

<p align="center">Clarksville Police Department GENERAL ORDER Clarksville Tennessee</p>	<p align="center">Date of Issue 9/23/2008</p>	<p align="center">Page 1 of 15</p>	<p align="center">G.O. F-3</p>
<p>SUBJECT IN-CAR VIDEO AND BODY WORN CAMERA</p>		<p align="center">REVISED 11/7/2018</p>	
<p>AUTHORIZING AUTHORITY</p>		<p>BY AUTHORITY OF Chief Al Ansley</p>	

I. PURPOSE

In order to enhance the services provided to the community, the Clarksville Police Department authorizes the use of Body Worn Cameras (BWC) and In Car Video (ICV) technology as an additional layer of documentation for events, actions, conditions and statements made during incidents and to improve officers' reports, collection of evidence and testimony in court. It is the policy of the Clarksville Police Department to use ICV and BWC devices as an effective law enforcement tool, thereby reinforcing the public's perception of our professionalism and transparency. These devices have the potential to improve community relations, lower the number of citizen complaints, defend officers against false accusations, increase agency accountability, and improve officer training and evaluations. The use of this technology meant to assist and compliment officers in the performance of their duties and is not meant to replace or relieve the officer of submitting all required written reports.

II. GENERAL

ICV and BWC video recording devices are used to record audio and visual elements of citizen encounters, traffic stops, arrests and other events of criminal or evidentiary significance. Audio and video recordings enhance this department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative or prosecutorial purposes. The audio/visual recording of these events also protects officers and the City of Clarksville from unsubstantiated claims. This technology may also be useful in documenting crime and crash scenes that include the confiscation and documentation of evidence or contraband. The recordings will be used to serve as a training and performance mechanism to ensure the professionalism of all Clarksville Police Officers.

Audio, images and media associated with the Mobile Video Systems (MVS) are the property of the Clarksville Police Department and will not be copied, released or disseminated in any form or manner outside the parameter of this General Order without the express written consent of the Chief of Police. Under no circumstances will any employee of the Clarksville Police Department make a personal or secondary copy of any recorded event without the written consent of the Chief of Police or their designee (e.g., using a personal cell phone camera to record MVS media). Lead investigators creating a secondary copy of a MVS recording subsequent to an official investigation, which is to remain attached to the case file, are exempt from the above.

All personnel will receive six (6) hours of training on the mobile video systems, its components, and this General Order. In addition, annual training will be included in In-Service Training.

The General Order does not govern the use of covert recording devices, such as those assigned to the Special Operations Unit.

III. DEFINITIONS

- A. Body-Worn Camera System (BWC):** Wearable (on-officer) camera system with secured internal memory for storage of recorded video and audio.
- B. In-Car Video System (ICV):** A mobile video recording device installed in a police vehicle; it will be permanently installed.
- C. Mobile Video System (MVS):** Refers to both BWC and ICV systems.
- D. Evidence Transfer Manager (ETM):** The docking unit used to recharge the BWC. The ETM also encrypts the video data and transfers it to using a secure connection.
- E. Mobile Data Terminal (MDT):** The computer and associated hardware that is installed in police vehicles, which control the ICV system.

IV. ASSIGNMENT OF MOBILE VIDEO SYSTEMS

A. IN-CAR VIDEO SYSTEMS (ICV)

In-Car Video Systems (ICV) shall be assigned to all Patrol Personnel to include:

- District Patrol Officers
- Traffic Patrol Officers
- K-9 Patrol Officers

Supervisors, Detectives / Agents, and other Administrative Position will not be assigned an In-Car Video System (ICV)

B. BODY-WORN CAMERAS

Body-Worn Cameras (BWC) shall be assigned to the following personnel to include:

- District Patrol to include the Lieutenants, Sergeants, and Patrol Officers
- Traffic Unit to include the Lieutenant, Sergeant, Fatal Crash Investigators, and Patrol Officers
- K-9 Unit to include the Sergeant and the K-9 Officers

- Drug Unit to include the Sergeants, and all Agents, while conducting enforcement activities.

❖ These are the Units / Officers that have the most frequent contact with the public.

