3-06/200.58 - Guidelines for Administrative Reviews of Body Worn Camera Recordings

The Department requires thorough documentation and multiple levels of review for all incidents resulting in an administrative documentation packet, including but not limited to:

- Use of force;
- Allegation of force;
- Foot pursuit;
- Vehicle pursuit;
- Watch Commander Service Comment Report (WCSCR);
- On-duty traffic collision;
- Civil claim; or
- Lawsuit.

Unit commanders determining appropriate and reasonable responses to possible misconduct and other deviations from established policies and procedures discovered during the review of body worn camera (BWC) recordings shall be guided by the following:

Administrative Documentation Packet Review

An Administrative Documentation Packet Review is the evaluation of a BWC recording in connection with, but not limited to, use of force, allegation of force, foot pursuit, vehicle pursuit, and Watch Commander Service Comment Report (WCSCR). On-duty traffic collisions, civil claims, or lawsuits should focus on the incident that is the subject of review, and not broaden into allegations of misconduct based on conduct observed that was not part of, or irrelevant to, the main inquiry. Consistent with this section, unit commanders shall evaluate the facts and circumstances surrounding the incident and exercise appropriate judgment to determine if the Department member should receive counseling, training, or a performance log entry to correct the behavior, unless the conduct observed would likely result in suspension or termination.

Note: Conduct observed in a BWC recording connected with an audit, inspection, or administrative review, should not become the sole basis for allegations of misconduct unrelated to the incident that is the subject of the review. However, allegations of misconduct may be appropriate when the conduct observed would likely result in suspension or termination.

When supervisory and management personnel conduct audits, inspections, or reviews of BWC recordings and discover activity that may constitute misconduct, the Department member's actions in the BWC recordings alone should not result in the initiation of an administrative investigation. Rather, the member should receive counseling, training, or a performance log entry to alert them and correct their behavior. However, the foregoing does not apply where the activity discovered would likely result in suspension or termination.

False and/or Misleading Statement Complaints/Allegations

If the Department intentionally withholds a BWC recording from a Department member before they are required to submit to an interview or complete an official report, the withheld BWC recording will not be used as the sole basis for the Department's initiation of a complaint or allegation against the Department member for making a false and/or misleading statement unless the Department can otherwise establish that the Department member made an intentionally false material statement. When considering allegations of false and/or misleading statements in any case involving a BWC recording, the Department will consider the materiality of the discrepancy and factors that are reasonably likely to affect the Department member's memory including the stress caused by the incident, the time elapsed between the incident and the interview, and fatigue.

The Department will also take into account that a BWC recording may not include the full incident, the context of the incident known or understood by the Department member at the time, the precise viewpoint or perspective of the Department member, or what the Department member heard.

Note: It is not the intent of the Department to initiate complaints or additional allegations of false and/or misleading statements for discrepancies between a Department member's memory of an incident and what is on the BWC recording unless there is a material discrepancy.

Unintentionally Recorded Personal Communications

In the event an employee's personal communication is recorded, the personal communication will not be used to initiate an administrative investigation or used against an employee in the adjudication of a personnel complaint, or during any subsequent hearings, unless there is independent evidence or allegations of criminal conduct or misconduct that would likely result in suspension or termination that may be confirmed by the video.

90-Day Transition Period

During the first 90 days a member is assigned a BWC, following completion of training, unintentional deviations in policy and procedure in the use and deployment of a BWC will be considered training issues. During the transition period, Department employees should receive non-documented counseling and training only. Performance log entries should not be generated.

Note: This does not apply to intentional acts to circumvent Department policy and procedure, such as intentionally not activating a BWC when required, intentionally de-activating a BWC prior to completion of an incident, or disabling or tampering with a BWC. Such acts will not be considered a training issue within the 90-day transition period.

Upon completion of the 90-day transition period, Department members will be expected to be proficient in the use and deployment of the BWC. For corrective action after the transition period, unit commanders may use counseling, training, and performance log entries for unintentional deviations, in lieu of initiating an administrative investigation, unless an administrative investigation is deemed warranted due to the frequency of violations.

Demonstrably False Allegations

Consistent with Department policy, all allegations of misconduct initiated by a member of the public must be recorded on a Watch Commander Service Comment Report (WCSCR). However, when a BWC recording clearly establishes that an allegation of misconduct is false, the watch commander may terminate the WCSCR under the authority of “Watch Commander Discretion.” The watch commander should mark the box; “Watch Commander has personal knowledge the complaint is false.” The watch commander shall state in the memorandum they have reviewed the video and specifically why the video is the basis for the “false complaint” disposition.