

## **Title 8: Equipment and Uniforms**

### **8.30 Body Worn Camera & In-Car Camera Systems**

#### **8.30.010 Policy**

Body Worn & In-Car Camera (BWC/ICCs) systems are an effective law enforcement tool that reinforces the public's perception of police professionalism and transparency, and preserves factual representations of officer-citizen interactions. BWC/ICCs have the potential to improve community relations, strengthen public trust in law enforcement, lower the number of citizen complaints, defend officers against false accusations, increase agency accountability, and improve officer training and evaluation.

The Metropolitan Nashville Police Department respects the legitimate privacy interests of the citizens and visitors of Nashville-Davidson County, TN when utilizing BWC/ICCs.

BWC/ICCs are effective in capturing video and audio evidence for use in criminal and internal investigations. BWC/ICCs also serve to enhance the accuracy of officer reports and testimony in court. Audio and video recordings enhance this department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes. BWC/ICCs may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

Body Worn or In-Car Camera Video recordings, however, provide a limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, officer interviews, forensic analyses and documentary evidence, when evaluating the appropriateness of an officer's actions.

This policy does not govern the use of surreptitious recording devices used in investigative operations.

#### **8.30.020 Definitions**

- A. **Activate:** The mode in which the BWC is on and is actively recording an event. Once the BWC is activated from the Standby mode, sixty seconds of video prior to activation will be captured in addition to video and audio recorded upon activation.
- B. **Body Worn Camera (BWC):** A mobile audio and video capture device that is worn on an Officer's person to allow an officer to record what is seen and heard. The WatchGuard body camera system is the only department authorized and approved BWC.

This BWC definition does not include surreptitious recording devices used in investigative operations.

- C. **Body Worn Camera/In-Car Camera Program Administrator:** A command level sworn position responsible for the oversight and management of the BWC/ICC Program, which includes inventory management, training, deployment, system evaluation, policy review, internal auditing, procedure review and evaluation, and coordination with the BWC/ICC Systems Administrator.
- D. **Body Worn Camera/In-Car Camera Systems Administrator:** A civilian professional specialist position responsible for management of the BWC/ICC Program technology and maintenance of the hardware and software systems.
- E. **Body Worn Camera/In-Car Camera Unit (BIU):** The unit within MNPD IT which is responsible for the acquisition, issuance, and maintenance of BWC/ICC systems, including but not limited to the equipment, storage solutions, access and dissemination controls, and CAD, RMS, and justice system software interfaces.
- F. **Categorization:** The process whereby an employee categorizes a video for evidentiary or information purposes resulting in the recording being retained based on an established retention schedule, and assigned the appropriate MNPD incident number to the recording.
- G. **Critical Incidents:** Includes the use of deadly force or officer involved incidents resulting in serious bodily injury or death, or the death or serious bodily injury of an employee.
- H. **Deactivate:** When the BWC/ICC is placed in Standby mode, which ends the recording session.
- I. **In-Car Camera (ICC):** Refers to any departmentally installed system that captures audio and video recordings, that is capable of installation in a vehicle, and that includes at minimum: camera, recorder, and display.
- J. **Standby Mode:** The mode in which the BWC/ICC is turned on but not actively recording an event.
- K. **Video Evidence Management System (VEMS):** The repository for video from BWC/ICC systems. The VEMS is a combination of hardware and software used to generate, collect, store, protect, retrieve, review, transmit, export, and archive video evidence that are created from body worn cameras, In-Car Camera systems, and various other video sources. The VEMS tracks and provides an extensive audit log of all activity to protect chain of custody.

### **8.30.030 Training**

- A. Any MNPD employee who has completed the prescribed training curriculum is authorized to deploy a BWC/ICC for any legitimate law enforcement purpose consistent with this policy.
  
- B. Before an employee deploys with a department issued BWC/ICC camera, they will complete department training on the proper use of the equipment and procedures for uploading recorded data. Such training will be documented via approved MNPD Lesson Plan and appropriate rosters maintained by the Training Division. This training will include:
  - 1. Objectives of the BWC/ICC Program;
  - 2. Camera operation;
  - 3. Proper placement of the camera;
  - 4. Department policy on camera usage;
  - 5. Recording advisements;
  - 6. Access, storage, and retention; and
  - 7. Scenario-based exercises.

### **8.30.040 BWC/ICC Systems User Manual**

Police IT will disseminate a Body Worn Camera & In-Car Camera Systems User Manual containing operating instructions and instructions regarding equipment maintenance, download, storage, charging, and other functions of department issued BWC/ICC equipment.

