

NOPD CONSENT DECREE MONITOR NEW ORLEANS, LOUISIANA



May 12, 2021

P

File Number: 37PA-191555

Deputy Superintendent Otha Sandifer
Compliance Bureau, New Orleans Police Department
714 Broad Street
New Orleans, LA 70119

Dear Deputy Superintendent Sandifer:

This letter constitutes confirmation that the Office of Consent Decree Monitor ("OCDM") has reviewed and provided comments on Chapter 41.3.10 - Body Worn Camera. The OCDM has no objection to the policy as written.

We believe that Chapter 41.3.10 - Body Worn Camera, incorporates all requirements of the Consent Decree and sets forth clear and appropriate rules to guide officer conduct. We will continue to assess the adequacy of this policy following its implementation. If we identify any concerns following implementation, we will present those concerns to you and the Department of Justice. Additionally, we note that, pursuant to the Consent Decree, NOPD has agreed to review and revise policies and procedures as necessary upon notice of a significant policy deficiency. We also note NOPD's obligation to review this policy after a year of implementation to ensure it "provides effective direction to NOPD personnel and remains consistent with the Agreement, best practices, and current law." Consent Decree at ¶ 8.

We appreciate your team's effort, cooperation, and responsiveness throughout this process.
Very truly

Very truly yours,

David L. Douglass
For SHEPPARD MULLIN RICHTER & HAMPTON LLP*
2099 PENNSYLVANIA AVE., N.W., SUITE 100
WASHINGTON, DC 20006

CC: HONORABLE SUSIE MORGAN (VIA ELECTRONIC MAIL)
JUDE VOLEK, DEPARTMENT OF JUSTICE (VIA ELECTRONIC MAIL)
SUNNI LEBEOUF, CITY ATTORNEY (VIA ELECTRONIC MAIL)

SMRH:4816-6540-9429.7



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 41.3.10

TITLE: BODY–WORN CAMERA (“BWC”)

EFFECTIVE: 04/05/15

REVISED: 11/6/16, 11/22/15 Replaces Policy/Procedure 447

PURPOSE

This Chapter governs the use of the Body–Worn Camera systems and does not apply to or limit the use of the In-Car Camera Systems as defined in **Chapter 41.3.8**. (See also: **Chapter 41.3.2 – Body Worn Camera Inadvertent Misuse or Non-Use** and **Chapter 82.1.1 – Records Release and Security**). Certain law enforcement assignments within the New Orleans Police Department may be equipped with an on-body audio/video recording system (BWC) as directed by the Superintendent of Police or the Superintendent’s designee. This system will be used to document events and capture data to be preserved in a Web-based digital storage facility at *EVIDENCE.COM*. Once captured, these recordings cannot be altered in any way and are protected with multiple layers of encryption. The New Orleans Police Department has adopted the use of *BWC* technology to accomplish the following objectives:

- (a) To enhance transparency and public trust by preserving factual representations of officer-citizen interactions in the form of audio/video recordings.
- (b) To promote officer safety.
- (c) To document statements and events during the course of an incident.
- (d) To enhance the law enforcement operator’s ability to document and review statements and actions for internal reporting requirements as well as for courtroom preparation and presentation.
- (e) To preserve audio/video information for use in current and future investigations.
- (f) To provide an impartial measurement for self-critique and field evaluation during officer training.

POLICY STATEMENT

1. The New Orleans Police Department is committed to the belief that audio/video documentation of a Department member’s daily encounters is an important and valuable resource for law enforcement. The New Orleans Police Department is also committed to respecting civilians’ reasonable privacy expectations, including but not limited to medical and health privacy and privacy in one’s home.
2. Selected field assignments may be equipped with Body-Worn Camera (“BWC”) devices per **Appendix “A”** of this policy. The BWC systems manufactured by Axon International, Inc. are the only BWC equipment authorized for use. Use of this technology provides for audio/video documentation of a police officer’s enforcement and investigative activities from the perspective of the officer’s person. Using this equipment can be expected to promote officer safety, result in greater transparency, more effective prosecution, and

increased accuracy of findings in investigations of complaints. This policy is intended to achieve an appropriate balance between the benefits of BWC devices and civilians' reasonable expectations of privacy.

