

III. Accreditation Standards

- A. CALEA Accreditation Standard 1.2.9 applies to this policy.

BODY WORN CAMERAS (BWC)

DISCLAIMER:

Body Worn Camera (BWC) use is limited to law enforcement and investigative activities involving members of the public. The BWC Recorded Media is considered investigative in nature and is for use in criminal investigations, disciplinary investigations, administrative purposes, and other proceedings protected by confidentiality laws and Department policy. The unauthorized use or release of BWC Recorded Media may compromise ongoing criminal and disciplinary investigations or violate the privacy rights of those recorded. Dissemination outside the Omaha Police Department is strictly prohibited without specific written authorization of the Chief of Police or designee. Violators will be subject to discipline up to and including termination.

PREAMBLE:

Body Worn Cameras (BWC) can be a useful tool to assist the Omaha Police Department (OPD) by documenting the interaction of police with citizens, which will assist in the documentation of evidence, preparation of reports, and future court testimony. The Recorded Media generated by the BWC may also be used to protect the OPD and its employees from civil litigation and false allegations of misconduct, as well as to provide an impartial record of events that can be used for strategic and tactical training purposes, incident debriefing, employee discipline investigations, etc. The purpose of this policy is to provide procedures for training, management, access, retention, handling, dissemination, storage, and retrieval of audio-video media recorded by BWC systems.

POLICY:

It is the policy of the Omaha Police Department (OPD) that police officers assigned the use of Body Worn Cameras (BWC) will adhere to the training, operational objectives, and protocols outlined in this policy to maximize the effectiveness of the BWC system, and to make certain of the integrity of evidence and related video documentation. This policy does not govern the use of recording devices used in undercover operations or the collection of evidence/video by the OPD Officer Involved Investigations Team (see the OPD "Response to Resistance – Investigative Process for Use of Force Incidents Involving Serious Injury or Death" policy for specific procedures). Violators of this policy will be subject to discipline up to and including termination.

DEFINITIONS:

Body Worn Cameras (BWC): Audio/Visual recording systems worn on the body, clothing, or person for the purpose of capturing Recorded Media.

BWC System Administrator(s): OPD system administrator(s) with full access to the OPD Evidence.com website. The BWC System Administrator(s) assigns and tracks equipment, controls passwords, conducts quality checks of uploaded data, coordinates data retention, and provides copies of requested data to authorized individuals.

Evidence.com: Online web-based digital media storage facility accessed at www.evidence.com. The virtual warehouse stores digitally encrypted data in a highly secure environment that is accessible to employees based upon a security clearance.

Evidence Transfer Manager (ETM): The ETM is a docking station that simultaneously recharges the BWC and uploads all data captured from the officer's point of view during their shift to Evidence.com. The ETM makes certain that evidence handling is secured and is not altered.

Recorded Media: Audio-video signals recorded as part of an overall recording system.

PROCEDURE:

I. Program Objectives

- A. The OPD has adopted the use of Body Worn Camera (BWC) systems to document evidence regarding police encounters and to help provide accountability and protection for officers and citizens.
- B. BWCs may also be used to accomplish the following objectives:
 - 1. Enhance officer safety.
 - 2. Capture statements and events during the course of an incident, citizen/officer interaction, investigation, etc.
 - 3. Improve officers' ability to document and review statements and actions for internal reporting requirements and courtroom presentation.
 - 4. Provide an impartial measure of self-critique for officers and field evaluation for training purposes.
 - 5. Capture visual and audio information/evidence for use in investigations and prosecutions.
NOTE: The OPD Internal Affairs Unit (IAU) may review BWC Recorded Media related to internal investigations/citizen complaints.
 - 6. Capture videos and/or audio to be used for officer evaluation and training purposes.

II. Training

- A. All BWC users, all supervisors of officers who will use BWCs, and any other OPD employee who will come into contact with video or audio data recorded by a BWC will successfully complete Department approved training prior to being deployed with a BWC in an operational setting, being assigned to supervise officers who use BWCs, or accessing BWC Recorded Media.
- B. Original training documentation will be retained throughout any revision process and archived as necessary to be available for future reference.
- C. Officers/Supervisors will receive training updates through Roll Call Training, In-Service Training, or other refresher courses, as needed.
- D. Training will be documented per OPD policy and procedures.