### **8.30.050 Pre-shift function Checks**

- A. At the start of the shift, employees will perform a check, as outlined in the BWC/ICC training and User Manual, for issues with any of the following:
  - 1. Damage;
  - 2. Camera mounting;
  - 3. Recording functionality;
  - 4. BWC and ICC synchronization;
  - 5. Previous uploads; and

6. Adequately charged battery and any backup batteries.
- B. Any time the employee is aware of equipment malfunctions, the employee will promptly:
1. Notify an appropriate supervisor;
  2. Notify Police IT BIU staff for troubleshooting by contacting them at 615-862-7860, on radio channel P211, or at Police-ITSupport@nashville.gov.
- C. When a supervisor becomes aware that an employee has a malfunctioning or defective BWC/ICC, he/she shall, in consultation with the BIU, determine whether the BWC/ICC can be replaced or repaired prior to the employee reporting for assignment. The BIU shall maintain documentation of reported issues with BWC/ICC equipment.
- D. Consistent with established policy for inspection of departmental equipment, only those MNPD supervisors who have received authorized training with BWC/ICCs should conduct inspections of BWC/ICC equipment.

**8.30.060 Employees Will Only Utilize BWC/ICC Equipment Issued by the Department**

Employees who are issued or assigned BWC/ICC's shall not utilize any personally-owned BWC/ICC. This shall not preclude the taking of photos/video to preserve evidence in accordance with MNPD Manual - Evidence Storage Division 6.10. All data, images, video, and metadata captured, recorded, or otherwise produced from any BWC/ICC shall be used for official law enforcement purposes only and are the property of the Metropolitan Government.

**8.30.070 Proper Wear or Use of the Camera, Alterations, & Modifications**

- A. The department will issue BWCs to authorized employees. Such employees will be trained in the proper use of the BWCs and shall wear the BWC's consistent with this policy and departmental training.
- B. The BWC shall be affixed to the front of each employee's uniform consistent with MNPD training, and in a manner that no obstructions from clothing or gear interfere with proper recording. The BWC should be positioned to capture the best recording possible of the employee's scene and interactions with persons on that scene.
- C. Employees assigned to administrative elements and those in plain clothes assignments shall consult their Standard Operating

Procedures (SOPs) in addition to this policy for proper wear and use of BWC/ICC systems while working in these capacities.

- D. BWC/ICC equipment is not user serviceable, therefore employees shall not attempt to alter, modify, or disassemble the camera or attempt to access the internal storage, files, programs, or configuration of the BWCs either wirelessly or by direct connection. Any necessary modifications must be authorized by or completed by the BIU.

### 8.30.080 Employees Will Record Police Activity

- A. Employees will activate the BWC/ICCs, consistent with this policy to record any investigative or law enforcement activity involving a member of the public.
- B. Considering the inherent 60 second buffer (video without sound) of the devices, where practical and safe, employees shall activate their BWC/ICC devices prior to initiating any investigative or law enforcement activity involving a member of the public. If an employee is unable to activate prior to initiation, the employee shall activate the device as soon as it's reasonably safe and practical to do so. Investigative and law enforcement activities include, but are not limited to:
  - 1. Dispatched Calls for Service
    - a. BWC/ICC shall be activated upon dispatch to emergency (response code 3) calls for service, starting when dispatched and ending with completion of police interactions or return to service;  
  
***Note:** Nothing herein should prohibit an employee from activating the BWC/ICC upon dispatch or at any point during the response to a non-emergency call (response code 1 or 2) when the employee has a reasonable belief that relevant or evidentiary video may be obtained by such activation.*
    - b. BWC/ICC shall be activated just prior to arrival on code 1 and code 2 calls for service.
  - 2. Investigative stops or other investigatory encounter involving a member of the public;
  - 3. Traffic stops;
  - 4. Observed criminal activity;
  - 5. Arrests and seizures, or attempts to arrest or detain;

6. Searches and inventories of vehicles, persons, or premises;
7. Vehicle and foot pursuits;
8. Transport of persons in custody or otherwise not free to leave (i.e., under arrest, mental health transport, etc.);
9. Canine searches;
10. Critical incidents, as defined herein;
11. Crowd management and control with a reasonable likelihood of enforcement or investigative contacts;
12. Questioning victims, suspects, or witnesses (This does not include conversations with persons merely wishing to pass on information about general criminal activity not tied to a specific event.);
13. At any time an employee believes the event or encounter should be recorded for investigative or administrative purposes, or
14. Other investigative or law enforcement activities where, in the employee's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.

