



SUBJECT: Body Worn Camera and In-Car Video Recording Systems

TO: Members of the Department

This Order establishes department policy and member responsibilities for the following:

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39.1 BODY WORN CAMERA (BWC)

This section establishes the policies and procedures for the use of Body Worn Cameras (BWC). These policies and procedures do not apply to undercover operations or any recording devices used in support of these operations. For the purpose of this policy, the term "file" refers to any sounds, images, video, or related metadata information. A BWC system consists of the BWC, accessories, and any applicable required software that may be used.

39.1.1. EQUIPMENT USE AND MAINTENANCE

- A. BWC systems are issued primarily to uniformed enforcement members as authorized by the department. Enforcement members who are assigned BWC systems must use the system unless otherwise authorized by a supervisor.
 - (1) Only BWC systems authorized by the Field Services Bureau (FSB) shall be utilized. Authorization by the FSB commander or his/her designee is required prior to any purchase or use of alternate BWC systems.
- B. The work site commander shall ensure the compliance of the BWC system with applicable Official Orders and FSB policy.
- C. When assigned a BWC system, enforcement members shall make every effort to ensure it is operating and functioning properly at the beginning and end of their shift. The BWC system shall be worn in such a manner as to ensure the optimal, unobstructed view of an event, as outlined in training. The optimal location may vary, depending on the BWC system being utilized.
- D. Any damage or malfunction of the BWC shall be reported to the shift supervisor and the Technology Liaison Officer (TLO) immediately. If a shift supervisor or TLO is not immediately available, an email may be used for notification purposes.
 - (1) A malfunctioning BWC shall be taken out of service and a replacement BWC shall be issued if available.
 - a. The TLO shall make arrangements to repair or replace the malfunctioning unit, if possible.
 - b. If no replacement BWC systems are available, the shift supervisor shall be notified, and indication shall be made on the enforcement member's daily log.
 - (2) Damaged or malfunctioning BWC systems shall not be utilized.

39.1.2. TRAINING

- A. Work site commanders that have BWC systems at their work site shall ensure that every enforcement member assigned a BWC system receives training in the care and operation of the BWC system as soon as possible.
- B. An enforcement member shall not use a BWC system unless they have been trained in the use of the BWC.
- C. Training must be conducted by a TLO or designee overseeing the departments BWC program.

39.1.3. BODY WORN CAMERA USE

- A. Except as otherwise provided in this Order, when assigned a BWC system, enforcement members who are on-duty and in uniform shall activate the BWC audio and video recording functions to record the following:
 - (1) Dispatched or self-initiated police action.
 - (2) All contact with citizens in performance of official duties, except as provided in Section 39.1.3.D.

- B. Except as provided in Section 39.1.3.D, once the BWC is activated in accordance with this Order, enforcement members shall not deactivate the audio or video functions of the BWC system until the following has taken place:
- (1) Their involvement in the dispatched or self-initiated police action has ended.
 - (2) The official contact or action is completed.
- C. Enforcement members shall not utilize the BWC system:
- (1) To make any recording in violation of law or department policy.
 - (2) For any use unrelated to official law enforcement duties.
 - (3) If an enforcement member inadvertently records video prohibited by this subsection, they shall immediately notify their supervisor to request the video be deleted. Authorization to delete the file shall be made by the work site commander.
- D. Enforcement members are not required to record under the following circumstances:
- (1) While engaged in conversation with undercover officers or confidential informants.
 - (2) While engaged in department-related duties that traditionally do not require enforcement action (e.g., public relations or community service events, meetings with community groups or public officials, etc.). However, if circumstances arise during such an event that requires enforcement action, the BWC system shall be activated as soon as practical.
 - (3) While engaged in contact with a citizen and the citizen requests the recording be deactivated and, in the enforcement member's judgment, continuing to record the encounter may hinder the investigation (e.g., witness refuses to divulge information while being recorded). In this instance, the citizen's request should be recorded by the BWC prior to turning off the BWC system and the enforcement member may choose to stop recording. Enforcement members shall not actively seek a request from a citizen to deactivate the BWC system. Any deactivations under this section shall be documented in the incident report, to provide detailed justification for the deactivation.
 - (4) While engaged in private conversations, where no citizens are present.
 - (5) In the event the enforcement member unexpectedly becomes involved in a rapidly evolving situation, where there is an immediate/imminent threat of death or serious bodily harm to the enforcement member or others and activation of the BWC cannot be done safely. The BWC should be activated as soon as practical and when activation can be done safely.
- E. When any BWC recording is stopped, the enforcement member shall verbally state a reason for deactivating the BWC system prior to stopping the recording.

