activated as soon as practical and safe to do so.
 - b. Upon arrival when on any call for service. Officers may activate the camera while enroute to a call destination if they deem it necessary.
 - c. During non-vehicle pursuits (foot, bike, T3, etc.) as soon as the officer can do so safely.
 - d. During vehicle pursuits, in vehicles without in-car DVR systems, as soon as the officer can do so safely.
 - e. Upon arriving to all crime in progress calls as soon as the officer can do so safely.
 - f. During the execution of a warrant or "knock and talk" operation.
 - g. When requesting and conducting a consensual search.
 - h. Before any planned or anticipated arrest.

- i. During the inventorying of seized narcotics, money or any high value property.
 - j. When conducting the Standard Field Sobriety Test (SFST) or Drug Recognition Expert (DRE) test.
 - k. Any situation where the officer's training and experience causes him/her to believe the incident needs to be recorded to enhance reports, preservation of evidence, and aid in subsequent court testimony.
 - l. Any time an officer deems necessary
 - ...
 - n. Critical Incident Team (CIT) calls.
 - o. Any incident or contact that may result in an enforcement action being taken or official report being generated
2. The BWC will be deactivated during non-enforcement activities such as when protecting a traffic crash scene, or other incident that provides no evidentiary value.
 3. Officers shall have the latitude to terminate a recording when there is no likelihood of anything else of evidentiary or law enforcement value occurring. It shall be deemed a violation of this policy for an officer to fail to activate the body worn camera or intentionally terminate a recording in order to commit a violation of department policy or law. . . .
- B. Prior to deactivating the BWC, officers will make a recorded announcement as to the reason the device is being deactivated such as —
1. "Contact completed"
 2. "Incident concluded"
 3. "Instructed by supervisor (name) to end recording"
 4. "Officer or supervisor discussion in the field"

When officers fail to record a required incident, they must document the failure in their report. (§§3XX.04.C-D)

- C. If the BWC fails to activate the officer will document the failure in a MIR or offense supplement report. The officer will also notify their supervisor of the equipment failure.
- D. If an officer fails to activate the BWC or fails to record the entire contact, the officer shall document the reasons in a MIR or offense supplement report.

Addresses Personal Privacy Concerns

Dallas PD prohibits officers from recording where "individuals have an expectation of privacy." The policy does not specifically protect vulnerable classes of individuals, and even in hospitals and doctors' offices, only limited restrictions on recording exist. (§§3XX.05.A, B, E)

3XX.05 Prohibited use of BWC Equipment

- A. In any situation where individuals have an expectation of privacy such as bathrooms and locker rooms, unless it is required to capture evidence for a criminal investigation.
- B. The use of BWCs in a hospital or doctor's office setting will be limited to investigative use only. Officers will not record a patient's medical interaction and procedures with hospital or medical personnel unless all parties are aware that a recording is taking place and it is needed as evidence.
- ...
- E. Images of undercover officers or confidential informants will not be recorded, unless requested by the undercover officer or their supervisor in the furtherance of an investigation.

Officers do not need to obtain the consent of subjects to record, nor are they required to proactively notify subjects that the camera is recording. (§§3XX.04.A.4-6)

- 4. Officers are not required to obtain consent from a private person when in a public place or in a

location where there is no reasonable expectation of privacy. It is at the discretion of the officer to determine if they want to announce a recording is occurring.

5. While in public areas, officers are not required to advise a subject that they are recording their interaction unless the subject specifically asks if they are being recorded, at which point the officer will inform the subject that they are being recorded.
6. When in a private residence in an official capacity, officers are not required to advise the resident they are recording. The officer is not prohibited from but encouraged to advise the citizen of the recording if doing so if it would better serve the handling of the incident.

Prohibits Officer Pre-Report Viewing

Dallas PD encourages officers to view incident recordings before writing their reports. (§3XX.04.A.1.m, §3XX.06.F)

3XX.04.A.1.m. Officers are encouraged to review video recordings of incidents prior to writing any offense, arrest, or incident report to ensure the accuracy and consistency of the report. . . .

3XX.06.F. During any administrative or criminal investigation the person conducting the investigation shall allow the involved officer to review video involving the incident captured by BWC equipment worn by the officer or another officer.

Limits Retention of Footage

Dallas PD automatically deletes unflagged footage after 90 days. (§3XX.06.B)

B. All video will be maintained for a minimum of 90 days. If the video has not been categorized as one which is to be retained it will automatically be deleted after 90 days.

Protects Footage Against Tampering and Misuse

Dallas PD expressly prohibits tampering with cameras and footage, as well as unauthorized distribution of footage. However, the policy does not indicate that access to recorded footage will be logged or audited. (§§3XX.03.A.5-8)

5. Personnel will not remove, dismantle or tamper with any hardware and/or software component or part of a body worn camera.
6. Officers will not edit, alter, erase, duplicate, copy, or otherwise distribute in any manner body worn camera recordings without proper authorization.
7. Personnel will not make copies of anybody worn camera file or screen shot for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record such.
8. Under no circumstances will audio/video evidence be converted for personal use. Accessing, copying, editing or releasing recordings or depictions of recordings without proper approval is strictly prohibited.

Makes Footage Available to Individuals Filing Complaints

Dallas PD relies on Texas's public records law to make footage available, and does not expressly allow individuals who are filing police misconduct complaints to view footage. (§3XX.03.A; §§3XX.06.A, D, E)

3XX.03.A. All audio/video captured during the scope of an officer's duties are the property of the Dallas Police Department and are subject to departmental policies and applicable laws regarding viewing, release, retention, and destruction. . . .

...

3XX.06. Retention, Storage and Handling of Videos

A. Public Information Act requests for videos will be handled in accordance with Chapter 552 of the Texas Government Code and departmental procedures.

...

D. BWC recordings will not be provided to anyone outside of the Dallas Police Department unless the recording is requested through the proper Public Information Act request process or through a Criminal Justice request received on a completed and approved request form.

E. The Open Records/Records Management Unit will set charges for duplications of videos for Public Information Act requests.

 **Limits Biometric Searching of Footage**

Dallas PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Phoenix Police Department



-
- ✘ Makes the Department Policy Publicly and Readily Available
 - Limits Officer Discretion on When to Record
 - Addresses Personal Privacy Concerns
 - ✘ Prohibits Officer Pre-Report Viewing
 - ✘ Limits Retention of Footage
 - ✘ Protects Footage Against Tampering and Misuse
 - ✘ Makes Footage Available to Individuals Filing Complaints
 - ✘ Limits Biometric Searching of Footage

Last updated: October 15, 2015

✘ **Makes the Department Policy Publicly and Readily Available**

Phoenix PD most recent publicly available [BWC policy](#) is dated April 2013. Oddly, we found the policy on the website of the city of Spokane, WA. In July 2015, we confirmed with a Phoenix PD official that this policy is current and is the only one they've released to date.

Phoenix PD offers a [brief, one-paragraph description](#) of its BWC program on its website, but the page does not link to this policy or any other relevant documents.

○ **Limits Officer Discretion on When to Record**

Phoenix PD requires officers to record "all investigative or enforcement contacts." (§5.B.4)

4. The camera must be activated during all investigative or enforcement contacts such as, but not limited to, the following examples:

- a. Vehicle stops
- b. Pedestrian stops
- c. Consensual encounters that are investigative in nature
- d. Radio calls for service
- e. On-view events requiring enforcement activity
- f. Suspect and witness statements and interviews
- g. Vehicle and foot pursuits
- h. Emergency response to critical incidents

Officers that are allowed discretion if "they are able to justify such a deviation" —

but the policy does not specify how, or even whether, officers must provide such a concrete justification. (§5.B.5)

5. Once the [] camera is in the "On/Record" mode, employees must continue to record until either the completion of the event or until they leave the scene.
 - a. Employees may deviate from this directive if it is in the obvious best interests of the department to do so and they are able to justify such a deviation.

Addresses Personal Privacy Concerns

Phoenix PD prohibits officers from recording "where a reasonable expectation of privacy exists," but does not specifically protect categories of vulnerable individuals. (§5.C.1)

1. In keeping with the Department's value of respecting the dignity of all human beings, user officers/supervisors will adhere to the following guidelines:
 - a. The [] camera will not be activated in a place where a reasonable expectation of privacy exists, such as dressing rooms, precinct locker rooms and restrooms.
 - b. The [] camera will not be intentionally activated to record conversations of fellow employees without their knowledge during routine and non-enforcement activities.
 - c. The [] camera will not be utilized to surreptitiously record conversations of citizens and employees.
 - d. User officers/supervisors will not knowingly record undercover officers or confidential informants.
 - e. The [] camera will not be utilized to record any off duty or personal activity and will not be worn while working in an off-duty capacity.

Phoenix PD has no policy that requires officers to inform subjects that the camera is recording.

Prohibits Officer Pre-Report Viewing

Phoenix PD allows officers to view footage before completing their reports. (§5.B.6)

6. User officers/supervisors can view captured video utilizing provided software once the data has been downloaded from the camera. This will allow for user officers and supervisors to refresh their memories prior to the completion of departmental reports or while preparing for court proceedings.

Limits Retention of Footage

Phoenix PD specifies a minimum duration for footage retention, but does not appear to require footage deletion. (§5.H)

H. RETENTION OF RECORDINGS

All media that is captured during the pilot program will be retained by the Phoenix Police Department for a minimum of one year following the date it is recorded. Captured video may be retained for longer periods in the event the video is the subject of a litigation hold, a criminal case, part of discovery, etc.

Protects Footage Against Tampering and Misuse

Phoenix PD prohibits unauthorized access and distribution of footage, but does not

expressly prohibit footage modification or deletion. The policy also does not indicate that access to recorded footage will be logged or audited. (§5.D.1)

1. All digital media that is captured using the [] camera will be considered property of the Phoenix Police Department. Accessing, copying, or releasing captured video without the approval of the Police Chief or his designee is strictly prohibited.

Makes Footage Available to Individuals Filing Complaints

Phoenix PD relies on existing public records law to make footage available, and does not expressly allow individuals who are filing police misconduct complaints to view footage. (§§5.D.2, 5.D.5)

2. The release of video/s requested through a public records request will be handled in accordance with existing policy and public records laws. See Operations Order 4.6, Release of Records, for additional information.
- ...
5. Officers/supervisors will not allow citizens to review video captured by the [] camera unless there is an investigative reason to do so.

Limits Biometric Searching of Footage

Phoenix PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Baltimore Police Department



-
- ✘ Makes the Department Policy Publicly and Readily Available
 - Limits Officer Discretion on When to Record
 - Addresses Personal Privacy Concerns
 - Prohibits Officer Pre-Report Viewing
 - ✘ Limits Retention of Footage
 - ✔ Protects Footage Against Tampering and Misuse
 - ✘ Makes Footage Available to Individuals Filing Complaints
 - ✔ Limits Biometric Searching of Footage

Last updated: October 30, 2015

✘ **Makes the Department Policy Publicly and Readily Available**

Baltimore PD does not publish its BWC policy on its website. However, the Baltimore Sun obtained a copy of the policy and published it [online](#). The policy is dated October 26, 2015.

○ **Limits Officer Discretion on When to Record**

Baltimore PD requires officers to record all activities that are “investigative or enforcement in nature.”

Mandatory Activation

Unless unsafe, impossible, or impractical to do so, the BWC shall be activated:

1. At the initiation of a call for service or other activity that is investigative or enforcement in nature.
2. During any encounter that becomes confrontational.

NOTE: If a member is unable to activate the BWC at the initiation of a call for service or other activity that is investigative or enforcement in nature, the member shall activate the BWC at the first reasonable opportunity to do so.

...

