



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 41.3.8

TITLE: IN CAR CAMERA

EFFECTIVE: 03/08/2015

REVISED: Replaces Policy/Procedure 446

PURPOSE

This Chapter governs the use of In-Car camera systems, including activation, operation, and retention, as well as system maintenance. This Chapter does not alter a members' responsibility to comply with NOPD Policy 447, Body Worn Cameras. Nor does compliance with NOPD Policy 447 satisfy a members' obligation to comply with this Chapter.

POLICY STATEMENT

1. The New Orleans Police Department is committed to the belief that video/audio documentation of an officer's daily encounters is an important and valuable resource for law enforcement. NOPD also is committed to respecting civilians' reasonable privacy expectations, including but not limited to medical and health privacy.
2. Marked and unmarked units assigned to routine calls for service, including task forces, tactical units, prisoner transport, or SOD canine shall be equipped with the In-Car Camera system. Use of this technology provides for video/audio documentation of a police officer's enforcement and investigative activities. The In-Car Camera can objectively document officer conduct during individual interactions, provide powerful evidence of criminal activity, and protect both the public and officers from false allegations of misconduct. This Chapter is intended to achieve an appropriate balance between the benefits of In-Car Camera devices and civilians' reasonable expectations of privacy.
3. Audio or video recordings of enforcement or investigative actions are evidence, and subject to state, federal, and municipal laws, and internal policies regarding disclosure. It is in the best interest of justice that NOPD regulate and control all forms of evidence collection and storage.
4. The In-Car Camera system is designed to assist and complement patrol officers in the performance of their duties. The In-Car Camera system records certain activities, thereby creating an unbiased visual and/or audio record of the incident and a supplement to the officer's report (La. R.S. 32:365(B)).
5. NOPD members shall complete authorized training regarding In-Car cameras prior to using an In-Car Camera in an operational setting.

6. The In-Car Camera system will be used to document events and capture data to be preserved in a digital storage facility. Once captured, NOPD shall not alter the recordings and shall protect the recordings by encryption.
7. NOPD has adopted the use of In-Car Camera technology to accomplish the following objectives:
 - (a) To promote officer safety;
 - (b) To document statements and events during the course of an incident;
 - (c) To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings;
 - (d) To enhance the law enforcement operator's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation;
 - (e) To preserve visual and audio information for use in current and future investigations; and
 - (f) To provide an impartial measurement for self-critique and field evaluation during officer training.

DEFINITIONS

For purposes of this Chapter, the following terms are defined as:

Activate—Any process that causes the In-Car Camera system to transmit or store video or audio data.

Audio Recording—The electronic recording of conversation, spoken words, or other sounds.

Case or Folder—The placement of related recording(s) into a single "folder" or "case" file.

Case Number—Item Number associated with the incident that was recorded using an In-Car Camera.

Continuous Recording—The constant streaming of live video to the In-Car Camera's internal buffer. This buffer is not retained until an event trigger has activated, causing the previous 30 seconds of the buffer to be retained and made a part of the active recording.

Display Name—Location where an incident has occurred, which corresponds to the location associated with the item number for the event referenced.

District/Division System Administrator ("DSA")—Supervisor assigned to the district or division who is responsible for inventory control and operational maintenance of the In-Car Camera system equipment at a District/Division level.

Master System Administrator ("MSA")—Supervisor(s) authorized by NOPD and assigned to the Information Systems Section with full access to user rights; he/she assigns and tracks master inventory of equipment; controls passwords and end-user security access rights; is responsible for quality checks of video and sound quality; coordinates with District/Division System Administrators; and serves as liaison with representatives on operational and equipment related matters.

Media or Data—For the purposes of this Chapter, references to media or data include photographs, audio recordings and video footage captured by the In-Car Camera device. The media are stored digitally and encrypted.

Trigger—An action that causes the In-Car Camera to begin saving video/audio recordings. Actions that trigger In-Car Camera recordings include activation of the following: emergency lights, vehicle collision sensor, body microphone switch, or the monitor's record button.

Tag—A Digital Evidence System function, which, when selected, extends the online life of a recording beyond the defaulted retention period and causes the system to archive this recording for later retrieval.