C. PERSONNELL NOT ASSIGNED A MOBILE VIDEO SYSTEM

Officers who are not assigned a MVS may become required to wear one in certain circumstances at the direction of the Chief of Police, such as the following:

1. Complaints or Disciplinary Action
2. Participating in certain activity such as:
 - Special Events
 - Traffic Specials
 - Planned Operations
 - Critical Incidents

D. The use of personally owned MVS is not allowed while on duty or working color of law off-duty employment.

V. PROCEDURES

A. Beginning of Shift

1. At the beginning of each shift, an officer that is issued a BWC will be responsible for ensuring the BWC has no obvious signs of damage and is functioning properly. The care of the issued device is the responsibility of the officer assigned the device. The BWC will be operated and maintained according to the manufacturer's instructions and recommendations. The BWC assigned to a specific officer and shall not be shared or assigned to any other officer.
2. The officer shall also ensure that the BWC is equipped with sufficient memory and a fully charged battery to complete their shift.
3. The officer should ensure that their BWC and ICV do not contain data from a prior shift.
4. Equipment malfunctions during the shift will be brought to the attention of the supervisor immediately so that a replacement unit if available can be obtained.

B. End of Shift / Download

1. At the end of each shift, an Officer(s) should ensure that all MVS video is downloaded.
2. At the end of tour of duty (i.e. 4 days on before starting 4 days off) Officer(s) shall ensure download.
3. If the Officers BWC, ICV, or MDT is found to be, damaged or not working properly the officer will notify their supervisor, and notify the CPD IT Personnel thru an IT Work Order.

C. Use of the Device(s)

1. The BWC shall be properly affixed upon the Officer's uniform at the beginning of their shift in accordance with departmental regulations and manufacturer's guidelines. The camera should be positioned and adjusted to record events, and the microphone should be unobstructed (i.e. not covered by a jacket or shirt).
2. During their shift, officers shall maintain their BWC in a constant state of operational readiness.

The only exception is when you enter a departmental building and you are not on "Official Police Business" examples are but not limited to:

- taking a police report,
- speaking with a citizen in reference to a complaint,
- or transporting a prisoner to be interviewed.

While in a departmental building for rest break, use of a gym, or meeting with a supervisor, etc. the device shall be powered off.

3. The ICV system can be manually activated as well as automatically activated. The ICV will automatically record based on these pre-programmed triggers:
 - Vehicle Impact
 - Activation of Blue Lights
 - Activation of Microphone
 - Bail Out System Activation on K-9 Vehicles
 - Sudden loss of power to the ICV System

There is an automatic 60 second prerecorded once a trigger has been activated.

Note: BWC have a 30 second prerecord but no triggers. The Officer must activate it

4. Documentation

The recording of all incidents in which the body-worn video recording device was utilized **will be documented** by the officer in the narrative on incident reports, arrest tickets, misdemeanor citations, summons, and on traffic citations. Supervisors reviewing the documents will ensure the presence of this notation.

If an officer fails to record the entire contact, the officer shall document in the related offense report or memo as to why a recording was not made.

Examples include but not limited to:

- When conditions make it unsafe or impossible to activate a MVS
- When an officer exercises discretion outlined in this General Order.
- When the camera malfunctions or otherwise fails to capture the incident.
- Officer to Officer conversations

5. Interruption and Deactivation

a. The MVS(s) should remain activated until the event has concluded in order to ensure the integrity of the recording. For the purpose 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,
- has completed transport of a civilian or an arrestee,
- interviewing a witnesses or victim as outlined in Section V. D. below
- Officer to Officer and/or Supervisor conversation not in the presence of victim / witness / suspect etc... (i.e. private, case related, or operational)

Officers will document the reason for the deactivation in the form of a recorded announcement prior to deactivation.

b. Detention Centers / Jails

Officers shall follow the rules and regulations of the Detention Center in which they are processing their prisoners.

c. Department Buildings and Prisoner

Officers shall record transporting of prisoners to Department buildings. Once the prisoner is placed in an interview room, the Officer shall deactivate all devices. Once the interview has concluded and it is time to transport the prisoner to a detention center all MVS recordings will resume.

6. Mandatory Recording

There are many situations where the activation of the MVS is appropriate and this General Order is not intended to describe every possible circumstance. The following scenarios require activation of MVS:

