

CITY OF HARTFORD POLICE DEPARTMENT

ARTICLE XXXV BODY WORN CAMERA POLICY

It is the policy of the City of Hartford Police Department that assigned Officers and Command Officers shall activate the Body Worn Camera (BWC) when such use is appropriate to the proper performance of his or her official duties. This policy does not govern the use of surreptitious recording devices used in undercover operations.

SECTION 1.1 OFFICER PRIVACY EXPECTATION

All recordings made by officers on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Officers shall have no expectation of privacy or ownership interest in the content of these recordings.

SECTION 1.2 OFFICER RESPONSIBILITIES

Prior to going into service, each uniformed officer will be responsible for making sure that they are equipped with a BWC, issued by the Department, and that the BWC is in good working order. If the BWC is not in working order or the officer becomes aware of a malfunction at any time, the officer shall promptly report the failure to a supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed officers should wear the BWC on the outside of their uniform or jacket.

Any officer assigned to a non-uniformed position may carry an approved BWC at any time the officer believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed officers should wear the BWC on the outside of their uniform or jacket unobstructed.

When using a BWC, the assigned officer shall record their name, HPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Officers should document the existence of a recording in any report or other official record of the contact, including any instance where the BWC malfunctioned, or the officer deactivated the recording. Officers should include the reason for deactivation.

SECTION 1.3 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Officers should activate the recorder any time the officer believes it would be appropriate or valuable to record an incident.

The BWC should be activated in any of the following situations:

- A. All enforcement and investigative contacts including stops and field interview situations
- B. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- C. Self-initiated activity in which an officer would normally notify Central Dispatch
- D. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

At no time is an officer expected to jeopardize his/her safety in order to activate a BWC or change

the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

SECTION 1.4 CESSATION OF RECORDING

Once activated, the BWC should remain on continuously until the officer reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident. The recorder may be muted for discussion among officers or during contact with a supervisor.

SECTION 1.5 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Michigan law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission. Officers may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be lawful and beneficial to the investigation.

Officers shall not surreptitiously record another department officer without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

SECTION 1.6 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

SECTION 1.7 PROHIBITED USE OF BODY-WORN CAMERAS (BWC)

Officers are prohibited from using department issued BWC's and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.

Officers are also prohibited from retaining recordings of activities or information obtained while on duty, whether the recording was created with department-issued or personally owned recorders.

Officers shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Officers are prohibited from using personally owned recording devices while on-duty without the express consent of the Chief of Police. Any officer who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any officer for the purpose of embarrassment, harassment or ridicule.

Officers are expressly prohibited from altering, reformatting, or erasing any recording made by the BWC's. Any recording made, no matter what the method or electronic device used, by an employee of this Department while in the performance of their duties or when acting in the capacity of their employment, is an official record of the Department. Any theft, intentional misplacement, alteration, sabotage, abuse, misuse, intentional

obstruction or intentional destruction of any recording device or recording is prohibited and will result in disciplinary action up to and including dismissal.

SECTION 1.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, officers should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report. An officer should transfer, tag or mark recordings when the officer reasonably believes:

- A. The recording contains evidence relevant to potential criminal, civil or administrative matters.
- B. A complainant, victim or witness has requested non-disclosure.
- C. A complainant, victim or witness has not requested non-disclosure, but the disclosure of the recording may endanger the person.
- D. Disclosure may be an unreasonable violation of someone's privacy.
- E. Medical or mental health information is contained.
- F. Disclosure may compromise an undercover officer or confidential informant.

Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the officer should promptly notify a supervisor of the existence of the recording.

SECTION 1.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, officers should review their recordings as a resource. However, officers shall not retain personal copies of recordings. Officers should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing an officer's performance.

Recorded files may also be reviewed:

- A. By the City Manager and/or the City Attorney when engaging in an official investigation such as a personnel matter or other related City of Hartford legal matters.
- B. Upon approval by a supervisor, by any officer of the Department who is participating in an official investigation, such as an administrative investigation or criminal investigation.
- C. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- D. By media personnel with permission of the Chief of Police or the authorized designee.
- E. In compliance with a public records request, if permitted, and in accordance with the
- F. Records Maintenance and Release Policy.

Recordings that unreasonably violate a person's privacy should not be publicly released unless disclosure is required by law or order of the court.

SECTION 1.10 REPRODUCTION OF AUDIO/VIDEO

Reproductions of audio/video recorded files shall be made and used for the purposes of complying with this policy, for use in the criminal justice system, or to comply with any applicable law. Except as permitted by this policy, no employee of the City of Hartford Police Department is allowed to reproduce in any way or distribute copies of any video without receiving prior authorization from the Chief of Police or designee.

Any media and/or segment released outside the City of Hartford Police Department shall be appropriately identified as property of the Department. The recording and/or segment shall be labeled as to its contents including date and time of recording. The City of Hartford Police Department retains all property rights, including copyright, to all images recorded by or on behalf of the Department and on released copies.

