



In Effect:
08/01/2017

Review Date:
09/01/2020

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BODY WORN CAMERAS

POLIC Y

It shall be the policy of the Berlin Police Department to establish guidelines and instructions for the use of the Axon body-worn camera (BWC) system, when such use is appropriate to the proper performance of official duties and where any and all recordings are consistent with this policy and established New Hampshire law. This SOP does not govern the use of surreptitious recording devices possibly used in undercover operations.

PURPOS E

BPD has the responsibility of establishing uniform procedures regarding when and how officers will utilize BWC's so they may reliably record contacts, from a first-person perspective, with the public in accordance with RSA 105-D, *Body-Worn Cameras*. The Axon is considered an "on-officer" audio/video recording system utilized by officers to document incidents and interactions occurring in the field. As such, the use of BWC's is expected to result in greater transparency, more effective prosecution, and improved protection against false allegations of excessive use of force, misconduct, and/or racial profiling.

PROCEDUR E

A. Definitions

- 1 **Agency Administrator.** Individuals with full access and user rights to the Axon Evidence.com system.
- 2 **Axon Capture:** An Android and iOS mobile application built specifically for law enforcement that allows for digital media evidence to be captured directly from the field.
- 3 **Axon Flex System:** Axon body-worn cameras utilized as "on-officer" audio/video recording systems consisting of, primarily, the (1) Axon Flex camera, (2) Axon Flex controller, (3) connection wire, and mounting device.
- 4 **Axon Flex Camera:** Audio and color/low-light video cameras mounted upon persons via various accessories (e.g., fitted collar/epaulette/head brackets, glasses, hats, helmets, etc).
- 5 **Axon Flex Controller.** Portable body-worn packs that allow BWC users to turn on/off units, begin/end recordings, and display various.LED patterns to indicate operating modes and battery capacities.
- 6 **Axon Signal Unit:** Communications platforms that interact with activated emergency vehicle light bars in order to begin recordings when within range of all properly equipped Axon Flex systems.
- 7 **Body-Worn Camera:** Electronic camera systems worn by officers that are used for displaying,

creating, generating, processing, receiving, sending, and storing audio/visual recordings.

Community Caretaking Function: Tasks undertaken by officers in which they are performing articulable acts unrelated to crime investigations to include but not limited to: participation in community outreach events; helping children locate guardians/parents; providing death notifications, directions or other assistance to individuals; performing in-home/hospital well-being checks on elderly, presumed missing or sick individuals, etc.

Evidence.com: An Axon online web-based digital media storage facility accessed via a specific website and requiring log-on credentials. This application also comes in mobile form for use on Android and IOS devices.

Evidence Sync: Axon software that supports downloads from all core Axon devices.

Evidence Transfer Unit: Axon Flex camera and controller docking stations utilized for charging and downloading digital media to BPD's Evidence.com account.

In Uniform: Officers who are wearing officially authorized uniforms designed by BPD, as well as those visibly wearing articles of clothing, badges, gun belts, patches or other forms of insignias identifying them as officers acting in the course of their duties.

Law Enforcement-Related Activities/Encounters: Job functions that include but are not limited to: arrest; crowd control; interrogations; investigations; non-community caretaking interactions with individuals while on patrol; pedestrian stops; pursuits; searches; traffic stops; or any other instances in which officers are enforcing the laws of the country, municipality or state. *This term does not include (1) activities when officers are completing paperwork alone or in the presence of other officers and (2) community caretaking functions.*

14. Media: Digitally stored data consisting of audio recordings, photographs, video footage, etc.

15. Metadata: Data that provides information about other data and exists in two types - descriptive and structural.

16. Recording: The process of capturing data and/or information stored on recording mediums.

17. Recording Medium: Items utilized to retain, store and playback recorded audio and video such as DVD's, VHS, hard drives, cloud storage, digital or solid states, flash memory technology, other electronic mediums, etc.

