**BODY-WORN CAMERAS**

* 1. PURPOSE

The purpose of this model policy is to provide guidelines for the effective operation and recording of body-worn cameras (BWC) by police and sheriff’s office employees in the state of Montana.

* 1. POLICY

The policy of this agency is properly train and monitor the appropriate and legal use of BWC by department employees and to establish guidelines for that use and the recording and storage of video captured by these devices.

* 1. BODY-WORN CAMERAS

27.2**.**1 ADMINISTRATION

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

* + 1. BWCs allow for ~~accurate~~ additional documentation of police-public contacts, arrests, and critical incidents. They also may serve to enhance the accuracy of officer reports and testimony in court.
    2. Audio and video recordings ~~also~~ enhance this agency’s ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
    3. The BWC may also be useful in documenting crime and crash scenes or other events that include the confiscation and documentation of evidence or contraband.
    4. WHEN AND HOW TO USE BODY-WORN CAMERAS
    5. Officers shall activate the BWC to record all investigation, and enforcement contacts with citizens in the performance of official law enforcement duties.
       1. If a subject asks an officer whether an event is being recorded, the officer is to answer truthfully, but is not bound by this procedure to volunteer the information if the subject does not ask.
       2. It is the policy of this department to allow its officers to continue recordings even at the request of individuals to cease the recording.
       3. Exceptions to activating the BWC would include the following:
          1. Officer or citizen safety would be jeopardized by activating the BWC, or
          2. An equipment failure with the BWC
    6. The BWC shall remain activated until the contact is completed in order to ensure the integrity of the recording.
    7. 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.
    8. No one shall be allowed to review the recordings except through the process of a court order.
    9. PROCEDURES FOR BWC USE

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized 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 agency. No personally owned BWC’s will be worn by members of the department.
3. Law enforcement personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operation. 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 revisions in policy and equipment.
4. BWC equipment is the responsibility of 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 so that a replacement unit may be procured.
5. Officers shall inspect and test the BWC 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 without prior written authorization and approval of the chief of police/sheriff or his or her designee.
7. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
8. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

27.2.4 RESTRICTIONS ON USING THE BWC

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

1. Non-official communications with other police personnel outside the scope of official duties without the permission of the chief of police/sheriff;
2. Encounters with undercover officers or confidential informants; or
3. When on break or otherwise engaged in personal activities

27.2.5 STORAGE

1. All files shall be securely downloaded as frequently as possible. 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 this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Police Chief/Sheriff or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with state records retention laws.

27.2.6 SUPERVISORY RESPONSIBILITY

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein, and that the equipment is operating properly.