

COVINGTON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Subject: BODY WORN CAMERAS

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I. Purpose

To provide officers with instructions on when and how to use body worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with applicable law.

II. Statement of Policy

It shall be the policy of the Covington Police Department that all officers shall activate their BWC when such use is appropriate to the proper performance of his or her official duties, and where the recordings are consistent with this policy and applicable law. The use of a BWC is intended to provide an unbiased audio/video recording of events that officers encounter. These recordings can be useful for the documentation of evidence, the preparation of offense reports, and future court testimony. These recordings can also protect officers from false allegations of misconduct and be of use when debriefing incidents or evaluating performance.

This policy does not govern the use of covert recording devices used in undercover operations. Recordings made by BWCs are subject to Georgia Open Records Act, as it relates to BWCs.

III. Georgia Open Records Act

O.C.G.A. 50-18-72. When public disclosure is not required

(a) Public disclosure shall not be required for records that are:

(26.2) Audio and video recordings from devices used by law enforcement officers in a place where there is a reasonable expectation of privacy when there is no pending investigation, except to the following, provided that the person seeking the audio or video recording submits a sworn affidavit that attests to the facts necessary to establish eligibility under this paragraph:

(A) A duly appointed representative of a deceased's estate when the decedent was depicted or heard on such recording;

(B) A parent or legal guardian of a minor depicted or heard on such recording;

(C) An accused in a criminal case when, in the good faith of the accused, such recording is relevant to his or her criminal proceeding;

(D) A party to a civil action when, in the good faith belief of such party, such recording is relevant to the civil action;

(E) An attorney for any of the persons identified in subparagraphs (A) through (D) of this paragraph; or

(F) An attorney for a person who may pursue a civil action when, in the good faith belief of such attorney, such recording is relevant to the potential civil action.

IV. Procedures

A. Administration

This department has adopted the use of the BWCs to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. BWCs serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance this department's ability to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes, and to provide additional information for officer evaluation and training.
3. The use of a BWC may also be useful in documenting crime and accident scenes or other events which include the confiscation and documentation of evidence or contraband.

B. When and How to Use the BWC

1. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties. This requirement includes all officers on a call for service or involved in a citizen contact.
2. BWCs shall remain activated until the event is completed and all contact with the Witness/Complainant/Victim/Offender ceases to ensure the integrity of the recording, unless the contact moves into an area restricted by this policy. Officers have no obligation to stop recording in response to a citizen's request when the recording is pursuant to an investigation, arrest, lawful search, or when the circumstances clearly dictate that continued recording is necessary (e.g. potential disorderly conduct).
3. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
4. Civilians shall not be allowed to review the recordings at the scene.
5. BWCs shall be used in citizen encounters during extra duty or special events.
6. BWCs shall be used in interviews with suspects or witnesses.

C. Procedures for BWC Use

1. BWC equipment shall be issued to all sworn personnel as authorized by this department. Officers who are assigned BWC equipment must use the equipment unless otherwise directed by supervisory personnel.
2. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the department.
3. Police personnel who are assigned BWCs must complete a department-approved and/or provided training program to ensure proper use and operation.
4. BWC equipment is the responsibility of the individual officer and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible.
5. Officers shall inspect and test the BWC equipment prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings or portions thereof without prior written authorization and approval by the Chief of Police or his designee.
7. Officers are encouraged to inform their supervisor of any recordings which they feel may have value for training purposes.
8. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use-of-force incident, the department reserves the right to limit or restrict an officer from viewing the video file.
9. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing 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.
10. Officers shall note in incident, accident, arrest, and related reports when recordings were made during the incident in question.
11. Under no circumstances shall downloaded video/audio be uploaded to any social media sites or apps; to include but are not limited to (Facebook, Instagram, snapchat). Officers will not make copies of videos for personal use.
12. Unless authorized by the Chief of Police or his designee, employees will not record other employees who are performing administrative or non-enforcement activities/actions without their knowledge. Examples of such administrative or non-enforcement activities/actions include, but are not limited to: daily administrative tasks in the office and meetings where department strategy, tactics, supervisor directives, disciplinary actions or topics of a confidential nature are discussed.

13. No employee will knowingly and willfully use the BWC to record other employees or supervisors in a covert manner. If an employee believes there is a legitimate need to record a meeting, conversation or event that involves other employees or supervisors, the employee must solicit and receive permission from the other employees or supervisors prior to activation of the BWC.
14. All employees should assume that all enforcement activities and actions are being recorded. Examples of such activities and actions include, but are not limited to: traffic stops; any police interactions with citizens, complainants and suspects; pursuits; and the detention or arrest of any person.

D. Restrictions on Using the BWC

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

1. Communications with other police personnel;
2. Encounters with undercover officers or confidential informants;
3. Patients during a medical or psychological examinations;
4. Attorney – client communications;
5. When the officer is on break or otherwise engaged in personal activities;
or
6. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

E. Storage

1. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.
2. All images and sounds recorded by the BWC are the exclusive property of the Covington Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC files must be specifically for official law enforcement functions.
4. Files shall be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution.

F. Supervisory Responsibilities

1. Supervisory personnel shall ensure that all officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.

2. At least on a monthly basis, supervisors will randomly review BWC recordings of their officers to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

This SOP supersedes any SOP previously issued.

BY ORDER OF THE CHIEF OF POLICE:

Stacey L. Cotton

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Chief of Police