

Chattanooga Police Department - Policy Manual
OPS-63 DIGITAL RECORDING SYSTEMS

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PURPOSE

The purpose of this manual order is to establish policy and procedure for the deployment, utilization, and inspection of the Digital Recording System (DRS); to include the Body Worn Mobile Video/Audio Recording Camera and the In-car Video/Audio Recording Camera systems. DRS refers to all portable video/audio recording devices capable of being worn on or about the officer's person or mounted or affixed to a police vehicle. Further, this manual order will establish policy and procedure for the distribution, maintenance, collection and storage of recordings captured by the DRS system. Public Safety Cameras are addressed in Policy ADM-46 Public Safety Cameras.

A primary mandate of any law enforcement organization is the lawful collection, maintenance, and utilization of evidence. Current electronic technology provides law enforcement authorities the ability to collect audio and visual evidence in a fairly routine manner. Along with the 'technical ability' there is the responsibility to lawfully, ethically, and efficiently manage the use of the technology. The concept of managing not only encompasses the technical aspects of the device being utilized, but the secure and methodical control of the evidence obtained as a result of its usage.

The Chattanooga Police Department will utilize DRS to promote transparency and accountability for officers and the community through objective evidence. The use of a DRS can provide an unbiased - although limited - audio/video recording of events employees encounter and assist in providing transparency of and accountability for such events. These recordings may also be useful for documentation of evidence, preparation of offense reports, and future court testimony. These recordings can also protect employees from false allegations of misconduct and may be of use for debriefing incidents, evaluating employee performance and/or conduct, and for training. DRS have been shown to promote more productive and less antagonistic encounters between law enforcement and the public when all parties are aware that a DRS is present and recording. **[41.3.8. a]**

I. GENERAL USE AND OPERATION

A. TRAINING AND AUTHORIZATION FOR USE [41.3.8.f]

1. Members of the Chattanooga Police Department shall complete an approved training curriculum prior to deploying a Digital Recording System. Training shall consist of, at a minimum:
 - a) Successfully completing a course of instruction from CPD Training Staff which covers the technical operation of the equipment and current CPD policy pertaining to the equipment, and
 - b) Exhibit, to the satisfaction of the training staff, competency with the equipment and a thorough understanding of the CPD policy governing the use of the equipment.
2. All supervisors of personnel who may be assigned a DRS shall be trained in the following:
 - a) general functionality of the device,
 - b) policy for use of the DRS,
 - c) general maintenance and inspection of equipment, and
 - d) Review of videos.
3. Any member of the Chattanooga Police Department who has completed the prescribed training curriculum is authorized to deploy a DRS for any legitimate law enforcement purpose consistent with this policy.

B. SAFETY

Nothing in this policy should place the acquisition of a recording ahead of the safety of the public or the officer utilizing the DRS. An officer should never choose his or her positioning based on obtaining a DRS recording if it would sacrifice the safety of the officer or others. There may be instances in which an officer is required to take immediate action to an event which occurs in their presence, and the safety of themselves or others may not allow time to activate the DRS. In those situations, it may be impractical and/or unreasonable to expect employees to activate their DRS system before taking police action. If time, circumstances, or other factors preclude the immediate initiation of the DRS system, its use should be initiated as soon as reasonably safe to do so, and an explanation for its delay should be clearly articulated in an incident report and to the Officer's immediate supervisor.

