

Rule R1-011A: Police Officer Body-Worn Cameras. Revision 1.

Effective date: November 1, 2021.

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I. Purpose and Scope

This rule establishes policy and guidelines for the operation and use of officer body-worn cameras. The purpose and organizational philosophy regarding deploying body-worn cameras on each uniformed police officer is to document and preserve incidents for investigations and prosecutions, promote officer safety, promote accountability, provide supportive documentation in complaints, further public trust, and improve training opportunities. Additional guidance regarding the use of body-worn cameras during the execution of a warrant is found in the Campus Safety Orders-Warrant Service Policy. Body-worn cameras have become industry standard for police officers. This rule is necessary to bring University Policy into compliance with the industry standard and to allow for the immediate deployment of the University Police Department's body-worn cameras. This rule closely mirrors Utah state law requirements for body-worn cameras.

While the University will review recordings on a regular basis for quality assurance purposes regarding interactions with the public, and the recordings may be used for disciplinary purposes, discipline is not the primary purpose of

deploying body-worn cameras. The video and audio recordings from body-worn cameras can be used by law enforcement to demonstrate transparency to their communities; to document statements, observations, behaviors, and other evidence; and to deter unprofessional, illegal, and inappropriate behaviors by both law enforcement and the public.

Officers shall follow Utah Code Section 77-7a-101 et seq. (Law Enforcement Use of Body-worn Cameras). University Safety policy does not supersede Utah law.

II. Definitions

The definitions provided in Policy 1-011 apply for this rule. In addition, the terms below apply for the limited purpose of this rule.

A. “Body-Worn Camera”: Officer body-worn cameras are relatively small devices that are worn on the uniform of a law enforcement officer or carried by the law enforcement officer and record interactions between community members (e.g., the public, suspects, and victims) and law enforcement officers. Body worn cameras shall only be issued to and used by University of Utah sworn Police Officers.

B. “Personal Recording Device”: Any recording device, not attached to a fixture, that is not a body-worn camera. These devices must be approved by the Chief of Police and the Director of Physical Security and Law Enforcement Technology.

*The only personal recording device approved for use in U Safety is department-issued equipment.

C. “Law Enforcement-Related Encounter or Activities”: Include, but are not limited to, responding to calls for service, traffic stops, pedestrian/street stops (Terry Stops), arrests, searches, interrogations, investigations, use of force, execution of a warrant, pursuits, crowd control, traffic control, with an individual while on patrol, or any other instance in which the officer is

enforcing the laws of the municipality, county, or state. The definition also includes any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording. This does **not** include when the officer is completing paperwork alone or only in the presence of another law enforcement officer. Law Enforcement-Related Encounters or Activities do not include University Police community building activities such as Coffee with a Cop, presentations, and community training opportunities.

1. Body worn cameras shall not be used to gather intelligence information based on activities involving first amendment protected speech, association, or religion or to record activity that is otherwise unrelated to a law enforcement encounter or activity.
- D. “Categorizing”: A method to mark and store a body-worn camera recording for a specific purpose and period of time
- E. “Body-Worn Camera Coordinator”: The individual who coordinates body-worn cameras as described in this rule.
- F. “U Safety Members or “Members”: Staff members of the University of Utah Safety Department which include:
1. Chief Safety Officer
 2. Office of the Chief Safety Officer
 3. Community Services Division
 4. Campus Security Division
 5. Emergency Management Division
 6. U Health Security Division
 7. University Police

8. Emergency Communications Division

- G. Officer: A sworn member of the University of Utah Police Department, who is POST (Peace Officer Standards and Training) certified, regardless of whether the officer is assigned to a uniformed or nonuniformed position.

III. Rule

A. When Cameras Must Be Recording

1. An officer shall ensure that the officer's body-worn camera is recording at all times when the officer is engaged in a law enforcement-related encounter or activity. The officer shall ensure that the camera continues recording in an uninterrupted manner until after the conclusion of the law enforcement-related encounter or activity, unless an interruption is otherwise permitted by this rule.
 - a. If exigent circumstances exist that prevent the officer from activating the officer's body-worn camera, the officer shall activate the body-worn camera as soon as practicable.
 - b. At no time is an officer expected to jeopardize their safety in order to activate a body-worn camera (Utah Code Section 77-7a-102). However, the officer shall activate the body-worn camera prior to any law enforcement-related encounter or activity, or as soon as reasonably possible (Utah Code 77-7a-104).
 - c. An officer may deactivate a body-worn camera when the officer is inside of a patrol car that is equipped with a functioning in-car camera; however, the officer shall activate the camera upon exiting the patrol vehicle for a law enforcement-related encounter or activity.
2. When going on duty and off duty, an officer using a department-approved personal recording device shall record the officer's name, identification number, and the current time and date. An officer utilizing a body-worn camera does not

need to record this information unless the information is not automatically available due to the functionality of the body-worn camera, such as a personal recording device.

