

BRENNAN CENTER FOR JUSTICE

Accountability

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The body camera policies address several aspects of a department's ability to enforce the rules of its policy.

“Explanation required for failure to record?” and “Consequences for violating policy”: Regardless of how one views the purpose of a BWC program, it only works if the camera is turned on. Many departments require a written reason when there should be video of an incident but there is not. However, only a few specify consequences for not following their BWC policy. This should not be read to say there are no consequences — police departments have general disciplinary rules for not following any policy — but some policies give more specifics.

“Audit,” “Can supervisors see video?” and “Discipline exception for minor misconduct caught on BWC video?”: Some police officers have expressed concern that wearing body cameras will be like having their supervisors watching over their shoulder all day, looking for minor misconduct. Accordingly, certain policies, especially during the pilot phase, have an explicit discipline exemption for minor misconduct caught by BWCs. Others limit the situations when a supervisor can view the video. However, there is some tension between officers' concerns and the need for supervisors to ensure that officers are using the BWCs appropriately and to monitor their conduct more generally to catch patterns of problematic behavior. Some departments require supervisors to conduct random reviews of the videos in service to these goals. Others compromise by having auditors in a separate unit review the videos to ensure the functioning of the program.

“Can Officer View Video Before Making Report or Statement?”: There is another, more controversial, viewing question that gets to the heart of the debate over the purpose of the cameras: Should officers be allowed to view videos before writing their reports? What about in a use-of-force situation, such as when an officer kills someone in the course of duty?

Many departments allow officers to view the video before making a report or statement in any circumstance, with the goal of the most accurate report possible. Moreover, the ability to view the footage can make police officers more comfortable wearing the cameras. Others suggest that this goal would be better served by writing a report first. From a police accountability perspective, in a case where an officer did use force inappropriately or where there is a discrepancy between accounts, permitting an officer to view the video before making a statement might be problematic since it would allow him to tailor his statement to fit the evidence. Some policies allow viewing in all cases, some in none, and some separate out routine reports from serious incidents, allowing pre-report viewing in the former but not the latter.

City	Explanation Required for Failure to Record?	Consequences for Violating Policy	Audit	Can Supervisors See Video?	Discipline Exemption for Minor Misconduct Caught on BWC Video?	Can Officer View Video Before Making Report or Statement?
Arlington, TX	Yes, officer must document reason in the report or call sheet.	Not specified	Supervisors will randomly review five BWC recordings at least once a month. This is to ensure compliance with policy and to appropriate usage of the BWC.	Yes, supervisors can view videos in response to citizen complaints.	“Supervisors shall use their discretion to address minor infractions of policy and/or procedure and will use the opportunity to counsel and train employees to prevent future violations.”	Yes, officer may view video of incident before making a statement as required by state law. In the event of a serious incident, all recorded files will be downloaded by a supervisor as soon as practical. Does not specify whether officer involved can access recording in case of a serious incident.
Atlanta	Yes, officer must provide a written report.	Violations will be documented and submitted to The Office of Professional Standards (OPS) for further review in accordance with the Standard Operating	All unit commanders or their designees will conduct weekly audits on 5 sworn employees and will complete an audit on all sworn employees once a month. The BWC Compliance Administrator	Yes, supervisors can view videos.	No exemption, training or written directive issues that result from the audit will be addressed and recommendations will be provided regarding	No, officer may only view video after completing an incident report, in the instance of a use of force incident. Officer must include the following statement in the incident report: “I completed the incident report prior to watching the BWC video recording of the incident.”

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		Procedure for Disciplinary Process.	conducts, weekly, random audit and writes monthly report on the findings. The BWC Compliance Administrator analyzes the weekly audit forms from unit commanders.		compliance and accountability. Additionally, if a sworn employee is found to be non-compliant with BWC policy, the unit commander or their designee will determine if disciplinary action should be taken or if additional training is needed.	
Austin	“Officers will need to articulate the reasoning for the delayed activation of their BWC in an offense	Not specified	Sergeants conduct quarterly inspections of videos for policy compliance.	Supervisors can view to ensure policy compliance, investigate a specific act of employee conduct, review evidence, or write a report.	Not specified	Yes. Recordings may be viewed “by the employee to assist with the writing of a report, supplement, memorandum, or prior to making a statement about the incident.”