39.1.4. BODY WORN CAMERA REPORTING

- A. All enforcement members issued a BWC shall have a heading of "Body Worn Camera" in the enforcement member's incident reports, at the beginning of the narrative, and the enforcement member shall indicate if the BWC was activated.

- B. Enforcement members who are utilizing BWC systems and are not the primary reporting member shall inform the reporting member of their BWC recordings. The reporting member shall record this information in his or her report under the BWC heading. The notation "BWC activated" shall be placed under the BWC heading and shall include the recording member's first and last name.
- C. If an enforcement member fails to activate a BWC system as required, or fails to record the contact for any reason, the member shall document the reason why on the incident report or daily log if no incident report exists.

39.1.5. STORAGE AND METADATA

- A. All BWC files should be downloaded into the designated BWC video storage or retention system prior to the end of the enforcement member's shift, if possible. All files shall be downloaded within five days.
- B. All BWC files shall be tagged with the appropriate metadata tags to ensure retention policy settings. For example, an "Event ID" or incident number.
- C. Personnel uploading BWC files shall ensure the BWC camera has the maximum possible free storage space available after upload.
- D. Accessing, reviewing, copying, or releasing a file shall only be conducted in accordance with department policy, as outlined in this Order and as authorized by law. See Official Order No. 20 and Official Order No. 21.
 - (1) Only authorized users shall access the BWC files in the storage or retention system. Authorized users are those who have been approved for access by the department and have been provided their own unique login and password.
 - (2) Authorized users shall only log into the storage or retention system using their own login and password.
 - (3) Authorized users shall not provide their login or password information to other users.
 - (4) Upon request of the Records Resource Section (RRS), members shall provide a copy of the BWC file to the RRS in accordance with Official Order No. 20.
 - (5) Any source file created by the BWC system shall not be altered or erased, except as authorized in Section 39.1.3.C, by Official Orders, law or retention policies.
- E. All BWC files shall be retained in accordance with MSP retention policy and the Law Enforcement Body Worn Camera Privacy Act, MCL 780.311.
- F. Public disclosure of BWC files shall only be made by the RRS in accordance with Official Order 20 and the Law Enforcement Body Worn Camera Privacy Act.

39.2 IN-CAR VIDEO RECORDING SYSTEMS

This section establishes the procedures for using in-car Video Recording Systems (VRS). Following these procedures will support the integrity of the system and its acceptance by the courts.

39.2.1. EQUIPMENT

- A. VRS devices used by the department consist of the following:
 - (1) Camera hardware
 - (2) Audio microphone--at least one is provided with each VRS.
 - (3) Storage media device--Flash Card, external drive, or other electronic device designed to store media files generated by VRS systems. It shall be the responsibility of each work site to purchase the necessary storage media for any member assigned to the work site who may use the camera and who is in need of a storage media device.
- B. Purchase of Extra Media and Accessory Equipment
 - (1) Work site commanders may purchase extra storage media devices (such as 32GB San Disk Flashcards) using the department's procurement card and approved purchasing procedures.
 - a. Additional storage media devices (DVD-R, DVD-RW, and CD-R) may be necessary for duplication for use as evidence in court.
 - b. It is recommended that each work site purchase a limited number of San Disk Flash Cards for enforcement members to utilize in the event that their card is unavailable.
 - (2) Accessory equipment such as card readers may be purchased by the work site commander using the post/team SIGMA accounting codes. It is recommended that the work site purchase a "multi-card" style of reader.
- C. Only VRS systems authorized by the FSB shall be used. Any purchase or use of a different VRS system shall be authorized by the FSB.

39.2.2. INITIAL INSTALLATION OF VRS

- A. The Department of Technology, Management, and Budget (DTMB), Lansing Radio Installation Shop, shall be allotted a quantity of VRS systems purchased by the Field Services Bureau (enlisted patrol units) or Specialized Services Bureau (Commercial Vehicle Enforcement Division) for patrol car installation. VRS units shall be allocated to specific work sites at the direction of the bureau commander, although consideration will be given to work sites with VRS systems nearing life cycle replacement or which lack adequate numbers of VRS systems.
- B. Only a technician that is approved by the manufacturer shall complete the installation. If a VRS is installed by someone other than an approved technician its warranty may be voided.
- C. All patrol vehicles shall be equipped with a VRS system.

39.2.3 TRAINING

- A. Work site commanders shall ensure every assigned enforcement member receives training on the care and operation of the VRS as soon as possible.
- B. Enforcement members are encouraged to work with the VRS and its various features in order to become proficient in their use.

