

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject BODY-WORN CAMERAS	Policy Number GJ-35 Effective Date 05-19-23
Related Information ARS 38-1116 CP-2, <i>Code of Conduct</i> EA-18, <i>Law Enforcement Extra-Duty and Off-Duty Employment</i> ED-2, <i>Covert Operations</i> GC-17, <i>Employee Disciplinary Procedures</i> GF-3, <i>Criminal History Record Information and Public Records</i> GH-2, <i>Internal Investigations</i> GH-5, <i>Early Identification System</i> GI-1, <i>Radio and Enforcement Communications Procedures</i> GJ-2, <i>Critical Incident Response</i> GJ-27, <i>Sheriff's Posse Program Attachment A</i>	Supersedes GJ-35 (02-02-22)	

PURPOSE

The purpose of this Office Policy is to establish a standardized system for creating, impounding, retaining, and destroying audio and/or video recordings made with body-worn cameras during investigative or law enforcement activities and contact with members of the public. Assessment

Although this Office Policy refers to employees and deputies throughout, it applies with equal force to reserve deputies assigned a body-worn camera. This Office Policy also applies with equal force, where applicable, to detention personnel, civilian employees, which includes deputy services aides, and volunteers, which includes designated posse members, assigned a body-worn camera.

POLICY

It is the policy of the Office to provide guidelines and direction for the use of body-worn cameras and to promote an atmosphere of professionalism while enhancing community trust.

DEFINITIONS

Active Aggression: Physical actions of assault, such as a subject displaying threatening behavior, assaulting or attempting to assault another person, or destroying or attempting to destroy property.

Axon View Application: Axon View is a mobile application installed on an electronic device that wirelessly connects with the Axon camera to provide a playback function, as well as a live display to ensure your camera is properly placed and functioning correctly.

Body-Worn Camera Recording: Any recording created using a body-worn camera, including any captured sounds, images, and/or associated metadata.

Controller Unit: A self-contained single unit, referred to as a device or controller, consisting of the actual camera and battery pack. The device enables the user to activate the unit on, stop recording, and deactivate the unit. The controller features LEDs to indicate the operating mode and battery capacity. The Unit also contains functionality to add markers to the video.

Course and Scope of Employment: Employee work or actions, whether performed on or off duty, to further the Office's law enforcement responsibilities and goals, as authorized by law, statute, or departmental policies, procedures, rules, and training.

Critical Incidents: Any incident that involves the use of force by an employee resulting in death or serious physical injury, the intentional or unintentional discharge of a firearm by an employee in the performance of his lawful duties, or the death of a prisoner or inmate, by any means, while in the custody of the Office, as specified in Office Policy GJ-2, *Critical Incident Response*.

Deputy: A deputy sheriff or reserve deputy.

Deputy Services Aide (DSA): A civilian employee who is not a law enforcement officer, does not have arrest authority, and shall not act in a law enforcement capacity. A DSA is trained to assist Office patrol districts with various law enforcement functions to include administrative duties, lower priority level calls for service which do not require the response of a sworn deputy, and other events determined by a sworn supervisor to allow patrol deputies to respond to higher priority calls for service.

Digital Recording Device: A device designed to record, transmit, or receive voice communications, sound, video, or photographic images, including but not limited to, cellular phones, digital audio recorders, and digital video recorders, excluding Office-issued body-worn cameras. Personally owned digital recording devices, to include cell phones, are not authorized, unless exigent circumstances exist and with prior approval of a supervisor.

Division: A component of the Office that may be made up of a district, facility, unit, or section.

Employee: A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

Event Mode: The mode that activates the body-worn camera's recording function.

Evidence Transfer Manager (ETM): The docking station that uploads data and recharges the camera.

Exigent Circumstances: Emergencies in which a reasonable person would believe that imminent death or bodily harm to a person or persons, or the destruction of evidence, is likely or otherwise defined by law.

Extra-Duty Law Enforcement Employment: Approved extra-duty internal sworn assignments and shifts which result in sworn personnel receiving compensation from the Maricopa County payroll system where the use of law enforcement authority would normally be anticipated. This scheduled employment would occur outside of the sworn employee's regular on-duty work schedule. Extra-duty employment includes, but is not limited to, providing coverage for various internal Office enforcement shifts, special detail assignments, extradition transport assignments, and specified Maricopa County sporting events or venues. Only sworn personnel are authorized to work in this capacity.

Off-Duty Employment: A deputy, reserve deputy, or sworn supervisor working in a peace officer capacity outside of the Office which results in the employee receiving compensation other than from Maricopa County. Those working overtime at special details such as Chase Field are considered on-duty and shall have and use a body-worn camera while on-duty, working overtime, and being compensated by Maricopa County.