3. An officer with a body-worn camera shall give notice, when reasonable under the circumstances:
 - a. to:
 - i. the occupants of a private residence, including University housing, in which the officer enters and in which a body-worn camera is in use; or
 - ii. a health care provider present at a hospital, a health care facility, human service program, Or a health care provider's clinic in which the officer enters and in which a body-worn camera is in use;
 - b. Either by:
 - i. wearing a body-worn camera in a clearly visible manner; or
 - ii. giving an audible notice that the officer is using a body-worn camera.
(*Utah Code Section 77-7a-105*).
4. An officer shall deactivate the officer's body-worn camera while inside a hospital, health care facility, human service program, or the clinic of a health care provider **except** in the following situations (*Utah Code Section 77-7a-104*):
 - a. All enforcement and investigative contacts including stops and field interview situations
 - b. Self-initiated activity in which the officer would normally notify U Safety Dispatch
 - c. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

- d. Any use of force
 - e. Dispatched calls for service
 - f. Execution of a warrant (*Utah Code Section 77-7a-103; Utah Code Section 77-7a-104*)
5. An officer shall deactivate the officer's body-worn camera while in a classroom environment while class is in session, except in the following situations:
- a. All enforcement and investigative contacts including stops and field interview situations
 - b. Self-initiated activity in which the officer would normally notify U Safety Dispatch
 - c. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
 - d. Any use of force
 - e. Dispatched calls for service
 - f. Execution of a warrant

B. Cessation of Recording (Not Recording)

1. An officer may deactivate a body-worn camera during significant periods of inactivity such as report writing or other breaks from direct participation in a law enforcement-related encounter or activity, including consultation with a supervisor or other officer (*Utah Code 77-7a-104*).
2. When engaging in a law enforcement-related encounter or activity, if consulting with other officers or supervisors, the officer may mute the audio recording but shall continue to record video footage until the consultation

is complete, at which time the officer shall activate audio recording. An officer should note on the audio recording that the audio is being muted and related justification as well as note in their report that the audio recording was muted and the related justification.

3. Officers shall remain sensitive to the dignity of all victims and witnesses being recorded and exercise sound discretion to respect privacy. During a conversation with a victim of crime, a witness of a crime, or an individual who wishes to report or discuss criminal activity an officer may deactivate the officer's body-worn camera if the individual who is the subject of the recording requests that the recording be stopped, and it reasonably appears to the officer that such privacy may outweigh any legitimate law enforcement interest in recording. An officer shall activate the officer's body-worn camera when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.
4. An officer shall deactivate the officer's body-worn camera when speaking with a victim of a sexual offense or domestic violence if the officer is conducting a lethality assessment, and either the victim or the officer believes that deactivation of the body-worn camera will encourage complete and accurate information sharing by the victim or it is otherwise necessary to protect the safety/identify of the victim. The officer shall activate the officer's body-worn camera as soon as reasonably possible after the evidence-based lethality assessment is complete.
5. Unless impractical or impossible an officer shall record a request to deactivate the officer's body-worn camera (Utah Code Section 77-7a-104)

C. Criminal and Administrative Use of Recordings

1. Access to a recording made on a body-worn camera is limited to the individuals and purposes described in this rule.

2. Police supervisors (Sergeant, Lieutenant, Captain, Deputy Chief, Chief) and investigators may access body-worn camera recordings for purposes of reviewing and categorizing the recordings.
3. Supervisors shall categorize a body-worn camera recording as “evidentiary” in the following situations:
 - a. the recording can be used in an investigation; or
 - b. the recording captures a confrontational encounter between an officer and a member of the public.
4. A recording that does not contain evidence or a recording that captures a routine, non-confrontational encounter is “non-evidentiary” or a “non-event” and does not require categorizing by a supervisor.
5. Any access to recorded footage shall be logged automatically, including name of person accessing, and time/date of access. The Body-worn Camera Coordinator shall conduct regular periodic monthly audits to ensure that any access is appropriate. In the event there is evidence of inappropriate access, the Body-worn Camera Coordinator shall send notice to the Chief of Police and Chief Safety Officer or designee for review.
6. Any access to or use of a body-worn camera recording, outside of a legitimate law enforcement purpose, shall comply with the requirements of the University’s Building Access and Surveillance Systems Policy 3-234, specifically Sections III. C. 2. b.(ii), c., g., h., and i.

D. Data Storage and Retention of Recordings

1. All recordings from body-worn cameras or personal recording devices shall be stored via secure storage through a vendor meeting at least minimum standards of privacy and encryption acceptable in the industry.

