

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 3 - LAW ENFORCEMENT
GENERAL ORDER

May 7, 2018
INDEX NO. 3.25

ON-OFFICER BODY CAMERA

I. PURPOSE

The purpose of this General Order is to define and establish operational and submission standards for On-Officer Body Cameras.

II. DEFINITIONS

- A. *On-Officer Body Camera* - An on-officer body camera is an audio / visual recording system worn and used by officers to document law enforcement related incidents.
- B. *Event Mode* - When the on-officer body camera is recording audio and video.
- C. *Normal (Buffering) Mode* - When turned on, the on-officer body camera continuously loops video recording for up to 30 seconds before the camera is placed in Event Mode. Records video only (no audio) while buffering. The camera does not buffer when turned off.
- D. *Evidentiary Video* - Evidentiary video involves footage of an incident or encounter that could prove useful for investigative purposes, such as a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter with a member of the public.
- E. *Non-Evidentiary Video* - Non-evidentiary video involves footage that does not necessarily have value to aid in an investigation or prosecution, such as footage of an incident or encounter that does not lead to an arrest or citation or of general activities that an officer might perform while on duty (e.g., assisting a motorist or clearing a roadway).

III. OPERATIONAL STANDARDS

- A. Only Department issued on-officer cameras are authorized for use.
- B. The on-officer body camera will be assigned to and maintained by the individual officer.
- C. Officers will inspect the on-officer body camera for any physical damage and ensure the device is in working order at the beginning of their shift.

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- D. Unless articulable exigent circumstances exist, officers will place the on-body camera in the Event Mode as soon as practical during a given situation.
- E. Officers shall submit a memorandum to their respective lieutenant explaining the circumstances regarding a camera not being placed in the event mode.
- F. On-officer body camera recordings will be used for official Department purposes only.
- G. The on-officer body camera will be placed on the body of an officer in a location that maximizes the camera's recording angle and limits potential obstructions to the camera's angle of view.
- H. Officers shall be permitted to disable or cover the blinking LED for operational safety considerations so as to limit the officer's exposure or visibility. This may be done at the beginning of each shift as long as the officer is able to verify at the beginning of the shift that the modes are operating in accordance with the manufacturer's specifications.
- I. Failure to comply with these standards will result in either additional training or disciplinary action.

IV. USE STANDARDS

- A. Unless articulable exigent circumstances exist, officers will activate the on-officer body camera for the following, but not limited to, events:
 - 1. Traffic stops
 - 2. Emergency responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests and transports
 - 6. Vehicle searches
 - 7. Consent to search
 - 8. Physical or verbal confrontations or response to resistance
 - 9. Pedestrian checks / Terry Stops
 - 10. OWI investigations including field sobriety tests
 - 11. Statements made by individuals in the course of an investigation or complaint
 - 12. Advisement of Miranda Rights
 - 13. Seizure of evidence
 - 14. All search warrants

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15. On all calls for service
- B. The camera will be activated by the officer as soon as practical after being dispatched to a call for service, but must be activated prior to the officer arriving at the location of the call.
 - C. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
 - D. Any other legitimate law enforcement contact where the officer believes that a recording of an incident would be appropriate. In exercising this discretion, officers should be aware of and sensitive to civilians' reasonable privacy expectations
 - E. The on-officer body camera may not be used for the purpose of intimidating an individual or to discourage an individual from observing law enforcement activity, making appropriate inquiries of an officer, or making a complaint.
 - F. Officers may happen upon a situation requiring immediate action to prevent injury, destruction of evidence, or escape. In these situations, officers should activate the recorder if doing so does not place them or others in danger. Otherwise they shall activate the camera at the first available opportunity when the immediate threat has been addressed. The officer will document the reasons for the delayed activation in their incident report.
 - G. Officers are encouraged to advise individuals that the interaction is being recorded. However, if the officer believes it is in the best interest of the officer, department or individual not to make such a notification then the notification does not need to be made (such notifications have been known to aggravated people who are intoxicated etc.).
 - H. Once on, officers will continue to record until the completion of the event or they have left the scene, except for instances outlined in this General Order. The mute button will not be utilized except for instances where it would be authorized to deactivate the on-officer body camera.
 - I. Additional arriving units to a scene assigned an on-officer body camera will begin recording as soon as practical, and continue to record until the completion of the event, or they have left the scene (this includes the recording of statements).