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	report, a supplement, or other form of Department approved documentation.”					
Baltimore	Must document the reason BWC was interrupted, terminated or not activated in an administrative report, Form 95.	Any violation of the policy or the law will be “reported to the Chief, OPR and Chief, Media Relations Section (MRS), when appropriate.”	The BWC Unit will “conduct periodic, random reviews and audits of BWC video” to assess consistency of the officer’s activity with the law and BPD policy. Audits will be used to assess “member performance; training and equipment needs; and consistency between written reports and recording.”	Yes, to review a subordinate’s performance “for the purpose of conducting an investigation; monitoring a subordinate’s professional conduct/performance; training; and when advancing the best interest of the public, the BPD, or the member.” Supervisors must view the video if an officer is injured, there is a use of force	No exemption, but recordings cannot be routinely or randomly viewed for the purpose of finding policy violations.	Yes, for reports and administrative investigations. If an officer is involved in a use of force or in-custody death or is the subject of a criminal investigation, the officer can view before completing a report or being interviewed as long as 1) prosecutor has declined to prosecute or “the member has been compelled to make a statement” and been advised of his or her rights, and 2) the recording is viewed at a location approved by internal affairs.

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				or a fatality, or the officer has reason to believe the event may result in a complaint.		
Boston	Yes, “if an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document in the incident report that a recording failure occurred.”	Not specified	“Audit and Review shall conduct periodic checks to ensure Department personnel are using BWCs according to Department policy.”	Supervisors within the recording officer’s chain of command and Bureau Chiefs may review the footage consistent with Section 4.2. Supervisors outside the chain of command must receive permission from the Video Evidence Unit Commander.	Not specified	Yes, officers are encouraged to review videos before writing reports, testifying in court and making a statement. Following an officer-involved shooting, death or other use of deadly force, supervisors and involved officers cannot view video before the Firearm Discharge Investigation Team and Homicide Unit upload the footage into the system.
Charlotte, NC	Yes	“Any violation of this directive is considered a violation of Rule of	The Policy and Compliance Administrator oversees audit process that takes	Yes, Sergeants can view video for all officers in their division. They audit selected video for	No	Officers may review the video to help write reports, provide statements for internal investigations or court testimony. Officers may not

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		Conduct (ROC) #42 (Use of Body Worn Cameras) and will be investigated.”	place on two levels. On the division level, supervisors conduct monthly, random audit and on the second-tier level, Professional Standards Bureau conducts monthly, random audit. Professional Standards Bureau handles officer involved shooting and other serious incidents.	officer performance and compliance with policy. Lieutenants and above, Internal Affairs, and Police Attorneys can view all files.		review footage before providing a statement for Significant Officer Involved incidents, such as officer involved shootings. However, “the viewing of any recording for anything other than approved departmental purposes is prohibited.”
Chicago	Yes, officers need to document the reason for failure by activating the BWC and stating the type of incident,	The executive officer will take corrective measures for officers who violate policy or training. Any corrective action will be documented on	Random review by Watch Operations Lieutenants and regular review by District commanders to ensure videos are downloaded and have event numbers. Random	Yes, to investigate a complaint or incident, identify videos for training, approve a report that indicates the member viewed the video prior to writing the report, or for other investigative	Yes, “the Department does not intend to utilize the BWC to discipline members for isolated minor Departmental	Yes. If officer views video before writing report, he or she must document this fact in report. Not specified if an officer can view own video before being interviewed after an officer involved shooting—the supervisor will take control of the video and a lieutenant or

