

GENERAL ORDER			
NUMBER	POLICY NAME	RIPAC STANDARD	PAGES
440.33	Body Worn Camera		15
SUBJECT AREA		REFERENCE	DISTRIBUTION
Administration			All
DATES			
EFFECTIVE	ISSUING	REEVALUATION	PREVIOUSLY ISSUED
31 MAR 2023		Annually	01 JAN 2022

1.1 PURPOSE

- A. The Pawtucket Police Department adopts the Rules and Regulations Establishing Statewide Policy for the Use and Operation of Body-Worn Cameras (270-RICR-60-00-02 and 110-RICR-10-00-02). Consistent with those Rules, this Policy has been tailored to meet the operational needs and local concerns of the Pawtucket Police Department. To the extent this Policy is silent on any subject-matter, the Rules and Regulations Establishing Statewide Policy for the Use and Operation of Body-Worn Cameras shall control.
- B. This Policy establishes operational and administrative guidelines for the use of body-worn cameras by law enforcement officers, other than undercover officers.
- C. Upon adoption of this Policy, the Pawtucket Police Department will ensure that the Policy is accessible to the public, including by posting to the Department’s website.

1.2 POLICY

- A. Body-worn cameras (hereinafter “BWC”s) are key law enforcement tools. They promote transparency and accountability. They provide unbiased witness to law enforcement actions and encounters with the public, building community trust while also providing prosecutors with critical evidence.
- B. The standards established in this Policy are designed to help the Pawtucket Police Department balance competing, yet equally important, interests and goals—the need to promote accountability and transparency on the one hand, against the privacy interests of members of the public on the other hand; as well as the benefits achieved by recording evidence that might solve a crime or aid in the prosecution of an offender on the one hand, against the costs of harming public trust or chilling a victim or a witness on the other.

1.3 DEFINITIONS

- A. *Activation or Activate* – means triggering a body-worn camera’s audio and video recording functions, unless otherwise defined in this policy.

- B. *BWC or Body-Worn Camera* – a video and audio recording device that is carried by, or worn on the body of, a law enforcement officer and that is capable of recording the actions and interactions of the officer and the public.
- C. *BWC Recording* – means a video and/or audio recording created by a BWC.
- D. *BWC Officer* – an officer assigned to wear a body-worn camera, other than an undercover officer.
- E. *BWC Supervisor* – the immediate supervisor of a BWC Officer. A BWC Supervisor may also be a BWC Officer.
- F. *System Administrator* - A sworn officer appointed by the Chief of Police who is responsible for the assignment of equipment, tracks equipment and maintenance requests, coordinates data retention, and handles all requests for recorded media from outside agencies or citizens.
- G. *BodyWorn™ Camera System* – A body-worn camera system that is fused to an officer’s uniform through an integral mounting system and uploads video automatically to secure cloud storage.

2.1 BWC OFFICER RESPONSIBILITIES

- A. At the beginning of each shift, BWC Officers shall:
 - 1. Ensure that the issued BWC equipment is charged and properly functioning.
 - a. As soon as practicable, report to their immediate supervisor, both verbally and by documenting the facts and circumstances in a department email, whenever a BWC is not functioning properly, damaged, or missing.
 - b. BWCs that are not functioning properly, are damaged, or require maintenance, along with copies of associated documentation, shall be turned over as soon as practicable for repair/replacement.
 - 1. Missing or lost BWCs shall be replaced as soon as practicable.
 - 2. Position the BWC in the location and manner consistent with the product’s specifications and as communicated and demonstrated through Department-approved training, to facilitate obtaining an appropriate and unobstructed recording field of view.
- B. At the end of each shift, BWC Officers shall:
 - 1. Ensure that BWC footage has been uploaded and that recordings are flagged or marked for retention consistent with the requirements set forth in Section 4.3 of this Policy.

