



Indianapolis Metropolitan Police Department

STANDARD OPERATING PROCEDURE

BODY WORN CAMERAS

PURPOSE

Body Worn Cameras (BWC's) are a point of view recording device designed to approximate the vantage point of the recording officer. While recordings will not capture everything that is occurring during an incident, they are a useful tool in modern policing and confirm officers maintain the highest professional standards while serving the community.

The Body Worn Camera System is intended to assist and complement officers in the performance of their duties. This system enables officers to create a record of interactions, which can serve as a supplement to the officer's incident report. While recordings will enhance the department's ability to provide evidence for criminal investigations, they do not replace written reports or evidence collection by crime scene investigators and are not the primary means for documenting crime scene evidence.

Reasons for recording may include: training, evidentiary needs, incident documentation, or other department-authorized purposes. This directive provides guidance for officers in camera deployment and operation, as well as maintaining and viewing recordings.

PROCEDURE

I. Operational Requirements

- A. Officers must have successfully completed the BWC training and will only use department issued BWC's assigned to them.
- B. Officers are responsible for maintaining BWC's according to manufacturer recommendations.
- C. Cameras should be worn in a location which will allow the recording to closely replicate the sightline of the officer during a recording incident, as instructed during the BWC training.
- D. Patrol officers, sergeants, and lieutenants who have completed the BWC training and have been assigned a BWC are required to wear the BWC while assigned to uniform patrol, traffic, or special services.
- E. Officers will test the camera, in accordance with manufacturer specifications and department training, prior to the start of each shift.
- F. At the end of the officer's shift, the BWC system will be secured and charged in accordance with manufacturer specifications and department training.
- G. Anytime the BWC is not functioning properly, it is to be removed from service and the appropriate supervisor or systems administrator will be notified as soon as reasonably possible.
- H. While the BWC is activated, electronic devices that interfere with recording quality will not be used within the department vehicle except for law enforcement radios or other emergency equipment.
- I. Officers will not erase, alter, reuse, modify or tamper with body-worn camera recordings. Any alterations to the recording or media card may only be made by the systems administrator with approval from the Chief of Police or designee.
- J. Officers will not use any recording device, including a phone or secondary camera, to record captured video/audio footage or retrieved stored data.



- K. To prevent damage, original recordings will only be viewed on equipment specifically issued and/or authorized by the systems administrator.

II. Activation of the BWC

- A. Officers will activate the body-worn camera in the following circumstances:
 - 1. Before initial contact with the public while responding to a call for service.
 - 2. Before initiation of a law enforcement or investigative encounter with a member of the public.
 - 3. Before initiation of lights and sirens on an emergency or silent run.
 - 4. While paralleling during a pursuit.
 - 5. As soon as possible after being involved in a crash, if the BWC was not already activated.
 - 6. Before the transport of citizens, witnesses, victims, suspects, or arrestees. This does not apply to citizens participating in a ride along.
 - 7. When entering a private residence or business based upon a warrant or exigent circumstance.
- B. Incidents involving juveniles will be recorded using the same criteria as recording adults.
- C. Officers trained and equipped with a BWC are required to activate the BWC during all searches conducted without a warrant. The presence of the BWC does not replace a Consent to Search form (See General Order 1.10 – *Search and Seizure*).
- D. An officer is not required to record an incident if doing so is impractical, impossible, or unsafe. In these situations, the officer will activate the camera as soon as it is safe to do so, and note in an incident report or CAD why the recording could not be made.

III. Incidents in Which BWC Activation Is Not Allowed:

- A. Department members are not allowed to secretly record other department members, supervisors, city employees, or law enforcement officers. This does not apply to supervisors, investigators, or officers who are conducting official criminal or administrative investigations on behalf of the department and the recording is made for the purpose of furthering the investigation. (See General Order 9.18 – *Eavesdropping / Unauthorized Recording*)
- B. Officers are not allowed to record the following:
 - 1. Tactical briefings, counseling sessions, union activities.
 - 2. Courtroom proceedings.
 - 3. First Amendment protected activities (marches, protests, etc.). Activation should only take place if an interaction becomes contentious or adversarial.
 - 4. Areas with a reasonable expectation of privacy including: restrooms, locker rooms, and dressing rooms. (Unless an officer is dispatched on a call, conducting an investigation, or taking other official law enforcement action).
 - 5. If an officer enters a private residence or business based upon the consent of a resident or owner, they must deactivate the BWC if the person giving consent requests they not record.

