

# *Las Vegas Metropolitan Police Department*

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### **5/210.01 BODY WORN CAMERAS**

Section 1	Body Worn Camera (BWC) Use
Section 2	Supervisor Responsibilities
Section 3	Video Access and Review
Section 4	Data Storage and Security
Section 5	Labeling and Retention Periods
Section 6	Compliance Reporting

Body worn cameras (BWC) are a valuable tool for promoting professionalism, public trust, and transparency in policing by recording citizen contacts with officers. BWCs are also effective in capturing video and audio evidence for use in criminal prosecutions and internal investigations. In its utilization of BWCs, the Department respects the legitimate privacy interests of citizens.

#### **Section 1 BODY WORN CAMERA USE**

The Digital Technology Section (DTS) is responsible for the management of LVMPD's BWC program. The Supply Section issues BWCs to all regularly assigned uniformed members of the Department and any employee who transfers or is promoted to another assignment based on a TPAN which requires the employee to wear a BWC. DSD's Administrative Operations Bureau (AOB)-Supply Section issues BWCs to select assignments within DSD. Newly issued cameras must be linked in Evidence.com with an assigned officer. Upon separation from the Department or leaving an assignment where a camera is mandatory, the camera will be immediately returned to the Supply Section (or AOB-Supply Section for DSD assignments).

#### **CAMERA OPERATOR RESPONSIBILITIES**

1. Officers will not use personally owned video recording devices and will only utilize their assigned BWC.
2. Officers must be trained prior to use. All training related to BWCs will be developed and conducted jointly by the Systems Administration Unit (SAU) and the Organizational Development Bureau (ODB).
3. Officers and supervisors assigned a BWC will wear the device while in uniform.
  - a. The BWCs will be worn on the collar, epaulette, eyewear, or head mount as instructed during BWC training.
  - b. Officers will wear their BWC on the non-weapon bearing shoulder to allow for firing a long gun (shotgun or rifle). This will ensure, under most circumstances, the BWC has an optimum or unobstructed forward view.
  - c. If the BWC shifts and is no longer recording an unobstructed view, officers will reposition the BWC, once aware and it is safe to do so, to maintain an optimum field of vision.
4. Plainclothes officers who have been issued a BWC, regardless of assignment, will wear the BWC:
  - a. During pre-planned enforcement activities (e.g., person stops, arrests, search warrants);
  - b. In circumstances where police action is anticipated and time permits the officer to don the BWC (e.g., responding to a crime in progress call).
5. Officers will check at the start of shift that the BWC has a fully charged battery and is functioning properly.
6. During an officer's shift, the BWC must remain powered on to ensure the BWC will capture a 30-second window of footage prior to an officer activating the camera.
7. Officers must notify a supervisor when they become aware there is a malfunction or damage to the BWC, document the malfunction/damage in an email, and submit to SAU.
8. Officers will place the BWC into a docking station for upload and charge at the end of shift.
9. Officers will ensure videos are uploaded to Evidence.com, properly labeled, and assigned an appropriate retention category.
10. BWC officers working special events will wear their assigned BWC during the shift unless directed otherwise by the Events Planning Section.

#### **CAMERA OPERATOR ASSIGNED TO DETENTION SERVICES DIVISION**

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1. Police officers wearing a BWC may be assigned to work overtime in a jail facility. Due to the differing rules and privacy requirements, officers will not wear or operate their camera while working inside the jail. Upon arrival at the facility, the police officer should place their BWC in the gun locker while securing their firearm. If the police officer leaves the facility, the camera will be worn and operated in compliance with this policy.
2. Officers tasked with guarding prisoners at medical facilities will ensure they are assigned to an event with Dispatch. Once assigned they will create a short video identifying their role in guarding the prisoner, after which they may deactivate their camera unless the prisoner becomes disruptive, is unsecured for medical treatment, or the officer believes recording is prudent based on the circumstances. Upon completing this assignment, officers will return and upload their BWC at their bureau on their next scheduled shift. If an officer is involved in any incident that requires reporting to their immediate supervisor (e.g. reportable force, pursuit, citizen complaint), the BWC will be returned to a centralized dock location and uploaded. The officer's chain of command will ensure the officer is paid through the time that is required to dock the camera.

