

<b>Anchorage Police Department</b> Regulations and Procedures Manual	<b>Operational Procedures</b> <b>DRAFT - 3.10.110</b>	
<b>Policy and Procedure Title</b> Body Worn Cameras	<b>Effective Date</b> TBD	Page 1 of 10
<b>Replaces Prior Policy:</b> 8/27/23	<b>Approved by:</b> Chief Sean Case	

**This Policy is for departmental use only and does not apply in any criminal or civil proceeding. This Policy should not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this Policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.**

### **3.10.110 Body-Worn Cameras**

#### **PURPOSE**

To establish departmental guidelines and limitations for the use and management of a body-worn camera system.

#### **POLICY**

It shall be the policy of the Anchorage Police Department (APD) that officers shall activate their body-worn camera when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. APD will utilize the Axon camera system.

#### **DEFINITIONS**

**Body-Worn Camera System (BWC):** A body-worn audio/video recording system primarily consisting of a camera and an internal battery pack.

**Critical Incidents:** As defined in 3.05.030, an incident that is unusual, perhaps violent, and involves perceived threat to, or actual loss of, human life including the following:

- A. Critical Firearm Discharge:** When an Officer discharges a firearm. Training discharges and discharges at animals are not included.
- B. Officer-Involved Shooting:** A discharge of a weapon by an officer under the color of authority while on-duty or off-duty, irrespective of injuries to suspects, officers, or third parties. This does not include shooting an animal or firearms training at the range. Depending on circumstances a negligent discharge may be considered an OIS.
- C. A use of force,** as defined in 3.05.020, resulting in death or serious physical injury, as defined in 3.05.020, requiring hospitalization (this does not include medical clearance or minor injuries where a subject is

not admitted).

**D.** All deaths while an arrestee is in the custodial care of APD unless all of the following conditions exist:

1. The Alaska Medical Examiners Office determines the death was caused by natural, accidental, or undetermined means;
2. The incident did not involved a use of force or evidence of foul play;
3. There is no misconduct which would rise to the level of negligence or risk management issues associated with the incident;
4. The investigation reveals that there were no violations of APD policies or procedures which directly led to the death; and
5. The investigation reveals no problematic evidence or substantially conflicting witness statements regarding the incident.

Digital Evidence Software: A secure video file management system required for downloading, storing, and retrieving video files recorded with the BWC system.

Digital Multimedia Evidence (DME): All digital recordings, including but not limited to audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.

## **PROCEDURES**

### **I. PROCEDURES**

#### **A. General**

This policy is not intended to describe every possible situation in which a BWC should be used. Sound judgment and discretion shall dictate when a BWC is activated.

APD has authorized the use of BWCs. APD will use the BWC to document events and capture data which will be preserved on a secure server. Once captured, these original recordings cannot be altered in any way. APD has adopted the use of BWCs to accomplish the following objectives:

1. To enhance officer safety.
2. To accurately capture statements and events during an incident.
3. To enhance the accuracy of officer reports and testimony in court.
4. To preserve visual and audio information for use in current and future investigations.

5. To provide an impartial review for self-critique and field evaluation during officer training or coaching and mentoring sessions.
6. To enhance the public's trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.

#### B. Equipment Use

1. BWCs shall be operated in accordance with the manufacturer's guidelines and APD training and policies.
2. Use of personally owned recording devices is prohibited.
3. Prior to each shift, officers shall inspect the BWC for any physical damage and to ensure the system is fully charged and operational.
4. Malfunctions, damage, loss, or theft of any part of a BWC shall be immediately reported to a supervisor.
5. Officers shall position the BWC as specified by manufacturer recommendations and APD training.
6. All captured digital recordings shall be uploaded to the digital server daily. The recordings shall be uploaded as specified by APD training.

#### C. Operational Use

1. Officers in uniform performing patrol or crime suppression duties shall wear a BWC at all times while on-duty. Other sworn officers may be assigned a BWC based on operational needs and are subject to this policy when a BWC is issued to them.
2. While it is generally implied that words and/or actions performed in the presence of a police officer have no expectation of privacy, if asked, the officer will inform the person they are being recorded.
3. Officers who are assigned a BWC **shall** record all calls for service or when initiating an encounter with the public unless otherwise excepted under this policy or it is unsafe, impossible, or impractical to do so, including, but not limited to, the following situations:
  - a. Vehicle and pedestrian investigative detentions and stops;
  - b. Observed unlawful conduct;
  - c. Use of force;
  - d. High-risk situations;