3. The BWC device is used to record certain activities, as set out in this policy, thereby creating an unbiased audio/video record of the incident and a supplement to the officer's report. Audio/video recordings of enforcement or investigative actions are evidence, and subject to rules of disclosure. It is in the best interest of justice that the Department regulates and controls all forms of evidence collection and storage.
4. Officers are encouraged but not required to advise members of the public when they are being recorded by body-worn camera.

DEFINITIONS

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

Audio/Video—When used in this Chapter, this phrase may refer to audio only, video only or both audio and video recordings.

Body-Worn Camera (“BWC”)—Equipment worn by a Department member that captures audio/video signals and includes, at a minimum, a camera, microphone, and recorder. The models of BWC systems in use by the New Orleans Police Department are manufactured by Axon International, Inc. and can be either: 1) Self-contained / clip-on audio/video recording device; or 2) Variable mount audio/video recording device that includes a cable tethered camera/DVR attached to a controller.

Controller Switch (Axon Body 2)—Master on/off power switch located on the top left, outward-facing corner of the BWC device.

Power Button (Axon Body 3) – Located on the top right, outward-facing corner of the BWC. Press and hold to turn the camera’s power on or off.

Critical Incident—An event in which an officer:

- (a) Uses force resulting in hospitalization or death;
- (b) Intentionally discharges his or her firearm at a person(s);
- (c) Strikes someone in the head with an impact weapon, whether intentional or not;
- (d) Engages in a police vehicle pursuit which results in death or an injury of a person(s) requiring hospitalization; or
- (e) Has an arrested or detained subject who dies while in the custody of an officer.

District/Division System Administrator (“DSA”)—Supervisor assigned to the district or division who is assigned responsibility for inventory control and operational maintenance of the Body Worn Camera and In-Car Camera systems equipment at a District/Division level.

Event Record Button—Push button activation switch located in the center of the BWC device.

EVIDENCE.COM—Online Web-based digital media storage facility. The virtual warehouse stores digitally encrypted data in a highly secure environment accessible to personnel based on assigned levels of security clearance. The New Orleans Police Department account is accessed at: <https://nopd.evidence.com>

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

Signal Performance Power Magazine (SPPM)—A transmission device that will send a signal to all BWC within a 30-foot range of the transmitter for 30 seconds. BWCs receiving this signal will be activated to “recording mode.” The officer must manually stop the BWC according to Chapter guidelines.

Remote Camera/DVR—Cable tethered camera/DVR affixed to an approved AXON mounting device unique to the variable mount audio/video recording device system. Accessories provided with the variable mount audio/video recording device system offer a variety of mounting options, such as on glasses, collars, epaulettes, helmets, etc.

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

GENERAL

5. Department members who have completed authorized training sanctioned by the NOPD Education & Training Division shall be the only personnel authorized to use a BWC in an operational setting. Department members assigned these devices are only authorized to audio/video record investigative and/or enforcement activities using departmentally assigned equipment following the practices prescribed within this chapter. The BWC shall be worn at all times while on duty when assigned this device.
6. Department members are **not** authorized to make copies of any recordings for their personal use and are prohibited from using a recording device (such as a phone camera or secondary video camera) to record media from *EVIDENCE.COM*.
7. Department members assigned a BWC shall not erase, alter, reuse, modify, destroy, abuse, or tamper with BWC audio/video recordings or the device. Department members shall not use other electronic devices or other means to intentionally interfere with the capability of the BWC equipment.
8. BWC equipment will be assigned with priority given to each of the primary patrol shifts in each District and other uniform operations assigned under the Field Operations Bureau based on quantity of operational units in the department’s inventory.
9. BWC equipment will be assigned according to the priorities established in **Appendix A**. When a member is transferred, the following shall apply:
 - (a) If the member is transferred to a command that also utilizes a BWC, the equipment shall be relocated with the member.
 - (b) If a member equipped with a BWC is transferred to a command that **does not** utilize a BWC per **Appendix A**, the member must return his/her BWC to the BWC Office on his/her next Tour of Duty. If the member is unable to return the BWC personally, the DSA of the unit from which the member is being transferred shall make arrangements to return the member’s BWC. This includes members transferred to ADD.
 - (c) If the member is transferred from a unit that does not utilize a BWC, the member **must** obtain a BWC from the BWC Office **prior** to reporting to his/her new assignment. If the member is unable to obtain a BWC personally, arrangements shall be made with the DSA of the unit to which the member is being transferred to ensure a BWC will be available for that member.
10. Digital recordings shall be preserved for at least two years, or if a case is under investigation or in 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.