### UNAUTHORIZED USE

BWCs will only be used during law enforcement operational duties. The BWC shall not be used to record:

1. Follow-up investigative briefings;
2. Large-scale special events (e.g., New Year's Eve, mega-sports event, etc.) unless a circumstance arises that requires activation. The normal interaction with the crowd that occurs during these events does not require continuous recording;
3. Any personal conversation between other Department employees without the recorded employee's knowledge (see LVMPD 4/103.24, *Covert Mechanical Recordings*);
4. Non-work-related activity where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms;
5. Inside a detention facility;
6. Administrative matters, training, shift briefings, management meetings, professional development conversations, work performance counseling, disciplinary processes, or bargaining and contractual matters;
7. Encounters with undercover officers or confidential informants.

### ACTIVATION

It is incumbent for every officer to activate their BWC while involved in or observing police action as detailed in this policy, whether or not they have been assigned to a call. Officers will activate the BWC as soon as they are assigned a call via radio or MDT, or at the onset of self-initiated activity once safe to do so. Though there are mandated circumstances in which an officer must activate their BWC, an officer may exercise discretion to activate their BWC in situations outside of these mandates.

Officers will record in the following circumstances and inform individuals that they are being recorded as soon as it is safe to do so:

1. All calls for service involving contact with citizens or suspects;
2. Officer-initiated activities (e.g., vehicle and person stops);
3. Any citizen contact that becomes adversarial;
4. Witness, victim, and suspect interviews including Miranda Warning and post-Miranda contact;
5. Detentions or investigations pursuant to an arrest;
6. Searches of persons, structures, or vehicles;
7. While transporting prisoners;
8. After the occurrence of an officer-involved traffic accident;
9. When third party-sourced video is shown to officers and officers believe that the video may be deleted or lost as evidence, officers are encouraged to record that video (e.g., business-owned video or domestic violence investigations); however, consent must be granted;
10. When driving Code 3;
  - a. SWAT officers will activate their camera once arrived.
11. Any involvement in a pursuit (including primary, secondary, or any additional officer who is responding to, or participating in, the pursuit. This also includes "bubbling" or "paralleling" tactics. See LVMPD 6/014.00, Vehicular Pursuit);

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12. When field testing narcotics, counting seized money, or documenting high value property;
13. K9, Traffic, and resident officers responding to calls for service will activate their BWC when they are within two (2) miles of arrival (or at all times when driving Code 3).

### DEACTIVATION

To ensure the details of an evolving incident have been captured on BWC, officers will continue recording until:

1. They have cleared from the scene and are no longer assigned to the event; and
2. They have discontinued contact with (and are no longer in proximity to) the subject(s).

Officers will deactivate their BWC on static crime scenes where investigative units have been called or when directed by a supervisor. All other officers assigned to other responsibilities related to the event will have their BWC activated until advised by a supervisor. Officers will not record briefings with investigative units or activities at command posts.

The decision to deactivate a BWC will be stated prior to deactivation. The following are examples of when an officer may exercise discretion:

1. A citizen has requested the officer stop recording. Officers have no obligation to stop recording in response to a citizen's request if the recording is pursuant to police activities unless:
  - a. A citizen with standing has requested the officer stop recording within the citizen's premises, and the officer has entered the premises on consent. As a rule, if an officer must legally ask permission to enter the premises, a citizen may put conditions on the officer's entry, such as deactivation of the BWC.
2. If a victim or witness requests not to be recorded, officers should consider the request.
3. Officers should be mindful of locations such as places of worship, certain areas in hospitals or clinics, law offices, and day care facilities, where recording may be considered inappropriate, or prohibited by privacy policies.
4. The officer is completing a report while removed from public contact. If at any point citizen contact will occur, the BWC will be reactivated.
5. The officer is participating in informal, non-enforcement-related contact with the public (e.g., First Tuesday, Coffee with a Cop, etc.).

### DOCUMENTATION

Officers will not rely on BWC recordings to document evidence in an investigation. Officers will not substitute "refer to video" or other similar language in place of a detailed report. Officers should represent statements in their reports as a summary of what is contained in the BWC recording and not use exact quotes.

At the direction of an incident commander, BWCs will be utilized to document police actions, the scenes of major crowd-control events, mass demonstrations, or riots.

Officers will document the existence of a BWC recording in field interviews, investigative reports, citations and arrest documents, by writing "BWC recording available" on the first line of narratives and by updating comments in CAD.

### UPLOADING EXCEPTIONS

Uploading exceptions (to a maximum of 96 hours) are authorized for specialized units (e.g., SWAT) who are on call and have demonstrated a unique need. All other units must dock their camera for upload by the end of shift.