Program Administrator: The sworn Advanced Officer Training Commander having oversight responsibilities of the Body-Worn Camera Program. Divisions may assign a designated employee to perform certain body-worn camera administrative duties and act as a liaison between the division and the Program Administrator.

Reenactment: Recording a restaging or recreation of an earlier incident in order to act out a past event.

PROCEDURES

1. **Purpose of a Body-Worn Camera:** The primary purpose of the body-worn cameras (BWC) is to assign and provide patrol deputies and patrol supervisor, with the rank of lieutenant and below, to include sworn personnel working law enforcement extra-duty/off-duty, with audio and video documentation of a deputy and supervisor's investigations and actions from the first-person perspective.
 - A. The use of BWCs outside of a patrol function such as detective units shall be at the discretion of the respective bureau chief. Consideration for non-use should be given to those investigative and tactical response units whose investigations and/or tactics would be compromised if law enforcement sensitive video footage were to be released.
 - B. The use of BWCs is expected to encourage professionalism, enhance community transparency, strengthen public trust, assist in reaching a proper determination with regard to public complaints, and reduce administrative time and cost of investigating complaints.
2. **Equipment:** Employees shall only use the Office-issued Axon body-worn camera authorized by the Office unless otherwise directed by the Sheriff or designee. Employees shall not wear or use a personally owned video recording device in place of or in conjunction with their Office issued body-worn camera.
3. **Assignment of Body-Worn Cameras:** The Program Administrator, or designee, shall assign a body-worn camera and accessory kit to individual deputies and supervisors holding the rank of lieutenant and below, after they have completed the approved body-worn camera training.
 - A. Any sworn personnel who is involved in traffic enforcement and makes traffic stops; those who work in patrol, to include lieutenants and below who supervise patrol deputies; and lieutenants and below who work extra-duty/off-duty employment, shall have and use a BWC, as specified in this Office Policy.
 - B. Deputy services aides working in patrol shall have and use BWC, as specified in this Office Policy.
 - C. Designated posse members are authorized to use an Office-issued body-worn camera, as specified in Office Policy GJ-27, *Sheriff's Posse Program*, Attachment A.
 1. Designated posse members volunteering in a patrol assistance function shall be assigned a body-worn camera and shall follow the procedures for use, as specified in Office Policy GJ-27, *Sheriff's Posse Program*, Attachment A.
 2. Posse members are prohibited from using any personally owned BWC or digital recording device in conjunction with or in place of their Office-issued BWC, whether purchased by the posse member personally or their posse.
 - D. The Program Administrator may issue body-worn cameras to other sworn, detention, and civilian employees of the Office, if approved by their respective bureau chief.
 - E. No personally owned cameras are authorized.
 - F. The Program Administrator shall maintain a record of the inventory.

4. **Care and Control of Body Worn Camera:**

- A. Employees assigned a body-worn camera shall maintain their body-worn cameras and are responsible for proper care and use of the camera.
 - 1. Employees assigned a body-worn camera shall inspect the body-worn camera for any physical damage and ensure the device is in working order at the beginning and end of each shift.
 - 2. Any lost or stolen cameras shall be documented on a memorandum and entered into Blue Team by selecting the Incident Type “Employee Reported Activity.” Cameras suspected of being stolen shall also be documented on an Incident Report.
 - a. Employees shall forward the Blue Team entry with the memorandum attached through their chain of command to the division commander for review.
 - (1) If the division commander determines the BWC was lost or stolen due to the employee’s own negligence or in an attempt to conceal video footage, an internal complaint shall be entered in Blue Team, as specified in Office Policy GH-2, *Internal Investigations*.
 - (2) The division commander shall attach the employee’s memorandum to the Blue Team entry and document the details of their findings.
 - b. Division commanders shall forward the Blue Team entry to the Early Intervention Unit (EIU) for retention and carbon copy the BWC Program Administrator.
 - (1) The BWC Program Administrator is responsible for documenting the lost or stolen BWC in the inventory database.
 - (2) If the BWC is found, a follow-up memorandum shall be submitted to the BWC Program Administrator.
 - 3. Any damaged or non-functioning equipment shall be documented by the employee on a *Body-Worn Camera Equipment Return* form and forwarded to their supervisor or designee.
 - a. The supervisor shall review the completed *Body-Worn Camera Equipment Return* form to ensure all required fields are completed:
 - (1) The supervisor shall submit the damaged BWC to include any detached broken components with the completed *Body-Worn Camera Equipment Return* form through interoffice mail, to the Training Division BWC Unit; or
 - (2) If the damaged BWC cannot be mailed interoffice, the BWC Unit shall be contacted to schedule an appointment to drop off or exchange the damaged or non-functioning equipment.
 - (3) If a supervisor determines the damage was caused by negligence, the supervisor shall enter an internal complaint in Blue Team.

