



DIRECTIVE 401.26	TOLEDO POLICE DEPARTMENT		
EFFECTIVE September 1, 2015	STANDARD OPERATING GUIDELINES		
	CHIEF OF POLICE:		
REVISED January 4, 2019	PART:	OPERATIONS	PAGES 6
	CHAPTER:	PATROL OPERATIONS	
RESCINDS February 13, 2018	BODY WORN VIDEO CAMERA SYSTEM		

I POLICY

In order to increase transparency and officer safety, the Toledo Police Department equips officers with body worn cameras (BWCs) to capture both video and audio recordings of citizen interactions. The recordings serve to document officer/civilian contacts, arrests, and critical incidents as well as enhance accuracy of reports and court testimony.

II PROCEDURES

1 GENERAL GUIDELINES

- 1.1 The BWC is considered personal equipment and is the responsibility of the officer to whom it is issued. Only officers who have completed approved training shall be issued a BWC.
 - 1.1.1 The BWC will be part of the department annual equipment inventory that is conducted in April.
- 1.2 Officers issued a BWC shall wear the device at all times while on-duty and while working off-duty in a law enforcement capacity.
- 1.3 Officers issued a BWC shall record the following while on-duty and while working off-duty in a law enforcement capacity:
 - All motor vehicle stops
 - Investigative stops of pedestrians
 - Dispatched calls for service involving interaction with citizens
 - On-view incidents requiring enforcement activity and/or major incidents where evidentiary video may be captured (i.e., potentially fatal or fatal accidents, structure fires, homicide or shooting scenes, etc.)
 - Suspect and witness statements/interviews
 - Foot and vehicle pursuits
 - 1.3.1 These requirements apply to all officers that arrive on the scene of one of the above listed incidents regardless of when they arrive or if they were dispatched to the incident.
- 1.4 Officers may record other incidents they feel may be of importance (i.e., erratic driving, suspicious activity, conditions at a crime or accident scene, etc.).
- 1.5 Supervisors believing that a recorded incident may have administrative or investigatory value shall notify their district commander as soon as practical.
- 1.6 Officers shall wear only department issued BWCs. BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the department.

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- 1.7 Video recordings generated by the department are subject to public records law. Public records requests shall be handled according to procedures in DIRECTIVE 302.1/2.1 – RELEASE OF DEPARTMENT RECORDS.
- 1.8 Officers are authorized to view recordings captured on their BWCs for official purposes (i.e., preparing a report, court room preparation, training, furtherance of an ongoing investigation, etc.).
- 1.9 Except with the prior approval of the chief of police or to satisfy a public records request, no BWC recording, disk, file, or copy thereof shall be shown or released to an outside individual or entity.

2 **START-OF-SHIFT INSPECTION**

Prior to the beginning of a shift, officers who have been issued a BWC shall:

- (a) Inspect the BWC system for physical damage and immediately notify a supervisor if damage is discovered.
- (b) Affix the BWC on the outer most garment of the uniform and position it vertically at, or slightly above the shirt pockets.
- (c) Prior to the beginning of the officer's shift, the officer shall conduct a test recording. During the test, the officer shall state his name, id number, and the date. The officer shall note the following when starting a recording:
 - The BWC should vibrate once, say "Recording" and the red status LED light should start flashing, indicating that the recording successfully initiated. The status LED light will continue to flash red while recording is in progress and the BWC will beep every 90 seconds as a reminder that the BWC is recording.
- (d) After recording the required statement, the officer shall stop the recording.
 - The BWC should vibrate, and the red status LED light should stop flashing, indicating that the recording has stopped. The BWC will then say "Stop Recording- Categorize." The officer will then select one of the category presets and within five seconds needs to press the center button to confirm the category. The BWC will beep three times if the video was not categorized. The uncategorized classification will be saved as a test.

3 **RECORDING INCIDENTS**

While recording an incident, officers shall:

- 3.1 Ensure the BWC is recording until the incident is complete, except as noted in 3.3 of this section.
- 3.2 Inform those who ask that the audio/video recording equipment is actively recording.
- 3.3 When entering a private home or building where consent of the owner or person with authority to consent to the entrance is required **and that person expressly declines** to permit video and/or audio recording inside the home or building, the officer shall terminate the recording. Depending on the circumstances, the officer may request the citizen to step outside if they wish to continue the recording
 - 3.3.1 This will **NOT** apply when consent to enter the private home or building is not required, or when it is no longer required once inside the home/building. This includes entrances related to a search warrant, arrest warrant, domestic violence calls, and emergency or exigent circumstances.
- 3.4 In the event that a recording is suspended, terminated, or interrupted prior to the conclusion of an incident, the officer shall record the reason on the BWC before

deactivation and, if a report is generated for the incident, the reason shall also be documented in the narrative of the report.