18. Recording Subject: Any conversant, detainees, injured parties, officers, suspects, victims, witnesses or other similar persons who appear on recordings. *This does not include persons who only incidentally appear on recordings.*

- BPD has adopted the use of BWC's in order to accomplish the following primary objectives:
 - Accurate documentation of arrests, critical incidents and police-public contacts so as to enhance the accuracy of officers reports.
 - To enhance BPD's ability to review probable causes for arrests, officer and suspect interactions, evidence for investigation and prosecutorial purposes, and to provide additional information for the evaluation and training of officers.
 - To assist in documenting accident and crime scenes, other calls for service and the confiscation of contraband and/or evidence.

C. Recording Modes

1. **Buffering Mode:** When Axon Flex controllers have been turned on and are displaying a flashing green LED. In this mode, soundless video is constantly being looped and recorded while only saving the last 30 seconds of video. No audio is recorded in this mode.
2. **Event Mode:** When Axon Flex controllers have had their event button double-pressed quickly two (2) times in succession while in buffering mode, resulting then in the display of a flashing red LED. Audio is recorded in this mode. Upon event mode activation, officers will hear a double-beep notification . Every two minutes thereafter officers will hear one beep, advising them that the event mode is still active. In order to deactivate the event mode officers must continuously depress the event button for three (3) seconds; thereby returning units to buffering mode.

D. BWC Use

1. BWC's shall be utilized during all law enforcement-related contacts (e.g., calls for service; emergency responses (except those medical-related); investigative interviews; on-view events; pursuits; traffic stops; and any other calls deemed to be, in the opinion of officers, crimes that have been, are being or are about to be committed.
2. Uniformed officers who are assigned a BWC must complete a BPD sanctioned training before using the system. After training, all uniformed officers assigned to a patrol function shall wear their assigned **BWC**.
3. Officers shall place BWC's into event mode as soon as practical and as close as possible to the beginning of event contacts.
4. At the beginning of contacts with individuals, or as soon as practicable, officers shall notify all involved subjects that they are being audio and video recorded. If and when such notifications are not made, officers shall note reasons for non-notification in accompanying report narratives.
5. Once BWC's have been placed into event mode in public settings where there are not expectations of privacy, officers shall continue recording (to include during times when statements are given) until event's completion and until such time as they leave call for service scenes or traffic stops.
6. When consensually entering private businesses, residences, or other such places (e.g., locker rooms, rest rooms, etc.) when not in "fresh pursuit" or when calls for service are not "active" in nature and where reasonable expectations of privacy exist, officers shall obtain consent to record (should they wish to do so) from those individuals authorized or in control of such premises. If consent is not granted, officers shall leave BWC's in buffering mode.

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- Upon responding to calls for service and/or conducting traffic stops in public places where no expectation of privacy exist and when BWC's have been placed into event mode and are, therefore, recording, officers will explain to subjects, when appropriate and safe to do so, that they are being audio and video recorded. If subjects object to being recorded officers will continue to do so, making notations in accompanying report narratives such objections.
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- Upon responding to calls for service (e.g., assaults/burglaries/thefts, etc. in progress, domestic violence related events, criminal trespass incidents, or other possible criminal violations) at private businesses, residences, or other such places (e.g., locker rooms, rest rooms, hospitals, medical-related facilities, any locations where medical "patients" are present, etc.) where there are reasonable expectations of privacy and when BWC's have been placed into event mode and are, therefore, recording, officers will explain to subjects, when appropriate and safe to do so, that they are being audio and video recorded. If subjects object to being recorded but officers anticipate arrests will be made for possible criminal violations the discretion to leave BWC's recording is left to that of officers on scene.
- 9
- Should officers fail to activate BWC's as outlined in this SOP, record entire contacts, interrupt recordings once started, or experience BWC malfunctions, they shall document why such recordings were not made, interrupted and/or terminated in accompanying report narratives.
10. Officers are not to share BWC recordings with citizens at call for service scenes. Proper requests for viewing shall be made by citizens in such circumstances and will be considered, under established guidelines and laws, on a case-by-case basis.
 11. If exigent circumstances exist which prevent officers from activating BWC's as outlined in this SOP then devices must be turned on as soon as practicable.
 12. Officers shall not indiscriminately record entire details, duties, patrols, shifts, etc. as recordings shall be specific to incidents.
 13. In locations where reasonable expectations of privacy exist, officers **are authorized** to create BWC recordings while executing arrest and search warrants, any other warrants issued by a court, or if they are in such locations pursuant to judicially-recognized exceptions to warrant requirements.
 14. Officers may place BWC in buffering mode when discussing the following with other police personnel: police tactics, seeking legal advice from supervisors/fellow officers. After the completion of said discussion, the officer shall immediately place the BWC in event-mode and note the activity in the report.

