



Clayton County Police Department

PROCEDURES

Subject BODY-WORN AND IN-CAR CAMERAS			Procedure # B13
Authorizing Signature 	Effective 04/29/2020	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds (see below)	Total Pages 10

I. PURPOSE [CALEA 41.3.8 (a)]

The purpose of this policy is to establish procedures for authorized body-worn cameras (BWCs) issued to sworn personnel of this Department, and for in-car cameras (ICCs) installed in some police vehicles of this Department. It is intended to provide sworn personnel with procedures for the use, care and maintenance of BWC and ICC equipment, and the storage and retention of digital media evidence (DME) recorded by both devices. This policy provides legal guidance so that sworn personnel may reliably record their contacts with the public in accordance with the law. This policy also provides guidelines that provide for compliance with O.C.G.A. § 50-18-70 - Open Records Act.

II. POLICY

It is the policy of this Department to provide sworn personnel with BWCs and ICCs in an effort to collect evidence to be used in the prosecution of those who violate the law, evaluation and training of sworn personnel, and to provide accurate documentation of law enforcement and citizen interaction. Sworn personnel issued BWCs and/or assigned a police vehicle equipped with ICCs shall adhere to the procedures outlined herein to maximize their effectiveness and use, and maintain the integrity of evidence and related video documentation. Sworn personnel are prohibited from using personally owned body cameras, or

similar devices, while on duty or working off-duty employment. This policy does not govern the use of covert recording devices approved for use in undercover operations.

III. DEFINITIONS

Active Scene: Any scene, regardless of priority level, where any officer has responded or self-initiated, and he/she is having continuous direct or indirect contact with any parties (i.e. citizens, complainants, officers, witnesses, victims, offenders, suspects, persons of interest, etc.) on scene, and the officer has not returned to service and/or cleared the scene.

Administrative Communications: Any communication between a departmental employee and an internal affairs investigator, or designated supervisor, that takes place in a private setting and away from public view or earshot, and the employees Garrity rights are implied or have been formally applied, for the purpose of investigating an internal or external complaint.

Body-Worn Camera (BWC): A camera, approved by the Chief of Police, worn on an individual police officer's person that records and stores audio and video.

In-Car Camera (ICC): A camera, approved by the Chief of Police, installed on the front windshield and rear partition of some police vehicles that records and stores audio and video.

Digital Multimedia Evidence (DME): Consists of all digital recordings, to include but not limited to audio, video, photographs, and their associated metadata.

Metadata: Any digital identifiers captured as part of an actual recording, such as date/time, global positioning system (GPS) coordinates, labeling, etc.

IV. PROCEDURE

A. Training [CALEA 41.3.8 (f)]

1. Sworn personnel who are issued BWCs and assigned police vehicles equipped with ICCs must complete departmentally approved training to ensure proper use and operation.
2. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

B. Issuance

All departmentally owned BWCs will be issued by the Quartermaster, or other designated member of the Chief's Staff. All ICCs will be installed in police vehicles by the Department of Information Technology (DoIT/Radio Shop) or the County-approved third-party vendor, and assigned at the discretion of Unit Commanders.

C. Inspection, Maintenance, & Repairs [CALEA 41.3.8 (e)]

1. It shall be the responsibility of each police officer to test his/her issued BWC and ICC equipment prior to the beginning of each shift to ensure operability.
2. Sworn personnel equipped with the BWC will ensure that the batteries are charged prior to the beginning of their tour of duty (e.g. shift, off-duty employment, etc.).
3. Any malfunctions, damage, or deviation in operating conditions to the BWC or ICC will be reported immediately by the issued police officer to his/her immediate supervisor. All BWCs and ICCs will be maintained and repaired by the Department of Information Technology (DoIT/Radio Shop). The exception to this is equipment under warranty/contract to be repaired elsewhere.

Failure to immediately report any problems, equipment failure and/or malfunction, or failure to conduct the proper equipment testing may result in disciplinary action. Failure to have all issues resolved in a timely manner may result in disciplinary action.

4. Loss, damage, or theft of any BWC or ICC requires the immediate completion of a detailed *Incident Report*. In the event of theft, the employee shall provide a copy of the *Incident Report* from the appropriate jurisdiction.

D. Operation & Use

1. Sworn personnel shall wear their BWC above the midline of their torso, in the cradle, and in the position designed to produce an effective recording. Sworn personnel shall wear their BWC in this manner while on an active scene. Sworn personnel shall ensure that the viewing field of their ICC is not obstructed and in the position designed to produce an effective recording.

2. Sworn personnel shall not remove, dismantle, or tamper with any hardware and/or software component or part of the BWC or ICC.
3. In accordance with standard operating procedure *B17: Use of Social Media*, employees are prohibited from publicly posting, publishing, or transmitting any BWC or ICC DME, unless authorized in writing by the Chief of Police.
4. No employee shall utilize, or otherwise allow to be utilized, BWCs, ICCs, or DME for personal use.
5. Sworn personnel shall not remove from the cradle, dismantle, tamper, cover, hinder, obstruct, or intentionally interfere with the recording either audio or video of the BWC or ICC while on an active scene.