- a. BodyWorn™ camera systems automatically uploads video from the body-worn camera via cellular network at cessation of a recording. There are no extensions for the uploading of video.
2. Document in all written narratives, including in reports, summonses/citations, and witness statements, the existence of BWC recordings.

a. BWC Officers should continue to prepare reports in the same manner as prior to implementation of BWCs. **“Refer to video” may not be used as a substitute for a detailed and thorough report.**

3. After uploading is complete, securely store the BWC and ensure charging if necessary.

C. All BWC Officers shall receive training on the use and operation of BWCs.

D. Personnel shall not remove, dismantle, or tamper with any hardware and/or software component or part of the BWC system. This provision shall not apply to redactions made by authorized personnel in accordance with this Policy.

2.2 BWC SUPERVISOR AND SYSTEM ADMINISTRATION RESPONSIBILITIES

A. Supervisors shall:

1. Ensure that BWC Officers wear and utilize the camera system in accordance with this Policy.
 - a. Such efforts include, but are not limited to, ensuring that BWCs are properly affixed to the uniform and are functioning properly.
2. Upon notification of damage or malfunction, remove the BWC from service, report the damage or malfunction to the System Administrator and issue another unit, if available.
3. Review and document where appropriate when notified that a recording was interrupted or an event was not recorded as required by this Policy.

a. Such documentation shall be forwarded to the system administrator and the Chief of Police.

4. Forward all requests for deletion of camera footage through the chain of command to the System Administrator.
- B. The System Administrator shall ensure oversight of the Department's BWC program, which includes but is not limited to the following:
1. Operation and user administration of the system.
 2. System evaluation.
 3. Training for all BWC Officers.
 4. Policy and procedure review and evaluation.
 5. Coordination with Computer Operations and the manufacturer regarding system related issues.
 6. Ensuring that BWC files are flagged for retention in accordance with Section 4.3 of this policy
 7. Ensuring that requests for copies of any documents, data, records, files, or recordings relating to BWCs are reviewed and approved by the Chief of Police or designee, in conjunction where appropriate with the municipal law department or the Attorney General's Office
 8. Ensuring that written directives from the Chief of Police to edit, delete, or alter any BWC captured audio and/or video are carried out as stated and documented by the system administrator
- C. Supervisors, and others as designated by the Chief of Police, shall periodically audit camera footage to ensure compliance with this Policy and to identify training issues and opportunities.
1. More specifically, immediate supervisors shall perform a documented review of at least one BWC recording per BWC Officer under their command, per month.
 2. Supervisors up the chain of command, as determined by the Chief of Police, shall also randomly review BWC recordings of BWC Officers under their command each month to ensure compliance with Department policies.
 3. The focus of these reviews will include, but need not be limited to:
 - a. Professionalism;
 - b. Adherence to directives and training of camera systems;

- c. The functionality and effectiveness of camera systems;
 - d. Officer safety and related training;
 - e. Any other issue that could result in a complaint from a member of the public; a hindrance to prosecution; or liability to the Department or municipality.
- D. Supervisor's that observe or become aware of a violation of this Policy shall ensure appropriate remedial action or referral for disciplinary action (as indicated in 120.02 *Corrective Counselling, Training & Discipline Policy*).
- E. If a potential violation(s) of another Policy(s) are observed by the supervisor performing a random audit, the supervisor shall document and address the violation(s) in an appropriate manner. Discipline will not be imposed solely on the basis of the BWC footage, but rather upon consideration of all relevant evidence collected during the investigation of the incident. Any violation of Rules & Regulations observed on BWC files may be a basis for discipline and also be utilized as a training opportunity for officers.
- F. The Chief of Police or designees(s) shall, at least annually, review the Department's BWC Program and BWC Policy. The Department of Public Safety and the Attorney General shall solicit feedback on this Policy, at least annually, from Departments participating in the statewide body-worn camera program and other individuals and organizations as the Department of Public Safety and the Attorney General deem appropriate.