REQUIRED ACTIVATION OF THE BWC

11. This policy is intended to achieve an appropriate balance between the benefits of BWC devices and civilians' reasonable expectations of privacy. The BWC shall be manually only activated for legitimate law enforcement purposes.

Manual activation of the BWC is required for the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range;
 - (b) Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops);
 - (c) Emergency responses;
 - (d) Vehicle pursuits;
 - (e) Suspicious vehicles;
 - (f) Arrests and transports;
 - (g) Vehicle searches;
 - (h) Consent to search;
 - (i) Physical or verbal confrontations or use of force;
 - (j) Pedestrian checks/Terry Stops;
 - (k) DWI investigations, including field sobriety tests;
 - (l) Domestic violence calls;
 - (m) Statements made by individuals in the course of an investigation or complaint;
 - (n) Advisements of Miranda rights;
 - (o) Seizure of evidence;
 - (p) Swat rolls;
 - (q) Execution of all Search Warrants (including No-Knock) and Arrest Warrants;
 - (r) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording;
 - (s) Engages in mass civil demonstrations and / or riot control;
 - (t) Any other legitimate law enforcement contact where the officer believes that a recording of an incident would be appropriate; and
 - (u) All calls for service.
12. Notwithstanding the above directives on Manual Activation requirements, when officers are conducting strip searches or body cavity searches, they shall follow the requirements of **Chapter 1.2.4 – Search & Seizure** regarding consent and recording requirements.
13. The BWC 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.
14. Department members have discretion whether to manually activate a BWC during consensual contacts of a non-criminal nature.
15. The BWC may be automatically activated when the signal performance power magazine of a Taser is activated. (See: **Chapter 1.7.1 – CEW**). BWCs receiving this signal will be activated to "recording mode." The officer must manually stop the BWC according to Chapter guidelines. All automatically triggered recordings will still have to be reviewed and labeled as appropriate to the incident recorded and within the guidelines of this Chapter.

CESSATION OF RECORDING

16. The BWC shall be utilized by any Department member assigned this device during all investigative or enforcement contacts. Once the BWC system is activated, it shall remain on and shall not be turned off until an investigative or enforcement contact or incident has concluded, including marking up the final disposition of the item and any supervisor approved signal changes. For purposes of this section, conclusion of an incident has occurred when an officer has terminated contact with an individual, cleared the scene of a reported incident, and has completed transport of a civilian or an arrestee.
17. There may be limited circumstances when the respect for an individual's privacy or dignity outweighs the need to record an event (e.g. – a victim traumatized following a violent assault). When an officer believes such circumstances exist, or that use of a BWC would impede or limit the cooperation of a victim or witness during an investigative contact, an officer may deactivate the BWC after receiving authorization from a supervisor. The reasons for the cessation and the approval must be clearly stated on the BWC before termination. If the reasons and approval are not recorded, an interoffice correspondence shall be generated from the approving supervisor to the member's Commander within 24 hours of the event. The 105 shall be maintained in unit files for a minimum of three years from the date of the event. If supervisory approval cannot be reasonably obtained, officers must document on the BWC the reason for termination and the reason they could not obtain supervisor approval of the recording prior to deactivation of the BWC. In such circumstances, the officer shall notify the supervisor as soon as practicable, and the supervisor shall review the decision to terminate within 24 hours of the event. An interoffice correspondence explaining whether the termination was acceptable shall be generated from the reviewing supervisor to the member's Commander within 24 hours of the event. The 105 shall be maintained in unit files for a minimum of three years from the date of the event.
18. When handling calls for service or incidents involving the treatment of individuals at a medical facility, Department members shall be cognizant of the privacy rights afforded under the Health Insurance Portability and Accountability Act (HIPAA) for the suspect and other patients. Officers shall turn off their BWCs immediately prior to entering a medical facility or emergency room and shall document the deactivation in the incident report, if a report is required. Immediately upon concluding the drop off or treatment, and upon exiting the medical facility, officers shall resume operation of the BWC until the incident or event is concluded. **However, any critical incident taking place within a medical facility, whether a call for service or initiated within the facility while officers are otherwise present, SHALL require the immediate activation of the BWC. The BWC, once activated for a critical incident, shall remain on until the incident is concluded.**

