

Columbus Police Division Directive	EFFECTIVE Dec. 30, 2016	NUMBER 11.07
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Body-Worn Camera (BWC)		



I. Introduction

The principal purpose of a BWC system is to collect evidence, which may be used to prosecute traffic and criminal offenses, assist with investigations, or help evaluate and train personnel. ***It can also*** provide documentation of whether the situation was handled lawfully and professionally. Police interactions with individuals during enforcement activity may rapidly evolve, and recording these interactions is an excellent way to provide transparency to the community.

II. Definitions

A. Classification

The category assigned to each video recording, chosen from the following three selections, after the camera has been deactivated.

Note: If personnel are unsure of which classification to choose, the video should be classified as evidence.

1. Evidence

The recording of an incident which may be used later to prove or disprove an account of an incident as it pertains to an enforcement action or encounter.

Examples of evidence: misdemeanor and felony investigations, arrests, use of force incidents, forced entries, and traffic and pedestrian stops. This is not an all-inclusive list.

2. Non-evidence

The recording of an incident, whether accidental or intentional, which has no evidentiary or administrative value.

Examples of non-evidence: accidental/incidental recording, equipment checks, and training. This is not an all-inclusive list.

3. Permanent

The recording of an incident to be kept indefinitely.

Examples of permanent: Any incident that select Division personnel (for example, a supervisor, a detective, CIRT, etc.) believe should be classified in a category that does not expire.

III. Policy Statements

- A. Sworn personnel ***who are*** assigned an individual BWC shall, ***at the beginning of their shift, ensure their BWC is fully charged, operable, and all previous video recordings have been uploaded.***
- B. Sworn personnel shall use only Division-issued BWCs.
- C. ***All recorded images and audio recordings made on the BWC are the property of the Division of Police. Division personnel shall not disseminate or duplicate these recordings outside of the Division unless approved by the Chief of Police, pursuant to the Ohio Public Records Act, or in accordance with a legally binding subpoena.***
- D. BWCs shall be worn in the location and manner required by the assignment.
- E. ***BWCs are not required for special duty work, and the City will not compensate personnel for travel time or uploading/charging the BWC.***
 - 1. ***BWCs may be used for City overtime if personnel have a charged BWC and its use on City overtime does not interfere with the BWC being uploaded or charged for their regularly assigned tour of duty or as ordered by a supervisor.***
- F. BWC use shall be documented on all appropriate paperwork and in the electronic reporting system.
 - 1. ***Sworn personnel shall add the letter "V" after the clearance code of a run when a BWC is used.***
- G. Activation
 - 1. Sworn personnel shall activate the BWC at the start of an enforcement action or at the first reasonable opportunity to do so. Enforcement actions shall be recorded unless otherwise prohibited. Enforcement actions shall consist of:
 - a. Calls for service and self-initiated activity
 - b. All investigatory stops
 - c. Traffic and pedestrian stops
 - d. Suspected OVI stops
 - e. Uses of force
 - f. Arrests
 - g. Forced entries
 - 2. Sworn personnel shall activate the BWC when an encounter becomes adversarial, or its use would be appropriate and/or valuable to document an incident unless otherwise prohibited.

H. Sworn personnel wearing a BWC should announce **when** they are recording as close to the start of the encounter as possible unless it is unsafe, impractical, or unnecessary.

1. **Sworn personnel are not required to cease recording at the request of any person unless ordered by a sworn Division supervisor.**

I. Sworn personnel shall continue recording until the enforcement activity or encounter has ended, or they are ordered/permitted to stop recording by a sworn supervisor.

Note: When reviewing BWC footage from an incident, sworn personnel must stop recording to **view and/or** upload the video.

J. BWC recordings may be used to provide evidence or record an incident to document the actions and statements of suspects during interviews or while being placed into custody, or as a means to verify an action taken.

K. The BWC shall not be used to record non-work-related personal activities where personnel have a reasonable expectation of privacy, such as inside locker rooms, dressing rooms, or restrooms, **unless** a criminal offense has occurred.

L. The BWC shall not be intentionally activated to record privileged communication or conversations of fellow Division personnel during routine, non-enforcement-related activities with or without their knowledge.

M. The BWC shall not be used:

1. To gather intelligence information solely based on First Amendment protected speech, associations, or religion;

2. **During a strip search or body cavity search; or**

3. **During a Lethality Assessment Screen.**

Note: If the BWC was previously activated during an incident, sworn personnel do not need a supervisor's approval to deactivate the BWC for any of the above-listed reasons.

N. The BWC shall not be used if ordered by a sworn supervisor.

1. **To preserve privacy and dignity, a** sworn supervisor may grant **approval** to not record or deactivate the BWC for certain people or places.

2. Explicit **approval** shall be given verbally over the radio or in an operations plan.

O. Sworn personnel may deactivate the BWC when gathering information from a confidential informant or source.

P. Sworn personnel who are not in the presence of suspects or citizens may deactivate the BWC without explicit supervisor approval when speaking with the Division's legal advisor, covert/investigative personnel, a supervisor, or other sworn personnel.

