188.0 Body-Worn Cameras

188.05 Purpose

Body-worn cameras provide objective recordings of events that officers encounter. These recordings may provide valuable evidence for prosecution, assist officers with completing reports and protect officers from false allegations.

Body-worn camera recordings will only be used for official purposes and shall never be used to embarrass, exploit or harass an employee or the public.

188.10 Scope

The following procedures govern the use and management of body-worn camera systems. These procedures do not apply to undercover investigations and/or court-ordered or court-authorized electronic surveillance.

Oklahoma is a one-party consent state; therefore, when an officer is a party to a recorded conversation he or she is not violating state law.

188.15 Definitions

Body-Worn Camera Administrator-The person assigned to manage and oversee the body-worn camera equipment and systems.

Body-Worn Camera System-The hardware and software that comprises an audio and video recording system.

Body-Worn Camera-A camera that is worn on the person of an officer to capture audio and video recordings.

Categorize-The process of labeling a recording for retention purposes.

Digital Evidence Management Unit-The unit responsible for management of the audio and video recordings obtained from body-worn cameras. This includes, but is not limited to: copying, redacting or deleting the audio and/or video recordings.

Failure to Activate-When an officer does not activate the BWC as required by this procedure.

Function Test-The process of verifying the body-worn camera is operating properly. This includes a visual inspection for any obvious damage, ensuring the LCD screen is properly displaying camera information, recording a short video, uploading the video and reviewing the video to verify the camera is recording properly.

Healthcare Facility-Any public or private authority, corporation or business where healthcare services are provided. Examples may include, but are not limited to, a hospital, emergency room, ambulance, health clinic, doctor's office, nursing home, pharmacy, dental office, drug or alcohol treatment facility or mental health facility.

Individually Identifiable Health Information-Any personal medical information whether oral or recorded in any form or medium, including demographic information collected from an individual that is created or received by a healthcare provider, health plan, employer or healthcare clearing house and relates to the past, present or future physical or mental health or condition of an individual, the provision of healthcare to an individual or the past,
present or future payment for the provision of healthcare to an individual and identifies the individual or there is a reasonable basis to believe that the information can be used to identify the individual.

Informant-As defined in Procedure 191.0, to include an unnamed source.

Monthly Review - On a monthly basis each lieutenant will query the recording database for one randomly selected body-worn camera recording for each officer under that lieutenant’s command. While conducting this review, the lieutenant shall evaluate the actions of all officers captured in the recording for compliance with all written directives. For each recording reviewed, the lieutenant shall complete an electronic Body-Worn Camera Review Form.

Official Purposes-Actions commensurate with the duties and responsibilities of a police employee while adhering to the written directives of the police department. Other parties such as prosecuting or municipal attorneys and/or their staff will have access to body-worn camera recordings to carry out their official duties.

Operational Purposes-Review of an incident where a specific officer’s performance is not the basis for the review.

Tag-The process of labeling a recording with all required metadata (identification parameters).

Undercover Officer- An officer requiring anonymity based upon current law enforcement assignment where identifying the officer could jeopardize his or her safety and/or an on-going investigation.

Voluntary Contact- A consensual encounter by a police officer with a person for official purposes. A voluntary contact can be initiated by an officer in a place where the public and the officer have a lawful right to be or in a place where a person has a reasonable expectation of privacy, such as a person’s home. Consent by the person can be expressed or implied and must be freely and voluntarily given and be free of coercion. “Free of coercion” means a reasonable person would believe they are free to leave or not respond to the officer’s questions and deny the officer’s request. Consent can be revoked by the person at any point during the course of a voluntary contact.

188.20 Use of Department Issued Body-Worn Cameras

Each officer must be trained in the operation of the body-worn camera system and the applicable written directives prior to use. Only department issued body-worn camera systems shall be used. Each officer assigned a body-worn camera is required to use it during his or her shift and shall operate the assigned body-worn camera in accordance with written directives. If a priority call or other circumstance prevents an officer from attending lineup and checking out a camera, the officer shall return to the briefing station after completing that incident or call and check a camera out for the remainder of the shift. All department issued body-worn cameras, associated equipment and recordings are the property of the Oklahoma City Police Department.

