



Sioux Falls Police Department

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Policy: Audio / Video Recording Equipment	Related Policies:	Section #: 1000 Operations
		Policy #: 1004
		Effective: 3/2021
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<p><i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i></p>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose:

- 1.1. This policy is created to establish guidelines for the use of the audio and video recording systems by officers of the Sioux Falls Police Department.

2. Policy:

- 2.1. It is the policy of the Sioux Falls Police Department that officers shall use the audio / video recording equipment provided to them in accordance with the procedures set forth in this document.

3. Definitions:

- 3.1. **Audio / Visual (A/V) Recording System** – Any equipment used to capture both audio and / or video footage of calls for service.
- 3.2. **Body Worn Camera (BWC)** - A wearable audio / video, or photographic recording system used to record events in which officers are involved.
- 3.3. **Marked Vehicle** – Any vehicle of the Sioux Falls Police Department that displays the graphics associated with the department and is commonly used for routine assignments.

3.4. Handheld Recording Device – A device used by officers to capture audio recordings of interviews.

4. Procedure:

- 4.1. Marked and certain unmarked vehicles of the Sioux Falls Police Department Uniformed Services Division are equipped with the Getac software system.
- 4.2. All officers and supervisors in the Uniformed Services Division that are engaged in patrol activities will be equipped with a BWC. The BWC is to be worn on an officer's outer uniform or jacket.
- 4.3. The primary purpose of this equipment is to document on-scene investigative procedures for later presentation in court as evidence.
- 4.4. When appropriate, officers should narrate important facts and observations as they occur.
- 4.5. All officers will be trained in the operation and use of a BWC and the in-car A/V system, as well as the contents of this policy.
- 4.6. To ensure proper functioning, all officers will exercise reasonable care with BWC and in-car A/V equipment.
- 4.7. If an officer faces an immediate threat to their safety that makes BWC or in-car A/V activation impossible or dangerous, the officer should activate the BWC or in-car A/V at the first reasonable opportunity to do so.
- 4.8. The BWC and/or in-car A/V system should not be deactivated until an encounter has fully concluded, or the officer is directed by a supervisor to deactivate the recording process. Prior to deactivation, the officer should record a verbal explanation for the deactivation as documentation that the recording process has been suspended or is over.
- 4.9. Officers will log into the Getac software system at the beginning of their shift. In the login tab, officers will ensure that their shift hours, name, identification, and car assignment are correct. After logging into Getac software, the officer will sync their BWC. The officer will ensure their information is correct.
- 4.10. Officers shall inspect and test the A/V recording systems to verify that they are functioning properly. A supervisor shall be notified of equipment malfunctions as soon as possible.
- 4.11. Vehicles in which the A/V recording system is not functioning should be used as a last resort. If the A/V recording system is not functioning, the car will be dead-lined

and an email will be forwarded to Police Fleet detailing the problem. Fleet and/or IT will make the arrangements to repair the system.

- 4.12. After each incident is recorded, the officers will bookmark their audio with the appropriate bookmark, (i.e., Arrest, Camera Test, Case, Cite, and No Case). If the audio is associated with a call for service (CFS), the CFS number shall be placed in the description box in the format, CFS18-123456.
- 4.13. Officers will activate the in-car A/V recording system and BWC prior to arrival on the scene of any call for service. In situations where a phone call is used to handle a call for service, the conversation will be recorded while utilizing the phone's speakerphone function. The system will also be activated while conducting traffic stops, pedestrian stops, and during code 3 responses.
- 4.14. Officers shall not deactivate the A/V recording systems at any time that an officer is making use of the emergency lights and siren.
- 4.15. The A/V recording systems will be activated whenever a contact turns into a verbal/physical confrontation.
- 4.16. In the case of prisoner transports, officers shall switch the software to the rear seat camera so that it captures the prisoner's actions throughout the transport.
- 4.17. It is not necessary to activate the A/V recording system during community policing contacts. However, recording will ensue if a contact escalates into a situation where police intervention may be needed.
- 4.18. Officers should not assume that the primary officer or another officer that is already on the call is recording the situation.
- 4.19. Officers should refrain from "muting" the A/V devices to minimize the appearance of impropriety. Officers will have discretion to "mute" the audio when conversations regarding response tactics, sensitive investigation information or recruit training issues occur. Prior to "muting" the audio, the officer shall provide a narrative that documents the audio interruption.
- 4.20. If the officer fails to activate the A/V recording system, interrupts the recording process, or fails to record the entire contact, the officer shall document in a written narrative why the recording was not made, was interrupted, or was terminated. The narrative shall be placed in the "detail window" of the Call for Service associated to the incident.
- 4.21. Officers shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner mobile video, BWC recordings and/or handheld recordings without prior written authorization and approval of the Chief of Police or designee.