C. DEPLOYMENT, INSPECTION, AND MAINTENANCE

1. Digital Recording Systems (DRS) shall be assigned, to CPD Officers who are assigned to the Neighborhood Policing Bureau and engage in routine patrol or call response assignments. All Officers must successfully complete required training prior to being assigned a digital recording system. Officers that are assigned a DRS must utilize them at all times when in uniform and/or functioning in a law enforcement capacity. Additionally, (and as available), DRS may be issued to Officers not assigned to Neighborhood Services Bureau and who have successfully completed required training where operational assignment would benefit from the use of a DRS.
2. Each officer who is assigned a DRS is responsible for inspecting the DRS-equipment at the beginning of each shift to ensure the equipment is operating properly. The initial inspection shall include a brief video/audio recording of the officer speaking clearly and normally while providing the current date and time of the inspection. The condition of the equipment must be noted on the officer's Daily Activity Log. If the officer detects or suspects the equipment is not working properly at any time, the officer shall immediately notify his/her immediate supervisor by e-mail and copy Technical Services Personnel. The equipment will be noted as "Off-Line" until proper repairs or maintenance can be conducted to bring the equipment back into service. All maintenance will be performed in accordance with equipment manufacturer guidelines and only by authorized technicians. **[41.3.8. b]**
3. Officers shall make sure the body worn camera DRS is sufficiently charged and available at all times. It will be the responsibility of each Sector/Zone commander to monitor their assigned body worn camera DRS charging stations for proper function. Malfunctions of body worn camera DRS charging stations shall be reported to the Technical Services Unit immediately. The officer shall also make sure that sufficiently charged batteries of the appropriate type are in the remote audio transmitter, receiver and antenna unit of the in-car video-audio DRS. **[41.3.8 b]**
4. While on-duty and utilizing DRS equipment, officers shall, at all times, maintain DRS equipment in a record/standby mode so long as they are on duty and there is the potential for citizen contact.
5. Unless otherwise authorized in writing by the Chief of Police, body worn camera DRS will be worn and utilized consistent with training and manufacturer's recommendations, in regard to fields of view and officer safety.
6. Personally owned DRS are only permitted for use by employees if the employee is not issued a DRS by the department, and receives approval through the chain of command to the Assistant Chief of the officer's Bureau. Officers may only utilize personally owned equipment that is capable of complying with all aspects of this policy, and the officer must comply with all aspects of this policy. Data from personal DRS devices shall be extracted and stored by the Crime Scene Unit, in accordance with evidence procedures.

7. The officer may at his/her discretion record any activities or events that the officer deems necessary for the completion of the law enforcement mission. However, there are certain events and activities that the officer SHALL record as follows: when handling or seizing money, drugs or property from a subject; all traffic stops, arrests, prisoner transports, pursuits, any emergency driving, field interviews, fights, disorders, riots/unruly crowds/protests, crimes in progress whether the officer is the primary officer involved or is the backup unit during any of the aforementioned activities or events. The only acceptable exceptions to this requirement will be the technical limitations of the DRS equipment or the presence of an imminent and aggravated physical threat or hazard wherein the safety of the officer might be jeopardized by taking time to activate the recording system. Failure to activate the equipment as required above shall be documented in writing with a detailed explanation for the failure to record. Failure to record when required by this manual order shall be subject to review by the chain-of-command and to possible disciplinary action. As used in this paragraph, "emergency driving" means operation of a vehicle with blue lights and/or siren in operation. **[41.3.8a]**
8. Unless otherwise authorized in writing by the Chief of Police, all in-car digital cameras and all related hardware and software shall be installed in a uniform manner, consistent with vehicle and equipment limitations. Due to limited emergency lighting applications for "slick top" vehicles, camera installation and activation may be modified to meet the particular needs of those vehicles. No officer may authorize or request any modification to such installation, hardware, software, or operating system settings except through the officer's chain-of-command.
9. Monthly line inspections, completed in accordance with ADM-42 Line Inspections (Sect. IV.M), will test the equipment for activation by vehicle triggering, i.e. opening doors, emergency equipment activation etc.

D. REQUIRED RECORDING SITUATIONS **[41.3.8. c]**

The following requirements and prohibitions should always be secondary to officer's safety and situational awareness as well as the safety of the community. Prohibited recordings will be handled by redaction software when the video is released as outlined in Section II.D.8 of this policy. Recording too much should not be a distracting concern for officers. Officers that are issued a DRS are required to activate and record every call/officer involved incident or assistance rendered as required by extra jobs. All units responding to any scene or incident shall activate their DRS equipment no later than when they:

1. Arrive on scene for any call for service (dispatched, requested by another officer, self-initiated, or any other manner), or
2. Are attempting to detain or arrest a person, or
3. Are likely, by the nature of the incident or call for service, to detain or arrest a person, or
4. Have detained or arrested a person, or
5. Any consensual contact in which the officer has a law enforcement purpose, or
6. Any consensual contact in which the officer or a citizen believes activation of the DRS would be in the best interest of the community, or
7. During any investigative stop or other investigatory encounter involving a member of the public.
8. During Emergency Vehicle Operation the in-car video-audio DRS must be activated.

NOTE: In some circumstances, it may not be possible to capture images of an incident or of an entire incident due to environmental conditions, the location of the officer, the location of the camera, or other factors; however, the audio portion can be valuable evidence and is subject to the same activation requirements.

E. REQUIRED RECORDING PROCEDURES [41.3.8. b]

The DRS system shall remain in use until the conclusion of officer-citizen contact or until the officer is relieved of responsibility for the incident (e.g., CSU takes over crime scene). The Officer has the discretion to continue recording if he feels the situation or nature of the incident requires it. If a technical limitation (lack of storage capacity, malfunction of equipment, etc.) prevents use in accordance with policy it should be documented consistent with this policy and immediately reported to the officer's supervisor.

