



## DETROIT POLICE DEPARTMENT MANUAL

Series	Effective Date	Review Date	Directive Number
300 Support Services	TBD	Three Years	304.6
Chapter 304 - Training			
Reviewing Office Administrative Operations			<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised <small>Revisions in italics</small>
References <i>Michigan Law Enforcement Accreditation Commission</i> <i>3.5.5 Mobile Video Recorders</i>			

### BODY-WORN CAMERAS

#### 304.6 - 1 PURPOSE

The purpose of this *directive* is to establish guidelines and procedures governing the use of body-worn camera (BWC) system by department members and the preservation of the digital media created by such equipment.

#### 304.6 - 2 POLICY

*BWCs footage provides an unbiased record of events and interactions when a BWC is not activated or turned off, crucial evidence essential to an investigation or legal proceeding may be lost. This can hinder the ability to accurately assess the incident and may compromise the judicial process. These actions threaten the department's credibility and increase the likelihood of compromising the public's trust. As such, all members are required to utilize the BWC as prescribed in this directive. This includes those members who opt to work Secondary Employment assignments. All members mandated to utilize the BWC shall receive training on current laws, department policies and procedures, and proper use and care of the device.*

All data, images, video and metadata captured, recorded or otherwise produced, is the property of the Detroit Police Department and is subject to state and local law and city policies regarding retention of records.

#### 304.6 - 3 Procedure

##### 304.6 - 3.1 Assigning Body-Worn Cameras to Members *[MLEAC 3.5.5 b]*

1. At the beginning of each shift, *the member shall retrieve their assigned BWC from the docking station. The member shall ensure the BWC is fully operable and the battery is charged. Members assigned to a special event, detail or Secondary Employment, shall ensure they have their BWC for the event. Members shall not share or utilize other member's assigned BWC.*
2. When a BWC is determined to be damaged or inoperable, the member shall notify supervision and obtain an on-site temporary replacement. The reason for the use of a temporary BWC and the serial number of the BWC being utilized shall be documented on

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the member's Officer Daily. Supervision shall follow the reporting procedure set forth in the Supervisor's Responsibilities section of this directive as it relates to an inoperable BWC. The member's assigned BWC shall be returned to the docking station in the presence of a supervisor, to ensure any video not uploaded is completed.

#### **304.6 - 3.2 Body-Worn Camera Introductions** [MLEAC 3.5.5 b]

At the start of each shift, the member shall complete an on-duty introduction in the following fashion:

1. Each member shall dock their BWC in their assigned vehicle to sync with the in-car video system.
2. Upon completion of syncing, the member(s) shall make a verbal introduction while standing in front of their assigned vehicle with the in-car video camera facing toward them. The member(s) shall state the following:
  - a. Date and time of verbal introduction;
  - b. Name and badge number(s)
  - c. "Audio/visual check from scout [identify unit number] [identify vehicle code]."

The verbal introduction shall be labeled as "Introduction" on the BWC.

3. Members assigned a vehicle without an in-car video system, shall complete the verbal introduction with the BWC pointed toward the facial area. A declarative statement shall be made related to the lack of in-car video, in addition to the requirements under provision 2.
4. Members assigned to an administrative position in which the use of a BWC is required, shall complete the required BWC introduction to include assignment. The camera shall be pointed in the member's facial area when completing.
5. Members shall wear the BWC affixed to the center of the chest to ensure optimal capturing of recordings.
6. Members shall only use department-issued BWCs while on duty and assigned to Secondary Employment details.

#### **304.6 - 3.3 Activation of Body-Worn Cameras** [MLEAC 3.5.5 a]

Activation of the BWC shall take place prior to contact with involved individuals and/or prior to the event. The device shall remain on until all police action has ended or the citizen contact which necessitated police involvement ends (completion of interviews, while inside a crime scene, etc.). If circumstances prevented the member from recording at the start of an event, the member will begin the recording as soon as practical. All recordings shall be labeled on the BWC under the proper category.

Members shall check the life of the BWC battery throughout their tour of duty. Any battery reaching 20% shall be exchanged for a fully charged battery. The exchange of a new battery shall occur when the member is in available status. Members assigned to a stationary post or otherwise unable to obtain a new battery, shall notify dispatch of the need for a battery exchange. A supervisor may respond to the location to complete the battery exchange or upon proper relief, authorize the member to report to the appropriate command for a battery exchange.

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#### 304.6 - 3.4 Failure to Record Incidents [MLEAC 3.5.5 b]

1. If a member knowingly fails to activate their BWC, determines that the BWC failed to activate due to a technological malfunction, or the BWC recording was interrupted, the member shall document the occurrence on the Officer Daily *and any associated report*, providing a reason for the lack of recording.
2. A member who intentionally does not record an event or purposely de-activates their BWC without justification, shall be subject to disciplinary action, up to and including termination.
3. A member who negligently does not record an event or purposely de-activates their BWC without justification, may be subject to disciplinary action, up to and including termination.