3.1 CAMERA ACTIVATION AND DEACTIVATION

A. ACTIVATION:

1. BWC Officers shall immediately activate their BWCs when required to do so by Section 3.3 of this Policy, unless it is unsafe and impracticable to do so.
 - a. If there is an immediate threat to an Officer's life or safety or the life or safety of others, making camera activation impossible or dangerous, the Officer shall activate the camera at the first reasonable opportunity to do so.
2. BWC Officers will only activate their BWCs in conjunction with official law enforcement duties, consistent with Sections 3.3 through 3.6 of this Policy.
3. The Department has enabled pre-event buffering capabilities that automatically save thirty (30) seconds of footage prior to the officer activating a BWC.

B. DEACTIVATION:

1. Once a BWC has been activated, recording should continue uninterrupted until the event or interaction that is being recorded has concluded, unless otherwise provided for by law or by this Policy.

2. Examples of when an event or interaction may be considered concluded include, but are not limited to the following:
 - a. Victim and/or witness contact has concluded;
 - b. Either the BWC Officer or the involved parties have departed the scene;
 - c. All persons stopped have been released or have left the scene;
 - d. After a transporting officer transfers the care, custody and control of an arrestee to another Department or detention/police facility; or
 - e. After an arrestee is brought to a location within a Department, such as a holding cell or booking area that has a functioning surveillance system.
 3. On the scene of a law enforcement use of deadly force, BWC Officers shall not deactivate their BWC until instructed to do so by a supervisor. If instructed to temporarily mute their BWC by a supervisor pursuant to Section 3.5 (C) of this Policy, the supervisor should document in the report the reason for doing so.
 4. To the extent possible, prior to deactivating a BWC—whether because the event or interaction has concluded or because deactivating is otherwise consistent with or permitted by this Policy—the BWC Officer should state the reason for doing so.
 - a. Upon any reactivation, the Officer should state that they have restarted the recording.
 - b. The reasons for any deactivation and reactivation during an event or interaction should also be documented in any written reports.
 - c. For purposes of this subsection deactivation includes muting the camera system, stopping recording, diverting the camera system, or recording only audio.
- C. If, in violation of this Policy, an officer fails to activate the BWC, fails to record the entire event or interaction, or interrupts the recording, the officer shall document in their written report of the incident why a recording was not made, was interrupted, or was terminated.

3.2 NOTICE OF RECORDING

- A. As soon as practicable and consistent with ensuring officer safety or the safety of others, BWC Officers are strongly encouraged to inform individuals that they are being recorded.
 1. Exception: When dealing with suicidal individuals or individuals experiencing a mental health crisis, Officers may refrain from making the aforementioned

announcement, to the extent refraining from doing so would help avoid escalating the situation.

- B. To the extent practicable, BWC Officers should also notify other individuals present, including, but not limited to, law enforcement agency personnel, that the interaction is being recorded.
- C. Consent to record is not required. When a member of the public objects to being recorded, a BWC Officer may determine whether to proceed with recording consistent with Sections 3.3 through 3.6 of this Policy.

3.3 ACTIVATION REQUIRED

- A. BWC Officers are required to activate their BWCs under the following circumstances:
 - 1. They are responding to a call for service;
 - 2. At the initiation of any investigative or enforcement activity involving a member of the public;
 - 3. At the initiation of any pursuit or emergency driving.
 - 4. When the BWC Officer is assisting another officer in any of the above activities.
- B. A BWC Officer may activate their BWC at any other time when the BWC is not required by this policy to be activated:
 - 1. If the BWC officer believes an encounter with a member of the public has escalated and become confrontational; or
 - 2. During any other contact with a member of the public or performance of official duties if the BWC Officer reasonably believes that recording would enhance police transparency, increase public trust, or preserve factual representations of the interaction.

3.4 AUTOMATIC ACTIVATION (specific to BodyWorn™)

- A. The Pawtucket Police Department will ensure that each BWC is recording during critical incidents by utilizing automatic activation features available in the BodyWorn™ camera system. The BodyWorn™ system will automatically activate when the Dispatch Center logs an officer on a call for service in which another BWC Officer has an activated body-worn camera.