*NOTE: In some circumstances, it may not be possible to capture images of an incident or of an entire incident due to environmental conditions, the location of the employee, the location of the camera, or other factors; however, the audio portion can be valuable evidence and is subject to the same activation requirements.*

- C. Employees operating a vehicle equipped with an ICC shall ensure the rear seat camera recording is included with a recording event anytime a person or evidentiary item is placed inside the rear seat area.
- D. If circumstances prevent recording with BWC/ICCs at the beginning of an event or if a routine interaction unexpectedly becomes hostile or contentious, the employee shall begin recording as soon as practical.
- E. The BWC/ICC should not be used as a substitute to record a formal statement from a victim or a witness.
- F. Nothing in this policy should place the acquisition of a recording ahead of the safety of the public or employees. An employee

should never choose his or her positioning based on obtaining a recording, if it would sacrifice the safety of the employee or others.

- G. If the employee is on a perimeter post at an extended major incident investigation, the on-scene supervisor, may authorize the BWC/ICCs recording to be stopped when he or she reasonably believes further recording will not capture audio/visual evidence regarding the incident or law enforcement efforts.

- H. Employees assigned to Federal Task Forces

In addition to following MNPDP policy and procedure, MNPDP employees assigned to positions as Federal Task Force Officers (TFO's) will adhere to any MOU in place between each agency. Where a conflict may exist, employees will follow MNPDP policy and notify their supervisory chain of command. Employees wearing a BWC while performing official duties as a TFO will clearly identify themselves as a Federal TFO and which agency they are assigned to at the beginning of each recording.

- I. Extra-Duty Employment & Special Events

When working police-related extra-duty employment or an SEU assignment, all employees and supervisors who have been assigned a BWC are required to activate their BWC to record all law enforcement activities consistent with this policy. Employees must upload any video captured during extra-duty or SEU employment activities as soon as practicable, but not later than 72 hours after the event. If any law enforcement activities or other events as described in 8.30.080, Section B, (5, 6, 7, 8, 9, 10, 11, or 12) are captured or when specifically directed by a supervisor, the BWC video shall be uploaded prior to the conclusion of the extra-duty employment.

- J. Off-Duty Use

- 1. ICC

- A vehicle with an ICC, being utilized off-duty for authorized purposes (e.g. court, in-service training, etc.) shall abide by all requirements for on-duty ICC use.

- 2. BWC

- An employee with an assigned BWC, while off-duty in uniform shall abide by all requirements for on-duty BWC use.

- 3. Video Upload Related to Off-Duty Use

Employees must upload any video captured during off-duty activities as soon as practicable, but not later than 72 hours after the event. If any law enforcement activities or other events as described in 8.30.080 Section B, (5, 6, 7, 8, 9, 10, 11, or 12) are captured or when specifically directed by a supervisor, the BWC video shall be uploaded prior to the conclusion of the off-duty event which required video capture.

**Note:** *“Extra-Duty” and “Off-Duty” shall have the same meanings as defined in Department Manual 4.30.020.*

### **8.30.090 Protecting Privacy and Dignity**

- A. Employees are not required to obtain consent from members of the public when the employee is lawfully in the area where the recording takes place. Whenever possible, safe and practical, employees are encouraged to inform individuals that they are being recorded; particularly with respect to interviewing victim and witnesses. Employees should restrict recording to areas and persons necessary in order to obtain evidence and information relevant to the incident and should attempt to minimize collateral intrusion to those not involved.
- B. Employees are strongly encouraged to record all interviews for evidentiary purposes-consistent with established policy on interviewing victims, suspects or witnesses; however, employees are afforded discretion in deciding whether to record an interview in certain, articulable circumstances. Consideration should be given to the need to obtain a statement versus concerns that a person may be reluctant or unwilling to do so on camera.
- C. There may be limited circumstances when the respect for an individual’s privacy or dignity outweighs the need to record an event. Such circumstances may include natural death scenes, death notifications, child care facilities, child or sexual assault victim interviews, cultural or religious objections to being recorded, and when the use of BWC/ICCs would impede or limit the cooperation of a victim or witness. At such events or locations, at the employee’s discretion and based on the circumstances, BWC/ICCs may be deactivated. The employee may consider the option to divert the camera away from any subjects and record only audio, if appropriate.
- D. When an employee has reason to believe such circumstances exist, the employee shall state on the recording the reasons for deactivation or diverting the camera view and then may deactivate or divert the BWC/ICCs.
- E. If the use of BWC/ICCs appear to be impeding or limiting the cooperation of a victim or witness, the employee is expected to:

1. Advise the individual of the advantages of having the incident recorded;
  2. Request to record the event in audio only;
  3. State on the recording the reasons for deactivating or diverting the camera view; and then
  4. May deactivate or divert the BWC/ICCs.
- F. An employee may discontinue the recording of any member of the public seeking to anonymously report information, or otherwise assist in an investigation, when their cooperation is conditioned upon remaining anonymous or they request to terminate the recording. The employee shall state on the recording the reasons for deactivation and then may deactivate the BWC/ICCs.
- G. Employees have great discretion whether to record informal, non-law enforcement related contacts with the public. These community-related activities foster a positive relationship between the public and the police. The presence of cameras that are recording may signal distrust of the public and hinder community relations.
- H. Employees should be aware of security and safety concerns while utilizing BWC/ICCs, examples include, but are not limited to, entering access codes, computer passwords or codes, data on NCIC/TIES computer screens, accessing cell phones, text messaging, recording of investigative techniques to preserve the integrity of the processes, etc. Employees may briefly cover the lens of the BWC with their hand in these circumstances after stating on the camera the reason(s) for obstructing or diverting its view.
- I. Due to the fact that the BWC is designed to passively record video while in standby mode, employees not actively responding to a call for service and entering certain facilities or events shall power the BWC completely off or remove the camera and place it into a pocket or bag. Upon exiting the facility or event, employees shall power the camera back on (or properly reposition the camera if removed) and return it to standby mode or activate it in accordance with this policy.

These facilities or events include:

1. Bathrooms or locker rooms;
2. Federal Court;
3. Grand Jury rooms; and

4. Medical or health care facilities where the employee expects to be or is being examined or treated.
- J. Employees are permitted to remove the BWC from their uniform while completing administrative duties inside MNPD facilities when no interaction with the public is likely.

### **8.30.100 Deactivation of BWC/ICCs**

To aid in the protection of privacy, employees shall make every reasonable effort to ensure the BWC/ICC is deactivated in the following circumstances:

- A. Inside law enforcement or criminal justice facilities, unless taking law enforcement action or responding to a call for service (see 8.30.130(B) regarding prisoner transports);
- B. Department meetings including, but not limited to, administrative meetings, supervisory meetings, roll-calls, committee meetings, mediations, counseling, any testing environment, and in-service training;
- C. While on break or otherwise engaged in personal non-enforcement activity;
- D. While discussing details of an ongoing criminal case or investigation with investigators, district attorney's, etc.;
- E. While planning formal tactical operations related to SWAT/SRT or CNT, or while planning, screening, or conducting render safe operations related to explosives or hazardous materials -unless specifically authorized by the appropriate on scene commander;
- F. While conducting operations at an established incident command post-unless specifically authorized by the incident commander.
- G. While in the presence of a Confidential Informant (CI) or Undercover Officer;
- H. While in any magistrate's or judge's office, or in any courtroom, except under exigent circumstances (e.g., response to call for service, violent disorder or witness intimidation);
- I. While having a discussion with attorneys, counselors, peer support, doctors, etc., pertaining to work-related issues, including discussions with the Department of Law regarding anticipated or pending litigation;
- J. During any personal conversations of or between department employees without all parties' knowledge;

- K. During "walk-throughs" following critical incidents;
- L. Forensic interviews involving juveniles and/or victims of crime; or
- M. While in a facility used primarily for religious practices at a time in which no law enforcement action can be reasonably anticipated.

**8.30.110 Stating the Reasons for Stopping or Diverting BWC/ICCs**

Employees who stop recording or divert the camera view during an event will state on the recording their intention to stop recording or divert the camera and explain the basis for that decision. If unable to document the reasons for having stopped recording or diverting the camera by means of a recorded narrative, employees must document the reason(s) for doing so in the associated incident report. If there is no incident report created, the employee will document the reason(s) in a CAD update to the call.

**8.30.120 Recording Protected Activity / Demonstrations**

- A. Employees should not record people lawfully exercising their freedom of speech, press, association, assembly, or religion unless there is reason to believe that criminal activity is occurring, about to occur, or when ordered to record by a supervisor, as provided below.
- B. When an imminent risk to public safety or large-scale property destruction appears likely, a supervisor, including the incident commander, of an event may order employees to record with BWC/ICCs. Under such direction, employees will record until ordered to cease recording.
- C. Employees may also record the incident when necessary to document lawful orders being issued prior to anticipated enforcement action or to document the failure to follow previously issued lawful orders. Protected activity unintentionally captured is not a violation.

**8.30.130 Determining the Conclusion of an Event**

- A. An event has concluded when both of the following apply:
  - 1. The employee has completed his or her part of the active investigation; and
  - 2. There is little possibility that the employee will have further contact with any person involved in the event.
- B. For transports to a jail facility, the event concludes when the

prisoner has been turned over to the custody of the Davidson County Sheriff's Office.