USB Key—USB thumb-drive device used to allow officers to identify themselves to the In-Car Camera in a vehicle.

Video Recording—The electronic recording of visual images with or without audio component.

Wireless Upload—The transfer of recordings from a vehicle's In-Car Camera to an assigned In-Car Camera server.

IN-CAR CAMERA MODES OF OPERATION

8. **Pre-Event Buffering Mode**—Device feature in which the camera continuously records and holds the most recent 30 seconds of video prior to record activation. With this feature, the initial event that causes the officer to activate recording is likely to be captured automatically, thereby increasing the capability of recording the entire activity.
9. **Event Record Mode**—The system is designed to automatically activate during certain activation triggers. However, officers may manually activate the recording by the monitor record button.
10. Officers shall manually stop the recording once the event ends. The officer will be prompted to manually classify the incident, assigning it a priority code between 1 and 5. The type of incident is manually classified by the amount of times the officer presses the "Stop" button. The officer shall press the Stop button the number of times indicated by the classification levels listed below:
 - (a) Classification One: **Non-Event** (Logging in, crossing on red light, etc. or emergency response without issues related to other classifications).
 - (b) Classification Two: **Vehicle stops for a traffic violation or other legally justified reason with or without a citation issued.**
 - (c) Classification Three: **Terry Stops of a person based on a reasonable suspicion/F.I.C. stop and Searches with No Arrest.**
 - (d) Classification Four: Other Incident – **No Arrest:** Any incident the officer deems worthy of recording and the incident is being noted within an incident or supervisor's report. Incidents such as critical events (civil unrest), police pursuits (no arrest), automobile collisions, and witness interviews.
 - (e) Classification Five: **All Arrests or uses of force**

REQUIRED ACTIVATION OF THE IN-CAR CAMERA

11. This Chapter is intended to achieve an appropriate balance between the benefits of In-Car Camera devices and civilians' reasonable expectations of privacy. Although this Chapter identifies those situations in which activation of the In-Car Camera is required, an officer has discretion to manually activate the system any time the officer believes it would be appropriate or valuable to document an incident. The In-Car Camera shall be activated only for legitimate law enforcement purposes.

12. The In-Car Camera system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually.
13. While the system is designed to activate automatically, officers shall ensure the activation has occurred through the observation of a flashing indicator light on the In-Car Camera monitor.
14. Officers shall ensure that the In-Car Camera system is activated in the following situations:
 - (a) All field contacts involving law enforcement activity within video or audio range, including, but not limited to:
 - Traffic Stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops);
 - Emergency responses;
 - Vehicle pursuits;
 - Suspicious vehicles
 - Arrests and transports;
 - Consent to search a vehicle;
 - Vehicle searches;
 - Deployment of drug-detection canines;
 - Physical or verbal confrontations or use of force;
 - Terry stops;
 - Victim and witness interviews, including, but not limited to, missing persons and child welfare;
 - DWI investigations including field sobriety tests; and
 - Domestic Violence Calls
 - (b) Any situation in which a prisoner is being transported and is resisting or becomes violent.
 - (c) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
 - (d) Any other situation in which the officer, through training and experience believes that a recording of an incident would serve a legitimate law enforcement purpose. In exercising this discretion, officers should be aware of and sensitive to civilians' reasonable privacy expectations.

WHEN ACTIVATION IS NOT REQUIRED

15. Activation of the In-Car Camera system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

CESSATION OF RECORDING

16. Once the In-Car Camera system is activated it shall remain on and shall not be turned off until the incident has concluded. **For purposes of this section, conclusion of an incident has occurred when all arrests have been made and arrestees have been transported, or the officer has cleared the scene of a reported incident.**

17. In any instance in which cessation of the recording prior to the conclusion of the incident may be required, the officer must seek and obtain supervisory approval prior to deactivating the In-Car Camera. If supervisory approval cannot be reasonably obtained, officers must document on the In-Car Camera the reason for termination of the recording prior to deactivation of the In-Car Camera and efforts made to obtain supervisory approval.