PROHIBITED AUDIO/VIDEO RECORDING

19. The BWC shall not be used to record non-work-related personal activity.
20. The BWC shall not be activated in places where an employee has a reasonable expectation of privacy, such as locker rooms, dressing rooms or restrooms, unless a criminal offense has occurred in these locations, at which time every precaution shall be taken to respect the dignity of the victim by avoiding recording videos of persons who are nude or when sensitive areas are exposed. The BWC shall not be intentionally activated to record conversations of fellow employees during

routine, non-enforcement related activities without their knowledge.

21. Department members shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically for the purpose of documenting a sting, drug purchase/sale, or other undercover operation in furtherance of a criminal investigation.
22. Department members shall not make covert recordings of conversations with other Department members except when necessary in the course of a criminal investigation or for Department administrative investigations **and** only with the express consent of the Superintendent of Police or one of his/her designees: the Deputy Superintendent of the Public Integrity Bureau, the Deputy Superintendent of the Field Operations Bureau, the Deputy Superintendent of the Investigations & Support Bureau, the Deputy Superintendent of the Professional Standards and Accountability Bureau, and the Deputy Superintendent of the Management Services Bureau.
23. Body-worn cameras shall not be used for purpose of conducting Departmental administrative investigations, including undercover/plainclothes operations, **without** the approval of the Superintendent of Police or his/her designee. However, this requirement shall not restrict the Public Integrity Bureau's routine access to or review of BWC recordings when investigating complaints of misconduct or uses of force.

OFFICER RESPONSIBILITIES

24. Prior to beginning each shift, the assigned Department member shall perform an inspection to ensure that the Body-Worn Camera is performing in accordance with departmental training. If problems are encountered with any component of the system, the malfunctioning BWC equipment shall not be used. As part of the inspection process, the officer who is assigned or using the BWC shall record a 30 second "test video". The test video shall have a neutral background and audio. The audio shall consist of the officer's full name, badge, assignment, date and time.
25. Members shall immediately report malfunctioning BWC systems to their immediate supervisor. After reporting a malfunctioning BWC to his/her immediate supervisor, the member and supervisor shall make a reasonable effort to secure a functioning and charged BWC prior to the member resuming service. If no BWC can be obtained, the supervisor shall make specific note of that fact in his/her daily report.
26. At the start of each shift, any member assigned to a District, Division and or Unit that has been provided with body worn cameras shall wear and use the BWC, as directed within this Chapter, while in a uniform or plainclothes capacity. Officers shall wear a BWC while working in a proactive capacity, including but not limited to: traffic checkpoints, directed patrols, and/or traffic enforcement overtime shifts. Members assigned a BWC shall test the equipment prior to use according to departmental training guidelines and testing procedures. Members shall immediately report malfunctioning BWC systems to their immediate supervisor.
27. Inspection, general care and maintenance of a BWC shall be the responsibility of the authorized Department member who has been issued this equipment. BWC equipment shall be operated in accordance with the manufacturer's recommended guidelines, department training and associated department policies.

