

BATON ROUGE POLICE DEPARTMENT

Intra-Divisional Procedure No. 502/15-1

Effective Date
04-23-2015

Revised Date
10-16-2019

Subject: Body Worn Cameras

Revised 10/8/19

DISCUSSION

The Baton Rouge Police Department is committed to the belief that body worn camera video recordings are an important and valuable tool for law enforcement. Body worn camera video recording is video/audio documentation of a police officer's investigative and enforcement activities. The use of body worn cameras is expected to promote officer safety, strengthen police accountability, enhance operational transparency, provide for more effective prosecution, and improve protection against false allegations of excessive use of force, misconduct, or racial profiling while protecting civil liberties and privacy interests.

The Department-wide Body Worn Camera (BWC) Program began on August 23, 2017 and is supported by funds from the City-Parish government and a Bureau of Justice Assistance (BJA) grant. The BWC Program, which includes the current policy, will be reviewed annually and revised based on new research and best practice recommendations.

In addition to input from officers across the Department, development of the BWC policy has been a collaborative effort between various community stakeholders, including elected officials, city/parish law enforcement, local advocacy groups, academic researchers, and members of the faith-based community.

The BWC policy is grounded in best practice recommendations put forth national experts, including, but not limited to, publications from BJA, Community Oriented Policing Services (COPS), and the International Association of Chiefs of Police (IACP).

BWC policies from other law enforcement agencies were examined prior to the development of the current BWC policy.

DEFINITIONS

Audio Recording: The electronic recording of conversation or other spoken words.

Body Worn Camera ("BWC"): A device worn by officers that captures and stores photo, audio, and/or video BWC systems include, at a minimum, a camera, microphone, and recorder.

CAD/RMS Integration: An add-on feature with the BWC vendor that integrates incident related data to BWC footage once it is stored on Evidence.com

Critical Incident: A critical incident is an event in which an officer uses force resulting in hospitalization or death, an officer intentionally shoots his or her gun at a person(s), an officer strikes someone in the head with an impact weapon (whether intentional or not), a police vehicle pursuit results in death or an injury of a person(s) requiring hospitalization, or an arrested or detained subject dies while in the custody of the Police Department.

Data Transfer: The secure and encrypted transfer of DME from the BWC to Evidence.com for storage

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Digital Media Evidence: Any photograph, audio recording, or video footage captured by the BWC.

Docking Station: Charges the BWC, uploads evidence, verifies data uploads, and deletes uploaded data from the camera

Evidence.com: Evidence.com is an encrypted cloud-based management system for storing, retrieving, and sharing DME. In addition to providing secure storage, the platform also provides for a digital audit trail documenting the identity of individuals who have accessed, viewed, copied, transmitted, redacted and/or deleted any BWC data and the date of such action

Mobile Video System Administrators: The Mobile Video / Mobile Data Division (MVMD), within the Operations Bureau, is responsible for maintaining all BWCs, related equipment, and DME. MVMD is also responsible for processing internal and external requests for DME, as well as audit trail documenting the identity of individuals who have accessed, viewed, copied, transmitted, redacted, and/or deleted any BWC data, and the date of such action.

Officer: Any sworn police officer employed by the Department, regardless of rank or position.

Sync Cable: A USB Cable that simultaneously recharges the BWC while uploading DME through a department issued networked computer to Evidence.com.

Tag/Category: A system of classification for retention and searching for DME.

Video Recording: The electronic recording of visual images with or without an audio component.

OBJECTIVES

- I. The Department has adopted the use of BWC technology to accomplish the following objectives:
 1. To promote officer safety;
 2. To document statements and events during the course of an incident;
 3. To enhance the law enforcement operator's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation;
 4. To preserve visual and audio information for use in current and future investigations;
 5. To provide an impartial measurement for self-critique and field evaluation during officer training.
 6. To enhance public trust by preserving factual representations of officer-citizen interactions in the form of DME.

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POLICY

- I. Every sworn officer employed by the Department shall be assigned a BWC;
- II. Every sworn officer will be trained in the proper operation of the BWC and related equipment;
- III. BWCs will be used to document events, capture DME, and evaluate officer performance;
- IV. Once captured, DME cannot be altered and will be preserved with multiple layers of encryption on a cloud-based storage system;
- V. DME may be duplicated for court, investigative, training, evidentiary purposes or other purposes authorized by the Chief of Police or his designee.

