

## **188.0 Body-Worn Cameras**

### **188.05 Purpose**

Body-worn cameras provide objective recordings of events that officers encounter. These recordings may provide valuable evidence for prosecution, assist officers with completing reports and protect officers from false allegations.

Body-worn camera recordings will only be used for official purposes and shall never be used to embarrass, exploit or harass an employee or the public.

Adopted 10/15

### **188.10 Scope**

The following procedures govern the use and management of body-worn camera systems. These procedures do not apply to undercover investigations and/or court-ordered electronic surveillance.

Oklahoma is a one-party consent state; therefore, when an officer is a party to a recorded conversation he or she is not violating state law.

Adopted 10/15

### **188.15 Definitions**

**Body-Worn Camera Administrator** – The person assigned to manage and oversee the body-worn camera equipment and systems.

**Body-Worn Camera System** – The hardware and software that comprises an audio and video recording system.

**Body-Worn Camera** – A camera that is worn on the person of an officer to capture audio and video recordings.

**Categorize** – The process of labeling a recording for retention purposes.

**Digital Evidence Management Unit** – The unit responsible for management of the audio and video recordings obtained from body-worn cameras. This includes, but is not limited to, copying, redacting or deleting the audio and/or video recordings.

**Healthcare Facility** – Any public or private authority, corporation or business where healthcare services are provided. Examples may include, but are not limited to, a hospital, emergency room, ambulance, health clinic, doctor's office, nursing home, pharmacy, dental office, drug and alcohol treatment facility or mental health facility.

**Individually Identifiable Health Information** – Any personal medical information whether oral or recorded in any form or medium, including demographic information collected from an individual that is created or received by a healthcare provider, health plan, employer or healthcare clearing house and relates to the past, present or future physical or mental health or condition of an individual, the provision of healthcare to an individual or the past, present or future payment for the provision of healthcare to an individual and identifies the individual or there is a reasonable basis to believe that the information can be used to identify the individual.

**Informant** – As defined in Procedure 191.0, to include an unnamed source.

Tag – The process of labeling a recording with all required metadata (identification parameters).

Undercover Officer – An officer requiring anonymity based upon a current law enforcement assignment where identifying the officer could jeopardize his or her safety and/or an on-going investigation.

Voluntary Contact – A consensual encounter by a police officer with a person for official purposes. A voluntary contact can be initiated by an officer in a place where the public and the officer have a lawful right to be or in a place where a person has a reasonable expectation of privacy, such as the person's home. Consent by the person can be expressed or implied and must be freely and voluntarily given and be free of coercion. "Free of coercion" means a reasonable person would believe they are free to leave or not respond to the officer's questions and deny the officer's request. Consent can be revoked by the person at any point during the course of a voluntary contact.

Adopted 10/15

### **188.20 Use of Department Issued Body-Worn Cameras**

Each officer must be trained in the operation of the body-worn camera system and the applicable written directives prior to use. Only department issued body-worn camera systems shall be used. Each officer assigned a body-worn camera is required to use it during his or her shift and shall operate the assigned body-worn camera in accordance with written directives. All department issued body-worn cameras, associated equipment and recordings are the property of the Oklahoma City Police Department.

Adopted 10/15

### **188.25 Maintenance and Care**

Each officer is responsible for all body-worn camera equipment assigned to him or her. Prior to each shift, the officer will ensure the assigned body-worn camera is functioning properly. If at any time the officer discovers the body-worn camera is damaged or malfunctioning, the officer shall notify his or her supervisor as soon as practical. If the supervisor cannot resolve the issue, the supervisor will notify the Body-Worn Camera Administrator by email and the officer will submit a Damage/Malfunction Report through SharePoint. If the body-worn camera is physically damaged, the officer will also complete an incident report titled Damage to City Equipment. If a camera is damaged or malfunctioning, it shall not be used and will be returned to the Body-Worn Camera Administrator.