28. Malfunctions, damage, loss or theft of BWC equipment shall be reported immediately by the assigned Department member to an immediate supervisor. The department member's immediate supervisor shall be responsible for providing written notice to the District/Division System Administrator documenting the suspected cause of equipment failure or corrective action initiated related to possible misuse. All lost or stolen BWC's or accessories shall be documented in an incident report. See also: **Chapter 17.3 - Department Owned and Personal Property**).
29. It is the Member's responsibility to ensure that the view of the camera is unobstructed by clothing or uniform accessories. Body-worn cameras, when worn by District members in uniform patrol functions (i.e. officers and rank), shall be worn at chest height, pointing in front of the officer and horizontal to the ground. Mounting options for SOD personnel in tactical gear or officers in plainclothes shall provide for a frontal view in accordance with uniform specifications (i.e., helmets or other protective gear).
30. Department members issued a BWC shall place the device in the **Recording (Event) Mode** before arriving on the scene, if possible, or as soon as it is possible and safe to do so at the onset of a given situation. Once in the **Recording (Event) Mode**, Department members shall continue to record until the completion of the event, or until they have left the scene. Additional arriving units to a scene shall place their BWCs in the **Recording (Event) Mode before arriving on the scene** (if so equipped), and continue to record until the completion of the event, or they have left the scene.
31. When the BWC is used in an investigative or law enforcement contact, this fact will be documented on any citation, summons, and/or report prepared. Whenever a Department member obtains a video statement, the fact the statement was recorded will be listed in the Incident Report. Officers shall not use the BWC to circumvent the requirements of **Chapter 42.11 – Custodial Interrogations**.
32. Whenever a Department 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.

SUPERVISOR RESPONSIBILITIES

33. If a member makes a supervisor aware that a recording may lead to a citizen complaint, the supervisor should review the recording and conduct any further investigation that he or she deems appropriate. If no incident report or supplemental report directly related to the possible complaint is warranted, details of the contact shall be documented via departmental email. The Department member's immediate supervisor shall be responsible for ensuring a copy of any report or correspondence related to the contact is forwarded to his or her respective District/Division Commander, Bureau Deputy Superintendent and the Deputy Superintendent of the Public Integrity Bureau.
34. Supervisors shall issue and inspect BWC equipment when initially issued to assigned personnel to ensure proper operability per testing protocols provided under departmental training. Non-functioning BWC systems shall not be placed into service and the equipment malfunction shall be immediately reported in writing, via departmental email, to the supervisor's respective District/Division System Administrator (DSA) with a copy forwarded to the District/Division Commander. The DSA shall be responsible for coordinating maintenance or repairs issues directly to the Master System Administrator (MSA) assigned to the Information Systems Section.

35. Supervisors shall review any BWC recording that may have been automatically activated when the signal performance power magazine of the Taser is activated. (See: **Chapter 1.7.1 – CEW**). All automatically triggered recordings will have to be reviewed by a supervisor, labeled as appropriate to the incident recorded and within the guidelines of this Chapter.
36. Supervisors shall regularly perform a random review of their subordinates' BWC recordings to assess officer performance and ensure proper use of the BWC is enforced. Reviews shall be conducted according to **Appendix B – FOB BWC and ICC Review Guidelines**.
37. Supervisors shall ensure all members with malfunctioning or non-functioning BWC replace their BWC before answering any Calls for Service (except for Code 2 priority calls) by obtaining a replacement BWC from:
 - (a) The District DSA first; then
 - (b) The Body Worn Camera Office of Information Systems Section during normal working hours (9 am to 4 pm Monday through Friday excluding holidays).
38. Supervisors shall ensure any officer working under their supervision and working in a field assignment listed in **Appendix A** wears a BWC while working in a proactive capacity. This includes but is not limited to: traffic checkpoints, directed patrols, and/or traffic enforcement overtime shifts.
39. When an incident arises that requires the immediate retrieval of a BWC digital recording (e.g., serious crime scenes, officer-involved shootings, Department vehicle crashes) a supervisor from the involved member's chain of command or the assigned investigator shall respond to the scene to secure the member's BWC and maintain a chain of custody. The chain of custody shall be maintained until the BWC digital recordings have been uploaded, properly labeled and entered into EVIDENCE.COM.

