

HONOLULU POLICE DEPARTMENT
POLICY
ORGANIZATION, MANAGEMENT, AND ADMINISTRATION

March 29, 2017

Policy Number 2.57

BODY-WORN CAMERAS

POLICY

- A. The Honolulu Police Department (HPD) believes transparency is critical in establishing public trust and uses body-worn camera (BWC) recordings to document police interactions.
- B. The BWC recordings of interactions enhance the department's ability to provide evidence for investigative and prosecutorial purposes and to enhance officer evaluation and training.

PROCEDURE

I. **DEFINITIONS**

- A. **BWC**: A department-issued, compact video-recording device worn by an officer for the purpose of recording interactions with the public.
- B. **BWC Administrator**: An employee designated by the Chief of Police to oversee video storage, inventory, and equipment (e.g., cameras and contracts); access to BWC data; retention timelines; public requests and the release of recordings; and the audit process.
- C. **Categorizing**: A way to classify BWC recordings by type of event or incident (e.g., felony, misdemeanor, or nonevidentiary).
- D. **Labeling**: The process of attaching identifying information to a BWC recording (e.g., HPD report number and incident date).
- E. **Transfer Docking Station (TDS)**: A device that charges the BWC and transfers the recorded video content to the BWC database.

II. GENERAL GUIDELINES

A. Equipment

1. Officers shall only use department-issued BWCs in the performance of law enforcement functions.
2. Officers are authorized to carry and use BWCs after successfully completing departmental training.
3. Officers shall be responsible for the proper care and use of their assigned BWC and related equipment.
4. At the beginning of each shift, officers shall:
 - a. Inspect and test the BWC to ensure that the issued equipment is charged and functioning properly; and
 - b. Notify a supervisor immediately if any equipment is malfunctioning or damaged. Also, document the malfunction/damage by completing the BWC Equipment Malfunction Form.
5. If the BWC malfunctions or is damaged in the field, the officer shall notify his or her supervisor immediately and document the issue in the incident report and on the Body-Worn Camera Equipment Malfunction Form.
6. The BWC administrator shall issue the BWCs and maintain the inventory list for all BWCs and related equipment. Upon transfer to an assignment where a BWC is not used or upon separation from the department, officers shall return their BWCs to the BWC administrator.
7. Periodically, personnel designated by the BWC administrator shall conduct random audits of BWC recordings to ensure that the equipment is operating properly and officers are using their BWC appropriately in accordance with the policy.

B. Authorized Use

1. Officers shall activate the BWC when the officer:
 - a. Responds to a call for service; or
 - b. Initiates a law enforcement or investigative encounter between himself or herself and a member of the public.

However, when a threat to the officer's life or safety makes immediately activating the BWC impossible or dangerous, the officer shall activate the BWC at the first reasonable opportunity.

2. The BWC shall not be deactivated until the call for service or encounter has fully concluded or as ordered by the supervisor or in accordance with this policy.
3. When interacting with a victim of a crime, the officer may ask the victim if he or she wants the officer to discontinue the use of the officer's BWC. If the victim responds affirmatively and the situation is nonconfrontational, the officer may deactivate the BWC.
4. When interacting with a person seeking to anonymously report a crime or assist in an ongoing investigation, the officer may ask the person if he or she wants the officer to discontinue the use of the officer's BWC. If the person responds affirmatively and the situation is nonconfrontational, the officer may deactivate the BWC.

Officers may activate the BWC if the officer deems it appropriate.

5. Officers are not required to obtain consent to record.
6. Officers are not required to play back BWC recordings to members of the public. All public requests for BWC recordings shall be referred to the BWC administrator.
7. If an officer fails to activate the BWC, the officer shall notify his or her supervisor immediately and document the issue in the incident report.
8. An officer's decision to discontinue the use of the BWC shall be stated and recorded by the BWC prior to deactivation.

C. Exceptions to Recordings

1. Officers are not required to activate their BWCs or continue recording in the following situations:
 - a. When dealing with victims involved in crimes of a sensitive nature (e.g., sexual assault, child abuse, and/or child pornography);
 - b. When the recording would risk the safety of a witness; and
 - c. While in a courthouse or judge's chamber unless responding to a call for service.
2. When officers arrive at any non-HPD detention facility, they shall notify the detention facility staff if a BWC is activated. Officers shall deactivate their BWC cameras if required by the detention facility.