Body-worn cameras contain configuration settings that are applied by the Body-Worn Camera Administrator and settings that are configurable by the officer. The officer will not intentionally change or modify any of the Body-Worn Camera Administrator’s configuration settings.

188.25 Maintenance and Care

Each officer is responsible for all body-worn camera equipment assigned to him or her. Prior to each shift, the officer shall ensure the assigned body-worn camera is operating properly by performing a Function Test. An officer may perform a Function Test at any other time he or she believes it is necessary. If at any time the officer discovers the body-worn camera is damaged or malfunctioning, the officer shall notify his or her supervisor as soon as practical. If the supervisor cannot resolve the issue, the supervisor will notify the Body-Worn Camera Administrator by email and the officer will submit a Damage/Malfunction Report through SharePoint. If the body-worn camera is physically damaged, the officer will also complete an incident report titled Damage to City Equipment. If a camera is damaged or malfunctioning, it shall not be used and will be returned to the Body-Worn Camera Administrator.
188.30 When a Body-Worn Camera Shall Be Activated

Each officer shall activate his or her body-worn camera under the following circumstances:

1. Voluntary contact (only in a public place or a place where the public and the officer have a right to be). If a voluntary contact is initiated in a location where a person has a reasonable expectation of privacy, and one of the criteria listed in numbers 2-9 below do not apply, the officer shall receive consent from the person prior to continuing to record the voluntary contact;
2. Prior to any investigative detention, mental health detention, traffic or vehicle stop or custodial arrest;
3. Prior to a use of force;
4. Prior to initiating any Code 3 response;
5. Prior to exiting the police vehicle on a Priority 1 or Priority 2 call;
6. While involved in any vehicle or foot pursuit;
7. When conducting a Standardized Field Sobriety Test (SFST) or Drug Recognition Expert (DRE) evaluation;
8. While transporting, guarding or coming into contact with any person who becomes uncooperative, agitated, combative, threatening or makes statements related to his or her arrest/protective custody;
9. For the purpose of documenting a dying declaration; or
10. When directed by a supervisor.

Adopted 10/15; Revised XX/XX

188.31 When a Body-Worn Camera May Be Activated

An officer may activate his or her body-worn camera anytime the officer deems it appropriate to record for official purposes, except as prohibited under Procedure 188.32.

Adopted 10/15

188.32 When Body-Worn Cameras Shall Not Be Activated or Shall Be Deactivated

Unless required by Procedure 188.30, an officer shall not activate or shall deactivate his or her body-worn camera:

1. When knowingly interviewing victims, witnesses, involved parties or reporting parties;
2. In any situation where individuals have a reasonable expectation of privacy, such as their residence, a bathroom or a locker room;
3. In a healthcare facility, unless required by Procedure 188.36;
4. During an administrative investigation;
5. When knowingly in the presence of an undercover officer or informant, unless recording is requested by the undercover officer;
6. During activities, conversations or meetings with law enforcement employees;
7. When discussing operational or tactical strategies;
8. During personal conversations, activities or meetings that are not law enforcement related;
9. When securing a crime scene and none of the conditions in Procedure 188.30 or Procedure 188.31 apply;
10. At the conclusion of a call or incident; or
11. When directed by a supervisor.

188.34 Announcement Prior to Deactivation

Prior to deactivating a body-worn camera and when safe to do so, the officer shall make a recorded announcement as to the reason the camera is being deactivated, such as:

1. Contact completed;
2. Incident concluded;
3. Ordered by supervisor (name) to end recording;
4. Interviewing known victim, witness, reporting party or involved party; or

188.35 Prohibited Use of Body-worn Cameras

Body-worn cameras and/or body-worn camera recordings shall not be:

1. Used for personal gain or activities;
2. Copied, deleted, altered, uploaded, reviewed or released in any manner, except as authorized by written directives; or

Body-worn cameras shall not be:

1. Used to record department employees, except as provided for by this procedure;
2. Removed from the officer’s person and left unattended while recording; or
3. Used to record any court proceeding or administrative hearing.