Adopted 10/15

### **188.30 When a Body-Worn Camera Shall Be Activated**

Each officer shall activate his or her body-worn camera in the following circumstances:

1. Voluntary contact (only in a public place or a place where the public and the officer have a right to be). If a voluntary contact is initiated in a location where a person has a reasonable expectation of privacy, and the criteria listed in numbers 2-8 below do not apply, the officer shall receive consent from the person prior to continuing to record the voluntary contact;
2. Prior to any investigative detention, traffic stop, custodial arrest, or potential or actual use of force;
3. Prior to initiating any Code 3 response;
4. Upon receiving or responding to a Priority 1 or Priority 2 call;
5. While responding to or involved in any vehicle or foot pursuit;
6. When conducting a Standardized Field Sobriety Test (SFST) or Drug Recognition Expert (DRE) evaluation;
7. While transporting, guarding or coming into contact with any person who becomes agitated, combative, threatening or makes statements related to his or her arrest/protective custody; or
8. When directed by a supervisor.

Adopted 10/15

### **188.31 When a Body-Worn Camera May Be Activated**

An officer may activate his or her body-worn camera anytime the officer deems it appropriate to record for official purposes, except as prohibited under Procedure 188.32.

Adopted 10/15

### **188.32 When Body-Worn Cameras Shall Not Be Activated or Shall Be Deactivated**

Unless required by Procedure 188.30, an officer shall not activate or shall deactivate his or her body-worn camera:

1. When knowingly interviewing victims, witnesses, involved parties or reporting parties;
2. In any situation where individuals have a reasonable expectation of privacy, such as their residence, a bathroom or a locker room;
3. In a healthcare facility, unless required by Procedure 188.36;
4. During administrative investigations unless approved by the investigating supervisor;
5. When knowingly in the presence of an undercover officer or informant, unless recording is requested by the undercover officer;
6. During activities, conversations or meetings with law enforcement employees;
7. During personal conversations, activities or meetings that are not law enforcement related;
8. At the conclusion of a call or incident; or
9. When directed by a supervisor.

Adopted 10/15

### **188.33 Announcements Prior to Deactivation**

Prior to deactivating a body-worn camera and when safe to do so, the officer shall make a recorded announcement as to the reason the camera is being deactivated, such as:

1. Contact completed;
2. Incident concluded;
3. Ordered by supervisor (name) to end recording;
4. Interviewing victim, witness, reporting party or involved party; or
5. Non-enforcement activity.

Adopted 10/15

### **188.35 Prohibited Use of Body-Worn Cameras**

Body-worn cameras and/or body-worn camera recordings shall not be:

1. Used for personal gain or activities;
2. Copied, deleted, altered, uploaded, reviewed or released in any manner, except as authorized by written directives; or
3. Viewed by citizens, unless authorized by a supervisor.

Body-worn cameras shall not be:

1. Used to surreptitiously record department employees without the permission of the Chief of Police or designee;
2. Removed from the officer's person and left unattended while recording; or
3. Used during any court proceeding or administrative hearing.

Adopted 10/15

### **188.36 Use of Body-Worn Cameras in Healthcare Facilities**

Federal law imposes severe restrictions on healthcare providers concerning "Individually Identifiable Health Information." The definition of such information is very broad and includes patient identity, directly or indirectly by any means including clothing, event or a particular injury.

An officer shall activate his or her body-worn camera in a healthcare facility:

1. When conducting voluntary contacts;
2. Prior to any investigative detention, custodial arrest, or potential or actual use of force;
3. When interviewing anyone detained or arrested. The interview should be conducted in a private room or area where recording would not capture any "Individually Identifiable Health Information" of another person;
4. While responding to or engaged in a foot pursuit;
5. When conducting a Standardized Field Sobriety Test (SFST) or Drug Recognition Expert (DRE) evaluation;
6. While transporting, guarding or coming into contact with any person who becomes agitated, combative, threatening or makes statements related to his or her arrest/protective custody; or
7. When directed by a supervisor.

Adopted 10/15

#### **188.40 Notification**

Except as required by Procedure 188.30.1, an officer is not required to advise a person he or she is recording their interaction unless the person specifically asks if they are being recorded, at which point the officer shall inform the person they are being recorded.

