

PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS

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CHIEF OF POLICE

TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	320.02	XX/XX/2016	XX/XX/2016
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Body-Worn Camera (BWC) Pilot Program		N/A	
REFERENCE		RE-EVALUATION DATE	
CALEA 41.3.8		As Necessary	
SUBJECT AREA		DISTRIBUTION	
Law Enforcement Operations		All Sworn Personnel	

PURPOSE:

The purpose of this policy is to announce the implementation of the Department's Body-Worn Camera (BWC) Pilot Program and to establish procedures pertaining to it.

POLICY:

It is the policy of the Providence Police Department to utilize body-worn camera (BWC) equipment to record and document specific categories of law enforcement interactions with the public, and to institute parameters governing the viewing, storage, and dissemination of the associated audio-visual recordings.

DISCUSSION:

As part of the BWC Pilot Program, the Department is issuing BWCs to selected Uniformed and Investigative Division officers. The BWC Pilot Program will be examined to determine whether or not BWCs contribute to officer safety, provide evidence for criminal prosecutions, help to resolve complaints made against personnel, and foster positive relationships with the community. BWCs are only intended to record that which an officer could potentially observe or hear using his/her own senses of sight and sound.

This directive, like the BWC Pilot Program, should be considered a "work in progress". As such, it is possible that "real world" findings and considerations relating to the actual field implementation of BWCs will result in portions of this directive being amended. However, until such time when this may occur, officers shall adhere to the procedures stated herein.

Additionally, Department members are reminded that at all times they shall comply with all applicable parameters of the Providence Police Department Rules & Regulations Part II, including those parameters referenced in Section 200, "General Conduct and Responsibilities", Paragraph 200.2, as follows:

200.2 OBEDIENCE TO LAWS AND RULES

- 1. Department members shall comply with all Federal and State laws, City Ordinances, and all orders, rules, oaths, procedures and policies (i.e., all directives) of the Department and the City of Providence.*
- 2. Verbal orders and written orders shall carry equivalent weight and authority.*
- 3. All lawful orders of a superior, including any order relayed from a superior by a member of the same or lesser rank, shall be followed.*
- 4. No superior officer shall knowingly or willingly issue any order that is in violation of any law, ordinance, or directive.*
- 5. No member is required to obey an order that is in violation of any law, ordinance, or directive. However, any member who refuses to obey any order shall be required to justify their refusal via a typewritten report, signed and dated by the member in question. The report shall be submitted, as soon after the refusal as practicable, through the chain of command to the Chief of Police.*

PROCEDURE:

I. BODY-WORN CAMERAS, GENERALLY

- A. An officer who has been issued a BWC shall:
 1. Report to the Shift OIC at the beginning of each tour of duty to sign-out and retrieve the BWC that has been issued to him/her from the appropriate docking station located in the Patrol Bureau Office.
 - a. A BWC shall only be deployed by the authorized officer to whom it has been issued.
 2. Inspect the BWC to ensure that the battery is fully charged and that the device is assembled correctly and is fully operational.
 - a. An officer shall, as soon as practicable, report to his/her immediate supervisor both verbally and by documenting the facts and circumstances in a letter of information whenever a BWC is not functioning properly, damaged, or missing.
 - b. BWCs that are not functioning properly, damaged, or that require maintenance, and copies of any associated documentation, shall be turned-over to a system administrator for rectification.

3. Position the BWC on the chest portion of the work clothing, in the location and manner communicated and demonstrated through Department-approved training, so as to facilitate obtaining an appropriate and unobstructed recording field of view.
 4. Report to the Shift OIC at the conclusion of each tour of duty to sign-in the BWC and re-insert it into the appropriate docking station located in the Patrol Bureau Office so as to initiate the uploading of video from and the recharging of the device.
 5. Document a BWC activation within the following documents whenever such documents are created in accordance with Department policy:
 - a. Within the narrative of the corresponding Aegis™ and/or RICRS™ electronic report.
 - b. As a notation on any summonses/citations that are issued.
 - c. In a witness statement.
 6. Use the storage software to mark for automatic archival any portion of a BWC recording that captures an arrest and any related footage.
- B. Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the BWC system.
- C. BWC officers should continue to prepare reports in the same manner as prior to the implementation of this camera system. Officers should not substitute "refer to video" for a detailed and thorough report. Officers should avoid using exact quotes, but should represent statements in their reports as a summary of what is contained in the video, such as, "In summary the victim related..."

II. BODY-WORN CAMERA ACTIVATION PARAMETERS

- A. An authorized officer equipped with a BWC shall activate its recording functions as soon as practicable under the following circumstances:
1. All enforcement encounters where there is at least reasonable suspicion that a person has committed, is committing, or may be involved in criminal activity. This includes, but is not limited to, self-initiated stops and dispatched calls for service.
 2. { All enforcement encounters where there is reason to believe that the individual is committing a violation for which a summons may be issued.

