

SOUTH PORTLAND POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Subject:	BWC / MVR Equipment	Policy #	8-83-A
Effective Date:	January 20, 2017	Review:	Semi-Annual
Distribution:	All Personnel	# of pages:	4

I. PURPOSE:

To provide guidelines for use of body worn cameras (BWC) and the mobile audio / video recording (MVR) equipment.

II. POLICY:

It is the policy of this department to maintain and require uniformed and other officers who routinely respond to calls for service, or are involved in a special event mandated for recording, to use BWC and MVR equipment, as operationally available, to fulfill the objectives outlined below. Plainclothes officers may also use the devices, as available. Officers shall operate the BWC and MVR equipment in accordance with this policy.

III. PROCEDURES:

A. Objectives:

1. To accurately document events, actions, conditions and statements made during police – public contacts, arrests and critical incidents, so as to enhance the accuracy of officer reports, case preparation, collection of evidence, and testimony in court.
2. To enhance the department's ability to review arrests, traffic stops and other events, for investigative, training and officer evaluation, and to help evaluate legal claims and / or allegations of officer misconduct.

B. Training:

1. An officer from each shift will receive training or otherwise become familiar with the BWC and MVR equipment, so as to be able to train other personnel in its correct use and application, in accordance with this SOP. Supervisors should additionally receive training related to reviewing recordings and creating events of recordings not initially created at the time of the event.
2. All personnel are encouraged to recognize the value of recordings for subsequent training purposes. If a recording may have training value, the officer or supervisor should notify the Training Officer, who will obtain a copy of the recording.

C. General Use / Responsibilities:

1. At the beginning of their shift, officers are responsible for inspecting the mobile audio / video equipment in accordance with SOP #4-41-A, VEHICLE ASSIGNMENTS AND INSPECTIONS. This should include confirming the presence and power of the BWC and the functionality of the audio and video of the MVR. Any malfunction, missing equipment or other issue must be promptly brought to the attention of the Shift Commander, who will notify the designated supervisor¹ before the end of that tour of duty.
2. At the beginning of their shift, officers shall log in as themselves into the BWC / MVR equipment, and synchronize the MVR and BWC units, allowing for the appropriate identification and download of related incident recordings. With the exception of while on a break out of the public's view /

¹ See SOP #9-92, ADMINISTRATIVE ASSIGNMENTS

accessibility, officers shall wear the BWC in an unobstructed location on the front of their bodies and at all times while on-duty.

3. Subject to the exceptions in Paragraph 4 below, officers shall activate and use the BWC and MVR equipment during the response to and for the duration of any call for service or other law enforcement contact with the public and during any of the following actions:
 - a. All prisoner transports (*officers should also activate the rear MVR camera*);
 - b. All K-9 tracks or searches; and
 - c. All entries related to high risk or tactical incidents (e.g., search or arrest warrant executions or barricaded persons), as directed.
4. The BWC and MVR equipment shall generally not be used in the following circumstances:
 - a. General communications with co-workers or other law enforcement personnel without their knowledge or the permission of the Chief of Police;
 - b. Communications involving law enforcement tactical and strategic policy, procedures, or plans;
 - c. Encounters with undercover officers and confidential informants;
 - d. While conducting strip searches;
 - e. While appearing before an officer of the court;
 - f. To record activities based solely upon the exercise of constitutionally protected rights of freedom of speech, religious expression, or peaceful assembly;²
 - g. When officers are on break or otherwise engaged in personal activities; or where there is a reasonable expectation of privacy, such as in offices, restrooms or locker rooms;
 - h. When specifically requested by a *victim* or *witness* being interviewed;
 - i. When specifically requested by an individual having a reasonable expectation of privacy in a location, such as a residence, when the officer's contact or entry is based solely upon consent or permission;
 - j. When approved or directed by a supervisor; and
 - k. In compliance with medical facility policies pertaining to video and audio recordings.
5. Except as requested by victims, witnesses, or individuals within a location having a high expectation of privacy during a consensual contact, as set forth in Paragraphs 4(h)(i) above, officers are not required to cease recording an incident or scene because of a request from any member of the public. When officers are present without consent and upon other authority, such as when serving a warrant, or based upon an exception to the warrant requirement, recordings will be made of the incident until its conclusion. Officers should inform anyone who asks that BWC or MVR equipment is in use. Officers should also consider advising belligerent or hostile subjects that they are being recorded, as this may help alter their demeanor and de-escalate the situation.
6. Officers shall note in related reports when video recordings were made. If an officer fails to activate the MVR / BWC, fails to record the entire contact, or interrupts / mutes the recording, the officer will document the reason in the recording prior to deactivation, and / or in the officer's related report or CAD notes.
7. To facilitate recording, the MVR system can be manually activated, either in the car, or with the BWC. The MVR system will also be configured to trigger or automatically begin recording:
 - a. when the emergency lights are activated;
 - b. when the cruiser speed reaches 70mph; or
 - c. due to a collision or other significant impact.

It should be noted that the MVR / BWC equipment is continuously and passively recording and will pre-record video (not audio) for up to 60 seconds prior to actual activation. Recordings may be

² For exceptions, see SOP #4-46-E, CROWD CONTROL & MANAGEMENT

downloaded and retrieved from the system after the fact, whether initially saved or not, and an event may be “created” post event, as available and not overwritten.