PROCEDURES

II. General Use of the BWC

- A. The BWC shall be worn on the outside of an officer's uniform, facing forward in such a manner to maximize the video capture angle and to prevent, to the extent possible, blockage of the camera by the uniform or equipment.
- B. When safe to activate, BWCs shall be utilized to record the following types of events:
 1. Traffic stops;
 2. Pursuits;
 3. Person and vehicle searches;
 4. Physical or verbal confrontations;
 5. Use of force incidents;
 6. All Calls for Service, including backup Officers;
 7. Any contact that becomes adversarial when the BWC had not previously been activated;
 8. Prisoner transport;
 9. Any other citizen contact or official duty circumstance at the officer's discretion.
- C. Officers will deploy their BWCs when such use is appropriate to the proper performance of duties, as soon as is practical and safe, and where the recordings are consistent with this and other BRPD policies.
- D. Officers shall inform citizens and other officers when they are being recorded, as soon as it is safe and practical to do so. Every attempt must be made to capture notifications on the recording.

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III. Data Transfer

- A. The BWC shall be placed in the docking station or connected to a networked computer via a sync cable for charging and uploading of BWC DME at the end of shift;
- B. Approval must be provided by an officer's supervisor in situations where it is not feasible to upload data at the end of a shift. In such situations, data must be uploaded at the beginning of the officers next scheduled shift. If video recordings are made while working an Overtime or an Extra Duty assignment, data must be uploaded at the beginning of the officers next scheduled shift;
- C. DME shall only be uploaded to Evidence.com.
- D. Data transfers will not be made over cellular data (i.e.: Aircards, modems, etc.) without permission from the Mobile Video System Administrators.

IV. DME Tagging

- A. A "RESTRICTED" tag/category may be given to DME to limit access or release of a recording.
 - 1. The Mobile Video System Administrators will review all restricted DME to ensure the rationale is consistent with Department guidelines, including, but not limited to the following:
 - a. Release of the DME would violate a person's reasonable expectation of privacy;
 - b. Release of the DME would identify a confidential informant;
 - c. Release of the DME would identify the victim of a sexual offense;
 - d. Release of the DME would identify an undercover police officer.
- B. A "CASES/Do Not Delete" tag/category shall be given to DME related to prosecutive and investigative cases.

V. DME Retention

- A. DME tagged/categorized as CASES will be maintained indefinitely and disposed of in accordance with the Louisiana Code of Evidence.
- B. DME not tagged/categorized as CASES will be maintained for a minimum period of three years before automatic deletion.

VI. Officer Responsibilities

- A. Officers shall wear a BWC when on duty handling calls for service, overtime, and extra duty assignments.

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- B. Officers are not required to wear a BWC while engaged in administrative or non-enforcement duties.
- C. Officers are only permitted to wear Department issued BWCs.
- D. BWCs shall only be assigned to one officer at a time. Only the officer assigned to a specific BWC may use that particular unit. BWCs shall not be used or shared by multiple officers.
- E. Officers shall inspect their BWC for proper functioning prior to going on duty. If a BWC is found to not be functioning properly, the officer should notify his or her supervisor immediately.
- F. Officers shall document in all required written reports whether BWC DME is or is not available for the incident.
- G. Officers will not be responsible for damage to a BWC while on duty if the damage occurred in the scope of his or her duties. Damage to a BWC or related equipment (such as a mount, sync cable, etc) will be reported to the officer's immediate supervisor as soon as possible. The Chief of Police will be informed through the chain of command.

VII. Supervisor Responsibilities

- A. Supervisors shall ensure officers utilizing BWCs adhere to established procedures, guidelines, and policies.
- B. At the start of each shift, supervisors shall ensure each officer has his or her assigned BWC and the device is operational.
- C. At the start of each shift, supervisors shall ensure each officer has conducted a BWC function check and reported any equipment issues.
- D. Supervisors shall ensure reported equipment issues are addressed.

VIII. Recording Guidelines

- A. Activation of the BWC will not be required while engaged in any of the following activities:
 - 1. While on break or otherwise engaged in personal non-enforcement activity;
 - 2. While discussing a criminal case or investigation with other officers or supervisors;
 - 3. While planning/conducting tactical/SWAT operations;
 - 4. While conducting dive team and/or boat rescue operations.