- b. A memorandum may be requested by the BWC Program Administrator or designee, depending upon the cause and/or type of damage.
 - 4. Employees shall not remove, dismantle, or tamper with any hardware/software component of the body-worn camera.
 - B. The Program Administrator shall provide each division with a supply of auxiliary cameras to utilize in the event that an issued camera is lost, stolen, damaged, or non-functioning. The Program Administrator shall maintain a record of auxiliary cameras at each division.
 - 1. The division commander, or designee, shall maintain an inventory of the auxiliary cameras assigned to their division and maintain a check-out log sheet that shall be reviewed daily.
 - 2. If an employee cannot use their originally-issued camera, they shall check out an auxiliary camera prior to going on duty. If the need for an auxiliary camera arises during a shift, the deputy or supervisor shall immediately contact their supervisor or in the case of a supervisor, they shall contact another supervisor, to advise them of the circumstances and to receive direction for obtaining an auxiliary camera.
 - 3. The division's designated BWC Administrator or supervisor shall be responsible for assigning and un-assigning the auxiliary camera to the employee while logged into Evidence Sync.
 - 4. The division's designated BWC Administrator or supervisor shall document the issuance of the auxiliary camera along with a brief description of the reason for the issuance on the daily shift roster.
 - 5. The auxiliary camera shall be used until the originally-issued camera is operational.
- 5. **Use of Body-Worn Cameras:** Deputies, deputy services aides, and supervisors shall advise the Communications Division personnel upon the initiation of an investigation or law enforcement activity, as specified in Office Policy GI-1, *Radio and Enforcement Communications Procedures*. The Communications Division personnel shall enter the information announced by deputies, deputy services aides, and supervisors into the Computer-Aided Dispatch (CAD) system. For the purposes of this Office Policy, when referring to supervisors and the use of the body-worn cameras, the term supervisor shall encompass those patrol supervisors holding the rank of lieutenant and below.

A. Activation of Body-Worn Camera

- 1. **Deputies and supervisors shall place the body-worn camera in Event Mode as soon as the decision to stop a vehicle is made. This activation should occur immediately upon the observance of a traffic violation or other activity that prompts the deputy to perform a law enforcement action.** Once the body-worn camera is activated, deputies and supervisors shall continue to record until the completion of the traffic stop. The traffic stop will be considered completed when the motorist is released from the scene and the deputy or supervisor clears the call through the Communications Division as "10-24, Assignment Completed." The use of a body-worn camera shall be documented in all IRs and noted on all traffic receipts, if applicable, as specified in this Office Policy.
- 2. Deputies, deputy services aides, and supervisors shall place the body-worn camera in Event Mode during investigative or law enforcement activities that involve calls for service or

interacting with members of the public, unless exigent circumstances make it unsafe or impossible for the deputy to do so; officer safety is the primary concern.

- a. If exigent circumstances prevent a deputy or supervisor from activating the body-worn camera prior to responding to a call for service or interacting with a member of the public, they shall do so as soon as the exigency subsides.
 - b. Once a body-worn camera is activated, deputies and supervisors shall continue to record until the completion of the event or until they have left the scene, unless circumstances warrant deactivation of the body-worn camera, as specified in Procedure 5 of this Office Policy.
3. Deputies, deputy services aides where applicable, and supervisors are required to use a body-worn camera to record activities which include, but are not limited to:
- a. All calls for service, to include:
 - (1) Telephone contacts with members of the public related to calls for service.
 - (2) The speakerphone function shall be activated during the contact in order to capture the audio on the BWC.
 - b. Voluntary contacts or encounters that a deputy would reasonably believe may escalate into a Fourth Amendment event;
 - c. Transport of any prisoner or member of the public for any reason;
 - d. Pursuit or emergency driving;
 - e. Initiating and conducting traffic stops;
 - f. Contact with members of the public to confirm or dispel a suspicion that the person may be involved in criminal activity as a suspect, victim, or witness (the victim of a sexual assault can request the body-worn camera be deactivated);
 - g. Detentions and arrests, until the person detained is no longer in the deputy's custody;
 - h. Impaired driver investigations;
 - i. Accident scenes;
 - j. Extra-duty/Off-duty employment;
 - k. Searches of one's person, property and/ or vehicles, including:
 - (1) Incident to Arrest;
 - (2) For Officer Safety when accompanied by reasonable suspicion;
 - (3) Protective sweep;