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	event number, and the reason for deactivating the recording.	the Unit Level Body Worn Camera Program report.	audits by the Inspections Division to ensure compliance with this policy.	purposes. Can view video at any time for officers that are probationary, “have had a pattern of allegations of abuse or misconduct,” or are on an intervention program.	rule infractions.”	above will watch it to approve the Tactical Response Report.
Cincinnati	Yes, officer will report incident to their supervisor. The supervisor will investigate and document the incident on Form 17BWC.	Yes, supervisors can recommend disciplinary action based. Officers are subject to the Cincinnati Police Department disciplinary process if they violate the Manual of Rules and Regulations.	Supervisors will ensure officers follow established procedures for use of BWC equipment. Access to BWC footage online is automatically logged to create an electronic audit trail. Inspection section to also conduct quarterly audit to verify BWC compliance and make sure supervisory	Yes, supervisors must view video to investigate and document incidents involving failed activation or deactivation, along with the purpose of identifying videos with training value.	No, supervisors may recommend disciplinary action while reviewing footage.	Not specified

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			reviews were completed.			
Cleveland	Yes	“Officers shall be subject to the disciplinary process for intentional, repeated or otherwise unjustified failure to activate their WCS in violation of the Division policy.”	Supervisors conduct random, adequate audits to ensure compliance. Sergeants audit 25% of officers assigned to them each month, lieutenants audit all sergeants and patrol officers under their command each year (25% per quarter) and captains audit all lieutenants, sergeants, and patrol officers under their command once per year. When they complete	Yes, supervisors review all recordings related to incidents with Level 2 use of force, complaints, injuries to officers and incidents resulting in supervisory investigation. Can use recordings to ensure officers are compliant and to investigate violations as appropriate.	Yes, reviews may not necessarily result in discipline, but may be used as a training opportunity. Misconduct and repeated violations are to the respective Deputy Chief with conclusions and recommendations.	Officers can access their own recording for a legitimate law enforcement purpose, including but not limited to completion of reports. They must receive authorization from FIT OIC before viewing use of force recordings.

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			audits, the fill out Wearable Camera System Cycle Reviews to commander each month and then the reviews are forwarded to the Inspection Unit.			
<u>Dallas</u>	Yes, if the BWC fails to activate, the officer will document the failure in a MIR or offense supplement report.”	Not specified	Supervisors are responsible for ensuring BWCs are used in accordance with policy; process is not specified.	Yes, explicitly allowed to resolve complaints, as well as if an officer states the video may contain evidence or be useful for training purposes. No limits specified on viewing.	Minor infractions should be handled as a training issue.	Yes, officers are encouraged to review video before writing any incident reports to ensure consistency.

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Denver	Generally no, but if a supervisor must investigate incident and there is no video, supervisors must document why.	1 st violation in 12-month period: oral reprimand, journal entry, mandated officer review of BWC policy and follow up meeting with supervisor; 2 nd violation: written reprimand, in-depth audit of officer's data usage; 3 rd violation: 1 fined day	Audits required of monthly usage, video storage, viewing, and others as requested; method not specified.	Yes, for reports on use of force, injury while in custody or prior to arrest, and forced entry; to investigate specific acts of officer conduct; if officer is on Performance Improvement Plan; and for "commending and counseling officers." Otherwise requires permission of commander.	No, reviews of BWC that show it was not activated per policy can result in disciplinary measures.	Yes, for reports in general. After use of force incident, permission from Internal Affairs Division investigator is required. After critical incidents, such as a police shooting or an in-custody injury resulting in death, permission from the commander of the Major Crimes Division is required.
Ferguson	Yes, officer must document the reason for termination of the recording in	Not specified	"Routine audits of recording devices shall be used for maintenance and training purposes only and not for discipline, absent additional	Yes, "a supervisor may review specific BWC media or data for the purpose of training, performance review, critique, early intervention inquiries, civil claims, and	No exemption, but self-reported violations will not be cause for disciplinary action in the absence of a	Yes, officers involved in use of force incidents or accident causing injuries will be allowed to review the video, but this is not a requirement.