SECTION 1.11 TRAINING

Officers and Command Staff must complete a HPD approved and/or provided training session and demonstrate proficiency to ensure the proper use, operation, and care of the body worn video camera system. Additional training and program assessment may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration, and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

SECTION 2 OPERATION OF BODY-WORN CAMERAS PROCEDURE

SECTION 2.1 OFFICER RESPONSIBILITIES (BWC)

- A. BWC equipment is the responsibility of individual members and will be used with reasonable care to ensure proper functioning. The BWC will be worn for the entire shift.
- B. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and log this inspection along with the BWC identifier when using a BWC that is not issued to them on their daily log. In order to record all situations required by the City of Hartford Police Department, Officers must maintain the BWC in a state of operational readiness. Operational readiness means the BWC has adequate battery life/available storage and remains properly affixed to the uniform. Equipment malfunctions shall be brought to the attention of a supervisor as soon as possible so that a replacement unit may be procured.
- C. At the beginning of the shift Officers will check out their assigned BWC from the transfer station using Evidence.com
- D. BWC's will be properly affixed to the uniform at the beginning of the shift in accordance with the following department and manufacturer guidelines. It may become necessary to vary the height of the camera for some Officers to optimize the camera field of view. Uniform coats or jackets shall be worn in such fashion as to not cover the camera head. The BWC system shall be worn in such a manner as to ensure the optimal unobstructed view of an event. The optimal location may vary, depending on the BWC system being utilized and the member's attire.
- E. Officers shall not edit, alter, erase, duplicate, copy in any manner (including the use of a personal cell phone or other recording device), share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police, or designee.
- F. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes. The Lieutenant is expected to regularly review video with Officers assigned to them during FTO phases as an added training component and for evaluation purposes. Likewise, supervisors will continue to review incidents for evaluation purposes during probationary periods or during performance improvement plan periods.
- G. If an Officer is involved in an officer-involved shooting or other serious use of force, the Department reserves the right to limit or restrict an Officer from viewing the video file.

- H. If an Officer is suspected of wrongdoing, the Department reserves the right to limit or restrict an Officer from viewing the video file.
- I. Requests for deletion of portions of the recording, e.g., in the event of a personal recording, must be submitted in writing and approved by the Chief of Police, or designee. All requests and final decisions shall be kept on file.
- J. Officers shall note in incident, arrest, and related reports when recordings were made during an incident. However, BWC recordings are not a replacement for written reports, which must contain a descriptive summary of recorded statements.
- K. Officers are encouraged to provide a verbal narration with the recording in preparation to make a stop or contact with an individual or vehicle. This is intended to assist in supporting the reason or probable cause for the stop or contact, describe details which may not be readily apparent, and to assist with report preparation.
- L. When an Officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the Officer shall document why a recording was not made, was interrupted, or was terminated. In cases of an intentional video deactivation or audio muting of a recording after an incident is stabilized but before conclusion of the event, i.e., it becomes necessary to confer with command or other Officer, the reason shall be documented by the Officer in the form of a verbal announcement prior to deactivating the recording. The recording will be subsequently re-activated to the conclusion of the event.
- M. At the end of the shift Officers will return the BWC to the transfer station for the transfer of recordings and re-charging of the battery.

SECTION 2.2 RECORDING INCIDENTS

Required Activation of the BWC:

- A. There are many situations where the activation of the BWC is appropriate and/or required and this policy is not intended to describe every possible circumstance. It is understood that there may be a situation that does not clearly start out as necessitating documentation by the BWC nor will all recorded events have a clear ending for when the BWC is no longer required. Officers are expected to follow departmental policy and procedure, utilizing ethical and legal discretion when activating and deactivating the BWC. Officers are not required to notify citizens of BWC recordings or prohibited from doing so.
- B. The City of Hartford Police Department recognizes that there are certain circumstances where an Officer in a pro-active (non-dispatched) role may suddenly become involved in a situation requiring immediate reaction to prevent injury, make an arrest, and/or prevent the destruction of evidence or escape. When these situations occur, the BWC shall be activated whenever possible at the onset of the contact if doing so does not place themselves or others in danger. Supervisors will closely review documentation of such incidents to ensure exigent circumstances did in fact exist.
- C. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties until that event is concluded. This includes, but is not limited to:
 - 1. Officer initiated field contacts involving actual or potential violations of the law.
 - 2. Responding to calls for service.
 - 3. All arrests and/or citations.
 - 4. Any in-progress, just occurred, and/or any other call for service where the fleeing suspect and/or vehicles may be captured leaving the crime scene.
 - 5. While taking statements from subjects, victims, and witnesses:
 - a. Advising of Miranda rights.

- b. In instances when a CSC victim initiates a specific request to not be video recorded, the investigating officer may turn/flip the camera recording head on BWC to face the body so that an audio only recording is made.
- D. If not already recording, the BWC will be activated to record any citizen encounter that becomes adversarial or in situations the Officer believes use of the BWC would be appropriate or would provide valuable documentation.