- e. Advising an individual of Miranda rights;
  - f. Statements made by suspects, victims, or witnesses;
  - g. Vehicle searches;
  - h. K-9 deployments;
  - i. Physical arrest of persons;
  - j. Observed items of evidentiary value;
  - k. Service of a search warrant;
  - l. An encounter initiated by a private person (flag down);
  - m. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording;
  - n. Any other circumstances where the officer believes recording an incident would be appropriate.
4. Contacts shall be recorded in their entirety unless a limitation listed below in section D applies.
  5. 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.
  6. If it becomes necessary to discuss issues in private with a supervisor or another officer regarding an encounter or call for service, the officer may turn off their BWC to prevent their private conversation from being recorded. The officer shall document this.
  7. Once a BWC is activated, it shall not be intentionally turned off until the incident has reached a conclusion. Additional police officers arriving on a scene that have been issued or assigned a body-worn and dashboard camera shall also record the interaction with the public and shall also continue to record until the completion of the incident. For purposes of this policy, conclusion of an interaction with the public occurs when a police officer terminates his/her law enforcement contact with a member of the public.
  8. BWCs do not need to be utilized during custodial interviews when other APD video recording methods are being used. BWCs may be used in place of a digital recorder to document interviews, to include custodial interviews.
  9. Officers may discontinue the use of BWCs while investigating sexual assaults, sexual assaults of a minor, and child abuse if the victim, the parent of a minor, or the guardian of a minor

requests. For example, the victim requests the video recording is turned off. If the contact is not recorded on a BWC, the officer shall audio record the contact.

10. The use of a BWC does not replace the officer's obligation to document police operations as outlined in the department policy manual.
11. Whenever an officer records an incident or any portion of an incident, which that officer reasonably believes will likely lead to a citizen complaint, the officer shall immediately bring it to the attention of his/her supervisor.
12. In situations requiring a report and/or citation, officers shall document the use of a BWC in the following manner:
  - a. Within the synopsis and narrative portions of an incident report.
  - b. Within a supplemental report
  - c. As a notation on a citation

**D. Limitations on the use of the BWC**

1. BWCs shall not be used to record:
  - a. Communication with other police personnel or government employees where facts and circumstances of the case are being discussed unless they are a witness, victim, or suspect in the investigation;
  - b. Communications with attorneys at the Municipal Attorney's Office, Municipal Prosecutor, State District Attorney's Office, State Office of Special Prosecution, and United States Attorney's; or
  - c. Encounters with undercover officers or confidential informants.
2. Officers should minimize recording persons who are naked.
3. Officers should use caution when recording in locations where individuals have a reasonable expectation of privacy. Accordingly, when responding to locations such as a locker room, restroom, church worship area, school, mental health facility, or patient care area of a medical facility, officers should minimize the recording of uninvolved people.
4. Officers may discontinue recording in a private residence if a witness, victim, or independent third party requests not to be recorded. Officers may audio record the interview. Officers should be cautious not to record on a BWC areas of a private residence outside the scope of the investigation.

5. Officers should discontinue recording when on break or otherwise engaged in personal activities.
6. Task Force Officers will only use BWCs if assigned by their Federal Agency.
7. BWCs may not be used for personal use and officers may not copy, download, or convert any BWC recordings for personal use, including posting on any type of social media.

#### E. Reviewing, copying, and deleting recordings

1. Officers may copy recordings for the following reasons:
  - a. Traffic court or Administrative Hearing Officer Proceedings;
  - b. Pursuant to a subpoena or other court order; and
  - c. Training purposes, only with approval from the Division Captain.
2. Officers may review or copy recordings, except in the following circumstances:
  - a. When there is an in-custody death, use of deadly force, or other critical incident; or
  - b. When an employee is the subject of a criminal investigation in which the officer is suspected of a crime.
  - c. Prior to the officer providing a statement or documenting the force actions in a police report where hard empty hand and/or intermediate weapons were used or where the subject has an injury or a complaint of an injury that requires medical treatment.
3. Officers may request deletion of unintentional recordings through their chain of command, and requires approval and documentation up to the Divisional Deputy Chief.
4. Except as provided below in Section F, Releasing Body-Worn Camera Recordings, BWC footage may be released only in response to a public records request and in accordance with Anchorage Municipal Code 3.90 (Access to Public Records). All requests shall be made to and processed through APD Records.

#### F. Releasing Body-Worn Camera Recordings

1. **Critical Incident Body-Worn Camera Video Release**
  - a. BWC video of "Critical Incidents" involving APD officers will be released to the public within 45 days of the incident.

- b. The release shall consist of relevant video imagery (including accompanying audio footage) that depicts the actions and events leading up to and including the “Critical Incident.”
- c. All imagery of the “Critical Incident” itself may not be released. For example, all the shots fired or moments immediately following shots fired may not be released.
- d. Video shall not be released when prohibited by law; however, where redactions can cure the legal issue, video shall be redacted and released. Examples include situations where unredacted release would violate the personal privacy rights of a witness.
- e. The release of the video will be accompanied by additional information to provide context based on the evidence available at the time of release.

**2. Delayed Release:**

- a. The Chief of Police retains the discretion to identify additional circumstances under which the release of the video must be delayed to protect one or more of the following:
  - 1) The safety of involved individuals, including officers, witnesses, bystanders, or other third parties;
  - 2) Integrity of an active investigation (including criminal or administrative);
  - 3) Confidential sources or investigative techniques; or,
  - 4) Constitutional rights of an accused.
- b. Any delay in release must have a factual basis, be specific to the individual case, and be explained in a detailed public statement by the Chief of Police or designee. The video imagery in question shall be released as soon as the reason for delay has been resolved.

