I. **POLICY**

The Ferris State University Department of Public Safety (DPS) recognizes the value of digital in-car and body-worn cameras (BWCs) for the purpose of criminal investigations and prosecutions, and to investigate and to make a determination, in regard to a complaint against an officer. The in-car camera and BWC is also a valuable tool in development of officer training and safety, and as a mechanism to aid in the protection of the officers and the public.

II. **PURPOSE**

The purpose of this policy is to establish guidelines for the appropriate use of digital in-car camera and BWC equipment used by officers or installed in Department of Public Safety vehicles, as well as the appropriate storage, viewing, use, and dissemination of any recorded data. All recording are In-Car and Body-Worn footage are the property of the Department of Public Safety and will not be made available outside the department, except as described in this policy.

The Department of Public Safety requires the use of BWCs by all officers and digital in-car cameras in all department vehicles so equipped for the following purposes:

1. To facilitate the conviction of violators, and those who have been arrested. Video footage will also supplement written police reports and facilitate the collection and documentation of evidence for subsequent court hearings. The recordings will be considered evidentiary documentation of the events, actions, conditions, and statements made during traffic stops, arrests and/or critical incidents.

2. To review situations which result in citizen complaints to facilitate the investigation and determination of the complaint, or to protect the officer(s) and department against false allegations of police abuse or misconduct.

3. To be used by the department training personnel to identify areas of needed training and evaluation. This digital documentation will be utilized to review and evaluate any unusual, critical, or extraordinary events in effort to formulate future training models.
4. It is expected that the use of this equipment will improve officer safety practices. Shift Sergeants and Administrators will periodically review recordings to ensure compliance with the departmental policy regarding this policy.

III. PROCEDURE

A. In-Car Video and BWC System Integrity:

1. Viewing the recorded video is encouraged for the purposes of officer safety, training, writing of reports, or public relations by personnel authorized to do so. Under no circumstances are the recording of incidents to be displayed in a less than professional manner. Using the recordings to ridicule, embarrass, or harass citizens, officers or the department is strictly prohibited.

2. Recordings are considered evidence and will be treated as such. Police employees will not edit, alter, erase, duplicate, copy, share, or otherwise distribute recordings. DPS employees will only copy and consolidate recordings as described in section F (Recorded Media Review, Release, and Storage/Retention. Any abuse, misuse, altercations, sabotage, theft, or intentional destruction of any part of digital record or equipment is prohibited. In the case of any such violation, the responsible party/parties will be subject to discipline, up to and including termination of employment.

3. Officers shall not use the audio/video system for personal purposes. Use of personal owned devices in lieu of an assigned In-Car or BWC system is prohibited. Recordings shall not be copied, saved, or maintained on personal devices without the approval of the Director/designee.

4. Officers will activate and deactivate BWCs and In-Car systems when appropriate to the proper performance of their official duties and consistent with this policy and any applicable laws.

5. Supervisory personnel will ensure Officers equipped with camera systems utilize them in accordance with policy and procedures defined herein.

B. Officer's Responsibilities:

1. Prior to the beginning of each shift, the assigned officer shall inspect the recording equipment to ensure it is operational and free of malfunctions or defects such as:
   a. BWC and in-car remote audio microphone is operational.
   b. Front and rear in-car cameras are operational and are correctly aligned.
   c. The equipment is properly recording audio and video.
      I. Conduct a test recording utilizing the remote microphone.
      II. Play back the recording to ensure the equipment is aligned and is recording properly.
2. Recording equipment is the responsibility of each individual officer and should be used with reasonable care to ensure proper functioning. Any damage or malfunctioning devices shall be reported to an immediate supervisor as soon as possible.

   a. If the departmental vehicle has a malfunctioning in-car camera, that vehicle shall be taken out of service until the repairs are completed, unless there are no other equipped vehicles available.

3. Officers shall log into all camera systems as a routine part of checking into service and equipment checks and verifications at the beginning of his/her shift.

4. Officers shall notate on their daily log that they have tested the equipment and that it is operating properly.

5. Officers shall log out of the camera system at the end of their shift.

6. Officers must note in incident and related reports when BWC recordings were made. The report number should contain the BWC ID number (e.g. BWC #2 utilized). However, BWC recordings are not a replacement for In-Car video (if available) or written reports.

C. Recording Requirements:

1. In-Car and BWC systems must be used unless authorized by supervisory personnel. If authorized, the approving supervisor will document the circumstances and rationale for their decision by sending an email to their immediate supervisor, Assistant Director, and Director of Public Safety.

