

3.01-4

DAYTON POLICE DEPARTMENT
GENERAL ORDER
BODY WORN CAMERAS



KAMRAN AFZAL – DIRECTOR AND CHIEF OF POLICE

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POLICY STATEMENT

The purpose of this policy is to provide guidance on the proper use of Body Worn Cameras (BWCs) in order to promote safety, professionalism, transparency, and accountability. Personnel who are issued a BWC shall use it in accordance with the provisions of this policy, and all local, state, and federal laws. Violation of this policy is cause for disciplinary action.

The Dayton Police Department has adopted the use of the BWCs to accomplish three primary objectives: 1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court. 2: Audio and video recordings enhance this department's ability to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes, and to provide additional information for officer evaluation and training. 3. The BWCs may also be useful in documenting crime and accident scenes, or other events that include the confiscation and documentation of evidence or contraband.

DEFINITIONS

Activation — Pressing the “event” button twice to begin recording audio and video with the BWC.

Administrative Functions — Investigations taking place where no citizen/police interaction is occurring, or likely to occur (e.g., observing cameras, querying computer databases, reviewing reports, conducting covert surveillance, etc.).

Body-Worn Camera (BWC) — Audio and/or video recording equipment that is affixed to an officer's uniform or equipment with the capability of capturing, recording, and storing information for later viewing.

Buffering Mode — When powered on, but not activated, the BWC captures video but not audio. The video is not stored into permanent memory until BWC activation. Once activated, the BWC will permanently store thirty seconds of video captured prior to BWC activation, and all audio and video captured until deactivation.

Critical Incident – Use of force resulting in hospitalization or death; intentional discharge of a weapon at a person; striking someone in the head with an impact weapon; engaging in a foot or vehicle pursuit which results in hospitalization or death; in-custody death.

Deactivation — Pressing and holding the “event” button for approximately four seconds to cease audio and video recording. Upon deactivation, the BWC will enter buffering mode.

Digital Media Evidence (DME) - Analog or digital media, including, but not limited to, electronic recordings of video, photograph, audio, film, magnetic and optical media, and/or the information contained therein digitally committed to file and of probative value that is stored or transmitted in binary form.

Livestream – When a member's camera is activated and recording, an authorized user may view that BWC footage in real-time via Evidence.com. Personnel whose BWC footage is being livestreamed will be notified immediately on the BWC LCD display and through a vibration notification (unless stealth mode is enabled). Cameras that are not activated are unable to have their footage livestreamed.

Powered Off — Turning the BWC off. When powered off, the BWC cannot record audio or video, and the BWC is not in buffering mode.

Powered On — Turning the BWC on. The BWC will operate in buffering mode until activation or powering off.

Sleep Mode – By pressing and releasing the power button, then pressing and releasing the select button will disable the video buffering and recording. To take the BWC out of sleep mode, press and release the power button.

Stealth Mode – Pressing and holding the volume down button for approximately three seconds to turn off the LED light, display screen backlight, sounds, and vibration notifications on a member's BWC.

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I. GENERAL

- A. All sworn members of the department shall be trained on proper utilization of BWCs prior to use. PowerDMS certificates will be the verification of personnel completing the training.
- B. Sworn personnel of the department holding the rank of Major, Assistant Chief, or Chief are exempt from wearing the BWCs. Lieutenants are exempt from wearing the BWCs, except when law enforcement action is foreseen or likely to occur.
- C. BWC data is subject to the rules of discovery, meaning BWC data may be disclosed and obtained as evidence in a trial. In addition, state law permits individuals to request copies of BWC data.
- D. All DME generated on department-owned BWC equipment is the property of the Dayton Police Department. The copying or reproducing of any DME generated by personnel of the department for use outside of department business is prohibited. Requests for copies will be processed through the Strategic Planning Bureau Commander.
- E. Personnel may only utilize issued BWC devices while on-duty, including overtime assignments scheduled through the department.
 - 1. The use of a non-issued BWC device or any other non-department issued recording device on-duty is prohibited.
- F. DME shall not be altered, modified, misused, or tampered with.
- G. Disabling or tampering of the BWC system in any manner is prohibited.
- H. If personnel assigned to a position where BWCs are required are reassigned (not on a temporary basis) to a position where BWCs are not required, the officer will return the BWC to the Strategic Planning Bureau within seven calendar days of the reassignment.



