

Columbus Police Division Directive	EFFECTIVE Dec. 30, 2016	NUMBER 11.07
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Body-Worn Camera (BWC) and Cruiser Video System (CVS)		



Cross Reference: 5.01, 5.02, 5.03, 11.01

Supervisor's Manual: 6.00, 6.06

I. Introduction

The principal purpose of **Body-Worn Camera (BWC) and Cruiser Video System (CVS) equipment** is to collect evidence that may be used to prosecute traffic and criminal offenses, assist with investigations, or help evaluate and train personnel. **They** 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. Policy Statements

A. BWC Deployment

1. **Sworn personnel assigned a BWC shall wear the BWC and have it powered on while on duty, including when working overtime, unless:**
 - a. **Working an assignment in which wearing the BWC is exempted in the assignment's SOP or applicable MOU. BWC exemptions shall be approved by the appropriate assistant chief.**
 - b. **Working in a location or performing activities as listed in Sections II,O and II,P.**
 - c. **Inside a Division facility and not interacting with citizens.**
 - d. **Wearing the Class A uniform as authorized in the "Professional Appearance" directive.**
2. **Sworn personnel responding to a civil disturbance or crowd control situation shall wear the BWC and have it powered on unless working in plain clothes in a covert capacity. Absent exigent circumstances, sworn personnel not equipped with a BWC shall not interact with the participants or take enforcement action.**

B. BWC Activation

1. Sworn personnel wearing **ing** the BWC shall record the following unless otherwise excluded by this directive or ordered by a sworn Division supervisor:

a. Dispatched calls for service

- (1) Sworn personnel shall activate the BWC when dispatched or upon a self-initiated response to all dispatched calls for service.
- (2) Personnel receiving a dispatched run while in a location or engaged in activities as listed in Sections **II,O** and **II,P** shall activate their BWC at the first reasonable opportunity to do so.

Note: The recording will include both audio and video from the two minutes prior to activation.

b. Self-initiated activity

- (1) Sworn personnel shall activate the BWC prior to exiting their vehicle, or if not in a vehicle, prior to approaching an individual, for all self-initiated enforcement actions, investigative activities, and citizen contacts or any time citizen contact is likely to occur.
- (2) Sworn personnel shall activate the BWC as soon as it is reasonable and safe to do so any time a citizen initiates contact.

c. All investigatory stops

d. All traffic and pedestrian stops

e. All uses of force

f. All arrests

g. All forced entries of a structure, vehicle, or other premise

h. All pursuits by vehicle, bicycle, foot, or other means of transportation available to Division personnel

i. All responses involving the use of Emergency Vehicle Operations (EVO)

j. **All stopping tactics**

k. **All interactions with individuals involved in a civil disturbance or crowd control situation**

l. **Any time** an encounter becomes adversarial, or its use would be appropriate or valuable to document an incident unless otherwise prohibited.

2. **The BWC will activate if in the vicinity when a CVS is activated. This could include the CVS of another agency utilizing the same technology.**

3. **The BWC and CVS are equipped with a feature that enables video and audio recording when the camera is powered on even when recording is not activated by the user. Any recording captured in this manner shall only be accessed by authorized PoliceNET Unit personnel at the direction of the Public Safety Director or his or her designee.**

Note: Video recall is possible for the previous 24 hours the CVS was powered on and the previous 18 hours the BWC was powered on while not in a docking station.

C. Sworn personnel required to wear the BWC shall:

1. **Ensure that the BWC is fully charged, operable, and all previous video recordings have been uploaded at the beginning of their shift.**
2. **Notify their supervisor at the first reasonable opportunity when they become aware that their BWC is inoperable, malfunctioning, or displaying a battery percentage of 10% or less.**

D. Sworn personnel shall use only Division-issued BWCs **and BWC mounts** unless serving on a Task Force where the Memorandum of Understanding (MOU) with the sponsoring agency regarding the use of the BWC requires otherwise.

E. CVS Activation

1. **Sworn personnel operating a CVS-equipped unit shall record the following:**
 - a. **Investigatory stops**
 - b. **Traffic and pedestrian stops**
 - c. **Suspected OVI stops**
 - d. **Emergency vehicle operations**
 - e. **Stopping tactics**
 - f. **Vehicular pursuits**
 - g. **All interactions with individuals involved in a civil disturbance or crowd control situation**

Note: Only vehicles equipped with a functioning CVS may be used during a civil disturbance or crowd control situation.