2. Video and audio recording (including the remote microphone and BWC) is required during the following:

   a. Arrests, searches, use of force, crimes in progress, or accident scenes. BWCs shall be activated until the crime or accident scene has been completed.
   b. Traffic stops, field sobriety tests, and motorist assists.
   c. Pursuits and/or emergency driving situations.
   d. Crimes in progress.
   e. Transporting a citizen or suspect. (rear seat camera).
   f. Any citizen encounter which is likely to require some sort of (Report/Call for Service) by the officer.
   g. Evidence collection. BWCs shall be activated when collecting evidence or examining a crime or accident scene, even after the scene is controlled. Recordings may be useful for reviewing for evidence not observed at the time.
h. Any other encounter the officer, based on training and experience, has reason to believe may require recording.

3. Officers will not be considered in violation of this policy when they do not manually activate the system because, based upon the unique nature and circumstances of the encounter, it was not objectively reasonable, or paramount in the mind of the officer to do so. If an Officer fails to activate a recording as prescribed in this policy, he or she must document why a recording was not made in any incident report.

4. The WATCHGUARD system will automatically activate the In-Car camera when the emergency lights are activated, when the siren is activated, and any time that the speed of the vehicle reaches or exceeds 85 mph.

5. Limitations of BWC battery life and electronic storage prevent continuous recording throughout an entire shift and it is not the intent of this policy to record every second of an Officer’s shift. However, Officers shall activate BWCs to record all contacts with citizens in the performance of their official duties. Generally, the BWC should not be activated for encounters or activities not related to a call for service or enforcement (e.g. walking through campus). When in doubt, the BWC should be activated.

6. The BWC should be activated prior to arriving at the scene whether responding by vehicle or foot so that the beginning of the interaction is recorded. Early activation also prevents the need to think about turning the BWC on under stressful conditions or during an escalating event when an officer’s focus is on safety and tactics.

7. When the system is activated, officers shall ensure that the audio portion of the recording system is activated so all events are properly documented. Officers are encouraged to narrate events to provide the best documentation for pretrial and courtroom presentation.

8. When the system is activated to document an event, it shall not be deactivated until the event has concluded.

9. Deactivation of the any system (BWC, In-Car, body-mic) must be documented, and the reasoning given in any incident/call for service report. If a system is deactivated during a call for service or enforcement activity, the Officer shall verbally indicate their reason for stopping the recording, and upon reactivation, state that the system was restarted. If an Officer fails to activate a BWC recording as prescribed in this policy, he or she must document why a recording was not made in any incident report.

D. Additional BWC Requirements:

1. Depending on the nature of the encounter, Officers should choose to inform person that they are being recorded by a BWC.
2. Requests to turn off systems. If activation or recording is required under this policy, Officers have no obligation to stop recording in response to a request from a member of the public. However, the Officer has the discretion to not record conversations with victims, witnesses, or persons who may have information regarding a suspected crime, but who are reluctant to be recorded. The request to de-activate should be recorded and the Officer should verbally confirm the reason before stopping the recording. It shall also be documented in their narrative.

3. In private spaces where an individual has a reasonable expectation of privacy, Officers may honor an individual’s request to not be recorded unless the recording is being made pursuant to a legal arrest or search of the residence or individual.

E. Restrictions and Exceptions Regarding Use of BWCs

1. BWCs shall not be used to record:
   a. Communications with other police personnel without the permission of the Director of Public Safety.
   b. Encounters with undercover police personnel or confidential informants.
   c. Period when an Officer is on break/lunch or otherwise engaged in personal activities or when the Officer is in a location where there is reasonable expectation of privacy, such as a restroom, locker room, or squad room.
   d. Legally privileged conversations (i.e. legal counsel, clergy, etc).
   e. Court proceedings.

2. BWCs should not be used in the following circumstances due to their exceedingly sensitive or private nature:
   a. Death notifications;
   b. Interviews with sexual assault victims;
   c. Interactions inside medical and mental health facilities.