II. ISSUANCE OF BWCs

- A. BWCs will be assigned to a specific person by serial number, tracked in Evidence.com. Unless operationally necessary and approved by a supervisor, an officer will not 'borrow' another officer's BWC, as the recordings will show under the assigned officer's name and not the person borrowing it, preventing the proper tagging of the recordings.
- B. Personnel will be responsible for the care and operation of the BWC assigned to them.
- C. Personnel assigned to units whose primary duties involve interactions with citizens and/or enforcement related activities (e.g., Patrol, K-9, Pivot, Traffic Services Unit, etc.) must wear the BWC at all times while on-duty.
 1. Personnel performing tasks in which wearing the BWC would be impractical or unsafe (Bomb Techs, formal events, funerals, etc.) shall not wear the BWC while performing those tasks.
- D. Personnel assigned to units whose primary duties are administrative (e.g., Crime Analysis, Strategic Planning, Academy, etc.) or investigative (e.g., Homicide, Property Crimes, Special Victims, etc.) are not required to wear the BWC during the normal course of their duties, unless:
 1. The officer anticipates participating in enforcement activity, or
 2. The officer is detailed to work a uniformed assignment where citizen/police interaction is occurring, or is likely to occur (e.g., patrol, parade, baseball game, etc.), or
 3. The officer is directed to wear the BWC by a supervisor.
- E. Federal Task Force Personnel and Undercover Detectives
 1. Personnel deputized as federal task force officers (TFOs) (e.g., ATF, FBI, DEA, etc.) are exempt from wearing a BWC while conducting task force operations and investigations.
 2. Personnel assigned to support federal agents who are on-scene assisting an operation involving agents from the ATF, FBI, DEA, etc. are exempt from activating the BWC while fulfilling those obligations.
 3. Personnel assigned to undercover operations are exempt from wearing a BWC while operating in an undercover capacity.
 - a. Arrest team personnel assigned to undercover operations shall wear their BWC in accordance with this order.

III. REQUIRED ACTIONS EXPECTED OF PERSONNEL ISSUED A BODY WORN CAMERA

- A. Wearing the BWC
 1. The BWC is designed to be worn on the user's outermost garment at chest level, facing forward, using only the department-issued mounting equipment. This is the best position to maximize the BWC's field of view, and facilitates ease of BWC operation.
 - a. Exception: Personnel using a helmet-mounted BWC (e.g. Motor Unit, SWAT) may position the BWC on the front of the helmet.
 2. Personnel shall not intentionally obscure the view of their BWC.



3. Personnel shall periodically check that the lens of the BWC is not unintentionally obstructed.
 4. The BWC shall be powered on at all times while worn.
 5. The BWC shall be paired with the Axon application on the MDC.
 6. Personnel shall keep their BWC in buffering mode (ON) throughout their shift. Personnel shall not change the operation of their BWC that prevents the camera from capturing the buffering video.
 - a. Exception: Personnel are permitted to place the BWC in Sleep mode while inside police facilities when not taking enforcement action, communicating with a citizen, or upon entering a restroom.
 7. Personnel are not required to announce to citizens they are being recorded.
 - a. If a citizen asks if they are being recorded, personnel will advise of the BWC recording status.
 - b. Exception: If a citizen is a victim or witness of a crime, and states they will not speak to the officer while the BWC is activated, the officer may turn off the BWC. An officer should be especially sensitive to victims of sexual assault. The officer must document on the video why the BWC is being turned off, and must activate the BWC as soon as the interview concludes.
 8. Personnel are prohibited from showing any citizen a video which they recorded; furthermore, officers will not start/stop the BWC solely upon the request of a citizen.
 9. Personnel issued a BWC are not exempt from wearing a tie when wearing a long sleeve uniform shirt. The BWC shall be mounted in such a way that the tie will not obstruct the BWC's field of view.
 10. The BWC shall **not** be utilized off-body as a surveillance tool.
- B. BWC Maintenance and Battery Life
1. Personnel shall perform a function and battery test of the BWC to ensure the BWC is in working order and the battery is fully charged in accordance with training prior to beginning each shift.
 2. Personnel shall routinely monitor the battery level and status of the BWC through the LCD display on the top of the camera during their tour of duty (See Appendix A, AB3 Display Icon Legend).
 - a. If the status bar indicates that a battery is below 10%, personnel should charge the BWC immediately.
 - b. If the battery status bar is critically low, charge the BWC immediately, or notify a supervisor to be issued a replacement.
 3. Personnel issued a BWC shall not perform enforcement related functions if their BWC is not functioning due to a critically low battery or any other malfunction (except in emergency situations or with the approval of a supervisor). The officer must obtain a replacement unit, or shall perform non-enforcement related activity approved by an immediate supervisor until their BWC is sufficiently charged to be functional for the remainder of his or her shift.
 - a. Exceptions include officers responding to incidents at the end of their shifts, or an extended incident where an officer would not reasonably be expected to leave their post to charge the BWC or obtain a replacement (e.g. a SWAT/HNT callout where an officer is assigned to the inner perimeter of the target location).



