

City of Ypsilanti Police Department



General Order: 14-1
Title: Body Worn Cameras

Date Issued:
Rescinds: 01-22-16

Effective Date:

.01 Purpose

To establish guidelines for the operation, use and management of departmental body worn cameras. The Department provides body worn cameras for the purposes of officer protection, supplementing and supporting written police reports, collecting evidence, documenting the officer's activity, providing training aids, facilitate investigations and other situations as they arise. This order will provide instructions on when and how to use body worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.

.02 Policy

It is the policy of the Ypsilanti Police Department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this order and the law. This policy does not govern the use of surreptitious recording devices used in undercover operations. It should be noted that the use of the BWC is not a replacement for in-car camera systems. Both systems are to be employed so that the most complete account of each activity can be captured.

It is not the intent of this order to capture every second of an officer's shift. Continuous recording could lead to both the public and police employees feeling subject to constant surveillance, which may have negative effects on police-community relations and morale. The guidelines for activating BWCs in this order are designed to allocate recording time to appropriate situations and balance privacy concerns of police employees and the public. It should also be noted that BWCs are not the answer to all situations and are subject to malfunction and other limitations such as depth of view, peripheral view, lighting and limitations on the amount of recording time due to battery life.

.03 Procedures

A- Administration

The Ypsilanti Police Department has adopted the use of BWCs to accomplish several objectives. The primary objectives are as follows:

- 1- BWCs have been demonstrated to reduce use-of-force interactions as well as reduce complaints against police employees. When used properly, they enhance openness and help to foster positive community relations.
- 2- BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of police employees' reports and testimony in court.
- 3- Audio and video recordings also enhance the Ypsilanti Police Department's ability to review probable cause for arrest, police employee/public interaction, and evidence for investigative and prosecutorial purposes. BWCs also provide additional information for employee evaluation and training.
- 4- BWCs may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B- General Use of BWC

- 1- Police employees should activate BWCs to record all calls for service and during all enforcement-related encounters and activities. Generally, the BWC should not be activated for encounters or activities not related to a call for service or enforcement. When in doubt, however, the BWC should be activated.
- 2- There is no expectation of privacy when a police officer is present. There is no requirement to inform individuals that they are being recorded. However, depending on the nature of the encounter, police employees may choose to inform persons that they are being recorded. The mere knowledge that one's actions are being recorded is often enough to encourage civil behavior and may prevent conflict or deescalate a situation that is tense upon the police employee's arrival. The BWC should remain activated until the encounter or activity is completed, unless another part of this policy authorizes deactivation.

- 3- If a police employee stops the BWC recording during a call for service or enforcement encounter or activity (e.g., to interview a crime victim or a confidential informant), the employee should verbally indicate their reason before stopping the BWC, and upon reactivation, state that the BWC was restarted. Deactivation of the BWC during a call for service or enforcement encounter or activity must be documented and the reasoning given in any incident report.
- 4- Limitations of BWC battery life and electronic storage prevent continuous recording throughout an entire shift. It is permissible to turn off the BWC when the scene is under control or in situations where there are long waiting periods i.e. Medical Examiner, Evidence Techs etc.

C- Examples of BWC Use

- 1- **Active crime or accident scenes.** BWCs should be activated until the crime or accident scene has been controlled.
- 2- **Evidence collection.** BWCs should be activated when collecting evidence or examining a crime or accident scene, even after the scene is controlled. Recordings may be useful for review for evidence not observed at the time.
- 3- **Requests to turn off the BWC.** If BWC activation is authorized under this policy, police employees have **no obligation** to stop recording in response to a request from a member of the public. However, the police employee has the discretion to stop recording (or record audio only) in response to a request if the situation warrants it. Examples may include conversations with victims, witnesses, or persons who may have information regarding a suspected crime, but who are reluctant to be recorded. The request to turn the BWC off (or record audio only) should be recorded and the police employee should verbally confirm the reason before stopping the BWC.
- 4- **In a residence.** There is a heightened expectation of privacy in a residence. If a police employee is present at a residence for a reason **other than a call for service or enforcement**, the employee should inform any occupant(s) present if the BWC is recording. If an occupant expresses a desire not to be recorded, the employee may turn the BWC off (or set to record audio only), but is not required to.
- 5- **Escalating encounters or activities.** If a police employee begins an encounter or activity that does not require the BWC to be activated, but the encounter or

activity escalates to involve potential enforcement, the employee should activate the BWC.

