

HONOLULU POLICE DEPARTMENT
POLICY
ORGANIZATION, MANAGEMENT, AND ADMINISTRATION

September 24, 2021

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 enhance officer evaluation and training.

PROCEDURE

I. **DEFINITIONS**

- A. **Activate:** Deliberately pressing the event button to initiate a recording while the BWC is powered on.
- B. **Buffering mode:** The BWC is on but has not been activated. In buffering mode, the BWC continuously records video and audio in a 30-second loop. Buffering mode is synonymous with standby mode.
- C. **BWC:** A compact video/audio-recording device used by an officer for the purpose of recording interactions with the public. Only department-issued BWCs are authorized for police use.
- D. **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; and the audit process.

- E. BWC element liaison: The individual in each element who is responsible for the management, accountability, and operational readiness of all BWCs and related equipment within the element. Each element that has BWCs shall appoint a liaison.
- F. Categorizing: A way to classify BWC recordings by the type of event or incident (e.g., arrest, criminal, felony, motor vehicle collision, family offense, juvenile offense, traffic stop, noncriminal, etc.).
- G. Deactivate: Stopping a BWC recording either by deliberately pressing the event button, putting the BWC back into buffering mode, or by any other means.
- H. Event mode: When the event button is pressed and the BWC is activated and recording. The buffered recording captured immediately before the event will be saved and attached to the event in permanent memory.
- I. Labeling: The process of adding metadata and identifying information to a BWC recording (e.g., HPD report number, citation number, offense, and/or categories).
- J. 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 use BWCs only in the performance of law enforcement functions.
2. Officers are authorized to carry and use BWCs after successfully completing departmental BWC 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 inspect and test their BWCs to ensure that the units are charged and functioning properly.
5. Officers shall not remove a BWC from the TDS unless the unit's battery ring light and TDS status light are both green: both green lights indicate that the BWC is fully charged and the uploading of stored recording is complete. If either light is not green, officers shall notify their respective supervisor and check out a pool camera. Supervisors shall ensure pool cameras are properly assigned to users.
6. If BWC equipment malfunctions or is damaged, officers shall:
 - a. Notify a supervisor immediately;
 - b. Fill out a BWC Equipment Malfunction Form, HPD-085 form; and
 - c. Document the problem in an incident report, if one is otherwise required by policy.
7. To ensure the proper upload of stored recordings and charging of units, BWCs shall be docked in a TDS at the district station at the end of each shift.

The only exception is for officers who are assigned department-owned, marked, take-home vehicles. These officers may leave their BWCs in a TDS of their assigned, off-duty mobilization station with the prior approval from their commander and the station's commander.

8. All BWC equipment is HPD property that is permanently assigned to specific elements. Therefore, the equipment shall remain with the assigned element when individual users transfer to other elements.

9. Video Management Unit (VMU) personnel designated by the BWC Administrator shall periodically conduct random audits of BWC recordings to ensure that the equipment is operating properly. Random audits shall be conducted by the Professional Standards Office to determine if officers are using the BWC appropriately and in accordance with policy.

B. Authorized Use

1. Officers shall wear the BWC above the midline of their torso and not intentionally obstruct the camera's field of view. They shall keep their BWCs on buffering mode while on duty.
2. Officers shall immediately activate the BWCs in event mode:
 - a. Before arriving at a scene to which they are responding or were dispatched;
 - b. When initiating a law enforcement or investigative encounter;
 - c. When activating their blue lights and/or siren; or
 - d. When providing cover and/or possible assistance for types of situations described in a and b above.

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. In a potentially explosive environment, the BWC shall be powered off prior to entering the area and powered back on when it is declared to be safe.

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3. The BWC shall not be deactivated until the call for service or encounter has fully concluded or as ordered by the supervisor, investigator in charge in the supervisor's absence, or in accordance with this policy.

When making an arrest and transporting a suspect to a detention facility, the BWC shall remain activated until booking personnel take custody of the suspect.

4. When interacting with a victim of a crime, the officer may ask the victim if he or she would like the officer to discontinue the use of the officer's BWC. If the victim is a juvenile, the officer may ask any parent, guardian, or other person who is legally responsible for the juvenile. If the victim or juvenile's responsible party responds affirmatively and the situation is nonconfrontational, the officer may deactivate the BWC.
5. 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.

6. Officers are not required to obtain consent to record.

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7. 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 Records and Identification Division's VMU.

8. If an officer fails to activate the BWC, the officer shall notify a supervisor immediately and document the issue in the incident report.
9. If an officer decides to deactivate the BWC while at the scene of an investigation, the reason shall be stated and recorded with the BWC prior to deactivation and documented in the officer's incident report.

C. Exceptions to Recordings

1. Officers are not required to activate their BWCs or continue recording:
 - 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.
3. The situations described below shall not be recorded. However, immediately after such situations have concluded, BWCs shall be activated to record as otherwise required by this directive:
 - a. Areas where a reasonable expectation of privacy exists (e.g., locker rooms, dressing rooms, and restrooms) unless it is part of law enforcement functions (e.g., active police investigations, arrests, or searches);

- b. Situations that could compromise specialized police tactics, covert operations, and/or briefings;
- c. Situations that could compromise the identity of confidential informants or undercover operatives;
- d. Meetings or conversations where confidential and/or privileged matters are discussed such as administrative and disciplinary meetings, workgroup meetings (e.g., operational and shift briefings), counseling sessions, and union meetings/consultations; or
- e. Reenactments of events or recreations of scenes unless directed by the supervisor or investigator in charge.