AUTHORIZATION TO NOT WEAR A BODY-WORN CAMERA

40. The Superintendent of Police may authorize an officer who would be required to wear a BWC by this Chapter to be exempt from the requirement when requested and approved in advance in writing by the officer's Commander. The request shall state:
 - (a) The operational / tactical / safety reasons (i.e. undercover, covert assignment, surveillance, etc.) why the BWC should not be worn;
 - (b) The specific limitations of the authorization such as for a particular named operation or for a set duration; and
 - (c) The name(s) of the officer(s) exempted from the BWC requirement.
41. The exception is limited to the specific provisions authorized in the approved request; the exception is not a blanket authorization beyond the specific provisions of the written authorization.
42. Officers exempted from the use of a BWC in accordance with these provisions shall comply with all applicable regulations except those dealing only with the specific operation of the BWC as outlined in this Chapter.

MASTER SYSTEM ADMINISTRATOR (MSA)

43. The Master System Administrator (MSA) is/are supervisor(s) authorized by the New Orleans Police Department and assigned to the Information Systems Section with full access to use rights. The MSA 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.
44. The MSA is responsible for:
- (a) Assigning and tracking inventory of equipment;
 - (b) Password control;
 - (c) End-user security access rights;
 - (d) Quality checks of video and sound quality if complaints made by officer;
 - (e) Coordinating with the District/Division System Administrators; and
 - (f) Serving as liaison to AXON International representative on operational equipment related matters.

TRAINING

45. All members who are authorized to use BWC equipment must complete mandatory departmental familiarization training provided by the Education & Training Division for new members and by the District / Division DSA when the BWC is issued for members transferred from units that did not require a BWC to familiarize themselves with the audio/video recording system and Departmental procedures prior to its use.

BODY-WORN CAMERA MODES OF OPERATION

46. **Ready (Event) Buffering Mode:** Device feature through which the camera continuously records and holds the most recent 60 seconds of video and audio 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. Pre-event buffering does not occur when the camera is powered off.
47. **Recording (Event) Mode:** In this mode, the BWC device saves the buffered video and continues recording audio and video for up to twelve hours or the life of the battery. To activate, the end-user must double click the Event Record Button located on the center of the BWC device (an audible tone will sound to alert the end-user the device is now recording). To stop recording, the end-user must push and hold the Event Record Button for three seconds to return to the Pre-Event Buffering Mode.
48. **Operation LED:**
- (a) Solid Red LED - Device Boot up / powering down
 - (b) Blinking Green LED – Device Buffering
 - (c) Blinking Red – Device Recording
 - (d) Blinking Yellow – Remote Camera/DVR Disconnect / Other Device Malfunction(Flex 2); Low Battery or Error (Body 3)

CATEGORIZING BWC VIDEOS

49. Department members shall properly categorize each BWC video made. Department members shall categorize a BWC video as follows:
- (a) **ID:** NOPD item number utilizing the corresponding alphabetic character for the month (A-L), followed by a hyphen (-), followed by a five digit incident number

(use zeroes to form the five digit number if necessary), followed by a hyphen (-), followed by the year Indicator which is the last two digits of the current year (EXAMPLE: A-12345-21).

- (b) **CATEGORY:** Choose the applicable category(s) from the dropdown list. (miscellaneous shall be used only where the activity does not reasonably fall within another category).
- (c) **TITLE:** Replace the "AXON Body Video" label with the address of the incident.

- 50. Failure to properly categorize a BWC recording may result in disciplinary action.

