

BOARD OF PUBLIC WORKS AND SAFETY AGENDA RESERVATION REQUEST

Date Submitted:	February 23, 2021	Meeting Date:	March 1, 2021
Contact Information:			
Requested by:	Chief Kirby Cochran		
On Behalf of Organization or Individual:		Police Department	
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Describe Request:			
BodyWorn Camera SOP			
List Supporting Documentation Provided:			
SOP			
Who will present the request?			
Name:	Chief Kirby Cochran	Telephone:	317-346-1101

The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:30 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.

FRANKLIN POLICE DEPARTMENT STANDARD OPERATING PROCEDURE NO. 03.11

Subject: Body Worn/ In-Car Camera System		References:
Special Instructions:		No. of pages: -8 -
Distribution: All Units	Effective Date:	Reevaluation Date:

3.11.1 PURPOSE

The Franklin Police Department has implemented a body worn and in-car camera program in an effort to increase officer and public safety, trust, accountability and transparency between the department and the community we serve. This procedural notice provides a framework for the use of the body worn and in-car system, the management of video evidence and practical operational requirements.

It is the purpose of this procedure to provide officers with general guidelines and not intended to describe every possible situation in which the body worn and in-car camera system must be used. However, officers should be aware that there are many situations and circumstances where use of body worn and in-car camera can be useful and should be used when in full uniform, on-duty and off-duty for the City of Franklin Police

3.11.2 DEFINITIONS

Action Zone – A user defined geographical area that is used to apply rules relating to the activation of a camera or the use of automated communication to and from the camera. Action zones are created using the **Avail Web** software.

Bluetooth Device - A device that resembles a watch that may be worn on the wrist, belt or carrier. This device provides for manual activation of the body worn device and status updates regarding battery life, storage and whether the device is in recording mode.

Avail Web – Web-based application that is used to provide visual representation and situational awareness to support the functionality of the body worn and in-car camera systems. This includes real-time mapping of devices, creation of action zones, live streaming, video management, redaction, cloud storage and more.

Body Worn Camera System – A smart mobile computing device capable of recording audio and video and providing complete situation awareness through the use of integrated GPS, accelerometer, WIFI and cellular communication. The body worn camera is designed to be integrated into the officer's uniform thereby eliminate the possibility of the device being dislodged. The device may be used to record interactions with citizens, investigative actions, traffic stops, custodial arrests or any other action taken by the officer. Reasons for recording may include training, evidentiary needs, incident documentation or other department-authorized purposes.

In-Car Camera System – A device capable of recording audio and video and providing

complete situation awareness through the use of integrated GPS, WIFI and cellular communication. The in-car camera is designed to be installed in a vehicle for forward viewing and rear seat recording. The device may be used to record interactions with citizens, investigative actions, traffic stops, custodial arrests, or any other action taken by the officer. Reasons for recording may include training, evidentiary needs, incident documentation, or other department authorized purposes.

Live-Stream – The activation of a body camera to be viewed in real-time as events are occurring. This is accomplished using **Avail Web** anywhere in the world that internet access is available, by authorized personnel

Off-Duty Employment – Any service rendered for which goods, services or pay are not received by the City of Franklin.

Officer Down Alert - An automated alert that is sent to all nearby officers and 911 Communications/Dispatch personnel indicating an officer is in a prone position for more than a predetermined amount of time. The alert is sent along with the officer's precise location and turn-by-turn directions to the downed officer's location. The involved-officer's body worn camera will automatically activate in this situation as well.

Smart Redaction – The automated process of blurring specific faces, objects or skin from video. The purpose is to address the need to protect the privacy of those outlined in applicable local, State and Federal laws.

3.11.3 POLICY

The use of a body worn and in-car video system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein, so as to maximize the effectiveness of in-car video systems. This includes, but is not limited to, the integrity of evidence and related video documentation.

3.11.4 PROCEDURE

I. Officer Operation Requirements

A. Officers should log on the body worn and in-car camera system operation in accordance with the manufacturer specifications and department training at the time they log on to their in-car laptop.