D- Restrictions and Exceptions on the Use of BWC

Except in the context of a call for service or enforcement-related encounter, BWCs shall not be used to record:

- 1- Communications with other police personnel without the permission of the Chief of Police.
- 2- Encounters with undercover police employees or confidential informants.
- 3- Periods when a police employee is on break/lunch or otherwise engaged in personal activities or when the police employee is in a location where there is reasonable expectation of privacy, such as a restroom, locker room, or squad room.
- 4- Personal use of City-owned BWC equipment on or off duty is prohibited.
- 5- BWCs shall not be used for purposes that are counter to or inconsistent with the Ypsilanti Police Department's mission and core values or in ways that are contrary to federal, state, and local law.
- 6- Court Proceedings
- 7- Legally privileged conversations (i.e. Clergy, Legal Counsel, etc.)

E- Reporting Requirements for BWC Recordings

- 1- Police employees must note in incident and related reports when BWC recordings were made. The report notation should contain the body worn camera ID number (i.e. Body Worn Camera # 2 utilized). However, BWC recordings are not a replacement for in-car video or written reports.
- 2- If a police employee stopped the BWC recording during a call for service or enforcement encounter or activity (e.g., to interview a crime victim or a

confidential informant), the deactivation must be documented and the reasoning given in any incident report.

- 3- If a police employee fails to activate the BWC as prescribed in this policy, he or she must document why a recording was not made in any incident report and by sending an email to their immediate supervisor, Administrative Lieutenant, and Chief of Police through the chain of command.
- 4- Police employees are permitted and encouraged to review their own BWC recordings prior to submitting the final version of their reports for supervisory review and approval. The Chief may restrict any employee's viewing of BWC recordings at their discretion.
- 5- It is not acceptable to make a reference in a report to the effect of “see video for details” in lieu of articulating what occurred in writing.
- 6- Police employees are encouraged to inform their supervisor of any recordings that may be of value for training purposes. The determination of whether or not a recording will be made for training purposes lies with the Chief of Police. Requests of this nature must be forwarded for consideration through the police employees’ chain of command. Police employees should be informed if a recording using the employee's image or voice is to be used for training purposes.

F- Use and Handling of BWC Equipment

- 1- BWC equipment is issued primarily to uniformed personnel assigned to patrol, traffic enforcement, and special event details as authorized by the Ypsilanti Police Department. Police employees who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel. If this occurs, the supervisor approving the exception will document the circumstances and rationale for their decision by sending an email to the Chief of Police.
- 2- Police personnel will use only BWCs issued by the Ypsilanti Police Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Ypsilanti Police Department.

- 3- Police personnel who are assigned BWCs must complete a Ypsilanti Police Department approved and/or provided training program to ensure proper use and operations. 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.
- 4- BWC equipment is the responsibility of individual police employees and should be used with reasonable care to ensure proper functioning. Equipment malfunctions should be brought to the attention of the police employee's supervisor as soon as possible so that a replacement unit may be assigned.
- 5- Police employees should inspect and test their assigned BWC prior to each shift in order to verify proper functioning and should notify their supervisor of any problems.

