



I. Policy

The purpose of this policy is to direct Officers and Supervisors in the proper use and maintenance of Body Worn Video Recorders (BWV) as well as directing how video will be utilized as a quality control mechanism and evidence.

It is the policy of this department to provide officers, especially those engaged in regular, daily contact with the public, such as patrol or traffic officers, as well as others as designated by the Chief of Police, with BWV devices as feasible. Officers shall activate the BWV when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations or in-car-video covered under separate policy or directive.

II. Definitions

A. Law Enforcement Contact

A law enforcement contact within the meaning of this policy is any contact or activity whereby an Officer stops a person's movement by a means intentionally applied or conducts any activity requiring probable cause, reasonable suspicion, or consent to form the legal basis for the conduct. A law enforcement contact or activity does not include mere conversation or other contact outside the scope of a law enforcement purpose when such contact does not require any legal basis.

III. Procedure

- A. Officers using BWV equipment shall receive training in its use, maintenance, and required documentation and storage of such recordings prior to deployment.
- B. Officers using BWV equipment will test such equipment at the beginning of each tour of duty or other duty or off duty related event to ensure proper operation and required battery life. Improperly functioning equipment shall be reported to the immediate supervisor or other reporting mechanism established by this department for purpose of replacement or repair.
- C. Officers assigned BWV are required to wear such devices unless otherwise directed by the Chief of Police or their designee or other unforeseen circumstances prevent the wearing of the device. BWV will be worn on the officer's body, utilizing one of the mounting methods provided by the manufacturer (currently body or glasses mount) and in a manner that will optimize the recording of events.
- D. BWV activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations. Officers are authorized to record events when the officer is a party to the conversation, or when an individual is in custody and there is generally no expectation of privacy. Officers will audibly and video-graphically record, as feasible, the following events, including but not limited to:
 - 1. Calls for service in which citizen contact is made
 - 2. Traffic stops
 - 3. All transports excluding ride-alongs

4. Investigative stops
 5. Foot pursuits
 6. Arrests, Searches, Seizures
 7. Consensual encounters
 8. Verbal Victim, Witness or Suspect statements
 9. Miranda Warnings and Arrestee interviews
 10. When arriving at law enforcement events and/or citizen contacts initiated by other Officers
 11. Other incidents the officer reasonably believes should be recorded for law enforcement purposes
- E. Officers will make reasonable efforts to ensure the BWV recording equipment is accurately capturing events. Officers are prohibited from turning off the BWV during any citizen contact or law enforcement event unless otherwise authorized by this policy, and Officers shall not attempt to erase, alter, modify or tamper with BWV recordings.
- F. Recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or the officer discontinues his or her participation in the law enforcement event or citizen contact by leaving the scene.
- G. In the event an officer deems it necessary to stop recording or becomes aware that a recordable event was not recorded, the officer will document such event.

IV. Privacy Issues

- A. BWV should not be activated when:
1. the officer is on break,
 2. engaged in personal activities
 3. involved with citizen encounters outside the scope of a law enforcement contact or purpose
 4. or when the officer is in a location under circumstances requiring a respect for an expectation of privacy such as a restroom, locker room, or other area when people are in an exposed or otherwise compromised state
- However, should exigent circumstances develop where the need to record an event outweighs any privacy concern, the officer will activate the device where feasible.
- B. BWV will not be activated when encountering undercover officers or confidential informants and such encounters should not be recorded.
- C. When entering a residence that requires the consent of the resident, Officers will inform the resident that he or she is wearing an activated recording device and request permission to continue recording the encounter. If the resident wishes not to be recorded in the interior of their home, Officers will document that desire via the BWV and turn off the device for the remainder of the contact. However, should exigent circumstances develop where the need to record the event outweighs any privacy concern, the officer will reactivate the device where feasible to do so irrespective of the resident's desire.
- D. When legally entering a residence without the consent of the resident, such as serving a warrant or exigent circumstances, or undercover operations, recordings will be made of the incident until its conclusion.
- E. The BWV will not be activated during personal or administrative conversations between officers, or between officers and supervisors.

V. Electronic Storage and File Review

- A. Original digital files from a BWV will be downloaded and stored on a designated network server or other electronic network storage accessible only to a limited number of supervisory or evidence retention personnel. Access to the files is maintained through the use of individual passwords. Officers may review their own video material after it is transferred to the server, but only supervisory or designated training personnel shall have authority to review the video of other officers.
- B. Officers will make reasonable attempts to download video/audio files before the end of each shift.
- C. Non-evidentiary video/audio recordings will be maintained in electronic storage or the network server for a period of time as directed by the Chief of Police or their designee but in no case will be held less than any required amount of time pursuant to the Arkansas Freedom of Information Act or court decision related thereto.
- D. Retention:
 - 1. All video from the digital recording devices shall be available for a period of 30 days following the incident.
 - 2. Video concerning specific incidents and/or determined to be of evidentiary value will be retained for a longer period of time as determined by the nature of the event and in accordance with Arkansas law related to police records as outlined in ACA 14-2-204.
 - 3. Officers must submit a 'Video Evidence Request' form to the video custodian or their shift supervisor for each incident. Those events identified as necessary for future evidentiary purpose will then be retained in a separate electronic file following receipt of the Video Evidence Request form.
- E. This agency will maintain a duplicate electronic file of recordings submitted to other agencies for court or other purposes.
- F. All recording media, recorded images and audio recordings are the property of this agency. Dissemination outside the agency for reasons other than pursuant to criminal prosecution, or in compliance with a valid request under FOIA, is strictly prohibited without specific authorization of the Chief of Police or designee.
- G. Malicious destruction or deletion of video and audio files is prohibited.
- H. All video and audio files are subject to open records request as allowed by Arkansas FOIA law. Civilians shall not be allowed to review recordings except as approved by the Chief of Police or their designee, through the process of evidentiary discovery and/or F.O.I.A. request. Such requests should be directed to the Public Information Office or Administration for review and any required redaction prior to release.
- I. If a recording is used in a disciplinary action resulting in suspension or termination against an employee, the recording shall be held for a minimum of three (3) years from the completion of the disciplinary action.
- J. Electronic Media is subject to review by the Chief of Police or their designees.
- K. First line supervisors or a designee should review a random sample of BWV recordings quarterly for each officer supervised for policy, training and legal compliance. After review, the supervisor will document the review and any supervisory actions taken. Supervisors should meet with individual Officers to provide guidance, training and correction when required. Supervisors will initiate formal counseling or internal affairs procedures; as the need arises. When corrective action is taken, a special review may be implemented for that particular officer for a set duration of time in order to ensure compliance with the corrective action.

VI. BWV Evidentiary and Administrative Procedures

- A. When an officer becomes aware that a BWV recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by this department.
- B. When a BWV related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the video is uploaded to the network server or other electronic media and disseminated per department procedures.
- C. Where there is any indication that the BWV may contain “Brady” material (evidence or information that may exonerate a suspect), that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the “Duty to Disclose” policy of this department.
- D. Administrative personnel will conduct a review of these processes, as well as the policy pertaining to BWC and BWV at least once every other year. Such review will be documented via a report of the review to the Chief of Police.

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