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- J. Consideration may be given when an individual requests not to be recorded. An on-duty supervisor will be contacted when an individual requests not to be recorded.
 - K. If during the course of an investigation it becomes necessary to deactivate an on-officer body camera, the officer will verbally explain the reason for termination of the video to their direct supervisor.
 - L. Officers may use media captured via the on-officer body camera to assist with the investigation and completion of reports.
 - M. Media captured via the on-officer body camera may be used by supervisors for training purposes, with authorization from the Public Safety Director or their designee.
 - N. A supervisor may review specific on-officer body camera media or data for the purpose of performance review, critique, early intervention inquiries, civil claims and administrative inquiry. Routine audits of recording devices shall be used for maintenance and training purposes only and not for discipline, absent additional corroborating evidence or civilian complaint.
 - O. Field Training Officers may use media captured via an on-officer body camera to provide immediate training to Officers in Training and to assist with the completion of the Daily Observation Report (DOR).
 - P. Officers will be given an opportunity to view the media captured via the on-officer body camera after any incident involving deadly force or serious response to resistance before giving a statement for any internal or criminal investigation.
 - Q. Community Policing Officers (COPS) and School Resource Officers (SROs), when not on patrol, are exempt from these use standards. COPS and SROs will only activate the on-officer body camera during enforcement activities or any other legitimate law enforcement contact where they believe that the recording of an incident would be of value.
- V. RESTRICTIONS**
- A. Officers shall not make surreptitious recordings of conversations with other department members except:
 - 1. When necessary in a criminal investigation; or

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2. Unless approved by the Public Safety Director or their designee.
- B. The on-officer body camera will not be intentionally activated to record conversation(s) of fellow employees with or without their knowledge during routine, non-enforcement related activities.
- C. Officers will advise other department members and / or other criminal justice entities (prosecutors, judges, other agencies) or fire personnel when an on-officer camera is recording.
- D. Do not record:
 1. Report writing
 2. Discussing a case with other officers
 3. During administrative functions
 4. During general discussions with other employees
- E. The on-officer body camera will not be activated in places where a reasonable expectation of privacy exists, such as locker rooms or restrooms.
- F. Officers shall not record confidential informants or undercover officers.
- G. Officers are prohibited from copying or releasing on-officer body camera recordings unless authorized by the Public Safety Director or their designee.
- H. Dissemination of information will be:
 1. For law enforcement purposes only
 2. For official department purposes when authorized by the Public Safety Director or their designee
- I. Officers shall not make copies of any on-officer body camera recordings for their personal use.
- J. Unauthorized use or dissemination of information / recordings may result in disciplinary action up to and including discharge.
- K. The on-officer body cameras shall not be used for the purpose of conducting Departmental administrative investigations. However, this requirement shall not restrict internal investigators' access to or review of camera recordings when investigating complaints of misconduct.

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- L. The Department shall not solicit citizen complaints. If an officer self-reports minor violations of policy and no citizen complaint is received, the Department shall not take disciplinary action against the officer.

VI. MEDIA STORAGE

- A. All on-officer body camera recordings shall initially be retained and considered as potential evidence.
- B. Videos shall be classified as either evidentiary or non-evidentiary.
- C. At the end of a shift, officers shall place the camera into the docking station.
 - 1. Do not remove the camera from the docking station until the data is uploaded and the battery is fully charged.
 - 2. This clears the memory of existing data.
 - 3. The uploaded data is considered evidence.
 - 4. Once the data is uploaded in its entirety, officers will tag the segments as either evidentiary or non-evidentiary. Evidentiary video will be labeled with a SRMS complaint number.
- D. Officers will be responsible for tagging and categorizing their videos before the completion of their shift.
- E. All videos must be categorized under one category. If two or more categories could apply to one video, the more serious category with the longest retention period shall be selected.
- F. Evidentiary copies of on-officer body camera digital media can be obtained from the cloud based server where the media is stored.
- G. Officers shall not erase, alter or tamper with any camera or collected data.
- H. Officers requesting a file to be deleted will submit a memorandum of explanation to their respective lieutenant.
 - 1. The affected lieutenant will make a determination and forward the memorandum to the department program administrator to complete the request.
 - 2. These memorandums will be retained by the department program administrator.