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- B. Activation of the BWC is **prohibited** during the following activities except under exigent circumstances, such as during in-progress enforcement actions, when DME would be material to a criminal investigation, or when a victim/witness has provided consent:
 - 1. While in the patient care area of a health care facility;
 - 2. While in the presence of a Confidential Informant (CI) or Undercover Officer (UC);
 - 3. While interviewing the victim of a sex crime;
 - 4. While in any magistrate's or judge's office;
 - 5. While in any courtroom;
 - 6. While having a discussion with attorneys, counselors, peer support, doctors, etc. related to case work;
 - 7. During Inter- or Intra- departmental, vendor, or public meetings;
 - 8. In a training environment, unless the training is specific to the use of the BWC;
 - 9. Personal conversations of or between department employees during non-enforcement activities without all parties' knowledge and consent;
 - 10. In restrooms, changing rooms, or any other place where there would be a reasonable expectation of privacy;
 - 11. While engaged in routine non-investigatory activities with the public in which no law enforcement action can be reasonably and imminently anticipated.

- C. Notes will be added to the associated report in instances where a BWC was activated for prohibited activities as defined in this policy. The officer will be responsible for documenting the exigent circumstances preceding activation.

- D. Once activated, BWCs shall not be deactivated until an event has concluded, with the following exceptions:
 - 1. An officer is ordered to deactivate his or her BWC by a supervisor;
 - 2. An officer enters a location or engages in an activity where policy has deemed recording prohibited;
 - 3. An officer enters a location or engages in an activity where policy has deemed recording not required;
 - 4. At an officer's discretion, a BWC may be deactivated if leaving the BWC activated would interfere with an investigation. For example, a victim or witness will not provide a statement on camera or if keeping the BWC activated would be inappropriate due to the victim or witness's physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault).

- E. Notes will be added to the associated report in instances where a BWC was deactivated prior to the conclusion of an event. The officer will be responsible for documenting his or her justification for deactivating the BWC.

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IX. Internal Review of BWC Recordings

- A. Officers may review DME on their cameras (via Axon View Application) prior to transferring DME to Evidence.com.
- B. Once uploaded to Evidence.com, DME shall only be viewed through evidence.com.
- C. Officers may review their own DME for training purposes, report writing, and incident recollection prior to a court appearance or internal investigation (unless the DME has not yet been transferred to Evidence.com as per Section VII-E of this policy).
- D. Supervisors shall conduct a quarterly review of at least three BWC recordings for each of their subordinates. The purpose of the quarterly review is to evaluate compliance with the current policy and other applicable directives.
 - 1. Supervisors shall complete a Quarterly Review Summary report for each officer under his or her command. The reports will be provided to the respective District Commander/ Division Commander.
 - 2. Based on recommendations from an officer's immediate supervisor, District or Division Commanders will forward identified training issues to the Training Coordinator.
- E. Internal Affairs may review DME as part of its investigative procedures, including but not limited to, critical incidents and civilian complaints against officers.
- F. Officers assigned to the Training Services Unit who wish to utilize DME for training purposes shall submit a request, in writing, to the Mobile Video System Administrators. Authorization to utilize DME for training purposes shall be given by the Chief of Police or his designee.

X. Critical Incidents

- A. A supervisor on the scene of a critical officer-involved incident will instruct the officer involved to turn off his or her BWC after the scene has been deemed secure.
- B. The supervisor will give a brief statement on camera for the reason the device is being deactivated.
- C. The Mobile Video System Administrators are responsible for going to the scene of a critical incident to secure the BWC.
- D. The supervisor will maintain possession of the BWC until it is turned over to the Mobile Video System Administrators for evidentiary purposes.

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E. The BWC will be secured by the Mobile Video System Administrators and immediate action will be taken to ensure the DME is uploaded to evidence.com in accordance with departmental procedures.

F. Officers involved in a critical incident shall not view their BWC DME prior to the DME being transferred to Evidence.com by the Mobile Video System Administrators.

XI. External Release of DME

A. Release of DME to prosecuting attorneys:

DME may be shared with the District Attorney's office or other law enforcement agencies as permitted by applicable local, state, and federal laws.