Ending a Recording

Once recording with a BWC has been initiated, members shall not end the recording until:

1. The event or encounter has fully concluded; or
2. The member leaves the scene and anticipates no further involvement in the event; or
3. A supervisor has authorized that a recording may cease because the member is no longer engaged

- in a related enforcement or investigative activity; or
- 4. An involved person refuses to cooperate unless recording ceases, and in the member's judgment, the need for cooperation outweighs the need to record the information.

Before stopping a recording, officers must record a reason on camera before turning it off.

Exceptions [to Mandatory Recording]

1. Members may deactivate a BWC in certain situations. In the event that a member disables the recording function of the BWC, the member shall state orally into the BWC, the reason for disabling the device. When in doubt, record the interaction.

However, when officers fail to record a required incident, there is no requirement to provide a concrete justification.

○ Addresses Personal Privacy Concerns

Baltimore PD allows officers to deactivate the camera when "sensitive circumstances are present," providing only vague guidance (through one example) as to what this means.

Exceptions [to Mandatory Recording]

...

3. Sensitive circumstances are present (for example, when interviewing a victim of sexual violence).

Officers must always notify subjects that the camera is recording. But officers are under no obligation to turn off their cameras, even when a crime victim requests that the recording stop. (And only when the victim "wishes to make a statement or share information" can the officer even consider turning the camera off.)

Notice

1. Except as otherwise exempted by law, notify, as soon as practicable, the individual that the individual is being recorded unless it is unsafe, impractical, or impossible to do so, by stating:
 - 1.1. "Hello, I am Officer of the Baltimore Police Department. I am advising you that our interaction is being recorded."
2. This notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided.

...

Exceptions [to Mandatory Recording]

...

2. Deactivation of a BWC may be appropriate when a victim, witness, or other person wishes to make a statement or share information, but refuses to do so while being recorded, or requests that the camera be turned off. Officers may turn the camera off to obtain the statement.

Baltimore PD provides special privacy considerations when recording in health care and detention facilities, but *not* in private residences.

Private Residences

Private residences should not be treated any differently than other property for purposes of recording.

...

Health Care Facilities and Detention Facilities

Patient Privacy

1. Members shall not activate the BWC until meeting with the complainant on a call-for-service or when encountering an on-view incident while inside of a medical facility which requires activation pursuant to this policy.
2. Members shall not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. 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.
3. Officers shall not record while in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a radio call involving a suspect or taking a suspect statement.
4. Officers shall not regularly record while inside jail facilities.
5. However, in any setting, if confronting a violent or assaultive suspect, or in an anticipated use of force instance, the member shall, when reasonably able to do so, activate their BWCs to record the encounter.

Prohibits Officer Pre-Report Viewing

For certain serious incidents, Baltimore PD only allows officers to review the BWC recording if certain conditions are met, such as if an officer "has been compelled to make a statement." For other routine matters and administrative investigations, officers can view footage before writing their reports.

Review of Recordings

...

2. Members may view their own video footage to assist in complete and accurate report writing for routine matters. A member must document in their written reports whether camera data for the incident was reviewed.
3. Members who are involved in a serious use of force, in-custody death, or are the subject of a criminal investigation may view their BWC recording related to the incident prior to completing and submitting any required reports and being interviewed by the appropriate investigative unit provided that:
 - 3.1. The member is in receipt of a declination letter from the prosecuting authority, or the member has been compelled to make a statement and the appropriate *Garrity* warning has been issued; and
 - 3.2. The recording is viewed at IAS or at a location approved by an IAS official.
4. Members who are the subject of an administrative investigation may view their BWC recording prior to completing and submitting any required reports and being interviewed by the appropriate investigative unit.

Limits Retention of Footage

Baltimore PD does not address, and thus does not require, the deletion of any footage.

Protects Footage Against Tampering and Misuse

Baltimore PD expressly prohibits both footage tampering and unauthorized access, and logs all access to footage.

Security, Retention and Disclosure of BWC Data

1. Members are strictly prohibited from sharing any BWC log-in information or passwords with any other person.
2. Only members who have successfully completed BWC training and possess valid BWC system

- log-in credentials are authorized to view BWC footage.
- 3. Accessing, copying or releasing files for non-law enforcement purposes are strictly prohibited. All access to the downloaded material must be authorized in writing by the Police Commissioner or his/her designee.
- 4. Accessing, copying, releasing or sharing BWC footage on/from any computer or device not issued by the BPD is strictly prohibited.
- 5. The BPD shall retain a non-editable original version of BWC footage, and shall log any time the footage is viewed, for what length of time and by whom, and shall log any copying or editing of BWC footage.
- 6. Access to BWC data shall be controlled through a secure location.
- 7. Members are explicitly prohibited from tampering, editing and/or copying data stored in the BWC and the hosted storage repository.

Makes Footage Available to Individuals Filing Complaints

Baltimore PD relies on Maryland's public records law to make footage available, and does not expressly allow complainants to view relevant footage.

Maryland Public Information Act (MPIA) Requests

Members of the public may request to obtain BWC footage by completing a Baltimore Police Department MPIA Request Form and emailing same to: DCU@baltimorepolice.org. Requests for BWC footage shall be granted or denied based upon the Maryland Public Information Act ("MPIA"), Annotated Code of Maryland, General Provisions Article, § 4-101, et seq.

Limits Biometric Searching of Footage

Commendably, Baltimore PD sharply limits the use of facial recognition technologies to perform broad searches of recorded footage. (A narrow exception is made for analyzing particular incidents using such technologies.) This policy is unique among the major department policies we've reviewed.

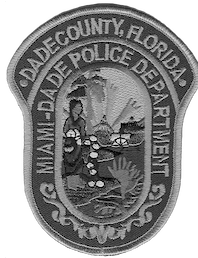
Review of Recordings

...

- 7. Stored video and audio data from a BWC shall not:
 - 7.1. Be used to create a database or pool of mug shots;
 - 7.2. Be used as fillers in photo arrays; or
 - 7.3. Be searched using facial recognition software.

NOTE: This subsection does not prohibit the BPD from using a recognition software to analyze the recording of a particular incident when a supervisory member has reason to believe that a specific suspect or person in need of assistance may be a subject of a particular recording.

Miami-Dade Police Department



-
- ✗ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
 - Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - ✗ Limits Retention of Footage
 - Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage
 - 💰 Received a [\\$1,000,000 DOJ grant](#) for BWCs in 2015

Last updated: October 15, 2015

✗ **Makes the Department Policy Publicly and Readily Available**

Miami-Dade PD does not publish its BWC policy on its website. However, a [draft policy](#) was found on the Bureau of Justice Assistance's Body Worn Camera Toolkit. While the policy itself is undated, the name of the file from BJA suggests that the policy is current as of April 24, 2015.

✓ **Limits Officer Discretion on When to Record**

Miami-Dade PD requires officers to record a wide range of law enforcement activities. (§§VII.B-D)

B. Officers should activate the BWC system prior to exiting their assigned vehicles, or as soon as practicable, when responding to a call for service or prior to engaging in any official law enforcement matter, as defined in section V.(G) and as outlined below.

1. Traffic stops
2. Citizen contacts related to official law enforcement matters
3. Impaired driver investigations
4. Vehicle pursuits/foot pursuits
5. All Calls-For-Service
6. Transportation of any prisoner(s) or citizen(s) for any reason
7. All searches(persons,vehicles,structures,etc.)
8. Statements made by subjects, victims, and witnesses
9. Arrest situations
10. Other legitimate law enforcement contacts when the officer believes it is in the best interest

- of the Department and the community
- 11.Public encounters that become adversarial
- C. Once the BWC is turned on, officers will continue to record until the conclusion of the event.
- D. Additional arriving units dispatched to a scene who are assigned a BWC system, will begin recording, and continue to record until the conclusion of the event.

When officers fail to record, officers must justify the failure in writing and notify their supervisor. (§VI.E)

- E. Officers will make every effort to place the BWC system in the “Record Mode” as soon as practicable when involved in an official law enforcement matter, as defined in this policy. Officers who fail to activate the BWC system when involved in an official law enforcement matter are required to immediately notify their supervisor and explain the reason for the non-activation. Additionally, the officer will document the incident and reason for non-activation via memorandum to the element commander by the end of the officer's shift.

○ Addresses Personal Privacy Concerns

Miami-Dade PD allows victims to opt out of recording, but only if they are “in locations where [they] have a reasonable expectation of privacy.” This means that victims and other vulnerable individuals, who are found in public and semi-public places, could not opt out of recording. (§§VII.G-I, VIII.B-C)

VII. USER GUIDELINES:

- ...
- G. In locations where victims have a reasonable expectation of privacy, such as a residence, an officer may honor a victim's request to turn off the BWC unless the recording is being made pursuant to an arrest or search of the residence or the individuals.
- H. Officers should balance the need to capture data of non-evidentiary value with the dignity of individuals who may be experiencing matters of a personal nature.
- I. Officers may turn off the BWC for intelligence gathering or to obtain information for a criminal investigation when a citizen will not provide said information on video. . . .

VIII. PROHIBITED CONDUCT:

- ...
- B. The BWC system will not be activated in places where a reasonable expectation of privacy exists, such as dressing rooms, restrooms, or locker rooms.
- C. Officers assigned a BWC shall not knowingly record confidential informants or officers working in an undercover capacity.

Miami-Dade PD also has no policy that requires officers to inform subjects that the camera is recording.

⊗ Prohibits Officer Pre-Report Viewing

Miami-Dade PD allows officers to view relevant footage while completing their reports. (§VII.E)

- E. Officers, supervisors, and investigators may use data captured via the BWC system to assist with the investigation and/or completion of the appropriate reports.

⊗ Limits Retention of Footage

Miami-Dade PD retains non-evidentiary data for a minimum of 60 days, then purges

the data per the retention schedules published by Florida's records management office. The office's [records schedule for law enforcement](#), effective February 19, 2015, does not appear to include a schedule for body-worn video. It's unclear how Miami-Dade ultimately disposes of recorded footage. (§§XIII.D-E)

- D. Non-evidentiary data shall be retained for 60 days.
- E. All data will be purged per the retention schedules published by the Department of State, Division of Library and Information Services.

Protects Footage Against Tampering and Misuse

Miami-Dade PD expressly prohibits both footage tampering and unauthorized access, but does not indicate that access to recorded footage will be logged or audited. (§§VIII.E-I)

- E. Employees will not access, review, copy, or facilitate the release of any recording obtained via the BWC, other than for official law enforcement purposes.
- F. Employees will not make copies of any recordings for personal use and are prohibited from using any recording device (such as a phone, camera, or secondary video camera) to record any data captured by the BWC system.
- G. Employees will not use any other electronic devices or other means in order to intentionally interfere with the capability of the BWC system.
- H. Employees will not post BWC footage to ANY social media site, without prior written approval from the Department Director or his designee.
- I. Employees shall not erase, alter, modify or tamper with any recorded data. Only the authorized system administrator in the VFU may erase, redact, forward, or distribute any recording.

Makes Footage Available to Individuals Filing Complaints

Miami-Dade PD relies on existing public records law to make footage available, and does not expressly allow individuals who are filing police misconduct complaints to view footage. (§§XIII.A-C)

- A. BWC data captured as part of a Department member's duties shall be the property of the MDPD and be considered an official public record of the Department.
- B. The release of information requested through a public records request will be subject to the same statutory exemptions from public disclosure as any other departmental record.
- C. Prior to releasing any BWC recordings, VFU staff will ensure that any and all redactions are in compliance with Florida Public Records laws.