- (4) Terry Frisk;
 - (5) Probable Cause;
 - (6) Probation/Parole;
 - (7) Consent; and
 - (8) Inventory/vehicle inventory pursuant to a tow or arrest.
- l. When securing, inventorying, or releasing a vehicle to a tow truck company;
 - m. Statements made by suspects, victims, and witnesses (For statements by victims of sexual assault, deputies and supervisors shall notify the person that he is recording the statement and ask if the person wants the body-worn camera to be turned off.);
 - n. Any encounter with a member of the public that did not begin as a 4th Amendment event that become confrontational after the initial contact;
 - o. Advising of Miranda Rights;
 - p. Upon the order of a higher-ranking Office employee; and
 - q. When speaking with a supervisor during any of the above-listed events, unless it involves a tactical briefing, as specified in section 5.B.1.b.
- 4. Deputies, supervisors, and deputy services aides assigned a body-worn camera, arriving to a scene as a second unit or assisting deputy shall place their body-worn cameras in Event Mode immediately upon arrival, unless exigent circumstances make it unsafe or impossible to do so.
 - a. If exigent circumstances prevent a deputy, deputy services aides, or supervisor from activating the body-worn camera immediately upon arriving to a scene, they shall do so as soon as the exigency subsides.
 - b. Deputies, deputy services aides, and supervisors arriving to a scene shall continue to record until the completion of the event or until they have left the scene, unless circumstances warrant deactivation of the body-worn camera, as specified in procedure 5 of this Office Policy.
 - 5. When a body-worn camera is in Event Mode, all other Office employees on scene shall be advised as soon as practical that the device has been activated.
 - 6. Deputies, deputy services aides, and supervisors are not obligated to inform members of the public on scene of the use of a body-worn camera. If asked by a member of the public, the deputy or supervisor shall state that the body-worn camera is in use.
- B. Deactivation of the Body-Worn Camera:
- 1. Deputies, supervisors, and deputy services aides assigned a body-worn camera, where applicable, shall deactivate a body-worn camera for the following reasons:

- a. During meetings involving undercover operations or with any undercover deputies or confidential informants, as specified in Office Policy ED-2, *Covert Operations*;
- b. During discussions involving tactical briefings, including but not limited to, incidents by Patrol Units, detectives, Tactical Operations Unit (TOU), Special Response Team (SRT), Special Investigation Division, Major Crimes Division and the Criminal Intelligence Division;
 - (1) Tactical briefings are limited to patrol, specialty, and investigative units where sensitive investigative operations or tactics are discussed.
 - (2) Tactical briefings by patrol deputies and their supervisors include situations that may require the response of a specialty or investigative unit, if sensitive investigative operations or tactics are discussed. Tactical briefings may also include but are not limited to, a barricade or hostage situation.
 - (3) Discussions by patrol deputies and their supervisors relevant to traffic stops or calls for service while on scene are not considered tactical briefings and should not be deactivated. When in doubt, continue to record. A request for redaction can be submitted if necessary.
- c. When responding to a hospital, medical, or psychological setting, unless interacting with a suspect;
- d. When securing or waiting on a scene for detectives, or other such events where contact with the public has ended. In the event a member of the public returns to the scene, the deputy shall place the BWC back into event mode;
- e. When questioning is occurring in an interview room that is recorded by another means;
- f. During discussions with juveniles, except during or as part of a law enforcement investigation, as specified in the Parents' Bill of Rights, Arizona Revised Statutes (ARS) 1-602(9);
- g. When detaining an individual for questioning, such as during an impaired driver investigation, the individual has the right to consult with an attorney in private. When this request is made, employees shall deactivate their body-worn cameras and they shall verbally record the reason for deactivation. Prior to deactivating the body-worn camera, the deputy may state, "I am deactivating my BWC due to attorney-client privilege."
 - (1) Deactivation of the body-worn camera shall be documented in the IR.
 - (2) Neither the deputy nor the body-worn camera should be able to monitor the confidential communications of the detained individual and their attorney.
 - (3) In extraordinary circumstances involving officer safety, such as an individual exhibiting active aggressive behavior that would impede an investigation, the deputy may refuse to grant an individual their right to

consult an attorney. The deputy's body-worn camera shall remain in event mode and shall continue to record the investigation.