#### 304.6 - 3.5 Instances that may cause a member to deactivate a Body-Worn Camera

In certain situations there may be cause for the deactivation of the BWC. Members shall use good judgement when determining to deactivate or continue recording an incident. The following are situations to consider:

1. An individual requests the deactivation and a member believes that the continuation of the recording may hinder the investigation.
2. A holding facility by another law enforcement agency or correctional facility's policy prohibits the use.
3. Areas in which there may be high expectations of privacy such as restrooms, health care facilities, unless for a law enforcement purpose where the information is material to a crime in progress or criminal investigation.

If a member makes a decision to deactivate the camera in the best interest of the investigation or in areas where prohibited, they shall record the reason for deactivation prior to shutting the camera off. If the request was made by an individual involved in the investigation, the individuals request shall be recorded. The member must document the reason for deactivation on the Office Daily and any associated report. Members shall not solicit a request to deactivate from any individual.

#### 304.6 - 3.6 Restricted Use of Body-Worn Cameras Involving Members

1. BWCs shall be utilized exclusively for recording activities directly related to official law enforcement duties. Members are strictly prohibited from using BWCs to record in the following situations:
  - a. Secretly recorded conversations that are casual, unrelated to police activities or not investigative in nature (i.e. casual "shop talk" conversations between members).
  - b. Performance of non-enforcement functions or administrative duties within a department facility, excluding administrative investigations or interviews.
  - c. Undercover members or confidential informants;
  - d. When on personal breaks and activities; and
  - e. Locations where department personnel have a reasonable expectation of privacy, including but not limited to hospital or emergency rooms, locker rooms, and restroom facilities.
2. If an activity or conversation is recorded that falls within one of the above-listed restrictions, the member shall notify a supervisor and document the notification on the Officer's Daily. The

**Commented [FT21]:** Molly asked if the highlighted words should be removed. Request to make the full paragraph into to two separate points.

supervisor shall immediately notify the officer in charge and take all necessary steps to ensure the recorded event is not repeated or played unless required by law

3. A member who has recorded or has knowledge of a recording that falls under this guideline and fails to follow the reporting guidelines may be subject to discipline.

#### **304.6 - 4 Use of Body-Worn Cameras by Members Assigned to Investigative Commands and Department Task Forces** [MLEAC 3.5.5 b]

1. Members assigned to the Precinct Detective Unit, department task force units, Major Crimes, and Organized Crime shall activate the BWC in the following situations:

- a. Executing a search warrant, arrest warrant, or when attempting to or effecting an arrest. After the location is secure, the arrest has been made, and all property has been secured, the BWC may be turned off. In each of these instances, the BWC shall be turned on upon arrival to the location or prior to contact with the potential arrestee.
- b. Canvasses related to an ongoing criminal investigations or active scene investigations/responses.

##### **304.6 - 4.1 Federal Task Force Body-Worn Camera Use, Prohibited Use, Exemption of Use, Storage, Retention, Dissemination and Expedited BWC Release**

BWC use, prohibited use or exemption of use, storage, retention, dissemination and expedited release of BWC footage associated to a federal task operation shall comply with U.S. Department of Justice Use of Body-Worn Cameras by Federally Deputized Task Force Officers policy and the current MOU.

To the extent there is a conflict between this section (304.6-4) and any other provision of this directive, this section controls.

#### **304.6 - 5 Use of Body-Worn Cameras for Members Assigned to Crime Scene Services** [MLEAC 3.5.5 b]

All Evidence Technicians, Forensic Technicians, and Forensic Technician Trainees are required to wear a BWC and activate them during the performance of their duties. The BWC shall remain activated the entire time these duties are performed. This includes, but is not limited to *processing all*:

- a. All crime scenes and crime scene follow-ups.
- b. Vehicles.
- c. Arrestees.
- d. Use of Force/Detainee Injury incidents and evidence pertaining to use of force.
- e. Living or deceased person(s) at any location, except where this violates hospital policies.
- f. Evidence.

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All technicians and technician trainees, are required to conduct on duty introductions in accordance with this policy whether assigned to a vehicle or garage duty.

