

Recording Circumstances

Last Updated: July 19, 2019

No department we looked at requires officers to have their body-worn cameras recording for the entire shift. This is due to both technological limitations and privacy concerns. As such, every policy must specify when the officer turns the camera on and off. This chart, in combination with the “Recording Exceptions” chart, outlines those circumstances.

“Who wears”: Some departments have provided BWCs to all of their officers. Among those that have fewer cameras, or that are in a pilot phase, some allow officers to volunteer for their program, while others assign cameras to officers based on high-crime districts or other factors. Some specify uniformed officers only, while others have plainclothes officers wear cameras as well.

“When to record,” “Notable omissions from required list,” and “When not required, does officer have discretion to record?”

Most of the policies contain a list of types of law enforcement encounters where recording is required. These categories do not include the full lists, but rather pull out notable features of each policy. A typical full list might include:

1. All calls for service and while en-route to emergency calls.
2. Pedestrian stops, including consensual encounters and “Terry stops” (a brief detention of a person by police on reasonable suspicion of involvement in criminal activity).
3. Traffic stops.
4. Foot and vehicle pursuits.
5. Consensual or warrantless searches.
6. Executing search warrants.
7. Arrests and detentions.
8. Transports (driving with a prisoner).
9. Other adversarial encounters or situations where criminal activity is likely to be recorded.

If any of these key activities is missing from the list in a given policy, it will be noted in the “notable omission from required list” column. If the list includes a category such as “other circumstances when the officer believes recording would be appropriate” or the policy otherwise allows discretionary recording, it will be noted as a “yes” under “does officer have discretion to record in unspecified circumstances?” If there is a list of prohibited recording circumstances constraining this discretion, then it will be noted in the same

column. If the prohibited recording pertains to witnesses or victims, privacy, or First Amendment activity, then it will instead be noted in our separate “Privacy and First Amendment Protections” chart.

“Notify person being recorded?”: Some departments require or encourage an officer with a BWC to inform members of the public that they are being recorded. There are two frequently-cited reasons for this approach. One is a concern for privacy. Another is the possibility that people will be less confrontational when they know they are being recorded. The counterarguments are that notification is inconvenient for the officer, and that a person in the presence of a police officer already has a low expectation of privacy and thus does not need to be explicitly notified they are being recorded as well.

City	Who Wears	When to Record	Notable Omissions From Required List	When Not Required, Does Officer Have Discretion to Record?	Notify person being recorded?
Arlington, TX	Authorized, uniformed personnel	Calls for service and law enforcement-related activities, with a list of examples, including any confrontational encounter.	Transports and executing search warrants	Not specified	Yes
Atlanta	Assigned officers: trained personnel, officers at the rank of sergeant and below, and officers at the rank of lieutenant or higher can opt out of wearing a BWC.	Calls for service, supervisor requests and self-initiated calls with a list of examples, including victim and witness statements.	Traffic stops, arrests and detentions, transports and other adversarial encounters or situations where criminal activity is likely to be recorded.	No, but sworn officers can activate BWC anytime as instructed by their supervisors.	Not specified

City	Who Wears	When to Record	Notable Omissions From Required List	When Not Required, Does Officer Have Discretion to Record?	Notify person being recorded?
Austin	Authorized, uniformed personnel	During calls for service, when there is a likelihood of detaining or arresting a person, and consensual contact with a list of examples.	Pedestrian stops and transports	Yes, they may activate the system “anytime they believe its use would be appropriate and/or valuable to document an incident.”	Yes, “officers should inform individuals they are being recorded unless doing so would be unsafe, impractical or impact the investigation of criminal activity.”
Baltimore	Assigned officers in units that primarily interact with citizens and/or carry out enforcement related activities (e.g. Patrol, SWAT, K-9 etc.) shall wear the BWC at all times. Officers in administrative units (e.g.	“At the initiation of a call for service or other activity that is investigative or enforcement in nature,” and during any confrontational encounter, along with a list of other circumstances.	None	Yes, officers can record “in circumstances when they determine that doing so would be beneficial to the public interest.”	Yes, by stating the following: “Hello, I am Officer _____ of the Baltimore Police Department. I am advising you that our interaction is being recorded.”