188.36 Use of Body-Worn Cameras in Healthcare Facilities

Federal law imposes severe restrictions on healthcare providers concerning the release of “Individually Identifiable Health Information.” The definition of such information is very broad and includes patient identity, directly or indirectly by any means including clothing, event or a particular injury.

An officer shall activate his or her body-worn camera in a healthcare facility, only under the following circumstances:

1. When conducting a voluntary contact;
2. Prior to any investigative detention, mental health detention, custodial arrest or use of force;
3. When interviewing anyone detained or arrested. The interview should be conducted in a private room or area where recording would not knowingly capture any “Individually Identifiable Health Information” of another person;
4. While involved in a foot pursuit;
5. When conducting a Standardized Field Sobriety Test (SFST) or Drug Recognition Expert (DRE) evaluation;
6. While transporting, guarding or coming into contact with any person who becomes uncooperative, agitated, combative, threatening or makes statements related to his or her arrest/protective custody;
7. For the purpose of documenting a dying declaration; or
8. When directed by a supervisor.

Adopted 10/15; Revised XX/XX

188.40 Notification

Except as required by Procedure 188.30.1, an officer is not required to advise a person he or she is recording their interaction unless the person specifically asks if they are being recorded, at which point the officer shall inform the person they are being recorded.

Adopted 10/15

188.45 Incident Identification and Reporting

Each recording will be tagged by the officer, and shall be completed no later than the end of the officer’s shift.

The officer shall make a notation, comment, or statement on all reports, citations, FI cards or CAD calls, if applicable, when a recording is made. The officer shall document the existence of a body-worn camera recording in
all applicable reports and this documentation will take place in the first line of the narrative or immediately thereafter.

If an officer, does not make a complete recording as required or interrupts a recording, the officer will document the circumstances of such action in the appropriate report.

The use of a body-worn camera does not alleviate the responsibility for an officer to complete a detailed report related to their involvement in an incident as required by written directives

Adopted 10/15

188.46 Uploading

Each officer is responsible for preservation of recorded content on his or her assigned body-worn camera until uploaded. The officer will upload his or her body-worn camera recording(s) no later than the end of their shift, unless authorized by a supervisor. The officer will upload recordings when the camera is nearing its storage capacity.

188.47 Access and Viewing of Body-Worn Camera Recordings

All access, viewing and activity related to body-worn camera recordings are logged and subject to audit at any time. Access and viewing of body-worn camera recordings shall only be by personnel, as authorized by this procedure.

188.50 Officer Review of Body-Worn Camera Recordings

An officer will be allowed to review his or her body-worn camera recordings or the portion of another officer’s recording where that officer is captured:

1. To assist with an investigation and completion of reports;
2. Before making any statement or being interviewed, when the officer is the subject of an investigation. If the officer is the subject of a criminal investigation, which is outside the scope of his or her duties, the Chief of Police may restrict his or her ability to review any body-worn camera recordings. If the officer is the subject of an administrative investigation, he or she may have an employee representative/legal counsel present during the review. If the officer is the subject of a criminal investigation, he or she may have legal counsel present. If requested by the officer, employee representative or legal counsel the review of the recording shall be conducted privately so that the event may be discussed; or
3. Prior to testifying in court.

Adopted 10/15; Revised XX/XX

188.51 Requests for Redaction or Deletion

An officer may request to redact or delete recordings (i.e. personal recordings unrelated to any law enforcement action) by submitting a Request for Redaction or Deletion of Body-Worn Camera Recording Form. This form will be submitted directly to the officer's Division Commander. If the Division Commander is unavailable, the form will be submitted to the officer's Bureau Chief. The Division Commander or Bureau Chief will review the recording and the request to authorize or deny the redaction or deletion. The Division Commander or Bureau Chief will include an explanation for his or her decision and will immediately send the form electronically to the Digital Evidence Management Unit. The officer will be notified of the decision.

The Digital Evidence Management Unit will review the request as soon as practical, and may consult with the Municipal Counselor's Office prior to taking action on requests that involve redaction. All requests shall be stored electronically by the Digital Evidence Management Unit.
An original recording that may have evidentiary value will be maintained by the Digital Evidence Management Unit. If a redaction is made, a copy of the original recording will be made and only the copy will be redacted. The original and the copy will be maintained by the Digital Evidence Management Unit.

