

SPARKS POLICE DEPARTMENT

GENERAL ORDERS



DM 7.34

CHAPTER: OPERATIONS

TITLE: Body Worn Cameras

EFFECTIVE DATE: June 14, 2018

APPROVED BY: *[Signature]*

BODY WORN CAMERA RECORDING SYSTEM

I. PURPOSE

This General Order establishes the guidelines for the training, proper use, management, storage and retrieval of video and audio data recorded by body worn cameras (B.W.C.).

II. POLICY

It is the policy of the Sparks Police that all personnel who use the B.W.C. recording equipment adhere to the procedures outlined in this General Order and be properly trained in the use of the equipment. Sworn uniformed officers shall wear a B.W.C. while on-duty and during law enforcement interactions with the public.

III. DEFINITIONS:

The terms used throughout this General Order have the following meanings:

ACTIVATION

The act of initiating recording by a body worn camera (B.W.C.). A B.W.C. is activated if it is recording. A B.W.C. can be powered on without being activated.

BODY WORN CAMERA (B.W.C.)

A mobile audio and video capture device that allows an officer to record what is observed and heard. The Axon camera systems are the only department authorized and approved B.W.C.s.

B.W.C. ADMINISTRATOR

Designated personnel who are certified, trained or have a working knowledge in areas such as: operational use and repair of B.W.C.s, duplicating methods, storage and retrieval methods and procedures, video forensics and evidentiary procedures relating to B.W.C. recordings.

CATEGORIZING

The process of marking and storing digital evidence for a specific purpose and period of time based on the type of case or incident depicted in the digital evidence.

DIGITAL EVIDENCE

Photographs, audio and video recordings that are recorded using a B.W.C. and stored digitally to Evidence.com.

EVIDENCE.COM

A secure cloud-based storage system which is managed by the Property and Evidence Section, externally hosted by Axon International, and available to all Sparks Police B.W.C. users. Evidence.com is used to organize, classify, manage, view and archive digital evidence. Evidence.com tracks and provides an extensive audit log of all activity to protect chain of custody.

EVIDENCE TRANSFER STATION

A docking station for the Axon B.W.C. When a B.W.C. is docked, digital evidence stored on the B.W.C. is automatically uploaded to Evidence.com. When docked, the B.W.C. battery is charged, department-wide permissions are updated, and firmware updates are completed.

LABELING

The process of attaching an incident number, title, category, case number and other department-required fields to digital evidence.

LAW ENFORCEMENT INTERACTION

A law enforcement or investigative encounter between a uniformed officer and a member of the public.

REDACTION

The utilization of software to censor and/or obstruct portions of digital evidence containing confidential or sensitive information protected by law.

UNIFORMED OFFICER

A sworn Sparks Police Officer, wearing any uniform containing a badge and name, who routinely interacts with the public.

**SECTION 7.34.01
GENERAL INFORMATION**

- A. B.W.C.s are an effective law enforcement tool that reinforces the public's perception of police professionalism and transparency, and preserves factual representations of officer-citizen interactions. B.W.C.s have the potential to improve community relations, strengthen public trust in law enforcement, lower the number of citizen complaints, defend officers against false accusations, increase agency accountability, and improve officer training and evaluation.
- B. B.W.C.s are effective in capturing video and audio evidence for use in criminal and internal investigations. B.W.C.s also serve to enhance the accuracy of officer reports and testimony in court. Audio and video recordings enhance this department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes. B.W.C.s may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
- C. It is the purpose of this policy to provide officers with guidelines for the use of the B.W.C. recording equipment. This policy is not intended to describe every possible situation where the system may be used; however, there are many situations where the use of B.W.C.s is recommended or required by State law. This policy does not govern the use of surreptitious recording devices used in specialized operations.

**SECTION 7.34.02
TRAINING**

- A. All sworn members shall attend a one-time department approved training on the operation of the system.
- B. All non-sworn personnel who may access or otherwise be involved with B.W.C.s shall attend a one-time department approved training on the operation of the system.

**SECTION 7.34.03
EQUIPMENT CHECK**

- A. A B.W.C. will be assigned and registered to each sworn officer.
- B. B.W.C.s are not interchangeable between officers.
- C. At the beginning of the shift, the officer will:
 - 1. Ensure the issued equipment has a fully charged battery and is functioning properly; and
 - 2. Notify a supervisor whenever there is a malfunction or damage to the B.W.C. and document the malfunction/damage.

