

OGDEN CITY POLICE

Office of the Chief

Policy No: 44A

Subject	Effective Date April, 2020
Body Worn Cameras	
Department	Replaces Policy Dated March, 2018
Police	
Division	Review Date April, 2021
All Police Personnel	
Authorized Signature	

NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this policy is to provide procedures to ensure the proper use, maintenance and storage of Body Worn Camera (BWC) recordings and equipment. The BWC recording serves as a third-party witness and may reduce the need for court appearances, as well as protect officers or citizens from complaints of misconduct or abuse.

II. POLICY

The policy of the Ogden Police Department will be that all officers with BWC recording equipment will use proper procedures when using, storing and maintaining the audio-video equipment.

III. DEFINITIONS

A.

1. "Body Worn Camera" (BWC) means a video recording device that is carried by, or worn on the body of, a law enforcement officer and that is capable of recording the operations of the officer.
2. "Body Worn Camera" does not include a dashboard mounted camera or a camera intended to record clandestine investigation activities.

B. "Law enforcement encounter" means:

1. An enforcement stop;
2. A dispatched call;
3. A field interrogation or interview;
4. Use of force;
5. Execution of a warrant;
6. A traffic stop, including;
 - a. A traffic violation;
 - b. Stranded motorist assistance; and
 - c. Any crime interdiction stop; or
7. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

IV. PROCEDURE

A BWC is required for all law enforcement duties within the Ogden City Police Department. Officers of the Ogden City Police Department shall utilize a BWC whenever law enforcement authority may be required and whenever the Ogden Police uniform is worn for shifts, assignments, or special events. This includes extra-duty employment opportunities.

A. Operating Procedure

1. The BWC equipment will be operated in accordance with manufacturer's recommendations.
2. At the beginning of each shift, officers will verify that the BWC is properly functioning. Any time the equipment is found to be not functioning properly, a supervisor will be notified. A supervisor will take reasonable steps to ensure the officer receives a replacement BWC for the remainder of their shift. Temporary replacement BWCs will be made available in the Watch Commanders Officer. The supervisor will notify the Bureau Lieutenant, Training Lieutenant, and the Department Equipment Manager of the malfunctioning BWC to facilitate the permanent issuance of a functioning BWC. Officers shall not remove, dismantle, or tamper with any hardware and/or software component or part of the BWC.
3. Officers shall wear the BWC so that it is clearly visible to the person being recorded.

4. Officers shall activate the BWC prior to any law enforcement encounter, or as soon as reasonably possible after that encounter is initiated. In those events that prevent pre or immediate activation of the BWC, officers shall document in a report the reason for the delayed or inability to activate the BWC.
 - a. Dispatched Calls - Officers shall activate the BWC while en route and prior to arrival of any dispatched call for service. In the event that an officer is already in the area or on scene when the call is dispatched, the BWC will be activated as soon as reasonably possible.
 - b. Self-initiated Calls – Officers shall activate the BWC prior to the initiation of the self-initiated activity or incident. The only acceptance would be those incidents that occur suddenly or without warning.
 - c. Vehicle Pursuits – Officers Shall activate their BWC when engaged in or participating in a vehicle pursuit even when the Officer's vehicle is equipped with an activated dashboard camera.
5. Officers shall record in an uninterrupted manner until after the conclusion of a law enforcement encounter, except as an interruption of a recording is allowed under this section.
6. When going on duty and off duty, an officer who is issued a BWC shall record the officer's name, identification number, and the current time and date, unless the information is already available due to the functionality of the BWC.
7. If a BWC was present during a law enforcement encounter, the officer shall document the presence of the BWC in any report or other official record of a contact.
8. Once a BWC has been activated, the officer shall not deactivate the BWC until the officer's direct participation in the law enforcement encounter is complete, except as provided in Subsection (9).
9. An officer may deactivate a BWC:
 - a. to consult with a supervisor; or
 - b. to consult with an officer who is acting in an advisory role;
 - c. during a significant period of inactivity; or

- d. during a conversation with a sensitive victim of crime, a witness of a crime, or an individual who wishes to report or discuss criminal activity if:
 - (I) the individual who is the subject of the recording requests that the officer deactivate the officer's BWC; and
 - (II) the officer believes that the value of the information outweighs the value of the potential recording and records the request by the individual to deactivate the BWC.
- e. While an officer is conducting an evidence-based lethality assessment.
- f. If an officer deactivates a BWC during a law enforcement encounter, the officer shall audibly announce why the recording is being stopped prior to deactivating the BWC and then document the reason for deactivating the BWC in a written report.
- g. Officers shall reactivate a BWC immediately following the conclusion of the reasons stated in section (9) (a-e)(I)(II).