4. Personnel should charge their BWC during extended periods where BWC activation is not anticipated (e.g., arrest processing, report writing, etc.).
- C. Lost, Stolen, or Malfunctioning BWC
1. When an officer learns that his or her BWC is lost, stolen or malfunctioning, he or she shall:
 - a. Immediately report the lost, stolen, or malfunctioning BWC to a supervisor in person and via the DPD online form *BWC Camera Lost/Stolen/Malfunctioning Investigation, and
 - b. Be issued a replacement BWC by either a supervisor or the Strategic Planning Bureau.
 - 1) If a BWC replacement is not available in the division/district/bureau, the supervisor will contact the Watch Commander.
 - 2) Watch Commanders may request a BWC from another division/district/bureau
 - 3) The supervisor shall log in to Evidence.com prior to the end of his or her shift to assign the BWC serial number to the user.
 2. Supervisors shall review the online form submittal, then comment with actions taken and state if an investigation is warranted, and sign the form. The form will automatically forward to the Professional Standards Bureau and Strategic Planning Bureau.
 - a. The supervisor will complete an investigation if circumstances dictate the need for one.

IV. MANDATORY RECORDING

- A. Officer and citizen safety should always be given priority over activating the BWC. Personnel may encounter a situation requiring immediate action to prevent injury, destruction of evidence, or escape. In these situations, personnel should activate the BWC at the first available opportunity after the immediate threat has been addressed.
- B. This order is not intended to describe every possible situation in which the BWC should be utilized. Moreover, not all situations will clearly start out as necessitating the activation of the BWC, nor will all events have a clear ending when the BWC is no longer necessary.
- C. When an officer makes the decision to start an investigation, or at the start of the initial call for service, the officer may verbally articulate facts or observations that may be noteworthy. This articulation may continue throughout the entire recording.
- D. The BWC will automatically engage when synced to a marked DPD cruiser when the emergency overhead lights are activated, cruiser speed reaches 65 MPH or higher, the rear prisoner doors are opened, and during cruiser impact.
- E. The BWC will be activated for all law enforcement activities, including calls for service and contact with members of the public. Unless listed in section V of this order, all personnel not previously exempted from BWC usage will activate their BWCs to document any contact that is considered more than incidental contact. Incidental contact is defined as informal, non-law enforcement interactions. For example, an officer standing in line to order food at a restaurant making casual conversation would be incidental contact. The officer would have discretion whether to activate his or her BWC. However, if the conversation became confrontational, or



the officer developed reasonable suspicion to believe the citizen was involved in a crime, he or she would have to activate the BWC.