- a. All Dispatched Calls for Service;
 - b. Self-Initiated Law Enforcement Activity;
 - c. In-Car Camera on all Code Runs (Emergency Traffic) to Calls for Service;
 - d. All Vehicle Stops (to include, but not limited to, traffic violations, stranded motorist assistance, Pursuits, and Non-Pursuits);
 - ❖ On Non-Pursuits if you choose to “Trail” or “Follow” but obeying traffic laws the ICV shall continue to record.
 - e. Use of Force Situations;
 - f. Detention / Arrest and Transports;
 - g. Search of Persons Incident to Arrest;
 - h. High-Risk Encounters (e.g. barricade situations, active threat, etc.);
 - i. While securing Structures and Buildings during Search Warrants;
 - j. Foot Pursuits
 - k. K-9 Searches and Tracks
 - l. Any citizen contact that becomes confrontational when BWC had not already been activated;
 - m. Any citizen transport to any location
 - n. It is recommended that officers record any contacts and other events when the recording could have value such as evidence, to limit liability, to resolve citizen complaints or as a training tool.
7. Unless unsafe, impractical or impossible officers should inform contact subjects that they are being recorded at the beginning of the contact (e.g. “Ma’am / Sir, I am advising you that our interaction is being recorded”)
8. Officers are encouraged to inform their supervisor of any recording that may be of value for training purposes.
9. Due to the large number of incidents that are being captured on MVS, the officer shall classify the video as appropriate to the systems classifications and the Case Number from the Incident. The classifications are:
- Traffic Stop (Instead of Case Number, Citation Number or Memo Number)
 - Crash
 - Domestic
 - DUI
 - Other Evidence (All other Criminal Offenses)
 - Non-Evidence (Civil Disputes, Non-Criminal Matters, Citizen Complaints, etc.)

- Accidental - B.T. Req - Use this category if you make an accidental recording. You will need to document this with a Blue Team. Your lieutenant will need to review the video. The video is retained for 60 days. A good example where this type of recording may occur may be mistakenly leaving your camera on in a private setting such as a restroom. **Note: BWC Only**
- Restricted - Use this category to mark a video as restricted. Nobody will be able to view the video unless the user has restricted access. The video is retained until manually deleted. **Note: BWC Only**

D. Interviewing Victim and Witnesses

1. Video

When interacting with an apparent victim or witness to a crime, where the suspect / offender is not present. The Officer shall, as soon as practicable, ask if they want them to discontinue the BWC video recording. If the victim does, the officer shall immediately turn off the BWC.

If the victim and/or witness wish for the BWC recording to continue the Officer shall when safe and practical avoid recording persons in state of undress.

2. Statements

Officers should ensure that the victim or witness provides the following information, if applicable, in their first account statement of the crime:

- Need for medical assistance;
- Nature of the incident;
- Identity of suspect (if known);
- Location of the suspect (if known);
- Description of the suspect;
- Location of the crime scene;
- Identification of possible evidence;
- Activities since the crime took place;
- Identity of witnesses.

MVS recordings are not meant to replace a formal written statement from a victim or witness.

3. Anonymous Tips

When a witness wishes to submit anonymous information / tips and they do not want to be recorded, Officers shall not normally discontinue recording.

If the in the opinion of the officer, the value of the information outweighs the recording they may discontinue recording to obtain the information.

4. Confidential Informants

MVS(s) will normally not be used during interaction with a Confidential Informant.

VI. PROHIBITED VIDEO RECORDING AND RESTRICTIONS

A. General Order B-3 Rule # 29

29. Covert Recordings

Personnel shall not covertly audio or videotape another employee while on duty, on city property, or while conducting Departmental business.

The only exception to this regulation shall be employees conducting a properly authorized and assigned Departmental investigation. The Chief of Police shall specifically authorize all such instances.

This regulation shall not affect the departmentally sanctioned use of Mobile Video Systems (MVS) recording in compliance with the policy governing such activities, or other audio recordings routinely made in the course of criminal investigations.

- B.** Conversations that are not required to be captured as evidence for the furtherance of completing a police report and / or subsequent police investigation will not be recorded.
- C.** The BWC will not be activated in places where a reasonable expectation of privacy exists, such as locker rooms or restrooms, unless the activation is for the purpose of official law enforcement activity such as a call for service. When possible, 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. If this is unavoidable, the video can later be blurred.
- D.** The MVS will not be used as surveillance and undercover equipment. See General Order F-6 Special Operations Drug Unit.
- E.** Officers shall not remove, dismantle, or tamper with any hardware or software component or part associated with the MVS.

- F.** Officers shall not destroy, erase, disseminate, edit, alter, tamper, or otherwise use MVS recordings without the written permission of the Chief of Police or their designee.
- G.** Recordings are property of the Clarksville Police Department. Recordings shall not be copied, recorded or shared (especially social media) except for official law enforcement purposes as outlined in General Order E-27 Crime Scene Processing and Evidence Collection, Tennessee Open Records Law and Public Records Policy for City of Clarksville.

Any violations will be handled as outlined in City Code and General Order C-8 Disciplinary Procedures and General Order C-15 Internet Sites / Web Pages / Social Networking.