An original recording that has no evidentiary value may be deleted as provided above. However, prior to deletion of any non-evidentiary recording the Digital Evidence Management Unit shall consult with the Municipal Counselor's Office. When a recommendation from the Municipal Counselor's Office differs from the recommendation of the Digital Evidence Management Unit regarding deletion, the information will be forwarded to the Chief of Police or designee, for resolution.

### 188.55 Supervisor Responsibilities and Review Requirements

Supervisors shall ensure each officer who is assigned a body-worn camera uses the camera throughout each shift and in accordance with this procedure. To ensure compliance and effectively carry out their responsibilities, lieutenants shall review recordings under the following circumstances only:

1. When investigating allegations of misconduct concerning a specific incident involving any officer;
2. When a recording has been identified for Departmental training or instructional purposes;
3. When an FTO or FTO supervisor is reviewing a recording(s) for training or instructional purposes related to a specific probationary officer;
4. When periodic review is a condition of a Class III Reprimand;
5. When conducting a use of force or a pursuit follow-up investigation; or
6. When conducting the monthly review, as defined in 188.15. Between the 1st and the 15th of each month, every lieutenant who supervises an officer wearing a body-worn camera will access the database, which will direct him/her to one randomly selected recording for the previous month. While conducting this review, the lieutenant shall evaluate the actions of all officers captured in the recording for compliance with all written directives. For each recording reviewed, the lieutenant shall complete a Body-Worn Camera Review Form. Recordings reviewed by a lieutenant for 188.55.1-5 shall not fulfill this requirement.

The parameters used to randomly select the recordings for review are as follows:

a. Uploaded in the previous month;
b. Recordings that are listed below will be excluded from random selection by the system:
   - Recordings less than 60 seconds in length
   - Pending Review by Supervisor
   - Administrative: Pursuits
   - Administrative: Use of Force (No Injury/Minor Injury with or without Hospitalization)
   - Administrative: Collisions Involving Departmental Vehicles (No Injury/Minor Injury with or without Hospitalization)
   - Administrative: Formal Complaints/Internal Investigations (Non-Criminal)
   - Administrative: Criminal Investigation of a Department Employee Not Involving a Death
   - Administrative: Use of Force (Death or Serious Bodily Injury)
   - Administrative: Collisions Involving Department Vehicles (Death or Serious Bodily Injury)
   - Administrative: Criminal Investigation of Department Personnel Involving a Death

The shift captain shall ensure his/her lieutenants comply with the above conditions.

When a supervisor is conducting an administrative investigation the supervisor will research the body-worn camera system for any relevant recording. Each relevant recording will be re-categorized to the appropriate administrative retention category, unless a higher retention category is already applied.

A supervisor may have to tag an officer’s body-worn camera recording(s) if the officer is unable to do so.

A captain or above may review a body-worn camera recording for 188.55.1-5 or operational purposes.
Investigator Responsibilities

An investigator shall review any body-worn camera recordings related to and in furtherance of his or her assigned investigation(s). When appropriate, the investigator will request a copy of the recording for their case file from the Digital Evidence Management Unit.

Adopted 10/15

Officer Involvement in Incidents Resulting in Death or Serious Injury

When an officer is involved in an incident that results in death or serious injury, the involved officer(s) and witnessing officer(s) body-worn camera(s) will be turned over to the first supervisor on the scene. That supervisor shall take possession of the camera(s) and secure the camera(s). The recordings will not be downloaded or viewed unless approved by the Watch Commander. The supervisor will turn the camera(s) over to appropriate investigative personnel. The investigator shall review the recorded contents of all body-worn cameras related to the incident.

Investigations personnel will be responsible for the body-worn camera and uploading the recorded content of the camera.

Other Parties Requiring Access to Body-Worn Camera Recordings

Body-worn camera recordings may contain evidence in criminal and/or civil proceedings. Appropriate prosecutors, municipal attorneys and their staff will have access to body-worn camera recordings for official purposes.