1. BWCs are not required to be recording during community engagement activities and community meetings.
- F. Personnel shall not stop or mute a recording during a public encounter or assigned CFS, except for the following:
1. Personnel may stop and/or mute:
 - a. While conferring with undercover personnel from investigative units, confidential informants, or federal personnel/agents. However, personnel shall un-mute prior to continuing or taking any law enforcement action;
 - b. Personal relief or break.
 2. Personnel may momentarily mute only:
 - a. Conversations that involve police and/or case tactics or strategy. The following are examples of case tactics or strategy where temporarily muting may be appropriate:
 - 1) Conversations regarding what tactics/strategy should be utilized to resolve an ongoing situation.
 - This section addresses future action that is going to be taken and not what has already happened.
 - This does not apply to speaking with a sergeant about the details of a use of force where the suspect is in custody. The incident should already be on BWC.
 - Where muting would be appropriate:
 - Discussing the best way to interview a suspect and what strategy to use.
 - Discussing the specifics of a case and deciding what course of action to take.
 - Is the victim/suspect telling the truth?
 - Should officers get a search warrant, get consent, or is the evidence in plain sight?
 - Is there probable cause to arrest the suspect, should they be ordered in, or a summons be done?
 - 2) Conversations regarding the use of technology or tactics that are not known to the general public.
 - GPS on vehicle.
 - Use of aviation to track a suspect.
 - 3) Conversations containing information of a sensitive nature that would jeopardize an ongoing investigation.
 - Traffic stop to identify a dealer and speaking with detective to give them the info.
 - Speaking with officers/detectives about pending action such as a search warrant that has not been served yet.
 - Talking about information on a suspect's social media and we do not want to alert the suspect we are monitoring social media.
 - b. Personal emergency matters of a sensitive nature (i.e. family emergency, medical emergency, catastrophic event).
 - This section should be rarely used. It covers emergencies such as sick family member or something that needs immediately addressed.
 - It does not cover officer's plans for after work or their social life.
 3. Personnel may mute when officers' duties are unlikely to lead to information relevant to a case, (i.e. directing traffic, preserving a crime scene). The BWC audio shall be reactivated immediately if the circumstances change, or any police action is to be taken.



- a. This does not apply to crime scenes where officers have suspect/witness in the backseat of their cruiser.
4. Personnel may turn off the BWC when on a CFS that is not related to any enforcement function (i.e. tree down, wire down, high water, road closures).

G. Ending a Recording

1. Once recording with a BWC has been initiated (including instances of automatic activation), personnel shall not end the recording unless:
 - a. The event or encounter has fully concluded, meaning that no more investigative or enforcement action is anticipated;
 - b. The officer leaves the scene and anticipates no further involvement in the event; or
 - c. The officer is expressly authorized under this order to deactivate or power off the BWC.
2. Prior to muting and/or deactivating the BWC, including after an accidental recording, the user shall state verbally into the BWC the specific reason for deactivation. (i.e., the event is concluded, a supervisor approved deactivation of the BWC, etc.).
3. When in doubt, personnel shall continue to record the interaction if it is reasonable to do so.

V. PROHIBITED ACTIONS

A. Personnel shall not:

1. Mute and/or stop BWC recordings where other personnel of the department are off-duty and are a subject of the call in which the member was not acting under the color of his or her authority.
2. Intentionally create DME recordings of themselves or other employees in areas where a reasonable expectation of privacy exists such as locker rooms, restrooms, etc.
3. Substitute "refer to video" for a detailed, thorough DIBRS report.
4. Lead a person to believe the BWC has been deactivated when, in fact, it has not.
5. Use the BWC for the clandestine recording of the voice or image of a member of the department.
6. Upload or convert DME for use on any type of social media.
7. Connect BWC equipment to any unauthorized computers, phones, tablets or similar devices, either wirelessly or by the use of a cable.
8. Stop a recording while on the scene of a critical incident, whether directly involved in the incident or not. PSB personnel will make determinations on which BWCs they will take control of while the BWC is still recording, and which ones will remain with the assigned personnel.
9. Remove a BWC from their person while the BWC is recording.
10. Knowingly record undercover personnel or confidential informants.