B. Body worn and in-car camera equipment testing includes:

1. Verifying that the audio/video recording device is functional from automated BodyWorn response;
2. Confirming the device has an adequate power supply;

3. Ensuring that the device is properly placed/affixed for optimal use;
4. Documenting officer information, if the system being used requires such; and
5. Depress the status button on the Bluetooth device (if being used).

C. At the end of the officer's shift, the body worn camera will be charged in accordance with manufacturer specifications and department training.

D. Anytime the body worn or in-car camera system is not functioning properly, it is to be removed from service and the appropriate system administrator shall be notified as soon as reasonably possible. The administrator will provide a replacement device.

E. Officers shall report to duty with a fully-charged body worn camera battery and ensure their body worn camera maintains operational battery levels throughout their shift by recharging the device periodically when activities allow.

II. Uploading and Storage

A. Uploading and storage of audio/video recordings is automated via cellular or WIFI connections and requires no human interaction. Video storage is cloud-based and is therefore immediately secured and accessible.

B. If an officer does not have cellular or WIFI connection within their assigned Department vehicle, the officer should attempt to bring the body worn device to Franklin Police Department Headquarters, or a designated WIFI spot, to connect to the Department WIFI prior to the end of his or her shift. It is recommended that officers periodically allow the device to connect to the WIFI throughout their assigned shift.

III. Activation of the Body Worn and In-Car Camera System

A. Generally, activation of the body worn and in-car camera device is automated and requires no human interaction. This is accomplished through either CAD integration or in-car triggers (light bar activation). Additionally, the body worn device is activated anytime an officer goes into the prone position for a set amount of time, begins running or draws his or her handgun.

B. Manual activation can be accomplished with a Bluetooth device. A Bluetooth device that resembles a watch worn on the officer. This device has buttons that will activate and deactivate the body worn camera.

C. Once activated, the body worn and in-car camera system should remain on until the incident that caused the activation has concluded. For purposes of this section, conclusion of

the incident occurs when: gathering of evidence or exchanges of communication related to law enforcement activities are concluded.

D. It is understood that not all incidents requiring an audio/video recording have a clear beginning or ending when the audio/video recording is no longer needed. Officers are expected to use discretion when activating and deactivating the body worn and/or in-car camera system.

E. If the recording is stopped by the officer during a case-related incident, the officer shall articulate in the incident report why the officer stopped the recording.

IV. Body Worn and In-Car Camera System Activation Recommendations

A. This procedural notice is not intended to describe every possible situation in which the body worn or in-car system may be used. In addition to the required situations listed below, the system may be activated any time the officer believes the recording would be appropriate and/or valuable to the individual officer or for the good of the department.

B. In some circumstances, it is not possible to capture clear and effective video of an incident due to the weather conditions or other environmental factors. However, audio portions can still be valuable evidence. Therefore, activation requirements are not affected by weather conditions or other factors that may impair the ability to capture and effective video.

C. The body worn and in-car system must be activated during all investigative or enforcement contacts, such as, but not limited to, any of the following incidents or situations:

1. Field contacts involving actual or potential criminal conduct within audio/video range;
 - a. Traffic Stops – including, but not limited to, traffic violations, DWI stops and all criminal interdiction stops
 - b. Priority responses
 - c. Vehicle pursuits
 - d. Suspicious vehicles
 - e. Custodial arrests
 - f. Vehicle searches
 - g. Physical or verbal confrontations or use of force
 - h. DUI investigations including standardized field sobriety test

- i. Any call for service involving a crime where the body worn and in-car camera system may aid in the apprehension and prosecution of a suspect
 - j. Any domestic related calls for service
- 2. Any self-initiated activity in which an officer would normally notify dispatch.
 - 3. Any contact with a person that becomes adversarial in nature, after initial contact is made in a situation that typically would not otherwise require recording; and
 - 4. Any other circumstances where the officer believes a recording of an incident would be appropriate or in the officer's best interest.
- D. Activation of the body worn or in-car system is not required during rest breaks or lunch periods, when the officer is on routine patrol or is out of service.
- E. Activation is required for all dispatched calls for service.