- (i) Immediately upon the extraordinary circumstances subsiding, the deputy shall grant the individual their right to consult with an attorney and shall deactivate their BWC as specified in this Office Policy.
 - (ii) Deputies shall document the facts supporting the denial or delay of consultation with an attorney in their IR and shall notify their supervisor of any refusal, as soon as practical.
- (4) When the individual has completed their call with the attorney, the deputy shall place the body-worn camera in event mode.
- h. When entering locker rooms, restrooms, or any other place where there is a reasonable expectation of privacy, unless in furtherance of a criminal investigation or call for service;
 - i. While inside a court facility including courtrooms, except during critical incidents;
 - j. When a crime scene is being processed by an investigative unit or the Scientific Analysts Division in which the scene is secured and absent of public contact. In the event a member of the public returns to the scene, the deputy shall place the BWC back into event mode; and
 - k. During a tow truck standby where contact with the public has ended, and the person has been released and is no longer on scene. In the event a member of the public returns to the scene, the deputy shall place the BWC back into event mode.
2. When deputies, deputy services aides, and supervisors encounter or are summoned by a person claiming to be a victim of a sexual assault, deputies, deputy services aides, and supervisors shall notify the person that they are recording the encounter and ask if the person wants the body-worn camera turned off.
3. In extremely limited circumstances where a deputy or deputy services aide must deactivate a body-worn camera due to circumstances out of the employee's control such as, but not limited to, entering a military base or criminal intelligence area that prohibits filming. Deputies and deputy services aides shall advise their supervisors of such action.
4. Deputies, deputy services aides, and supervisors shall verbally record the reason for deactivation prior to turning off the body-worn camera. This shall also be documented in the IR. As an example, the deputy may state, "I am deactivating my body-worn camera as I will be interviewing a victim of sexual assault" or "I am meeting with undercover deputies" or "I am entering a military base which prohibits filming" or "I am deactivating my camera due to attorney-client privilege."
5. Deputies, deputy services aides, and supervisors are responsible for returning the body-worn camera to Event Mode when the circumstances require such action.
6. The public, to include victims, with the exception of sexual assault victims upon their request, will be recorded. If the public or victim requests the deactivation of the body-worn

camera, the deputy or supervisor shall state the following: “In accordance with Office Policy, I may not deactivate my body-worn camera. I must continue with my interview/investigation with the camera on. If you choose not to participate in my interview/investigation I will proceed and take necessary law enforcement action based on the information that I currently have available.”

- a. Employees shall take into consideration the relevant facts prior to making a decision not to record public or victim interviews in cases where the public or victim continues to refuse to be recorded and their cooperation is beneficial to the investigation.
 - (1) Employees shall make a good faith effort to gain cooperation.
 - (2) Employees shall consider the totality of the situation.
- b. If all attempts to record have been exhausted, employees shall do the following:
 - (1) Employees shall verbalize, on the recording, the reason(s) they are about to deactivate the body-worn camera. This shall also be document in the IR.
 - (2) Employees should be cognizant that the public or victim may be revealed as a suspect at any point in the investigation and may require the activation of the BWC in order to record the interview. In such circumstances, a deputy shall re-activate the BWC at such time that a deputy would reasonably believe the interview may escalate into a Fourth Amendment event.

C. Use Restrictions:

- 1. Employees shall not surreptitiously record conversations involving other employees, unless the creation of a body-worn camera recording is in furtherance of an official investigation or prior approval for the creation of a recording has been obtained from a bureau chief, or designee, as specified in Office Policy CP-2, *Code of Conduct*.
- 2. Employees shall not intentionally intercept a conversation or discussion at which they are not present or aid, authorize, employ, procure, or permit another to do so without the consent of a party to such conversation or discussion, in accordance with ARS 13-3005.
- 3. Employees shall not replace or attempt to replace evidence and reenact the discovery of evidence, for the sole purpose of recording the discovery location, in the event the body-worn camera had not been placed in the Event Mode and the employee had already discovered and secured the evidence. In instances when the body-worn camera was not placed into Event Mode, the body-worn camera shall be placed in the Event Mode as soon as possible. Information regarding the discovery location of the evidence and the circumstances regarding the activation of the BWC shall be documented in an *Incident Report (IR)*.
- 4. Deputies and supervisors may use the Axon View application on their Office issued smartphones. The use of the application is limited to adding notes/remarks/comments using an Office issued smartphone. This application shall not be used to tag videos, upload videos to any device, upload videos to social media or the internet.