Administrator Responsibilities

The Body-Worn Camera Administrator is responsible for:

1. Tracking and inventory of all body-worn cameras;
2. Maintaining all body-worn cameras and system components;
3. Repairing and replacing body-worn cameras and system components and/or sending them to the manufacturer for repair or replacement;
4. Ensuring officers are properly trained on body-worn camera use; and
5. Providing audit information.

The Digital Evidence Management Unit is responsible for:

1. Maintaining recordings in accordance with department retention procedures;
2. Processing requests for redaction or deletion and maintaining records of these requests;
3. Providing recordings pursuant to Open Records requests;
4. Processing subpoenas and court orders for recordings; and
5. Processing requests for review from authorized personnel.

Secondary Employment

An officer shall not use a body-worn camera during secondary employment unless the officer is being compensated by the City of Oklahoma City.

Adopted 10/15

Disciplinary Action

Violation of any section of this procedure may result in disciplinary action.
188.70  Open Record Requests

The Oklahoma City Police Department through the Records Unit will provide copies of recordings from body-worn cameras in accordance with federal and state law. The Records Unit and/or the Digital Evidence Management Unit will consult with the Municipal Counselor’s Office as needed.

If an Open Records copy of an original recording is released, the retention period for the original recording and the Open Records copy will be three years from the date of the recording, unless a longer retention period already applies.

When an Open Records request is made for an officer’s body-worn camera recording, the Digital Evidence Management Unit will send the recording officer an e-mail, through the City e-mail system, notifying the officer of the request. If the officer chooses to review the Open Records recording, it is the officer’s responsibility to log into the system and review the Open Records recording, and he or she may review a copy of the Open Records request form as well.

Adopted 10/15

188.71  Subpoenas and Court Orders

The Oklahoma City Police Department through the Records Unit will respond to subpoenas and court orders for all recordings from body-worn cameras in accordance with federal and state law. The Records Unit and/or the Digital Evidence Management Unit will consult with the Municipal Counselor’s Office as needed.

Adopted 10/15

188.72  BWC Recordings Used for Training

If the department desires to utilize a body-worn camera recording for training purposes, the involved officer(s) shall be notified that the recording may be used for training purposes. After a meeting with the involved officer and his or her FOP representative, the Chief of Police or designee, shall review the recommendation and determine how best to utilize the body-worn camera recording considering the identity of the officer(s) involved, sensitivity of the incident and the benefit of utilizing the recording versus other means to accomplish the training objective.

188.73  Corrective Action/Discipline for Failure to Activate a Body-Worn Camera

If an officer fails to activate a body-worn camera in accordance with the requirements of this procedure, the following corrective actions/discipline will apply:

1. First failure to activate –Counseling;
2. Second failure to activate within 540 days of the first failure to activate-Class I Reprimand;
3. Third failure to activate within 540 days of the first failure to activate-Class II Reprimand;
4. Fourth failure to activate within 540 days of the first failure to activate-Class III Reprimand and other discipline; and the
5. Fifth failure to activate within 540 days of the first failure to activate will result in progressive discipline which may include termination.

After 540 days from the first failure to activate the body-worn camera, the time period for new corrective action/discipline will start over.

When there is clear evidence of an unexpected physical attack on the officer or another person and an immediate use of force is necessary to protect the officer or the other person, such evidence will be considered when evaluating the officer’s failure to activate the body-worn camera.

Any other violations of this procedure will be handled under the normal discipline process.
188.75   Annual Review

The Administration Bureau Deputy Chief is responsible for ensuring an annual review of the Body-Worn Camera Program.

188.80   Retention

All recordings will be categorized. If a recording is not categorized by the appropriate officer, the recording will remain in the “Uncategorized” file until it is properly categorized.