In addition, home docks are only available to select authorized units (e.g., resident officers). Officers must upload at their residence after the conclusion of each shift. If the home dock malfunctions or fails to upload videos, the officer must immediately notify their supervisor and resume uploading at a centralized LVMPD docking location.

For special events, officers will return and upload their BWC at their bureau on their next scheduled shift. If an officer is involved in any incident that requires reporting to their immediate supervisor (e.g. reportable force, pursuit, citizen

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complaint, significant or notable arrest), the BWC will be returned to a centralized dock location and uploaded. Events Planning Section will ensure the officer is paid through the time that is required to dock the camera.

### **Section 2      SUPERVISOR RESPONSIBILITIES**

1. Ensure officers utilize the BWC in accordance with this policy.
2. Ensure officers wear their BWC in a manner to capture the optimum view of their surroundings.
3. When advised of a BWC malfunction:
  - a. Direct the officer to remove the camera from service and place it on the dock for upload.
  - b. Issue a new BWC kit (camera, wire, and battery/controller) from the station spares in accordance with check-out procedures.
  - c. Assign the new BWC to the officer in Evidence.com.
  - d. Notify the Systems Administration Unit regarding malfunctions to discuss the remedy.
4. Retrieve an officer's BWC and upload it by the end of the shift if that officer is unable to do so.

### **Section 3      VIDEO ACCESS AND REVIEW**

All activity on Evidence.com is logged and subject to audit. Access to the data stored in the system is restricted. Recorded data shall not be randomly viewed for the purpose of seeking policy violations.

#### **OFFICER ACCESS**

Officers may view their own BWC recordings to:

1. Assist in completing an investigation and preparing official reports;
2. Refresh their recollection prior to court;
3. Provide a statement pursuant to an internal investigation, including use of force, officer-involved shooting investigations, and other deadly force or critical incidents.

Officers will not allow citizens to review BWC recordings in the field. Citizens requesting to view BWC recordings will be advised to refer to the procedure posted on LVMPD's webpage at [lvmpd.com](http://lvmpd.com) > **Online Services** > **Public Records Request**.

#### **SUPERVISOR ACCESS**

Supervisors will only access the BWC video for investigative purposes outlined in policy. In each case the supervisor, or person accessing the video, will document in the notes section of the specific video reviewed and the reason of the inspection.

When advised of a citizen's complaint where incident may be recorded on BWC:

1. Handle receipts of complaints in accordance with LVMPD 5/101.26, *Maintenance of Values and Ethics*.
2. Interview the complainant before reviewing any available BWC video, when possible.
3. Access the video on-scene through a mobile device or any MDT. A supervisor will not review the recording in the presence of the complainant.
4. Record the interview with the complainant. Supervisors not wearing a BWC should consider having another field supervisor record.
5. Supervisors will not record the subject or witness officer during the investigation.
6. If the allegation appears to be valid, document this in the narrative of the SOC that BWC video is available, was reviewed, and is a justification for the SOC.
7. If the allegation is not a violation of policy or law, document this in Blue Team by a Citizen Contact Report that BWC video is available and was reviewed.
8. If a supervisor has probable cause, based on BWC video, to believe a reporting citizen is in violation of [NRS 207.280, False Reporting of Crimes Unlawful](#), notify the Criminal Investigations Section, Internal Affairs Bureau (IAB) on-call supervisor for further direction.

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When investigating the application of reportable force (except use of deadly force; see LVMPD 6/002.03, *Post Use of Force Investigations*):

1. Access the video on scene in the presence of the involved officer(s).
2. Record the interview of the subject citizen.
3. Do not record the subject officer during the investigation.
4. Review the video with the officer as soon as practical prior to the Use of Force report being completed, if an involved officer(s) is unavailable at the scene.
5. Ensure the review of the BWC video is documented in the narrative of the investigative comments, and verify that the video is labeled and categorized in accordance with this policy.
6. Review the positioning and view of the officer's camera and ensure compliance with policy.
7. In circumstances when force is used by a specialized unit not wearing BWC and the incident is captured by other Department members equipped with BWC, the supervisor of the specialized unit is responsible for viewing relevant video and ensuring the recording is properly labeled and retained.

When investigating officer involved shootings:

1. Involved personnel and/or any supervisor or representative will not view the BWC recording prior to Force Investigative Team (FIT) or Critical Incident Review Team (CIRT) viewing the footage, except when exigent circumstances exist.
2. Involved officers or witness officers will be allowed to view their own BWC recording prior to a scene walkthrough and subsequent FIT/CIRT statement.
3. The supervisor taking the involved officer's Public Safety Statement will also ensure that BWCs are not used to record any part of the officer's Public Safety Statement.
4. FIT personnel will be responsible for collecting and securing the BWC from all involved and witness officers upon arrival at the scene. FIT or CIRT is responsible for upload of video into Evidence.com.