D. Prohibited Recordings

The BWC shall not be used to record:

1. Any conversation that would be in violation of state or federal privacy laws;
2. In areas where a reasonable expectation of privacy exists (e.g., locker rooms, dressing rooms, and restrooms) unless it is part of a law enforcement function (e.g., active police investigation, arrest, or search);
3. Situations that could compromise specialized police tactics, covert operations, and/or briefings; or
4. Situations that could compromise the identity of confidential informants or undercover operatives.

E. Categorization and Labeling

The recording officer shall categorize and label all videos in accordance with their training.

F. Retention

1. BWC recordings shall be retained for thirteen months from the date it was recorded with the following exceptions:
 - a. BWC recordings that have evidentiary or exculpatory value for use in a criminal or civil case shall be retained for the period of the applicable statute of limitations or until the final disposition of the case, whichever is shorter;
 - b. BWC recordings that have been identified as part of a preservation order or litigation shall be retained until such hold is lifted or by court order; or
 - c. BWC recordings that are kept for training purposes only.

2. BWC recordings shall be retained for no less than three years from the date it was recorded, if the video captures the following:
 - a. Use of force; or
 - b. Any encounter for which a complaint has been registered or an administrative investigation has been initiated.
3. Personnel of the HPD may not delete any BWC recordings without prior authorization by the BWC administrator. Personnel seeking to delete a recording shall submit a written request to their commanding officer specifying the date, time, location, a summary of the event, and the reason for deletion. The commanding officer shall then forward the request to the BWC administrator for evaluation and appropriate action.
4. Subject to the above limitations, the BWC administrator is authorized to delete BWC recordings in accordance with departmental retention schedules and policies.
5. The department shall retain permanent records of all logins to access the BWC recording database, written requests for video deletion, and retention schedule deletions.

G. Documentation

- A. Officers submitting an incident report or completing a written statement shall indicate in the report whether the BWC was activated.
- B. Activation or deactivation of the BWC does not relieve the officer of his or her responsibility to investigate and/or document the incident.

III. REVIEW OF BWC RECORDINGS

- A. Officers may review BWC recordings on their authorized device or computer for any legitimate investigatory purpose, including (but not limited to) preparing an incident report or statement, conducting a follow-up investigation, or providing testimony.
- B. If an officer is involved in a critical incident, the officer shall provide a public safety statement prior to the review of the BWC recording.

IV. SUPERVISOR RESPONSIBILITIES

- A. Supervisors shall ensure that all officers utilize their BWCs according to policy. Supervisors are responsible for ensuring that all BWC recordings are uploaded by the officer by the end of the shift.
- B. Upon notification, supervisors shall ensure that any malfunction of or damage to a BWC is documented in an incident report. If a BWC is removed from service, the supervisor shall contact the BWC administrator as soon as practical to have the BWC repaired or replaced.
- C. Supervisors may instruct an officer to deactivate the BWC in accordance with the guidelines of this policy.
- D. Supervisors may access BWC footage for purposes consistent with this policy. Supervisors shall not review an officer's BWC footage to search for violations of departmental policy without cause.
- E. In the event of a critical incident, the first uninvolved, on-scene supervisor (sergeant or above) shall promptly recover and secure the BWCs of all officers present during the critical incident. The BWCs shall be turned over to the Professional Standards Office investigator upon arrival.

V. STORAGE OF RECORDINGS

- A. Officers shall properly label and categorize recordings prior to uploading the data into storage.
- B. All recordings shall be uploaded to storage prior to the end of the officer's shift unless instructed to do otherwise by an assigned investigator or supervisor.
- C. Departmental personnel are prohibited from tampering with, accessing, or using BWC recordings for personal use.

VI. DUPLICATION AND DISTRIBUTION OF RECORDINGS

A. Internal Requests

- 1. The commanding officer of the investigative unit assigned to the incident or the BWC administrator shall have the authority to permit duplication and distribution of the BWC recording.
- 2. Any officer requesting to duplicate or distribute a BWC recording shall obtain prior written approval from the commanding officer of the unit assigned to the investigation or the BWC administrator.
- 3. Duplication and distribution of a BWC recording is limited to authorized personnel and shall be for law enforcement purposes only. The department shall maintain a log for access, duplication, and distribution.

B. External Requests

- 1. Any public release of BWC recordings requires written approval from the Chief of Police or BWC administrator.

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2. The HPD shall accept and fulfill requests for BWC recordings in accordance with federal, state, and local statutes and departmental policy.
3. All public requests for BWC recordings shall be referred to the BWC administrator.

A handwritten signature in black ink, appearing to read 'Cary Okimoto', is written over a large, faint circular stamp or watermark.

CARY OKIMOTO
Acting Chief of Police

Post on bulletin
board for one week