- a. Personnel are discouraged to activate the BWC during contacts with a confidential informant or undercover officer **unless** another member of the public is present and there is a requirement that the event be recorded.
11. Due to video recording restrictions and tracking, be assigned to a new call before the end of their current call.
 - a. Personnel will not be assigned a call, then briefly go to the scene of another call, then arrive to the original call on the same recording.
 - b. Officers must avoid having more than one call on a continuous recording.
 12. Allow non-sworn personnel to view the DME video (without supervisor approval).
 - a. Government employees directly involved in the investigation and/or prosecution of a criminal case related to the DME video are exempt from this provision.
 13. Create recordings in patient care areas of any medical or mental health facilities,
 - a. Exception: Recording is permitted for official police business in medical or mental health facilities in compliance with Federal HIPAA regulations for:
 - Criminal investigations, such as Horizontal Gaze Nystagmus test (HGN) or dying declaration
 - Administrative investigations, such as Use of Force or Injuries Prior to Arrest
 - b. Consideration shall be given for patients' rights to privacy when in hospital settings. Patients shall not be recorded during medical or psychological evaluations or treatments. When recording in hospitals and other medical facilities, care shall be taken to avoid recording persons other than the person of interest, or recording medical documents.
 - c. However, as in any setting, if confronting a violent or assaultive suspect, or in an anticipated use of force instance, the BWC shall be activated in advance of the encounter, or as soon as reasonably practicable.
 14. Record:
 - a. Conversations between departmental personnel without their knowledge during non-law enforcement-related activities. This includes, but is not limited to:
 - 1) Casual conversations
 - 2) Roll Calls
 - 3) Meetings
 - 4) Union activities
 - 5) Training
 - 6) Supervisor reviews
 - 7) Disciplinary hearings
 - 8) Performance Evaluations
 - 9) Employee coaching
 - 10) Meal breaks
 - b. Non-work related personal activity.
 - c. Activities of the Bomb Squad.



- d. While investigating a bomb threat.
 - 1) Personnel may power off their BWC when investigating bomb threats or suspicious packages under the same circumstances where utilization of the radio is prohibited due to concerns radio transmissions or BWC Bluetooth transmissions could potentially cause a detonation.
 - 2) Personnel must immediately power on the BWC when it is safe to do so.
- e. Activities of motorcades involving dignitary protection details.
- f. Incidents where the top-ranking commander on scene determines the recording may create a risk to public safety.
- g. Strip or cavity searches.
- h. Personnel performing administrative functions.
- i. Any interior portion of the Montgomery County Jail, except for the sally port, per their order.
 - 1) It is recommended to place your BWC with your sidearm during processing while in the jail.
- j. Inside of any court facility, any legal proceeding (i.e. deposition, City Commission meetings) or, secured governmental facility.
 - 1) BWC shall not be activated to record any court proceedings unless confronting a violent or assaultive suspect, in an anticipated use of force instance, or when directed to take enforcement action by an agent of the court.

VI. REPORTING NON-ACTIVATION, INTERRUPTION OR TERMINATION OF A BWC RECORDING WITHOUT VERBAL NOTICE

- A. Personnel who do not activate the BWC as directed by this order shall document the non-activation by:
 - 1. Contacting their immediate on-duty supervisor via radio, and
 - 2. Entering the following specific comment in the call remarks of the call: No BWC
- B. Personnel who interrupt or terminate a BWC recording in progress without providing a verbal reason before the interruption or termination shall document the reason the BWC was interrupted or terminated by:
 - 1. Contacting their immediate on-duty supervisor via radio, and
 - 2. Entering the following specific comment in the call remarks of the call: No BWC

VII. AXON RESPOND+ CAPABILITIES

- A. Livestream
 - 1. The Livestream feature is only available if the user has activated the BWC. The software does not allow the BWC to be remotely started or stopped. The user has sole access to starting and stopping the BWC recording that allows Livestreaming.



