



MEMPHIS POLICE DEPARTMENT

201 POPLAR
MEMPHIS TENNESSEE 38103

Policy and Procedure Information and Updates



SERIAL: 12-15

FROM: Director *T. Armstrong*

SUBJECT: In-Car Video and Body Worn Cameras

DATE: September 23, 2015

TO: All Personnel

PURPOSE:

To introduce MPD Policy and Procedures Manual, Chapter XIII Section 15: In-Car Video and Body Worn Cameras.

ACTION:

I. PURPOSE

In order to enhance the services provided to the community, the Memphis Police Department authorizes the use of Body Worn Cameras (BWC) and In Car Video (ICV) technology as an additional layer of documentation for events, actions, conditions and statements made during incidents and to improve officers' reports, collection of evidence and testimony in court. It is the policy of this department to use ICV and BWC devices as an effective law enforcement tool, thereby reinforcing the public's perception of our professionalism and transparency. These devices have the potential to improve community relations, lower the number of citizen complaints, defend officers against false accusations, increase agency accountability, and improve officer training and evaluations. The use of this technology is meant to assist and compliment officers in the performance of their duties and is not meant to replace or relieve the officer of submitting all required written reports.

II. GENERAL

ICV and BWC video recording devices are used to record the audio and visual elements of citizen encounters, traffic stops, arrests and other events of criminal or evidentiary significance. Audio and video recordings enhance this department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative or prosecutorial purposes. The audio/visual recording of these events also protects officers and the agency from unsubstantiated claims. This technology may also be useful in documenting crime and crash scenes that include the confiscation and documentation of evidence or contraband. The recordings will be used to serve as a training and performance mechanism to ensure the professionalism of all Memphis Police Officers.

All audio, images and media associated with the Mobile Video Systems (MVS) are the property of the Memphis Police Department and will not be copied, released or disseminated in any form or manner outside the parameters of this policy without the express written consent of the Director of Police Services. Under no circumstances will any employee of the Memphis Police Department make a personal or secondary copy of any recorded event without the written consent of the Director of Police Services or his designee (e.g., using a personal cell phone camera to record MVS media). Lead investigators creating a secondary copy of a MVS recording subsequent to an official investigation, which is to remain attached to the case file, are exempt from the above.

Affected personnel will receive six (6) hours of training on the mobile video system and its components.

This policy does not govern the use of covert recording devices, such as those used in undercover operations.

III. DEFINITIONS (ADDITIONAL DEFINITIONS AND TERMS TO BE INCLUDED)

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

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

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

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

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

IV. PROCEDURE

A. Beginning of Shift

1. At the beginning of each shift, an officer that is issued a BWC will be responsible for ensuring the BWC has no obvious signs of damage and is functioning properly. The care of the issued device is the responsibility of the officer the device is assigned to. The BWC will be operated and maintained according to the manufacturer's instructions and recommendations. The BWC is assigned to a specific officer and shall not be shared or assigned to any other officer.
2. If the BWC, ICV, or MDT is found to be damaged or not working properly, the officer will notify an on-duty supervisor immediately. Equipment malfunctions during the shift will be brought to the attention of the officer's supervisor immediately so that a replacement unit may be procured. The equipment person will turn the unit in to the RTCC staff for repairs.
3. The officer shall also ensure that the BWC is equipped with sufficient memory and a fully charged battery to complete their tour of duty. All memory should be free on the device. The officer will notify the equipment person or supervisor if there is anything in

the memory of the device. (A solid green LED on the BWC indicates the battery is charged and all video has been uploaded.)

4. The officer shall ensure that the BWC does not contain data from a prior shift.
5. Officers will ensure that MDT's are turned on. It is the officer's responsibility to log on to the ICV system prior to leaving their duty station.

B. End of Shift

1. At the end of each shift, an officer that is issued a BWC will be responsible for turning in the BWC to a department-approved area (e.g. equipment room) where the ETM is located.
2. If the BWC, ICV, or MDT is found to be damaged or not working properly, the officer will notify an on-duty supervisor immediately. Equipment malfunctions during the shift will be brought to the attention of the officer's supervisor immediately so that a replacement unit may be procured.
3. The BWC's battery will be charged after it has been docked in department-approved equipment. This will also transfer the video data to the storage system.
4. Cars equipped with ICV will be parked in a designated area that will facilitate the transfer of video data. Officers should log out of the ICV system at the end of their shift. The MDT system will remain powered on after the vehicle's ignition is turned off. This will help ensure that data has been off-loaded from the ICV. MDT's will shut down automatically.
5. MDT's are not to be removed from vehicles unless authorized maintenance is being performed.

All recordings are the property of the Memphis Police Department and are not to be duplicated or used without the authorization of the Director of Police Services.

C. Use of the Device

1. The BWC shall be properly affixed upon the officer's uniform at the beginning of the shift in accordance with departmental regulations and manufacturer's guidelines. The camera should be positioned and adjusted to record events, and the microphone should be unobstructed (i.e. not covered by a jacket or shirt).
2. During their shift, officers shall maintain their BWC in a constant state of operational readiness.
3. The ICV system can be manually activated as well as automatically activated. The ICV will automatically record based on these pre-programmed triggers:
 - a) Light bar is activated;
 - b) Body microphone is activated;
 - c) Vehicle speed exceeds 75 MPH;
 - d) Rifle/shotgun rack is opened;
 - e) System detects a vehicle crash
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.