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	ECU, RMS etc.) or investigative units (e.g. DDU, Homicide, Sex Offense etc.) are not required to wear the BWC at all times. Arrest officers assigned to Undercover Vice Units will wear the BWC with special care.				
<u>Boston</u>	Assigned officers	For law enforcement purposes where use is appropriate, with a list of examples, including all calls for service.	None	Yes, officer may record “civilian contact or official duty circumstance that the officer reasonably believes should be recorded in order to enhance policing transparency, increase public trust and police-community relations, or preserve factual representations of officer-civilian interactions...”	Yes

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Charlotte, NC	Assigned officers	Calls for service and interactions with citizens, with list of examples, including when recording is requested by a citizen.	Recording is stopped during non-enforcement activities such as “traffic control, criminal investigations, or when no adversarial events are ongoing.”	Yes, except recording must stop during “non-enforcement activities” and officers shall not record “any person or conversation that is not involved in a call for service or event as outlined in this directive.”	Not specified
Chicago	Assigned members with field duties	Enumerated law enforcement activities, including “any other instance when enforcing the law,” along with a list of circumstances that permit recording of non-law enforcement-related activities.	None	Yes, in situations that the member believes recording will serve a “proper police purpose.”	Yes
Cincinnati	Assigned officers	During all calls for service and self-initiated activities, with a list of examples.	Adversarial encounters	Yes, if officer believes an even has “evidentiary value.”	Officer discretion
Cleveland	Assigned officers	All calls for service, with a list of examples.	Pedestrian stops and detentions	Yes	Encouraged

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<u>Dallas</u>	Assigned officers	All contacts in an official law enforcement capacity. Policy enumerates examples, including while conducting a field sobriety test and while inventorying seized narcotics, money, or high value property.	None	Yes, anytime the officer “deems necessary.”	Officer discretion, but must respond if subject of recording asks if they are being recorded.
<u>Denver</u>	All officers, including sergeants, corporals, technicians, all patrol officers, Metro/SWAT, the Gang Unit, Districts, the Gang Unit, Traffic Operations and the Airport Division.	Calls for service and “any officer initiated contacts involving actual or potential violations of the law,” with enumerated examples.	Transports and search warrants	Yes, officer can record “any situation that the officer believes the use of the BWC would be appropriate or would provide valuable documentation if not already activated per policy.”	Encouraged
<u>Ferguson</u>	Assigned officers and selected uniformed field assignments	Legitimate law enforcement purposes, with list of examples.	Foot pursuits	Yes	Yes

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	will be issued BWCs.				
Las Vegas	“All officers hired on or after July 1, 2013 are required to wear a BWC (based on assignment).” Others may volunteer.	Enumerated law enforcement citizen contacts.	None	Yes, but outside of required circumstances officers should consider a citizen request to stop recording. Recordings of “informal, non-law enforcement related contacts with the public” are discouraged.	Encouraged
Los Angeles	Uniformed personnel	Prior to initiating any investigative or law enforcement activities, including “crowd management.”	None	Not specified	Notice encouraged but consent not required if officers are legally in area.
Mesa, AZ	Assigned uniformed officers	Calls for service or any contact with the public; includes list of examples.	Arrests, detentions, and adversarial encounters	Yes	Not specified
Minneapolis	Assigned officers	All calls for service, self-initiated calls and other enumerated law enforcement encounters, which includes off-	None	Yes, can record phone calls and other activity of evidentiary value.	Encouraged in general. If asked, an officer must inform those inquiring that

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		duty employment and any adversarial contact.			BWC is recording, unless it would be unsafe to do so.
New Orleans	Most officers, uniformed or plainclothes.	Enumerated law enforcement activities. Includes domestic violence calls, any adversarial contact and when likely to record actual or potential criminal conduct.	Foot pursuits and executing search warrants	Yes	Not specified
New York	Selected uniformed officers	Enumerated “investigative or enforcement actions,” calls for service, and interior patrols of Housing Authority and Trespass Affidavit Program buildings.	Transports	Yes, outside of prohibited recordings list which includes “off-duty activity, including paid details.”	Yes
Oakland, CA	All personnel with primarily field-based responsibilities and others as assigned.	Enumerated law enforcement activities, including assessments for psychiatric detention.	Explicitly not required to record taking a report when evidence indicates the suspect is not on scene	Yes	Not specified
Orlando	Assigned officers when in uniform, including on law	Enumerated law enforcement activities.	Executing search warrants and transports	Yes	Not specified