2. A BWC may Livestream a recording via Evidence.com in order to be viewed by assigned personnel in real-time. Only authorized users designated by the Strategic Planning Bureau Commander shall utilize the Respond feature. A DPD Axon administrator shall assign Respond permissions to supervisory personnel.
 3. Supervisors may livestream BWC footage in order to assist responding personnel, to deploy additional resources, or to check for compliance. Instances where a supervisor may livestream a BWC include, but are not limited to:
 - a. An ongoing critical incident,
 - b. Active shooter situations where command requires multiple viewpoints to coordinate a safe response,
 - c. A hostage/barricade situation,
 - d. At a user's request, or
 - e. During community interactions such as business checks.
 4. While the Respond feature is a tool for supervisors to assist their personnel, its use shall not exempt the supervisor from physically responding to required incidents based on General Order 1.10-6, Patrol Activities, or any order as directed.
 5. The details of all access to the Respond feature are automatically recorded in the Audit Log of any corresponding BWC recording(s).
 6. Supervisors shall not livestream the BWC of another member for purposes not related to operational necessity or compliance reviews.
- B. GPS Functionality
1. BWC units include GPS functionality, which is only available upon BWC activation.
 2. A BWC user's location will be visible on a map and available for authorized users when the BWC is activated.
 3. Supervisors may review the GPS data in real-time from a subordinate's BWC.
- C. Automatic Activation: Signal Sidearm
1. BWCs are paired with a Signal Sidearm wireless device that is housed on officers' handgun holsters. When an officer's handgun is drawn from its holster, the Signal Sidearm will automatically activate the wearer's BWC.
 2. Officers shall not tamper with the Signal Sidearm device. All mounting, repairing, and changing of batteries of the unit will be done by DPD Range Staff personnel.
 3. BWCs may be deactivated prior to the wearer un-holstering their handgun for administrative purposes, such as inspections or range qualifications.
 4. BWC Activations triggered by the Signal Sidearm will be audited in Evidence.com. Officers will deactivate their BWC manually following an automatic activation as directed in the section of this order titled, "Ending a Recording."



5. Accidental Activations (e.g., administrative un-holstering without deactivating the Signal Sidearm) shall be memorialized verbally in the wearer's BWC footage, and associated footage shall be titled as an Accidental Activation. Officers may seek deletion of that footage following the procedures found in the section of this order titled, "Deletion of Accidental or Mistaken Recordings."

D. Buffer

1. The BWC system shall be configured to capture 60 seconds of video data from the buffer prior to activation. It shall not be configured to record audio during that 60 second period.

VIII. UPLOADING, CATEGORIZING, AND TITLING BWC DATA

- A. The user is responsible for uploading all BWC data by the conclusion of his or her tour of duty. Personnel are not permitted to take a BWC home while it still contains video on it, unless authorized by an on duty supervisor.

1. Docking stations for charging and uploading BWC footage will be available in each building where BWCs are used.

- B. Prior to the end of the user's tour of duty, the user shall ensure the any critical incidents or arrests with DIBRS reports are categorized and titled. This function is done from either the in-car mobile data computer (MDC) or the smartphone application. Each categorized and titled recording shall include the following information:

1. The category of the video shall indicate the type of incident (e.g., Arrest, Call for Service, Evidence, Self-Initiated, etc.);
2. The ID of the recording is to be the DIBRS number associated with the critical incident or arrest.
 - a. The format will be YYMMDD#### - no dashes or other punctuation.

- C. Under the circumstances listed below, a supervisor not involved in any below listed incident shall take possession of the user's BWC:

1. Any time PSB responds to investigate an incident and requests the supervisor take certain BWCs;
2. Any other time at the discretion of a supervisor not involved in the incident.

D. Special/Exigent Circumstance DME Uploading.

1. If personnel are involved in collisions and/or are otherwise unable to return to the division/district/bureau headquarters, supervisors shall adhere to the following:
 - a. The supervisor shall take custody of the BWC;
 - b. The supervisor will upload the BWC;
 - c. Upon completion of the video upload, the BWC must be returned to the user.
2. Critical Incidents
 - a. Unless the BWC of involved officers have been taken by PSB for upload, upon the conclusion of a critical incident, all officers will return to the appropriate facility in order to have all DME uploaded.



The BWC device will not be returned to service until all DME has been removed and completion confirmation of upload has been received by the PSB supervisor or designee.