**SECTION 7.34.04
OPERATING PROCEDURES**

The B.W.C. system is designed to activate upon manual activation by the officer and/or Bluetooth signal from a sending unit in a taser or patrol vehicle. The system remains activated until it is deactivated manually.

- A. A uniformed officer shall have the power to the B.W.C. turned on at all times during his/her shift.
 - 1. A uniformed officer may turn off the power to his/her B.W.C. during restroom breaks and while at the police station unless contacting the public.
- B. Activation of the B.W.C. is not required during periods of unassigned time, breaks or lunch periods, or when not in service. The B.W.C. must remain powered on, but does not need to be activated.
- C. When there is an unintentional or inadvertent B.W.C. recording that captures sensitive, personal information of an officer, the officer shall notify their supervisor who will place a restriction on the recording. No members of Sparks Police will review such video prior to restriction.
- D. Uniformed officers are required to wear B.W.C.s at all times during their shifts. If a B.W.C. is not functioning properly, the officer will notify a supervisor as soon as possible and document this in any report where digital evidence would be of evidentiary value. If it is practical to do so during the shift, the officer will obtain a different B.W.C. from the spare cache.
 - 1. The camera will be worn on the front center of the uniform.
 - 2. S.W.A.T. operators will wear a camera on the helmet, tactical vest or epaulette.

- E. Activation of the B.W.C. is required in all field activities involving contact with the public or actual or potential criminal conduct, including, but not limited to:**
- 1. All dispatched calls for service, self-initiated enforcement or investigative activities involving contact with any member of the public;**
 - 2. Vehicle pursuits;**
 - 3. Code-3 responses;**
 - 4. Traffic stops;**
 - 5. DUI investigations and/or Field Sobriety Tests;**
 - 6. Person stops, whether based on consent, articulable reasonable suspicion, or probable cause;**
 - 7. Suspicious vehicles;**
 - 8. Detentions and arrests;**
 - 9. Vehicle searches;**
 - 10. When placing a detained or arrested subject in a vehicle;**
 - 11. All prisoner or citizen transports;**
 - 12. If a situation that would not otherwise require activation changes such that activation becomes required or appropriate; and**
 - 13. Any other circumstance or citizen contact where the officer reasonably believes that activation would be appropriate.**

**SECTION 7.34.05
OFFICER RESPONSIBILITIES**

- A. Officers are not required to obtain consent to activate B.W.C.s. If asked, officers will confirm to members of the public that their B.W.C.s have been activated.**
- B. Officers should not compromise their own or others' safety when activating/deactivating B.W.C.s.**
- 1. This should occur on a limited basis. An attack on an officer not assigned to a call for service is an example of a time activation may not occur.**
- C. Once activated, the B.W.C. should remain on and activated until the conclusion of the law enforcement or investigative encounter with the member of the public. The following are exceptions:**
- 1. The event is of a sensitive nature, (e.g. child sexual assault, child pornography) and deactivation will not affect the investigation;**
 - 2. The incident has concluded prior to the arrival of the officer;**

3. A member of the public has requested the officer stop recording. Officers have no obligation to stop recording in response to a member of the public'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 should evaluate the situation and when appropriate, honor the request. The request to deactivate the B.W.C. should be recorded, as well as the officer's response.

a. Generally, a B.W.C. should not be deactivated based on a person's request unless:

1. The officer is in a private residence;
2. The person is seeking to report a crime or provide information about a crime or ongoing investigation anonymously;
3. The person is claiming to be a victim of a crime;
4. The officer is not present in the residence pursuant to exigent circumstances or a warrant regarding an arrest or a lawful search; or
5. No other circumstances exist that indicate that continued recording is necessary.

b. As a general rule, if an officer must legally ask permission to enter a residence, the officer should also ask the person allowing entry if they will allow recording.

D. Officers shall only deactivate the B.W.C.s outside of the above exceptions, when:

1. The officer clears the event;
2. The officer arrives at any detention facility and physical control of a prisoner has been transferred to a jail deputy/corrections officer.
 - a. If circumstances arise where an officer needs to activate the B.W.C. to record an exchange between the officer and the prisoner, an officer may activate the B.W.C.
 - b. If circumstances allow, the officer will contact the Booking Sergeant who will provide a secure room where the officer can activate the B.W.C. B.W.C.s will not be used to record exchanges between jail staff and prisoners.
3. The officer arrives at any hospital or healthcare facility and just prior to entering the facility:
 - a. Officers will not activate their B.W.C.s inside any hospital or healthcare facility. If circumstances arise where an officer needs to activate the B.W.C. to record an exchange between the officer and the prisoner, an officer may activate the B.W.C.
 - b. If circumstances allow, the officer will contact the facility shift supervisor who may provide a secure room where the officer can activate the B.W.C. B.W.C.s will not be used to record exchanges between medical personnel and prisoners while at hospitals or healthcare facilities.