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	an incident report.		corroborating evidence.”	administrative inquiry.”	citizen complaint.	
Jacksonville	Yes, when an officer claims to have failed to record the commanding officer confers with Internal Affairs to make sure the failure isn’t associated with other violations. If commanding officer finds the failure was not reasonably excusable, the BWC Activation Failure Step progressive	Supervisors will take appropriate action in accordance with Code of Conduct Policy Order 501. In case of inexcusable failure to record, BWC Activation Failure Steps are implemented instead of traditional disciplinary policy.	The BWC System Administrator will randomly select BWC footage to be reviewed by the Officers’ supervisor monthly. The BWC System Administrator will conduct a random audit semi-annually and generate a report of the findings.	Yes, to ensure compliance with policy and functionality of the BWCs.	No, if any training or written directive issues are apparent, “they will be documented and submitted to the Internal Affairs commanding officer for further review.”	Yes

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	actions are implemented.					
Las Vegas	Yes, officer must document reason for failure to activate BWC.	Not specified	The Body Camera Detail is responsible for ensuring that audits are conducted, but method is not specified.	No direct access to video once uploaded. Can review to resolve a citizen complaint on scene or in presence of involved officer(s) “following the application of reportable force (except use of deadly force).” Can request video for internal investigations or addressing a documented performance issue.	No exemption, but Internal Affairs can only access recordings pursuant to an official complaint, so no one can view to look for policy violations.	Yes, officers are encouraged to review the video prior to making report to help ensure consistency.
Los Angeles	Yes, officer must specify reason in comments field of incident report forms.	Unauthorized use or release of footage and copying, erasing, or modifying recordings is serious	No regular random review. The Audit Division can decide to conduct an audit or inspection.	Yes, supervisors are required to review relevant recordings before submitting any administrative reports. In Use of Force incidents, supervisors are	No	Officers are required to view recordings before making reports or statements. When there is a Use of Force, officer may not view footage until authorized by investigator, but shall review it before being interviewed.

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		misconduct subject to disciplinary actions.		required to take possession of the camera, but not view without investigator authorization.		
Mesa, AZ	Yes, “officers will document the reasons for any non-activations or interruptions in recordings prior to the completion of an event in CAD or RMS.”	Not specified	Evaluation done at end of year-long pilot. *section that mandated that supervisors conduct random reviews of recordings has been deleted and is under review	Not specified	Not specified	Yes, officers can view video to assist in making statements and reports. Officers involved in incidents involving serious injury must get approval from Homicide Unit Sergeant and officers involved in shootings must have permission from Chief of Police.

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Minneapolis	Yes, officer shall document the reason in the report or supplement. If a report is not going to be prepared the reasons for failure to activate shall be documented in CAD.	“Employees failing to adhere to this policy or applicable laws...are subject to discipline, up to and including termination.”	Supervisors shall review video periodically to ensure proper procedures are being followed. Minnesota law requires a published biennial audit of how data is classified, used, and destroyed.	Yes, periodically to ensure procedures are followed, when conducting force reviews, or while carrying out other job duties.	No	Yes, an officer “should” watch video before making a report or statement. After an incident involving deadly force, video “shall not be accessed unless approved by the assigned investigating agency.”
New Orleans	Must document on BWC the reason for early termination of recording prior to deactivation of the BWC.	Not specified	Random review by supervisors for proper use and categorization.	Yes, for “training, performance review, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulable reason.”	Yes, if supervisors determine misuse/non-use of BWC was unintentional and not associated with other violations, alleged use of	Yes

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					force, public complaints or alleged criminal acts, the officer is eligible for non-disciplinary counseling. Officers entitled to 3 documented counseling instances in a 1-year period and 1 additional instance if it is self-reported.	
New York	Yes, officers must report failure to the Patrol/Unit Supervisor and make an activity log entry.	Not specified in policy; however, accompanying fact sheet states, “officers will face discipline for	Supervisors, integrity control officers and training sergeants must periodically review BWC video as appropriate, for feedback and to	Yes	Yes	Yes. In addition, after a Level 3 use of force an officer may view related recordings before giving a statement but must do so at a time and place set by the Force Investigation Division Supervisor.

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		failure to follow the patrol guide and for consistent and unjustified failure to record.”	address any observed deficiencies in performance.			
<u>Oakland, CA</u>	Yes, officers must document and explain any delayed or missing recording.	Not specified	Random review by supervisors. Auditors may view to investigate misconduct or evaluate performance.	Yes, permitted in general and required to do random reviews and to investigate use of force. Supervisors will assess officer performance and training needs, policy compliance and consistency between written reports and video files. Supervisors also should determine if non-activation was reasonable.	No, but supervisors have discretion to use non-disciplinary correction for minor misconduct; violation must be documented.	Yes, for reports. In Level 1 use of force cases or when being investigated for a criminal or administrative offense, officers must be interviewed before viewing.

