



**Salem Police  
Department**

**General Order 0218**

**SUBJECT: Body Worn Audio Video Recorders**

**Revision Date:** 04/21/2015

**Effective Date:** 01/01/2011

**Review Date:** Annual

  
Tim Guthrie, Chief of Police

**Amends/Supersedes:** 2015.02.01, 2013.08.19, New Policy

**VLEPSC Standards:**

**NOTE**

This order is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial setting.

**I. POLICY**

It shall be the policy of the Salem Police Department to attempt to record the interaction between officers and the public which may be used as evidence or to document situations that may call into question citizen or officers' conduct. Recordings may be audio or video or both mediums. No Department employee shall record a conversation with or between other Department employee(s), at any time without the knowledge of the other employee(s).

**II. PURPOSE**

The purpose of this directive is to ensure that relations among officers, and between officers and the public, are maintained according to the highest standards of professional police practices. It will also encourage and enhance open communication as well as avoiding any appearance of impropriety.

**III. PROCEDURE**

**A.** All Officers are equipped with a body worn audio/visual recorder (BWAVR). In *Pennsylvania vs. Muniz*, the U.S. Supreme Court held that an officer has the right to observe what the officer can see as long as the officer has a legal right to be present. It follows that if an officer may observe, an officer also has the right to photograph or videotape. A

recording is considered to be “one party consent”. The body worn Audio/Visual recording system is used to accomplish several objectives including:

1. Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and testimony in Court.
  2. The enhancement of the ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, and officer evaluation and training.
- B.** All officers are to inspect the body worn audio/visual recording system for damage and functionality. Officers are not authorized to make repairs or adjustments. If any damage is found, repairs are needed, or if the unit is not working, officers shall notify the Chief of Police or his/her designee by means of a memo.
- C.** Officers are to exercise reasonable care with video equipment. Cameras should be checked periodically to insure that they are properly worn and adjusted, and that the lanyard is attached to uniform.
- D.** The video system shall be powered on whenever any uniformed sworn officer or supervisor is on duty, or working in an overtime assignment. The officer shall manually activate the recording device when he/she exits his/her vehicle for a call and with any citizen contact excluding casual conversation. Once activated, all events will be recorded, both audio and visual. Officers will wear the BWAVR clipped on the center of the shirt. The lanyard will be worn inside the shirt and connected to the officer’s vest to protect the BWAVR from being pulled loose.
- E.** Download and Storage of Recorded Media: Each individual officer assigned a body camera will be responsible to download the digital media from his assigned camera. All digital media recorded via the body camera is considered non- evidentiary until deemed otherwise.
1. Non Evidentiary Media
    - a. Each officer will remove the digital media card from their assigned camera at the end of their last assigned, or worked, night shift of the four week cycle or sooner depending on events recorded.
    - b. Once removed, each officer will package their media card in a provided envelope. The officer will label the envelope with the following information.
      - 1) Officer’s Name
      - 2) Officer’s PIN
      - 3) Date Range of Media
    - c. Once packaged, the officer will submit the media card to the on duty supervisor and in return, be issued a blank media card for use.

- d. Prior to the end of shift, the supervisor will place the packaged media card in the locked storage box located in the Patrol Division to be held for retrieval by Technology Systems. The supervisor will document pertinent information on the Body Camera Media Card Return Log, SPD 382, which is also located in the Patrol Division.
- e. Technology Systems will (using the key provided to them by the Services Division) retrieve the media cards from the locked box for processing/storage. The Technology Systems staff member who retrieves the media card(s) will document the pertinent information on the Body Camera Media Card Return Log, SPD 382 for each card retrieved and taken into their possession.
- f. Technology Systems will give the returned “clean” media cards to the on duty supervisor who will place them in the key box located in patrol. If the on duty supervisor is unavailable, the “clean” cards may be left on the supervisor’s desk.

## 2. Evidentiary Media

- a. When an officer identifies media as evidentiary in nature, the officer will remove the digital media card as soon as practicable, and package it as evidence in a provided envelope.
  - b. The envelope will be labeled, following the “Forensic Packaging Guidelines” then placed in the forensic evidence lockers just as other evidence by the end of shift. Officers must identify which portion of the media is evidentiary and is to be saved on the label.
  - c. The media card is to be listed in the property section of the case report.
  - d. Evidence/Forensic Officers will:
    - 1) Burn one disc of the identified media for evidence which will be returned to the officer for the case file.
    - 2) Forensics officer’s will also attach the media to the electronic case file and advise the Detective Supervisor that this was completed.
3. The release of any recording to persons, other than in the court system, is strictly prohibited. Any requests for release should be directed to the Office of the Chief of Police.
4. No employee of this Department is authorized to erase, modify, edit or in any manner tamper with a recording medium. Any employee who erases, modifies, edits or tampers with a recording will be disciplined according to City and Department policies and may be subject to criminal sanctions.

- F.** Officers who are not familiar with the video system shall receive instruction on it from their field training officer or other properly trained person.
- G.** Officers shall record (both visual and audio) all traffic stops and any other incident that falls into the receiving range of the video unit.
- H.** The BWAVR is to be used solely for official law enforcement business. Prohibited non-law enforcement business includes but is not limited to:
  - 1.** Covertly recording other law enforcement personnel;
  - 2.** Recording conversations with a supervisor, council member, judge, court proceeding, or other government employees;
  - 3.** Personal use of BWAVR;
  - 4.** Recording a conversation that the officer is not party to, unless the officer is handling a law enforcement incident and is in a lawful position when the taping occurs.
- I.** Use of the BWAVR may be waived by the Office of the Chief of Police.