1. Officers are encouraged to verbally notify citizens when any DRS recording is being made.
2. If any community member requests that an officer deactivate their DRS, the officer will explain CPD Policy requires the camera to be activated and recording until the conclusion of the incident or until no further law enforcement action is necessary. The officer should also explain that DRS technology exists to assist with ensuring the privacy of their home through technological redaction.
3. In rare circumstances, at the request of a victim, officers may choose to discontinue a recording during a non-confrontational encounter for the purposes of ensuring privacy and developing rapport when attempting to obtain an interview or statement from a victim or witness of domestic violence and/or sexual assault. Additionally, an officer may discontinue recording of any citizen seeking to anonymously report information, or otherwise assist in an investigation, which would not be provided if anonymity is not afforded. Officers are strongly encouraged to record all interviews for evidentiary purposes; however, the need for privacy in certain circumstances and locations and the need to obtain a statement should be taken into consideration. It is important for the officer to recall, and explain to the victim/witness, that DRS technology allows for significant redaction to protect privacy. If a decision to discontinue recording as specifically allowed by this section is made, the existing reasons for such action shall be articulated on the recording before it is discontinued and in the related incident report.
4. Any incident recorded with DRS shall be documented in the officer's incident report. If a citation is issued, a notation shall be placed on citation record that incident was recorded.
5. Employees shall NOT:
 - a. Bypass or attempt to override the equipment
 - b. Erase, alter, or delete any recording produced by the DRS
6. Failure to activate the equipment as required by this policy shall be documented in writing with a detailed explanation for the failure to record. Failure to record when required by this manual order shall be subject to review by the chain-of-command and/or Internal Affairs. The accidental failure to record shall be classified as an Improper Procedure violation. A deliberate or negligent violation of this policy requirement shall be considered a Negligence violation. A deliberate or negligent violation of this policy's requirement to record during an incident in which force, including deadly force, is reasonably likely to be used is considered a Missing Property/Evidence violation. A second or subsequent deliberate or negligent violation of this policy's requirement to record during an incident in which force, including deadly force, is reasonably likely to be used shall be reviewed as a possible Unbecoming Conduct offense. Any attempt to bypass or attempt to override the equipment or to erase, alter, or delete any recording produced by the DRS may be subject to disciplinary review as Unbecoming Conduct.

F. RESTRICTIONS ON ACTIVATION OF BWC RECORDING SYSTEM [41.3.8. b]

The following requirements and prohibitions should always be secondary to officer's safety and situational awareness as well as the safety of the community. Prohibited recordings will be handled by redaction software when the video is released by as outlined in Section II.D.8 of this policy. Recording too much should not be a distracting concern for officers. Recording activation on every call/ officer involved incidents or officer assistance in extra job duties shall be required.

The DRS shall only be activated for law enforcement purposes. To aid in the protection of privacy, officers shall make every reasonable effort not to record:

1. While on a restroom break officers should turn off the body worn camera DRS or at a minimum secure the body worn camera DRS in their pocket, but they must re-attach body worn camera DRS and restore back to normal operating condition upon returning to active patrol status.
2. While planning/conducting formal tactical SWAT operations
3. While in presence of a Confidential Informant (CI) or Undercover Officer (UC) while working in an undercover capacity.
4. While in any magistrate's or judge's office or in any courtroom except under exigent circumstances; i.e. violent disorder, witness intimidation.
5. While having discussion with attorneys, counselors, peer support, doctors, etc. related to case work
6. During any work-related meetings with other employees without their knowledge during non-enforcement activities; i.e. counseling sessions, FTO debriefs
7. Any personal conversations of or between department employees without all parties' knowledge during non-enforcement activities
8. During departmental, supervisory, or public meetings
9. While engaged in routine non-investigatory activities with the public in which no law enforcement action can be reasonably and imminently anticipated
10. While In classroom or when in a testing environment

NOTE: It is understood there may be occasions in which this policy requires activating DRS recording (e.g. a call for service) during which one of the above events (discussing a criminal case) may occur. Additionally, it is understood that some of the above situations (e.g., public meeting) may evolve into a situation where recording is required (e.g., likely to arrest a person or situation becomes adversarial). In such cases, the requirements to record override this section's prohibition on recording. In such cases, privacy will be protected by post-recording redaction as necessary.