Limits Biometric Searching of Footage

Miami-Dade PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Las Vegas Metropolitan Police Department



-
- ✗ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
 - ✓ Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - ✓ Limits Retention of Footage
 - ✓ Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage
 - 💰 Received a [\\$250,000 DOJ grant](#) for BWCs in 2015

Last updated: October 15, 2015

✗ **Makes the Department Policy Publicly and Readily Available**

LVMPD does not publish its BWC policy on its website. However, a [draft policy](#) was found on the Bureau of Justice Assistance's Body Worn Camera Toolkit. The policy is dated December 2014, and is §5/210.01 of the LVMPD Department Manual.

✓ **Limits Officer Discretion on When to Record**

LVMPD does not publish its BWC policy on its website. However, a draft policy was found on the Bureau of Justice Assistance's Body Worn Camera Toolkit. The policy is dated December 2014, and is §5/210.01 of the LVMPD Department Manual. LVMPD requires officers to record "all contacts with citizens in the following occurrences":

General Procedure

...

1. Vehicles stops;
2. Person stops: consensual, articulable reasonable suspicion, or probable cause;
3. All dispatched calls for service involving contact with citizens;
4. Detentions, investigations pursuant of an arrest, arrests, suspect interviews, and post-Miranda interrogations;
5. Search of persons incident to arrest (if not already activated);
6. Search warrants of structures or vehicles;
7. K9 searches requested by a Patrol officer;

8. As soon as possible after the occurrence of an officer-involved traffic accident (if not already activated);
9. Code 3 driving;
10. Pursuits: primary and secondary officers;
11. Any contact that becomes adversarial when body camera had not been activated;
12. Transport of Code 5 prisoners;
13. Any other citizen contact or official duty circumstance at the officer's discretion based on circumstances and reasonableness.

LVMPD gives officers discretion to turn off their cameras in certain situations. Whenever officers exercise discretion, they must record the justification on camera before turning it off. When officers fail to record, they must document the reason in their reports.

General Procedure

Officers shall continue recording until they announce on camera that they are deactivating their BWC:

Under the exceptions above. Officers must state the specific reason(s) they are turning off their cameras before doing so . . .

Camera Deployment

...

B.7. If an officer fails to activate the BWC or the BWC malfunctions, the officer will document the circumstances and reason as a closing comment to the event on the MDT and in any applicable reports.

Addresses Personal Privacy Concerns

LVMPD requires officers to obtain explicit permission from crime victims and witnesses (or a parent or legal guardian, in the case of a juvenile) before recording. In addition, LVMPD allows officers to cease recording in sensitive locations and situations.

General Procedure

... Officers should restrict recording to areas and persons necessary in order to obtain evidence and information relevant to the incident and should attempt to minimize collateral intrusion to those not involved. . . .

[Recording need not continue if] [t]he event is of a sensitive nature, i.e. child sexual assault, presence of child pornography, etc. . . .

Victims and Witnesses

... In the case of crimes, such as sexual assault, where sensitivity to the victim is paramount, officers must get the explicit permission for recording of the first contact statement from the victim and this will be documented on the recording. If the victim is in anyway unsure of the need for the recording to be made or is uncomfortable with the thought of being recorded then the officer should not record the statement. If a victim or witness does not consent to being recorded on any event the officer may consider asking the subject if they would agree to the option to divert the camera away and recording only audio. . . .

Juvenile Recordings

... Juvenile victims or witnesses to a crime will only be recorded with the permission of a parent or legal guardian present at the time of the recording. This permission must be documented on the recording. If consent is not given to being recorded the officer may consider the option to divert the camera away from the subject and recording only audio. . . .

Sensitive Locations

... BWC officers should be mindful of locations where recording may be considered insensitive, inappropriate, or prohibited by private policies. Such locations include places of worship, religious ceremonies, certain locations in hospitals or clinics, law offices, day care facilities, etc. The presence of, and recording by, BWCs may not be practical even though officers may have a legal reason to be present and conduct public safety business. At such locations, at the officer's discretion and based on the circumstances, BWCs may be turned off. Officers must state the reason they are turning off the camera before doing so. The officer may consider the option to divert the camera away from any subjects and recording only audio if appropriate. ...

✘ **Prohibits Officer Pre-Report Viewing**

LVMPD permits officers to view footage before completing their statements, even in cases of officer-involved shootings.

Officer Involved Shootings

Following an officer involved shooting, or other use of deadly force, involved personnel or any supervisor shall not view the BWC recording on any device or computer prior to FIT/CIRT/IAB viewing the footage.

- Involved officers shall be allowed to view their own BWC recording prior to a walkthrough and statement;
- Witness officers shall be allowed to view their own BWC recording prior to a walkthrough and statement; ...

RECORDED DATA ACCESS AND REVIEW

...

1. OFFICER ACCESS - Officers may view their own BWC recordings as they relate to:
 - a. Their involvement in an incident for the purposes of completing an investigation and preparing official reports. To help ensure accuracy and consistency, officers are encouraged to review the BWC recording prior to preparing reports;
 - b. Prior to court to refresh recollection. NOTE: Officers will ensure that the prosecuting attorney is aware the BWC recording was reviewed;
 - c. Providing a statement pursuant to an internal investigation, including officer involved shooting investigations and other critical incidents. NOTE: Following an officer involved shooting or other critical incident, involved personnel shall not view their BWC recording on any device or computer prior to the BWC recording being uploaded into Evidence.com.

✔ **Limits Retention of Footage**

LVMPD deletes unflagged footage in exactly 45 days.

Category Retention Schedule

The retention period begins from the date the BWC recording was labeled or categorized. Unlabeled or uncategorized recordings will be auto-deleted at 45 days. ...

✔ **Protects Footage Against Tampering and Misuse**

LVMPD prohibits both footage tampering and unauthorized use and distribution — and it maintains an audit log of all access to recorded footage.

UPLOAD AND STORAGE PROCEDURES

General

... Once recordings are uploaded to [the video storage and access system] the program provides

detailed tracking on who accesses recorded data, when and for what purpose. This extensive audit system prevents data tampering, deleting or copying.

Data Storage, Security, and Access

1. The Body Camera Detail is responsible for the storage and security of BWC recording files;
2. Any and all images, video, and/or audio generated by any BWC are the sole property of the Las Vegas Metropolitan Police Department;
3. Unauthorized use, duplication, and/or distribution of BWC recordings files are prohibited;
4. Employees shall not download, copy, or record BWC recordings from Evidence.com onto any computer, device, drive, CD/DVD, or any other format without the express written consent of the Sheriff or his designee. Only trained LVMPD personnel shall operate the BWC;
5. Employees shall not remove, dismantle or tamper with any hardware/software component or part of the BWC. Employees shall not attempt to erase or alter in any manner, BWC recordings file;
6. Evidence.com shall only be accessed from LVMPD authorized computers. Access to Evidence.com from a home, personal, or non-departmental mobile device is prohibited. . . .;
7. Employees shall not publish or display BWC recordings to the internet or social media sites . . .
9. BWC recordings shall not be used or shown for the purpose of ridicule or embarrassment.

RECORDED DATA ACCESS AND REVIEW

All access and activity on Evidence.com is logged and subject to audit at any time.

✘ Makes Footage Available to Individuals Filing Complaints

LVMPD permits — but does not require — the Internal Affairs Bureau (IAB) to show footage to potential complainants. But the policy does not detail how requests to view footage should be made or handled.

Data Storage, Security, and Access

. . .

8. IAB personnel may allow citizens, arrestees or violators to view BWC recordings as part of an investigation into an allegation of misconduct;

All other requests for footage must be made pursuant to Nevada's Open Records Act.

RECORDED DATA ACCESS AND REVIEW

- G. REQUESTS FOR VIDEO/AUDIO PURSUANT TO NEVADA'S OPEN RECORDS ACT - Nevada law allows for the public to request to inspection and/or copies of public records. Whether a BWC recording is a public record will depend on several factors [listed within].

✘ Limits Biometric Searching of Footage

LVMPD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Detroit Police Department



-
- ✘ Makes the Department Policy Publicly and Readily Available
 - ? Limits Officer Discretion on When to Record
 - ? Addresses Personal Privacy Concerns
 - ? Prohibits Officer Pre-Report Viewing
 - ? Limits Retention of Footage
 - ? Protects Footage Against Tampering and Misuse
 - ? Makes Footage Available to Individuals Filing Complaints
 - ? Limits Biometric Searching of Footage
 - 💰 Received a [\\$1,000,000 DOJ grant](#) for BWCs in 2015

Last updated: October 15, 2015

✘ **Makes the Department Policy Publicly and Readily Available**

As far as we can tell, Detroit PD has never made a BWC policy available to the public. Detroit PD has tested BWCs in two different pilot programs: one in [April 2014](#) and another from [March to July 2015](#). Detroit Police Assistant Chief James White [says](#) that the Detroit PD is using "'common sense' policies that are accepted best practices across the nation." In August 2015, Detroit Mayor Mike Duggan and Police Chief James Craig [announced](#) that Detroit would be implementing the "nation's first law enforcement video system that would integrate body cameras and in-car dashboard cameras," to begin in early 2016 with full deployment of BWCs within three years.

Memphis Police Department



-
- ✘ Makes the Department Policy Publicly and Readily Available
 - ✔ Limits Officer Discretion on When to Record
 - Addresses Personal Privacy Concerns
 - ✘ Prohibits Officer Pre-Report Viewing
 - ✘ Limits Retention of Footage
 - Protects Footage Against Tampering and Misuse
 - ✘ Makes Footage Available to Individuals Filing Complaints
 - ✘ Limits Biometric Searching of Footage

Last updated: October 15, 2015

✘ **Makes the Department Policy Publicly and Readily Available**

Memphis PD does not publish its BWC policy on its website. However, a [recent policy](#) was published by local news station WREG. The policy is dated September 23, 2015.

✔ **Limits Officer Discretion on When to Record**

Memphis PD requires officers to record a wide range of on-duty activities. (§IV.C.4)

4. Officers shall activate their BWC when responding to all calls for service immediately after a call has been acknowledged and during all law enforcement-related encounters and activities that occur while the officer is on duty. There are many situations where the activation of the BWC is appropriate and this policy is not intended to describe every possible circumstance. The following scenarios require activation of the BWC:

- a) All dispatched calls for service;
- b) All vehicle stops (to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops;
- c) DUI investigations including field sobriety tests;
- d) Suspicious vehicles;
- e) Person stops: consensual, reasonable suspicion, or probable cause;
- f) Use of force situations;
- g) Detentions/Arrests and transport;
- h) Search of persons incident to arrest;
- i) High-risk encounters (e.g., barricade situations, active shooter situations);
- j) Tactical Activities;
- k) Search warrants of structures and buildings;

- l) Foot pursuits;
- m) All calls requiring the presence of a Crisis Intervention Team (CIT) officer;
- n) K9 searches requested by a patrol officer;
- o) During the inventorying of seized money or any high value property;
- p) Any citizen contact that becomes confrontational when BWC had not already been activated;
- q) Any citizen transport to any location (including Signal 5).
- r) BWCs shall be used during all work details.

Prior to each camera deactivation, officers must state the reason for termination of the recording. Officers must also document any failures to record in their report. (§§IV.C.6-9; §IV.E)

- 6. The BWC shall remain activated until the event has concluded in order to ensure the integrity of the recording. For the purpose 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, has completed transport of a civilian or an arrestee, or when the officer is told by a member of [Inspectional Services Bureau] (this should also be recorded). Officers will document the reason that the BWC has been deactivated in the form of a recorded announcement on the BWC prior to deactivation.
 - 7. 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.
 - 8. Officers shall provide the dispatcher a disposition, get in service, or in the case of an arrest, have transferred custody of the arrestee before ending a recording.
 - 9. It is recommended that officers record any pedestrian contacts and other events when the recording could have value such as evidence, to limit liability, to resolve citizen complaints or as a training tool.
- IV.E. . . . If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document in the related offense report or memo as to why a recording was not made, was interrupted, or was terminated.