B. Release of DME to defense attorneys:

Defense attorneys may gain access to DME through the District Attorney's office, the discovery process, or a court ordered subpoena.

C. Release of DME to members of the public:

1. All Public Records requests shall be processed through the Legal Advisor.
2. Authorization to release DME to members of the public shall be given by the Chief of Police or his designee.

D. Applicable State Law

1. Public requests for the release of DME are governed by the Louisiana Public Records Act. As such, nothing in this policy shall be construed to affect the rights of the state under LRS 44:3.
2. In addition to applicable state laws and this policy, release of BWC DME to members of the public shall follow policies and procedures set forth in GO 147.
3. Louisiana Public Records Law (LSR 44:1 – 44.41) provides for release of public records by government agencies.
4. Pursuant to LSR 44:3, release of certain DME is not required, including but not limited to the following:
 - a. Pending criminal litigation;
 - b. Any criminal litigation which can be reasonably anticipated;
 - c. DME identifying a confidential informant;
 - d. DME identifying the victim of a sexual offense;
 - e. DME identifying an undercover police officer;
 - f. DME, of which the release would violate an individual's reasonable expectation of privacy.

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5. Pursuant to LSR 44:3-I, requests for BWC DME must be incident specific:

“All requests for production of video or audio recordings generated by law enforcement officer body-worn cameras shall be incident specific and shall include reasonable specificity as to the date, time, location, or persons involved. A request for multiple incidents shall include reasonable specificity as to the date, time, location, or persons involved in each incident requested. The custodian may deny a request not containing reasonable specificity.”

6. LSR 44:3 Items D and E provide for the sharing of information among law enforcement agencies:

“Nothing in this Section shall be construed to prevent any and all prosecutive, investigative, and law enforcement agencies and communications districts from having among themselves a free flow of information for the purpose of achieving coordinated and effective criminal justice.”

“Nothing in this Section shall be construed as forbidding the release of all or part of investigative files of fires classified as arson, incendiary, or suspicious unless, after consultation with the appropriate law enforcement agency, any sheriff, district attorney, or other law enforcement agency directs that the records not be disclosed because of pending or anticipated criminal adjudication.

E. Redaction of DME

1. The Mobile Video System Administrators shall review DME for content and redaction considerations prior to any public release of BWC files.
2. The Mobile Video System Administrators may redact video prior to any non-court ordered public release. DME Redaction may be made in whole or in part to protect the identity, privacy, and/or safety of any uninvolved person, undercover officer, potential witness, juveniles, HIPAA information, personal identifiers (DOB's, SSN's, etc.).
3. In the event DME is redacted, the original unredacted version of the DME will remain on Evidence.com.

F. Release and Redaction of Canine Involved DME

1. Prior to the release of any video involving canine deployment, the Commander of the Canine Division or their designee will review the DME in its entirety with the Legal Advisor.
2. In the cases of building searches, canine tracks, and felon stops, the Commander or their designee will move for all tactics, to include the planning phase, to be redacted prior to release. **Note: The release of said tactics would compromise officer safety gravely.**

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XII. Prohibited Activities

- A. Personnel are prohibited from accessing recorded data for personal use.
- B. Personnel shall not upload recorded data onto public or social media websites.
- C. Personnel shall not tamper with BWC equipment or settings, nor shall they copy, edit, or otherwise manipulate BWC data.
- D. Officers are not permitted to share DME with family members, friends, or other citizens not employed by the Department without authorization from the Chief of Police or his designee

XIII. Required Training

- A. All officers who are authorized to use BWC equipment must complete mandatory training provided by the Department to familiarize themselves with the BWC, related equipment, and departmental procedures prior to its use.
- B. Refresher trainings will be required yearly for all officers assigned a BWC.
- C. Refresher trainings will be conducted as needed due to software/equipment updates or if deemed necessary by Mobile Video System Administrators.
- D. Refresher trainings may be required, as needed, at the request of the Chief of Police or his designee.

XIV. Discipline

Officers not adhering to the guidelines set forth in this policy shall be subject to disciplinary procedures:

- A. First failure to activate BWC: Conference worksheet;
- B. Second and any subsequent failures to activate BWC: Category 2 violation as defined in GO 112;
- C. Any failure to activate BWC involving a critical incident as defined in GO 147: may be considered a category 3 violation as defined in GO 112.