- B. The BodyWorn™ camera system will automatically activate, as required by the RI Statewide BWC Policy, 110-RICR-10-00-02; under the following circumstances:
 - 1. The light bar in a BWC Officer's vehicle is activated;
 - 2. A BWC Officer's vehicle travels over a certain speed;
 - 3. A BWC Officer's Taser is removed from its holster; and/or
 - 4. A BWC Officer's firearm is removed from its holster.
- C. The automatic activation capabilities listed above have been enabled and the system administrator shall update that portion of the Policy as needed.

3.5 STANDARDS GOVERNING DEACTIVATION IN LIMITED CIRCUMSTANCES

- A. Areas Where There May Be a Reasonable Expectation of Privacy and Other Sensitive Locations
 - 1. Officers recording in areas where there may be a reasonable expectation of privacy or other sensitive locations shall be mindful not to record beyond what is necessary to capture contact with members of the public, effect an arrest, or search for an individual.
 - 2. The camera system shall not be used with exploratory intent to create an inventory of items or individuals within the location.
 - 3. Such areas may include but are not limited to:
 - a. private residences;
 - b. locker rooms;
 - c. certain locations in hospitals or clinics;
 - d. law offices;
 - e. daycare facilities;
 - f. schools; and

- g. areas where First Amendment rights are being exercised such as places of worship, newsrooms, or areas where peaceful protests or religious ceremonies are taking place.
4. Decisions to mute the camera system, stop recording, divert the camera system, or record only audio should be based on the following considerations:
 - a. The extent to which the officer observes activities or circumstances of a sensitive or private nature;
 - b. The presence of individuals who are not the subject of the interaction between the officer and members of the public;
 - c. Presence of individuals who appear to be minors;
 - d. Whether a potential witness requests to speak with an officer and desires anonymity;
 - e. Consultation with other members of law enforcement; and
 - f. Whether a camera recording would provide evidence and/or further the investigation.
 5. Any Department seeking to equip School Resource Officers (“SROs”) with BWCs shall ensure that equipping SROs with BWCs is pursuant to an agreement between the Department and School District, and that the use of the BWCs by SROs in the schools is consistent with this Policy.

B. Recording of Victims and Witnesses

1. If a BWC Officer is in visual or audio recording range of a victim or witness who is giving their first account of a crime, the officer may record the encounter but should weigh any reasonable expectation of privacy in determining whether to activate or discontinue recording.
2. If an officer decides to continue recording, the officer is encouraged to notify the victim or witness of the recording.
3. If the victim or witness is unsure of the need for the recording or is uncomfortable being recorded, the Officer may inform them that they can request to have the BWC turned off.
 - a. Any requests to deactivate, as well as the Officer’s response to the request, should be recorded.

4. Decisions with respect to victim or witness requests to stop recording shall be based upon the following considerations:
 - a. The privacy and safety interests of the victim or witness;
 - b. Age or other characteristics of the victim or witness;
 - c. Nature of the crime(s);
 - d. The need for the information or assistance that the victim or witness will provide; and
 - e. Whether the victim or witness will provide information or otherwise cooperate if the recording is continued.

C. Consulting with other Members of Law Enforcement

1. BWC Officers may temporarily mute the recording while consulting with other members of law enforcement, but only while participating in a discussion pertaining to criminal investigation, law enforcement strategy, planning, or tactical response, provided that the discussion is not conducted in the immediate presence of a member of the public, or in a discussion that is entirely personal in nature, further provided that the BWC officer is not actively engaged in the collection of physical evidence.