- H.** MVS shall not be used while working non color of law off duty employment.

They shall be used while working Color of Law off Duty Employment if the Officer working is assigned a MVS.

Recordings will not be made of non-work related personal activities.

- I.** Officers are not authorized to playback a MVS recorded media for citizen viewing except for official law enforcement purposes.
- J.** Recording devices will not be used for purpose of intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.
- K.** Officers shall not record a particular person based solely on person's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, homelessness status, physical disability status or political affiliation.
- L.** Officers shall not use any other electronic device or other means in order to intentionally interfere with the function of a MVS.

VII. SUPERVISOR RESPONSIBILITIES

Supervisory personal shall ensure officers who are equipped with MVS(s), utilize them in accordance with policy and procedures outlined in this General Order.

- A.** When an incident arises that requires the immediate retrieval of a MVS recording for chain of custody purposes (including, but not limited to: serious crime scenes, or others as determined by policy/supervision) a supervisor will respond to the scene and ensure the BWC remains affixed to the officer in manner it was found and that the BWC recording remains uncompromised. Also that ICV(s) continue to record and

that vehicles are secure. It is the Supervisors responsibility to ensure that all devices are downloaded before the end of the Officer's shift and that they are properly documented with the appropriate Case Number.

B. When an incident(s) such as:

- officer-involved shootings,
- in-custody deaths,
- or other incidents involving the officer that result in grievous bodily injury

A Supervisor shall respond and take possession of all MVS devices and personally ensure that they are download in order to ensure the integrity of the video and the device.

C. Supervisors shall ensure that MVS's of the officers under their command are operating correctly. This shall be included in the monthly inspection.

D. No supervisor shall review any MVS video absent an articulable reason (i.e. written complaints, use of force involving injury, pursuits / non-pursuits, evidence of officer misconduct, and Open Records Request), and only Officers under their direct chain of command or as directed by the Chief of Police.

Supervisors to monitor officer's performance will not randomly review MVS data. Exceptions to this rule are:

1. Documented Random Review (Command Staff Level)
2. The Professional Integrity Unit and/or a designated Supervisor is investigating a specific act of officer misconduct.
3. Open Records Request in order to find the requested video only by the Chief of Police or their designee.
4. Pursuit Review or Use of Force Review.
5. Early Intervention System Activation

VIII. DOCUMENTED RANDOM REVIEW & COMPLIANCE AUDIT

A. DOCUMENTED RANDOM REVIEW

An established automated system will randomly select five BWC Systems and five ICV Systems monthly. The Officers that are randomly selected shall be notified that they have been selected and which system was selected. From the selected systems the designee(s) of the Chief of Police shall view five videos from the different classifications from the previous month on each selected system.

The review shall be documented, and will ensure:

- That the equipment is operating properly,
- Officers are using the devices appropriately and in accordance with policy.
- They shall also identify any areas in which additional training or guidance is required.

B. COMPLIANCE AUDIT

An established automated system will randomly select 10 BWC Systems monthly. The Officers randomly selected shall be notified that they have been selected for a Compliance Audit of their BWC System. From the selected systems the designee(s) of the Chief of Police shall audit their activations for the following:

- Videos have been classified
- Activations are consistent with CAD activity
- If any video has been excessively viewed

The findings of the Audit will be forward to the Chief of Police who will determine if any follow up is warranted based upon the findings of the Audit.

IX. AUDIT LOG

Each storage system (BWC and ICV) maintains an audit log that documents the videos that have been viewed and any actions taken by Officer(s) or IT Staff.

Officer(s) do not have the ability to edit, delete, or alternate the video. They only have the ability to view and classify the videos.

X. GENERAL PROCEDURES FOR HANDLING RECORDINGS

A. Evidence

Officers shall complete Appendix C Officer Video Request / Evidence Submittal Form. The form will be submitted with an Evidence Document and Evidence Envelop properly filled out. The Administrative Deputy Chief or their designee shall make two media copies and they will be placed into evidence. One copy is a permanent copy and one copy to be checked out of evidence for court, and the District Attorney's Office.

B. Open Records Request

Any request for the release of any MVS recordings will be directed to the Public Records Request Coordinator for the City of Clarksville and follow the Public Records Policy for City of Clarksville, and the State of Tennessee Open Records Law.

Once the Chief of Police's designee receives the request from Public Records Request Coordinator, they shall confirm that there is no pending prosecution or that any criminal prosecution has been adjudicated thru the District Attorney's Office and / or the Montgomery County Court Clerk's office.