- C. Each work site commander shall designate an enforcement member to be responsible for managing VRS hardware and media files generated by VRS systems. This enforcement member, also referred to as the Technology Liaison Officer (TLO), shall receive additional training in trouble shooting hardware and software and will provide instruction to enforcement members on VRS policy and training on use of the equipment.
 - (1) The TLO shall ensure every VRS is in compliance with the required camera settings as described in FSB policy and as directed by the FSB.

39.2.4. VRS OPERATION

- A. Enforcement members (including sergeants and command officers) shall utilize the VRS whenever they are assigned to or operate a vehicle that is equipped with a VRS.
- B. At the beginning of each shift, enforcement members shall ensure they have the necessary equipment, including microphone and storage media device. Enforcement members will also ensure that all of the equipment is working properly.
- C. Once the VRS is determined to be working properly, each enforcement member shall verify that the correct date, time, and patrol vehicle number is displayed on the VRS video viewfinder, if available. If corrections need to be made, the enforcement member shall immediately notify a shift supervisor or TLO to program the correct data into the VRS, referring back to the VRS operator's manual whenever necessary.
- D. Should the VRS fail to work properly or develop problems during the shift, including any battery or syncing problems with a wireless microphone, the enforcement member shall notify the shift supervisor and TLO immediately. If a shift supervisor or TLO is not immediately available, an email may be used for notification purposes. Enforcement members shall document on their daily if the VRS fails to work properly.
- E. The supervisor shall place the patrol vehicle out of service until the VRS is repaired unless no patrol vehicles with a functioning VRS are available. In the event there is no patrol vehicle with a functioning VRS available, the enforcement member shall note on each daily the VRS is out of service, until repaired. See Section 39.2.6 for repair procedures.
- F. Video Recording Procedures
 - (1) The VRS should be programmed to activate in the following circumstances:
 - a. When the patrol vehicle's emergency lights are activated.
 - b. Manually by the enforcement member from the control panel inside the patrol vehicle, if available.
 - c. Remotely by the enforcement member from outside the patrol vehicle using their portable transmitter or BWC, if available.
 - d. As a result of an impact caused by a traffic crash.

- e. When a patrol car reaches 85 mph.
 - f. In conjunction with a violator's speed if detected by a radar unit which is interfaced with the VRS.
- (2) Enforcement members shall make every effort to ensure both the audio and video recording functions of the VRS are activated and remain operational for the duration of the following events:
- a. Emergency driving including pursuits, response to emergency calls, and any instance where a patrol car exceeds speeds of 85 mph. The VRS shall remain recording until the patrol car speed has fallen below 85 mph.
 - b. All citizen contacts which may result in any enforcement action of a state law, local ordinance, administrative rule or investigation, except as provided in Section 39.2.4.F.(4).
 - c. Transportation of non-department persons other than an approved ride-along.
 - d. This section is not meant to require VRS recordings while away from the patrol car (e.g.; investigations inside a residence or business where the enforcement member would not expect to come within range of the VRS).
- (3) Enforcement members shall make every effort to ensure the VRS wireless microphone is worn in such a manner as to ensure the optimal, unobstructed audio recording of an event is captured. The microphone shall not be purposely covered or placed in a pocket.
- (4) Enforcement members are not required to record audio transmissions under the following circumstances:
- a. While engaged in conversation with undercover officers or confidential informants.
 - b. While engaged in department-related duties that traditionally do not require enforcement action (e.g.; public relations or community service events, meetings with community groups or public officials). However, if circumstances arise during such an event that requires enforcement action, the VRS system shall be activated as soon as practical.
 - c. While engaged in private conversations, where no citizens are present.
 - d. In the event the enforcement member unexpectedly becomes involved in a rapidly evolving situation where there is an immediate/imminent threat of death or serious bodily harm to the enforcement member or others and activation of the VRS cannot be done safely. The VRS should be activated as soon as practical and when activation can be done safely.

- (5) All units equipped with a pre-event recording function shall be set to pre-record both video and audio for 30 seconds prior to the activation of the VRS. If the capabilities of the VRS cannot accommodate a 30 second pre-event recording function, the pre-event recording shall be set to the maximum time possible.
- (6) Enforcement members shall assign an appropriate Event ID to every video file:
 - a. **Traffic Stop:** Any traffic stop initiated by an enforcement member which results in a citation issued or verbal warning.
 - b. **Person / Car Investigated:** Any person or car investigated during an enforcement member's shift. Examples include, car assists, Terry Stops, etc.
 - c. **Complaint / Arrest:** Any custodial arrest made during an enforcement member's shift, all complaints in which the VRS was utilized.
 - d. **OWI:** Any OWI or OUID arrest or investigation generated during an enforcement member's shift.
 - e. **Pursuit:** Any pursuit that the enforcement member is involved in. This includes primary and secondary units and the deployment of vehicle immobilization devices.
 - f. **Other:** Any activity not listed above. Examples include camera checks.