Adopted 10/15

#### **188.45 Incident Identification and Reporting**

Each recording will be tagged by the officer. Tagging shall be completed no later than the end of the officer's shift.

The officer shall make a notation, comment, or statement on reports, citations, FI cards or CAD calls, if applicable, when a recording is made.

The officer shall document in a supplemental report the reason a body-worn camera was not activated when it should have been activated as required by Procedure 188.30.

The use of a body-worn camera does not alleviate the responsibility for an officer to complete a detailed report related to their involvement in an incident as required by written directives.

Adopted 10/15

#### **188.46 Uploading**

Each officer is responsible for preservation of recorded content on his or her assigned body-worn camera until uploaded. The officer will upload his or her body-worn camera recording(s) no later than the end of their shift, unless authorized by a supervisor. The officer will upload recordings when the camera is nearing capacity.

Adopted 10/15

#### **188.50 Review of Recordings**

An officer will be allowed to review his or her body-worn camera recordings or the portion of another officer's recording where that officer is captured:

1. To assist with an investigation and completion of reports;
2. Before making any statement or being interviewed, when the officer is the subject of an investigation. If the officer is the subject of an administrative investigation, he or she may have an employee representative/legal counsel present. If the officer is the subject of a criminal investigation, he or she may have legal counsel present; or
3. Prior to testifying in court.

An investigator shall review any body-worn camera recordings related to and in furtherance of his or her assigned investigation(s).

A supervisor shall review body-worn camera recording(s) under the following circumstances:

1. Administrative/criminal investigations; or
2. Complaints of officer misconduct.

A supervisor may review body-worn camera recordings at any time.

Adopted 10/15

### **188.51 Requests for Redaction or Deletion**

An officer may request to redact or delete recordings (i.e. personal recordings unrelated to any official law enforcement action) by submitting a Request for Redaction or Deletion of Body-Worn Camera Recording Form. This form will be submitted directly to the officer's Division Commander. If the Division Commander is unavailable, the form will be submitted to the officer's Bureau Chief. The Division Commander or Bureau Chief will review the request and approve or deny the redaction or deletion. The Division Commander or Bureau Chief shall include an explanation for his or her decision and will immediately send the form electronically to the Digital Evidence Management Unit. The officer will be notified of the decision.

The Digital Evidence Management Unit will review the request as soon as practical and may consult with the Municipal Counselor's Office prior to taking action on requests that involve redaction. All requests shall be kept electronically by the Digital Evidence Management Unit.

An original recording that may have evidentiary value will be maintained by the Digital Evidence Management Unit. If a redaction is to be made, a copy of the original recording will be made and only the copy will be redacted. The original and the copy will be maintained by the Digital Evidence Management Unit.

An original recording that has no evidentiary value may be deleted as provided above. However, prior to deletion of any non-evidentiary recording, the Digital Evidence Management Unit shall consult with the Municipal Counselor's Office. When a recommendation from the Municipal Counselor's Office differs from the recommendation of the Digital Evidence Management Unit regarding deletion, the information will be forwarded to the Chief of Police, or designee, for resolution.

Adopted 10/15

### **188.55 Supervisor Responsibilities**

Supervisors shall ensure each officer who is assigned a body-worn camera uses the camera in accordance with written directives.

When a supervisor is conducting an administrative investigation the supervisor will research the body-worn camera system for any relevant recording. Each relevant recording will be re-categorized to the appropriate administrative retention category, unless a higher retention category is already applied.

A supervisor may have to tag an officer's body-worn camera recording(s) if the officer is unable to do so.

Adopted 10/15

### **188.56 Investigator Responsibilities**

Investigators are responsible for reviewing recordings only relevant to cases they are assigned. When appropriate, the investigator will request a copy of the recording for their case file from the Digital Evidence Management Unit.