- C. For custodial transports to other locations, the event concludes when the employee reaches the transport destination, the subject has been taken into the destination (e.g., Mobile Crisis, MTMHI, Moccasin Bend, etc.) and has relinquished custody.

#### **8.30.140 Documenting the Existence of Video or Reason for Lack of Video**

- A. Employees will document the existence of video, lack of video, or the delay of the start of video in a call CAD update and any related incident report, arrest report, field interview, misdemeanor or traffic citation, or traffic stop data form. Documentation should include an explanation for the failure to record or delay in recording.
- B. When an arrest is made, citation or custodial, or a warrant is obtained and the affiant officer is aware that BWC/ICC evidence may exist, the affiant officer shall ensure that this fact is noted on or within the affidavit of complaint by checking the appropriate box in CJIS or on the form.
- C. Employees who are not logged to a call or event but capture video of the event will log on to the call and note that the event was recorded in a call update and categorize the video appropriately.
- D. Employees will not substitute "refer to video" or other similar language in place of a detailed and thorough narrative in any report or affidavit of complaint.
- E. If an employee is required to activate the BWC or ICC and fails to do so, the employee shall immediately, after the conclusion of the event, notify his/her supervisor and document on a MNPD Form 104, Supplemental Report, their explanation or reasoning as to why the BWC was not activated. The employee's supervisor shall forward a copy of the MNPD Form 104 to the BWC/ICC Program Administrator. An employee's justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impractical shall be evaluated based upon whether a reasonable officer under the same or similar circumstances would have made the same decision. If the department determines an employee was unjustified in failing to activate his/her BWC/ICC when required to do so, the employee may be subject to corrective or disciplinary action consistent with the provisions herein.

#### **8.30.150 Entering Data for Recorded Events**

- A. Employees will assign the appropriate event type for all recordings and enter the necessary identifying information in the format described by the Police IT BWC & ICC Systems User Manual.

- B. Employees will properly identify videos to denote known privacy issues, in a CAD note, if any portion of the videos may contain images or audio of any of the following:
1. Complainant/victim/witness requesting non-disclosure;
  2. Complainant/victim/witness not requesting non-disclosure, but disclosure would endanger life, physical safety, or property;
  3. Information that if disclosed, would be highly offensive to a reasonable individual and of no legitimate interest to the public;
  4. Medical information or treatment;
  5. Mental health information or treatment;
  6. Any identifiable juveniles;
  7. Undercover law enforcement officers; or
  8. Confidential informants.
- C. Employees who created a test video during the equipment inspection and testing, had an accidental activation, or unintentional video capture will categorize the video accordingly. Any requests to restrict an accidental or unintentional video will be consistent with established BIU procedures.

***Note:** If there is an inadvertent sensitive video made (e.g., while using the restroom or dressing and/or undressing in a locker room), the employee should notify a supervisor. Any processing or review of the video shall be by a same-sex employee.*

#### **8.30.160 Uploading of Recorded Video and Recharging of Equipment before Going Out of Service**

Before going out of service, employees will initiate upload/download of BWC/ICCs video to ensure that video is uploaded in accordance with the Police IT BWC & ICC System User Manual. If an employee is not able to initiate the upload before going out of service, is unable to complete the upload process, or is unable ensure appropriate charging process at the end of their shift, they shall notify an appropriate supervisor who will ensure the video is properly uploaded. A supervisor unable to resolve the issue shall notify BIU staff by contacting them at 615-862-7860, on radio channel P211, or at [Police-ITSupport@nashville.gov](mailto:Police-ITSupport@nashville.gov).

#### **8.30.170 Storage, Access, and Retention of BWC/ICC Video**

- A. Based on the criteria set out in this policy, Police IT shall develop

and maintain a Body Worn Camera & In-Car Camera Systems User Manual governing video storage, retention periods, and access and/or release of video to the public, which shall have the effect of policy.

- B. Consistent with our goal of increased transparency, BWC/ICC video will be released according to the provisions of state and federal law, applicable court decisions, court rules, and Police IT records release protocols. All such video will be reviewed critically to ensure that the privacy rights of citizens are protected. BWC/ICC program administrators will ensure that appropriate video redactions take place prior to releasing any BWC/ICC video.
- C. Retention of BWC/ICC video shall be by a schedule maintained by the BIU. Such schedule shall be developed in consultation with the Office of the District Attorney and the Metropolitan Department of Law.
- D. Downloading and Storage of Downloaded Video

Employees may find it necessary to download a copy of BWC/ICC video for case file maintenance, cooperative investigations, and other authorized business purposes. The BIU shall develop and maintain procedures for such downloads. Downloaded BWC/ICC remains the property of the Metropolitan Government and its storage and dissemination is guided by existing policy on security of law enforcement records and files and the provisions herein.