- 3.5 Moved to Directive 401.26/1.3.1 GENERAL GUIDELINES.
- 3.6 Immediately contact a supervisor when experiencing recording problems, or when the body camera is full.
- 3.7 Requests for deletion of portions of a recording (i.e., an accidental personal recording) must be submitted on a REQUEST FOR VIDEO DELETION FORM (TPD FORM 23.28) and approved by the chief of police or his designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.

4 RECORDING INCIDENTS; TRANSPORTS

- 4.1 When transporting detainees or citizens and the In-Car Camera System is unavailable for any reason, the BWC shall be activated.
- 4.2 Officers may activate their BWC in addition to the In-Car Camera if they so choose.
 - 4.2.1 Once the officer has reached their destination with the detainee or citizen, the officer shall activate the BWC and record the citizen's or detainee's release from the vehicle or wagon and the escort of the citizen or detainee to the final point of destination, detention, or medical treatment.

5 RECORDING INCIDENTS; RESTRICTIONS

BWCs shall only be used in conjunction with official law enforcement duties. The BWC camera shall not generally be used to record:

- 5.1 Communications with other police personnel or duties outside of official law enforcement business, unless permission has been granted by the chief of police.
- 5.2 Encounters with undercover officers or confidential informants.
- 5.3 In any location where individuals have a reasonable expectation of privacy (i.e., restroom, locker room, etc.).
- 5.4 In all medical settings when medical issues for a subject are being discussed that fall under HIPPA laws.
- 5.5 Once officers have entered Lucas County Corrections Center, after securing their weapons.

6 RECORDING INCIDENTS; EXCEPTIONS

Officer safety and the furtherance of police-community relationships are paramount. If there is a question of when to record, officers should record. However, officers are allowed some discretion with regard to recording encounters.

- 6.1 Situations in which activating the camera would be unsafe, impossible, or impractical. A description of the reason why the body camera was not activated shall be recorded on any generated report.
- 6.2 Informal, non-law enforcement related interactions with members of the community (i.e. a citizen asking for directions or just having a chat with a citizen).
- 6.3 If an informal interaction with a citizen begins to escalate, the officer shall activate the body camera if able to do so safely.

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7 POST RECORDING

When an incident has concluded, the BWC should be deactivated.

7.1 If a report for an incident is generated and the BWC recorded the incident, the narrative portion of the report shall document BWC usage.

7.2 If a traffic stop is conducted and a citation issued, and the BWC recorded the incident, the usage of the BWC shall be documented in the affidavit portion inside the citation.

7.3 If a suspect stop is conducted and the BWC recorded the incident, the usage of the body camera shall be documented in the comments section of the FIELD INTERVIEW REPORT (TPD FORM 57.1).

7.4 Removed

8 END OF SHIFT

At the end of an officer's shift, the officer shall:

(a) Ensure that their BWC is charged and ready for their next workday.

(b) Removed

9 CLASSIFICATION OF VIDEO

The video from the BWC shall be classified for the purpose of record retention and ease of locating. Officers shall categorize the BWC video recording at the end of an incident. BWC recordings, by default, are classified as uncategorized and will be saved as a test video. The BWC recording shall be classified by selecting from the following:

(a) Traffic Stop

(b) Arrest/Evidence

(c) Removed

(d) Suspect

(e) Transport

10 SUPERVISORS; RESPONSIBILITIES

10.1 DAMAGE TO BODY WORN VIDEO CAMERAS

10.1.1 The supervisor shall document all problems with the BWC via a Help Desk Ticket on the TPD Intranet. This report shall be completed immediately and contain the details of the problem, the name of the officer reporting the problem, and the date/time it was reported.

10.1.2 In the event that the BWC was damaged, an UNUSUAL INCIDENT REPORT (TPD FORM 40.0) shall also be completed by the referring supervisor. This report shall be completed immediately and contain the details of the damage, the names of the officers reporting the damage, and the date/time it was reported. The Unusual Incident report shall be forwarded to the Technical Services Unit commander, the district commander and the Support and Administrative Services Division commander.