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.")
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 ISB (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.

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.
11. In the event an officer is involved in an event that renders the officer incapacitated, the first responding officer on the scene or the officer's immediate supervisor will seize and protect the body-worn video recording device.
12. Activation of the BWC is not required during periods of unassigned time, breaks or lunch periods.
13. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

D. The BWC will not be used to record a formal statement from a victim or witness. Officers should ensure that the victim or witness provides the following information, if applicable, in their first account statement of the crime:

- Need for medical assistance;
- Nature of the incident;
- Identity of suspect (if known);
- Location of the suspect (if known);
- Description of the suspect;
- Location of the crime scene;
- Identification of possible evidence;
- Activities since the crime took place;
- Identity of witnesses.

E. The recording of all incidents in which the body-worn video recording device was utilized **will be documented** by the officer in the narrative on incident reports, arrest tickets, misdemeanor citations, summons, and on traffic citations. Supervisors reviewing the documents will ensure the presence of this notation.

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.

F. Review of the Device

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. Officers are not to stop recording during an event to view the video. Officers are reminded of subsection (C) (5), which states,

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 ISB to turn off their BWC (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.

The following situations are exceptions to the above policy statement:

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

V. PROHIBITED VIDEO RECORDINGS AND RESTRICTIONS

- A. Conversations between department employees will not be recorded without all parties to the conversation being aware of the fact that it is being recorded except those instances involving criminal investigations of department personnel.
- B. Conversations that are not required to be captured as evidence for the furtherance of completing a police report and/or subsequent police investigation will not be recorded.
- C. The BWC 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.
- D. The MVS will not be used to knowingly record confidential informants or undercover officers.
- E. Officers shall not remove, dismantle, or tamper with any hardware or software component or part associated with the MVS.
- 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.
- I. BWCs shall not be used while working secondary employment. Recordings will not be made of non-work related personal activities.
- J. Officers are not authorized to playback a BWC recorded media for citizen viewing except for official law enforcement purposes.

- K. Recording devices will not be used for the purpose of intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.
- L. Officers shall not record a particular person based solely on the person's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, homelessness status, physical disability status or political affiliation.
- M. Officers shall not use any other electronic device or other means in order to intentionally interfere with the functions of the BWC.

VI. SUPERVISOR RESPONSIBILITIES

Supervisory personnel shall ensure officers who are equipped with BWC devices, utilize them in accordance with policy and procedures defined herein.

- A. When an incident arises that requires the immediate retrieval of BWC recordings for chain of custody purposes (including, but not limited to: serious crime scenes, officer involved shootings or others as determined by policy/supervision) a supervisor will respond to the scene and ensure the BWC remains affixed to the officer in the manner it was found and that the BWC recording remains uncompromised. The supervisor is responsible for the care and custody of the BWC until it has been removed and secured by the lead investigator or ISB.
- B. Supervisors shall ensure that the BWCs of the officers under their command are operating correctly. This shall be included in the Supervisor's monthly personnel inspection. **No supervisor shall review any body camera video absent an articulable reason (i.e. formal, written complaints or evidence of officer misconduct).**
- C. MVS data will not be randomly reviewed by supervisors to monitor officer's performance. Exceptions to this rule are:
 - 1. The supervisor is investigating a specific act of officer misconduct.
 - 2. The officer has been placed on a performance improvement plan within the PEP in order to address identified behavioral or performance deficiencies.
 - 3. Requests to review MVS recordings outside of these parameters must be made to and approved by the officer's Colonel or above.
 - 4. The aforementioned is not meant to limit or restrict the Department's review as part of an official investigation.
 - 5. On a monthly basis or at the request of the Director of Police Services or his designee, supervisors may randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.
- D. Supervisors will ensure that every officer has turned in their assigned BWC at the end of each shift.

VII. GENERAL PROCEDURES FOR HANDLING RECORDINGS

- A. Copies may only be made for court, approved training, or other approved purposes authorized by the Director of Police Services or his designee.

B. Recordings may be reviewed in any of the following situations:

1. By an officer viewing their own recordings,
2. By a supervisor investigating a specific act of officer conduct,
3. By an Internal Affairs investigator who is conducting an official investigation,
4. By an investigator conducting a criminal investigation,
5. By attorneys or media personnel through a specific approved open records request,
6. In a courtroom during an official judicial proceeding,
7. For approved training purposes. If the officer involved in the recording objects to the showing of the recording, the objection will be reviewed by the Director or his designee to determine if the training value outweighs the officer's reason for not showing the recording.
8. Employees desiring to watch a recording made by another officer shall submit a request in writing to their Deputy Chief.

VIII. Violations

Employees who violate this policy will be subject to corrective action pursuant to departmental policies and procedures.

All supervisory levels shall take prudent steps to ensure that the sworn members under their command understand that improper use of the BWCs shall not be tolerated and evidence of such practices will not be condoned or ignored.

This policy has been reviewed by the Accreditation team and does not conflict with any CALEA Standards.

Distribution "A"