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	enforcement-related overtime details.				
Philadelphia	Assigned uniformed officers	Enumerated law enforcement activities, including all crimes in progress and contact with the public.	Traffic stops, consensual and warrantless searches, executing search warrants and transports	Yes, officer can record “when handling a situation or incident that the officer, through their training and experience, believes should be visually preserved.”	Yes
Phoenix, AZ	Assigned officers	All investigative or enforcement contacts, including list of examples.	Arrests, detentions, transports, search warrants and other adversarial encounters. Also, “users may deviate from the activation directive if it is in the best interest of the Department and they are able to justify the deviation.”	Yes. However, there is a list of prohibitions, including surreptitiously recording conversations of citizens and employees, and recording work in an off-duty capacity.	Encouraged
Rialto, CA	Assigned officers	Required for enforcement encounters with reasonable suspicion and any other adversarial contact. The policy not intended to describe also possible circumstances.	The only encounters that are explicitly mentioned are traffic stops and pedestrian checks	Yes	Encouraged

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<u>San Antonio</u>	Assigned uniformed officers, excluding honor guard uniformed officers	Calls for service and officer-initiated contacts, with a list of examples.	None	No, any deviations from the listed examples require a supervisor's approval and must be documented.	Officer's discretion
<u>San Bernardino</u>	All department members	All enforcement related contacts, with a list of examples, including interview, arrests, and detentions.	Pedestrian stops, foot and vehicle pursuits, and transports	Not specified	Officer's discretion; must notify if asked
<u>San Diego</u>	Uniformed officers issued a BWC.	Required for all enforcement related contacts, with list of examples.	Foot and vehicle pursuits	Unclear, but there is a long prohibited recording list, including "informal or casual encounters with members of the public."	Encouraged; must notify if asked
<u>San Francisco</u>	Assigned officers	Enumerated law enforcement activities.	None	Yes, if officer can "articulate an exigent circumstance that required deviation from the normal rule in these situations."	Encouraged

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San Jose	Assigned uniformed officers	Enumerated police actions, including probation & parole supervision.	None	Yes, “personnel may activate the system any time they feel its use would be appropriate and/or valuable to document an incident.”	Not required in general, but encouraged. Required during a consent search of a home.
Seattle	Assigned uniformed officers	Enumerated law enforcement activities.	Foot pursuits and consensual encounters	Yes, unless otherwise prohibited, employees may record whenever beneficial to capture an event or activity.	Yes
Tampa	Assigned officers – issued based on availability of equipment	Enumerated law enforcement activities.	Pedestrian stops, consensual searches, search warrants and transports	Yes, can record any other law enforcement activity the officer feels could be beneficial.	Only for victims.
Tucson	Assigned officers	Calls for service, searches, and citizen contacts in an investigative or enforcement capacity, with enumerated examples.	Pedestrian stops, foot and vehicle pursuits, search warrants and transports	Yes, can record work-related activity if they believe it will be beneficial to the department.	Encouraged. If asked, they must notify people of recording.

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<u>Washington, D.C.</u>	Trained MPD employees who are on-duty and working in an official law enforcement capacity.	List of events, including all calls-for-service, DUI and consumption of marijuana investigations, mental health consumer encounters, school-based events, inventorying seized money, hospital guard duty, and interacting with citizens inside a police facility. Do not turn off based on a citizen's request.	Explicitly not required to record non-investigatory contacts such as business checks.	Unclear, but there is a prohibited recording list including outside employment.	Yes. When practicable, members shall provide non-English proficient persons with a notice in the appropriate language (notice included in policy).

Model Policies

Org	Who Wears	When to Record	Notable Omissions From Required List	When Not Required, Does Officer Have Discretion to Record?	Notify Person Being Recorded?
<u>ACLU Model Statute</u>	“Only law enforcement officers with the authority to conduct searches and make arrests.”	Calls for service and law enforcement or investigative encounters.	N/A	No	Yes
<u>International Association of Chiefs of Police</u>	Uniformed personnel, preferably all of them.	All contacts with citizens in the performance of official duties.	N/A	Not specified	Yes
<u>Police Executive Research Forum</u>	Policies should state which personnel wear cams. If voluntary, policy should state when it can be required.	Only “law enforcement-related encounters and activities.”	N/A	Departments may choose to allow discretion in recording witnesses, people sharing information, situations where there are privacy concerns, and informal interactions.	Yes