- 4.22. It is strongly recommended that officers use their BWC to activate the A/V recording system. This protocol will help ensure that officers have their BWC on their person and that a descriptive narrative is recorded.
 - 4.23. After each incident is recorded, the officers will bookmark their video with the appropriate bookmark, (i.e., Arrest, Camera Test, Case, Cite, and No Case). If the video is associated with a call for service (CFS), the CFS number shall be placed in the description box in the format, CFS18-123456.
 - 4.24. If an incident report is created and digital photographs or in car video exist, this evidence will need to be noted. The in car video and BWC video will be noted under the Case Info tab. Photos will be uploaded under the Property/Evidence tab of the incident report.
 - 4.25. The bookmark system determines the retention period of the video file. All data, including marked camera tests, will be retained at least 90 days. Data that captures an arrest or citation will be retained for at least 180 days.
 - 4.26. Officers shall upload their video at the end of their shift. If the video does not upload properly, a shift supervisor will be contacted before the end of the officer's shift to determine whether or not a manual upload is needed. All BWCs must be placed in a master dock at the conclusion of an officer's shift.
 - 4.27. Unless authorized by the Chief of Police, Division Commanders, or their designees, accessing video data through the systems internet viewing portal on computers, tablets or smartphones that are outside of the departments network infrastructure is strictly prohibited.
5. BWC Use Restrictions:
- 5.1. A BWC shall only be used in conjunction with official law enforcement duties. A BWC shall not be used to record:
 - 5.1.1. Casual or non-call related conversations between department employees;
 - 5.1.2. Encounters with undercover officers or confidential informants;
 - 5.1.3. When on break or otherwise engaged in personal activities;
 - 5.1.4. 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;
 - 5.1.5. Any search which includes partial or complete nudity. For example, urinalysis collection;

5.1.6. In the patient care areas of health care facilities unless the recording is for law enforcement purposes. In those cases, the officer should use caution to record only the parties involved in the event being investigated.

5.2. Data Review:

5.2.1. Recordings may be reviewed in any of the following situations:

- 5.2.1.1. For use in preparing reports, statements, or for court room testimony, unless it is determined to have “Restricted Access” by the Chief of Police or designee;
- 5.2.1.2. By a supervisor investigation of a specific act of officer conduct, assessing officer performance, or following a critical incident;
- 5.2.1.3. By an investigator who is engaged in an official investigation;
- 5.2.1.4. To assess proper functioning of A/V technology;
- 5.2.1.5. For official training purposes;
- 5.2.1.6. By authorized court personnel through proper process or with permission of the Chief of Police or authorized designee;

5.2.2. Officers shall only have direct access to review their video(s).

5.2.3. An audit trail exists to track all access to recordings by the data system.

5.2.4. No Sioux Falls Police Department employee shall access or obtain A/V data for personal use.

5.2.5. Unless court ordered, only the Chief of Police or authorized designee may authorize release of A/V data to the public.

5.2.6. Unless authorized by the Chief of Police, Division Commanders, or their authorized designees, accessing A/V data through the system’s internet viewing portal on computers, tablets, or smartphones that are outside of the Department’s network infrastructure is strictly prohibited.

5.3. Date and Storage Retention:

5.3.1. The Sioux Falls Police Department will manage the storage, duplication, and dissemination of A/V recordings. The software will maintain a chain of custody for each recording.

5.3.2. All A/V data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Sioux Falls Police

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Department and the City of Sioux Falls and shall be preserved and retained in accordance to Department protocols and state law.

5.3.3. Designated personnel from the States Attorney and City Attorney's offices will be authorized to view and request copies of recordings for legal proceedings.

5.3.4. A/V recordings will be stored indefinitely for the following situations:

5.3.4.1. Homicide Investigations;

5.3.4.2. Officer Involved Shootings;

5.3.4.3. Police service dog bites;

5.3.4.4. Vehicle pursuits resulting in obvious serious injury crashes;

5.3.4.5. Fatality crashes;

5.3.4.6. Significant incidents at the direction of a supervisor.

5.3.5. The system administrator or designee, with appropriate supervisor approval, may manually delete accidental or inadvertent recordings.