



**Covert
SOP 42-2**

**Number: 25-01-01
Subject: Body-Worn Cameras
Effective Date: January 29, 2016**

I. Purpose

Body worn-cameras are useful in documenting evidence; officer training; preventing and resolving complaints brought by members of the public; and strengthening police transparency, performance and accountability. In addition, given that police now operate in environments where anyone with a cellular telephone camera can record footage of police encounters, body-worn cameras help officers ensure events are captured from the officer's perspective.

This policy is intended to provide officers with instructions on when and how to use the cameras to document evidence for criminal investigations, administrative investigations, and civil litigation.

II. Policy

It is the policy of this department that officers shall activate the body-worn cameras 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.

III. Procedure

A. There are many situations where the activation of body-worn cameras is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions as outlined in this policy, investigators may activate the system any time they believe its use would be appropriate and/or valuable to document the incident.

Unless it is unsafe or impractical to do so, investigators shall activate their body-worn cameras prior to making citizen contacts in any of the following incidents:

1. Enforcement and investigative encounters where there is a reasonable suspicion the person is involved in criminal activity.
2. Service of search or arrest warrants.
3. Any citizen contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

During required activations, the recordings shall not be intentionally terminated until the conclusion of the encounter. If an officer fails to activate the body-worn camera, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.

B. Body-worn cameras shall not be used to record:

1. Conversations with supervisory personnel.
2. Conversations with fellow employees during routine, non-enforcement related activities.
3. Crime victims who are partially or completely unclothed.
4. Anything within public or private bathrooms and/or locker rooms unless those rooms contain crime scenes, and then great discretion shall be exercised.

C. Investigators shall inform persons that they are being recorded whenever possible if doing so does not interfere with the investigation or officer safety.

IV. Responsibilities

A. System Administrator

The System Administrator shall be designated by the Chain of Command and has oversight responsibilities to include, but not limited to, the following:

1. Inspecting all components of the body-worn camera system as part of the annual Self-Inspection.
2. Operation and user administration of the system.
3. Ensuring that all officers who utilize body-worn cameras and those who supervise them are trained on its use including instruction on of this policy.
4. Necessary updates to this policy, evaluation, and review.
5. Coordination with the system vendor and Information Technology Division regarding system related issues as needed.
6. Reviewing recordings to ensure they are properly categorized as evidence, training, use of force, officer injury, assist other agency, IA, or contact.

Recordings categorized as evidence, use of force, IA, and officer injury shall be securely maintained until the cases are adjudicated and pursuant to the record retention schedule.

Recordings categorized as assist other agency and contact shall be securely stored and maintained for time periods as determined by the system administrator as approved by the Investigative Lieutenant subject to the system's data storage capacity.

7. Ensure recordings are reviewed and released in accordance with federal, state, and local statutes and the agency retention policy.

B. Use of Digital Media Files By Supervisors

First line supervisors of investigators utilizing body-worn camera equipment will select, at random for review, digital media files of their subordinate investigators to assist them with quarterly reviews and annual performance evaluations. All other supervisors within the officer's chain of command may review video digital media files of their subordinate officers as needed.

1. At least one digital media file per officer will be reviewed by the immediate supervisor each calendar quarter. The quarterly review shall be performed as part of the quarterly line inspection and documented on form NSP 121 (Line Inspection Form).
2. The intent of this review is to assist with standard supervisory responsibilities. This is to be used in addition to field supervision time and aid the supervisor in documenting the annual evaluation.
3. If, during the course of a supervisor's review of a subordinate's digital media files, a violation of agency policy is observed, the supervisor will handle the violation in the appropriate manner.

C. Use of Digital Media Files For Training

Recorded audio/visual digital media files that contain material which is believed beneficial for the training of agency employees including recruit trainees may, with the Superintendent's approval, be utilized for training purposes.

D. Investigators utilizing body-worn cameras shall be responsible for the following:

1. Ensuring the battery is fully charged daily and operating properly.

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2. Immediately reporting unresolved equipment malfunctions/problems to the System Administrator.
3. Monitoring system effectiveness and making recommendations for operational improvement and policy revision.
4. Documenting the use of body-worn cameras on their investigative reports and forwarding those reports to the prosecuting attorney.
5. Once video is captured, officers shall identify recorded files by:
 - a. Noting the IR number in the Case ID Field.
 - b. Entering a title. The title should include sufficient information to identify the file, such as offense code, suspect name, location, event, etc.
 - c. Selecting the appropriate category(s).
 - d. The above mentioned information may be entered via agency owned hand held device, MDC, or computer work station utilizing the internet based storage system.

V. Operation

- A. Investigators shall test body-worn cameras prior to going into service and ensure the unit is properly charged. The security of the equipment assigned to an investigator will be the responsibility of the investigator. Proper care and maintenance shall be in compliance with the manufacturer's recommendations and as directed by agency

Policy 03-08 (Disciplinary Procedures-Code of Conduct) on the use and care of state property.

- B. Investigators shall position the camera on their person to facilitate optimum recording field of view.
- C. Investigators shall dock their issued camera for automated upload of data files to internet based storage system daily at the end of their shift. Body-worn camera data files shall be stored only on the servers of the internet based storage system.

VI. Review of Files

- A. Data captured by the body-worn cameras is the property of the State of Nebraska and shall be considered as evidence. All access to the internet based storage system is logged and subject to audit at any time. Access to system data is permitted on a right to know, need to know basis. Employees authorized under this policy may review video according to the provisions of this policy.

- B. Once uploaded to the server, investigators may view their own audio/video data (e.g. to verify an identification, a vehicle license number or to review an incident for statement accuracy) by logging onto the internet based storage system. The system automatically time/date stamps and records each access by officer name and IP address used.
- C. Reviewing a system file by anyone other than the case officer requires documenting the specific reason for access on the video file page in the "NOTES" field prior to viewing.
- D. An employee may review system files as it relates to:
 - 1. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports.
 - 2. Prior to courtroom testimony or for courtroom presentation.
 - 3. Providing a statement pursuant to an administrative inquiry, including officer involved shooting investigations.
 - 4. For training purposes.

VII. File Requests

A. Outside Law Enforcement Requests

Outside law enforcement agency requests for copies of system files, except for those received from the prosecuting attorney which may be provided by the case officer, shall be forwarded in writing to the System Administrator who shall cause the file to be located, copied and forwarded to the requestor if appropriate.

B. Non-Agency Requests

- 1. All other requests for a system file shall be accepted and processed in accordance with federal, state, local statutes and agency policy.
- 2. Public record inquiries and/or request shall be referred to the Legal division. Media requests shall be referred to the Public Information Officer.

C. Request for Deletion of Accidental Recording

In the event of an accidental activation of the system where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the file be deleted by submitting an email request to the Lieutenant with sufficient information to locate the file who

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then shall review the file, approve or deny the request, and forward to the System Administrator for action.

- D. Employees conducting criminal or internal investigations shall advise the System Administrator to restrict access/public disclosure of the system file in criminal or internal investigations, when necessary.

VIII. Repair Procedure

- A. Investigators shall immediately report any recognized problems with the system to their immediate supervisor.
- B. Upon notification, the supervisor shall contact the System Administrator or designee stating the problem or malfunction.
- C. The System Administrator or designee will report unresolved deficiencies to the vendor. A vendor representative will contact the System Administrator for resolution.