V. Prohibited Acts

- A. The body worn or in-car system will not be intentionally active or record conversations of fellow employees without their knowledge during routine and non-enforcement activities. Officers are prohibited from using department-issued portable recorders and recording media including body worn and in camera systems for personal use and are prohibited from making personal copies of recordings while on duty or while acting in an official capacity.
- B. The body worn and in-car camera will not be utilized or surreptitiously record conversations of employees nor shall recordings be used by any officer for the purpose of embarrassment, intimidation or ridicule. The body worn and in camera system may be used for investigation of official law enforcement duties.
- C. It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law non-related to a specific complaint or incident. Exception: supervisors are permitted to conduct random audit checks to ensure equipment functionality.
- D. The body worn and in camera system shall be used only in conjunction with official law enforcement duties and shall not generally be used to record:
- 1. Encounters with undercover officers or confidential informants unless authorized by the Investigations Commander;
 - 2. When on break or otherwise engaged in personal activities;
 - 3. In any location where individuals have a reasonable expectation of privacy such as

restroom or locker room; or

4. Within any courtroom unless authorized by the presiding judicial officer

VI. Cessation of Body Worn and In-Car Camera Recording

A. Once the body worn and/ or in-car camera system is activated, it should remain on until the incident has concluded. For purpose of this section, “conclusion of an incident” has occurred when arrests have been made, defendants have been transported to appropriate facility, evidence collected and/or witnesses and victims have been interviewed.

B. Recording may cease if an officer is simply waiting for a tow truck, waiting for a family member to arrive, or during an ongoing investigation in which the scene has been secured and is under control.

C. Officer shall document on camera the reason for concluding the recording.

VII. Classification and Retention of the Body Worn and In-Car Camera System Recordings

A. Classifications of video is vitally important and directly related to how long a video is retained by the department. Each classification is assigned a retention period that will trigger the deletion of a video once the time period is reached. These classifications also serve to assist in the location of the recording within **Avail Web**. Classification is accomplished in two ways:

1. Automated Classification – generally, videos initiated as a result of a dispatched call for service will be automatically classified as a result of CAD integration.

2. Manual Classification – videos that are initiated manually will need to be classified manually. This is accomplished by accessing the body worn/in-car camera application loaded directly on the body worn device, or by accessing the **Avail Web** application via in-car computer. In either case, classification is accomplished by selecting the appropriate classification from a drop-down menu.

B. All video/audio will be retained in an unaltered and unobscured condition for a minimum of one hundred and ninety (190) days, or in accordance with state records retention laws, after the date of recording except for longer periods as follows per IC. 5-14-3-5.3:

1. If a requestor notifies the department in writing not more than one hundred and eighty (180) days after the date of the recording that the recording is to be retained, the recording shall be retained for at least two (2) years after the date of recording.

2. If a formal or informal complaint is filed with the department regarding a law enforcement activity depicted in the recording not more than one hundred and eighty (180) days after the date of recording, the recording shall be retained for at least two (2)

years after the date of recording.

3. If a recording is used in a criminal, civil or administrative proceeding, the department shall retain the recording until final disposition of all appeals and order from the court; or

5. The department may retain a recording for training purposes for any length of time.

VIII. No Privacy Expectation

A. All recordings made by officers on any city or department issued device at any time and any recording made while acting in an official capacity of the department, regardless of the device it was made on, shall remain the property of the department. Officers shall have no expectation of privacy or ownership interest in the content of these recordings.

VIX. Review of Body Worn and In-Car Camera System Recordings

A. All body worn and in-car camera system recordings are property of the Franklin Police Department. Dissemination outside of the department is strictly prohibited, except to the extent permitted or required by law, and only with written authorization from the chief of police or designee, in consultation with the city/department legal.

B. Body worn and in-car camera recordings shall not be copied, photographed, "screen-shot" saved, recorded, video-taped by other devices, unless authorized by the chief of police, nor shall the recordings be reviewed by unauthorized personnel.