F. Recorded Media Review, Release, and Storage/Retention:

1. All video data is considered the property of the Department of Public Safety.

2. Review of video recordings.
   a. Officers:
      i. Officers are permitted and encouraged to review their own recordings prior to submitting the final version of their reports for supervisory review and approval. The Director may restrict any employee’s viewing of recordings at his/her discretion.
      ii. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes. The determination of whether or not
a recording will be used for training purposes lies with the Director of Public Safety. Requests of this nature should be forwarded through the appropriate chain of command. Officers will be informed if a recording using their image or voice is to be used for training purposes.

b. Supervisor: In an effort to provide for early intervention, supervisors will periodically audit the activity of each sworn officer they supervise by reviewing a random representation of video and related reports or documentation. The goal is to ensure all activity and behavior reflects the department’s expectations, directives and procedures.

i. Supervisors reviewing recordings must be cautious before conclusions are reached about what the video shows. When evaluating BWC recordings, the following unique perspectives should be considered:

   a. The BWC does not follow eyes;
   b. Some danger cues cannot be recorded;
   c. The Officer’s level of experience;
   d. BWC recording speed and human reaction time differ significantly;
   e. BWC recordings are only two dimensional;
   f. Extended hands and arms may block views at critical times;
   g. BWCs do not utilize human senses;
   h. BWCs cannot record perpetual distortions and/or other normal reactions to stress.

ii. Each supervisor shall provide a report to the Assistant Director no later than five (5) business days after review of the recordings describing:

   a. The date of the audit
   b. Officer’s name being audited
   c. Incident number or identifier of the activity reviewed
   d. Behavior observed that:

      • Exceeds department expectations
      • May be considered illegal, unfair, partial, excessive, inappropriate or a violation of department directives and procedures
      • Indicates additional training is needed to improve safety practices, procedural practices or operation of department equipment

iii. Any violations or deficiencies identified as part of the review shall be turned over to the Assistant Director, who will review each case, and determine if more training is needed or disciplinary action.
c. Review of recordings by non-department personnel is only permitted under the following circumstances:

  i. With the approval of the Director or his/her designee. If approved, the viewing must occur at the Ferris State University Department of Public Safety, in the presence of an on-duty supervisor. This viewing will be made part of the incident report, either in the narrative or in a supplemental narrative.
  
  ii. Freedom of Information requests which meet the legal requirements and are coordinated by the General Counsel.
  
  iii. The Prosecutor’s approval is necessary for any cases pending judicial process.
  
  iv. When being presented as evidence in a traffic or criminal judicial proceeding.
  
  v. With the approval of the Director or his/her designee, when being presented as evidence in a student conduct matter and only after it has been redacted.

3. Release of Copies. No copies of video and audio recordings shall be released to anyone other than the Mecosta County Prosecutor’s Office, student conduct office, discovery orders, or FOIA requests. FOIA requests must be done and coordinated through the office of general counsel. The release of copies of recordings must be consistent with the Michigan FOIA, Rules of Evidence, and other applicable laws and vetted by the General Counsel. Redaction of certain portions will be made following current FOIA, LEIN, and court rulings in place prior to vetting by the Office of the General Counsel.

4. Storage and Retention of Recordings

  a. Recordings where a criminal prosecution, officer complaint, or other potentially critical or controversial incident is not anticipated will be stored on the server for 90 days. All others will be retained at the direction of the Director of Public Safety.

  b. In critical cases or cases which are likely to be litigated criminally or civilly, burn a DVD and place it into evidence and advise the Dispatch Specialist to retain the video on the WATCHGUARD system. Such recordings should be marked and retained on the server as follows:

      i. Recordings with information of evidentiary value will be retained on the server for three years.
      
      ii. BWC recordings that are the subject of an ongoing criminal or internal investigation, or an ongoing criminal prosecution or civil action, will be retained until the completion of the ongoing investigation or legal proceeding pursuant to MCL 780.311, et. seq.

  c. If a member of the Department of Public Safety is alleged to have committed a criminal act, violated a departmental policy/procedure, or violated a University
Employee policy, the investigating supervisor, designated by the Director, may review the audio or video recording to assist in the determination of an investigation into the incident. If the alleged act is criminal in nature, the recording will be documented and be preserved as in any other criminal investigation. If the report of the conduct of the officer alleges a violation of department or University policy, the recording shall be preserved until a determination is made, and if applicable, all appeal processes granted by the department and the University have been concluded, and a final disposition has been made.

i. The Department of Public Safety shall retain audio and video recorded by a BWC for not less than three (3) years after the date of the recording is made if the recording is relevant to a formal complaint against a law enforcement officer or agency.

d. If a complaint is made after applicable retention periods or the Department of Public Safety is unable to produce a recording due to a technical failure or human error, there is no presumption that the recording would corroborate either the prosecution’s/plaintiff’s or defendant’s version of events.

5. TRAINING

1. Police personnel who are assigned BWCs and In-Car cameras must complete a Ferris State University Department of Public Safety approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration, and performance, and to incorporate changes, updates, or other revision in policy and equipment.

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John R. Allen
Director, Department of Public Safety