10. When an officer with a BWC enters a private residence, the officer shall give notice, when reasonable under the circumstances, to the occupants of the residence that a BWC is in use either by:

- a. Wearing a BWC in a clearly visible manner; or
- b. Giving an audible notice that the officer is using a BWC.

11. Officers are prohibited from covertly recording other police personnel without written permission of that officer or employee, or at the direction of the Office of the Chief of Police as part of an official investigation or where personnel issues have created an adversarial environment and the Chief of Police approves one-party recording.

12. The BWC shall not be used to record non work-related activity and shall not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms.

13. Officers should be aware of surroundings when operating the BWC, such as in a hospital emergency room where privacy of patients should be considered when operating the BWC.

14. Officers are prohibited from using profane, vulgar, insulting language, or any threatening or derogatory terms on BWC, which is consistent with Ogden Police Policy 01 – Personnel Conduct.
15. Officers are prohibited from:
 - a. reviewing with, playing or showing video made in the course of police work to anyone who is not directly involved in the investigation or prosecution of the recorded event, including members of the department, without the permission of their supervisor, the duty officer, the Chief of Police, or Division Commander;
 - b. Using a BWC for personal use;
 - c. Making a personal copy of a recording created while on duty or acting in an official capacity as a law enforcement officer;
 - d. Retaining a recording of any activity or information obtained while on duty or acting in an official capacity as a law enforcement officer;
 - e. Duplicating or distributing a recording except as authorized by the Chief of Police.
 - f. Altering or deleting a recording in violation of this policy.
16. Video may be reviewed by supervisors for the purpose of investigating a complaint, internal investigations, reviewing for training purposes, looking for evidence, or other legitimate reasons that in the best judgement of the supervisor will enhance the training, performance or professionalism of the officer or the department.
17. Officers may view their own BWC recordings as they relate to:
 - a. Their involvement in an incident for the purposes of completing an investigation and preparing official reports.
 - b. Prior to court to refresh recollection. Officers will ensure that the prosecuting attorney is aware that the BWC recording was reviewed.
 - c. Providing a statement pursuant to an internal investigation, including officer involved shooting investigations and other critical incidents. Following an officer involved shooting or other critical incident, involved personnel shall not view their BWC recording on any device or computer prior to the BWC recording being uploaded into the evidence system.

18. It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.

B. Control and Management

1. The assigned officer is responsible for assuring that proper care and storage of each video is accomplished according to policy.
2. The BWC has the capacity for approximately fifteen hours of record time. It is the officer's responsibility to ensure that the BWC is uploaded before it is full.
3. Officers are required to enter the appropriate classification coding and case number for the BWC recording for each incident that is recorded. Unintentional recordings, when a camera is activated accidentally and the video serves no evidentiary purpose, should be marked "No Evidentiary Value" by the officer. In cases where the "no evidentiary value" code is used and there is no associated case number the officer will label the case number as "NE". All videos, regardless of how they are categorized, will be downloaded and remain on the network for a minimum of 60 days before they are archived by the evidence/ property custodian.
4. The evidence/property custodian will archive video from the network on a weekly basis. Video will be retained for two years unless otherwise directed by the prosecuting attorney or City attorney.
5. After a video has been released by the prosecutor and is no longer needed for evidence, the recorded incident may be used for training purposes as deemed appropriate by the Chief of Police.
6. Copies of video will be made available to prosecuting attorneys. The original will remain in evidence. Copies of video for a specific case may also be made for a defense attorney, but the request must come from the prosecuting attorney through normal discovery procedures. Such requests will be handled by the officer whose case is being challenged. The officer will arrange for the evidence/property custodian to make a copy of the video by submitting a request form with reasonable notice. The copy will only contain the case in question and will be given to the prosecuting or defense attorney.

7. The release of audio-video copies to any agency, individual or company not already described in this policy will be done in accordance with federal, state, and local laws, policies and procedures governing the release of police reports and records. If the video copy is not received into evidence by a court and is deemed to be of no further use, the officer will return the copy to the evidence/property custodian to be destroyed and documented on the original request for copy form.