E. BWC Battery Charging, Maintenance & Inspections [CALEA 41.3.8 (e)]

1. Sworn personnel shall charge their issued BWC to maximum capacity (100%), prior to reporting for their next tour of duty. Sworn personnel will report for their tour of duty with the issued BWC battery power level at no less than 90%.
2. During Roll Call Inspections, supervisors will personally inspect all of their personnel's issued BWC battery power levels, prior to any of their personnel beginning a tour of duty. Any battery power levels found to be less than 90% may result in disciplinary action.
3. Sworn personnel will charge their issued BWC throughout their tour of duty, while they are not engaged in dispatched calls, self-initiated calls, law enforcement-related contacts, or serving as back-up officers.
4. Sworn personnel are prohibited from managing the battery life of their issued BWC through exercising discretionary use of their BWC. BWC activation and deactivation will be performed in accordance with departmental policy.

F. Activation of the BWC [CALEA 41.3.8 (b)]

1. If a police officer is dispatched to a call, he/she shall manually activate the BWC just before arriving on call. Officers will do the same for self-initiated calls, law enforcement-related contacts, and serving as a back-up officer.

2. The BWC can also be triggered to activate automatically. This can occur when the camera is shaken vigorously (i.e. during a foot pursuit, etc.), detects sounds similar to gunfire, or is paired with a police vehicle ICC system and the emergency lights are activated.
3. At the time any BWC is activated, commercial or non-police radios in the patrol vehicle shall be turned off to prevent interference with the BWC.
4. Officers will not interrupt, mute or intentionally stop the recordings while on the scene of an incident.
5. O.C.G.A. § 16-11-60(3) defines a “private place” as a place where there is a reasonable expectation of privacy.

Police officers are authorized by O.C.G.A. § 16-11-62(2)(D) to use a device in the lawful performance of their official duties to observe, photograph, videotape or record the activities of a person that occur in the presence of such officers or their agents.

This means that you can use your BWC in a person’s home or any other private place so long as you are in the lawful performance of your official duties. Any audio or video recording using a BWC in a person’s home or any other private place is confidential according to O.C.G.A. § 50-18-71(26.2). It is imperative that police officers follow the uploading and classification procedures of this policy.

6. Sworn personnel are prohibited from initiating or ceasing the recording of an event, situation, or circumstance solely at the demand or request of a citizen. The officer will not cease recording any incident solely at the request of a suspect, citizen or fellow officer.

When a citizen asks an officer if they are being recorded by the BWC, the officer will advise him/her whether the system is recording their conversations and/or actions at that time.

G. Deactivation of the BWC [CALEA 41.3.8 (b)]

1. Deactivation shall occur when the event has concluded, the victim and/or witness contact has concluded, or the detainee and/or offender has been released and contact has concluded.
2. If an employee fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the employee shall document in writing why a recording was not made, was interrupted, or was

terminated. The employee shall also notify his/her immediate supervisor.

3. Officers shall note in incident, arrest, and related reports when recordings are made during an incident. However, BWC recordings are not a replacement for written reports.

H. Activation of the ICC [CALEA 41.3.8 (b)]

1. The officer assigned to the vehicle shall have the ICC powered on while the vehicle is in service. An in-service vehicle is one being operated while the assigned officer either is functioning in an on-duty capacity or is working an approved off-duty employment detail.
2. The officer assigned to the vehicle will have his/her assigned BWC paired with the ICC at all times while the vehicle is in service and the ICC is powered on.
3. The ICC paired with the BWC shall be activated to record the audio and video of all traffic stops and motor vehicle pursuits to their entirety; this applies to primary and secondary officers on scene. Other situations that should also be recorded are motor vehicle accident scenes, vehicle inventories, field interviews, or any evidence of criminal activity.
4. Officers will not interrupt, mute or intentionally stop the recordings while on the scene of an incident.
5. The officer will neither cease recording nor power off the ICC during traffic stops or motor vehicle pursuits, or during instances in which it was already recording the incident.
6. Sworn personnel are prohibited from initiating or ceasing the recording of an event, situation, or circumstance solely at the demand or request of a citizen. The officer will not cease recording an incident solely at the request of a suspect, citizen, or fellow officer.
7. If a citizen asks an officer if they are being recorded by the ICC, the officer will advise him/her whether or not the system is recording their conversations and/or actions at that time.

I. Deactivation of the ICC [CALEA 41.3.8 (b)]

1. Deactivation shall occur when the event has concluded, the victim and/or witness contact has concluded, or the detainee and/or offender has been released and contact has concluded.
2. If an employee fails to activate the ICC, fails to record the entire contact, or interrupts the recording, the employee shall document in writing why a recording was not made, was interrupted, or was terminated. The employee shall also notify his/her immediate supervisor.
3. Officers shall note in incident, arrest, and related reports when recordings are made during an incident. However, ICC recordings are not a replacement for written reports.