Addresses Personal Privacy Concerns

Memphis PD advises officers to avoid recording victims and witnesses in sensitive situations and locations. (§IV.C.10, §V.C.)

- IV.C.10. When recording victims and witnesses in sensitive situations such as sexual assault cases, in hospitals or other medical or psychiatric facilities, officers shall be careful to avoid, when possible, recording persons in states of undress.
- ...
- V.C. The BWC 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 can later be blurred.

But while officers must inform subjects that they are being recorded, the policy does not expressly allow subjects to opt out of recording. (§IV.C.5)

- 5. Unless unsafe, impractical or impossible officers shall inform contact 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.")

✘ **Prohibits Officer Pre-Report Viewing**

Memphis PD permits officers to review footage when completing their written reports. (§IV.F)

F. Officers are authorized to review their own BWC when preparing official written documentation of a specific event. Officers may only review recordings from their assigned BWC. The viewing will be utilized as a tool when completing written reports to ensure the accuracy and consistency of events...

✘ **Limits Retention of Footage**

The policy does not require Memphis PD to delete unflagged footage.

○ **Protects Footage Against Tampering and Misuse**

Memphis PD expressly prohibits footage tampering and unauthorized access, but does not indicate that access to recorded footage will be logged or audited. (§§5.E-H)

E. Officers shall not remove, dismantle, or tamper with any hardware or software component or part associated with the MVS [mobile video system].

F. Officers shall not destroy, erase, disseminate, edit, alter, tamper, or otherwise use MVS 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.

✘ **Makes Footage Available to Individuals Filing Complaints**

Memphis PD does not expressly allow individuals who are filing police misconduct complaints to view footage.

✘ **Limits Biometric Searching of Footage**

Memphis PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Milwaukee Police Department



-
- ✓ Makes the Department Policy Publicly and Readily Available
 - Limits Officer Discretion on When to Record
 - Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - ✗ Limits Retention of Footage
 - ✗ Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage

Last updated: November 17, 2015

✓ **Makes the Department Policy Publicly and Readily Available**

Milwaukee PD publishes its most recent publicly available [BWC policy](#) on its website as part of its [Standard Operating Procedures](#). The policy is SOP 747, effective October 16, 2015.

○ **Limits Officer Discretion on When to Record**

Milwaukee PD requires officers to record "all investigative or enforcement contacts" through the completion of the event. (§§747.25.C.2.d, g)

d. Members with a BWC will make every effort to activate their BWC for all investigative or enforcement contacts including, but not limited to:

1. Vehicle stops
2. Impaired driver investigations
3. Field interviews and pedestrian stops
4. Transporting citizens or prisoners
5. Searches of persons or property
6. Dispatched calls for service
7. Crime scenes
8. Crash scenes (may be turned off if member is waiting on a tow truck and no additional enforcement activity is likely)
9. Advising a subject of Miranda warnings (in the field or without MediaSolv)
10. Suspect/witness statements and interviews
11. Vehicle and foot pursuits
12. Emergency response to critical incidents

...

g. Once a BWC is recording, members must continue to record until either the completion of the event or until they leave the scene and their involvement in the event ceases.

Before prematurely stopping a recording, officers must record a justification on camera before turning it off. (§§747.25.D.3)

3. Members shall make a verbal notation on the recording any time he or she plans to intentionally stop a recording prior to the completion of an event or incident. The verbal notation must include the reason why the member is stopping the recording.

However, when officers fail to record a required incident, there is no requirement to provide a concrete justification.

○ Addresses Personal Privacy Concerns

Milwaukee PD prohibits officers from recording “in a places where a reasonable expectation of privacy exists.” But in other sensitive situations, including those that involve nude individuals or victims of sexual assault, Milwaukee PD gives officers full discretion over whether to record. (§747.25.D.1; §§747.25.E1-2)

D. EXCEPTIONS TO RECORDING

1. Police members have discretion in whether or not to record potentially sensitive events or circumstances (e.g., victims of a sexual assault, child victim statements / interviews, nude persons who are not the target of enforcement action, or a citizen victim/witness who requests they not be recorded while giving a statement, or where otherwise authorized in this policy).

...

E. PROHIBITED RECORDINGS

In keeping with the department’s core values of respect and integrity, members assigned a BWC will adhere to the following guidelines:

1. BWC’s will not be activated in a place where a reasonable expectation of privacy exists, such as dressing rooms, locker rooms and restrooms . . .
2. BWC’s shall not be used to record a body cavity search, which are only allowed to occur in a hospital or medical setting. BWC’s will be used to record searches done by officers in the field (e.g., pat-downs, vehicle searches).

Milwaukee PD suggests — but stops short of requiring — that officers inform subjects that they are being recorded. The policy does not expressly allow subjects to opt out of recording. (§747.25.C.2.h)

h. While not required by policy or state law, members assigned a BWC may find it valuable to inform other parties that they are being recorded. This has proven to be influential in garnering cooperation of subjects and has been shown to reduce incidents of use of force.

✗ Prohibits Officer Pre-Report Viewing

Milwaukee PD allows officers to review footage when writing their reports. (§747.25.I.1.b)

1. . . . Recordings may be reviewed:

...

- b. By a police member viewing their individually assigned recordings to assist with writing a report, supplement, citation, memorandum or court case preparation.

✗ Limits Retention of Footage

Milwaukee PD specifies various “recording management categories” and the minimum retention durations for each category. (§747.25.G.2) For example, for unflagged footage:

2. Recording Management Categories

a. The following recording categories are to be used.

...

2. Incident - No Official Police Action Taken / Call Advised

- a. All video files that have contact with the public having no immediate evidentiary value at the time of recording will be saved in this category.
- b. Any file not tagged into another category by a member will be placed into this category.
- c. Files retained in this category will be preserved for 130 days from the date of recording.

✘ Protects Footage Against Tampering and Misuse

Milwaukee PD prohibits unauthorized access to footage, but does not expressly prohibit officers from modifying, deleting, or otherwise tampering with footage. The policy also does not indicate that access to recorded footage will be logged or audited. (§747.25.J.2)

2. Unauthorized accessing, copying, or releasing captured video without the approval of the Chief of Police or his/her designee is strictly prohibited. Members are prohibited from making copies of a BWC audio/video recording by using another recording device such as a cell phone.

✘ Makes Footage Available to Individuals Filing Complaints

Milwaukee PD relies on existing public records law to make footage available, and does not expressly allow individuals who are filing police misconduct complaints to view footage. (§§747.25.J.4-6)

- 4. Members will not allow citizens to review video captured by a BWC unless there is an investigative reason to do so and such viewing has been approved by a supervisor. Members shall advise citizens that they may request a copy of the recording through the public records process.
- 5. The release of video requested through a public records request will be handled in accordance with existing policy and public records laws. Reproduction fees for duplication of recordings will be established by the City of Milwaukee. . . .
- 6. Prior to the release of any BWC recording to the public, Open Records will ensure that proper redactions have been made in accordance with state law.

✘ Limits Biometric Searching of Footage

Milwaukee PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

San Antonio Police Department



-
- ✘ Makes the Department Policy Publicly and Readily Available
 - ? Limits Officer Discretion on When to Record
 - ? Addresses Personal Privacy Concerns
 - ? Prohibits Officer Pre-Report Viewing
 - ? Limits Retention of Footage
 - ? Protects Footage Against Tampering and Misuse
 - ? Makes Footage Available to Individuals Filing Complaints
 - ? Limits Biometric Searching of Footage
 - 💰 Received a [\\$1,000,000 DOJ grant](#) for BWCs in 2015

Last updated: October 15, 2015

✘ **Makes the Department Policy Publicly and Readily Available**

As far as we can tell, San Antonio PD has never made a BWC policy available to the public. The San Antonio PD [launched a six-month BWC pilot program](#) in March 2014. Though former San Antonio Chief of Police William McManus [outlined the police department's BWC policy](#) at City Council meeting in December 2014, noting that the policy addressed "the following key issues: 1) When to begin and end a recording; 2) When not to record; 3) Who can access stored records; 4) Who can authorize requests to view videos; and 5) Video retention and deletion time table," we could not find a record of that policy.

San Antonio will [deploy BWCs in three phases](#) over the next three years: "The first phase will involve 251 cameras for bicycle and park police officers. The second phase, beginning later in FY 2016 and continuing through FY 2017, will involve an incremental roll out of cameras to police substations."

San Francisco Police Department



-
- ✓ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
 - ✓ Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - ✗ Limits Retention of Footage
 - Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage

Last updated: October 15, 2015

✓ **Makes the Department Policy Publicly and Readily Available**

SFPD has a [webpage](#) dedicated to the development of its body worn camera policy, which provides details about the department's biweekly BWC working group meetings. The group publishes the latest iteration of the draft policy for each meeting. The most recent publicly available [draft policy](#) is dated August 11, 2015.

✓ **Limits Officer Discretion on When to Record**

SFPD requires officers to record a wide range of law enforcement activities. (§III.C)

C. Authorized Use.

All members equipped with a BWC shall activate their BWC equipment to record in the following circumstances:

1. Detentions and arrests
2. Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim . . .
3. 5150 evaluations
4. Traffic and pedestrian stops
5. When serving a search or arrest warrant
6. Conducting any of the following searches on one's person and/or property:
 - a. Incident to an arrest
 - b. Cursory
 - c. Probable cause
 - d. Probation/parole
 - e. Consent
 - f. Vehicles

7. Transportation of arrestees and detainees
8. During any citizen encounter that becomes hostile
9. In any situation when the recording would be valuable to evidentiary purposes
10. Only in situations that serve a law enforcement purpose.

In addition to specifying when officers shall terminate their recordings (§III.E), SFPD requires officers to document the reasons for any failures to record. (§III.G)

G. Documentation.

... If a member deactivates a BWC recording prior to the conclusion of an event, the member shall document the reasons for terminating the recording in CAD, the incident report, a written statement or a memorandum.

If a member reactivates the BWC after turning the equipment off, the member shall document the reasons for restarting the recording in CAD, the incident report, a written statement or a memorandum.

If a member determines that officer or public safety would be compromised if a BWC were activated during an incident requiring its use, the member shall document in CAD, an incident report, a written statement or a memorandum the reasons for not using the BWC.

✓ **Addresses Personal Privacy Concerns**

SFPD prohibits officers from recording two categories of sensitive victims. (§III.D)

D. Prohibited Recordings.

Members shall not activate the BWC when encountering:

1. Sexual assault and child abuse victims during a preliminary investigation
2. Situations that could compromise the identity of confidential informants and undercover operatives
3. Strip searches.

In addition, officers must terminate a recording "when recording at a hospital would compromise patient confidentiality." (§III.E.3)

✗ **Prohibits Officer Pre-Report Viewing**

SFPD allows members to review footage prior to preparing incident reports or other statements, even in critical incidents. (§III.F.1)

F. Viewing BWC Recordings

1. A member may review a BWC recording on his/her assigned device or on an authorized computer for any legitimate investigatory purpose, including but not limited to, preparing an incident report, preparing statements, conducting a follow-up investigation, or providing testimony, except when a member is the subject of the investigation in any of the following circumstances that were captured by the BWC:

- a. An officer-involved shooting or in-custody death,
- b. A member is the subject of a criminal investigation,
- c. At the discretion of the Chief of Police or his/her designee.

For the above listed circumstances, the Department's administrative or criminal investigator will coordinate with the member or the member's legal representative to arrange the viewing of the BWC recording prior to the member's interview.

