

Article 14: Body Worn Camera

3.9 When an officer enters an area or on the premises where an individual ordinarily has a reasonable expectation of privacy (such as a private home), without a valid search warrant, but where exigent circumstances exist (i.e., hot pursuit of a fleeing felon; imminent destruction of evidence, preventing a suspect's escape; or a risk of danger to the officer or public) and a citizen objects to the recording, the officer shall not be required to stop recording.

3.10 Officers may activate their BWC inside a medical facility during the course of their normal police duties. These digital recordings will be protected under Law Enforcement Body-Worn Camera Privacy Act, 85 PA 2017, as amended. Any requests for these recordings will be reviewed and approved by the City Attorney prior to their release

3.11 Any interruption of a BWC recording under this section must be properly documented as set forth in this policy.

3.12 Officers shall note in their report anytime the BWC was activated during an event.

4.0 PERMISSIBLE NON-RECORDINGS (MLEAC 3.5.5 a)

4.1 Body Worn Cameras shall be used only in conjunction with official law enforcement duties and should not generally be used when:

4.1.1 Deactivation is approved by Command.

4.1.2 During Criminal Sexual Conduct or Child Abuse investigations to include statements of victims, witnesses, and interactions with parents of victims.

4.1.3 Communications with undercover officers or confidential informants.

4.1.4 When an Officer is on a break, or in any location where individuals have a reasonable expectation of privacy, such as a rest room, a locker room or casual "shop-talk" conversations between members.

4.1.5 If recording an event will compromise the safety of the public or officer.

4.1.6 Communications with whom an Officer has a privileged relationship, such as spouses, attorneys, or Union representatives.

4.1.7 Surreptitiously recording conversations that are not investigative in nature or are unrelated to a legitimate law enforcement function are prohibited.

5.0 STORAGE (MLEAC 3.5.5 d, e)

5.1 Officers are to select a system-defined event category for each digital recording and tag that event (e.g. person contact, traffic stop, traffic accident, commitment or other appropriate category listed for the event). Specific instructions on the system use are provided through training.

5.2 Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC images and information.

5.3 All files from BWC's will be securely uploaded at the end of the Officer's shift. Each file contains information related to the date, BWC, identifier, and assigned Officer.

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5.4 When an incident arises that requires the immediate retrieval of a BWC digital recording (e.g. serious crime scenes, department vehicle crashes, identification of suspected perpetrators, etc.) the Officer's immediate Supervisor shall ensure the event is captured and uploaded to the evidence server as soon as practical, prior to the end of the Officer's shift.

5.5 If an Officer believes that an event should have been captured they shall immediately bring the incident to the attention of their immediate Supervisor as soon as possible. The Supervisor should review the incident and save the digital recording in the cloud-based evidence server. (Record after the fact)

5.6 The BWC equipment, all data, images, video and meta data captured, recorded, or otherwise produced is the sole property of the Ferndale Police Department.

6.0 REVIEW OF RECORDINGS

6.1 Officers may review recordings in connection with their official duties including for the purposes of preparation for deposition or court related testimony.

6.2 Officers may review recordings of other officers in connection with their official duties, if deemed needed by a Supervisor. The Supervisor may share access of the video with an officer in the Axon system.

6.2 Command Officers may review the BWC recordings in accordance with the Fair and Impartial policing quarterly audit policy. Officers and supervisors are encouraged to review recordings for the purpose of conducting a tactical debrief. When an incident is recorded and may be of value as a training aid, the recording Officer or their supervisor should forward the request to the Chief of Police or their designee who will determine if it will be used as a training aid.

7.0 AUTHORIZED USER ACCESS FOR UPLOAD MEDIA OR DATA

7.1 Access to digital recordings, and the extent of such access ability, shall be granted to Department users at the discretion of the Chief of Police or their designee.

7.2 It is the responsibility of authorized users to keep their username and password confidential. The accessing or releasing of any recordings without authorization from the Chief of Police or his designee is strictly prohibited and subject to disciplinary action.

7.3 Examples of inappropriate and unauthorized use of BWC include, but not limited to:

7.3.1 Publishing the digital recordings on internet sources such as Facebook, YouTube, or any other social media, web hosting or internet sites.

7.3.2 Using a secondary recording device such as a phone to record media from the BWC or any other source where captured media is stored.

7.3.3 Allowing unauthorized Non-FPD personnel to view or listen to any portion of the digital recording captured by an Officer's BWC without authorization from the Chief of Police or his designee.

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7.3.4 Disclosure other than as permitted under the Law Enforcement Body-Worn Camera Privacy Act, 85 PA 2017, as amended, and which disclosures shall be the express approval of the City Attorney.

8.0 UNINTENTIONAL RECORDING

8.1 Requests for deletion of recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police, or his designee. All requests and final decisions shall be kept on file.

9.0 RETENTION (MLEAC 3.5.5 e)

9.1 All captured digital recordings will be retained for a period of 120 days. After 120 days, the Axon system will automatically purge all video. Digital recording requested by FOIA, Detectives or Administration will be saved indefinitely to a separate storage medium¹.

9.2 Normal procedures dictate that recordings will be kept for 120 days, or until a determination is made by the Chief of Police or their designee, Prosecutor, City Attorney, or Risk Management as to whether the recording will need to be held for a longer duration or can be deleted from storage. All requests for the preservation of video data should be directed to the Chief of Police or their designee.

9.3 Any video of evidentiary value shall be stored on the evidence server and/or in a case file.

9.4 All digital video media is the sole property of the Ferndale Police Department.

9.5 Recordings that contain evidence of incidents are retained until the case is solved, closed and litigation ends. [MCL 780.316]

9.6 Recordings relevant to a formal complaint against this agency or an officer of this agency must be kept the date it was created plus three years². These recordings shall be tagged as a 'formal complaint.'

10.0 MAINTENANCE OF BWC EQUIPMENT

10.1 Officers shall note any malfunctions of the BWC on their daily log. Officers shall then notify a supervisor or shift commander. An email shall be sent to the Axon Coordinator.

¹ Exceeds State of Michigan General Retention Schedule #11 Local Law Enforcement 11.057 Audio and Video Recordings

² State of Michigan General Retention Schedule #11 Local Law Enforcement 11.057A Body Worn Camera Recordings -Formal Complaint

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11.0 SUPERVISOR RESPONSIBILITIES (MLEAC 3.5.5 c)

11.1 The shift commander will make all reasonable attempts to provide uniform personnel with a properly functioning BWC.

11.2 If a uniformed officer works any portion of their shift without a BWC a note will be made on the daily administrative log.

11.3 The shift commander will ensure recordings relevant to successful prosecution, memorializing events in anticipation of a formal complaint, training, or a violation of rules, regulations, policy, procedure, or departmental values are uploaded and securely saved to the appropriate department server.

11.4 The shift commander may download and save recordings that reflect positive or extraordinary actions undertaken by a member of the department.

11.4.1 In such instances the Chief of Police and Public Information Officer should also be notified.



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