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1. PURPOSE

The purpose of this policy is to establish guidelines governing the use of body worn cameras to record law enforcement actions. This policy also provides guidelines for the management, storage, release, and retrieval of digital recordings from BWCs.

The Hawai'i Police Department uses BWCs as a means by which real time evidence and activity can be captured in an environment that cannot be duplicated again. It is vital to the law enforcement objective that real time video evidence be captured and utilized in police activities and BWCs are an acceptable means to attain this goal.

While recordings obtained from a BWC provide an objective record of these events, video recordings have limitations and may depict events differently than what is recalled by the officer. Specifically, it is understood the BWC may capture information that may not have been heard and/or observed by the involved officer(s) and/or may not capture information observed by the officer(s).

BWC recording perspectives must be considered with all other available evidence, including officer statements and observations, witness/suspect statements, interviews from involved parties, forensic analysis, and all other documentary evidence when evaluating a recorded incident.

Furthermore, the Hawai'i Police Department recognizes and supports the constitutional objective and privacy of the public that they serve and have developed this policy to assist and provide guidance in the effective use of this tool in law enforcement.

2. PERSONS AFFECTED

All sworn personnel.

3. POLICY

It is the policy of the Hawai'i Police Department that officers assigned a Body Worn Camera will be required to use and activate it in performance of their official duties in accordance with this policy and applicable law.

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4. DEFINITIONS

- 4.1. **Body-Worn Cameras (BWCs)** – Camera systems issued by the Hawaii Police Department and designed to be worn and used by officers to accomplish a law enforcement objective of documenting police related incidents and activities.
- 4.2. **BWC Administrator** – a Sergeant or higher designated by the Police Chief to oversee video storage, inventory, and equipment; access to BWC data; retention timelines; training; requests for and release of recordings; and the audit of the process.
- 4.3. **BWC Recording** – Digital multimedia recording including but not limited to: audio, video, photographs, and associated metadata. Metadata includes identifiers captured as part of the digital recordings, e.g. date/time, coordinates, labeling, etc.
- 4.4. **Transfer Docking Station (TDS)** – Device that charges BWCs and uploads the BWC recordings to the BWC database.

5. RESPONSIBILITIES

5.1. Supervisor

- 5.1.1. Ensure that officers equipped with BWCs are using them in accordance with this policy, specifically 6.2.
- 5.1.2. Ensure BWCs are docked before officers leave for the day. Exceptions to this under unusual circumstances are at the Patrol supervisor's discretion however the supervisor granting this exception must ensure the footage is uploaded at the officer's next shift.
- 5.1.3. Issue spare body camera equipment for defective BWCs via the district's spare BWC box, Instructions for this are contained inside the spare BWC box.
- 5.1.4. May request access to BWC recordings for purposes consistent with this policy, but not to search for violations of Department policy without cause.

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5.1.5. In the event of a critical incident as defined under General Order 604 the first uninvolved scene supervisor shall promptly recover all involved BWCs and return the BWCs to a TDS so the footage may be uploaded.

5.2. BWC Administrator

5.2.1. Overall administration of BWCs.

5.2.2. Ensure that officers, who are assigned BWCs and their supervisors, complete a Department approved 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 revisions in policy and equipment.

5.2.3. Ensure that a documented review of BWC recordings at random are conducted and submitted to the Police Chief or designee at least monthly. This review will include

- a. Integrity check; Access to the data are for legitimate and authorized purposes.
- b. Equipment Operability
- c. Policy Conformance
- d. Potential training needs