C. Body worn and in-car camera recordings may be reviewed in the following situations:

1. During preparation of reports, probable cause affidavits or statements
2. Supervisor investigation of a *specific* complaint on an officer assigned to that shift
3. By the user to assess proper functioning of body worn and in-car camera systems
4. By an authorized department investigator who is participating in an official investigation, such as a documented personnel complaint, administrative inquiry or criminal investigation
5. An officer who is captured on, or referenced in a video or audio recording may review and use the recording for any work-related purposes
6. By court order through proper process or with permission of the chief of police or the authorized designee
7. By media representatives through proper process or with permission of the chief of police or the authorized designee

8. By the Franklin Police Department certified instructors to assess its value for training purposes.

9. Pursuant to valid Freedom of Information Act (FOIA) or Indiana Access to Public Records Act (APRA) request as reviewed by City Legal

D. Recordings may be reviewed or shown for training purposes. If an officer involved in the video objects to the recording being shown, that officer may discuss his or her objection to the Command Staff (Chief, Deputy Chief or Captain) to determine if the training value outweighs the officer's objection. The chief of police will make the final decision.

E. In no event shall any recording be reviewed or shown for the purpose of ridicule or embarrassment to any officer, civilian employee or other person.

IX. Documenting Body Worn and In-Car Camera Use

A. Any incident that is recorded with either the video or audio system shall be documented in the officer's incident report.

X. Request for Body Worn and In-Car Camera Recordings

A. Upon proper request, a copy of the original recording will be made for use as authorized.

B. Fulfilling request for recordings may be accomplished in two (2) ways:

1. Sharing – The **Avail Web** software provides the ability to “share” a video through email for a specific period of time. This eliminated the need for “burned” copies and helps ensure the chain of custody and control of video.

2. Download – There may be times when a physical copy of the video is required. **Avail Web** also provides the ability to download an mp4 copy of the original video.

3. Redaction – As required by law, all body worn and in-car videos released will be redacted or blur the identity of those protected in accordance with the law, unless otherwise directed by a court order.

XI. Body Worn and In-Car Camera System Used as Evidence

A. Body worn and in-car camera recordings can be used in the prosecution of those who violate the law and to provide objective information concerning law enforcement/citizen contacts.

B. Recordings containing evidence collected during an investigation that may lead to litigation of any type, shall remain under the control of the department.

1. The body worn and in-car camera itself is not evidence; the recordings they collect are evidence.

2. The recording is immediately transmitted to the cloud via the RocketIoT.

3. Any release of video for evidence must be obtained by the system administrators.

C. In the event an officer wearing a body worn camera is involved in an officer involved shooting or other significant event, the following procedure will be followed:

1. Once the scene is stabilized, the incident commander at the scene will determine when and if the officer(s) need to deactivate the device.

2. With the exception of the public safety statement, an officer wearing a body worn camera involved in an officer involved shooting or critical incident event will **not** be interviewed until after the camera has been deactivated.

XII. Critical Incident Management

The body worn and in-car camera system provides a number of situation awareness capabilities that greatly enhance the ability of officers, supervisors and incident commanders to manage critical incidents. Officers and supervisors are encouraged to take advantage of these capabilities.

A. GPS and Real-Time Mapping – The **Avail Web** application can be used to see where all officers are located at any given moment. Incident commanders and personnel in Communications/ Dispatch should use this capability to manage perimeter coverage and manage human assets at the scene of critical incidents.

B. Action Zones – Should be used to facilitate the following:

1. Activation of body worn and in-car camera devices entering the Action Zone

2. The mass dissemination of data such as BOLO's, mugshots, warrant information and voice alerts to officers within the Action Zone

C. Live Video Streaming – Incident commanders and command staff may remotely start any or all body worn devices and view the video in real-time from any location that internet connectivity is available. This can be particularly useful in monitoring high risk warrant services and SWAT operations.

1. The live video will **only** be deployed with the officer's knowledge; and

2. With articulable cause, such as officer safety or tactical/operational purposes