2. **Sworn personnel shall ensure the CVS backseat camera is activated anytime a person is placed in the rear of their marked unit.**

F. Sworn personnel shall wear the BWC in the location and manner required by their current assignment. **Sworn personnel shall not place the BWC in a location that obscures their name and badge number.**

Note: Generally, officers who are assigned to temporarily work in plainclothes for directed patrol or other special assignments will not be required to wear their assigned BWC. However, their supervisor(s) may direct personnel to wear their BWC depending on the day's mission.

G. BWCs are not required and may not be available for special duty work, but they may be used provided that the BWC can be fully charged and videos can be uploaded prior to the start of the next regular tour of duty. The City will not compensate personnel for travel time or uploading/charging the BWC.

- H.** Sworn personnel who are not required to wear a BWC and who choose to wear one shall activate the BWC as required in Section II, **B** and shall comply with all policies and procedures contained in this directive.
- I.** BWC **and** CVS use shall be documented on all appropriate paperwork and in the electronic reporting system.
- J.** All sworn personnel involved in the execution of any search warrant served during a tactical operation on an occupied structure shall be equipped with an operating BWC and shall activate their BWC prior to entry of the occupied structure or associated curtilage.
1. Other than a no-knock warrant, the knock on an entry door, the announcement of law enforcement having a search warrant, and the required statutory time delay prior to entry shall be recorded.
 2. This section applies to personnel working in regular and overtime status.
- K.** Task force personnel shall comply with their respective SOP and the Memorandum of Understanding (MOU) with the sponsoring agency for the use of the BWC and the retention and release of BWC video.
- L.** Sworn personnel are not required to cease recording at the request of any person unless ordered by a sworn Division supervisor.
- M.** Sworn personnel shall continue recording until the enforcement activity or encounter has ended, or until they are ordered/permitted to stop recording by a sworn supervisor.
1. Tactical personnel shall continue recording until the execution of a search warrant served during a tactical operation on an occupied structure and associated curtilage has ended. The execution has ended after initial entry is made, suspects are detained or taken into custody, and the scene has been secured.
 2. Sworn supervisors may direct tactical personnel to start, continue, or stop recording after the execution of the warrant has ended based on the circumstances.
- 3. *Sworn personnel may stop recording to view or upload a video from an incident.***
- N.** BWC **and** CVS recordings may be used to provide evidence, 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.
- O.** The BWC **or** CVS 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.
- P.** The BWC **or** CVS 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.

Q. The BWC **and CVS** shall not be used:

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

Note: This does not apply when personnel are interacting with the citizens involved in First Amendment protected, or related activity, and have other justification to record the activity.

2. During a strip search or body cavity search; or
3. During a Lethality Assessment Screen.

Note: If the BWC **or CVS** was previously activated during an incident, **it shall be deactivated during the above listed events. A** supervisor's approval **is not required** to deactivate the BWC for any of the above-listed reasons.

R. 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 to deactivate the BWC for certain people or places. This approval shall not be granted if a citizen has been injured as a result of police activity.
2. Explicit approval to not record or to deactivate the BWC shall be given verbally, over the radio, or in an operations plan.

S. Sworn personnel **should** deactivate the BWC **or CVS**:

1. When gathering information from a confidential informant or source.
2. Without explicit supervisor approval when not in the presence of suspects or citizens and speaking with the Division's legal advisor, covert/investigative personnel, a supervisor, or other sworn personnel.
3. While engaged in guard duty inside a hospital; however, if an encounter becomes adversarial and/or enforcement action becomes necessary, the BWC shall be activated as soon as practical.

T. Sworn personnel shall deactivate the BWC after securing weapons and entering the door into the prisoner processing areas of Franklin County Sheriff's Office Corrections Centers.

1. The preferred course of action is to allow sheriff's office personnel to handle any problem associated with a prisoner.
2. If Division personnel are forced to take enforcement action, they shall activate the BWC as soon as practical.

U. 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.

V. 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.

- W.** Sworn personnel shall re-activate the BWC **and the CVS, when applicable**, if they re-engage suspects/citizens.
- X.** Sworn personnel may be ordered by a sworn supervisor to relinquish their BWC.
- Y.** All digital data shall be uploaded as directed 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.
- Z.** Personnel shall not tamper with, erase, alter, or destroy any original recorded section of video or audio.

Note: 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.

AA. All recordings made on the BWC **and CVS** are the property of the Division of Police.