- D. Extra-duty/Off-Duty Employment: Deputies and supervisors holding the rank of lieutenant and below, who are engaged in law enforcement extra-duty/off-duty employment shall have a body-worn camera. If one is not currently assigned or inoperable, deputies and supervisors holding the rank of lieutenant and below shall check-out a body-worn camera from the nearest substation and return the camera the same day. All procedures regarding body-worn cameras shall be followed, as specified in this Office Policy while engaged in extra-duty/off-duty employment.
1. Deputies and supervisors holding the rank of lieutenant and below working extra-duty/off-duty in a non-uniformed capacity shall have a body-worn camera, unless the job posting in the Off-Duty Management (ODM) application states a BWC is not required.
 2. Supervisors shall include their subordinate's extra-duty/off-duty employment body-worn camera traffic stop recordings as part of their monthly review requirements, as specified in this Office Policy.
 - a. Deputies in a non-patrol assignment, that report to a sworn supervisor, shall notify their supervisor of any traffic stop related extra-duty/off-duty employment BWC video that is created during their shift, for monthly review, as specified in this Office Policy.
 - b. Deputies in a non-patrol assignment, that report to a civilian or detention supervisor, shall notify the sworn administrative supervisor of the respective district, in which the extra-duty/off-duty employment occurred, of any traffic stop related extra-duty/off-duty employment BWC video that was created during their shift, for monthly review. The sworn administrative supervisor for that district shall be responsible for reviewing any traffic stop related BWC video, as specified in this Office Policy.
- E. Deputies and supervisors holding the rank of lieutenant and below wearing their full uniform and operating a fully marked patrol vehicle, whether on or off-duty, and capable of taking law enforcement action, or making traffic stops, shall be equipped with a body-worn camera at all times.
- F. Employee Discipline: Deputies, deputy services aides, and supervisors who fail to activate and use their body-worn cameras, as specified in this Office Policy, or who fail to notify their chain of command and Program Administrator of lost, stolen, damaged, or non-functioning equipment shall be subject to discipline, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*.
- G. Placement of Body-Worn Cameras:
1. Employees shall wear the body-worn camera mounted (with an Office issued Axon magnetic mount or approved alternative mounting system) facing forward, on the chest, above the navel area and below the neckline.
 2. The device shall be worn where it is easily accessible to use the various functions on the Controller Unit.
 3. The device shall be worn on the outermost clothing or gear (to include seatbelts) to ensure neither the camera nor microphone is blocked to prevent the distortion of playback of video or audio;
 4. Bureau chiefs may approve an alternate mounting position and/ or equipment for specialty units that are appropriate for the equipment used, specific to their assignment. Alternative

mounting positions and/or equipment may also be approved for employees requiring a medical accommodation.

6. **Documentation of Body Worn Cameras Use:**

- A. The use of body-worn cameras shall be documented in all of the following situations:
 - 1. Noted on all TraCS forms where applicable;
 - 2. Documented by all the assisting employees and volunteers assigned a body-worn camera on the *Assisting Employee and/or Volunteer* form located in TraCS during a traffic stop, regardless if an IR is required or not;
 - 3. Documented in IRs; and
 - 4. Noted within CAD when no IR is required.
- B. The reasons for any non-use, interruptions, or deactivation in the recording prior to the completion of an event shall also be documented as specified in section 5.B.4.
- C. Employees may use body-worn camera recordings to assist with all investigations and to complete all reports, other than recordings of critical incidents. Employees who review a body-worn camera recording to prepare an IR shall document that review in the report.

7. **Critical Incident Procedure –Investigative Interviews:**

- A. In the event of a critical incident, employees creating the recording shall not view any recordings prior to completing and submitting the appropriate reports and being interviewed by administrative investigators. Under exigent circumstances, this requirement does not prevent review of a recording when viewing it will assist with the apprehension of fleeing suspects.
- B. Only an on-scene investigator or supervisor, not involved in the critical incident, shall be responsible for:
 - 1. Securing the employees body-worn camera if the employee was involved in the critical incident; and
 - 2. During the review/analysis period, the employee shall be provided an auxiliary camera. The issuance of an auxiliary camera shall be coordinated with the division commander, or designee.
- C. Once the initial administrative interview of the employee under investigation has been conducted, the administrative investigator shall provide the employee with an opportunity to review the recording.
 - 1. This shall occur prior to the conclusion of the interview process.
 - 2. The administrative investigation is not completed until after the employee under investigation has an opportunity to view the recorded video and provide any further information regarding the footage that the employee believes is relevant.

3. If the employee under investigation chooses to review the recording, the administrative investigator shall read the following statement to the employee, prior to showing the recording, as specified in ARS 38-1116:

Video evidence has limitations and may depict events differently than you recall. The video evidence may assist your memory and may assist in explaining your state of mind at the time of the incident. Viewing video evidence may or may not provide additional clarity to what you remember. You should not feel in any way compelled or obligated to explain any difference in what you remember and acted on from what viewing the additional evidence provides you.

4. Following the review of the video recording, the principal shall be given the opportunity to provide the investigator information they believe is relevant to the administrative investigation.