.04 Storage/Retention and Handling of BWC Recordings

- A- Recordings from BWCs are considered evidence and will be treated as such. Police employees will not edit, alter, erase, duplicate, copy, share, or otherwise distribute BWC recordings.
- B- All BWC files must be securely downloaded no later than the end of each shift. Each file will contain information related to the date, BWC identifier, and assigned police employee. The procedures for downloading files from the BWC to the server are as follows:

The BWC wearer will ensure that the docking door cover on the bottom of the camera is in the "open" position prior to docking.

The assigned camera will then be placed back into the bank of docking stations located in the back server room. This is for both downloading of the events recorded of the assigned shift, and for re-charging of the unit.

Depending on the amount recorded during the shift, the unit will download its contents so that it can be viewed within 1-2 hrs.

Only the Chief of Police or his designee command officer assigned and trained in securing video evidence, will be handling the burning, deleting, and storage of downloaded material from the assigned server.

- C-** All images and sounds recorded by the BWC are the exclusive property of the Ypsilanti Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
- D-** All access to BWC data (images, sounds, and metadata) that is outside of routine, approved procedure must be specifically authorized by the Chief of Police. System use and access may be periodically audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- E-** Files are securely stored in accordance with state records retention laws and no longer than useful for purposes of investigation, prosecution, or training.
- F-** General recordings will be retained for 30 days. General recordings are those not otherwise categorized or flagged by officers or supervisors for longer retention based on policy or legal requirements.
- G-** Deletion of footage maybe required when a recording is made in an area or place that is prohibited, but is done through error and without malice or misconduct. An example could be an officer who forgot something in the locker room and entered with the BWC activated and makes a recording. These errors, when found, maybe deleted, but each instance must be documented and approval received from the Chief of Police prior to the file being deleted.

.05 Public Release or Viewing of BWC Recordings

- A-** A police employee may not review BWC recordings with a member of the public without the approval of a supervisor. If approved, the viewing must occur at the Ypsilanti Police Department in the presence of an on-duty supervisor. The supervisor approving the review will document the circumstances and rationale for their decision by sending an email to their immediate supervisor and the Chief of Police.
- B-** Any request for the release or viewing of a BWC recording should be directed to the Records Section. The release and viewing of recordings should be consistent with Ypsilanti Police Departmental and City Policies and Procedures regarding retention and release of records pursuant to the Michigan Freedom of Information Act and/or Michigan Rules of Evidence.

.06 Supervisory Responsibility

- A-** Supervisory personnel are responsible and have discretion for the assignment of BWCs based upon the availability of the equipment and the needs of the Ypsilanti Police Department.

- B-** Priority of equipment assignment is to uniformed response personnel in the Patrol Division.

- C-** Supervisory personnel will ensure that police employees equipped with BWC devices utilize them in accordance with policy and procedures defined herein.

- D-** Supervisors will periodically review a sampling of BWC recordings of traffic stops and public contacts to ensure that the equipment is operating properly, that police employees are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance is required. Video sampling by supervisors is prohibited for purposes of scrutinizing records to find minor violations against a police employee.

A report of the checks will be sent to the Chief of Police monthly and will mirror those that are required for in-car camera video checks.

.07 Access to Recordings

- A-** Employees are permitted and encouraged to review their own BWC video prior to submitting the final version of their reports for supervisory review and approval.

- B-** Employees shall only view recorded footage in the furtherance of legitimate agency functions.

- C-** If an employee is suspected of wrongdoing or is involved in an on-duty shooting or other serious use of force, the Chief of Police reserves the right to limit or restrict the employee from viewing the video file. Scenarios such as this will be evaluated on a case by case basis by the Chief of Police or their designee.

- D-** Command Staff will have access to BWC recordings:
 - 1-** To investigate a complaint against an employee.
 - 2-** Review a specific incident that the employee was involved in.

3- Identify videos for training and instructional purposes.

E- All access to BWC data (images, sounds and metadata) that is outside of routine, approved procedure must be specifically authorized by the Chief of Police or their designee.

By the Order of,

**Anthony DeGiusti
Chief of Police**