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VII. CATEGORIES AND RETENTION SCHEDULE

- A. Uncategorized
 - 1. All videos that have not been categorized will fall under this category.
 - 2. The retention for uncategorized video is 180 days.

- B. Civil
 - 1. This category is for natural deaths, suicides, falls on city property, standbys, or any other non-criminal event that does not fall under any other category.
 - 2. The retention for this category is 3 years.

- C. Domestic Violence
 - 1. This category is for all misdemeanor and felony domestic violence incidents.
 - 2. The retention for this category is 5 years.

- D. Felony
 - 1. This category is for all felony complaints, with or without an arrest, that do not classify as a serious violent felony (see VII. J.). This would include warrant arrests on original BCDPS felony complaints.
 - 2. The retention for this category is 7 years.

- E. Field Interviews / Citizen Contacts
 - 1. This category is for all field interviews, citizen contacts and any other non-evidentiary video that does not fall under any other category.
 - 2. The retention for this category is 60 days.

- F. Misdemeanor
 - 1. This category is for all misdemeanor complaints, with or without an arrest, that do not classify under any other more specific category. This would include warrant arrests on original BCDPS misdemeanor complaints.
 - 2. The retention for this category is 5 years.

- G. Missing Person / Runaway
 - 1. This category is for all missing persons and runaways and will remain in this category until the person or juvenile reported missing is found.
 - 2. The retention for this category is indefinite and the video will remain until manually deleted.

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- H. OWI / OWID / Driving Impaired
 - 1. This category is for all misdemeanor and felony OWI / OWID / Driving Impaired incidents.
 - 2. The retention for this category is 5 years.

- I. Pending Review
 - 1. Any video that is corrupted will fall under this category until it can be retrieved and re-categorized.
 - 2. The retention for this category is indefinite and the video will remain until manually deleted.

- J. Serious Violent Felony
 - 1. This category is for CSC, kidnapping, murder, assault with intent to cause great bodily harm, and lethal force incidents.
 - 2. The retention for this category is indefinite and the video will remain until manually deleted.

- K. Traffic Investigations
 - 1. This category is for all P.D.A. and P.I. investigations.
 - 2. The retention for this category is 3 years.

- L. Traffic Stops
 - 1. This category is for all traffic stops resulting in a civil infraction citation or a verbal warning.
 - 2. The retention for this category is 90 days.

- M. Warrant Arrests
 - 1. This category is for all warrant arrests that do not result from an original BCDPS complaint and that do not fall under another more appropriate category.
 - 2. The retention for this category is 3 years.

- N. Citizen Complaints / Internal Investigations
 - 1. This category is for all incidents that result in a citizen complaint or an internal investigation.
 - 2. The retention for this category will be the conclusion of any ongoing criminal investigation, internal investigation, criminal prosecution or civil action or 3 years, whichever is longer.

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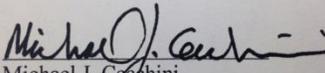
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VIII. DOCUMENTATION AND REPORTING

- A. When the on-officer body camera is used in any investigation or during police contact, this fact will be documented on any citation and / or report prepared regarding this contact.
- B. When preparing an incident report, supplemental report, citation, or field interview entry, in connection with an investigation or police event, the following details of the recording shall be included in that report, citation or field interview:
 - 1. An indication that a recording was made
 - 2. The date and time of the recording
 - 3. The person(s) recorded
 - 4. The reason for the recording (i.e.: traffic stop, criminal investigation, field contact, etc.)
- C. Video recordings are intended to supplement departmental reports. Submitted reports are still required to comprehensively capture the totality of the event.

VIII. RETENTION AND PUBLIC RELEASE

- A. On-officer body camera recordings captured as part of an officer's duties shall be the property of the Bay City Department of Public Safety and be considered a record of the Bay City Department of Public Safety.
- B. The release of information requested through a Freedom of Information Act request will be subject to the same statutory exemptions from disclosure as any other department records.
- C. Prior to releasing any on-officer body camera recordings, proper redactions will be completed.

By order of:

Michael J. Cecchini
Public Safety Director