



**RAPID CITY POLICE DEPARTMENT  
RULES AND PROCEDURES**



<b>POLICY NO.:</b> 514-07	<b>SECTION:</b> Patrol Equipment	<b>PAGE NO.:</b> 1 OF 5
<b>ORDER NO.:</b>	<b>SUBJECT:</b> Body Worn Camera Recording Technology	
<b>SUPERSEDES:</b> 09-04	<b>EFFECTIVE:</b>	<b>APPROVED BY:</b> Chief of Police Karl Jegeris
<b>CALEA STANDARDS:</b> 41.3.8, 83.2.2		

**POLICY:** This Rapid City Department Policy is intended to identify the procedures and practices applied to the lawful use of Body-Worn Cameras, hereafter referred to as BWC.

**A. PROCEDURES FOR BWC USE**

1. BWC equipment is issued to uniformed personnel who are working in a first responder capacity as authorized by this agency. Officers who are assigned BWC equipment must use the equipment while on duty, unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only BWC issued by this Department.
3. All officers assigned BWCs shall be trained in the use of the technology and this policy.
4. BWC equipment is the sole property of the agency, but is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
5. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Officers are not required to notify the public they are being recorded.
7. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his or her designee.
8. Officers shall note the incident, arrest, and related reports when recordings were made during the incident in question and tag the video accordingly. However, BWC recordings are not a replacement for written reports.
9. Officers shall ensure and confirm that BWC data transfer has been completed before the end of their shift, or at the end of an assigned duty/event.

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**B. ACTIVATION AND DEACTIVATION REQUIREMENTS**

1. Officers assigned to wear BWCs should activate their equipment during law enforcement related contacts and related activities, including the following:
  - a. Traffic stops
  - b. Vehicle and foot pursuits
  - c. Suspicious vehicles
  - d. Arrests and transports
  - e. Searches and receipt of consent to search
  - f. Any physical or verbal confrontations and/or use of force
  - g. Subject stops
  - h. DUI investigations
  - i. Domestic violence calls
  - j. Statements made by individuals in the course of an investigation or complaint
  - k. Advisement of Miranda rights
  - l. Seizure of evidence
  - m. Any other encounter with the public where video evidence would be useful.
2. The activation process may involve instances when the patrol officer is unable to take immediate and decisive action with enabling the BWC to record the activity due to safety concerns. Patrol officers shall respond to the safety concern with delay of BWC activation until the safety concern has passed and the patrol officer can safely initiate activation.
3. After activation of the BWC, officers are expected to continue recording all activities and interactions with the immediate citizen and any involved public until the end of the communication and upon the officer leaving the scene of interaction with expectation of no further contact.
4. When appropriate, officers should narrate important facts and observations as they occur.
5. Prior to deactivating the recording, the officer should record a short verbal reason for the deactivation as documentation it is over.
6. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document in a written report or verbally why a recording was not made, was interrupted, or was terminated.
7. If the officer deems it to be in the best interest of justice, they will have the option to deactivate the BWC during interview situations when members of the community refuse to allow a recorded interview.

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**C. RESTRICTIONS ON USING THE BWC**

1. BWCs shall be used only in conjunction with official law enforcement duties. The BWC should not be used to record:
  - a. Casual or non-call related conversation between Department employees;
  - b. Encounters with undercover officers or confidential informants;
  - c. When on break or otherwise engaged in personal activities; or
  - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room; unless the activation is for the purpose of official law enforcement activity;
  - e. Any search which includes partial or complete nudity, for example, urinalysis collection;
  - f. Officers will only use the BWC in patient care areas of a healthcare facility when the recording is for official purposes and caution should be used to record only the parties involved in the event being investigated.

**D. DATA REVIEW**

1. Recordings may be reviewed in any of the following situations:
  - a. For use when preparing reports, statements, or for court room testimony, unless it is determined to have “Restricted Access” by the Chief of Police or authorized designee;
  - b. By a supervisor investigating a specific act of officer conduct;
  - c. By a supervisor to assess officer performance;
  - d. By a supervisor following a critical incident;
  - e. By an investigator who is participating in an official investigation;
  - f. To assess proper functioning recording technology;
  - g. For official training purposes;
  - h. Designated personnel from the State’s Attorney’s Office and City Attorney’s Office will be authorized to view and request exported copies of recordings for legal proceedings;
  - i. By authorized court personnel through proper process or with permission of the Chief of Police or authorized designee;
  - j. Upon authorization of the Chief of Police or authorized designee.
2. An audit trail will be created to track all access to recordings by the data system.
3. No Rapid City Police Department employee will access or obtain data for personal use.
4. Only the Chief of Police, Records Custodian, or designee, may authorize release of data to the public, unless court ordered.

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### **E. DATA STORAGE AND RETENTION**

1. The Rapid City Police Department Records Section will manage the storage, duplication, and dissemination of recordings. The software will maintain a chain of custody for each recording.
2. All BWC data is the property of the Police Department and the City, which shall be preserved and retained in accordance with state law and department evidence protocols. The BWC data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of this agency.
3. All recordings will be preserved. Designated personnel from the States Attorney's Office will be authorized to view and request copies of recordings for legal proceedings.
  - a. Recordings of routine traffic stops, searches and miscellaneous categories will be stored for a minimum of 30 days.
  - b. Recordings of arrests and pursuits will be stored for a minimum of 60 days.
  - c. Long term storage will be required in the following situations:
    - (1) Homicide investigations;
    - (2) Officer involved shootings
    - (3) Vehicle pursuits resulting in obvious serious injury crashes;
    - (4) Fatality crashes;
    - (5) Significant incidents at the direction of a supervisor or investigator.
4. Accidental or inadvertent recordings may be manually deleted by the system administrator with appropriate supervisory approval.

### **F. DATA RELEASE**

1. South Dakota State Law SDCL 1-27-1.5 addresses law enforcement records. Records developed or received by law enforcement agencies are not subject to inspection and copying; however, records can be released if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.
2. The Records Sections reserves the right to prevent disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information about the victim, and to be notified of any request for such information or records.
3. The Records Section is responsible for the distribution of police records. A formal request to review or obtain documented video footage of an officer incident must be filed with the department and contain the day and approximate time of the stop along with the name of the officer, if available.

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4. The Records Custodian shall have 10 days from the date of the BWC video request to make a determination and may notify the applicant in writing. If additional time is needed to consider the request, the Records Custodian may notify the applicant in writing.
5. With permission from patrol shift commanders, supervisors may allow the public to view BWC footage in an authorized setting.

**G. POLICY REVIEW**

1. This policy will be reviewed on an annual basis, by a team designated by the Chief of Police.