✗ **Limits Retention of Footage**

SFPD retains all BWC footage for at least two years. After this duration, for unflagged footage, deletion is “authorized” but not required. (§III.J)

J. Retention

... Subject to the above [retention] limitations, members of the [Risk Management Office] are authorized to delete BWC recordings in accordance with the Department’s established retention policies on BWC recordings or when directed by the Commanding Officer of the RMO.

○ Protects Footage Against Tampering and Misuse

SFPD prohibits the deletion of footage without prior authorization. (§III.J)

... A member may not delete any BWC recording without prior authorization. The member seeking to delete a recording shall submit a memorandum to his/her Commanding Officer requesting to delete footage from a BWC file and shall make an entry of the request in the appropriate case file, if applicable. The Commanding Officer shall then forward the memorandum to the Commanding Officer of the [Risk Management Office] for evaluation and appropriate action. . . .

In addition, SFPD prohibits footage access for purposes unrelated to a legitimate law enforcement. But the policy does not indicate that access to recorded footage will be logged or audited. (§III.F.2)

2. Members shall not access [or] view a BWC [recording] unless doing so involves a legitimate law enforcement purpose.

✗ Makes Footage Available to Individuals Filing Complaints

SFPD relies on existing public records law to make footage available, and does not expressly allow individuals who are filing police misconduct complaints to view footage. (§III.I.2.a)

a. The Department shall accept and process [Public Record Act] requests in accordance with the provisions of federal, state and local statutes and Department policy.

✗ Limits Biometric Searching of Footage

SFPD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Atlanta Police Department



-
- ? Makes the Department Policy Publicly and Readily Available
 - ? Limits Officer Discretion on When to Record
 - ? Addresses Personal Privacy Concerns
 - ? Prohibits Officer Pre-Report Viewing
 - ? Limits Retention of Footage
 - ? Protects Footage Against Tampering and Misuse
 - ? Makes Footage Available to Individuals Filing Complaints
 - ? Limits Biometric Searching of Footage

Last updated: November 12, 2015

? **Makes the Department Policy Publicly and Readily Available**

When this scorecard was initially released, on November 9, 2015, we scored a version of Atlanta PD's [body-worn camera policy](#) that was available through the Bureau of Justice Assistance's Body Worn Camera Toolkit. This was Special Order 14.05 from the Department's Policy Manual, titled "Body Worn Cameras Pilot Program (BWCPP)." The Order was effective September 1, 2014.

On November 10, 2015, a representative of the Atlanta PD contacted us to say that the policy we had originally reviewed was for an early pilot test, and was "no longer in effect." Although there was no public notation to suggest that the policy was out-of-date, we agreed to remove our score for the department, pending the release of a new policy.

From [public reports](#), it appears that the department plans to launch a second pilot in the coming weeks, with a new policy in place. We look forward to reviewing the new policy as soon as it's made publicly available.

Austin Police Department



-
- Makes the Department Policy Publicly and Readily Available
 - Limits Officer Discretion on When to Record
 - ✗ Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - ✓ Limits Retention of Footage
 - Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage

Last updated: October 15, 2015

○ **Makes the Department Policy Publicly and Readily Available**

Austin PD publishes its BWC policy on its website, but it's only found buried deep within the Department's 725-page [Policy Manual](#). The latest available version of this manual was adopted on May 4, 2015. The BWC policy is Policy 303, starting on page 125.

○ **Limits Officer Discretion on When to Record**

Austin PD requires officers to record in a wide range of law enforcement situations. (§303.2.1(a)-(d))

- (a) All units responding to a scene shall activate their department issued [camera] when they:
 - (a) Activate the [in-car camera] recording prior to arriving on-scene; or
 - (b) Have detained or arrested a person; or
 - (c) Are attempting to detain or arrest a person; or
 - (d) By the nature of the call for service, are likely to detain or arrest a person.
- (b) Examples of when the department issued [camera] must be activated include, but are not limited to:
 - (a) Traffic stops
 - (b) Pursuits, until completion of enforcement action
 - (c) DWI investigations including field sobriety tests
 - (d) Warrant service Investigatory stops
 - (e) Any contact that becomes adversarial in an incident that would not otherwise require recording.
 - (f) In those situations, it may be impractical or unreasonable for employees to activate their [camera] before taking police action. It is expected that once the immediacy of the situation is over, employees will activate their [camera] to record the remainder of the incident.
- (c) In addition to the required situations, employees may activate the system anytime they believe its

- use would be appropriate and/or valuable to document an incident.
- (d) There may be instances in which an officer is required to take immediate action to an event that occurs directly in front of them which may not allow time to activate their [camera]. In these circumstances, the officer shall activate their [camera] as soon as practical that allows the officer to safely contain the situation.

Officers must keep their cameras activated “until the incident has concluded,” but does not require a concrete justification for failures to record. (§303.2.2)

- (a) For purposes of this section, conclusion of an incident has occurred when:
 - (a) All arrests have been made and arrestees have been transported; and
 - (b) All witnesses and victims have been interviewed.
- (b) Recording may cease if no further law enforcement action is likely to occur (e.g., waiting for a tow truck or a family member to arrive.)

✘ **Addresses Personal Privacy Concerns**

Austin PD does not address personal privacy concerns.

✘ **Prohibits Officer Pre-Report Viewing**

Austin PD allows officers to view footage before completing their written reports. (§303.4(a)(b))

Recordings may be reviewed. . . [b]y an employee to assist with the writing of a report, supplement, or memorandum.

✔ **Limits Retention of Footage**

Austin PD deletes non-evidentiary footage after 45 days. (§303.2.4(b))

Downloaded incidents not needed as evidence or other official APD business will be erased after 45 days from the date of the recording.

○ **Protects Footage Against Tampering and Misuse**

Austin PD expressly prohibits footage tampering, but does not address unauthorized access to footage. The policy also does not indicate that access to recorded footage will be logged or audited. (§303.2(c))

- Employees shall not:
 - (a) Bypass or attempt to override the equipment.
 - (b) Erase, alter, or delete any recording produced by the [camera].

✘ **Makes Footage Available to Individuals Filing Complaints**

Austin PD does not expressly allow individuals who are filing police misconduct complaints to view footage.

✘ **Limits Biometric Searching of Footage**

Austin PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Cleveland Division of Police



-
- ✗ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
 - ✓ Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - ✗ Limits Retention of Footage
 - ✓ Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage

Last updated: October 15, 2015

✗ **Makes the Department Policy Publicly and Readily Available**

Cleveland Police does not publish its BWC policy on its website. However, a version of its [policy](#) was found on the Bureau of Justice Assistance's Body Worn Camera Toolkit. This policy was effective February 2, 2015.

✓ **Limits Officer Discretion on When to Record**

Cleveland Police requires officers to record "any police related action." (§IV.G)

G. [Activate the camera] prior to taking any police related action including, but not limited to:

1. Encounters with victims, witnesses, and suspects including those that involve or may involve a stop or investigation based on reasonable suspicion or probable cause.
2. All citations, uses of force, detentions, and arrests.
3. All searches including, but not limited to, people, vehicles, items, buildings, and places.
4. All domestic violence calls including suspect/victim interviews.
5. All interactions with persons known or suspected of having mental illness or in crisis.
6. Assisting other members engaged in a police related action, whether or not the other member has a WCS in event mode.
7. Pursuits (vehicle and foot) and emergency response driving.
8. When asked to by a citizen during the interaction with the citizen.
9. While en route to crimes in progress or just occurred where fleeing suspects or vehicles may be captured on video leaving the crime scene.
10. Crime or accident scenes where captured media can help document, enhance and support members: written reports, evidence collection, investigations, and court testimony.
11. Other events, situations and circumstances including but not limited to armed encounters, acts of physical violence, civil disturbances, and criminal or suspicious activity
12. Any situation that a member believes captured media may be of use.

Officers must record the entire contact and must always announce the reason why

the camera is being turned off before doing so. (§IV.H.3., §IV.J)

H. [Officers shall, after the camera is turned on:]

...

3. Not stop the recording until the contact has concluded or when ordered by a Cleveland Division of Police supervisor.

...

J. Document the reason that a WCS unit has been activated to Event Mode and is then returned to Buffering Mode. Documentation shall take the form of making a recorded announcement on the WCS.

1. Contact complete.
2. Ordered by supervisor (name) to end recording.
3. Incident complete.

Officers must notify a supervisor if they fail to record, but the policy does not indicate whether officers must provide a concrete justification (or how that information should be handled by the supervisor). (§IV.D)

Notify a supervisor when a WCS was not placed into event mode in compliance with this Order.

✓ Addresses Personal Privacy Concerns

Cleveland Police prohibits officers from recording in “[a]ny place where there is a reasonable expectation of privacy.” It specifically protects exposed individuals and those who have suffered extreme injuries. (§§V.D-H)

V. The [camera] shall not be used [] to capture the following, unless capturing evidence related to activities described [as required recording]:

...

- D. Protected health information and treatment when requested by the patient, or on-scene Emergency Medical Service or Division of Fire personnel.
- E. Gratuitous captured media (i.e. effects of extreme violence or injury, exposed genitalia or other erogenous areas, etc.).
- F. Any place where there is a reasonable expectation of privacy (i.e. dressing rooms, restrooms, etc.).
- G. Images of confidential informants or undercover members, unless requested by the undercover member, their supervisor, or commanding member.
- H. Conversations of citizens and/or members (i.e. administrative duties, court, community meetings, etc.).

Officers must notify citizens that the camera is recording. (§IV.H.2)

2. [Officers shall, after the camera is turned on] [a]dvice citizens that a camera is on and recording audio and video at the first reasonable opportunity keeping member safety a priority.

In two limited circumstances — when police are entering a private home or building, or recording a victim or witness — the officer may be allowed (but is not required) to turn the camera off if the subject opts out. (§IV.I)

I. Be permitted to [turn the camera off] after a citizen has been notified that a [camera] is recording in the following situations. . . .

1. Entering a private home or building where consent of the owner or person with authority to consent to the entrance is required and that person expressly declines to permit video and/or audio recording inside the home or building. This will not apply to entrance where consent is

not required or no longer required once inside the home/building including entrances related to a search warrant, arrest warrant, domestic violence calls, and emergency or exigent circumstances. If possible, members shall request that the citizen step outside or, depending on the circumstances and with supervisory approval, [stop recording].

2. When interacting with a victim or witness who refuses to cooperate if the [camera is recording]. Members shall notify and obtain approval from their immediate supervisor or the sector supervisor and document by stating, while the [camera is recording], the reason the [camera is being turned off]. If practicable and reasonable, record the victim or witness requesting the [camera] be turned off.

✘ Prohibits Officer Pre-Report Viewing

Cleveland Police allows officers to view relevant footage while completing their reports. (§X.B)

B. Members may access [camera] captured media via [the footage storage and access system] and view it to assist with investigations or reports.

✘ Limits Retention of Footage

Cleveland Police specifies a retention period of 180 days for unflagged footage, but no deletion requirement exists. (§X.A., §XVII.E)

X.A. All captured media will be uploaded [from the docking unit] and stored at [the digital storage website] according to the City of Cleveland records retention policy.

...

XVII. Members shall use the following categories to assist in maintaining and filing captured [camera] media. Captured media that members suspect needs to be retained longer than the retention period shall be documented in a Form-1 describing the reason and forwarding it through the chain of command to the Mobile Support Unit.

...

E. Possible complaints (retention of 180 days).

1. Member believes the incident may result in a complaint.
2. Captured media that does not fall into any of the above circumstances.

✔ Protects Footage Against Tampering and Misuse

Cleveland Police expressly prohibits both footage tampering and unauthorized access. Each time an officer accesses recorded footage, the officer must note the reason in the system. Cleveland Police also logs all access to footage. (§§I-II, §§X.C-D)

I. All captured media is an official record of the Cleveland Division of Police. Accessing, copying, or releasing any captured media for any purpose other than law enforcement related is strictly prohibited and subject to discipline. II. Members shall not be able to edit, delete, or alter captured media. The security features of [the footage storage and access system] ensure compliance and track all access to captured media.