IX. REVIEW OF RECORDINGS

- A. All captured media from a BWC is the property of the Dayton Police Department. Accessing, copying, or releasing any captured media for any purpose, other than law enforcement related purposes, is strictly prohibited and subject to discipline.
- B. Personnel are prohibited from copying and/or releasing any BWC recordings for their personal use and are prohibited from using a recording device (phone, secondary audio and/or video recorder) to record media from a BWC recording, including images viewed on the mobile application.
- C. The following persons can receive recorded BWC data upon request and approval from the Strategic Planning Bureau Commander:
 - 1. Any sworn member of the department, provided it is for law enforcement purposes or other legitimate use, with the approval of the Strategic Planning Bureau Commander;
 - 2. Academy Commander for training purposes;
 - 3. Personnel of the Office of the State's Attorney, United States' Attorney's Office, Attorney General's Office, or other prosecuting authority, for purposes of investigation leading to possible prosecution;
 - 4. City of Dayton Law Department; and
 - 5. The public, after either an in-person request to the Public Records Administrator or Records Unit, or after approval of a properly submitted City of Dayton Public Records request:
<https://www.daytonohio.gov/342/Public-Records-Requests>
 - a. As previously stated, personnel are prohibited from allowing citizens to review BWC recordings in the field.
- D. Where not otherwise prohibited by this order, personnel may view BWC data from their own assigned BWC, or the BWC of another involved user, to assist in complete and accurate report writing for routine matters. Personnel must document in their written reports whether they reviewed BWC data of the incident from their own BWC or the BWC of another officer, and the date and time that they reviewed each.
- E. Supervisors may review and/or copy BWC data capturing the performance of a member under their command for the purpose of:
 - 1. Conducting an investigation (e.g., misconduct, supervisor complaint, vehicle accident, etc.);
 - 2. Monitoring a subordinate's professional conduct/performance;
 - 3. Training;
 - 4. Advancing the best interest of the public, the Dayton Police Department, or the subordinate.
- F. A supervisor must review the relevant BWC data of personnel under his or her supervision when conducting any administrative investigation where BWCs were, or should have been, activated.
 - 1. Relevant: the time frame directly surrounding the event triggering an administrative investigation



- G. Personnel of PSB may review and/or copy BWC data from any member of the Department.
- H. Personnel of the Investigations and Administrative Services Division (IASD) may review and/or copy any BWC data which might be relevant to a criminal investigation they are conducting.
- I. BWC recordings of constitutionally protected activity may not be used to identify persons present at the activity who are not otherwise suspected of being engaged in illegal activity.
- J. BWC data shall not:
 - 1. Be used to create a database or pool of mug shots;
 - 2. Be used as fillers in photo arrays; or
 - 3. Be searched using facial or voice recognition software.
 - 4. NOTE: This subsection does not prohibit the DPD from using facial recognition software to analyze the recording of a specific incident when a supervisory member has reason to believe that a specific suspect, witness, or person in need of assistance was recorded.

X. SECURITY, RETENTION AND DISCLOSURE OF BWC DATA

- A. Personnel are prohibited from sharing any BWC log-in credentials with any other person.
- B. Accessing, copying, or releasing BWC data for non-law enforcement purposes is prohibited, unless directed by the Director and Chief of Police, or designee.
- C. Accessing, copying, releasing, or sharing BWC data on any computer or device not controlled or provided by the DPD is strictly prohibited.
- D. The DPD shall retain an unedited original version of BWC data for a minimum period of 45 days, and shall log any time data is viewed, for what length of time and by whom, and shall log any copying or editing of BWC data. DPD personnel are strictly prohibited from tampering with or editing this original version.
- E. Retention schedule
 - 1. If the BWC incident results in a notice of claim, civil litigation, PSB investigation, or other investigation, the footage should be retained for at least two years following the conclusion of the matter, including appeals, but not less than four years from the date of the event.
 - 2. All other BWC footage will be held per the retention schedule set by the City.
- F. Access to BWC data shall be controlled securely through Evidence.com.
- G. Access to BWC data shall not be shared with any member of the media unless authorized by the Director and Chief of Police or his/her designee.