**IV. Officer Discretion in BWC Activation**

- A. Officers can activate their BWC anytime the officer believes the recording would be appropriate or valuable to the individual officer or for the good of the department.
- B. Activation of the body worn camera system is not required during meals or breaks, when completing paperwork, when the officer is actively on patrol, or when the officer is driving to a non-emergency situation.
- C. Officers will have discretion to deactivate the BWC when privacy concerns outweigh law enforcement interests, and the absence of a BWC recording will not affect the investigation. Some examples of this discretion include:
 - 1. In a detention facility, hospital, or other location where confidential patient information may be recorded.
 - 2. A death investigation of apparent natural causes.
 - 3. Inside churches, mosques, synagogues, or other sites of religious importance.
 - 4. Inside of schools while children are present.
 - 5. During community policing activities.
- D. Officers are not required to cease recording an event solely at the request of a citizen if the recording is pursuant to law enforcement activities or the circumstances clearly dictate that continued recording is necessary.
- E. Civilians have no reasonable expectation of privacy in public places, or on private property that is open to the public. If a citizen requests the BWC be turned off in one of these locations the officer can weigh the nature of the intrusion against the governments interest in having the recording.
- F. If an encounter, which is not being recorded, becomes contentious or adversarial the officer will activate the BWC, at the earliest opportunity, regardless of location or citizen's request.

V. Deactivation of the BWC

- A. Before an officer deactivates their camera they must state on the recording they are intentionally turning off their camera.
- B. If an officer deactivates the camera prior to the conclusion of an incident (e.g. a supervisor's order, the incident falls under the officer's discretion, or at the request of a private resident) then they must first state on the recording the reason they are turning the camera off early. The officer will record the supervisor's order, the detective's order, or the citizen's request, if feasible.
- C. Officers shall deactivate the BWC system when:
 - 1. Advised by a supervisor to cease recording.
 - 2. Advised by a detective with investigative authority, after the scene has been secured and is under control.
 - 3. The incident falls under the officer's discretion, and the officer chooses to deactivate.
 - 4. Victims of a sensitive crime (e.g. child abuse, rape) request the interaction not be recorded.



5. At the conclusion of an incident which caused the activation.
- D. For purposes of this section, conclusion of the incident occurs when:
1. Gathering of evidence or exchange of communication related to law enforcement activities are concluded.
 2. Arrests have been made and defendants have been transported to the appropriate facility or custody has been transferred to the MCSO wagon.
 3. All witnesses and victims have been interviewed.
 4. The scene requires officers, but is static (e.g. waiting for a tow truck, working a perimeter, blocking traffic).
- E. When feasible, officers must complete each recording and deactivate the BWC before responding to another call for service.

VI. Failure to Activate and Technical Difficulties

- A. A BWC may fail to record for several reasons including: the officer forgetting to turn the camera on, a dead battery, a deliberate act by an arrestee, or a camera malfunction. Whenever a camera fails to record a required incident the officer will:
1. Notify a supervisor.
 2. Clearly explain all breaks in the recording of a case-related incident, both on the recording and in the associated incident report.
 3. Exchange the malfunctioning BWC for a functioning BWC, if necessary, before marking back in service.
- B. When a supervisor is notified, they will document the failure to the systems administrator. Supervisors are required to respond to the scene if the camera is malfunctioning. A responding supervisor will do the following:
1. Bring a replacement camera from roll call.
 2. Investigate the incident to determine if the malfunction was a result of negligence or equipment malfunction. Supervisors will investigate damage and take immediate corrective action when necessary if they discover any misuse of the BWC.

VII. Uploading and Storage of Recordings

- A. Uploading a recording will be conducted in accordance with manufacturer specifications and department training. Digitally recorded evidence will be stored in a department designated secure location.
- B. All digital recordings will be uploaded at the end of the officer's shift. If circumstances prevent this, the officer must notify a supervisor to advise that working past their normal shift will be required to upload the digital recording.
- C. Indiana law mandates the retention of recordings for at least 190 days.



- D. Recordings used in criminal cases will be retained until all potential legal proceedings and appeals have been exhausted or 190 days, whichever is longer.
- E. Recordings kept for their training value may be kept indefinitely.