### **304.6 - 6 Reporting**

1. The use of the BWC will be recorded in all *required* department reports. This notation of the use of the BWC does not replace the member's responsibility to fully complete departmental reports. *Members shall include any pertinent statements obtained by involved individuals and witnesses in the incident report.*
2. A member assigned to an *investigative unit* may not use "please see video" or any similar language on statement forms, *unless authorized by the commanding officer.*

### **304.6- 7 Supervisor's Responsibility** [MLEAC 3.5.5 c]

#### **304.6 – 7.1 Procedure for damages, Inoperable or Lost/Stolen Body-Worn Camera**

A shift supervisor shall ensure that all BWCs of working members are accounted for and fully operable at the beginning and end of each shift. The supervisor shall confirm that the member is in possession of their assigned BWC and not that of another member. All BWCs, not in use or no longer in use, shall be docked as soon as practical. The below procedure shall be followed when a BWC is discovered to be damaged, inoperable, or lost/stolen:

1. Assign the member a temporary on-site BWC;
2. Ensure the desk supervisor is notified and a blotter entry is made.
3. Notify the commanding officer, or in the absence of the commanding officer, the officer in charge of the unit to which the member is assigned.
4. Notify Communication Systems Unit (Lyndon Radio) of the status of the BWC and make arrangements for drop off of the BWC for repair or replacement.
5. When necessary, submit an Inter-Office Memorandum (DPD568) through channels to Office of Department of Financial Service, requesting a replacement. The supervisor completing the DPD568 shall indicate that an Investigation and Report is forthcoming.
6. A supervisor, designated by the command, shall complete an investigation and report to include any policies violations, and a recommendation. If it is determined that the member was negligent, they shall incur the cost of the BWC and associated equipment.

#### **304.6 - 7.2 Supervisory Reviews of Video**

1. Supervisors shall review audio/video of all incidents involving *injuries to a detainee or member, use of force, vehicle pursuits and external complaints.*
2. The reviewing supervisor shall document the results of the review in their investigative report of the incident, *if applicable*, and ensure the event is properly categorized.

#### **304.7 - 7.3 Random Reviews of Video**

1. *The Civil Rights Division or any commanding officer may assign any precinct or bureau specific videos for review as part of an audit. The command receiving the audit shall ensure all prescribed instructions are followed and the required report is submitted on or before the requested due date.*
2. *Each individual command may prescribe a random audio/video review auditing process in which supervision shall comply.*

#### **304.6 - 7.4 Professional Standards**

The Department reserves the right to make all video accessible to Professional Standards for any reason it deems necessary, including but not limited to random video review, review for criminal complaints, review for policy compliance and internal investigations.

#### **304.6 - 7.5 Office of the Chief Investigator**

The Department reserves the right to make all video and audio accessible to the Board of Police Commissioners consistent with their charter authority.

#### **304.6 - 8 Media Storage and Review** [MLEAC 3.5.5 d]

1. Media captured by the BWC shall be securely stored and maintained by the *department* or a third-party vendor, in *accordance* with the record retention policy.
2. All media captured by the BWC shall only be used for *administrative and* official department purposes.
3. Members may view captured footage for official duties including completion of department-mandated reports, except as provided in numbers 4 and 5.
4. *If a member's BWC video involves an officer-involved shooting or Category 1 use of force incident where disclosure would impede an ongoing investigation, the department may limit or restrict the member's review of the footage until the member has completed their incident report. If any material discrepancy are identified between the footage and a member's incident report, the member shall document the discrepancy for clarification.*
5. *Authorization to view another member's BWC footage related to an officer involved shooting or Category 1 use of force, will be determined on a case-by-case basis and at the discretion of the officer in charge of Professional Standards Bureau.*
6. *Unless otherwise required by law or this directive, members shall not alter, edit, erase, copy, duplicate, share or otherwise distribute any BWC information, images, sound, or content without the prior written approval of the Chief of Police or their designee.*

#### **304.6 - 9 Integrity Control Safeguards** [MLEAC 3.5.5 d]

1. All digital media collected using BWCs shall be subject to the same security and chain of custody restrictions as evidence and shall not be released to any other agency or individual without the written approval of the Chief of Police or Professional Standards.
  2. Access to stored recordings shall be limited to department members for administrative or law enforcement purposes only. The releasing of any media for any other purpose without authorization from the Chief of Police or Professional Standards is strictly prohibited and subject to disciplinary action.
  3. After adjudication, BWC recordings may be used in conjunction with Professional Education and Training to aid in the training of department members.
  4. Inappropriate and/or unauthorized use of BWCs include, but are not limited to the following:
    - a. Publishing the digital media on internet sources such as Facebook, YouTube, or any other social media, web hosting ,or internet sites;
    - b. Using a secondary recording device such as a phone to record media from the BWCs or any other source where captured media is stored; and
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- c. Allowing unauthorized personnel to view or listen to any portion of the digital media captured by any member's BWC.

### **304.6- 10 Records Retention** [MLEAC 3.5.5 e]

*To ensure compliance with MCL 780.316, all audio and video shall be retained indefinitely.*

#### **304.6 - 10.1 FOIA Requests**

1. *Any individual who wishes to submit a request under the Freedom of Information Act (FOIA), shall be directed to the City of Detroit website for procedures related to FOIA requests and the submission process.*
2. *If a member receives documents suggestive of a FOIA request, they shall forward the documents to the department's FOIA coordinator.*
3. *Members who have questions related to FOIA, shall contact the Legal Advisor through their command staff.*

#### **Related Policies**

##### **101.11 Records Retention Schedule**