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<u>Orlando</u>	Yes, officer must notify supervisor and document reason in memo or email.	Not specified	Not specified	Yes, for critique, training, early intervention inquiries, civil claims, administrative inquiries, addressing behavioral or performance deficiencies, or documenting exemplary performance. Must view in certain instances such as citizen complaints, injuries, and vehicle pursuits.	No exemption, but supervisors should not view just to search for violations of department policy	Yes, officers shall review “before writing reports involving the response to resistance, critical incidents, confessions or admissions” and are encouraged to review for all reports. Officers must note review of video in report. Not specified if an officer can view own video before being interviewed after use of force.

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Philadelphia	Yes, officers will document reason why incident was not recorded in a 75-48.	Not specified	“Supervisors shall conduct periodic, random inspections of BWC equipment to confirm that it is in proper working order.”	Yes, “supervisors may, upon good cause and with prior authorization from the commanding officer, review the digital recordings of specific officers to monitor their behavior.”	Minor disciplinary code violations captured on BWCs will not result in official Internal Affairs investigations or 75-18s but “may result in command level discipline, training, and/or counseling consistent with Directive 8.06.”	Yes, but after viewing video, officers must record the following statement on all police reports written thereafter: “The contents of this document are based on my observations of the incident and a review of the recordings captured by a mobile video recording system.”
Phoenix, AZ	Not specified	Not specified	Each week, supervisors will inspect at least one video for each user in their squad and record their findings. The	Yes, with no limitations specified. Department can also review “video at any time to ensure compliance with policy, to investigate	Not specified	Yes, for reports. After a serious incident (shooting, serious injury or death, use of force incident etc.), officers cannot view video until investigator arrives and it can be done in conjunction with serious

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			Precinct Inspections Lieutenant will randomly inspect one video from each participating squad every month.	personnel complaints, for training purposes, etc.”		incident protocols (which does not mention body camera video but does require separation of involved employees to prevent discussion).
Rialto, CA	Not specified	Not specified	System Administrator oversees evaluation; process is not specified.	Only as directed by the Chief of Police. No reviewing to search for violations of department policy not related to a specific complaint or incident.	No, but supervisors cannot review recordings for the sole purpose of searching for violations of department policy or law.	Yes
San Antonio	Yes	Supervisors will take corrective action for any procedural violation observed and document the	Supervisors will conduct reviews of recordings on a quarterly basis to ensure proper usage of BWC equipment and	Yes, supervisors may view the video of any of their subordinates in the field at any time during their shift.	No, disciplinary action will be addressed by supervisors in accordance with GM Proc. 303,	Yes, officer must document name, badge number and purpose for viewing footage.

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		findings on the proper form.	compliance to policy.		<i>Disciplinary Procedures.</i>	
San Bernardino	Not specified	Not specified	Not specified	Yes	No, but videos cannot be reviewed for sole purpose of discovering policy violations.	Yes
San Diego	Yes, "Officers will always document why the BWC was intentionally deactivated during an enforcement contact."	Not specified	Supervisors conduct monthly inspections, including checking videos against reports for two random dates per month. Supervisor reports are reviewed by Lieutenants and Captains.	Yes, to resolve complaints, when there was a use of force, or for other investigations and listed administrative purposes.	No, but recordings cannot be reviewed for general performance reviews or to discover policy violations.	Yes, officers should view videos since digital evidence can help officer recall more facts and details about the incident. Report should note any discrepancies between officer's memory and the video.
San Francisco	Yes	Not specified	Not specified	Yes, but supervisors may not review an officer's BWC footage to search for	No	Generally yes, but following officer-involved shootings, in-custody deaths and criminal matters, officers are required to