E. If an officer willfully and/or repeatedly deactivates a B.W.C. before the conclusion of his/her involvement in a law enforcement or investigative encounter, it may result in violations and discipline related to Chapter 2 of the General Orders.

- F. If an officer deactivates a B.W.C. before the conclusion of his/her involvement in a law enforcement or investigative encounter with a member of the public, he/she must document the reason in the narrative of any reports, citations, use of force forms, and any other documentation of the incident.**
- G. Officers may use the mute function during recording to protect confidential or sensitive information such as the name of a confidential informant or a person's social security number.**
- H. After deactivating a B.W.C., each officer shall categorize, label and save the digital evidence from an event by selecting a category from the drop-down screen using the Axon View application on a department issued phone.**
- I. Prior to the start of their next shift, officers using B.W.C.s will ensure that all digital evidence recorded during their previous shift is uploaded to Evidence.com. If the officer is unable to do this for any reason, he/she will notify a supervisor who will ensure the digital evidence is uploaded as soon as possible.**

**SECTION 7.34.06
CAMERA ACTIVATION**

A. During shift, the officer will:

- 1. Activate the B.W.C. and record as outlined in Section 7.34.04 Operating Procedures. B.W.C.s are configured with a 30-second pre-event buffer recording. When a B.W.C. is activated, the preceding 30 seconds of video (not audio) will be captured and become part of the digital evidence for the event. Audio recording will begin at the time the B.W.C. is activated.**
- 2. Categorize and label all digital evidence recorded during the shift. All B.W.C. recordings will initially be unlabeled and uncategorized. It is the officer's responsibility to properly label and categorize each recording.**
 - a. The officer shall categorize all recordings by all applicable categories listed below:**
 - i. Critical Incident/O.I.S.;**
 - ii. Felony/Gross Misdemeanors;**
 - iii. Homicide/Death Investigation;**
 - iv. Misdemeanor;**
 - v. No Case/Citation;**
 - vi. Pending Review;**
 - vii. Sex Crime;**
 - viii. Traffic Event (Citation/Case);**
 - ix. Training/Accidental/Test;**
 - x. Uncategorized; or**

- xi. Use of Force.
- b. All B.W.C. recordings shall be labeled with the Incident Number as the "I.D. Number" and the Case Number (if applicable) as the "Case."
- 3. Document the existence of digital evidence in all appropriate documents. Do not substitute "refer to video" or other similar language in place of a detailed and thorough report. Officers should avoid using exact quotes in reports, but should represent statements in their reports as a summary of what occurred and is contained in the digital evidence.
- 4. Not allow members of the public, including but not limited to media and witnesses, to review digital evidence. Members of the public requesting to view digital evidence will be referred to complete a Public Records Request through the Police Service Manager or designee assigned to the Records Section.

**SECTION 7.34.07
SPECIAL CIRCUMSTANCE RECORDING**

- A. Special Circumstance recordings will be managed by the Property and Evidence Section by assuring protected parties will be censored or obscured to protect their identity when responding to a Public Records Request. This will occur through the utilization of redaction software in conjunction with personnel review to verify complete redaction has occurred.
- B. Officers who are the subject of any criminal investigation, such as but not limited to: an officer involved shooting (O.I.S.), other use of deadly force, or officer involved traffic accident involving death or serious injury, shall not view any digital evidence regarding the incident unless approved by the Chief or his designee.
 - 1. An uninvolved supervisor on scene shall deactivate and turn off B.W.C.s of all personnel involved once the scene has been designated as safe.
 - 2. Sparks Police will collect the B.W.C. and download the event information in conjunction with the O.I.S. protocol.
- C. Officers will not record general activity. Officers have great discretion in deciding whether to record informal, non-law enforcement related contacts with the public. Recording these activities should be an exception. Community-related special events activities foster a positive relationship between the public and the police. The presence of cameras that are recording may signal distrust of the public and hinder community relations.
- D. An officer's mere presence at a location where members of the public are also present does not require activation of the officer's B.W.C. If an officer reasonably believes that a situation is likely to evolve from mere presence or an informal contact to a law enforcement or investigative encounter, the officer will activate his/her B.W.C. in conformance with this policy.
- E. B.W.C.s shall only be used in conjunction with official law enforcement duties. B.W.C.s shall not be used to record:
 - 1. Any personal conversation of or between other department employees without the recorded employees' knowledge;