10.1.3 Any BWC lost, while in the officer's possession shall fall under Department Manual 303.2/6.3 OFFICIAL EQUIPMENT; LOST, DAMAGED, OR STOLEN. Officers shall be personally responsible for the care and security of their BWC. If an officer's issued BWC suffers irreparable harm, is stolen, or is lost due to the officer's negligence, the officer shall pay the replacement cost of the equipment. Additionally, if negligence is found, the officer could face disciplinary action.

10.2 PURSUITS

- 10.2.1 All BWC recordings shall be reviewed and utilized as part of any vehicle pursuit investigation.
- 10.2.2 Supervisors shall document in the narrative of the VEHICLE PURSUIT FORM (TPD FORM 40.1) if a BWC was activated during the incident as required.
- 10.2.3 Officers shall categorize pursuits as Arrest/Evidence. Supervisors will need to change the category from Arrest/Evidence to Pursuits when they review the video in the GETAC viewer.

10.3 ACTION RESPONSE

- 10.3.1 All BWC recordings shall be reviewed and utilized as part of any action response investigation for report accuracy.

10.4 CRITICAL INCIDENTS

- 10.4.1 If an officer is involved in a critical incident, the supervisor shall take possession of the BWC as soon as practical, ensure it is uploaded to the server, classify it as Arrest/Evidence, and document it in a supplemental report.

10.5 DOCKING/UPLOADING

- 10.5.1 At the beginning of an officer's shift, the officers shall ensure that their BWC is placed in the docking cradle for video uploading.
- 10.5.2 If an officer is involved in a critical incident (use of force, pursuit, officer involved shooting, etc.) a supervisor shall ensure that every involved officer's BWC is placed in the docking cradle for video uploading prior to the end of their shift.

10.6 Combined with Directive 401.26/10.7 SUPERVISORY REVIEW – COMPLIANCE WITH POLICY AND PROCEDURES.

10.7 SUPERVISORY REVIEW - COMPLIANCE WITH POLICY AND PROCEDURES

- 10.7.1 Supervisors are permitted to review footage to ensure compliance with the BWC policy and procedures. This includes, but is not limited to the following:
 - When officers are the subject of a complaint or a pattern of allegations of misconduct.
 - Evidence/Investigatory in nature
 - Training issues
 - Public records requests
 - When officers are in their probationary period or with a field training officer
 - As a condition of an Early Intervention System (EIS) Plan of Action the review shall be documented on the monthly EARLY INTERVENTION SYSTEM STATUS REPORT (TPD FORM 12.60) (See Directive 103.11/7.2.1 PLAN OF ACTION AND SPECIAL PROVISIONS) and on the VIDEO REVIEW LOG (TPD FORM 23.29).
- 10.7.2 Removed

10.8 QUARTERLY AUDITS BY ACCREDITATION UNIT

- 10.8.1 A supervisor from the Accreditation Unit shall randomly review a minimum of five recordings quarterly to ensure compliance with departmental policies and procedures. The review shall be recorded on the VIDEO REVIEW LOG and stored in the Planning and Research Section.

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11 EVIDENTIARY HANDLING

When a significant event is recorded on a BWC, officers shall upload the BWC as soon as practicable.

11.1 When it is determined that a recorded incident may be of evidentiary value, officers shall log into the *Getac Viewer* and classify the video as “*Arrest/Evidence.*”

11.2 Removed

11.3 Removed

11.4 DVD video transfers shall be requested via a TOLEDO POLICE VIDEO OFFICE WORK ORDER (TPD FORM 31.13), and shall include the incident’s date, time, and involved officer(s). The form shall then be forwarded to the Video Unit for processing.

11.5 Unauthorized copying of any video segment from a BWC is prohibited. The Video Office shall perform all video analysis and/or duplication services. Requests for all video analysis and/or duplication services shall be made by utilizing the TOLEDO POLICE VIDEO OFFICE WORK ORDER.

12 MAINTENANCE; SECURITY

12.1 Digital recordings shall be retained according to the following schedule:

- Recordings classified as a test will be retained for 60 days.
- Recordings classified as a traffic stop, suspect stop, or a transport will be retained for one year.
- Recordings classified as arrest/evidence, pursuit or interview will be retained for three years.

12.2 Officer access to BWC recordings shall be obtained through the GETAC *logon* icon located on the TPD Intranet. Officers shall use their user name and password for access to the GETAC video system.