- 1.** Division personnel shall not disseminate these recordings outside of the Division unless approved by the Chief of Police, pursuant to the Ohio Public Records Act, in accordance with a legally binding subpoena, as required by a Task Force MOU, **or as required to share evidence with the appropriate prosecutor.**
- 2.** **Division personnel shall not duplicate recordings or download them to any personally owned device.**
- 3.** **Division personnel shall only share or show recordings to authorized persons for an administrative or law enforcement purpose.**

BB. 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.** **BWC and CVS recordings have a two-year retention.**
- 2.** **Sworn personnel shall change the classification in the evidence management system from "evidence" to "permanent" if a video should be retained longer than two years.**

CC. 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 an incident.

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

Note: Supervisors investigating/managing an incident or sworn personnel wanting to view video in the mobile environment should follow the procedures outlined on the Division's intranet.

EE. Supervisory and investigative review of recordings

1. BWC **and CVS** recordings are subject to review at any time.
2. Supervisors and the involved chain of command wishing to review a recording shall conduct the review on a Division computer **or Division-issued mobile device**.
 - a. Supervisors shall log in to the **evidence management system**.
 - b. Division supervisors will have access to recordings unless access has been restricted due to an investigative purpose.
3. Supervisors and investigative personnel wishing to request a copy of a BWC **or CVS** recording shall complete and forward an Internal **Audio/Video** Request, form S-35.104.
4. Supervisors shall document the review of recordings related to incidents under investigation on the Incident Video Review, form U-10.197. Supervisors shall address the relevant portion(s) of the recording within the administrative investigation to be reviewed by the chain of command as necessary.
5. Supervisors using **video** recordings for an investigative purpose shall review **the** recordings in accordance with established law, Division policy, and the applicable CBA.

FF. Random Video Reviews

1. **Sergeants shall randomly review at least two of each subordinate officer's BWC videos per month, unless supervising a unit with an approved BWC exemption in the SOP. The review shall be documented as outlined in Section III,D,1.**
2. **Lieutenants and above should conduct random reviews of BWC and CVS recordings to use the observations for open discussion and training.**

GG. Division personnel who are assigned to use or are otherwise 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.

III. Procedures

A. Sworn Personnel

1. **Notify your supervisor of malfunctioning CVS equipment as soon as practical, but at least prior to the end of your shift.**
2. Notify your supervisor of any known malfunctioning equipment, lost/damaged equipment, or equipment displaying **10%** or less battery **life** on the BWC display.
3. Mark 10-23T for technology repair.

B. Supervisor

1. Ensure required personnel have a functional BWC to complete their tour of duty.
2. Direct personnel with a lost, under-charged, malfunctioning, or damaged BWC to return to the substation or designated location to charge the BWC or attempt to remedy the malfunction.
 - a. If functionality cannot be restored, direct personnel to respond to the PoliceNET Unit to have the BWC repaired or replaced. If the PoliceNET Unit is closed, obtain a replacement from the on-duty Headquarters Operations **Unit** Sergeant. The replacement BWC becomes the sworn employee's Division-issued BWC.
 - b. If the BWC cannot be repaired or replaced, assign personnel without a functioning BWC to work with at least one other officer who is equipped with a functioning BWC, or if staffing permits, assign the personnel without a functioning BWC to administrative duties for the remainder of the tour.
3. 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.
4. **Ensure malfunctioning CVS equipment is taken for authorized repair as soon as practical and as follows:**

- a. **Communications Shop for repairs to the camera, docking station, Digital Video Recorder, microphone, or connections**
- b. **PoliceNET Unit/DOT for video/network problems with the CVS**

C. PoliceNET Personnel **or** Headquarters Operations **Unit** Sergeant

Collect malfunctioning or damaged equipment and replace it immediately.

D. Random Reviews

1. **Sergeants Required to Conduct Random Reviews**
 - a. **Review two randomly selected BWC recordings for each subordinate officer each month. The incidents should be no more than 30 days old.**

- b. Forward a completed Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review, form U-10.193, to the bureau commander.**
- 2. Other Supervisors Conducting Random Review**
 - a.** Review randomly selected recordings on a regular basis. The incidents should be no more than 30 days old.
 - b.** Forward the completed Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review form to the bureau commander when there are areas of concern, for example, user error(s) or observations of misconduct, etc.
- 3. Bureau Commander**
 - a. Review the Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review form.**
 - b.** If potential misconduct is discovered within the recording, determine the appropriate course of action.
 - c. Forward the completed form to the Headquarters Operations Section.**
- 4. Immediate Supervisor**
 - a.** Ensure sworn personnel who created the BWC recording correct the error.
 - b.** If directed by the chain of command, complete an administrative investigation and send a copy of the Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review form to the Headquarters Operations Section.
- 5. Headquarters Operations Section**
 - a.** File completed Cruiser Video System (CVS)/Body-Worn Camera (BWC) Supervisory Review forms.
 - b.** Track results annually to determine compliance/training needs.