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				violations of policy without cause.		provide initial statements before reviewing footage.
San Jose	Yes, officers must document the reason in BWC recording and in the subsequent police report.	Not specified	Supervisors are responsible for compliance.	Yes, for specific complaints or to ensure that the equipment is functioning and officers are following policy.	Cannot review videos to look for policy violations. Supervisors may resolve minor violations with training or informal counseling.	Yes, for reports. After an officer-involved incident, an officer must give a statement before viewing footage.
Seattle	Yes, officers will state reason on recording and document the reason in a report and/or CAD update.	No discipline for recording or not recording portions of events.	Videos can be viewed for auditing, but details are not specified.	Yes, supervisors can view videos for reasons such as complaints, criminal investigation, officer-involved collision, training purposes, performance appraisal, audit and quality control among others.	Yes, but minor misconduct may result in training referrals or career counseling.	Yes, officers may review their own recorded video except in instances of FIT investigations. Refer to FIT manual for instructions on when officers may view videos.

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Tampa	Yes, reason will be documented on the video and in the report.	Failure to record, store recordings, or misuse of the system “may result in disciplinary action.” In addition, “[i]ntentionally turning off the system in anticipation of a use of force incident or other confrontational citizen contact is absolutely forbidden, and will result in discipline up to and including termination.”	Professional Standards Quality Assurance will conduct periodic checks on recorded video. Also, at least twice a month, supervisors will perform random reviews of all video and BWC recording systems assigned to their squads.	Yes, if a recorded event may be of value for training purposes and to ensure video processes and procedures are being followed.	Not specified	Yes, video “should” be reviewed before writing reports. Not specified for statements.

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<u>Tucson</u>	Officers must verbally document reason for deactivating BWC. Also, if officers mute audio recordings, they must document reasoning verbally and in their written reports. Does not specify procedures for failure to record.	Not specified	Supervisors shall conduct periodic inspections to ensure compliance and proper operation of equipment. They will also view random sampling of videos to ensure BWC recording requirements are being met.	Supervisors will review all videos of use of force incidents, citizen complaints, internal investigations, and administrative investigations. They may also view videos to assist in conducting performance reviews.	Not specified	Yes, officers can view videos to assist with an investigation, complete reports, or prepare for hearings, depositions, and trial. Officers involved in critical incidents, such as police shootings, in-custody deaths etc., shall not view video without authorization by an investigative supervisor.
<u>Washington, D.C.</u>	Yes	Not specified	BWC Unit Coordinators will do periodic reviews to make sure officers are recording mandatory events.	Officers must tag videos for supervisory review if: an officer is injured; there is a use of force; an officer records or arrests a	When viewing recordings officers shall notify officials if they see a policy violation.	Yes, for reports or when under a criminal or administrative investigation. In a criminal investigation or after a serious use of force, officer must have a letter declining to prosecute from the prosecuting authority

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			DC law requires audits of compliance, privacy protection, security, and the impact of the program on reports, complaints, and uses of force.	person as a result of First Amendment activity; an incident results in a fatality; or the event may result in a complaint or be of use in a future court proceeding. Supervisors must view these within 24 hours.	However, no random review is allowed for purpose of finding policy violations.	and must view the recording via the Internal Affairs Division.

Model Policies

Org	Explanation required for failure to record?	Consequences for Violating Policy	Audit	Can Supervisors See Video?	Discipline Exemption for Minor Misconduct	Can Officer View Video Before Making Report or Statement?
ACLU Model Statute	Not specified	For failure to record or interference with video: discipline against the officer and evidentiary presumption in favor of criminal defendant or	Not specified	Superior officer prohibited from viewing footage not marked for minimum 3-year retention absent a specific allegation of misconduct.	Not specified	Review of video prohibited before completing initial reports, statements, and interviews.

		civil plaintiffs suing based on police misconduct.				
<u>International Association of Chiefs of Police</u>	Yes	Not specified	Random review by supervisors.	Yes, randomly review at least monthly to ensure officers are using devices correctly.	Not specified	Yes, for reports in general. If an officer is suspected of wrongdoing or involved in a use of force, the department can limit or restrict viewing.
<u>Police Executive Research Forum</u>	Yes	Not specified	Random review by auditors.	Only when investigating specific complaints or patterns of misconduct, during an officer's probationary period, or to identify training videos.	Not specified	Yes