III. Maintenance

- A. The inspection and general maintenance of issued BWC equipment will be the responsibility of the officer to whom the BWC is assigned.
- B. The assigned officer will operate BWC equipment in accordance with the manufacturer's recommended guidelines and OPD training and policies.
- C. Prior to each shift, the assigned officer shall test the equipment to make certain the BWC is performing in accordance with the manufacturer's recommendations and that it has sufficient battery life. Only fully operational BWCs shall be used.

- D. Malfunctions, damage, or theft of BWC equipment will be reported immediately to the officer's supervisor. Supervisors will report problems to the BWC System Administrator.
 - 1. If the equipment is damaged, lost, stolen, or in need of general maintenance, the officer will complete the Police Equipment – Accountability Form (OPD Form 24).
- E. At the end of their shift, employees shall place the BWC in the Evidence Transfer Manager (ETM). This will allow data to be transferred to Evidence.com and also charges the BWC.
- F. Absent unusual circumstances, the BWC will not be removed from the ETM until the data has been uploaded and the battery has been fully recharged.

IV. Supervisor Responsibilities

- A. Supervisors are responsible for:
 - 1. Conducting reviews of officer-assigned media in order to:
 - a. Assess officer performance.
 - (1) A supervisor's review of BWC recordings that identifies a minor performance deficiency should generally be viewed as an opportunity to provide counseling and/or additional training to correct that deficiency. If the performance deficiency is not corrected through training and/or counseling, the appropriate disciplinary and/or corrective action will be taken.
 - b. Make certain of the proper functioning of BWC equipment.
 - c. Determine if BWC equipment is being operated properly and as required per OPD policies and procedures.
 - d. Identify recordings that may be appropriate for training.
 - 2. Reviewing the BWC Recorded Media of each officer assigned to their command who is assigned a BWC at least once a month.
 - a. At a minimum, supervisors shall review the BWC Recorded Media related to at least one incident for each officer assigned to their command who is assigned a BWC.
 - b. Supervisors will document the review on an OPD MVR/BWC Recorded Media Audit Form (OPD Form 111).
 - 3. Reviewing incidents that an officer would have been expected to record with their BWC but failed to do so.
 - a. When the precinct/section commander receives Inter-Office Communications regarding such incidents, the precinct/section commander shall carefully review the Inter-Office Communication and incident.
 - b. If remedial training and/or discipline is recommended, the commander's review and recommendation shall be forwarded in an Inter-Office Communication or Internal Information Report to the respective Bureau Deputy Chief.

- c. If the incident is being reviewed by the Safety Review Board or the Pursuit Review Committee, the commander shall supply their findings as well as all communications/documentation regarding the incident to the appropriate committee.
- B. Supervisors shall adhere to the procedures in the Critical Incident section of this policy when an incident arises (serious crime scenes, employee-involved incidents, etc.) that requires immediate retrieval of Recorded Media.

V. BWC System Administrator Responsibilities

- A. The BWC System Administrator(s) will periodically audit BWC Recorded Media to make certain only authorized users are accessing the data for legitimate and authorized purposes. The BWC System Administrator(s) will not review BWC Recorded Media for the purpose of assessing officer performance.
- B. The BWC System Administrator will complete an annual statistical evaluation of OPD's BWC usage.
 - 1. The review will detail how frequently Recorded Media was used, identify any BWC financial impact issues/concerns, suggested training needs or updates, quantity of BWC Recorded Media, etc.
 - 2. The annual statistical evaluation will be submitted to the Chief of Police, via the BWC Administrator's chain of command.
- C. The BWC System Administrator(s) shall adhere to the procedures in the Critical Incident section of this policy when an incident arises (serious crime scenes, employee-involved incidents, etc.) that requires immediate retrieval of Recorded Media.

VI. Body Worn Camera Operational Guidelines

- A. BWCs will primarily be assigned to Uniform Patrol Bureau and Criminal Investigations Bureau officers, but may be assigned to officers in other bureaus as needed.
 - 1. Each BWC shall be assigned to one officer only.
- B. Only Department-issued BWCs shall be used.
- C. Officers shall wear the BWC in accordance with OPD training.

NOTE: Officers shall not wear the BWC in a manner that hinders the operation/recording capability of the camera.
- D. When feasible, officers will inform subjects that they are being recorded via BWC.
- E. Officers shall activate the BWC in the following situations:
 - 1. Immediately when dispatched to a Priority 1 call for service.
 - a. Area/crew supervisors will remind officers on air to activate their BWC during all critical incidents and on calls to which the supervisor is dispatched.
 - 2. During all other calls for service and proactive, non-dispatched law enforcement-related encounters and activities, officers shall activate the camera upon arrival or commencing contact as long as activating the BWC does not place the officer or others at risk.