3.6 ACTIVATION PROHIBITED

- A. A BWC shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between an officer and a member of the public.
- B. BWC Officers are prohibited from activating their BWCs under the following additional circumstances:
 1. When performing or present during a strip search;
 2. During breaks or when an officer is engaged in personal activities not related to official activities;
 3. Any administrative activities of other employees or any personal conversation of or between other Department employees without the recorded employee's knowledge;
 4. Investigative briefings;

5. Encounters with undercover officers or confidential informants, or where recording could compromise their identities or techniques; or
 6. Department meetings, workgroups, in-service training, or assignments or activities of an operational or administrative nature.
 - a. Using camera systems for training purposes is not a violation of this restriction.
- C. Whenever a prohibited recording is made by a BWC Officer, the officer shall, as soon as practicable, make a request for deletion of the video file at issue by documenting the facts and circumstances in writing and forwarding it to their immediate supervisor. BWC Officers may also request deletion of accidental recordings pursuant to this same process.

4.1 INTERNAL ACCESS TO BWC RECORDINGS AND DATA

A. General

1. All access to camera systems is logged and subject to audit.
2. Access to footage is permitted on a right/need to know basis.
3. Employees authorized to view footage may only do so in accordance with the provisions of this Policy.
4. Department members are prohibited from making personal copies of recordings, including utilizing secondary/personal recording devices to create a duplicate recording.
5. Recordings shall not be duplicated or distributed, unless for official authorized business.

B. Officer Access To Footage

1. Except as provided in Section 4.1 (C) of this Policy, BWC Officers and other officers may review BWC recordings as they relate to:
 - a. Their involvement in an incident, or the investigation of an incident, for the purposes of completing an investigation and/or preparing official reports;
 - b. Providing testimony in court to refresh recollection. Officers will ensure that the prosecutor is aware that the officer has reviewed the camera recording(s) prior to a court appearance; and

- c. Prior to being interviewed in a criminal, civil, or administrative matter or providing a statement to an investigating body or pursuant to an administrative inquiry.

C. Officer Access Following Certain Use Of Force Incidents

1. In order to ensure the fairness and integrity of investigations subject to the Attorney General's Protocol Regarding the Review of Incidents Involving the Use of Deadly Force, Excessive Force, and Custodial Deaths, BWC officers shall not be permitted to view any camera footage associated with the incident, until the officer first provides a descriptive statement from their recollection and perception of the incident, in either a recorded walk-through statement or another type of recorded statement.
2. After providing a statement regarding the incident, the officer and their union or legal representative, shall be permitted to view their own BWC camera footage and data.
3. After the officer has viewed their own BWC camera footage and data, the officer shall provide a continuation of their descriptive statement of the incident. The Officer shall be permitted to note, address, and/or explain any discrepancies or differences between the Officer's original statement and what is shown or heard on the camera footage.
4. The Officer may submit other written statements, reports, or documents after providing the recorded continuation of their descriptive statement of the incident.
5. If viewing the camera footage causes an adverse stress-related reaction, the Officer's statement shall be suspended immediately and the Officer shall be afforded counseling and/or medical aid.

D. Other Internal Access

1. Supervisors:
 - a. Any supervisor within the recording officer's chain of command, or the chief of police or designee, may review footage pertaining to any investigation.
 - b. Supervisors may also access any footage to perform their duties under this Policy as set forth in Section 2.2.
2. Internal Affairs and Training:
 - a. Footage may be viewed by members of the internal affairs office, consistent with the responsibilities of that office under this Policy, as set forth in Section 2.2.
 - b. Footage may be viewed and used for training purposes, with prior approval by the Chief of Police or designee.

3. In the event a BWC Officer is incapacitated or unresponsive while on duty, the camera system may be viewed to identify a possible suspect and aid in apprehension.

E. Documenting BWC Incidents

1. Because a BWC recording may capture sights and sounds that officers did not personally hear or observe, Department members must clearly distinguish and delineate the following information in any and all reports that are required by Department policy:
 - a. Facts that are recalled independent of a recording.
 - b. Recollections that are refreshed by viewing a recording.
 - c. Facts that were not previously known but that are learned by viewing a recording.
 - d. Areas in the recording that appear to differ from the officer's actual perceptions during the event/incident, or that appear to present a distorted view of the actual scene or events.