E. BWC Procedures

1. BWC's and their respective equipment will be assigned to full-time officers. Such officers shall use them while dressed in uniform and assigned to a patrol function, unless specifically authorized not to do so by supervisors (i.e., Lieutenant rank and above).
2. Officers shall only use BWC's and equipment assigned to them by BPD. All BWC's, related equipment, data, images, metadata and videos captured, recorded or otherwise produced by such equipment is the sole property of BPD.

- a. All officers assigned BWC's must complete an agency approved and/or provided training program to ensure proper operation and use. Additional training may be required at periodic intervals to ensure continued effective equipment operation and use, proper calibration and performance, and to incorporate potential equipment and/or policy changes, updates or other similar revisions.
- b. Issued BWC's and equipment are the sole responsibility of each assigned officer and will be used with reasonable care to ensure ongoing proper functioning. Any equipment malfunctions shall be brought, as soon as possible, to the attention of shift supervisors so such items can be taken out of service and replacement equipment procured.
- c. Officers shall, at the beginning of their assigned details or shifts, inspect assigned BWC's and equipment (e.g., controllers, mounting devices, etc.) to ensure there are no visual damages and that all are in working order. Any damages observed shall be brought to the attention of the shift supervisor.
- d. Officers shall not alter, copy, duplicate, edit, share or otherwise distribute, in any manner, BWC recordings without prior written authorization and approval of the Chief of Police or his/her designee. This shall not apply to the sharing of BWC captured images used to assist in the identifications of individuals and/or vehicles suspected of being involved in crimes.
- e. Per RSA 105:D, *Body-Worn Cameras*, certain stipulations have been established allowing the Chief of Police or his/her designee to designate certain recordings as possible training tools and to be utilized only for such purposes. Therefore, officers are encouraged to inform shift supervisors of any recordings they think may be of value as training tools.
- f. The Chief of Police or his/her designee reserves the right to limit officers involved in officer involved shootings or other serious use of force incidents, as well as those suspected of possible wrongdoing from viewing recorded audio and video files. Any audio and video files falling into such categories will be marked, as soon as possible, by authorized personnel as "sensitive" within BPD's Evidence.com account in order to restrict viewing access by unauthorized personnel.
- g. BWC recordings are not replacements for written reports. Therefore, officers shall note in all accompanying report narratives if and when recordings were made during event contacts and/or incidents in question.

**F. BWC
Restrictions**

1. Officers shall only use BWC's in conjunction with official law enforcement duties. BWC's shall not be used to record the following:
 - a. Communication with other police personnel except to the extent that such communications are incidental to permissible recordings.
 - b. Encounters with police personnel and/or individuals whom officers know are acting in undercover capacities or as confidential informants respectively unless expressly directed to be included as part of investigations.