5.3 Personnel

5.3.1 Personnel shall ensure that any BWC issued to them, shall be maintained in serviceable condition.

5.3.2 Personnel shall use their BWC only in accordance with guidelines outlined in this policy.

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6. BODY WORN CAMERAS

6.1. General

- 6.1.1. Only authorized personnel shall use, or be in possession of, a department issued BWC.
- 6.1.2. Officers shall only use BWCs issued by the Hawaii Police Department.
- 6.1.3. BWCs shall be issued primarily to uniformed Patrol officers as authorized by the Hawai'i Police Department, and shall be utilized while on duty unless authorized by a supervisor.
- 6.1.4. Officers shall not alter, tamper with, or dismantle any hardware or software component of a BWC.
- 6.1.5. BWC recordings are property of the Hawai'i Police Department and shall not be edited, altered, erased, duplicated, copied, shared, or otherwise distributed in any manner outside of the parameters of this policy, without prior authorization by the Police Chief or designee.
- 6.1.6. All BWC recordings related to criminal proceedings, claims filed, pending litigation, or personnel complaints, shall be preserved in accordance with current laws.
- 6.1.7. BWC recordings are to be used for official Department purposes only including evidence for investigations and criminal cases.

6.2. Restrictions/Exceptions on Use of BWC

- 6.2.1. BWCs shall not be used to record:
 - a. Conversations involving personnel matters without the authorization of the Police Chief or designee.
 - b. Encounters with undercover officers or confidential informants.

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- c. When on break or otherwise engaged in personal matters.
 - d. While in the restroom or locker room.
 - e. During briefings or de-briefings
- 6.2.2. In locations where individuals have a reasonable expectation of privacy, such as a residence, a member of the public may decline to be recorded. If reasonable, the officer may choose to stop recording or move the interview to an alternate location, unless the recording is being made pursuant to an arrest or search of the residence or the individuals or the encounter is confrontational. If any recording is stopped, the reason shall be documented in a report.
- 6.2.3. In the following circumstances officers are not required to activate their BWCs:
- a. When the incident or event is such that it would be unsafe or impractical to activate it.
 - b. Mechanical or technical issues preventing activation of the BWC.
 - c. A victim or witness refuses to provide a statement if recorded and the encounter is non-confrontational.
 - d. If recording would interfere with the officer's ability to investigate or may be inappropriate because of the type of investigation, the victim's or the witness' emotional state, age, or other sensitive circumstance (e.g., sexual assault victim).
 - e. Situations in which recording may compromise confidential information, citizen informants, or undercover officers;
 - f. At a healthcare facility or treatment center, unless the purpose of the officer's presence is enforcement action including the potential use of force.

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- g. Situations in which tactical planning, peer-to-peer discussions, and/or non-law enforcement discussions are occurring; or
- h. When recording will conflict with this policy or applicable law.
- i. When contact with public is not in-person (i.e. telephone call)

6.2.4. Officers are not required to initiate or stop recording at the demand of a member of the public when the officer is acting on official business in the area where the recording takes place.

6.3. BWC Activation/Deactivation

6.3.1. Officers shall activate the BWC to record all enforcement related events, unless it conflicts with restriction or exceptions listed under section 6.2.

- a. Officers shall activate the BWC for all police contacts or calls for service
 - Officers shall activate the BWC prior to arrival on scene or upon arrival and prior to exiting their vehicle;
 - Officers on foot shall activate the BWC prior to approaching an individual.

6.3.2. Enforcement related events include but are not limited to:

- a. Calls for service;
- b. Law enforcement actions;
- c. Public interactions;
- d. Subject/traffic stops;
- e. All use of force incidents;
- f. Any self-initiated police services.
- g. Motor Vehicle Pursuits;

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h. Transporting to and entering a department detention or temporary detention facility;

6.3.3. When an assignment is not conducive with the law enforcement objective that real time video evidence be captured and utilized in police activities the officer shall deactivate it. Example, an officer is assigned to an outer perimeter position for an extended period and has no audio or visual contact with any involved parties.

6.4. BWC Usage

6.4.1. Officers shall inspect and test the BWC prior to use to verify proper functioning.

6.4.2. Any time the BWC is not functioning properly, the officer shall notify their supervisor as soon as possible. The supervisor shall:

- a. Notify the BWC Administrator or designee as soon as possible to coordinate repair or replacement via email or telephone; and
- b. Send the BWC Request/Replacement Form to the BWC Administrator documenting the date/time taken out of service, officer BWC assigned to, and the malfunction.
- c. Ensure a spare BWC be issued to the officer as soon as possible.