PROHIBITED IN-CAR CAMERA RECORDINGS BY EMPLOYEES

18. No NOPD member may knowingly and surreptitiously use NOPD In-Car Cameras to record a conversation of any other NOPD member except with a court order, when documenting or reporting criminal activity, or as authorized by the Superintendent or his or her authorized designee. This prohibition does not apply to recording of off-duty NOPD officers who are subject to recording in any interactions with NOPD as subjects or witnesses in the same manner as the general public.
19. The In-Car Camera may not be used for the purpose of intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.
20. The In-Car Camera shall not be used to make recordings of members of the public that do not have a legitimate law enforcement purpose or are designed to embarrass or otherwise harass any person.

OWNERSHIP OF IN-CAR CAMERA RECORDINGS

21. All recording media, recorded images and audio records are the property of NOPD. Dissemination outside of NOPD is strictly prohibited, except to the extent permitted or required by law. In no event shall any recording be used or shown for the purpose of embarrassing or otherwise harassing any individual.
22. NOPD members are prohibited from copying or reproducing any In-Car Camera recordings for any other purpose not allowed by NOPD regulations including a commercial or personal reason. NOPD personnel are prohibited from using a recording device (such as a phone camera or secondary video camera) to record In-Car Camera media without authorization from the Superintendent or his or her authorized designee. NOPD personnel shall not post any In-Car Camera video recordings in any computer system, server, or web site, including social media, except as authorized by regulations.

OFFICER RESPONSIBILITIES

23. At the start of each shift, officers using an NOPD vehicle equipped with an In-Car Camera shall properly equip him/herself with his/her USB key and a body microphone to record audio and video in the field. The officer shall ensure that the body microphone received from the district is charged, powered, and synced with the vehicle being used. The body microphone shall be worn and remain active during the officer's tour of duty.
24. Officers assigned a vehicle with an In-Car Camera system shall test the equipment prior to use according to the manufacturers guidelines and testing procedures. Each officer shall check that the previous recordings were transferred from the In-Car Camera system to the server such that the officer will have adequate recording media for the entire duty assignment. In the event the previous recordings were not transferred, the officer shall contact his/her supervisor.

25. Officers, while conducting their pre-tour inspection of their vehicles, must log into the system and create a brief recording, categorizing this video as a #1 Non-Event. Officers also shall test for proper functioning of In-Car Camera at the end of each shift. Officers shall document the use of the In-Car Camera system on their daily activity report and on any written reports including electronic police reports and use of force reports.
26. It is the responsibility of the officer to ensure the In-Car Camera is working properly throughout the entire shift.
27. Officers shall relocate their vehicles to designated parking areas of their district/unit station whenever they return including at the end of their tour of duty where the In-Car Camera will wirelessly transfer the recordings to the In-Car Camera server. Officers shall ensure that the In-Car Camera has started the download process. Once this is completed the recordings will be available for review.
28. Whenever an NOPD member believes that a recorded event may lead to a citizen complaint, he/she shall bring the recording to the attention of his/her immediate supervisor as soon as possible.
29. Officers shall immediately report malfunctioning In-Car Camera equipment to his/her supervisors, and when any event required to be recorded by this Chapter is not recorded. The officer shall document the malfunction, as well as the name of the supervisor to whom the malfunction was reported, on the officer's daily activity report.

DESIGNATING IN-CAR CAMERA RECORDINGS OR USE AS EVIDENCE

30. To preserve a recording for evidence or later use, officers shall log into their Digital Evidence Series System accounts using a computer connected to NOPD's network and:
 - Locate the recording and confirm that it represents the events described within the officer's report;
 - Add the recording to a case file, filing in known information; and
 - List the recording as evidence within their reports, including the recording's system number, and note in their narratives that the recording has been transferred to and will be stored in the Digital Evidence System.

SUPERVISOR RESPONSIBILITIES

31. Supervisors shall be responsible for ensuring that officers under their command use In-Car Cameras as required by this Chapter. Supervisors shall also be responsible for ensuring that officers under their command accurately document the use of the In-Car camera system on their daily activity report and any other written reports as appropriate, including electronic police reports and use of force reports.
32. Supervisors shall immediately report non-functioning or full In-Car Camera systems in writing to their respective District/Division System Administrator (DSA) with a copy forwarded to the District/Division Commander. In addition, the supervisor shall document the In-Car Camera malfunction on his/her daily activity report.