- a. If the immediate activation of the BWC is not feasible due to an immediate risk to the safety of the officer or others, the officer shall activate the BWC at the first available opportunity after the immediate threat has been addressed.
 - 1. Supervisors shall carefully review such incidents to make certain that the BWC was turned on at the earliest available opportunity.
- b. Examples of law enforcement-related encounters include but are not limited to the following: traffic stops, arrests, searches, interrogations and/or interviews, foot and/or vehicle pursuits, expedited level responses, citizen and/or suspect transports, violations of law, any situation in which the MVR would be activated (whether or not their vehicle is equipped with an MVR), etc.

NOTE: When in doubt, officers shall activate the BWC. Officers shall record any situation or incident they believe, through their training and experience, should be audibly and visually recorded.

- F. Backup/assisting officers shall activate their BWC's as detailed in this policy, regardless of whether or not other officers' BWC's are activated or other recording devices are recording an incident.
- G. If officers do NOT activate the BWC during an incident they would be expected to record, they shall self-report and document their reason(s) for not recording in an Inter-Office Communication that will be submitted to their precinct and/or section commander via chain of command.
- H. Officers are encouraged to narrate events using audio recording to provide the best documentation for pretrial and courtroom presentation.
- I. Employees shall not play back BWC recordings to members of the public.
- J. The BWC system shall be configured to capture 30 seconds of video data from the buffer prior to activation. It shall not be configured to record audio during that 30-second period.
- K. Once activated, officers shall make certain that the BWC continues recording until the incident and/or citizen contact is completed.
 - 1. For critical incidents, such as Pursuits, Use of Force incidents involving Actively Resistive Subjects, Assaultive/High-Risk Subjects, or Life Threatening/Serious Bodily Injury Subjects (as described in the OPD "Response to Resistance – Use of Force" policy), the BWC shall NOT be deactivated until a supervisor determines the incident is completed.
- L. The BWC shall NOT be deactivated during an event/incident, unless:
 - 1. The officer does not reasonably believe that deactivation will result in loss of critical documentary information.
 - 2. A supervisor directs an officer to stop recording.
 - 3. A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational.
 - 4. In the officer's judgment, a recording would interfere with the officer's ability to conduct the investigation, would 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), or would risk the safety of a confidential source/informant, citizen informant, or undercover officer.

- M. Prior to deactivating the BWC, officers will verbally announce their intention to deactivate the BWC and/or provide a short explanation (i.e., the event is concluded, a supervisor approved deactivation of the BWC, etc.).
- N. Whenever an officer records an incident or any portion of an incident, which that officer reasonably believes may lead to a citizen complaint, the officer shall immediately bring it to the attention of their supervisor.
 - 1. The Recorded Media of the incident will be classified, maintained, and retained as described in this policy.
- O. Officers who activate the BWC and capture Recorded Media of an incident/event shall document the existence of the recording in their report(s).
 - 1. It is recommended that officers appropriately classify all BWC recordings within the Evidence.com system per OPD training.

NOTE: The current BWC vendor automatically assigns a unique identifier to all BWC Recorded Media. Any future vendors used shall assign an identifier to BWC Recorded Media that allows the date of the recording, the BWC used and the individual to whom the BWC is assigned to be identified.

- P. Officers shall copy BWC Recorded Media to a DVD for criminal prosecution and shall book an “original” copy into the OPD Evidence and Property Unit per OPD procedures to be retained as evidence when they record audio or video of any of the following:
 - 1. Physical confrontations that result in a felony arrest.
 - 2. Searches in which contraband is recovered and where a felony arrest is made.
 - 3. All felony crime incidents that are recorded.
 - 4. Any other situation an officer deems important to document based on their experience and training for administrative or criminal reasons.

NOTE: Officers may be required to make an additional “working copy” to be used for ongoing investigations.

VII. Critical Incidents

- A. When an incident arises (serious crime scenes, employee-involved incidents, etc.) that requires immediate retrieval of Recorded Media, the following procedures will be followed:
 - 1. If feasible, a field supervisor will respond to the scene and order the impacted BWC to be collected for transfer to the BWC Administrator.
 - 2. The BWC Administrator shall verify that all recordings have been transferred from the BWC to Evidence.com.
 - 3. The BWC Administrator shall:
 - a. Make a working copy of the Recorded Media for the investigative unit.