G. DRS EQUIPMENT INSPECTIONS AND CAPTURED DATA REVIEWS [41.3.8.c, e, g]

1. All DRS equipment shall be inspected by the shift sergeant during routine inspection of officers and other issued equipment as set forth within the CPD Policy ADM-42 INSPECTIONS. Furthermore, the equipment is subject to random inspection by a supervisor at any time.
2. Supervisors shall conduct a review of employees' DRS Captured Data on a quarterly basis to ensure DRS are being used in compliance with this policy.
 - a) DRS Supervisor Review will begin with selecting an event or events for which DRS recording is required by this policy then, at a minimum, researching if such a recording was made, tagged, reported, and stored in accordance with this policy.
 - b) DRS Supervisor Reviews will review at least two incidents per DRS equipment issued to officer (BWC and In-car for 4 total incidents) for each employee each calendar quarter.
 - c) DRS Supervisor Reviews will be documented electronically and delivered to the Unit Commander within two weeks of the end of each calendar quarter.

3. DRS recordings may only be reviewed:

- a) By the employee to make sure DRS is working,
- b) By the employee to assist with writing a report, supplement, memorandum, or prior to making a statement about an incident,
- c) By persons authorized for the purpose of reviewing evidence,
- d) By a supervisor conducting a required Captured Data Supervisor Review,
- e) By a supervisor investigating employee misconduct,
- f) By authorized department personnel participating in official investigation, such as personnel complaint, administrative inquiry, or criminal investigation with approval of the commander of the unit conducting the investigation or approval of the Chief of Police,
- g) By any person captured on a recording of an incident with approval of the Chief of Police or his/her designee, or
- h) Only Digital Recordings approved by the Training Division may be utilized for training purposes.
- i) By any person with approval of the Chief of Police or his/her designee, and the District Attorney General.

H. DRS DOWNLOAD AND RECORDING CLASSIFICATION

1. Officers shall ensure all DRS recordings are downloaded within 2 hours of completion of their tour of duty unless approved for each specific instance by a supervisor in advance.
2. Officers will follow the specific downloading procedures in accordance with the DRS manufacturers' instructions.
3. Officers shall ensure all DRS recordings are accurately classified at the conclusion of each incident. All recordings (except those classified as "Non-Event") shall include, at a minimum, the incident number, date, time, location of incident, identity of officer using DRS, and any additional information or notes useful to the incident. Officers shall ensure all DRS videos are tagged as NON-EVENT, LIMITED, INTERMEDIATE, or EXTENDED. These classifications are individually described in detail below:

NON-EVENT generally refers to a DRS recording which meets the following criteria:

- a. no investigatory stop or other investigatory or law enforcement encounter is made,
- b. does not include any call for service,
- c. no person has been detained or arrested,
- d. no enforcement action occurred, and
- e. no known or possible evidence to a specific and known crime is captured, or
- f. unintentionally captured in conflict with Section F. "RESTRICTIONS ON RECORDING"

In addition, this category includes any video that was recorded accidentally or unintentionally and not required by this policy and/or video that recorded any inappropriate or non-law enforcement activities (e.g., bathroom breaks, employment conversations). To protect the privacy of all individuals involved, NON-EVENT recordings shall not be retained.

LIMITED refers to a DRS recording that meets any the following criteria:

- a. Device Tests
- b. Potential Training Material
- c. Recordings where classification is unknown and supervisory review is necessary. In such cases, the officer shall notify their immediate supervisor before the end of their shift and a supervisor shall review and classify the video before the end of the next regularly scheduled tour of duty. In no event shall the recommendation occur later than 7 calendar days from the initial recording.

INTERMEDIATE refers to a DRS recording of any law enforcement activity or activities in which activation of the DRS is required by this policy according to the following criteria:

- a. On scene for any call for service (dispatched, requested by another officer, self-initiated, or any other manner),
- b. An investigatory stop or other investigatory encounter,
- c. Are attempting to detain or arrest a person,
- d. Are likely, by the nature of the incident or call for service, to detain or arrest a person,
- e. Have detained or arrested a person,
- f. Any consensual contact in which the officer has a law enforcement purpose, or
- g. Any consensual contact in which the officer or a citizen believes activation of the BWC would be in the best interest of the community.

Examples of INTERMEDIATE recordings include, but are not limited to Calls for Service, Traffic Stops, Subject Stops, Field Interviews, Foot Pursuits, and Warrant Services.