DSD supervisors will conduct reviews of BWC video for certain types of incidents outlined in DSD policy 11.111.00, *Video Recording and Body-Worn Camera Procedures*.

### INTERNAL INVESTIGATIVE PERSONNEL ACCESS

IAB personnel will not access and search BWC recordings unless related to an internal investigation. IAB personnel may allow citizens, arrestees, or violators to view BWC recordings as part of an investigation into an allegation of misconduct.

### CRIMINAL INVESTIGATIVE PERSONNEL ACCESS

Detectives and support personnel are authorized to review BWC recordings only during official criminal investigations. Investigative units will ensure BWC recordings have the appropriate retention categories, updated event numbers and labels when tied to a criminal case.

### TRAINING ACCESS

In instances where a BWC recording contains material that is beneficial for training purposes, the requesting unit will complete the Internal Video Request form (LVMPD 1027). The release of such video will be authorized the Office of General Counsel.

### OFFICE OF GENERAL COUNSEL ACCESS

Personnel in the Office of General Counsel/Risk Management may view BWC recordings.

### PUBLIC RECORDS UNIT (PRU) AND NEVADA'S OPEN RECORDS ACT

The Department allows for inspection and copying of public records in its possession. LVMPD has many records that, in whole or in part, are confidential by law. Requests for copies of video from BWC present a unique challenge in determining whether the requested record is public. Further challenges arise when confidential material is contained

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within the recording. LVMPD must balance the interests of individuals who seek access to BWC records with individual privacy rights and applicable confidentiality laws. PRU redacts BWC recordings and manages the public records requests. PRU processes subpoenas for BWC recordings.

The release of any BWC recordings to media outlets will be in strict compliance with LVMPD 5/107.24, *News Media and Public Information*.

### **Section 4      DATA STORAGE AND SECURITY**

1. All images, video, and/or audio generated by any BWC are the sole property of LVMPD. Department members will not download, disseminate outside the agency, copy, or record BWC recordings from Evidence.com onto any computer, device, drive, CD/DVD, or any other format without the express written consent from the Office of General Counsel.
2. Employees will not dismantle or tamper with any hardware/software component or part of the BWC or controller. Employees will not attempt to erase or alter BWC recording files.
3. Evidence.com shall only be accessed from LVMPD authorized computers.
4. Employees shall not publish or display BWC recordings to the internet or social media sites, in accordance with LVMPD 4/110.02, *Improper Use of Electronic Communication Devices*.

### **Section 5      LABELING AND RETENTION PERIODS**

Auto-labeling (retention assignment) will only occur if the officer is assigned to an event and clears with the following dispositions:

A/D	10 Years
B/E	5 Years
K	2 Years
C/L/P/Q/T/Z	1 Year
F/G/H/I/J/M/O/R/S	1 Year

The retention period begins from the date of recording. Recordings that are not labeled or are not associated with an enforcement action, criminal or internal investigation, or specifically held by the recording officer will automatically be deleted at 90 days.

Automatic Assignments—(disposition based):

Arrest	10 Years
Citation	5 Years
Report Only	1 Year
Minimum Retention	1 Year

Manual Hold Assignments:

Long-Term (OIS, S/A, etc.)	20 Years
Mid-Term (Risk Management, Legal 401s)	7 Years
Short-Term (non-BWC evidence)	4 Years
Indefinite (Homicide, pending, NPRA Training)	None

### **Section 6      COMPLIANCE REPORTING**

The BWC Activation Performance Rate (APR) Summary Report is a tool to verify compliance with this policy. The Department also utilizes additional reporting measures to assist supervisors in addressing monthly deficiencies in

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compliance rates. The bureau commander will ensure the BWC APR Summary Report is reviewed by first and second-line supervisors and that the appropriate corrective action is taken.

LVMPD has established a minimum compliance rate. When an officer falls below this rate, a mandatory compliance audit will be triggered, and the officer's chain must complete a compliance audit of the officer's BWC usage. Supervisors will complete the compliance audit by reviewing compliance reports, videos, and CAD reports for the period where a matching video was not auto or manually labeled. The supervisor will document video discrepancies and whether the user complied with or violated policy. Supervisors will address performance issues in adhering to the established minimum compliance rate.

(5/19, 6/20)■