8. **Storage and Retention:**

- A. All body-worn camera recordings shall be retained and stored in the corresponding www.Evidence.com account.
- B. At the end of each shift, employees should place the camera and controller into the Evidence Transfer Manager (ETM) docking station to transfer the data into www.Evidence.com; supervisors shall ensure that deputies who dock cameras at their district have properly placed the camera in the ETM and that the camera is charging and uploading data. In the event an employee is unable to dock their BWC at the end of their shift, it shall be docked within 24 hours.
 1. The tagging of body-worn camera recordings with specific data elements, taken from CAD, is compiled automatically on a daily basis. The data elements include the deputy's first and last name, serial number, vehicle number, IR number if applicable, IR time if applicable, CAD event number, radio code type, district, beat, and call start and end time.
 2. The camera shall not be removed from the ETM (docking station) until the recordings are uploaded and the battery is fully charged. This process clears the existing recordings from the camera memory.
 3. Employees shall not erase, alter, or tamper with any camera or collected recordings.
- C. Employees requesting the redaction of a recording or portion of a recording due to inadvertent activation or continuation of Event Mode, including body-worn camera recordings, as specified in this Office Policy, shall submit a memorandum of explanation through the chain of command to their division commander for approval. Examples of reasons for a redaction request are specified in section 5.B.
 1. The division commander shall review the identified portion of the recording to verify the explanation of the redaction request; if he approves the request, the division commander shall forward the memo to the bureau chief for secondary approval.
 2. The bureau chief shall conduct a secondary review of the recording to verify the explanation of the redaction request; if he approves the request, the bureau chief shall forward the memo to the BWC Program Administrator to complete the request through the corresponding www.Evidence.com account.

3. The memo of explanation shall be retained by the BWC Program Administrator for three years.
 4. This provision does not apply to body-worn camera recordings created during traffic stops. Traffic stop video recordings shall not be deleted through any procedures until the period of time specified in this Office Policy has elapsed.
- D. All body-worn camera recordings shall be uploaded and maintained in the corresponding AXON's Evidence.com account, as specified in the approved retention schedule; if the recorded event results in a notice of claim, civil litigation, criminal investigation, or investigation by the Office, the recording shall be maintained for one year after the final disposition of the matter, including appeals. In all cases, the longest retention requirement shall control.
- E. With approval from the Sheriff or designee or the Training Division's Bureau Chief, the Training Division may use video captured by the body-worn camera for training purposes unless it hinders an administrative or criminal investigation.
9. **Dissemination:** All body-worn camera recordings of investigative or enforcement actions related to the course and scope of employment made with a body-worn camera are the property of the Office and are considered public records. Employees shall not:
- A. Disseminate body-worn camera recordings unless approved by the division commander or bureau chief. This prohibition does not apply to dissemination following Office Policy for a public records request, as specified in Office Policy GF-3, *Criminal History Record Information and Public Records*;
 - B. Access or release any recording for any reason other than official law enforcement purposes;
 - C. Duplicate any recording for personal use;
 - D. Duplicate any recording by using a secondary recording device such as a mobile phone camera, digital camera, video camera, audio recording device, or other device capable of making audio and/or visual recordings; or
 - E. Tamper with, erase, delete, alter, or destroy any body-worn camera recording. Nor shall an employee intentionally, inappropriately categorize a body-worn camera recording or knowingly take actions to prevent a recording from being viewed or downloaded; and
 - F. Upload recorded data onto a public or social media website.
10. **Employee Review Responsibilities:** On at least a monthly basis, all employees using a body-worn camera and who upload information to evidence.com shall connect their camera to Evidence Sync to ensure there are no videos left on the device after the device indicator has turned solid green on the ETM.
- A. If a video is found on the BWC after a video has uploaded to evidence.com, then employees shall upload the evidence to Evidence Sync through a provided USB cable.
 - B. If a video is detected that is missing either or both ID and Category Information, the employee shall research the video and manually input the missing information into Evidence.com.

11. **Untagged BWC Video:** The Body-Worn Camera Administrator, or designee shall be responsible for reviewing all uploaded BWC video to ensure each item's Identification (ID) is marked with a Maricopa County (MC) number, if applicable and tagged correctly.