DELETION OF UNINTENTIONAL RECORDINGS

- 51. In the event of an unintentional activation of BWC equipment during non-enforcement or non-investigative activities (e.g. a restroom or meal break, or in other situation when a reasonable expectation of employee privacy exists) a Department member may request deletion of the recording.
- 52. A form 105 detailing the circumstances of an unintentional recording shall be forwarded via the chain of command to the member's District/ Division Commander and, if approved, the actual deletion shall require two-party authorization. One of those parties shall be the member's District/Division Commander, and the other shall be the Master System Administrator.
- 53. Only the Master System Administrator shall facilitate the actual removal of any record approved for deletion. Records related to any request for the deletion of records shall be maintained by the Master System Administrator.

CHARGING AND UPLOADING PROCEDURE

- 54. At the end of their shift, Department members issued a BWC shall place the device into an open slot on the Axon Dock located at their District/Division assignment. This will allow for recharging of the device and media or data transfer from the BWC through the docking station to EVIDENCE.COM.
- 55. At the conclusion of recharge/upload cycle, the device is automatically cleared of all previously recorded data. The BWC device shall not be removed from the dock until media or data has been uploaded and the battery has been fully recharged. When a Body 3 camera on the dock is fully charged, both the Operation LED and the Triad LED are solid green. Dock status LEDs light up solid green on the Body 2 and Flex 2 when they are on the dock and fully charged, signifying the BWC is ready for use. Under normal use (routine shift), a recharge/upload cycle can be expected to take between one to three hours to complete.

AUTHORIZED USER ACCESS TO UPLOADED MEDIA OR DATA

- 56. General access to digital recordings shall be granted to Department-authorized users only. It is the responsibility of authorized users to keep their user names and passwords confidential. Accessing, copying, or releasing any recordings for other than official law enforcement purposes is strictly prohibited, except as required by law.
- 57. A department member who has been assigned a BWC device may review his or her own BWC recording to help ensure accuracy and consistency of accounts. This can be done by accessing EVIDENCE.COM. To prevent damage, original recordings shall be viewed only by members who are assigned a BWC device

through means authorized by the Department. Any review of a BWC by the officer shall be documented in the incident report corresponding with the incident.

58. A Department member involved in or witness to any use of force incident or accident causing injuries will be permitted, but will not be required, to review his or her own BWC video recordings prior to providing a recorded statement or completing reports.
59. The Superintendent of Police or one of his/her designees (the Deputy Superintendent of the Public Integrity Bureau, the Deputy Superintendent of the Field Operations Bureau, the Deputy Superintendent of the Investigations & Support Bureau, the Deputy Superintendent of the Professional Standards and Accountability Bureau, and the Deputy Superintendent of the Management Services Bureau) may authorize an investigator participating in an official Department investigation of a personnel complaint, claims investigation, administrative inquiry, or criminal investigation, access to review specific incidents contained on BWC recordings. Access for any other purpose shall require the express approval of the Superintendent of Police.
60. A supervisor may review specific BWC media or data for the purpose of training, performance review, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulable reason.
61. If the supervisor determines during his/her review of an incident that NOPD should revisit policy, tactics, training, or strategy related to the incident, the supervisor shall document that in a PRR Form #358. The supervisor submitting a PRR form #358 is responsible for thoroughly completing the form's "Request" section. The supervisor shall make a digital copy of the form and email it to PSAB@nola.gov . The supervisor shall make an earnest effort to provide information to facilitate the review of the request. Supervisors shall be available to the reviewer and respond to follow-up questions, if any, from the PSAB reviewer
62. Field Training Officers may use media captured via a BWC device to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR).
63. Under no circumstances shall members with access to BWC media or data files be allowed to use, show, reproduce or release recordings for the purpose of ridicule or embarrassment of any officer or individual or for other non-law enforcement related purposes. This includes submission of any portion of a BWC recording to a media organization unless release has been approved in advance by the Superintendent of Police.
64. Given emerging technologies, NOPD will not implement new biometric technologies (such as facial recognition software) not currently in use by NOPD without revisiting this policy to balance the impact of such technologies and the protection of privacy rights. (See: **Chapter 51.1.1 - Use of Surveillance Technology and Facial Recognition for Criminal Investigations.**)

