



# BETHLEHEM POLICE DEPARTMENT

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| <b>Body-Worn Cameras</b>   | <b>Related Policies:<br/>Mobile Video Recorder</b> |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> |  |
| <b>Applicable New Hampshire Statutes:</b>  |  |
| <b>CALEA Standard:</b>   |  |
| <b>Date Implemented: 04/2015</b>   | <b>Review Date:</b>                                |

- I. **Purpose:** To establish policy regarding the proper use, control and care of issued body-worn cameras.
- II. **Policy:** It is the policy of the Bethlehem Police Department to maximize the use of body-worn cameras to accomplish several objectives.
  - A. Allow for accurate documentation of police-public contact, arrests, critical incidents, and enhance the accuracy of officer reports and testimony.
  - B. Enhance the Department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
  - C. Used in documenting crime and accident scenes or other events that includes the confiscation and documentation of evidence or contraband.
- III. **Definitions:**
  - A. Body-worn cameras are camera systems designated to be worn by police officers to capture digital multimedia evidence.
  - B. Digital Multimedia Evidence or DME consist of all digital recordings, to include but not limited to audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.
- IV. **Legal Issues:**
  - A. Body-worn camera equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the property of the Department. Information recorder by body-worn cameras will not be for personal use.



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- B. Use of body-worn cameras for any purpose other than in accordance with this policy is prohibited.
  - C. All data, images, video and metadata captured by body-worn cameras are subjected to state statutes regarding retention of records.
- V. **Procedure:** Body-worn cameras are an effective tool that can reduce violent confrontations and complaints against officers. It can also provide additional documentation of police-public encounters and may be an important tool for collecting evidence and maintaining public trust.
- A. Prior to using a body-worn camera, officers shall receive Department-approved training on its proper operation and care and the Department's policy with respect to the use of the body-worn camera. Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policies or equipment.
  - B. Body-worn cameras and equipment should be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned. Officers shall inspect and test body-worn cameras prior to each shift to verify proper functioning, and shall notify their supervisor of any problems.
  - C. In the event that a body-worn camera is lost, upon discovery the officer shall immediately notify his/her supervisor.
  - D. Officers shall wear body-worn cameras above the midline of their torso and in position designed to produce an effective recording.
  - E. Officers shall not use personally-owned body-worn cameras while on duty.
  - F. Officers assigned a body-worn camera may use the camera at approved off-duty employment, but only in connection with their Department duties. If used for this purpose, the officer shall download all DME during their next regularly assigned on-duty shift.

## VI. Operation of Body-Worn Cameras:

- A. Except as otherwise provided in this policy, officers shall activate body-worn cameras to record all contacts with citizens in the performance of official duties.
- B. Unless the interaction with a citizen is in an undercover assignment, wherever possible officers should inform individuals that they are being audio and video recorded. Officers have no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary. However, officers evaluate the situation and when appropriate, honor the citizen's request. The request to turn the camera off should be recorded, as well as the officer's response.



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- C. Deactivation of the body-worn camera shall occur when:
  - 1. The event has concluded;
  - 2. Victim and/or witness contact has concluded;
  - 3. All persons stopped have been released;
  - 4. Once an arrestee has been placed into a vehicle to be transported to a detention facility. However, the officer transporting the arrestee to the detention facility shall keep the officer's body-worn camera activated until custody of the individual is transferred to the detention facility.
- D. If an officer fails to activate a body-worn camera, or fails to record the entire contact, the officer shall document the reasons for doing so.
- E. Non-Department personnel shall not be allowed to review the recordings unless pursuant to written consent of the chief.
- F. Officers shall not be required to activate body-worn cameras when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative, minister, etc.).
- G. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner body-worn camera images and information without the prior written approval of the chief or the chief's designee.
- H. Officers shall be allowed to review the recordings from their officer-worn body cameras at any time. To help ensure accuracy and consistency, officers are encouraged to review recording prior to preparing reports. If the officer is giving a formal statement about the use of force or if the officer is the subject of a disciplinary investigation, the officer shall (1) have the option of reviewing the recordings in the presence of the officer's attorney or labor representative; and (2) have the right to review recordings from other body-worn cameras capturing the officer's image or voice during the underlying incident.
- I. Body-worn cameras shall not be used to record:
  - 1. Communications with other police personnel.
  - 2. Encounters with undercover officers or informants.
  - 3. When an officer is on break or is otherwise engaged in personal activities.
  - 4. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room.



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5. When an officer would be recording a patient during a medical or psychological evaluation by a clinician or similar professional, or during treatment. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
6. Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.

## **VII. Handling of Digital Multimedia Evidence:**

- A. All files from body-worn cameras shall be securely downloaded no later than the end of the officer's shift. Each file shall contain information related to the date, body-worn camera identifier, and assigned officer.
- B. All files from body-worn cameras shall be securely stored in accordance with state records retention laws and for no longer than useful for purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim, pending litigation, or disciplinary investigation. In capital punishment prosecutions, files shall be kept until the alleged offender is no longer under control of a criminal justice agency.
- C. It is not the intent of the Department to review DME for the purpose of general performance review, for routine preparation of performance reports or evaluation, or to discover policy violations. Supervisors and internal affairs personnel may access DME for administrative investigations. Other than periodic supervisory reviews to ensure that equipment is functioning properly, the scope of the review of DME should be limited to the specific complaint against the officer. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope.
- D. Requests for deletion of portions of a recording from a body-worn camera (e.g., in the event of a privileged or personal recording) must be submitted in writing to the chief in accordance with state records retention laws.
- E. Recordings from body-worn cameras may be shown for training purposes upon completion of a criminal case. All such use shall be pursuant to the written authority of the chief. Officers shall be provided with at least thirty days' notice if recordings intended for use for training purposes were either made by them or captured their image or voice.

## **VIII. Retention and Destruction of Digital Multimedia Evidence:**

- A. The retention and destruction of DME shall be pursuant to state public records retention laws.
- B. All stored DME is subject to release in accordance with the state public records retention laws. Officers shall be provided with at least one week's notice of any public requests made to review DME from their body-worn cameras.