EXTENDED refers to a DRS recording that meets all of the criteria of INTERMEDIATE recordings and, additionally, any one or more of the following criteria:

- a. Officer involved shootings
- b. Murder
- c. Use of Force
- d. Complaint
- e. Vehicle Pursuit
- f. Traffic Fatality
- g. Felony Investigation and/or Felony Arrest
- h. In-custody death
- i. Injury to Suspect
- j. Non-homicide death
- k. Any video flagged by a CPD supervisor or higher rank or City Attorney's Office for longer retention because retention would be in the best interest of the community and/or the Department

If at any time the DRS equipment records an incident/event/occurrence which is deemed as a major case by the officer, an investigator, or a supervisor, that recording shall immediately be handled as any other piece of evidence pertaining to that particular investigative case file. Examples: death investigations whether homicide or accidental, vehicle crashes wherein police pursuit was involved, shootings, any other felony crimes in-progress or any other incident/event/occurrence so deemed by the Officers, investigator or a supervisor.

I. PROHIBITIONS ON USE OF DRS RECORDINGS [41.3.8. c]

1. DRS recordings shall not be viewed, shown, or used to intentionally ridicule or embarrass any employee or community member.
2. Employees shall not obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information obtained by a DRS. This includes, but is not limited, to photographing or recording the captured images with another device such as a cell phone.
3. In no event shall any employee post any image or sound collected from DRS to social media without prior express approval of the Communications Coordinator or the Chief of Police.

II. STORAGE, RETENTION, ACCESS, AND SECURITY [41.3.8 d]

A. STORAGE

DRS data shall be stored on a secure electronic storage system as approved by the City of Chattanooga IT department. The vendor selection for data storage shall be conducted according to established City of Chattanooga IT contract guidelines.

B. RETENTION

Digital media shall be maintained on a vendor provided storage system according to the following schedule:

1. NON-EVENT- For privacy purposes, NON-EVENT recordings are not retained
2. LIMITED- At least 90 days
3. INTERMEDIATE- At least 24 months
4. EXTENDED- Indefinitely, but no less than 36 months

C. ACCESS

Access to recordings is limited to those individuals with authorization set out in Section I.G, above.

D. SECURITY

1. DRS media and all copies or distributions of media SHALL be used for official CPD business only.
2. The preferred distribution of DRS recordings will be via an on-line link to the cloud-based data storage. Only authorized personnel are allowed to forward links to such recordings. Hard copies of DRS recordings will not normally be made unless the person requesting to view the recording is authorized to view the recording and does not have access to view the recording by other means. Recordings released to the public shall be done in accordance with ADM-13 Communications Office and ADM-34 Department Records. Recordings released for official law enforcement use will only be released with the authorization of the case agent or the case agent's chain-of-command. [41.3.8. c]
3. Officers will share the video with the District Attorney General's Office after classification and downloading.
4. Copying to portable media of any authorized recording may be allowed for dissemination by the Public Information Officer, for criminal or civil court proceedings, for internal investigations, for training purposes, or for any other purpose with approval of the Chief of Police. A written request to copy and distribute a DRS recording shall be filed electronically by the requesting Officer, agent, sector/section head, or any lawfully authorized entity. That request shall be routed to and through the chain-of-command of the Crime Scene Unit. That request shall include the need for copying, the number of copies to be made and the distribution list of said copies. Non-departmental public request will be handled in accordance with the State of Tennessee and federal Freedom of Information Act requirements and available through the City of Chattanooga website[41.3.8. c]
5. Once a recording is made, the recording shall not be edited, recorded over or altered in any way except as authorized by policy for redaction purposes. Any unauthorized and intentional altering of recordings may result in administrative and/or criminal action.
6. Only the Crime Scene Unit may perform redactions, duplication and disposal of digital media in accordance with Property/Evidence procedures (see OPS-17 Property and Evidence OPS-52 Digital Evidence).

7. Prior to the disposal of any recording retained for court or investigative purposes, the Officer(s) shall contact the District Attorney's Office and/or the City Attorney's Office to determine the status of any case in which the recording has evidentiary value. The Officer shall obtain written documentation from the District Attorney and/or City Attorney that the recording is no longer needed and that it is permissible to destroy. This documentation shall be maintained by the Property Section in accordance with OPS-17, for a period of not less than three (3) years. **[41.3.8. d]**
8. Redaction software shall be used to obscure personally identifiable images/information which may cause a person's individual security to be endangered, or when significant privacy issues exist. Privacy issues include, but are not limited to, interiors of private residences, visual identification of certain crime victims, and juveniles. Redaction shall be done in a manner which does not intentionally degrade the ability of a viewer to fully and accurately comprehend the circumstances of the events captured on the BWC recording. The CPD Communications Office shall obtain written documentation from the District Attorney and/or City Attorney that recordings may be made available for public release after redaction processing by the Crime Scene Unit. **[41.3.8. c]**



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