Adopted 10/15

### 188.57 Officer Involvement in Incidents Resulting in Death or Serious Injury

When an officer is involved in an incident that results in death or serious injury, the involved officer's or witnessing officer's body-worn camera(s) will be turned over to appropriate investigative personnel. The investigator shall review the recorded contents of all body-worn cameras related to the incident. Investigations personnel will be responsible for the body-worn camera and uploading the recorded content of the camera.

Adopted 10/15

### 188.60 Administrator Responsibilities

The Body-Worn Camera Administrator is responsible for:

1. Tracking and inventory of all body-worn cameras;
2. Maintaining all body-worn cameras and system components;
3. Repairing and replacing body-worn cameras and system components and/or sending them to the manufacturer for repair or replacement;
4. Ensuring officers are properly trained on body-worn camera use; and
5. Providing audit information.

The Digital Evidence Management Unit is responsible for:

1. Maintaining recordings in accordance with department retention procedures;
2. Processing requests for redaction or deletion and maintaining records of these requests;
3. Providing recordings pursuant to Open Records requests;
4. Processing subpoenas and court orders for recordings; and
5. Processing requests for review from authorized personnel.

Adopted 10/15

### 188.65 Secondary Employment

An officer shall not use a body-worn camera during secondary employment unless the officer is being compensated by the City of Oklahoma City.

Adopted 10/15

### 188.70 Retention

All recordings will be categorized. If a recording is not categorized by the appropriate officer, the recording will remain in the "Uncategorized" file until it is properly categorized.

Recordings will initially be categorized in accordance with the following table:

	<b>Retention Categories</b>	<b>Retention Time</b>
1	<b>Investigative Detention (No Arrest or Citation)</b> <i>When an officer places a person under investigative detention for a short period of time, but ultimately releases the person and no citation is issued.</i>	60 Days
2	<b>Protective Custody (PIA, EOD, Juvenile Transport/Custody)</b> <i>When an officer transports an adult to PIA or takes an adult/juvenile into protective custody under an EOD or transports a juvenile to a shelter or responsible person for release.</i>	60 Days
3	<b>Traffic Stop and/or Collision Investigation (No Arrest/No Citation/Minor or No Injury)</b> <i>When an officer conducts a traffic stop but no arrest is made, no citation is issued, or when an officer is working a motor vehicle collision involving no</i>	60 Days

	<i>injury or minor injury and no custodial arrest is made and no citation is issued.</i>	
4	<b>Field Interview/Citizen's Assist/Voluntary Contacts, etc.</b> <i>When an officer initiates a field interview, voluntary contact or a citizen assist, where no force is used, no citation is issued and no arrest is made.</i>	60 Days
5	<b>CAD Calls or Other Activity Not Identified Above-No Further Action</b> <i>When a recording does not fit under any of the above categories.</i>	60 Days
6	<b>Traffic Stop and/or Collision Investigation (Citation Issued/No Custodial Arrest/Minor or No Injury)</b> <i>When an officer conducts a traffic stop where a citation is issued with no custodial arrest, or when an officer is working a motor vehicle collision involving no injury or minor injury, and a citation is issued but no custodial arrest is made.</i>	180 days
7	<b>Misdemeanor Arrest (Citizen's Arrest/Warrant Arrest/PC Arrest) or an Investigation Involving a Misdemeanor Crime</b> <i>When an officer makes a misdemeanor arrest, regardless if the person is booked into jail, field released, etc., or when an officer is assigned to or responds to a misdemeanor crime investigation and conducts an interview, inventory, search, prepares a crime scene log, crime incident/supplemental report etc.</i>	1 year
8	<b>Felony Arrest (Citizen's Arrest/Warrant Arrest/PC Arrest) or an Investigation Involving a Felony Crime (Except Homicide)</b> <i>When an officer makes a felony arrest, regardless if the person is booked into jail, hospitalized, etc., or when an officer is assigned to or responds to a felony crime investigation and conducts an interview, inventory, search, prepares a crime scene log, crime incident/supplemental report, etc.</i>	3 Years
9	<b>Collision Investigation Involving a Fatality or Great Bodily Harm</b> <i>When an officer is involved in investigating a fatality or great bodily injury collision regardless if a citation is issued or an arrest is made.</i>	3 Years
10	<b>Homicide Arrest, Field Investigation, Interview, Inventory or Search, Etc.</b> <i>When an officer makes a homicide arrest, regardless if the person is booked into jail, hospitalized, etc., or when an officer is assigned to or responds to a homicide investigation and conducts an interview, inventory, search, prepares a crime scene log, crime incident/supplemental report etc.</i>	Permanent
11	<b>Pending Review by Supervisor</b> <i>When an officer needs to have a video reviewed by a supervisor prior to making a determination on how the video should be categorized.</i>	Until Reviewed
12	<b>Administrative: Pursuits</b> <i>When an officer is assigned to, responds to or is involved in a motor vehicle pursuit.</i>	3 Years
13	<b>Administrative: Use of Force (No Injury/Minor Injury with or Without Hospitalization)</b> <i>When an officer is involved in or witnesses a use of force involving no injury or minor injury with or without hospitalization. This includes use of less lethal devices.</i>	3 Years
14	<b>Administrative: Collisions Involving Department Vehicles (No Injury/Minor Injury with or without Hospitalization)</b> <i>When an officer is involved in or witnesses a motor vehicle collision involving</i>	3 Years

