

## **GENERAL ORDER XLVIII**

### **SUBJECT: WEARABLE VIDEO RECORDERS**

**EFFECTIVE DATE:** 12-01-2014 **REVIEW DATE:** 03-01-2015

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 department, and then only in a non-judicial administrative setting.

#### **I. PURPOSE**

To establish a policy for: The use of wearable video recorders and the collection of the video during the officer's tour of duty.

#### **II. POLICY**

It shall be the policy of the West Plains Police Department to issue wearable video recorders to Department personnel in order to assist them in the performance of their duties by providing an additional means to record accurate unbiased accounts of incidents they encounter. Additionally, to maximize the effectiveness of the wearable video recorders and maintain integrity of evidence and related documentation, all personnel assigned the use of these devices will adhere to the procedures outlined within this general order. Violations of this order may result in disciplinary action being taken up to termination.

#### **III. CONFIDENTIALITY**

All video and audio recordings and equipment are property of the West Plains Police Department and will not be used, copied, released or disseminated in any form or manner outside the perimeters of this policy without the expressed written consent of the Chief of Police.

#### **IV. PROCEDURE**

1. Wearable Video Recorders (WVR) Department issued wearable video recorders are intended for the official use and are not to be used for frivolous or personal activities.

**Intentional misuse, unauthorized deletion of recordings or abuse of the wearable video recorders will result in disciplinary action.**

Wearable video recorders will be assigned to West Plains Police Department personnel as deemed necessary by the Chief of Police or his designates.

All Officers shall receive training on the wearable video recorder prior to use. The training shall be conducted by department personnel and include policy review, proper use/care, data storage and retrieval processes.

#### **V. Operations of the Wearable Video Recorder**

Personnel assigned a wearable video recorder shall ensure its readiness by conducting an operational inspection prior to the start of each shift they are assigned.

Care must be exercised at all times when using the equipment. Any damage or malfunction of a wearable video recorder must be reported immediately to the employee's immediate supervisor as well as documented on the equipment repair form.

Personnel assigned a wearable video recorder may activate the unit to record citizen encounters, detentions, arrests, traffic stops, criminal investigations, vehicle crash investigations, animal related complaints, officer training purposes and / or other police services/enforcement related activities.

Personnel at no time should jeopardize their safety in order to activate a wearable video recorder.

Recording video of persons who are nude or with genital areas exposed should be avoided.

Wearable video recorders shall not be used while a strip or similar type search is being conducted.

Recording of non-work related personal activity and places where a reasonable expectation of privacy exists, such as restrooms, locker rooms or dressing rooms shall be prohibited.

Wearable video recorders shall not be used to record fellow employees, supervisors or command staff, without their prior knowledge.

Personnel assigned a wearable video recorder shall document in their incident report anytime video was recorded and saved utilizing the device.

#### **Video from a wearable video recorder is not a replacement for a written statement.**

Personnel who recorded an incident or contact that is associated with or it is reasonable to believe may generate a complaint shall notify their immediate supervisor so the recording can be reviewed by the supervisor and stored as is deemed necessary for proper investigation.

#### **VI. Data Storage, Security, Charging and Access**

The data collected from each wearable video recorder will be downloaded by the personnel assigned to the unit to the data storage device designated by the Chief of Police or his designate by the end of each work day.

The wearable video recorder equipment and data storage will be maintained by the Chief of Police or his designate.

All data from the wearable video recorder saved to the data storage device will be maintained for a period of at least 120 days.

A copy will be maintained of the recordings in the Evidence Room for recordings sent to the prosecution or defense attorneys. This copy shall be kept and maintained in accordance with set records retention standards for misdemeanor and or felony records.

All requests for video recordings shall be received and fulfilled by the Chief of Police or his designate in accordance with federal, state law and department policies.

There will be no unauthorized copying or releasing of any portion of digital video data without the authorization of the Chief of Police or the Prosecuting Attorney.

Personnel assigned the wearable recorder may have access to review the recordings when preparing written reports or statements of events to help ensure accuracy and consistency.

Wearable video recorders shall not be connected to any electronic equipment not under the control or property of the West Plains Police Department. If the device is to be charged it can be connected to a wall electrical outlet at the West Plains Police Department.

All digital video data remains the property of the West Plains Police Department.

## **VII. AUTHORITY**

This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By authority of:

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Jeffrey S. Head, Chief of Police