D. Categorizing and Labeling

- 1. All BWC recordings shall be labeled with an "ID" and "TITLE," including selection of appropriate categories for proper uploading into Evidence.com. Properly labeled recordings will allow users to locate uploaded recordings quickly.
 - a. The ID shall be the HPD report number or full traffic citation number. If no report number or full citation number is available such as with a 60-series or a traffic safety awareness contact, officers shall enter the generic report number for the calendar year (e.g., 21-000000 for the year 2021 or 22-000000 for the year 2022) as the ID.
 - b. Officers shall input report numbers without a suffix number.
 - c. The TITLE should be a crime classification such as Burglary 1 or UEMV 2, or "Traffic Stop" for contacts resulting from a traffic-related stop. Officers shall label 60-series investigations as "Services."

2. All recordings that involve an arrest shall additionally be categorized as "Arrest."
3. All recordings shall be labeled and docked for uploading by the end of the shift unless instructed otherwise by an assigned investigator or supervisor.

E. 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 shall not delete any BWC recordings without prior authorization as outlined below:
 - a. In the event of an unintentional activation of the BWC during non-enforcement or non-investigative activities (e.g., in the restroom, during a meal break, or in other areas where a reasonable expectation of privacy exists), personnel seeking to delete a recording shall submit a written request to their commanding officer; and
 - b. The request shall specify the date, time, location, summary of the event, and reason for deletion. The commanding officer shall then forward the request, via the bureau chief, 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.

F. Documentation

1. Officers submitting an incident report or completing a written statement shall indicate in the report whether the BWC was activated.
2. 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 and required to provide a public safety statement, they shall do so 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 BWCs are properly docked by officers by the end of the shift. Supervisors shall also ensure that BWC recordings are properly labeled in accordance with policy.
- 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 their BWC element liaison 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 recordings for purposes that are consistent with this policy. Supervisors shall regularly review their officers' BWC recordings to determine if remedial training in the use of the BWC is required and ensure that the BWC equipment is operating properly. 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 in accordance with section II D above prior to uploading the data into storage.

- B. Departmental personnel are prohibited from tampering with, accessing, or using BWC recordings for personal use.

VI. DUPLICATION AND DISTRIBUTION OF RECORDINGS

A. Ownership

All images, video, and/or audio recorded by any BWC are the sole property of the HPD.

B. Internal Requests

- 1. The preferred method of sharing recordings with outside agencies (e.g., prosecutors, Honolulu Police Commission, etc.) is to do so within the confines of Evidence.com.
- 2. The BWC Administrator or designee has the authority to permit duplication and distribution of a BWC recording.
 - a. Any officer requesting to otherwise duplicate or distribute a BWC recording shall submit a REVIEW AND REPRODUCTION SERVICE REQUEST, HPD-422 form, to the Records and Identification Division.
 - b. Other 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.

C. External Requests

- 1. All public requests for BWC recordings shall be forwarded to the BWC Administrator within 24 hours of receiving the request.

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- 2. The VMU shall respond to requests for BWC recordings in accordance with federal, state, and local statutes and departmental policy.
- 3. Release of BWC footage shall be considered only if release of the footage will not be detrimental, hamper, impede, circumvent, and/or otherwise negatively affect a criminal investigation. Additionally, the footage shall not be released if it is protected from disclosure by state or federal law, including an order of any state or federal court.

- 4. It shall be the responsibility of the BWC Administrator to:
 - a. Locate and review the requested BWC footage;
 - b. Redact the requested footage, where appropriate, in accordance with federal, state, and local statutes and departmental policy; and

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- c. Prepare and transmit the BWC footage in a releasable format to the requester in a timely manner.

VII. BWC PROGRAM COMMITTEE

- A. The BWC Program Committee (BWPC) shall be composed of the following element commanders and the HPD Legal Advisor:
 - 1. Central Patrol Bureau;
 - 2. Criminal Investigation Division;
 - 3. Information Technology Division;
 - 4. Professional Standards Office;
 - 5. Records and Identification Division, BWPC chairperson;
 - 6. Regional Patrol Bureau; and

7. Training Division.
 - B. Five voting members shall constitute a quorum. A majority vote shall determine the recommendations of the BWCPC.
 - C. Personnel who the BWCPC chairperson deems important may attend BWCPC meetings but will not be a voting member.
 - D. BWCPC Function
 1. The BWCPC shall meet to address any issues related to the application, training, video retention, policy, or operational and procedural concerns of the BWC. The committee shall meet as needed but not less than once every three months.
 2. The BWCPC chairperson shall be responsible to present any policy changes to the Administrative Review Board for consideration.

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ARTHUR J. LOGAN
Chief of Police

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