APPENDIX A – List of selected field assignments required to have a Body-Worn Camera in accordance with this policy

- All District Platoon Officers
- All School Resource Officers
- All Gang Task Force commissioned personnel that are not full-time administrative staff
- All SOD commissioned personnel that are not full-time administrative staff, including:
 - Canine Unit
 - Traffic Section
 - V.O.W.S.
 - Tactical Teams
 - SOD Situational Response Team
 - RTA Section
- All District Platoon Sergeants
- Other officers who routinely engage in patrol
- Any other officers designated by the Superintendent.

APPENDIX B – BWC and ICC Review Guidelines

These guidelines do not address a supervisor's mandatory obligations to review videos involving reviewing uses of force, misconduct investigations, vehicle pursuits, and injuries to a prisoner or an officer.

Clarifying the **discretionary review** process for BWC and ICC will help the Department accomplish the following goals:

- Ensuring supervisors conduct timely, accurate and complete performance evaluations of their subordinates;
- Making sure officers “are working actively to engage the community and increase public trust and safety”; and
- Ensuring supervisors “review recordings regularly... to incorporate the knowledge gained from this review into their ongoing evaluation and supervision of officers”.

Sergeant's Responsibilities

- Each **platoon** shall review at least one in-car or body-worn camera video of officers under his/her supervision each work day, on average, for a total of at least 30 per month. Circumstances may prevent individual sergeants from reviewing video on a daily basis, but supervisors may make multiple reviews on less busy days in order to meet the overall, platoon monthly goal.
- The videos reviewed shall not be solely one category (BWC or ICC) but should be a combination of the two.

Lieutenant's Responsibilities

- Each platoon lieutenant should review at least two BWC or ICC videos of different officers each work week, on average and at least one BWC for each subordinate supervisor weekly.
- Lieutenants shall review videos to assess the performance of sergeants and officers.
- Each month lieutenants shall review multiple videos that have been reviewed by sergeants to ensure close and effective supervision of officers by their sergeants.

Suggested Topics of Discretionary BWC/ICC Reviews

- Quality of officer interaction with persons during non-enforcement related contacts;
- Constitutionality of and tactics used during Terry Stops/Investigatory Stops;
- Victim centered approach and asking risk questions during Domestic Violence call;
- Recognizing signs of person in crisis and treating them with dignity during Crisis Intervention incidents;
- Constitutionality of and tactics used during Searches, and Arrests; and
- Showing respect toward and acting professionally in dealing with the public (General Officer Performance).
- De-escalation efforts in critical confrontational situations

Length of Video Reviews (on average)

- 7-10 minutes.
- It is not necessary to review an entire video of a particular call for service. The length of the review should be long enough for lieutenants to meaningfully assess the quality of the issue under consideration (quality of Terry Stop or arrest; quality of officer interaction with citizens, etc.).

- The review should not include an assessment of the member's travel time, unless the supervisor is critiquing the member's driving habits, or involves a mandated review of alleged misconduct.
- The 7-10-minute video review should assess the officer's actions once he or she has arrived on the scene.

Additional General Comments

- District Commanders may direct their subordinates to review additional BWC/ICC videos over the course of a month.
- All reviews, of officers' BWC/ICC videos must be logged in the Department's "L" Drive in compliance with Department policy.
- All reviews by the Lieutenant of subordinate sergeants' BWC shall be noted in the Supervisor Feedback Log (SFL) as a random review and can be entered as "neutral" (Note), "negative" (Redirection/Counseling), or "positive" (Compliment).
- District Platoon and DIU supervisors are charged with the responsibility of ensuring that all platoon personnel are initiating BWC and ICC videos as outlined in Chapters 41.3.8 (In-Car Camera) and 41.3.10 (Body-Worn Camera).