- Q.** If sworn personnel do not activate **the** BWC, **the battery is exhausted/depleted**, or the recorder malfunctions, they shall document the reason(s) on the appropriate paperwork, **in the CAD**, and/or in the electronic reporting system.
- R.** **If sworn personnel do not record the entire contact, justification shall be expressed verbally on the BWC before turning it off when it is safe and practical to do so.**
- S.** **Sworn personnel should reactivate the BWC if they re-engage suspects/citizens.**
- T.** Sworn personnel may be ordered by a sworn supervisor to relinquish their BWC.
- U.** All digital data shall be uploaded as directed and shall be classified and stored in a secure database that allows limited access. Sworn personnel shall upload video footage prior to going on leave, except when permission is granted by the chain of command designating an alternate time for uploading. If sworn personnel become incapable of uploading the video, the chain of command will make arrangements for uploading all video footage.
- V.** Personnel shall not tamper with, erase, alter, or destroy any original recorded section of video or audio.
1. The appropriate authority designated by the Chief of Police will determine proper action for recordings captured by inadvertent BWC activation when **it is** otherwise prohibited.
- W.** Personnel shall classify all recordings consistent with Division training. Personnel shall not knowingly classify a video inappropriately or take other inappropriate actions to prevent a recording from being viewed or uploaded or to alter retention periods.
- X.** BWC recordings shall be securely stored and maintained pursuant to the City of Columbus **Division of Police** Records Retention Schedule. All stored recordings are subject to release in accordance with Ohio's public records laws.
1. **Supervisors investigating/managing an incident or sworn personnel wanting to view video in the mobile environment should follow the procedures which are outlined on the Division's intranet.**
- Y.** Sworn personnel may review video footage of an incident in which they were involved prior to completing a report or making a statement to help ensure accuracy. Sworn personnel should not use the fact that a recording was made as a reason to give a less detailed description of the incident.

Z. A supervisor may view BWC video footage for the purpose of *investigations*, training, reviews, inquiries, civil claims, or litigation. This may include recordings brought to the supervisor's attention that may lead to discipline or documented review as outlined in the **applicable** collective bargaining agreement (**CBA**).

AA. Supervisory and investigative review of BWC recordings

- 1. BWC recordings are subject to review at any time once the recording is uploaded to the server.**
- 2. Supervisors and the involved chain of command wishing to review a BWC recording shall conduct the review on a Division computer.**
 - a. Supervisors shall login to the secured server with their Division-issued password.**
 - b. After being uploaded to the secured server, Division supervisors will have access to BWC recordings unless access has been restricted due to an investigative purpose.**
- 3. Supervisors and investigative personnel wishing to request a copy of a BWC recording shall complete and forward an Internal Video/Audio Request, form S-35.104.**
- 4. Supervisors shall document the review of all BWC recordings related to incidents under investigation and shall note within the investigation the relevant portions of the recording to be reviewed by the chain of command.**
- 5. Supervisors should conduct random reviews of BWC recordings to ensure videos are classified appropriately and to use the observations for open discussion and training.**
- 6. Supervisors using BWC recordings for an investigative purpose shall review or reclassify BWC recordings as appropriate and in accordance with established law, Division policy, and the applicable CBA.**

BB. Sworn personnel who have been issued a BWC and who transfer to an assignment that is not assigned a BWC shall return all issued equipment, including any assignment-specific take home chargers, to PoliceNET personnel.

CC. Division personnel who are assigned to use or otherwise be involved with BWC equipment must complete mandatory training. This training includes proper operation and care, policies and procedures, and limitations of BWC footage. Additional training shall be provided periodically to ensure the continued effective use of the system and equipment and to incorporate changes, updates, and other revisions in policies or equipment.

IV. Procedures

A. Sworn Personnel

1. **Classify the recordings as appropriate.**
2. Notify your supervisor of any known malfunctioning *or lost/damaged equipment*.
3. **Mark 10-23T for technology repair.**
4. **Replace or turn in the BWC for repairs to the PoliceNET Unit** as soon as possible.
 - a. **Obtain a replacement BWC from the PoliceNET Unit. If the PoliceNET Unit is closed obtain a replacement from the Patrol Administration Sergeant. The replacement BWC becomes the sworn personnel's Division-issued issued BWC.**

B. Investigating Supervisor

1. **Determine if the malfunctioning or lost/damaged equipment was the result of normal wear and tear or negligence, and follow the procedures outlined in the "Lost, Damaged, or Malfunctioning Property" directive.**

C. PoliceNET Personnel/Patrol Administration Sergeant

1. **Collect malfunctioning or damaged equipment and replace it immediately.**

D. Chief of Police

1. Appoint specific Division personnel to meet annually to review policy **and** collect data concerning BWC usage, including when video footage is used in criminal prosecutions, internal affairs matters, civilian complaints, injuries and assaults on sworn personnel, use of force incidents, and any associated costs.