...

X. Media Storage:

...

- C. Members shall not use any recording device to record captured media from [the footage storage and access system].
- D. Members shall add notes to captured media stating the reason for each view of captured media (i.e. completing report, court prep, random review, etc.).

✘ Makes Footage Available to Individuals Filing Complaints

Cleveland Police does not expressly allow individuals who are filing police misconduct complaints to view footage, and expressly prohibits officers from allowing anyone outside the department to view footage. (§§XIV.D-F)

- D. Unusual or exceptional incidents related to law enforcement activities are often the subject of heightened public curiosity and interest. However, members are strictly prohibited from allowing persons outside of law enforcement to view or listen to any media captured by the [camera] or any other Divisional evidence capture system without prior authorization from the Chief of Police.
- E. Unless otherwise directed by the Chief of Police, all video and/or audio recordings (including personal) recorded on duty shall not be disseminated outside of law enforcement.
- F. Members shall advise all non-Divisional requests for captured media to file a public records request.

✘ Limits Biometric Searching of Footage

Cleveland Police does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Seattle Police Department



-
- ✓ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
 - Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - ✗ Limits Retention of Footage
 - ✗ Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage
 - Received a [\\$600,000 DOJ grant](#) for BWCs in 2015

Last updated: October 15, 2015

✓ Makes the Department Policy Publicly and Readily Available

Seattle PD publishes its most recent publicly available [BWC policy](#) on its website. While the policy is found within the [Seattle Police Department Manual](#), the web-based manual makes the BWC policy reasonably easy to find. The policy is Title 16.091, effective April 1, 2015.

✓ Limits Officer Discretion on When to Record

Seattle PD requires officers to record a clearly defined set of police activity. (§4)

4. Officers Will Record Police Activity

Officers will record the following police activity:

- * Response to 911 calls, starting when the officer begins travel to the call and ending consistent with paragraph 5 below
- * Terry stops
- * Traffic stops
- * On-View Criminal Activity
- * Arrests and seizures
- * Searches and inventories of vehicles or persons
- * Transports (excluding ride-alongs and passengers for meetings)
- * Vehicle Eluding/Pursuits
- * Questioning suspects or witnesses

If circumstances prevent recording with BWV at the beginning of an event, the officer shall begin recording as soon as practical.

Employees will activate the BWV to record the above, even if the event is out of view of the camera.

Officers must record the entire event, and if they stop recording prematurely, they must document the reason in their report. (§5)

5. Once Recording Has Begun, Employees Shall Not Stop Recording Until the Event Has Concluded

Once BWV recording has begun, officers will record the entire event. An event has concluded when all of the following apply:

- * The employee has completed his or her part of the active investigation;
- * There is little possibility that the employee will have further contact with any person involved in the event; and
- * The employee is leaving the area of the event

...

Officers who stop recording with the BWV during an event must document the reason(s) for doing so in the GO report. If there is no GO created, the officer will document the reason(s) in an update to the call.

Any failure to record required events must also be documented. (§7)

7. Officers Will Document the Existence of Video or Reason for Lack of Video

Employees will document the existence of video, lack of video, or delay of the start of video in a call update and any related [reports].

Employees who are not logged to a call or event but capture video of the event will log to the call and note that the event was recorded in a call update.

If this policy requires that an event be recorded, and there is no recording or there was a delay in recording, employees must explain in writing why it was not recorded or why the start of the recording was delayed.

○ Addresses Personal Privacy Concerns

Seattle PD prohibits officers from intentionally recording "places where a heightened expectation of privacy exists," but does not address specific categories of vulnerable people. (§4)

4. ... Unless there is reasonable suspicion to believe that criminal activity is occurring or will occur, employees shall not intentionally record:

...

- * Places where a heightened expectation of privacy exists, such as restrooms, jails, or hospitals, unless for a direct law enforcement purpose such as a crime in progress or the recording of the location is material to a criminal investigation.

Officers must notify all subjects that they are being recorded, but no consent is required unless the recording would take place in a residence or other private area. (§4, 6)

4. ... For residences or other private areas not open to the public, officers will ask for consent to record with BWV. The request and any response will be recorded. If the request is denied, officers will stop recording with BWV during the time that they are in the private area.

6. Officers Shall Notify Persons of Recording

Officers using BWV shall notify persons that they are being recorded as soon as practical, and the notification must be on the recording.

Officers shall repeat the notification, if practical, for additional people that become involved in

the recording.

✘ Prohibits Officer Pre-Report Viewing

Seattle PD allows officers to view recorded footage for a wide range of purposes, including for investigations. (POL-2 §2)

2. Employees May Review Recorded Video

Employees may view body-worn video for the following purposes:

- * Complaint
- * Criminal investigation
- * Officer-involved collision, including Collision Review Board investigations
- * Vehicle Pursuit investigation or review
- * Force Review Board
- * Public Disclosure request
- * Use of Force review or investigation
- * Performance appraisal
- * As part of the Early Intervention System (EIS)
- * Training purposes, with the permission of the involved officers.
- * Audit and Quality Control/Troubleshooting

✘ Limits Retention of Footage

Seattle PD does not address, and thus does not require, the deletion of any footage.

✘ Protects Footage Against Tampering and Misuse

Seattle PD expressly prohibits unauthorized copying of footage, but does not address other forms of footage tampering or unauthorized access. The policy vaguely states that “[d]epartment policy” governs the uses of footage, but does not clearly identify which specific policies apply. (POL-2 §§1, 5)

1. All Body Worn Videos and Related Data are the Property of the Seattle Police Department

Department policy governs all access, review, and release of body-worn video.

...

5. Employees Shall Not Make Copies of Recorded Video Without Written Authorization From a Captain

Promisingly, each time footage is viewed, Seattle PD employees must state the reason they are doing so. (POL-2 §4)

4. Users Shall Note the Purpose for Viewing Video

Any employee viewing a video shall manually make an entry in the application stating the purpose for viewing the video.

Each vendor’s viewing application automatically logs the identity of a user who accesses a particular video, as well as the date and time of access.

✘ Makes Footage Available to Individuals Filing Complaints

Seattle PD does not expressly allow individuals who are filing police misconduct complaints to view footage.

✘ **Limits Biometric Searching of Footage**

Seattle PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

New Orleans Police Department



-
- Makes the Department Policy Publicly and Readily Available
 - Limits Officer Discretion on When to Record
 - Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - ✗ Limits Retention of Footage
 - Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage
 - 💰 Received a [\\$237,000 DOJ grant](#) for BWCs in 2015

Last updated: October 15, 2015

○ **Makes the Department Policy Publicly and Readily Available**

NOPD publishes its BWC policy on its website, but it's only found buried deep within the Department's 1075-page [Regulations Manual](#). The latest available version of the Regulations Manual is dated August 24, 2015. The BWC policy is Chapter 41.3.10, starting on page 65, and was effective April 5, 2015.

○ **Limits Officer Discretion on When to Record**

NOPD requires officers to record a wide range of situations. (§§9-13)

9. . . . Activation of the BWC is required for the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range;
- (b) Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops);
- (c) Emergency responses;
- (d) Vehicle pursuits;
- (e) Suspicious vehicles;
- (f) Arrests and transports;
- (g) Vehicle searches;
- (h) Consent to search;
- (i) Physical or verbal confrontations or use of force;
- (j) Pedestrian checks/Terry Stops;
- (k) DWI investigations, including field sobriety tests;
- (l) Domestic violence calls;
- (m) Statements made by individuals in the course of an investigation or complaint;
- (n) Advisements of Miranda rights;

- (o) Seizure of evidence;
- (p) Swat rolls;
- (q) High-risk warrants; and
- (r) All calls for service.

10. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
11. Any other legitimate law enforcement contact where the officer believes that a recording of an incident would be appropriate.
12. 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.
13. Department members have discretion whether to activate a BWC during consensual contacts of a non-criminal nature.

If officers deactivate their cameras before the conclusion of an incident, they must either seek supervisory approval or document their reasoning on camera. (§30)

30. 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. 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.

However, NOPD has no policy that requires officers to provide concrete justifications when they fail to record required incidents.

○ Addresses Personal Privacy Concerns

While NOPD expects officers to “be aware of, and sensitive to, civilians’ reasonable privacy expectations,” the department nonetheless gives officers full discretion to record during sensitive circumstances. The policy also does not expressly allow subjects to opt out of recording. (§§9, 29)

9. 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. In exercising this discretion, officers should be aware of, and sensitive to, civilians’ reasonable privacy expectations. The BWC shall only be activated for legitimate law enforcement purposes.
...
29. The BWC shall be utilized by any Department member assigned this device during all investigative or enforcement contacts however, there may be limited circumstances when the respect for an individual’s privacy or dignity outweighs the need to record an event (e.g. – a victim traumatized following a violent assault). When an officer believes such circumstances exist, or that use of a BWC would impede or limit the cooperation of a victim or witness during an investigative contact, an officer may deactivate the BWC after receiving authorization from a supervisor.

⊗ Prohibits Officer Pre-Report Viewing

NOPD allows officers to view footage before completing their written reports. (§§48-49)

- 48. A department member who has been assigned a BWC device may review his or her own BWC recording to help ensure accuracy and consistency of accounts. . . .
- 49. A Department member involved in any use of force incident or accident causing injuries will be permitted, but will not be required, to review his or her own BWC video recordings prior to providing a recorded statement or completing reports. . . .

✘ **Limits Retention of Footage**

NOPD specifies minimum retention durations, but does not require footage deletion. (§8)

- 8. Digital recordings shall be preserved for at least two years, or if a case is under investigation or in litigation for longer than two years, at least three years after the final disposition of the matter, including appeals, unless a written request is made to store them for a longer period of time for a legitimate law enforcement purpose.

○ **Protects Footage Against Tampering and Misuse**

NOPD expressly prohibits both footage tampering and unauthorized access, but does not indicate that access to recorded footage will be logged or audited. (§§5-6, 47)

- 5. Department members are not authorized to make copies of any recordings for their personal use and are prohibited from using a recording device (such as a phone camera or secondary video camera) to record media from EVIDENCE.COM.
- 6. Department members assigned a BWC shall not erase, alter, reuse, modify, destroy, abuse, or tamper with BWC audio-video recordings or the device. Department members shall not use other electronic devices or other means to intentionally interfere with the capability of the BWC equipment. . . .
- 47. General access to digital recordings shall be granted to Department-authorized users only. It is the responsibility of authorized users to keep their user names and passwords confidential. Accessing, copying, or releasing any recordings for other than official law enforcement purposes is strictly prohibited, except as required by law.

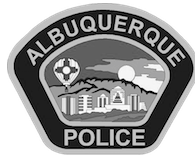
✘ **Makes Footage Available to Individuals Filing Complaints**

NOPD does not expressly allow individuals who are filing police misconduct complaints to view footage.

✘ **Limits Biometric Searching of Footage**

NOPD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Albuquerque Police Department



-
- ✓ Makes the Department Policy Publicly and Readily Available
 - Limits Officer Discretion on When to Record
 - ✗ Addresses Personal Privacy Concerns
 - ✗ Prohibits Officer Pre-Report Viewing
 - ✗ Limits Retention of Footage
 - ✗ Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage
 - 💰 Received a [\\$250,000 DOJ grant](#) for BWCs in 2015

Last updated: November 9, 2015

✓ **Makes the Department Policy Publicly and Readily Available**

Albuquerque PD publishes its [BWC policy](#) on its website, linked from the department's [General Orders Manual](#). Order 1-39, on the "Use of Tape/Digital Recorders," applies to body-worn cameras. While the Order is dated January 22, 2013, it appears to be the department's current policy.