33. Supervisors shall determine if vehicles with non-functioning or full In-Car Camera systems should be placed into service. If these vehicles are placed into service, the supervisor shall complete the appropriate documentation (Form 105) and transmit that form to the supervisor's respective District/Division System Administrator (DSA) with a copy forwarded to the District/Division Commander. If the vehicle is not placed into service and it is during normal working hours of the NOPD Fleet and Equipment and Services Section, Radio Shop, the supervisor shall direct the vehicle there for repair.
34. Supervisors shall review all In-Car Camera recordings of officers listed on any report involving injuries to detainees/prisoners or officers; uses of force; vehicle pursuits; or misconduct complaints, as well as any recordings related to an incident the officer believes may result in a misconduct complaint. The supervisor shall conduct any further investigation that he/she deems appropriate. If no incident report or supplemental report directly related to the possible citizen complaint is warranted, the Supervisor shall document details of the contact via Interoffice Correspondence (Form 105). The NOPD member's immediate supervisor shall be responsible for ensuring a copy of any report or correspondence related to the contact is forwarded to their respective District/Division Commander, Bureau Deputy Superintendent, and the Deputy Superintendent of the Public Integrity Bureau.
35. In addition to any review for investigatory or audit purposes, supervisors shall regularly review the In-Car Camera recordings of their subordinates to incorporate the knowledge gained from this review into the Supervisors' ongoing evaluation and supervision of officers.
36. Supervisors shall maintain a log at the platoon/unit level that shall contain:
 - (a) The date and name of the supervisor conducting the review;
 - (b) The name of the officer whose recording was reviewed; and
 - (c) The video number, date and time the recording was produced.
37. Supervisors shall counsel or recommend disciplinary actions for any officer found to fail to properly use or care for their assigned In-Car Camera.
38. When an incident arises that requires the immediate retrieval of an In-Car Camera recording (e.g., serious crime scenes, officer-involved shootings, NOPD vehicle crashes), a supervisor from the involved member's chain of command or the assigned investigator shall notify the MSA. In the event a vehicle equipped with an In-Car Camera is involved in a crash (20X) the recording shall be reviewed by the supervisor handling the "Supervisor Report of Accident." The Supervisor handling the accident can obtain a "Certified Copy" by submitting a request to the MSA. The duplicated copy shall be made part of the administrative report.

DISTRICT/DIVISION SYSTEM ADMINISTRATOR

39. The DSA shall ensure that all NOPD officers that use the In-Car Camera in their District/Division have proper training and are using the equipment according to this Chapter. The DSA shall be responsible for coordinating maintenance or repairs issues directly to the Master System Administrator (MSA) assigned to the Information Systems Section.

40. In the event of a malfunction requiring the memory card to be removed for a non-wireless transfer of recording(s), the DSA will remove the memory card and transfer the information into the In-Car Camera server.
41. When the DSA has been notified of a malfunctioning In-Car Camera system or component, he/she shall notify the MSA within 24 hours and make arrangements to have the equipment repaired or follow up on any vehicles that have been sent for repairs.
42. The DSA shall monitor the operation of the In-Car Camera system(s) at the district/unit level, ensuring officer compliance for training and integrity purposes, including:
 - (a) Monitoring video for correct video classification;
 - (b) Ensuring officers are wearing body microphones; and
 - (c) Ensuring officers are stopping recordings at the end of events.
43. The DSA will conduct weekly and random reviews of recordings, as well as the logs of the platoon/unit supervisors, which shall be documented in accordance with the supervisor responsibilities. The DSA log shall contain an additional entry to indicate which platoon/unit was reviewed, to ensure compliance.
44. The DSA shall maintain the inventory and current status for all In-Car Camera equipment in his/her unit. The DSA shall provide the Field Operations Bureau and the Mobile Video Unit (MVU) with a weekly inventory report (Form 203), that will include In-Car Camera equipment listed by vehicle, with its current location, current working status, and action taken if repairs are needed. This weekly report will also contain the status of unit microphones and USB Keys.
45. The DSA shall track all USB User Keys in a USB User Key Log. These keys shall be assigned to officers operating in a Platoon or Task Force status. When the officer is transferred from this status, the officer is to turn in his/her USB Key to the DSA. The DSA shall be responsible for the district/unit respective USB Key inventory and assignment log.
46. The DSA shall track all unit In-Car Camera microphones.
47. The DSA shall notify the MVU System Administrator in writing when In-Car Camera equipment is physically moved from one location to another, or when there is a change in physical inventory requiring alteration of records.
48. The DSA shall, at least twice a week, check to ensure the server is operating.
49. When a vehicle has been involved in a crash, the DSA or designee shall, within 24 hours, notify the Mobile Video Unit of the crash and the current location of the involved vehicle. The DSA or designee shall make every effort to ensure an In-Car Camera will not be further damaged by its exposure to the elements, until the MVU can be notified and the exposed equipment removed. The DSA or a designee may remove the In-Car Camera -DVR if this can be completed without damaging the In-Car Camera equipment.