SECTION 2.3 RESTRICTIONS ON USING BODY-WORN CAMERAS

BWC's shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to record:

- A. Communication with other personnel during daily routine non-law enforcement or non-call for service activities, unless all parties are aware of the recording, without the permission of the Chief of Police, including meetings with supervisors or commanding officers.
- B. When on break or otherwise engaged in personal activities.
- C. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room, other than during an enforcement incident or call for service in such a location requiring documentation of the incident.
- D. During strip searches.
- E. Officers using BWC's in patient care areas of a health care facility for official purposes should use caution to record only the parties involved in the event being investigated.
- F. Citizens shall not be allowed to review the recordings without permission of the Chief of Police, or designee.

SECTION 2.4 SUPERVISORS' RESPONSIBILITIES

Supervisors shall be responsible for the following procedures:

- A. Ensure all shift members are using the BWC's in compliance with HPD policy and procedures. For quality assurance purposes, each quarter, supervisors shall audit at least 15 minutes of video of each officer. A video review report will be forwarded to the Chief of Police or designee for review.
- B. Ensure BWC's are returned and appropriately docked for uploading and charging at the end of each shift, and that Officers are properly labeling BWC audio/video files as necessary. BWC files that are needed for review by the Prosecutor's Office are appropriately provided in a timely fashion.
- C. When an incident arises that requires the immediate retrieval of BWC media for chain of custody purposes, including, but not limited to:
 - a. Serious crime scenes
 - b. Officer involved shootings
 - c. 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 data remains uncompromised. Through direct and uninterrupted supervision, the supervisor is responsible for the care and custody of the BWC until it has been removed and secured by the lead investigator.

- D. View recordings from the BWC, if the capability exists, in the field in order to mitigate citizen complaints; however, permission must be obtained from the Chief of Police, or designee in order to playback BWC recorded media for citizen viewing.
- E. It is the Command Staff's responsibility to periodically review recordings to verify proper usage.

SECTION 2.5 VIDEO REVIEW AND PRESERVATION OF RECORDINGS

The procedure for downloading and saving videos from the body-worn camera (BWC) is as follows:

- A. The BWC recorded audio/video files are to be securely uploaded no later than the end of each shift onto our server network by properly connecting them in the designated docking stations located in the squad room. The docking stations facilitate simultaneous uploading of audio/video recordings from the BWCs into the secure server software program and also charge the batteries.
- B. Officers shall label and designate an incident number and view recorded video as necessary. Officers will not have security rights which will allow deletion or modification of any part of the recorded audio/video files.
- C. Officers may view their videos on the squad computers for report accuracy.

SECTION 2.6 EVIDENCE

When video evidence is available from a BWC, Officers or assigned civilian staff members are to do the following:

- A. Officers shall make a "VIDEO" notation on the open case log and, check the video box on the front page of the report form to indicate to the Records Division that video is available for this incident and the number of body worn video files for the incident. This information shall also be noted in the report of the incident under the Evidence or Property heading of the narrative. Proper labeling of the video files in the audio/video storage program by complaint number is essential to ensure all available files are preserved for the incident. Access all of the pertinent file(s) stored on the secure network server in the appropriate video storage program and export them to approved external storage devices
- B. FTO's and Officers may make copies for use as a training aid. Copies of this video are to be used for official law enforcement purposes only and are not to be distributed to anyone without authorization from the Chief of Police or designee.

SECTION 2.7 RECORDS RETENTION

The City of Hartford Police Department shall comply with the BWC audio/video recordings retention periods specified by Public Act 85 of 2017 (MCL 780.313; 780.315; 780.316) effective January 8, 2018. The following is a retention schedule for recording files that are uploaded into the Evidence.com cloud storage solution:

- A. Arrest -3 years
- B. Criminal Complaint No Prosecution – 3 Years
- C. Criminal Complaint Prosecution – Until manually deleted
- D. Critical Incident – Until manually deleted
- E. Internal Affairs – Until manually deleted
- F. Non-Criminal Incident/Event – 3 Years
- G. OWI – 3 Years
- H. Pending Review – Until manually deleted
- I. Records Use Only – 180 Days
- J. Search No Seizure – 3 Years
- K. Test Video or Photos – 90 Days
- L. Traffic Crash – 1 Year
- M. Traffic Stop – Citation Issued or Potential Issues – 3 Years
- N. Traffic Stop – No Citation – 3 Years
- O. Use of Force – Until manually deleted

SECTION 2.8 FOIA REQUESTS

Any request for BWC records outside the City of Hartford Police Department will comply with the records disclosure and management policies of the City of Hartford Police Department. No audio/video recordings shall be released to the public, including social media postings, without administrative authorization which may include consultation with the Prosecutor's Office and City Attorney and shall be in compliance with the Michigan

Freedom of Information Act (Public Act 442 of 1976, MCL 15.231, et seq). BWC records disclosure shall comply with the BWC audio/video recordings retention periods specified by Public Act 85 of 2017 (MCL 780.313; 780.314; 780.315; 780.316) effective January 8, 2018.