2. Non-work related personal activity;
 3. In places where people are likely to be partially or completely undressed and a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms;
 4. Investigative briefings, discussions and tactics (to include patrol-based investigations);
 5. Encounters with undercover officers or confidential informants;
 6. Encounters of Victim Services Unit with a victim;
 7. Departmental meetings, workgroups, in-service training or assignments of an operational or administrative nature;
 8. Briefings/operational meetings during a callout; or
 9. Investigative, work-product development and legal advice discussions with a prosecuting attorney.
- F. Using B.W.C.s for training purposes such as Firearms, E.V.O.C. or Defensive Tactics is not a violation of this restriction.

**SECTION 7.34.08
SUPERVISOR RESPONSIBILITIES**

A. Supervisors shall:

1. Ensure uniformed officers utilize B.W.C.s in accordance with this policy;
 2. Ensure any malfunction of or damage to a B.W.C. unit is documented. The supervisor will remove the B.W.C. from service, issue and assign a new B.W.C. to the officer, and provide the malfunctioning or damaged unit to the Property and Evidence Section.
 3. Access digital evidence during the course of duties in accordance with Section 7.34.09 Recorded Data Access and Review.
- B. Supervisors investigating a reportable use of force shall record the interviews of the subject citizens utilizing the supervisors' B.W.C.s.
- C. Supervisors receiving notification of any problem with a B.W.C. will make the determination on whether the B.W.C. will remain in service or be taken out of service.
1. If the B.W.C. is taken out of service, the supervisor will issue a new B.W.C. from the spare cache and return the problem B.W.C. to the Information and Technology Unit for repair/replacement.
 2. The supervisor will assign the new B.W.C. to the officer through Evidence.com.

**SECTION 7.34.09
RECORDED DATA ACCESS AND REVIEW**

All digital evidence in Evidence.com is the property of the Sparks Police. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law. All access and activity on Evidence.com is logged and subject to audit at any time. Access to Evidence.com and the data stored in the system is permitted on a right to know, need to know basis. Personnel authorized under this policy may only view digital evidence according to the provisions of this policy and as designated by the Systems Administrator, the Chief of Police or designee.

Digital evidence can be viewed on a Sparks Police mobile device or Sparks Police computer work station.

A. Digital evidence may be reviewed in any of the following situations:

1. By officers involved with an incident when preparing reports, statements or preparing to testify in court. Officers needing to review digital evidence recorded by other officers for these reasons may do so with the permission of a supervisor.
2. By sworn personnel assigned to the Patrol Section when conducting follow-up on a specific case or incident for investigative purposes, with supervisor approval. Personnel assigned to criminal investigative sections may view digital evidence as part of their review or investigation of the incident.
3. By the Chief of Police, deputy chief, lieutenant, or sergeant investigating an allegation of employee misconduct or assessing performance of a subordinate. This includes, but is not limited to, review of pursuits and uses of force.
4. By the Systems Administrator to assess proper functioning of B.W.C.s.
5. By members of the public, including media, consistent with the Nevada Public Records Act and Nevada Revised Statute (N.R.S.) 289.830(2).
6. By Sparks City Attorney personnel or Washoe County District Attorney personnel in connection with civil or criminal litigation.
7. Digital evidence may be viewed for training purposes with the approval of a lieutenant or above. If an involved department employee objects to using the digital evidence for training purposes, his/her objection will be submitted to the command staff to determine if the training value outweighs the employee's objection. The digital evidence may be redacted prior to use for training purposes as determined by a deputy chief or the Chief of Police.

B. Supervisors shall view digital evidence from personnel under the following instances:

1. Supervisory investigation following the application of reportable force (except the use of deadly force). Supervisors will ensure they document their review of digital evidence in the narrative of their investigative comments. Supervisors will ensure digital evidence is categorized as "Use of Force," in addition to labeling and categorizing completed by the officer.
2. Supervisory response to a citizen request to file a complaint. Supervisors will first interview the complainant before reviewing any available digital evidence involving the alleged violation. Review

of the digital evidence will not occur in the presence of the complainant. The supervisor will note that digital evidence is available and was reviewed.