8. Recordings that may result in Court action or formal proceedings (e.g., arrests, summonses (USAC or VSAC, DA reviews, etc.), or involve pursuits, uses of force and control and / or cruiser-involved collisions, are considered evidence for the purposes of this policy. Officers shall “tag” evidentiary recordings within the BWC / MVR system. Officers shall also send their supervisor and the ET an email notice, advising of the recording and requesting that it be duplicated and retained. Officers must provide sufficient information (e.g., cruiser number, OCA number, date / time, nature of footage, etc.) for the ET to identify the recording.
9. Officers should generally review the recordings to aid in preparing accurate written reports of events. Officers must note in the body of any report (offense, supplemental, summons, etc.) that the event was recorded. Civilians will not be allowed to review recordings at the scene. Supervisors may allow civilians to view recordings of incidents in which they are involved after the fact in order to aid in inquiries or complaint resolution.
10. Officers will place the BWC units in the designated download cradle at the end of their tour of duty to allow for their automatic download. The MVR units will automatically and wirelessly download when the cruiser is parked at the police station. The ET will download any MVR units unable to wirelessly download for whatever reason.

D. Supervisor Responsibilities:

1. Supervisors who become aware of missing equipment shall investigate further to determine its whereabouts. Supervisors who become aware of malfunctioning equipment shall promptly notify the designated supervisor. If a cruiser’s MVR equipment is missing or malfunctioning, that, in and of itself, need not require the cruiser to be taken out of service, but the supervisor may decide to assign another cruiser to the officer until resolved.
2. In order to secure critical evidence, supervisors may, as appropriate and necessary, access and remove the MVR media, and / or access recordings on the MVR system that were not created or did not properly download. Any time such media is removed, the supervisor must tag and submit it as evidence, consistent with SOP #8-84, PROPERTY MANAGEMENT / EVIDENCE CONTROL.
3. Patrol supervisors shall conduct periodic reviews of the BWC / MVR recordings generated by officers under their command in order to assure proper functioning and use of the equipment; identify recordings that may be appropriate for department training; and assess officer performance and compliance with department policy. These reviews will be conducted at least two (2) times per year, with at least three (3) videos reviewed for all patrol officers; a *monthly* review of at least three (3) videos will be completed for any probationary personnel.
4. The supervisors will review the above footage with the involved officer(s) and document the results of these reviews, as appropriate, during the officers’ performance evaluations. The discovery of any *minor* behavioral infractions or performance issues should be viewed as training opportunities. If the behavior is serious, or has previously been addressed, but is then repeated, appropriate corrective action should be taken consistent with SOP #3-26, DISCIPLINE (e.g., progressive discipline or initiation of an administrative investigation).

E. Recordings - Management / Evidence:

1. All recordings will be maintained for no less than 180 days. Evidentiary recordings will be retained pending the final disposition and appeal period of the case.³

³ See SOP #8-82-H, DEPARTMENT RECORDS RETENTION

2. Officers may request, in writing to the Chief of Police, that any specific inadvertent recording of a strictly personal nature be purged. The Chief of Police or designee(s) will review the request and the recording. If the recording is strictly personal, does not involve any interaction with another person, does not involve response to any call for service, and does not indicate any violation of law or department policy, the Chief may authorize the purging of the video by advising the ET, in writing.
3. The designated supervisor will be responsible for coordinating the maintenance of the BWC / MVR units, database and system, establishing the recording triggers and retention schedule per this SOP, providing staff access to review recordings and create events, and ensuring relevant training.
4. The ET will be responsible for downloading the media of any unit that will not be wirelessly download, and for archiving the recordings requested for evidentiary purposes. The ET will archive and maintain copies of evidentiary recordings on CD / DVD, and routinely provide CD / DVD copies of any footage relating to criminal cases to the Court Officer, who will include it with the case file for discovery purposes.
5. Any additional outside requests for recordings must be accompanied by a blank CD or DVD, and will be handled in accordance with SOP #8-82-C, PUBLIC INFORMATION AND RECORDS.

F. Recordings – Access / Release:

1. The MVR / BWC equipment and all data, images, sounds, video, and metadata captured, recorded, or otherwise produced by the equipment shall be the exclusive property of the department.
2. Officers are generally authorized to record and to playback / review recordings. No officer shall in any way attempt to erase, alter, reuse, modify, duplicate or tamper with any recordings, settings or equipment, unless explicitly authorized to do so by command staff personnel for legitimate and lawful purposes:
 - a. The department retains the right to limit or restrict officer access to recordings related to critical, unusual or other incidents or investigations on a case-by-case basis. All other access to MVR / BWC data must be specifically authorized by the Chief of Police or designee.
 - b. Accessing, copying or releasing video files for non-law enforcement purposes is strictly prohibited.
 - c. Access to the MVR / BWC system may be subject to audit to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
3. Video capturing criminal incident information pertaining to an ongoing law enforcement investigation or prosecution shall not be publically released if the release of the video is likely to jeopardize the investigation, prosecution, or safety of an individual; or likely to cause a suspect to flee or evade detection; or result in the destruction of evidence; or otherwise creates a reasonable possibility of implicating the harms listed in the *Intelligence and Investigative Information Act*.⁴
4. Recordings will not be released to other than bona fide criminal justice agencies without prior approval of the Chief of Police or designee. Any outside requests for recordings will be handled in accordance with SOP #8-82-C, PUBLIC INFORMATION AND RECORDS.

By Order Of:

Edward J. Googins
Chief of Police

⁴ 16 M.R.S.A. § 804