3. When initiating and conducting all vehicle pursuits.
 4. When conducting all vehicle stops.
 5. Taking or attempting to take an individual into custody (i.e. arrests, mentally ill persons/protective custody situations, etc.).
 6. All incidents involving a reportable use of force, as soon as and whenever practicable.
 7. Any public interaction, regardless of context, that escalates and becomes adversarial.
 8. All building searches/entries made pursuant to criminal or investigatory purposes.
 9. Whenever an officer judges that it would be beneficial to record an incident, but only when recording does not contradict Section "C", below.
- B. An authorized officer equipped with a BWC shall, as soon as practicable, report to his/her immediate supervisor both verbally and by documenting the facts and circumstances in a letter of information whenever his/her BWC is not activated under the circumstances prescribed in 1 through 8 of Section "A" above, regardless of whether or not the activation of the BWC was deemed practicable by the officer during the incident.
- C. Unless circumstances 1 through 8 of Section "A" above are applicable, an authorized officer equipped with a BWC is prohibited from activating a BWC and/or continuing to record under the following circumstances:
1. During encounters not directly related to official activities in the proper performance of police duties.
 2. During the performance of non-enforcement functions or administrative duties within a Department facility.
 3. In places where a reasonable expectation of privacy exists, such as, but not limited to, the interior portions of domiciles, hospital emergency rooms, locker rooms, and restrooms.
 4. Whenever a potential witness requests to speak to an officer confidentially or desires anonymity.
 5. Whenever a victim or witness requests that he or she not be recorded and the situation is not confrontational.
 6. Whenever dealing with victims of sex crimes or child abuse.

7. Whenever a victim requests that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation.
 8. To record any personal conversation of or between another Department member or employee without the recorded member's/employee's knowledge and permission.
 9. Whenever the identities and/or investigative techniques of undercover officers would be compromised.
 10. Whenever performing or present during a strip search of a detainee.
- D. Whenever a prohibited recording is made by an authorized BWC officer, he/she shall, as soon as practicable, make a request for deletion of the video file at issue by documenting the facts and circumstances in a letter of information and forwarding it to his/her immediate supervisor.
- E. An authorized officer equipped with a BWC shall, as soon as practicable and when consistent with ensuring officer safety, inform subjects that they are being recorded.
1. BWC officers shall use the following phrase: "I am advising you that our interaction is being recorded."
 2. It should be noted that this provision is not meant to imply that permission is required from a subject prior to initiating recording. RI law stipulates that consent to record is only required from one party in an interaction, and the BWC officer, acting as the consenting party, fulfills this requirement.
- F. Once a BWC has been activated the recording function shall not be terminated until all officer interactions have ceased or upon the determination that a prohibited recording is in progress.
1. An authorized officer equipped with a BWC shall, as soon as practicable, report to his/her immediate supervisor both verbally and by documenting the facts and circumstances in a letter of information whenever a recording is interrupted and/or prematurely terminated.

III. BODY-WORN CAMERA RECORDINGS/DATA

- A. All access to the system is logged and subject to audit by system administrators at any time. Employee access to audio/video/image/data files on the BWC or its related systems is permitted on a right to know/need to know basis. Furthermore, employees authorized to view

BWC audio/video/image/data files may only do so in accordance with the provisions of this policy.

B. In order to maintain the legal protections afforded to officers under *Graham v. Connor* {490 U.S. 386 (1989)}, which established the "objective reasonableness" standard for police use of force; and, to ensure the integrity of pursuant investigations; all officers and their Union/legal/other representatives or their designees shall be prohibited from accessing /viewing/possessing/disseminating/listening to any BWC audio/video/image/data file of any kind that pertains to a known or alleged serious use of force incident prior to the submission of all properly completed verbal and/or written statements/reports/field reports/documentation.

1. The Commanding Officer of OPR or his/her designee shall determine compliance with these reporting/documentation requirements prior to issuing a written approval lifting said prohibition for each serious use of force incident.
2. CEW discharge incidents that either do not involve a FIT response or do not appear to involve death/serious bodily injury are exempt from this prohibition unless the incident was either reported or discovered in an untimely manner or as the result of an allegation of a serious use of force or a misuse of force.
3. Barring either a potential conflict of interest or the direct participation in and/or the contemporaneous observation of a specific serious use of force incident, this prohibition shall not apply to the Chief of Police, the Commissioner of Public Safety, and/or their respective designees; the Commanding Officer of OPR and/or his/her designees; and personnel of the City of Providence Law Department.