### **8.30.180 Review of BWC/ICC Recordings**

- A. The BWC/ICC recordings will capture video and audio evidence for use in criminal investigations, administrative reviews, and other proceedings protected by confidentiality laws and Department policy. Employees shall comply with all applicable laws and policies regarding confidential information. Unauthorized use or release of BWC/ICC recordings or images may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded. Therefore, any unauthorized use or release of BWC/ICC or other violation of confidentiality laws and Department policies are considered serious misconduct and subject to disciplinary action.
- B. The accuracy of police reports, officer statements, and other official documentation is essential for the proper administration of justice and complying with the Department's obligation to maintain full and complete records of enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Employees and supervisors are therefore authorized to review BWC/ICC recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview,

use of force not resulting in death or serious bodily injury\*, or other enforcement or investigative activity to ensure that their reports, statements, and documentation are accurate and complete. Employees should view their own digital recording prior to providing testimony at hearings, trials, or depositions.

*\* refer to section F below which restricts access or review of critical incident BWC/ICC videos for additional guidance*

- C. Access to BWC/ICC shall be limited to those employees with a business purpose. The BIU shall place access restrictions on video to both facilitate necessary access and also limit opportunity for misuse. Viewing applications and/or network access controls automatically logs the identity of a user who accesses a particular video or file, as well as the date and time of access. Employees may be asked to explain their access, business purpose, etc.
- D. Employees with an authorized business need may view BWC/ICC for the following purposes:
  - 1. Subject to provisions herein, when the employee is the employee who made the recording;
  - 2. By authorized department personnel participating in, or reviewing, an official investigation, such as a personnel complaint, administrative inquiry, or criminal investigation;
  - 3. By a supervisor conducting a required review or audit;
  - 4. Pending or anticipated litigation. To include review by a Metropolitan Attorney in the course of pending or anticipated litigation, or as part of a disciplinary action case against an employee;
  - 5. Force Review Board;
  - 6. Public records request;
  - 7. Performance appraisal;
  - 8. As part of the Early Intervention System (EIS);
  - 9. By authorized BIU staff in the course of support, administration, and troubleshooting any reported or detected technical issues with the equipment, offloading mechanisms, storage, or software used for accessing the systems;
  - 10. For authorized training purposes;

11. Audit and Quality Control/Troubleshooting; or

12. By any other person with approval of the Chief of Police or his/her authorized designee.

E. Mandatory Post Incident Supervisor Review

Supervisors investigating use of force incidents not involving use of deadly force, vehicle pursuits, police involved crashes, reports of on duty injuries, or complaints shall review available BWC/ICC video as a necessary element of a supervisory review or investigation.

Supervisors may also review a sampling of other subordinate employee videos during the course of annual performance evaluations, JPIP evaluations or EIS follow up reviews.

F. Critical Incident BWC/ICC Device and Data Access

1. Upon stabilization of a critical incident, the Incident Commander, as defined in Manual 14.10.010, shall cause BWC/ICC devices which may have captured any portion of the event to be identified.
2. When BWC/ICC devices have been identified which may have captured any portion of the event, the Incident Commander shall order the operating employee to deactivate their BWC when the employee is isolated and the event has entered the investigative phase.
3. Unless specifically authorized by a departmentally assigned duty to conduct such investigations, no person shall view critical incident BWC/ICC recordings without the express permission of the Chief of Police or authorized designee.
4. An employee of the BWC/ICC Division shall be requested and respond to the scene. The responding employee shall take possession of an employee's BWC equipment and (if applicable) secure any vehicle containing ICC equipment, ensure the recording has stopped, power off the camera equipment, and maintain custody until the video or data transfer has taken place.
5. BIU personnel, acting upon the direction of the authorized investigative personnel will complete any video or data transfer for incidents where the cameras could not complete a standard upload.
6. Upon completion of the video or data transfer, the BWC shall be submitted to the MNPD SISU for evidence storage where it will be held until resolution by the District Attorney's Office.
7. Release of BWC/ICC video related to critical incidents shall be released in a manner consistent with the Standard Operating Procedures of the Public Affairs Office.

**Note:** PWS should be consulted prior to release in order to facilitate any necessary services with involved employees and/or their families.

G. Internal Investigations

Investigators with the Office of Professional Accountability shall have authority to view any BWC/ICC video recording it deems necessary, including any and all video obtained by any involved employee.