6.4.4. Whenever asked, officers are to inform the public that they are being recorded.

6.4.5. Officers shall as much as possible not block or impede the BWC recording during an event.

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6.4.6. Officers shall document when BWC recordings are made in **all reports**. This includes criminal narratives, any incident synopsis in RMS, citations etc.

a. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document the reason in the report.

6.4.7. Each BWC recording shall contain at least the incident number tagged by the officer or auto tagged via the RMS. Officers are still responsible for ensuring auto tagged videos are correctly tagged.

6.4.8. Failure to consistently activate a BWC shall result in disciplinary action.

6.4.9. BWC recordings are not substitutes for written narrative reports. “Refer to the BWC footage” is not an acceptable report.

6.4.10. Officers may inform their supervisors of any recording which may have value for training purposes.

6.4.11. Officers may submit a memorandum to their Supervisor via proper channels, requesting the deletion of any accidental recording, if it has no investigative or evidentiary value (e.g., personal recording).

The Supervisor will submit a request through proper channels to the Police Chief detailing the reason for deletion. Approved requests will be handled by the BWC Administrator or designee.

7. STORAGE AND ACCESS

7.1. Storage

7.1.1. Officers shall ensure that BWC recordings are uploaded and tagged during or at the end of each shift, by docking the BWC in the TDS. Exceptions to this must be approved by the Officer’s Supervisor or Commander. Each BWC recording shall contain at least the incident number.

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7.1.2. Officers shall categorize/tag BWC recordings in accordance with their training.

7.1.3. The BWC Administrator shall ensure that BWC recordings are securely stored in accordance with the Department's records retention schedules.

7.2. Access and Retention

7.2.1. All access to the system is automatically logged, subject to an audit, and is for official use only. Authorization levels vary and are dependent upon rank/assignment and are assigned by the BWC System Administrator as authorized by the Police Chief.

7.2.2. Release of BWC data to any person outside the department by any means is prohibited unless prior written approval is given by the Police Chief or designee.

7.2.3. Officers may view their own BWC recordings via their official Department accounts or the official BWC mobile app via personal device for the purpose of criminal investigation, report preparation, statement preparation for administrative inquiry, or court testimony. This also includes shares with their Supervisor and other involved officers for consultation on events for investigations or training purposes.

a. Officers involved in a critical incident as defined under General Order 604 Critical Incident, shall provide a statement prior to reviewing BWC recordings.

7.2.4. Duplication of recordings or copies for personal use is prohibited. Personnel violating this are subject to investigation and discipline.

7.2.5. Department personnel needing access to BWC recordings shall request access to BWC files from the BWC Administrator via the BWC Request/Repair Form. The request shall indicate the reason for the request, identification number, date, time, and officer to whom the BWC is assigned.

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7.2.6. Officers may find it useful and are encouraged to review recordings of incidents when deemed beneficial for the purposes of conducting a debriefing or for potential training. When a recorded incident is found to be of value as a training aid for employees of the department, the recording officer should notify their supervisor to contact the BWC Administrator.

The BWC Administrator or designee shall check with involved personnel prior to releasing BWC recordings for training. Any objections made by involved personnel shall be brought to the attention of the Police Chief or designee and considered prior to its release.

7.2.7. All other requests, including media inquiries, for viewing or a copy of a BWC recording, may only be authorized by the Police Chief or designee in accordance with Department policy and applicable law (e.g., Hawai'i Revised Statutes, Chapter 92F, as amended).

7.2.8. The retention for any recording not governed by statutes or criminal investigation purposes shall be for at least two years.

7.2.9. The BWC Administrator or designee shall maintain a permanent record on all:

- a. Logins to access BWC recordings.
- b. Requests for access or copies.
- c. Requests for deletion.
- d. Records retention deletions.