39.2.5. RECORDED MEDIA STORAGE, RETENTION, AND DUPLICATION PROCEDURES

A. Uploading and Storage of Recorded Media

- (1) Each enforcement member shall be assigned the system appropriate storage media device.
- (2) The storage media device shall be labeled with the enforcement member's name and radio designator, if possible. Storage media devices shall also be labeled electronically, if possible.
- (3) Recorded media generated by VRS systems and contained on an enforcement member's storage media device shall not be erased until it has been uploaded to the post media computer. Additional copies of recorded media can be made utilizing DVD-R or CD-R copies. These copies shall not be posted online or on any social media without authorization by the Office of the Director, Public Affairs Section.
- (4) Recorded media shall be uploaded to the post media computer at the end of an assigned shift, when possible. For troopers participating in the assigned vehicle program or working in a remote location such as a detachment, recorded media shall be uploaded every two weeks, or as otherwise directed by a supervisor. Work site commanders shall establish procedures which support this directive.
- (5) Any recorded media involving the use of deadly force, vehicle pursuits, or other significant incidents shall be uploaded to the post media computer immediately.
- (6) Once uploaded to the post media computer, recorded media files shall be assigned the appropriate corresponding complaint number.

B. Retention of Recorded Media

- (1) All VRS or BWC recordings are subject to the MSP Retention and Disposal Schedule.
- (2) Recorded media related to a criminal case may be retained for longer periods than outlined in the retention policy, if required by the local prosecutor.
- (3) Recorded media related to a civil lawsuit against the department or a member shall be retained until approval for the recorded media's destruction is obtained from the Office of the Director.

C. Recorded Media Duplication

- (1) Duplication of recorded media will be done locally at the work site level. It is recommended that the enforcement member in charge of the investigation make the copy to simplify the chain of custody.
- (2) Freedom of Information Act (FOIA) Requests for Recorded Media
 - a. All FOIA requests for recorded media shall be processed by the Records Resource Section Unit (RRS).
 - b. A FOIA request for recordings must be made in writing. Requests received at a work site must be immediately forwarded to the RRS.
 - c. Upon receipt, the RRS shall request a copy of only the specific incident from the work site. The local work site shall make a copy of the requested incident and forward it to the RRS.
 - d. The RRS shall determine processing costs.

(3) Training Material

Enforcement members involved in critical incidents or those that they feel would otherwise have training value, or supervisors aware of such incidents, shall submit a copy of the recorded media of the incident to the Training Division as soon as practical.

39.2.6. MAINTENANCE, REPAIR, AND EQUIPMENT PROCEDURES

A. VRS Repair

- (1) All repair work, including warranty claims, shall be arranged through the manufacturer utilizing factory trained technicians. An estimate is required prior to any non-warranty repair. This repair process shall be completed by Michigan Public Safety Communications System (MPSCS) technicians.
- (2) If the total cost of repair exceeds 50% of the cost of a new unit, the unit shall not be repaired and should be disposed of per department policy.
- (3) Billing and payment of repair services shall be done directly by the work site, using the work site SIGMA accounting codes provided by the FSB.
- (4) The post TLO shall ensure that every camera returned from a repair service is compliant with the camera settings as required in this Order before that camera system is put back in service.

B. Transfer of VRS

- (1) At the end of a patrol vehicle's life cycle, the condition of the VRS will be assessed by DTMB personnel to ascertain if it is still operable and in good working condition. If the equipment is found to be in good working order, it shall be installed in the replacement patrol vehicle.
- (2) The VRS will normally be transferred to only a new or lower-mileage patrol vehicle.
- (3) Only a technician who is approved by the manufacturer or the FSB shall complete the transfer. Enforcement members shall not remove or transfer the VRS, unless authorized by the FSB.

39.2.7. SUPERVISORY USE OF RECORDED MEDIA

- A. All recorded media may be reviewed and used in conjunction with a citizen complaint, investigation, pending court case, training, for instructional use, and to ensure compliance with Official Orders and local policies.
- B. All recorded media may be reviewed and used in conjunction with the Field Training Officer program to assist the Field Training Officer with the evaluation of a probationary trooper.

39.3 REVISION RESPONSIBILITY

Responsibility for continuous review and revision of this Order lies with the Field Services Bureau, Specialized Services Bureau, and State Services Bureau, in cooperation with the Office of the Director (Records Resource Section).

DIRECTOR