- c. Interviews with crime victims unless their express consent has been obtained before such recordings are made. All recordings obtained shall be consistent with the NH Attorney General's model protocols for law enforcement relative to: responses to adult sexual assault cases, domestic violence, stalking, and/or child abuse and neglect. This directive may be waived by the Chief of Police or his/her designee when parents or legal guardians are the subjects of investigations to which juveniles are victims and/or witnesses.
- d. Interactions with persons seeking to report crimes anonymously. In such circumstances, officers shall, as soon as practicable, as persons seeking to remain anonymous if they want BWC recording utilized. If such persons respond negatively then BWC's shall be left in buffering mode.
- e. Activities while on the grounds of any public, private or parochial elementary or secondary school except when responding to imminent threats to life or health or while responding to calls for service.
- f. Break times or when otherwise engaged in personal activities.
- g. Instances when it is believed that explosive devices may be present and electrostatic interference from BWC's may trigger them.
- h. Locations where individuals have reasonable expectations to privacy (e.g., locker rooms, rest rooms, hospitals, medical-related facilities, any locations where medical "patients" are present, etc.) unless otherwise authorized by policy.
- i. Private conversations that have no law enforcement purposes.
- j. During incidents where there is potential of capturing video of sensitive human areas (e.g., exposed breasts, groins, etc.).
- k. During BPD administrative investigations without express consent of the Chief of Police or his/her designee.
- l. Picketing or other similarly-related First Amendment demonstrations unless obvious violations of criminal law and/or City Ordinances are occurring.

G. Axon Flex Controller & Camera Units

1. Axon Flex controllers shall be worn on uniforms or duty belts and will display the following LED's:

- a. **Blinking Green** - Buffering mode
- b. **Blinking Red**- Event (i.e., recording) mode
- c. **Blinking Yellow** - Connection cable disconnected
- d. **Solid Red** - Booting up

2
Axon Flex controllers are equipped with "event buttons" that are utilized to toggle between buffering mode and event mode. Controllers automatically enter into buffering mode when powered on. Officers should double-press event buttons to toggle from buffering mode to event mode and then depress event buttons for three (3) seconds to return to buffering mode.

3
Axon Flex controllers are also equipped with battery LED displays that indicate battery levels. Such LED's are colored rings displayed around unit event buttons.

a. **Green** - Fully charged

b. **Yellow** - 20% to 40% battery charge remaining

c. **Red** - Less than 20% battery charge remaining

4
Officers shall wear Axon Flex camera units with Oakley Flak Jacket (i.e., glasses) units or collar/epaulette/head bucket mounts. Officers choosing to wear Oakley Flak Jacket units shall also have a collar or epaulette bracket mount attached to uniforms should they encounter events in which they may need to transition from wearing glasses to other mounting systems. Officers wearing Oakley Flak Jacket units with dark-colored lenses for daytime use shall also have a set of clear-colored lenses for nighttime use and shall switch lenses out when dark outside. Oakley Flak Jacket units with prescription lenses are authorized.

H. Storage

1
When not in use, Axon Flex cameras and controllers shall be securely docked in agency Evidence Transfer Units (ETU's). Officers shall ensure that appropriate ETU lights are displayed to signify cameras and controllers have been docked appropriately. **Items not docked appropriately will not charge or download.** All other assigned accompanying BWC equipment shall be safely maintained by officers to ensure extended life and use.

2
All media files captured by BWC's shall be securely downloaded via ETU's at the end of each detail or shift, or as soon thereafter as is reasonably practicable, so as to ensure digital media is stored on BPD's Evidence.com account in compliance with CJIS security protocols. Officers are authorized to periodically download captured and recorded digital media during shifts for viewing via Evidence.com for purposes of completing agency paperwork. If it is discovered that ETU data connections are down and not operating correctly, shift supervisors shall be immediately notified. In such instances, Axon Flex cameras and controllers shall still be securely docked in ETU's to allow for the charging of batteries.

3
All media captured and recorded by BWC's is the exclusive property of BPD. Accessing, copying, and/or releasing files for non law enforcement purposes are strictly prohibited. Only the Chief of Police or his/her designee has the authority to release files to media personnel.

4. All access to BWC media must be specifically authorized by the Chief of Police or his/her designee. Additionally, such media will be periodically audited by the Chief of Police or his/her designee to ensure that only authorized users are accessing data for legitimate and official purposes.