○ **Limits Officer Discretion on When to Record**

Albuquerque PD requires officers to record certain categories of citizen contact. (§§1-39-1-A, 1-39-2-B)

1-A. Personnel will use issued tape/digital recorders to document the incidents listed below.

It will be the responsibility of the primary officer to ensure that the incident will be recorded in its entirety.

...

2-B. All sworn department personnel will record each and every contact with a citizen during their shift that is the result of a dispatched call for service, arrest warrant, search warrant service or traffic stop. . Personnel will activate the recorder prior to arriving at the call or prior to citizen contact on non-dispatched events (within the safety parameters of 1-39-1B) and will record the entirety of citizen contact. . . .

Officers may use discretion in certain "proactive (non-dispatched)" circumstances, if activating the recorder puts the officer or others in danger. (§1-39-1-B)

The Albuquerque Police Department recognizes there are certain circumstances where officers in a proactive (non-dispatched) capacity, may happen upon a situation requiring immediate action to

prevent injury, destruction of evidence or escape. In these types of situations officers should activate the recorder if doing so does not place them or others in danger. If the immediate activation of the recorder is not feasible due to immediate risk to the safety of the officer or others, the officer will activate the camera at the first available opportunity when the immediate threat has been addressed. Supervisors will closely review documentation of such incidents to ensure exigent circumstances did in fact exist.

1. Resisting Arrest.
2. Disorderly Conduct Arrests.
3. Refusing to Obey an Officer Arrests.
4. From the start of a search warrant until the area is secured (as outlined in subsection 2-16-2 B).
5. Those contacts where there is reason to believe a complaint could result.
6. Domestic violence calls for court purposes.
7. All calls involving suspected suicidal and/or suicidal individuals.
8. When a citizen refuses to sign a traffic citation.
9. When officers seek verbal/written permission to search a residence, building, structure, or vehicles. Officers will record through the duration of the search.
10. Child custody disputes.

Albuquerque PD does not require officers to provide concrete justifications when they fail to record required events.

✘ Addresses Personal Privacy Concerns

Albuquerque PD does not address personal privacy concerns.

✘ Prohibits Officer Pre-Report Viewing

Albuquerque PD does not address, and thus does not prohibit, officer review of footage before filing their initial reports.

✘ Limits Retention of Footage

Albuquerque PD specifies a minimum retention period, but does not appear to require footage deletion. (§1-39-2-B)

... The recordings will be saved for no less than 120 days.

✘ Protects Footage Against Tampering and Misuse

Albuquerque PD does not expressly prohibit footage tampering and unauthorized access.

✘ Makes Footage Available to Individuals Filing Complaints

Albuquerque PD does not expressly prohibit footage tampering and unauthorized access.

✘ Limits Biometric Searching of Footage

Albuquerque PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Oakland Police Department



-
- ✓ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
 - Addresses Personal Privacy Concerns
 - Prohibits Officer Pre-Report Viewing
 - ✗ Limits Retention of Footage
 - ✓ Protects Footage Against Tampering and Misuse
 - ✗ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage

Last updated: October 15, 2015

✓ **Makes the Department Policy Publicly and Readily Available**

Oakland PD publishes the most recent publicly available version of its [BWC policy](#) on its website, linked from its [Departmental Policies and Procedures](#) page. The policy is Departmental General Order I-15.1, effective July 16, 2015.

✓ **Limits Officer Discretion on When to Record**

Oakland PD requires officers to record a detailed and lengthy set of circumstances. (§II.A)

A. Required activation

Members shall activate their [camera] under any of the following circumstances:

1. Citizen contacts to confirm or dispel a suspicion that the citizen may be involved, as a suspect, in criminal activity;
2. Detentions and Arrests;
3. Assessment or evaluation for a psychiatric detention . . . ;
4. Involved personnel, as defined by [the department policy on Pursuit Driving], during a vehicle pursuit;
5. Serving a search or arrest warrant;
6. Conducting any of the following searches of a person and/or property:
 - a. Incident to arrest;
 - b. Cursory* (i.e., patdown or limited weapons search); *[]
 - c. Probable Cause;
 - d. Probation/Parole;
 - e. Consent; or
 - f. Inventory

- 7. Transporting any detained or arrested citizen (excluding prisoner wagon transports); or
 - 8. Upon the order of a higher ranking member.
- Members shall activate their [camera] prior to initiating the circumstances enumerated in Part II. A. 1-7, above.

Once activated, officers must not turn off their cameras until one of the defined circumstances occurs. (§II.D.1)

1. Members shall not de-activate their [camera], when it was activated as required by this policy, until one of the following occurs:
 - a. Their involvement in the citizen contact, arrest or detention has concluded or becomes a hospital guard . . . ;
 - b. They receive an order from a higher ranking member;
 - c. They are discussing administrative, tactical or law enforcement sensitive information away from the citizen;
 - d. They are at a location where they are not likely to have interaction or a chance encounter with the suspect (e.g. outer perimeter post, traffic control post, etc.);
 - e. The searches requiring activation . . . have concluded and the member believes they will have no further interaction with the person;
 - f. They reasonably believe the recording at a hospital may compromise patient confidentiality;
 - g. A pursuit has been terminated and the member performs the required actions, as specified in [the department policy on Pursuit Driving], or notifies Communications they are in-service; or
 - h. They are interviewing an informant for the purpose of gathering intelligence. At the conclusion of the interview, the [camera] shall be re-activated until no longer required by policy.
 - i. They are meeting with an undercover officer. At the conclusion of the meeting, the [camera] shall be re-activated until no longer required by policy.

After a member de-activates their [camera], it is their responsibility to ensure they re-activate their [camera] should the circumstances require it.

The policy describes different activation and deactivation requirements for statement taking, but we omit those requirements here for brevity. (§II.D.2)

Officers may record at their discretion when not otherwise required by policy, however all camera use must be documented in writing. (§II.E, §III.C.1)

II.E. Discretionary Activation and De-Activation

Members, when not prohibited from or required to activate their [camera], may use their own discretion when deciding to activate and de-activate the [camera].

...

III.C. [Camera] Use Documentation

1. Personnel are required to document all activations of their PDRD, except for test or accidental recordings.

Documentation shall be provided in at least one of the following reports, as appropriate:

- a. Crime Report;
- b. Consolidated Arrest Report, electronic or paper, or Juvenile Record;
- c. Field Interview; or
- d. CAD notes
- e. Use of Force Report

When officers fail to record, they must also document the reason in writing. (§III.C.2)

2. Personnel are required to document and explain in one of the reports specified above any delayed or non-activation of their PDRD when PDRD activation was required.

○ Addresses Personal Privacy Concerns

Oakland PD allows (but does not require) officers to turn off their cameras during certain sensitive situations, such as investigating a child abuse or sexual assault victim. (§§II.C.2, 4; §II.D.1.f)

C. PDRD Activation is not required under any of the following circumstances:

...

2. During a preliminary investigation with a child abuse victim or a victim of a sexual assault;

...

4. Members on a guard assignment at a Police, Medical, Psychiatric, Jail or Detention facility.

Members shall assess the circumstances (e.g., suspect's demeanor/ actions, spontaneous statements, etc.) of each guard assignment, on a continuing basis, to determine whether to discretionarily activate or de-activate their [camera].

D. De-activation of the PDRD

1. Members shall not de-activate their PDRD, when it was activated as required by this policy, until one of the following occurs:

...

f. They reasonably believe the recording at a hospital may compromise patient confidentiality;

Oakland PD also provides specific guidance on statement taking, but the policy is vague as to whether officers simply need to notify subjects that the camera is on, or whether officers actually need to obtain consent. (§II.D.2.a)

2. Statement taking

Personnel are authorized to use the [camera] to record statements in lieu of taking a written statement. [Cameras], however, shall not be used to record statements from child abuse or sexual assault victims.

a. Personnel shall advise or obtain consent from victims or witnesses when taking a PDRD recorded statement.

○ Prohibits Officer Pre-Report Viewing

Oakland PD requires officers to file an initial written statement before relevant footage is reviewed, for some critical incidents, like when officers use force that results in death or serious bodily injury. Oakland PD institutes a two-step process. First, before viewing the footage, the involved officer must submit an initial report to the investigator. Second, once the initial report is approved, the officer may view the footage, and be given an opportunity to supplement the initial report (presumably, with a clear delineation of the parts of the report that were written before and after footage was reviewed). (§§IV.A.2-3)

IV. VIEWING [CAMERA] VIDEO FILES

Viewing [camera] video files is authorized, restricted or prohibited as follows . . . :

A. Level 1 Use of Force, Level 1 Pursuit or In-Custody Death

...

2. No personnel involved in or a witness to the incident may view any audio/video recordings prior to being interviewed by the appropriate investigative unit and receiving command approval.

3. Once a member's report(s) has been submitted and approved and the member has been interviewed by the appropriate investigator, the investigator will show the member his/her audio/video. This will occur prior to the conclusion of the interview process[.]

Personnel will be given the opportunity to provide additional information to supplement

their statement and may be asked additional questions by the investigators.

Aside from the above circumstances, when an officer is under investigation, officers may only view relevant footage upon approval by the Criminal Investigation Division or the Internal Affairs Division. (§IV.B.)

For all other cases, officers may review relevant footage. (§IV.E)

E. Member Review

Members are authorized to review their own [camera] recordings to properly identify the data files, refresh their memory regarding an incident or any other work related purpose, unless otherwise prohibited by policy.

✘ Limits Retention of Footage

Oakland PD retains all footage for a minimum of two years, with no apparent deletion requirement. (§VI.A.3)

3. [The Project Administrator has the responsibility to] [e]nsure PDRD files are secured and retained for a minimum of two (2) years;

✔ Protects Footage Against Tampering and Misuse

Oakland PD expressly prohibits footage tampering and unauthorized use. (§§I.C-E)

C. All [camera] files are the property of the Oakland Police Department. Unauthorized use, duplication, editing, and/or distribution of [camera] files is prohibited.

D. Personnel shall not delete any [camera] file, except as specified in Part VII, C.

E. Personnel shall not remove, dismantle or tamper with any hardware/software component or part of the [camera].

Each time department members view footage, they must document the reason why the footage is being accessed, indicating that all viewing is logged. (§V.B)

B. Viewing a PDRD video file

Authorized personnel viewing any video file shall document the reason for access in the "Comments" field of each video file viewed. The entry shall be made either prior to viewing the video or immediately after viewing the video.

✘ Makes Footage Available to Individuals Filing Complaints

Oakland PD does not expressly allow individuals who are filing police misconduct complaints to view footage. All non-departmental requests are handled by existing department policy on public records request (DGO M-9.1), which is not published on the department's website. (§VII.B)

B. Non-Departmental Requests.

Public Records requests shall be accepted and processed, in accordance with the provisions of federal, state, local statutes and DGO M-9.1, PUBLIC RECORDS ACCESS, and forwarded to the Project Administrator.

✘ **Limits Biometric Searching of Footage**

Oakland PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Ferguson Police Department



-
- ✘ Makes the Department Policy Publicly and Readily Available
 - ✘ Limits Officer Discretion on When to Record
 - ✘ Addresses Personal Privacy Concerns
 - ✘ Prohibits Officer Pre-Report Viewing
 - ✘ Limits Retention of Footage
 - ✘ Protects Footage Against Tampering and Misuse
 - ✘ Makes Footage Available to Individuals Filing Complaints
 - ✘ Limits Biometric Searching of Footage

Last updated: October 15, 2015

✘ **Makes the Department Policy Publicly and Readily Available**

Ferguson PD does not publish its BWC policy on its website. However, a version of its [policy](#) was found online from the St. Louis Post-Dispatch. This policy is effective August 28, 2014, and is the most recent publicly available version we could find.

