

 <p><b>FERNDALE</b> POLICE DEPARTMENT</p>	<b>Body Worn Camera</b>		
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## 1.0 POLICY

This policy will establish guidelines for the operation, use and management of Body Worn Cameras (BWC). Personnel will be assigned a body worn camera and will use the equipment as intended. BWC's will provide protection for Officers by capturing unfiltered audio and video recording of events that the Ferndale Police Department personnel will encounter. BWC'S will be used to support written reports, assist in the collection of evidence, facilitate investigations, and provide feedback for training. The following procedures will be used for body worn cameras.

## 2.0 BODY WORN CAMERA USAGE (MLEAC 3.5.5 b,d)

2.1 All personnel assigned a BWC shall, prior to use, successfully complete practical application training on the operation of the BWC.

2.2 The BWC shall be checked, by the assigned Officer, for proper operation before the start of each shift. If the BWC is not operational, notify Command immediately. If possible, Command will replace the BWC for the Officer.

2.3 The BWC shall be checked to ensure it is adequately charged, also checked to ensure all previous captured events have been uploaded to the evidence server.

2.4 At the start of each shift, the BWC application shall be signed into and synced with the patrol vehicle. This allows for the BWC to be synced with the in-car camera system.

2.5 Officers will wear the BWC on their outer-most garment and above the mid-line of their torsos, in positions designed to produce effective recordings.

2.6 At the completion of each shift, officers shall ensure that their BWC is properly seated into the charging station to allow proper uploading, charging and updating. The BWC can be removed from the charging station if necessary.

2.7 There are three methods for activation of the Body Worn Camera:

2.7.1 Activating the patrol vehicle's overhead lights automatically activates the recording system.

2.7.2 Manually pressing the record button twice on the BWC.

2.7.3 Manually pressing the record button on the in-car system control panel.

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2.8 To stop recording, Officers must manually press the hold down the activation button on the BWC or press the stop button on the in-car system control panel.

### **3.0 ACTIVATION OF BODY WORN CAMERA** (MLEAC 3.5.5 a, b)

3.1 Officers shall activate their BWC prior to initiating contact with the public, when responding to an event requiring police service (e.g. arrest situations, calls for service, field interrogations and interviews, vehicle stops and prisoner transports) or as soon as practical after unforeseen events take place. (MLEAC 3.5.5 a)

3.2 In general, once the BWC is activated, the device shall remain on until the event is completed in order to ensure the integrity of the recording. Once activated, an Officer shall under no circumstances intentionally disable, turn off, or otherwise cover, obstruct, or redirect the line-of-sight view of his or her BWC during any citizen contact.

3.3 The BWC has a record after the fact function. If an Officer believes that an event should have been captured, but the BWC was not activated, they shall immediately bring the incident to the attention of their immediate Supervisor as soon as possible. The Supervisor should review the event and save the digital recording.

3.4 If an Officer fails to activate the BWC, fails to record the entire event or interrupts the recording, the Officer shall document that interruption in their report.

3.5 If an Officer feels it is necessary to mute a recording, within the constraints of this policy, the Officer shall verbally announce the interruption, and upon reactivation, the Officer shall state that recording has resumed.

3.6 Citizens do not have a reasonable expectation of privacy when talking with Officers during the scope of official police duties, even when the contact is in a private residence. When Officers are lawfully present in a home (warrant, consent, or exigent circumstances) in the course of official duties, there is no reasonable expectation of privacy. Therefore, officers are not required to give notice they are recording. However, if asked, Officers may advise citizens they are being recorded.

3.7 When an officer is in an area open to the public, and a citizen objects to the recording, the officer shall not stop recording.

3.8 When an officer is in an area or on the premises where an individual ordinarily has a reasonable expectation of privacy (such as a private home), pursuant to a valid search warrant or any other circumstances which constitute an exception to the warrant requirement (e.g. exigent circumstances including hot pursuit, public emergency, and public caretaking; preservation of evidence; consent), and a citizen objects to the recording, the officer shall not be required to stop recording.

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3.9 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 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.

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.

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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 necessary by a Supervisor. The Supervisor may share access of the video with an officer in the evidence system.

6.2 Command Officers shall review the BWC recordings in accordance with the Fair and Impartial policing quarterly audit policy.

6.3 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 are not limited to:

7.3.1 Publishing the digital recordings on an 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 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 their designee.

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 only be made with the express approval of the City Attorney.

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### **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 evidence system will automatically purge all video. Digital recording requested by FOIA, Detectives or Administration will be saved indefinitely to a separate storage medium<sup>1</sup> or in an assigned case file.

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 years.<sup>2</sup> 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.

### **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

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

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

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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 Community Engagement Officer should also be notified.

A handwritten signature in black ink, appearing to read 'D. Emmi', with a stylized flourish at the end.

Dennis M. Emmi  
Chief of Police