C. Unless any of the aforementioned prohibitions are applicable, an officer may be granted access to BWC recordings/data:

1. As they relate to the officer's personal involvement in an incident or the official investigation of an incident, for the purposes of furthering the investigation and/or preparing official reports.
2. When the officer is notified that he/she has an impending court or hearing date, for the purposes of providing testimony.
3. Prior to being interviewed in a criminal, civil or administrative case or matter and/or providing a statement either to an investigating body or pursuant to an administrative inquiry.

- a. Under the circumstances delineated in (III)(C)(3) above, an officer's Union/legal/other representatives or their designees may also be granted access.
- D. The BWC is intended to record anything that the BWC Officer could have potentially heard and/or observed using his/her senses of hearing and sight. This does not mean that the BWC Officer is required or expected to have seen and/or heard everything documented in the footage. It is imperative for Department members to clearly distinguish and delineate the following information in any reports that are required per Department policy:
 - 1. Facts that are recalled independent of a recording.
 - 2. Recollections that are refreshed by viewing a recording.
 - 3. Facts that were not previously known but that are learned by viewing a recording.
- E. Consistent with the responsibilities outlined in General Order 320.01, "Field Reporting", immediate supervisors shall review all recordings made by BWC officers under their respective commands that pertain to the commission of Uniform Crime Reporting (UCR) Part I crimes.

IV. SUPERVISORY RESPONSIBILITIES

- A. Immediate Supervisors shall:
 - 1. Inspect uniformed members who are issued BWCs for their personally assigned BWCs and ensure that they are properly affixed to the uniform and functioning properly.
 - 2. Conduct an immediate investigation whenever notified that a BWC is not functioning properly, has become damaged, or is otherwise unaccounted for.
 - 3. Conduct an immediate investigation whenever notified that a recording was interrupted or an incident that is required to be recorded was not recorded.
 - 4. Document in a letter of information the facts and circumstances pertaining to any of the aforementioned BWC investigations, and forward that letter, the BWC officer's letter, and any investigatory documentation through the chain of command to the Chief of Police.
 - 5. Forward all letters requesting the deletion of prohibited recordings through the chain of command to the Chief of Police, who shall

communicate his decision in writing back down the same chain of command as well as to the system administrators.

- B. BWC system administrators are designated by the Chief of Police and have oversight responsibilities including, but not limited to, the following:
1. Operation and user administration of the system.
 2. System evaluation.
 3. Training.
 4. Policy and procedure review and evaluation.
 5. Coordination with IT regarding system related issues.
 6. Ensuring that BWC files of evidentiary/investigative/probative value are securely archived.
 7. Ensuring that requests for copies of any documents, data, records, files, or recordings relating to BWCs are reviewed and approved by the Chief of Police or the Commissioner of Public Safety, or their respective designees, in conjunction with the City Law Department, prior to release.
 8. Ensuring that written directives from the Chief of Police to edit, delete, or alter any BWC captured audio and/or or video or carried out as stated and documented.
 9. Performing documented random audits of BWC images/audio/video/data on a monthly basis. These audits will focus on the following issues:
 - a. Customer service.
 - b. Adherence to directives and training pertaining to BWCs.
 - c. The functionality and effectiveness of BWCs.
 - d. Officer safety and related training.
 - e. Any other issues that could result in a citizen complaint; a hindrance to prosecution; or liability to members, the Department, or the City of Providence.

VII. PROVISIONS

- A. BWCs, as well as any image, video, audio and/or data captured by or pertaining to BWCs, irrespective of the nature or content, are at all times the property of the Department. Members of the Department may not copy, publish, share or disseminate any BWC audio/video/image/data files except as authorized by the Chief of Police or the Commissioner of Public Safety, or their respective designees. Furthermore, members of the Department may not edit, delete or alter any audio/video/image/data files either captured by or pertaining to BWCs or stored on the cloud server or other storage media devices, except as authorized by the Chief of Police or the Commissioner of Public Safety.
- B. Unless otherwise prohibited by law, video captured by BWCs will be preserved for 90 days, at which time it will be automatically deleted unless it is otherwise accepted for archival or ordered to be archived. Entities who may order the archival of video include the Commissioner of Public Safety, the Chief of Police, members of the Department Command Staff, the Commanding Officer of the Office of Professional Responsibility, and personnel of the City of Providence Law Department.
- C. It shall be deemed a violation of this policy for recordings to be reviewed solely for the purpose of searching for instances of Department members committing violations of law or Department policy, unless such reviews are related to a specific complaint, allegation, or incident.
- D. All BWC officers and supervisors, regardless of rank, shall receive documented initial and ongoing training in this policy and in the use of BWCs at a level commensurate with their actual or anticipated involvement in the BWC Pilot Program, both prior to and during program implementation, as deemed appropriate by the Training Bureau.

APPROVED:

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**STEVEN M. PARÉ
COMMISSIONER
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