Employees may be required to provide a compelled statement prior to viewing any BWC/ICC from the incident under investigation. However, prior to the conclusion of any such interview, the employee may be allowed to review video captured by any BWC/ICC in order to provide additional context or explanation. The purpose of this policy is to preserve and provide a record of the perceptions of the employee at the time of the incident while also permitting the employee to address events captured from the perspective of the BWC/ICC.

H. Training Purposes

There may be instances when employees and supervisors believe a recorded incident has training value. In such cases, a supervisor shall send correspondence via his/her chain of command to the Training Division commander for consideration.

If an involved employee objects to the use of a recording for training purposes, his/her objection will be submitted to his/her Chain of Command to determine if the training value outweighs the employee's objections. Redaction may be used to address employee objections.

The Deputy Chief of the Administrative Services Bureau shall review and approve any such use.

I. External Requests for BWC/ICC

When acting within the course and scope of their duties, the United States Attorney's Office, the Office of the District Attorney for Davidson County, and the Metropolitan Department of Law shall generally have unrestricted access to BWC/ICC recordings and shall be referred to the BIU.

The department shall require that any other requests for BWC/ICC videos from others be made consistent with established protocols for requesting public records or via a subpoena accompanied by a protective order (as approved by the Office of the District Attorney).

The BIU shall maintain written procedures for processing such requests. Any such requests involving active or pending criminal

investigations shall be approved for release by the Office of the District Attorney.

Known requests by media representatives shall be referred to the Public Affairs Office.

J. Public Record Requests for BWC/ICC

The MNPDP shall comply with state law regarding the release of public records. Public Record Requests for BWC/ICC shall be made, consistent with department policy, to the Records Division. The BIU shall maintain written procedures for processing such requests. Any such requests involving active or pending criminal investigations must be approved for release by the Office of the District Attorney.

Employees may direct anyone with further questions about public records requests or the MNPDP Public Records policy to the Central Records Division website: <https://www.nashville.gov/Police-Department/Administrative-Services/Central-Records-Division.aspx>

**8.30.190 Users Shall Note the Purpose for Viewing Video**

When logging into the WatchGuard Evidence Library to view a video, an employee shall document the purpose for viewing the video in a manner consistent with BIU procedures. Viewing applications and/or network access controls automatically logs the identity of a user who accesses a particular video or file, as well as the date and time of access.

**8.30.200 Minor Misconduct Discovered During BWC/ICC Review**

If, in the course of viewing BWC/ICC video, minor acts of misconduct unrelated to the original reason for viewing the video are discovered, such acts will not generally result in a sustained investigative finding or departmental discipline. However, such acts may result in a training referral, counseling, or corrective action through the employee's chain of command and may be included in an employee's performance evaluation.

**Exception:** Comments, remarks or behavior that disparage a protected class under city, state, or federal law are not considered minor misconduct.

**8.30.210 Prohibited Acts**

A. Employees shall not tamper with, alter, or delete video.

Recordings and related data are the property of the Metropolitan Government. The MNPDP shall be the custodian of those records and such records shall be maintained consistent with established policy on Security and Disposition of Law Enforcement Records and Files. Unauthorized access, viewing, copying, dissemination, tampering, alteration, or deletion of video shall be grounds for disciplinary action.

**Exception:** This does not apply to personnel tasked with system maintenance who purge videos under established retention time lines.

- B. Except as may be authorized herein, employees shall not manipulate the camera equipment or otherwise knowingly impair its ability to record required activities.
- C. Department issued BWC/ICCs shall only be used to record work-related activity, consistent with approved training, Police IT BWC & ICC System User Manual and this Policy.
- D. Employees shall not remove, dismantle or tamper with any hardware or software component or part of the BWC/ICCs.

#### **8.30.220 Maintenance & Repair**

- A. Police IT is responsible for equipment issuance, installation, maintenance, repair or replacement download, and other technical functions of department issued BWC/ICC equipment.
- B. All questions or reports of equipment concerns or maintenance requests shall be directed to Police IT at 615-862-7860, on radio channel P211, or at [Police-ITSupport@nashville.gov](mailto:Police-ITSupport@nashville.gov).

#### **8.30.230 Supervisor Responsibilities**

- A. Supervisors assigned to any unit with BWC-equipped employees or ICC-equipped vehicles shall:
  - 1. Ensure that employees assigned BWC/ICC equipment have completed Department-required training and are familiar with applicable policies and procedures;
  - 2. Consistent with established policy on inspectional procedures, conduct periodic inspections of employees assigned BWC or ICC equipment and ensure that the cameras are properly affixed to the employees' uniforms or vehicles and fully operable;
  - 3. Ensure employees upload all recordings at the end of their shifts;
  - 4. Ensure uploads made by assigned employees have accurate categories and officer information correctly entered by reviewing the MNPD's Video Evidence Management System for errors weekly; and
  - 5. Any documentation required by this policy is completed and properly submitted.