J. Incidents Not to be Recorded with BWC/ICC

1. Administrative communication, as defined by this policy.
2. Communication between Confidential Reliable Informants (CRI) and undercover officers who are not involved in an active scene.
3. When an employee is on break or is otherwise engaged in personal activities and/or conversations.
4. Except in the lawful discharge of official duties, any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, etc.
5. Roll call, briefings, departmental meetings and other departmental business not related to active events.

K. Evidence Storage & Retention [CALEA 41.3.8 (d)]

The Custodian of Record for BWC and ICC recordings will be the Department's Evidence Custodian.

1. Sworn personnel will go to designated location where Waypoint are located to upload any and all DME from BWC and ICC.

Refer to *Appendix B* of this procedure for the current *Waypoint Locations*.

2. Uploading of BWC and ICC DME will occur automatically and wirelessly, upon activation of the BWC and/or ICC.

Upon completion of any video recording, the user will make a manual classification of the video footage. The user will classify the video footage by accessing AVaiL Web and from there, will select a classification from a drop box that best describes the recording. The classification of the video can be made on either a computer or the BWC. **The user will immediately classify the footage upon completion of an event, unless exigent circumstances exist.**

Refer to *Appendix A* of this procedure for the list of *BWC/ICC DME Classifications*.

3. Employees shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC or ICC DME without the written approval from the Chief of Police.
4. All files from BWCs and ICCs shall be securely stored in accordance with O.C.G.A. § 50-18-96, 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.
5. Video recordings from law enforcement BWCs and ICCs, in accordance with O.C.G.A. § 50-18-96, shall be retained for 180 days from the date of such recording except:
 - a. If such recording is part of a criminal investigation, shows a vehicular accident, shows the detainment or arrest of an individual, or shows a law enforcement officer's use of force, it shall be retained for a minimum of 30 months from the date of such recording and shall not be deleted without permission from the Office of Professional Standards (OPS); and
 - b. If such recording contains evidence that is or can reasonably be anticipated to be necessary for pending litigation, it shall be retained for 30 months from the date of such recording, and if litigation is commenced during such period, it shall be retained until a final adjudication of such litigation.

L. Access & Viewing [CALEA 41.3.8 (c)]

1. Civilians shall not be allowed to view the recordings on scene. However, a viewing or copy of a recording can be provided by the Department upon the proper submission of a Request to Inspect Public Records form and payment of a \$10.00 fee in accordance with the Open Records Act. Requests from entities other than law enforcement for copies of DME must be in writing on the entity's official letterhead, signed by the entity's chief executive and accompanied by a check made payable to "Clayton County Police Department" for the amount outlined in the fee schedule on the Request to Inspect Public Records form. The DME in question must not be subject to pending criminal prosecution or exempt from disclosure, pursuant to O.C.G.A. § 50-18-72.
2. All requests for copies of DME will be made through the Custodian of Records with the Central Records & Permits Unit. All money received from approved requests will be processed by the Records & Permits Unit.
3. The Evidence and Property Unit will be responsible for reproducing and forwarding copies to the Central Records & Permits Unit for distribution of DME. The Central Records & Permits Unit will also ensure the copy and distribution are properly documented.
4. Duplicate materials are furnished to the requesting party for the express use of the requester and further duplication or distribution without the expressed written consent of the Chief of Police is prohibited.
5. Officers shall be allowed to review the recordings from their issued BWCs and assigned ICCs at any time, unless restricted by the Chief of Police, or other designee. 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 an internal investigation, the officer shall (1) have the option of reviewing the recordings in person, and (2) have the right to review recordings from other BWCs and ICCs capturing the officer's image or voice during the incident in question.
6. If an officer is suspected of wrongdoing, or involved in an officer-involved shooting, or other serious use of force incident, the

Department reserves the right to limit or restrict an officer from viewing the video.

7. Supervisors and the Office of Professional Standards (OPS) personnel may access DME for administrative investigations.
8. DME from BWCs and ICCs may be utilized for training purposes after the case has been adjudicated in court. Copies of the DME can be obtained from the Evidence Unit after written permission has been obtained by the Chief of Police.

M. Documented Review of Captured Data [CALEA 41.3.8 (g)]

The Shift/Unit Supervisors shall be responsible for conducting a random review of video recordings of each officer on their shift every quarter . Each review shall be a minimum of 15 minutes. This type review may be accomplished while reviewing use of force incidents, citizen contacts, complaints or commendation reviews. The Shift/Unit Supervisors will document their review within the appropriate form, i.e. incident report, supplemental, significant incident, notating their observations of the officer's professionalism, operational competency, and adherence to policy.

V. CANCELLATION

- A. This procedure amends and supersedes the following standard operating procedure:

B13: Body-Worn and In-Car Cameras, dated March 6, 2018.

- B. This procedure also cancels and supersedes the following specified sections and subsections pertaining to the same in procedure B21: Vehicles – Equipment, Maintenance & Specialized, dated September 7, 2016, that are listed below:

V.B.4. Mobile Camera Recording Equipment