**SECTION 7.34.10
PUBLIC RECORDS REQUESTS**

- A. Nevada law identifies any record made by a B.W.C. pursuant to this policy as a public record. A requester must request digital evidence from a B.W.C. by a specific incident.
- B. Digital evidence that contains confidential information that cannot be redacted is only available for inspection at Sparks Police.
- C. Digital evidence provided in response to a Public Records Request will have protected and sensitive audio and video information redacted. This may result in no audio during times of sensitive information and the entirety of the video being blurred to protect the images of all parties.
- D. As general guidance for release of digital evidence, please note the following:
 - 1. Evidence in open cases is not a public record.
 - 2. Digital evidence depicting juvenile offenders is confidential pursuant to N.R.S. Chapter 62H.
 - 3. Digital evidence obtained within a non-public area (e.g. residence or non-public area of a business) may not be a public record.
 - 4. Images of police officers may not be released by Sparks Police unless the officer has consented in writing pursuant to N.R.S. 289.025.
 - 5. Digital evidence depicting a victim of a sexual offense in such a way that the victim's identity may be ascertained is not a public record pursuant to N.R.S. 200.3771.
 - 6. Digital evidence regarding the report or investigation of abuse, neglect, exploitation or isolation of older persons or vulnerable persons are not public records pursuant to N.R.S. 200.5095.
 - 7. Many other laws may make the identity of the person(s) depicted confidential.
 - 8. Many other privacy concerns may give the person(s) depicted in digital evidence a legitimate privacy interest in not having unredacted digital evidence released.
- E. The release of any digital evidence to media outlets will be in strict compliance with this and DM 4.9 Media Relations.

**SECTION 7.34.11
PROHIBITED USES OF DIGITAL EVIDENCE**

- A. The following uses of digital evidence are prohibited:
 - 1. All persons, including public reviewing of a video as part of a Public Records Request, are prohibited from making copies or using personal recording devices to record any images or audio from B.W.C.s for any purpose, including but not limited to personal use, without the prior approval of a deputy chief or the Chief of Police.

2. In no event shall any digital evidence be used for the purpose of ridiculing or embarrassing any city employee or a member of the public.
 3. Department personnel are prohibited from using B.W.C.s to surreptitiously record any other member of the department unless they have received authorization from the Chief of Police and are conducting a criminal investigation or have a court order.
- B. If an officer willfully and/or repeatedly activates a B.W.C. in violation of this section, it may result in violations and discipline related to Chapter 2 of the General Orders.

**SECTION 7.34.12
PROPERTY AND EVIDENCE**

- A. Only Sparks Police Property and Evidence Technicians are authorized to make copies of digital evidence.
1. Copies will be made on a very limited basis. Recordings will primarily be shared with authorized persons through an internet link to Evidence.com.
- B. Property and Evidence Technicians will be responsible for creating a case jacket for all cases taken and citations issued within seven (7) days of the digital evidence being uploaded.

**SECTION 7.34.13
RETENTION OF BODY WORN CAMERA RECORDINGS**

- A. All digital evidence shall be retained on Evidence.com. Digital evidence is considered the same as any other physical evidence and shall be retained as follows:
1. Case Taken – Until manually deleted in accordance with disposition standards
 2. Citation Issued – Until manually deleted in accordance with disposition standards or one (1) year
 3. Uncategorized – 45 days
 4. No Case/Citation – 45 days
 5. Pending Review – 45 days
 6. Training/Accidental/Test – 15 days
- B. Digital evidence copied onto a compact disc or other storage media maintained by the Property and Evidence Section shall be disposed of in accordance with current Sparks Police General Orders and Standard Operating Procedures regarding the disposal of evidence.

**SECTION 7.34.14
BODY WORN CAMERA ADMINISTRATOR RESPONSIBILITIES**

- A. B.W.C. Administrators in the department are responsible for overseeing the B.W.C. program to include managing user settings, agency settings, ensuring malfunctions are addressed, uploading processes are viable, adequate storage is available, and handling special circumstances that arise such as, hardware that must be removed for evidence.

B. The Information and Technology Unit will issue and account for all B.W.C. equipment.

**SECTION 7.34.15
SYSTEM OPERATIONAL STANDARDS**

- A. B.W.C. use should be based on officer safety requirements and the device manufacturer's recommendations.**
- B. B.W.C.s shall be configured to record at least 30 seconds of video (not audio) prior to activation.**
- C. B.W.C.s will not be configured to record audio prior to activation.**
- D. B.W.C.s and all supporting software and hardware shall be configured so that officers cannot manipulate or erase digital evidence recorded by a B.W.C.**