4.2 PUBLIC ACCESS TO BWC FOOTAGE

- A. BWC footage is subject to the Rhode Island Access to Public Records Act ("APRA"), R.I. Gen. Laws § 38-2-1 et. seq., and all requests for public access to recordings shall be handled in accordance with that law.
- B. Prior to release, Departments should ensure that footage is redacted, where appropriate and consistent with the law. Among other reasons permitted by law, Departments should consider redaction if release could reasonably be expected to constitute an unwarranted invasion of personal privacy, could reasonably be expected to disclose the identity of a confidential source or the information furnished, or would disclose techniques and procedures for law enforcement investigations or prosecutions.
- C. Nothing within this subsection is intended to supersede or conflict with the provisions of the APRA or other law.
- D. BWC Footage from Certain Use of Force Incidents
 1. The public's interest in transparency and accountability is significant for incidents involving police use of force that fall within the scope of the Attorney General's Protocol Regarding the Review of Incidents Involving the Use of Deadly Force, Excessive Force, and Custodial Deaths.

2. While BWC footage must be released where disclosure is required under the APRA, the provisions of this subsection are intended to further ensure and require the release of BWC footage in circumstances where withholding such footage would be permitted under the APRA.
3. Unless otherwise prohibited by law or judicial order, BWC footage from AG Protocol incidents shall be provided to the public:
 - a. In response to a public records request made pursuant to the APRA;
 - b. No later than upon the substantial completion of the investigation, as determined by the Office of the Attorney General, in consultation with the Rhode Island State Police and other involved Department(s); and
 - c. In accordance with the advisory opinion obtained from the Ethics Advisory Panel of the Supreme Court, upon the request of the Attorney General.
4. Substantial completion means that evidence has been collected and witnesses have been interviewed. Substantial completion is expected to occur within thirty (30) days.
5. To the extent that any BWC footage pertains to a matter that remains under investigation or for which criminal charges remain pending:
 - a. Any statements accompanying the video must be limited to a factual recitation describing the context of the video (e.g., source, date, time, place).
 - b. Release should also be accompanied by a disclaimer that the video may not depict all of the circumstances relevant to the event in question and that the defendant is presumed innocent unless proven guilty.
 - c. Release may also be accompanied by a disclaimer that BWC recordings provide a limited view of the event, may capture sights and sounds that officers did not personally hear or observe, and should be considered with all other available evidence.
 - d. In the event that a BWC file shall be released the officers involved shall be first notified of the impending release.
 - e. The Chief of Police or designee shall release a statement either with or in advance of the BWC files release explaining the recording, what was occurring at the time of the recording and what may have been occurring out of camera view in order to provide context to the matter recorded.

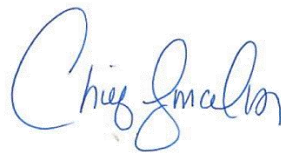
4.3 RECORDS RETENTION

- A. Unless otherwise prohibited by law, BWC recordings shall be retained in accordance with Rhode Island Records Retention Schedule LG 6.3.6 Body Camera Recordings.
- B. Notwithstanding the above, the following individuals may order archival of BWC recordings: the Chief of Police and/or designee(s), the Officer-in-Charge of the Office of Professional Standards, and the City Solicitor or designee.

4.4 VIOLATIONS

- A. If a law enforcement officer, employee, or agent violates any provision of this Policy, the officer, employee, or agent shall be subject to appropriate remedial or disciplinary action, in addition to any other consequences outlined in Municipal, State and Federal laws and Regulations.
- B. Intentional failure to activate or tampering warrants discipline up to and including termination.
- C. Any officer that observes a violation of this Policy is required to report the violation in writing to their immediate supervisor in the officer's chain of command.
- D. Supervisors that observe or become aware of a violation of this Policy shall ensure appropriate remedial action or referral for disciplinary action, consistent with the Department's policies with respect to internal investigations.

Per Order Of:



A handwritten signature in blue ink that reads "Chief Jmalon". The signature is written in a cursive style. Below the signature is a solid black horizontal line.

Chief of Police