5. Digital media files will be securely stored in accordance with NH records retention laws and no longer

than useful for the purposes of training or for the use in investigations and/or prosecutions. For purposes of capital punishment prosecutions, digital media files shall be kept until offenders are no longer under any criminal justice agency control.

I. Supervisor Responsibilities

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- All supervisors shall ensure that officers equipped with BWC devices utilize them in accordance with this SOP and state laws.
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- On a quarterly basis, Lieutenants will randomly review BWC recordings to ensure that all equipment is operating properly, officers are using devices appropriately and in accordance with this SOP and state laws, and to assist in identifying any areas in which additional guidance and/or training may be necessary.
- ³
- The BPD and/or County Prosecutors are authorized to review BWC digital media recordings they deem appropriate for purposes of ensuring that completed cases are being submitted appropriately.
- ⁴
- The Field Training Officer (FTO) Program Coordinator shall, on a regular basis, review BWC media recordings of recruit trainees during their FTO process so that training concerns, guidance and/or other pertinent information can be brought to the attention of FTO trainers for action and consideration as deemed appropriate.

J. Downloading, Labeling & Reviewing Digital Media

1. BWC media can be labeled by the following methods:

 - a. Axon Capture or Evidence Mobile - Officers are able to pair BWC's through Bluetooth technology, to these smart phone applications. Once paired, officers are able to view evidence and to add metadata (e.g., pre-set BPD Evidence.com categories, identifiers, titles, etc.) to already recorded BWC evidence. Officers are unable to save such evidence on their respective smart phone and are only able to add metadata and/or view video on smart phones; therefore, not subjecting them to evidence seizure parameters and protocols. *The addition of metadata does not alter device recordings in any way.*
 - b. Officers are able to log into BPD's Evidence.com account in order to perform the same tasks outlined above for purposes of adding descriptors, clips, location information, markers, notes, tags, etc.

III. Reporting

- ¹
- All uses of BWC's shall be documented in all BPD created reports (i.e., accidents, arrests, citations, offenses, field interrogations, etc.) under corresponding IMC "Evidence" screens ***without*** an associated property number.
- ²
- Officers may utilize, with pre-set Evidence.com permissions and restrictions, captured and recorded BWC digital media in order to assist them in completing agency paperwork.

**L. Media
Security**

- 1 Captured and recorded media shall not be published on any Internet source or released to any individuals without authorization from the Chief of Police or his/her designee. The use of recording devices such as smart phones and/or related smart phone device mobile applications is strictly prohibited.
- 2 At no time shall any media recordings be shown or used for the purposes of embarrassment or ridicule of BPD personnel or others.
- 3 With approval by the Chief of Police or his/her designee:
 - a. Various media recordings may, in accordance with NH law, be utilized for training purposes.
 - b. Any digital media evidence notated as "sensitive" in BPD's Evidence.com account may be viewed by authorized outside law enforcement agencies (e.g., Attorney General's Office, County Attorney's Office, NHSP Major Crimes Unit, other law enforcement agencies, etc.).
- 4 Civilian requests for viewing of captured and recorded digital media shall only be approved by the Chief of Police or his/her designee on a case-by-case basis once official written NH RSA 91-A requests for information have been appropriately filed per NH law.
- 5 All BWC digital media evidence requested by outside law enforcement agencies for purposes of judicial process shall only be released with the permission of the Chief of Police or his/her designee. If approved, such evidence shall be sent to requesting agencies via the BPD's Evidence.com account "share" function and noted, within respective "message" sections, that it is being sent per official request for the purposes of judicial process, as well as to create audit trails.