- b. Create a DVD as the original copy and book the original copy into the OPD Evidence and Property Unit, per OPD procedures.
 - c. Complete an OPD Supplementary Report (PortalOne/OPD Form 200A).
 - d. Provide additional copies as requested by the CIB Commander.
- 4. The BWC Administrator shall make certain that the BWC is returned to its assigned officer.
 - 5. The BWC Administrator shall use the classification "LOCKED" on the Recorded Media. Recordings classified as "LOCKED" are restricted to specific employees.

NOTE: See the OPD "Response to Resistance – Investigative Process for Use of Force Incidents Involving Serious Injury or Death" policy for procedures governing retrieval of BWC recordings of these types of incidents.

- 6. If involved officers did NOT activate the BWC during the incident the officers' supervisor(s) shall carefully review the incident and submit an Inter-Office Communication to the Chief of Police via chain of command detailing the incident and the officers' reasons for not recording the incident with their BWC.
 - a. The Inter-Office Communication will include the supervisor's recommendations for remedial training and/or discipline if applicable.

VIII. Privacy Considerations and Prohibitions

- A. Officers shall adhere to the following privacy-related prohibitions when operating BWCs:
 - 1. To respect the dignity of others, officers will try to avoid recording videos of persons who are nude, or when sensitive human areas are exposed.

NOTE: Officers shall not activate the BWC while conducting strip searches.
 - 2. Officers shall not record places where a reasonable expectation of privacy exists, such as locker rooms or restrooms, unless they are present in an official capacity.
 - 3. While in patient care areas of a medical facility, officers will only record with BWCs when the recording is for official law enforcement purposes. Care should be used to record only the parties involved in the event being investigated.
 - 4. Officers shall not record non-law enforcement-related personal activity.
 - 5. Officers shall not intentionally record conversations of fellow employees without their knowledge during routine, non-law enforcement-related activities.
 - 6. Officers shall not knowingly record confidential informants or undercover officers.
- B. Recording should be stopped prior to discussing a case on scene with other officers or during on scene tactical planning. When tactical discussions/planning have concluded and plans are being implemented, the BWC should be re-activated.

IX. Recording, Duplication, Dissemination and Review

- A. All BWCs and all Recorded Media, images, audio recordings, and metadata captured by the BWCs are the property of the OPD. Dissemination outside the agency is strictly prohibited without

specific written authorization of the Chief of Police or designee. Violators will be subject to discipline up to and including termination.

- B. Employees shall not erase, alter, reuse, edit, copy, share, modify, or tamper with BWC recordings without prior written authorization and approval of the Chief of Police or designee.
- C. Officers shall not record, download, or otherwise transfer BWC recordings onto any type of personal recording devices, including but not limited to personal cellular phones, video recorders, tablets, etc.
- D. To prevent damage to, or alteration of, original Recorded Media, such media shall not be copied, viewed, or otherwise inserted into any device not approved by the BWC System Administrator.
- E. Officers may review recordings when preparing written reports of events to help make certain of the accuracy and consistency of accounts.

NOTE: BWC recordings are not a replacement for required written reports.

- F. Officers are responsible for copying Recorded Media to a DVD for criminal prosecution of their cases and shall book an “original” copy into the OPD Evidence and Property Unit per OPD procedures.
 - 1. Officers may be required to make an additional “working copy” to be used for ongoing investigations.
- G. When possible and practical, a copy of the original Recorded Media will be used when being viewed by investigators, staff, training, employees, and the courts (unless otherwise directed by the courts) to preserve the original copy.
- H. At the conclusion of trial proceedings, or as otherwise authorized by the Prosecutor’s Office for which the media was required, all copies will be handled as directed by current evidence handling procedures and/or returned to the OPD Evidence and Property Unit.

X. Video Retention, Classification, and BWC System Administrator Responsibilities

- A. All media stored on Evidence.com will be retained for a period of two years.
- B. The classification category “LOCKED” will be used to classify serious incidents including, but not limited to, officer-involved shootings and cruiser accidents.
 - 1. Recordings classified as “LOCKED” are restricted to specific employees only.
- C. The BWC System Administrator will be responsible for the following:
 - 1. Long-term storage of Recorded Media of evidentiary value consistent with the Department’s evidence storage protocols and classification/retention schedule.
 - 2. Deletion of Recorded Media pursuant to a court order.
 - 3. Periodically reviewing BWC best-practices.

REFERENCES:

I. Nebraska Revised Statutes

- A. Nebraska Revised Statutes §81-1452, 81-1453, and 81-1454.