VIII. Release of Records

- A. Officers shall not release BWC recordings to the public. All requests for BWC recordings shall be treated like any other public information request. Civilian's requesting BWC recordings must be directed to the IMPD public records requests website – <https://www.indy.gov/activity/request-a-public-record>.
- B. A law enforcement recording may be withheld by the department if it:
 - 1. Creates a significant risk of substantial harm to any person or to the general public;
 - 2. Is likely to interfere with the ability of a person to receive a fair trial by creating prejudice or bias concerning the person or a claim or defense presented by the person;
 - 3. May affect an ongoing investigation, if the recording is an investigatory record of a law enforcement agency; and/or
 - 4. Would not serve the public interest.
- C. If the department denies a person the opportunity to inspect or copy the law enforcement recording, the person may petition the circuit or superior court for an order permitting inspection or copying. The court shall review the decision of the agency de novo.
- D. An exception to this section is when the requestor is an individual who is depicted in the law enforcement recording, the requestor shall be allowed by the department to inspect, but not copy or record, the law enforcement recording twice. If the individual in the recording is deceased, the surviving spouse, father, mother, brother, sister, son, daughter, personal representative, or attorney representing the deceased individual's estate may stand in the place of the individual depicted in the recording. Other individuals entitled to inspect the recording include:
 - 1. The guardian of an incapacitated person;
 - 2. A person that is the owner, tenant, or occupant of real property, if the interior of the real property is depicted in the recording;
 - 3. A person who is the victim of a crime if the events depicted in the recording are relevant to the crime committed against the person; or
 - 4. A person who suffers a loss due to personal injury or property damage if the events depicted in the recording are relevant to the person's loss.

IX. Review of BWC Recordings

- A. All digital recordings are the property of the Indianapolis Metropolitan Police Department. Dissemination outside of the department is strictly prohibited, except to the extent permitted or required by law, and only with written authorization from the Chief of Police or designee, in consultation with the Office of Corporation Council. Under no conditions will an officer allow non-authorized personnel to view recordings.
- B. The Prosecutor's Office will be provided a complete and unredacted copy of all BWC recordings of any incident that resulted in criminal charges. The Prosecutor's Office does not need authorization from the Chief of Police.



- C. BWC recordings may be reviewed in the following situations:
1. Preparation of reports, statements, and Blue Team entries.
 2. By an agency investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry, or criminal investigation.
 3. By the user to assess proper functioning of body-worn camera systems.
 4. An officer who is captured on, or referenced in a video or audio recording may review and use the recording for any purpose related to the officer's employment.
 5. When officers review their BWC recordings they should be in a secure place away from public view.
 6. By the media through proper process or with permission of the Chief of Police or designee.
 7. By the Training Academy staff to assess its value for training purposes. Recordings may be shown for training purposes. If an officer involved in the video objects to the recording being shown, that officer may submit an objection to the Chief of Police. The Chief of Police or designee will determine if the training value of the recording outweighs the officer's objection. No recording will be shown with the intention to ridicule or embarrass.
- D. In a critical incident, if an involved officer is compelled by a supervisor to make a public safety statement the officer may not review the recording before making a public safety statement.
- E. Supervisory Review of Recordings
1. Supervisors will not randomly review recordings solely to search for disciplinary violations.
 2. Supervisors may review all recordings involving Blue Team incidents.
 3. Supervisors may review recordings at the request of an officer who believes an interaction they had with a citizen may result in a complaint.
 4. Recordings may be reviewed to determine possible employee discipline only when:
 - a. A complaint of misconduct has been made.
 - b. Allegations of excessive force have been made.
 - c. The supervisor witnessed misconduct or a policy violation.

X. Documenting BWC Use

- A. Officers will document the existence of a BWC recording in all incident reports and arrest reports that were recorded by stating, "This incident was recorded with a body worn camera" at the beginning of their narrative or probable cause.
- B. If a traffic citation is issued, the officer will add the same language to the comments section in ECWS.
- C. Any supervisor responding to technical issues or a malfunction with a camera will document the failure or malfunction by emailing the System Administrator by the end of the shift.



XI. Audit

- A. The System Administrator will be responsible for a monthly random review of BWC recordings. This review will help ensure the BWC are being used and maintained according to manufacturer recommendations and this policy.
- B. Ten reports a week will be randomly reviewed to ensure compliance, and a written report will be created at the end of each month the cameras are in use, compiling the findings of those random searches.