**M.
Evidence.com**

- 1 All captured and recorded BWC media shall be downloaded to BPD's Evidence.com account at the end of all details and/or shifts, or as soon thereafter as is reasonably practicable, via BPD's ETU's.
- 2 In the event ETU's are not operating properly and; therefore, will not allow BWC downloads to occur, officers shall report such incidents to supervisors as soon as possible so that manual downloads can occur via Evidence Sync software.
- 3 All downloaded digital media shall be labeled with appropriate and respective accident, arrest, offense, field interview, etc. IMC assigned numbers in accordance with this SOP.
- 4 When incidents arise that require immediate retrieval of captured and recorded BWC digital media (e.g., officer involved shootings, agency involved motor vehicle crashes, serious crime scenes, etc.) on-call Command Staff (or their designees) shall be notified so they may respond to scenes in order to secure involved BWC's so as to maintain evidence chain of custody parameters. Such digital evidence will be marked as "sensitive" within BPD's Evidence.com account, thereby restricting access to it by way of established personnel permissions and restrictions.
- 5 Any and all captured and recorded BWC digital media will be used for official purposes only.

- 6
- All officers will have access to view their respective current and prior downloaded BWC digital media via BPD's Evidence.com account.
- 7
- Within the BPD Evidence.com account, officers shall label all digital media evidence (e.g., accidents, arrest, offenses, field interviews, etc.) with IMC assigned numbers by making such notations in the "ID" section of the program.
- 8
- Within the BPD Evidence.com account, officers shall not enter any information or make any notations in the "Title" section of the program. Not entering information into the "Title" section of the program will result in Evidence.com automatically populating the field with its own video tag.
- 9
- Officers are to select and assign appropriate Evidence.com pertinent category indicators to all downloaded BWC digital media.

10. BPD will utilize the following "roles" within the agency's Evidence.com account as each will have differing authorization levels as determined by the Chief of Police or his/her designee:

- a. Chief of Police
- b. Lieutenant

N. Mobile Applications

- 1
- The utilization of personal smart phones enabled with any applicable TASER BWC mobile applications is expressly authorized; however, officers assume all responsibility for respective phones and any damage incurred to them while on official duty.
- 2
- Utilizing applicable TASER BWC mobile applications, officers are able to generate and import digital media evidence via smart phone devices, view recently obtained media evidence not yet uploaded to BPD's Evidence.com account, as well as label and tag media evidence with metadata.
- 3
- All digital media evidence generated through applicable TASER BWC mobile applications will not be stored on smart phone devices automatically and will be immediately removed once uploaded to BPD's Evidence.com account.
- 4
- All digital media evidence uploaded to BPD's Evidence.com account is automatically "hashed" and "validated" prior to being accepted by the program. Any such evidence deemed "corrupt" **Will** not be accepted by BPD's Evidence.com account and shall remain on officers' smart phone devices until deleted.

O. Media Metadata Options

- 1. The following terms are digital media metadata options that are available in BPD's Evidence.com account and applicable TASER BWC mobile applications:
 - a. **Category:** Chief of Police or his/her designee pre-sets that include automatic retention time frames.

- b. **Clip:** Marked full length video segments that can be downloaded at later times and viewed as stand-alone files.
- c. **Description:** Detailed information created by BWC users to identify digital media evidence.
- d. **ID:** Agency created identification numbers associated with calls for service, cases and/or citations.
- e. **Location:** Manually entered physical and incident-specific location markers that have the ability to be geo-tagged with longitudinal and latitudinal information by way of smart phone device enabled GPS options.
- f. **Note:** Pertinent notations attached to video evidence regarding important information.
- g. **Tag:** Indicators of specific points of interest in video evidence.
- h. **Title:** Headings utilized to identify individuals (e.g., defendants, suspects, victims, etc.).

**P. Digital Media
Retention**

1. BWC digital media recordings shall be permanently destroyed by overwriting or otherwise no sooner than 90 days and no longer than 180 days from dates images were recorded. Digital media recordings shall be retained by BPD for a minimum of three (3) years if they capture images involving:
 - a. Any actions by officers that involve the use of deadly or restraint.
 - b. Any firearms discharges (unless for purposes of animal destruction).
 - c. Encounters about which complaints have been filed with the agency within 30 days of their inception.
 - d. Evidence that may be required to be retained for the purposes of civil or criminal cases, internal affairs investigations or employee disciplinary investigations.