✘ **Limits Officer Discretion on When to Record**

Ferguson PD requires officers "to record contacts with the general public" while performing official patrol duties. (§481.05.A)

A. Body-worn camera recorders will be used at all times to record contacts with the general public by:

1. An officer performing his/her official patrol duties (e.g. motorist and pedestrian contacts, field interviews, calls for service, etc.), or
2. A detective performing his/her official duties (e.g. interviews, interrogations, investigations, etc.)

But the policy does not specify when officers may turn off their cameras, nor does it require officers to provide concrete justifications when they fail to record.

✘ **Addresses Personal Privacy Concerns**

Ferguson PD does not address personal privacy concerns.

✘ **Prohibits Officer Pre-Report Viewing**

Ferguson PD does not address, and thus does not prohibit, officer review of footage before filing their initial reports.

✘ Limits Retention of Footage

Ferguson PD does not address, and thus does not require, the deletion of any footage.

✘ Protects Footage Against Tampering and Misuse

Ferguson PD does not expressly prohibit footage tampering and unauthorized access.

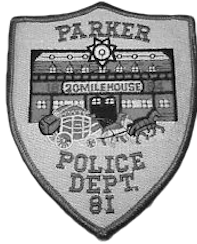
✘ Makes Footage Available to Individuals Filing Complaints

Ferguson PD does not expressly allow individuals who are filing police misconduct complaints to view footage.

✘ Limits Biometric Searching of Footage

Ferguson PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

Parker Police Department



-
- ✓ Makes the Department Policy Publicly and Readily Available
 - ✓ Limits Officer Discretion on When to Record
 - ✓ Addresses Personal Privacy Concerns
 - Prohibits Officer Pre-Report Viewing
 - Limits Retention of Footage
 - Protects Footage Against Tampering and Misuse
 - ✓ Makes Footage Available to Individuals Filing Complaints
 - ✗ Limits Biometric Searching of Footage

Last updated: October 15, 2015

We included the Parker (Colorado) Police Department in our report because the ACLU [recently hailed](#) their BWC policy as one of the best in the nation.

✓ **Makes the Department Policy Publicly and Readily Available**

Parker PD provides [a webpage dedicated to its BWC program](#), which includes a link to its [most recent publicly available BWC policy](#), last updated on September 4, 2015.

✓ **Limits Officer Discretion on When to Record**

Parker PD requires officers to record “all investigative or enforcement contacts” through the conclusion of the contact. (§§3.25.4.E-G)

E. Enforcement members should activate the BWC at the inception of all investigative or enforcement contacts that are conducted in person with a member of the public, until the contact with the member of the public has concluded and the enforcement member has left the scene, which include but are not limited to; pedestrian stops, consensual encounters, calls-for- service, on-view events.

F. The enforcement member should activate the BWC at the first reasonable opportunity to do so, unless an immediate threat to the enforcement member’s life or safety makes activating the BWC impossible or dangerous, in which case the enforcement member should activate the BWC as soon as it is safe to do so.

G. Additional arriving enforcement members that are equipped with BWC should activate their cameras and begin recording the situation upon their arrival until the enforcement member leaves the scene.

When officers fail to record an entire contact, they must document the reason why that occurred. (§3.25.6)

3.25.6 . . . BWC DOCUMENTATION

If an enforcement member fails to activate their . . . BWC, fails to record the entire contact, or interrupts the recording, the enforcement member shall document why the recording was not made, interrupted or terminated. Appropriate disciplinary action shall be taken against any enforcement member who is found to have intentionally failed to adhere to the recording or retention requirements contained in this policy, or to have intentionally interfered with a BWC's ability to accurately capture video footage.

✓ **Addresses Personal Privacy Concerns**

Parker PD requires officers to notify subjects that the camera is recording. In many circumstances, including interactions with apparent crime victims, officers must offer subjects the option to stop the recording. (§§3.25.4.H-L)

- H. BWC's should not be used surreptitiously. Whenever possible, enforcement members wearing a BWC should notify any person(s) that they are being recorded by a body camera as close to the inception of the encounter as is reasonably possible.
- I. During consensual encounters in locations where members of the public have a reasonable expectation of privacy, such as a residence, an enforcement member shall offer the member of the public the option to have the BWC discontinue its recording. If the member of the public requests the recording be discontinued the enforcement member should immediately discontinue use of the BWC.
- J. When interacting with an apparent crime victim, the enforcement member should, as soon as feasible, ask the apparent crime victim, if they want the enforcement member to discontinue use of the BWC. If the apparent crime victim responds affirmatively, the enforcement member should immediately discontinue use of the BWC.
- K. When interacting with a person seeking to anonymously report a crime or assist in ongoing law enforcement investigation, an enforcement member should, as soon as feasible, ask the person seeking to remain anonymous, if they would like to remain anonymous and would like the enforcement member to discontinue use of the BWC. If the person seeking to remain anonymous responds affirmatively, the enforcement member should immediately discontinue use of the BWC.
- L. All enforcement member offers to discontinue the use of the BWC, and the responses thereto, should be recorded by the BWC prior to discontinuing the use of the BWC.

In addition, officers are prohibited from recording at schools or medical facilities, with few exceptions. (§3.25.5.D)

- D. The BWC should not be activated while on the grounds of any public, private or parochial elementary or secondary school, or inside a medical treatment facility, except for the following exceptions:
 1. during times when all parties being visibly or audibly recorded are in a private room with consent for such recording;
 2. while affecting an arrest;
 3. while controlling a person through response to resistance techniques; or
 4. any other circumstances that are extraordinary.

○ **Prohibits Officer Pre-Report Viewing**

In certain situations, Parker PD requires officers to complete an initial report before reviewing any relevant footage. (§3.25.5.E)

- E. If an enforcement member is suspected of wrongdoing or involved in an officer-involved shooting

or other serious use of force, the Department expressly prohibits an enforcement member from viewing the video file until after they have completed an initial report.

In other cases, officers may view footage “for exact quotes” by individuals who are filing police misconduct complaints. (§3.25.5.F.1)

F. Reporting Requirements

1. Although the BWC is not a replacement for written reports, enforcement members may refer to the BWC for exact quotes that were used by the contacted parties.

○ Limits Retention of Footage

Parker PD retains unflagged footage for a minimum of one year, and deletes unflagged footage within three years. (§3.25.8.A)

A. Data gathered by the MVR or BWC shall be retained and stored by this Department or an authorized third-party for a minimum of one (1) year from the date of creation however shall not exceed three (3) years unless it has evidentiary or exculpatory value in a criminal or civil action. In those circumstances, the applicable data should be downloaded from the server and booked into the Evidence Section via the BEAST and will be retained following the Town of Parker Records Retention Schedule.

○ Protects Footage Against Tampering and Misuse

Parker PD expressly prohibits both footage tampering and unauthorized access. However, the policy does not indicate that access to recorded footage will be logged or audited. (§3.25.6; §3.25.5.F.2; §§3.25.7.F-G)

[3.25.6.] . . . Appropriate disciplinary action shall be taken against any enforcement member who is found to have intentionally failed to adhere to the . . . retention requirements contained in this policy [shown above] . . .

...

[3.25.5. F.] 2. All digital media captured using the BWC will be considered property of the Parker Police Department. Accessing, copying or releasing any recording by any member for other than official law enforcement purposes is strictly prohibited, except to the extent disclosure is required pursuant to the Colorado Open Records Law.

...

[3.25.7] F. No static/images/recordings taken by any member in the course and scope of their duties may be used, printed, copied, scanned, e-mailed, posted, shared, reproduced or distributed in any manner, unless for official law enforcement purposes. This prohibition includes the posting of any Department photographs on personal Web sites including but not limited to, Facebook, Myspace, YouTube, other public safety agency Web sites, or e-mailing to friends, relatives or colleagues without prior approval of the Chief of Police.

[3.25.7] G. All Department digital data will be downloaded as soon as feasible, and will be cataloged and stored in a secure database with access limited to appropriate members. After being downloaded, digital data on memory cards will be erased, including any member’s personal devices.

✓ Makes Footage Available to Individuals Filing Complaints

Parker PD expressly allows recorded individuals (or their legal designee) to review footage of all incidents that include that individual. (§3.25.9.E)

E. Any member of the public, parent or legal guardian of a minor, or a deceased subject’s next of kin or legally authorized designee who is a subject of video footage, shall be permitted to review that

specific video footage in order to make a determination as to whether they will voluntarily request it to be subject to a three (3) year retention period.

 **Limits Biometric Searching of Footage**

Parker PD does not place any limits on the use of biometric technologies (e.g., facial recognition) to search footage.

APPENDIX

Civil Rights Principles on Body Worn Cameras

May 2015

Mobile cameras operated by law enforcement may play a valuable role in the present and future of policing. Whether they're worn by an officer or mounted on police equipment, cameras could help provide transparency into law enforcement practices, by providing first-hand evidence of public interactions.

But police-operated cameras are no substitute for broader reforms of policing practices. In fact, cameras could be used to intensify disproportionate surveillance and enforcement in heavily policed communities of color. Without carefully crafted policy safeguards in place, there is a real risk that these new devices could become instruments of injustice, rather than tools for accountability.

To help ensure that police-operated cameras are used to enhance civil rights, departments must:

1. Develop camera policies in public with the input of civil rights advocates and the local community. Current policies must always be publicly available, and any policy changes must also be made in consultation with the community.
2. Commit to a set of narrow and well-defined purposes for which cameras and their footage may be used. In particular, facial recognition and other biometric technologies must be carefully limited: if they are used together with body cameras, officers will have far greater visibility into heavily policed communities—where cameras will be abundant—than into other communities where cameras will be rare. Such technologies could amplify existing disparities in law enforcement practices across communities.
3. Specify clear operational policies for recording, retention, and access, and enforce strict disciplinary protocols for policy violations. While some types of law enforcement interactions (e.g., when attending to victims of domestic violence) may happen off-camera, the vast majority of interactions with the public—including all that involve the use of force—should be captured on video. Departments must also adopt systems to monitor and audit access to recorded footage, and secure footage against unauthorized access and tampering.
4. Make footage available to promote accountability with appropriate privacy safeguards in place. At a minimum: (1) footage that captures police use of force should be made available to the public and press upon request, and (2) upon request, footage should be made available in a timely manner to any filmed subject seeking to file a complaint,

to criminal defendants, and to the next-of-kin of anyone whose death is related to the events captured on video. Departments must consider individual privacy concerns before making footage available to broad audiences.

5. Preserve the independent evidentiary value of officer reports by prohibiting officers from viewing footage before filing their reports. Footage of an event presents a partial—and sometimes misleading—perspective of how events unfolded. Pre-report viewing could cause an officer to conform the report to what the video appears to show, rather than what the officer actually saw.

Signed by:

American Civil Liberties Union
Asian Americans Advancing Justice | AAJC
Asian Americans Advancing Justice | Asian Law Caucus
Asian Americans Advancing Justice | Los Angeles
Asian Americans Advancing Justice | Chicago
Center for Democracy and Technology
Center for Media Justice
ColorOfChange.org
Data & Society
Demand Progress
Demos
Electronic Frontier Foundation
Free Press
Hip Hop Caucus
The Lawyers' Committee for Civil Rights Under Law
The Leadership Conference on Civil and Human Rights
Martinez Street Women's Center
May First/People Link
Media Alliance
Media Literacy Project
Media Mobilizing Project
Million Hoodies Movement for Justice
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Association of Social Workers
National Council of La Raza
National Hispanic Media Coalition
National Urban League
New America's Open Technology Institute
Public Knowledge
Southwest Workers' Union
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