If the video meets the criteria to be release, they shall:

- Redact juvenile faces with a redaction software
- Redact confidential information (e.g. License Plates, Social Security Numbers, etc.) with a redaction software
- Redact all nudity with a redaction software

Also comply with Tennessee Open Records Law / Tenn. Code Ann. § 10-7-504 Confidential Records – Exceptions

(u) (1) Video taken by a law enforcement body camera that depicts the following shall be treated as confidential and not subject to public inspection:

- (A) Minors, when taken within a school that serves any grades from kindergarten through grade twelve (K-12);
 - (B) The interior of a facility licensed under title 33 or title 68; or Examples include but not limited to:
 - Schools
 - Mental Health Facilities
 - Medical Facilities
 - (C) The interior of a private residence that is not being investigated as a crime scene.
- (2) Nothing in this subsection (u) shall prevent the district attorney general or attorney general and reporter and counsel for a defendant charged with a criminal offense from providing to each other in a pending criminal case or appeal, where the constitutional rights of the defendant require it, information which otherwise may be held confidential under this subsection (u).
- (3) Nothing in this subsection (u) shall be used to limit or deny access to otherwise public information because a file, document, or data file contains some information made confidential by subdivision (u)(1); provided, that confidential information shall be redacted before any access is granted to a member of the public.

- (4) Nothing in this subsection (u) shall be construed to limit access to records by law enforcement agencies, courts, or other governmental agencies performing official functions.
- (5) This subsection (u) is deleted on July 1, 2022, and shall no longer be effective on and after such date.

Once the redaction has been completed they shall watch the entire video to make sure all the appropriate redaction was completed.

Note: Both this General Order and the City of Clarksville Public Record Policy will be maintain on the City of Clarksville Web Site.

C. Access for Viewing

Recordings may be reviewed in any of the following situations:

1. Officer Review

- a. Officers are authorized to review their own MVS when preparing official written documentation of a specific event. Officers may only review recordings from their assigned MVS. The viewing will be utilized as a tool when completing written reports to ensure the accuracy and consistency of events. Officers shall not to stop recording during an event to view the video.
- b. The following situations are exceptions to the above policy statement in reference to Use of Force Incidents:

- If the officer is involved in (or witness to) a use of force incident that per General Order A-10 Use of Force Section X. C. Use of Force Involving Injury requires a Supervisor to respond.

Only after the Supervisor has responded to the scene and viewed the video may an officer be authorized to view their MVS recordings.

- If the officer is involved in (or witness to) a police shooting / use of deadly force or an in-custody death the Officer will only be allowed to view the video after the District Attorney and the Tennessee Bureau of Investigation have been consulted and the Chief of Police gives approval.

2. Supervisor Review

Supervisor with an articulable reason (i.e. written complaints, use of force involving injury, pursuits / non-pursuits, evidence of officer misconduct, and Open Records Request), and only Officers under their direct chain of command or as directed by the Chief of Police

3. By an Professional Integrity Unit Supervisor / Investigator who is conducting an official investigation,
4. By an Agent / Detective / Fatal Crash Investigator conducting a criminal investigation,
5. In a courtroom during an official judicial proceeding,
6. By a person making a complaint of police misconduct, who is subject of the alleged misconduct with the approval of the Chief of Police and/or the District Attorney's Office based upon the status of any pending criminal prosecution.
7. For approved training purpose. If the Officer involved in the recording objects to the showing of the recording, the Chief of Police or their designee to determine if the training value outweighs the officer's reason for not showing the recording will review the objection.
8. Employees desiring to watch a recording made by another officer shall submit a request in writing to the Chief of Police or their designee. This does not include Evidence.

Note: Officers are reminded that all Officer present on your arrest with a MVS that those videos are evidence and should fill out a request for those to be submitted to evidence also.

XI. STORAGE, AND RETENTION

A. Storage

All MVS data shall be stored on a secure electronic storage system (Server and/or Cloud) as approved by the City of Clarksville IT Department. The vendor and/or device selection for data storage shall be conducted according to established City of Clarksville Purchasing Policies and Procedures.

C. Retention

See General Order F-3 Appendix B Video Retention Periods for data stored on the electronic storage system.

All Video stored in Evidence will be maintained as evidence as directed by the Court.

XII. REVIEW PROCESS

The Chief of Police or his designee shall conduct an annual review of this General Order and shall make the necessary revisions.

XIII. CANCELLATION

This General Order shall remain in force until revoked or revised by the Chief of Police.