XI. DELETION OF ACCIDENTAL OR NON-EVIDENTIARY RECORDINGS

- A. In the event of an accidental or non-evidentiary activation of the BWC where the resulting recording has no investigative or evidentiary value, personnel may complete the DPD online form *BWC Footage Request for Deletion to their immediate supervisor for approval/disapproval.
- B. Supervisory approved requests shall be forwarded to PSB. Upon receipt of an approved Deletion Request Form, a member of PSB shall review the recording and determine whether or not the recording has an official purpose or has evidentiary value.
 - 1. NOTE: Deleting footage exposes the DPD to accusations of tampering. Therefore, requests for deletion of BWC footage shall only be made in instances of unintentional activation of the BWC during non-enforcement or non-investigative activities (e.g., in the restroom or locker room).
 - 2. Footage that raises privacy concerns (e.g., undercover officer, or filming in a private home or in a hospital) shall be retained, tagged, and obscured should it need to be viewed.
 - 3. Deletion requests of footage that depicts order violations or misconduct shall not be approved.
- C. If the PSB Commander concurs that the recording has no evidentiary value, the request shall be forwarded to SPB for review.
- D. If SPB Commander concurs that the recording has no evidentiary value, he/she shall give a final approval to the request. The Public Records Administrator will delete the recording.
- E. The BWC Footage Request for Deletion Forms shall be maintained by the SPB Commander.

XII. STRATEGIC PLANNING BUREAU

- A. The Strategic Planning Bureau is responsible for:
 - 1. Granting access to Evidence.com,
 - 2. Arranging for equipment repairs,
 - 3. Assisting with the development of training materials and providing technical support,
 - 4. Redacting/Obscuring copied portions of requested BWC footage from audio and/or video that are not permitted to be released by order, law or regulation,
 - 5. Providing copies of recordings when properly authorized,
 - 6. Providing copies of recordings to outside agencies/individuals when authorized (e.g. other jurisdictions),
 - 7. Authorizing the appropriate personnel for Livestream and GPS access.

XIII. AUDITS AND INSPECTIONS

The Inspections and Audits Unit will select BWCs videos for review for potential officer safety and training issues. The IAU will assign them to the appropriate squad supervisors for review.

- A. Audits shall also be used to assess:



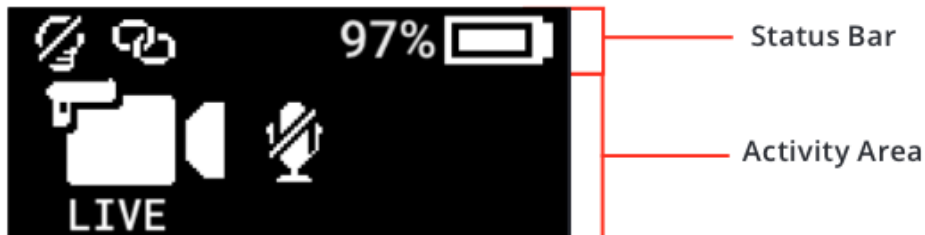
1. Personnel performance,
2. Training and equipment needs, and
3. Consistency between written reports and recording.

XIV. INTERVIEW ROOM RECORDING

- A. Body Worn Cameras will be utilized by detectives/supervisors assigned to the Violent Crimes Bureau to record interviews that are required to be recorded by law. The BWC will be in a fixed position in an interview room in the Safety Building.
- B. The Commander of the Violent Crimes Bureau will determine which detectives require access to live stream videos. The request for access to live stream will be sent to the Commander of the Strategic Planning Bureau. The detectives given access will only live stream videos of interviews regarding cases they are actively investigating.



Appendix A - AB3 Display Icon Legend



Activity Area Icon	Description
READY	Ready (buffering) mode
	Recording
	Recording started by Axon Signal
	Axon Aware Live Streaming
	Recording started by gunshot detection
	Microphone off

Status Bar Icons in the field	Description
58%	Battery capacity
	Camera paired
	Lights off
S	Stealth mode on
!	Battery low warning (appears at the right of battery capacity)