- B. After conducting an inspection of an employee's assigned BWC/ICC equipment, the supervisor shall document consistent with MNPD inspection reporting requirements. If any equipment is found to be defective, the supervisor must ensure that the equipment is removed from service and immediately replaced and the BIU notified.
- C. Upon approval by the Chief of Police, a copy of any corrective and/or disciplinary action related to a violation of MNPD Manual 8.30, shall be forwarded to the BWC/ICC Program Administrator by the Office of the Chief of Police.

#### **8.30.240 Auditing and Review Processes**

##### **A. Audit and Review Program Goals**

The BWC/ICC Program administrator shall develop and maintain written protocols to ensure appropriate audit processes and ongoing training. Key elements of an audit program should include, but not be limited to:

1. Verify employees have been trained on the use and deployment of BWC/ICC;
2. Document all employees who have been trained on the use of BWC/ICC into the permanent training records;
3. Ensure the maintenance of approved lesson plans for BWC/ICC training;
4. Conduct ongoing training on expectations, use, and maintenance of the BWC/ICC equipment and debrief BWC/ICC captured incidents of value;
5. Review deviations from BWC/ICC policy and procedures and take appropriate action;
6. Ensure all BWC/ICC anomalies identified by the employees have been addressed and any appropriate documentation is completed;
7. Review supervisor inspections regarding defective equipment, systems, and ensure necessary steps are taken to have them repaired;
8. Ensure inspections of sworn personnel assigned BWC/ICC units are being conducted and documented. If field inspections are not properly documented, take appropriate action to correct the deficiency and appropriately document the findings;

9. Review all employee's reports documenting inoperable equipment and facilitate the equipment's repair;
10. Ensure appropriate actions are taken in the event that it appears that BWC/ICC equipment has been tampered with, damaged, or lost;
11. Implement a risk management and risk mitigation process to ensure ongoing review of policy and procedure compliance with observed employee behavior during video audits;
12. Ensure ongoing review of policies, procedures, forms, and other program elements to ensure compliance with generally accepted best practices and any applicable standards (e.g. CALEA);
13. Make appropriate notifications and generate any necessary reports documenting audit processes.
14. Implement other procedures to ensure success of the department BWC/ICC program.
15. Review this policy, as necessary, to ensure compliance with applicable local, state, and federal laws; CALEA standards; court rulings; and needs of the MNPD.

**B. Monthly Audits**

**1. BWC/ICC Division audit.**

Sergeants assigned to the BWC/ICC Division are required to review two random pre-selected BWC/ICC videos of each BWC equipped sergeant and officer per month to monitor compliance with departmental policies and procedures. Such reviews will be documented on a form to be provided by the BWC/ICC Program Administrator.

**2. Office of Community Engagement & Partnerships audit.**

Sergeants assigned to this office are required to review two random pre-selected BWC/ICC videos per month from each precinct to monitor compliance with the department's BWC/ICC activation and bias-based policing policies. Such reviews will be documented on a form to be provided by the BWC/ICC Program Administrator.

**C. Semiannual Audits by Program Administrator**

The BWC/ICC Program Administrator shall conduct the below BWC audits:

**1. Activation Audit.**

This audit is to ensure the BWC/ICCs are being activated in accordance with department policy. This audit does not include viewing any video; it does include verifying if there is a video when policy dictates there should be one. The BWC/ICC Program Administrator shall determine the number to be audited based on the volume and timelines for the audit. At a minimum, an activation audit shall be conducted, at a minimum, once every six months for each division that utilizes BWCs.

## 2. Compliance Audit.

This audit is to ensure that departmental policies and procedures are being followed. Twice each year, the BWC/ICC Program Administrator shall review audit statistics broken down by precinct/division to ensure accountability with the mission, policies and procedures, and training of the MNPd.

## 3. Semiannual Audits by Police-IT BIU

Employees of the BIU shall perform audits twice a year of randomly selected stored BWC/ICC video files for quality control purposes to ensure video quality, audio quality, color rendition, and proper focus. System audits shall also be conducted focusing on user access, retention schedules, partial or incomplete video files, and system storage.

## 4. Training Audit

The BWC/ICC Program Administrator shall, on an annual basis, ensure all employees have received basic BWC/ICC training and any necessary updates. Such compliance shall be documented in the permanent training files at the Police Training Academy.

### **8.30.240 Violations**

Disciplinary and/or corrective action for a violation of this policy shall be consistent with Department Manual 4.20. A knowing or intentional violation of 8.30.210 may be categorized up to and including an AA offense.