**3. Notifications:** Absent exigent circumstances, reasonable attempts shall be made to notify the following individuals or entities at least 48-hours prior to the release of video imagery:

- a. Officer depicted in the video and/or significantly involved in the use of force;
- b. The subject upon whom force was used;

- 1) If the subject is deceased, the next of kin or personal representative, if known, will be notified.
  - 2) If the subject is a juvenile, the subject's parents or legal guardian will be notified.
  - 3) If the subject is known by APD to be represented by legal counsel, that representative will be notified.
- c. The State of Alaska Office of Special Prosecution and the Municipal Attorney's Office.
  - d. The Anchorage Police Department Employees Association.

4. **Streamlined Process for Private Family Viewing Requests.**

In situations where the subject upon whom force was used is deceased, the subject's next-of-kin or personal representative may make a streamlined request for a private viewing of the video to the Chief of Police.

- a. Beginning no sooner than fourteen (14) days after the Critical Incident, the streamlined request may be e-mailed to the Chief of Police at [apdchief@anchorageak.gov](mailto:apdchief@anchorageak.gov). It must contain the following information:
  - the name of the requester;
  - the relationship of the requester to the subject;
  - the names of up to five (5) additional individuals requested to attend the viewing; and
  - the relationship of those additional persons to the subject and/or requester.
- b. The video shown at the private viewing shall follow the requirements of Section I.F.1(b)-(d) above.
- c. All attendees of the private viewing must agree not to record or disclose the content of the the video (including audio) for the pendency of any administrative investigation, criminal investigation, or criminal case, or until public release of the video, whichever occurs first.
- d. The Chief of Police shall have discretion to grant the request, deny the request, or grant the request on a modified basis.



## 5. Release – Limited Waiver

The release of any specific video imagery does not waive APD's right to withhold other video imagery or investigative materials in the same case or any other case, as permitted by law. This policy is not intended to displace or supersede any legal right or remedy available to any person or entity, and it is also not intended to prevent or hinder compliance by the Department with respect to any legal disclosure requirements, including but not limited to, any court order or disclosure provisions of Anchorage Municipal Code 3.90 (Access to Public Records).

### G. Supervisor Responsibilities

1. Supervisors or other persons designated by the Chief of Police may only review recordings when the recordings are determined to have captured information specific to the following circumstances.
  - a. When investigating a complaint of alleged misconduct;
  - b. When reviewing a use of force;
  - c. To address specific employee performance issues;
  - d. To ensure the equipment is operating correctly;
  - e. To review reports of meritorious conduct;
  - f. At the request of an officer who was wearing a BWC;
  - g. To identify recordings that would be a beneficial training tool and as a method to identify areas for improvement and recognize good behavior, provided that these recordings shall be used for training only.
2. Supervisors must notify the employee upon reviewing the officer's BWC recording under Section 1 (a) – (f) above. Supervisors shall articulate in their investigatory narrative the underlying purpose for review and how the inadvertent discovery of misconduct during these permitted reviews occurred.
3. Supervisors must ensure officers are equipped and using BWCs in accordance with this policy.
4. Supervisors may be asked to secure officers' BWCs immediately following high-profile incidents (e.g. officer-involved shootings) and ensure they are uploaded.

### F. Training

1. Only trained personnel are permitted to operate BWCs.
2. The Training Center will maintain all training curriculum related to BWCs.

3. Recordings that may be of value for training purposes should be brought to the attention of a Division Captain. Such recordings are to be handled in a manner that protects the integrity of investigations, criminal prosecutions, civil litigation, and administrative actions. Generally, recordings may be used for training purposes only after all investigations, litigation, and administrative matters are closed. Additionally, prior to any recordings being used for training purposes, a Division Captain will notify all involved officers. If an involved officer objects to the use of the recording for training, the Division Captain will determine whether other training resources exist that serve the same purpose. Only in extraordinary circumstances where there is no other reasonable training resource should the recording be used for training over the objection of the involved officer, and only with permission of a Deputy Chief of Police.

**G. Safeguarding recordings**

1. IT personnel will ensure employees that are no longer authorized to use/view recordings are removed from the system.
2. IT personnel will ensure safeguards are in place to protect against unauthorized use/view of recordings.

**H. BWC footage will be retained for the following time period:**

1. Non-Crime / Traffic: 2 Years
2. Misdemeanor Crimes: 5 Years
3. Felony Crimes: 10 Years
4. Major Crimes: Indefinitely

If this policy conflicts with the APD Records Retention Schedule, the Records Retention Schedule controls.

**I. Policy Review**

The BWC policy will be reviewed every two years, or sooner, at the direction of the Chief of Police.

**\*\*\*END OF DOCUMENT\*\*\***