	<i>a department vehicle where no injury or minor injury occurs with or without hospitalization.</i>	
15	<b>Administrative: Formal Complaints/Internal Investigations (Non-Criminal)</b> <i>When an officer is involved in a formal complaint or an administrative investigation.</i>	3 Years
16	<b>Administrative: Open Records Release</b> <i>When an open records copy of an original recording is released, the retention period for the original recording will be changed to this category unless a longer retention period already applies.</i>	3 Years
17	<b>Administrative: Misdemeanor Warrant</b> <i>When a warrant has been issued for a misdemeanor charge that was initially categorized under a shorter retention period.</i>	3 years
18	<b>Administrative: Felony Warrant</b> <i>When a warrant has been issued for a felony charge that was initially categorized under a shorter retention period.</i>	7 years
19	<b>Administrative: Criminal Investigation of a Department Employee Not Involving a Death</b> <i>When a department employee is the subject of a criminal investigation not involving a death.</i>	7 years
20	<b>Administrative: Use of Force (Death or Serious Bodily Injury)</b> <i>When an officer is involved in or witnesses a use of force involving death or serious bodily injury with or without hospitalization. This includes use of less lethal devices.</i>	Permanent
21	<b>Administrative: Collisions Involving Department Vehicles (Death or Serious Bodily Injury)</b> <i>When an employee is involved in or witnesses a motor vehicle collision involving a department vehicle where death or serious bodily injury occurs.</i>	Permanent
22	<b>Administrative: Criminal Investigations of Department Personnel Involving a Death</b> <i>When a department employee is the subject of a criminal investigation involving a death.</i>	Permanent
23	<b>Administrative: Investigative Retention</b> <i>When an investigator determines that a recording needs to be retained beyond the original retention period due to circumstances of the investigation.</i>	Permanent

If a recording can be categorized under multiple retention times, it will be marked for the longest retention category. The initial categorization may change for investigative or administrative reasons.

Adopted 10/15

### 188.71 Open Record Requests

The Oklahoma City Police Department through the Records Unit will provide copies of recordings from body-worn cameras in accordance with federal and state law. The Records Unit and/or the Digital Evidence Management Unit will consult with the Municipal Counselor's Office as needed.

If an open records copy of an original recording is released, the retention period for the original recording and the open records copy will be three years from the date of the recording, unless a longer retention period already applies.

Adopted 10/15

## **188.72 Subpoenas and Court Orders**

The Oklahoma City Police Department through the Records Unit will respond to subpoenas and court orders for all recordings from body-worn cameras in accordance with federal and state law. The Records Unit and/or the Digital Evidence Management Unit will consult with the Municipal Counselor's Office as needed

Adopted 10/15