50. The NOPD Fleet and Equipment Services section, Radio Shop, shall be responsible for recovery of the entire In-Car Camera system from a permanently out of service vehicle within 96 hours of being notified of the vehicle's deletion. Once the In-Car Camera system is removed from the vehicle, the Electronics Section shall notify the MSA that they have removed the system from a deleted unit by sending a brief report to the Mobile Video Unit indicating the vehicle A#, Car#, along with an inventory of the In-Car Camera equipment removed from the vehicle.
51. The Radio Shop shall notify the MSA in advance of deleting vehicles from NOPD inventory by sending a brief report to the MSA, listing the A#, as well as Car# of the deleted vehicle.

MASTER SYSTEM ADMINISTRATOR (MSA)

52. NOPD's Master System Administrator ("MSA") assigned to the Information Systems Section shall coordinate access requests to the recorded events for officers and investigators for legitimate law enforcement purposes or as directed by the Superintendent of Police or his/her designee. In addition, the MSA shall be responsible for the storage, management, and duplication of all recorded media.
53. The MSA shall also be responsible for the following:
 - (a) Long-term storage of media deemed to be of evidentiary value consistent with the NOPD's storage protocols and retention schedule;
 - (b) Creating Cases or Editing Cases for districts/units where there are mechanical or technical malfunctions;
 - (c) The removal and storage of In-Car Cameras and their components from damaged and wrecked vehicles, once notified;
 - (d) Providing recording to the Accident Review Board;
 - (e) Ensuring access controls are in place
 - (f) Assigning and tracking inventory of equipment;
 - (g) Password control;
 - (h) End-user security access rights;
 - (i) Quality checks of video and sound quality;
 - (j) Coordinating with the District/Division System Administrators;
 - (k) Serving as liaison to manufacturer's representative on operation equipment related matters; and
 - (l) Providing data pursuant to a court order and other authorized release or distribution.

DUPLICATING AND RETAINING RECORDS

54. Duplications belong to NOPD and no duplications will be made or released to the public without approval of the Superintendent of Police or in compliance with the law. Video recordings shall be made publicly available consistent with Louisiana Public Records Law (La. R.S. 44:1 *et seq.*). Where Louisiana Public Records Law does not require that a recording be made publicly available, NOPD shall balance privacy concerns against the need for transparency in determining whether to make the video publicly available.
55. Duplication of the recordings may be compiled to become part of a criminal investigation, officer training purposes, administrative investigations, or as specified by the Superintendent of Police. All In-Car Camera recordings are subject to review by the Public Integrity Bureau, and any relevant recording shall be made part of the investigative file per NOPD "Internal Investigations" policies and procedures.

56. Any requests for a certified copy of a video must be submitted on a MVU Request Form (Form 204) and be forwarded to the MVU. Any requests from outside NOPD must also be submitted through the NOPD Records Section.
57. Consistent with the **City of New Orleans Chief Administrative Office Policy Memorandum No. 127, Record Retention**, digital recordings shall be preserved for at least two years, or if a case is under investigation or litigation for longer than two years, at least three years after the final disposition of the matter, including appeals unless a written request is made to store them for a longer period of time for a legitimate law enforcement purpose determined by the Superintendent of Police or his/her designee.