12. **Supervisor Review Responsibilities:** On a monthly basis, patrol supervisors shall conduct the following:
 - A. Supervisors shall conduct two random reviews of traffic stop video footage from each subordinate's body-worn camera recordings. Given the extensive amount of time spent on a minute-by-minute video review of traffic stops resulting in certain types of arrests or investigations, the review of traffic stop video footage may be conducted as follows:
 1. Supervisors may review the video recording portion only related to the start of the initial traffic stop until an arrest is made when the traffic stop involves a DUI investigation, warrant arrest, or other criminal arrests resulting in the subject being taken into physical custody. The supervisor shall document the start and stop time stamps of the video recording portion reviewed in their Blue Team entry; or
 - a. If misconduct is identified during any portion of the shortened video review, the supervisor shall review the video in its entirety.
 - b. Misconduct shall be reported, as specified in this Office Policy.
 2. Supervisors shall review the traffic stop video recording in its entirety when the traffic stop does not result in an arrest and a subject is not taken into physical custody, such as a cite and release for a criminal traffic violation where the motorist is released from the scene.
 - B. Supervisors shall conduct one monthly review of all videos under the subordinate's device (camera) to ensure all videos have ID numbers, if applicable and categories associated per CAD Integration; and
 - C. Supervisors must review a subordinate's body-worn camera recordings in relation to a complaint, an investigation, a pursuit, or critical incident. A review of videos in relation to a complaint or an investigation, a pursuit, or critical incident shall not be considered as the monthly review of a randomized video.
 1. The methodology and checklist for consistently reviewing body-worn camera recordings can be found at the following shared drive location; M:\BIO\ Audits and Inspections Unit\Methodologies and forms.
 2. The monthly reviews shall be documented in the EIS Blue Team Supervisor Notes application. The supervisor shall access the following:
 - a. The deputy performance and training needs;
 - b. Policy compliance;
 - c. Consistency between written reports and body-worn camera recordings; and
 - d. Whether the camera was functioning properly and its use was consistent with this Policy.

3. If multiple deputies or deputy services aides are on scene, the supervisor is only required to review the video from the employees' body-worn camera that is part of the randomized review. If the supervisor sees conduct or actions that require further review or a different view of the incident being evaluated, the supervisor shall review another deputy's or deputy services aide's video in order to complete a thorough evaluation.
 4. Deficiencies found during the supervisor review shall be noted in Blue Team under Supervisor Notes, along with the action taken to address the deficiencies. Supervisors are required to report misconduct observed during body-worn camera reviews, to the Professional Standards Bureau (PSB) through Blue Team, in addition to any Supervisor Notes completed through EIS. Actions to be taken by the supervisor may include: direct observation, training, coaching, or discipline, as specified in Office Policy GH-5, *Early Identification System*.
 5. If during the supervisor review, a supervisor observes employee misconduct, the supervisor shall follow the procedures, as specified in Office Policy GH-2, *Internal Investigations*.
 6. Supervisors are encouraged to alert the Training Division through their chain of command regarding recordings they deem would improve training programs. This may include video clips of recommended behaviors, as well as examples of poor decisions and conduct that should not occur, unless the video recording is part of a misconduct investigation or reported act of misconduct.
 7. If the supervisor detects a video from a subordinate that is missing either or both ID and Category Information, the supervisor shall have the subordinate research their own video and manually input the missing information into Evidence.com.
13. **Supervisor Responsibilities During Administrative Investigations:** PSB requires that all supervisors assigned to conduct an administrative investigation in which a body-worn camera was used shall complete the following:
- A. Download all reviewed body-worn camera videos onto a DVD/CD and submit the DVD/CD with the completed hard copy of the administrative investigation to the PSB.
 - B. Label the DVD/CD with the following:
 1. Internal Affairs (IA) number;
 2. Associated IR and MC number;
 3. Deputy's name and serial number; and
 4. Date and time of the video.
14. **Incident Type Status Change:** In the event that an incident type changes status during the course of an investigation from the original radio code, the case agent or supervisor shall make the change in Evidence.com when updating the case in TraCS, CAD, or any other format.
15. **Program Administrator Responsibilities:** The Program Administrator shall:
- A. Ensure deputies, deputy services aides, and supervisors are assigned fully functional body-worn cameras and maintain a record of inventory;

- B. Document malfunctions and equipment failures, and replace devices as necessary;
 - C. Provide user training;
 - D. Evaluate and review policy and procedure and its effectiveness within six months of implementation of the Body-Worn Camera Program, and annually thereafter;
 - E. Develop and updating user profiles in the Evidence.com system;
 - F. Establish and update event categories (these categories are associated with the search and retention functions of Evidence.com);
 - G. Ensure video files are secured and retained, as specified in the approved retention schedule, criminal trial or civil litigation, or investigation by the Office; and
 - H. Ensure video files are reviewed and released in accordance with federal and state statutes, court orders, and Office Policy.
16. **Public Records Requests and Release of Information:** The review and release of body-worn camera recordings pursuant to public records requests shall be in accordance with applicable federal and state statutes, court orders, and Office Policy, including Office Policy GF-3, *Criminal History Record Information and Public Records*.