Recordings will initially be categorized in accordance with the following table:

<table>
<thead>
<tr>
<th>Retention Categories</th>
<th>Retention Time</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Function Tests</td>
<td>30 Days</td>
</tr>
<tr>
<td>Functions test conducted by an officer prior to beginning a shift or at any other time.</td>
<td></td>
</tr>
<tr>
<td><strong>2</strong> Investigative Detention (No Arrest or Citation)</td>
<td>60 Days</td>
</tr>
<tr>
<td>When an officer places a person under investigative detention for a short period of time, but ultimately releases the person and no citation is issued.</td>
<td></td>
</tr>
<tr>
<td><strong>3</strong> Protective Custody (PIA, EOD, Juvenile Transport/Custody)</td>
<td>1 Year</td>
</tr>
<tr>
<td>When an officer transports an adult to PIA or takes an adult/juvenile into protective custody under an EOD or transports a juvenile to a shelter or responsible person for release.</td>
<td></td>
</tr>
<tr>
<td><strong>4</strong> Traffic Stop and/or Collision Investigation (No Arrest/No Citation/Minor or No Injury)</td>
<td>1 Year</td>
</tr>
<tr>
<td>When an officer conducts a traffic stop where a citation is issued with no custodial arrest, or when an officer is working a motor vehicle collision involving no injury or minor injury and no custodial arrest is made and no citation is issued.</td>
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</tr>
<tr>
<td><strong>5</strong> Misdemeanor Arrest (Citizen’s Arrest/Warrant Arrest/PC Arrest) or an Investigation Involving a Misdemeanor Crime</td>
<td>1 Year</td>
</tr>
<tr>
<td>When an officer makes a misdemeanor arrest, regardless if the person is booked into jail, field released, etc., or when an officer is assigned to or responds to a misdemeanor crime investigation and conducts an interview, inventory, search, prepares a crime scene log, crime incident/supplemental report etc.</td>
<td></td>
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<tr>
<td>Administrative: Pursuits</td>
<td>4</td>
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<tr>
<td>--------------------------</td>
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</tr>
<tr>
<td>Administrative: Use of Force (No Injury/Minor Injury with or Without Hospitalization)</td>
<td>3 Years</td>
</tr>
<tr>
<td>Administrative: Collisions Involving Department Vehicles (No Injury/ Minor Injury with or without Hospitalization)</td>
<td>4</td>
</tr>
<tr>
<td>Administrative: Formal Complaints/Internal Investigations (Non-Criminal)</td>
<td>5</td>
</tr>
<tr>
<td>Felony Arrest (Citizen’s Arrest/Warrant Arrest/PC Arrest) or an Investigation Involving a Felony Crime (Except Homicide)</td>
<td>3 Years</td>
</tr>
<tr>
<td>Collision Investigation Involving a Fatality or Great Bodily Harm</td>
<td>5</td>
</tr>
<tr>
<td>Administrative: Open Records Release</td>
<td>3 Years</td>
</tr>
<tr>
<td>Administrative: Misdemeanor Warrant</td>
<td>6</td>
</tr>
<tr>
<td>Administrative: Felony Warrant</td>
<td>7 Years</td>
</tr>
<tr>
<td>Administrative: Criminal Investigation of a Department Employee Not Involving a Death</td>
<td>6</td>
</tr>
<tr>
<td>Pending Review by Supervisor</td>
<td>Until Reviewed</td>
</tr>
<tr>
<td>Homicide Arrest, Field Investigation, Interview, Inventory or Search, Etc.</td>
<td>Permanent</td>
</tr>
<tr>
<td>Administrative: Use of Force (Death or Serious Bodily Injury)</td>
<td></td>
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<tr>
<td>-------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>When an officer is involved in or witnesses a use of force involving death or serious bodily injury with or without hospitalization. This includes use of less lethal devices.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Administrative: Collisions Involving Department Vehicles (Death or Serious Bodily Injury)</th>
</tr>
</thead>
<tbody>
<tr>
<td>When an employee is involved in or witnesses a motor vehicle collision involving a department vehicle where death or serious bodily injury occurs.</td>
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<table>
<thead>
<tr>
<th>Administrative: Criminal Investigations of Department Personnel Involving a Death</th>
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</thead>
<tbody>
<tr>
<td>When a department employee is the subject of a criminal investigation involving a death.</td>
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<table>
<thead>
<tr>
<th>Administrative: Investigative Retention</th>
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<tbody>
<tr>
<td>When an investigator determines that a recording needs to be retained beyond the original retention period due to circumstances of the investigation.</td>
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</tbody>
</table>

If a recording can be categorized under multiple retention times, it will be marked for the longest retention category. The initial categorization may change for investigative or administrative reasons.