2. Officers shall follow proper procedure to ensure proper retention of body-worn camera recordings.
3. Any time an officer records any portion of a contact that the officer reasonably believes may constitute evidence in a criminal case, the officer shall record the related case number and transfer the file in accordance with current procedure and document the existence of the recording in the related case report
4. An officer should transfer body-worn camera recordings at the end of the officer's shift, or earlier if at any time the storage capacity on the officer's body-worn camera is nearing its limit.
5. Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the officer should promptly notify a supervisor of the existence of the recording.
6. All recordings shall be retained for a period consistent with the requirements of the established records retention schedule and as required by any applicable federal, state, and local law (Utah Code Section 77-7a-107), and consistent with the requirements of the Department's records retention schedule, but in no event for a period less than 90 days. The University shall retain recordings from body-worn cameras according to the following schedule:
 - a. Uncategorized: 90 days
 - b. Aggravated Assault, Criminal Felony, Homicide, Rape, Sexual Assault, Pending Review: Indefinite
 - c. Citizen Contact: 180 days
 - d. Civil Problem: 1 year
 - e. Criminal Misdemeanor: 2 years

- f. Felony: 5 years
 - g. Traffic Stop: 180 Days
 - h. Welfare Check: 1 year
7. The Department shall maintain storage of body-worn camera recordings in a system that does not allow deletion, editing or modification of any stored footage or recording. Editing any video or audio recording from a body-worn camera, with the intent to remove any part of an incident is strictly forbidden. (Utah Code Section 77-7a-106)

E. Body-worn Camera Coordinator

1. The chief of police or the authorized designee shall designate a body-worn camera coordinator who will have the authorization and sole responsibility for coordinating the following:
 - a. The security, storage, and maintenance of data and recordings
 - b. Accessing data and recordings
 - c. Auditing access to and use of body-worn camera recordings
 - d. Transferring, downloading, categorizing, or marking events on recordings
 - e. Initial and ongoing training for officers and supervisors in the use of body-worn cameras and evidence

F. Equipment Maintenance, Inspection, and Placement

1. Prior to going into service, each uniformed officer who has been issued a body-worn camera or a personal recording device, shall inspect the body-worn camera or personal recording device, making sure that it is in good working order with a fully charged battery.

2. If the body-worn camera or personal recording device is not in good working order or the officer becomes aware of a malfunction at any time, the officer shall promptly report the failure to their supervisor and obtain a functioning body-worn camera or personal recording device as soon as reasonably practicable.
3. The supervisor shall remove the malfunctioning body-worn camera or personal recording device from service and contact the department's technology staff.
4. An officer shall wear a body-worn camera on the officer's upper torso, facing forward, in a plainly visible location.
 - a. Personal recording devices used for law enforcement purposes must be visible to the person being recorded except in the circumstance of a clandestine investigation activity.
 - b. An officer may request a temporary exemption to the required placement of a body-worn camera through a uniform exception. A supervisor with the rank of Lieutenant or above may authorize temporary exemptions to the placement of a body-worn camera.

G. Personal Recording Devices

1. Any officer assigned to a non-uniformed position may carry department-approved personal recording device (for example, a department-issued iPhone) any time the officer believes that such a device may be useful. Any officer who uses a personal-recording device for agency-related activities shall comply with the provisions of this rule, including retention and release requirements, and shall notify the on-duty supervisor of such use as soon as reasonably practicable.

H. Documentation and Reporting

1. Officers shall document the existence or lack of a recording in any report or other official record of a law enforcement-related encounter or activity, including any instance in which:
 - a. the officer failed to record a law enforcement-related encounter or activity;
 - b. the officer's body-worn camera or personal recording device malfunctioned; or
 - c. the officer deactivated the body-worn camera.
2. Officers must include the reason for any failure to activate, or the deactivation of a body-worn camera or personal recording device (Utah Code Section 77-7a-104).
3. An officer shall download all recordings of a law enforcement-related encounter or activity with a body-worn camera or a personal recording device at the end of their assigned shift unless an exception is authorized by a supervisor.

I. Documented Review of Camera-Captured Data

1. A sergeant shall inspect body-worn camera footage for police officers who report to that sergeant on a bi-weekly basis. The intent of inspections is to ensure officers are complying with this rule.
2. A sergeant shall document these inspections electronically (i.e. email) and send the documentation to the Lieutenant within their chain-of-command.
3. A sergeant shall include in the electronic documentation at a minimum:
 - a. The name of the officer
 - b. The date and time of the recording that was reviewed and/or associated case number

- c. Comments and/or recommendations.

J. Privacy Expectations

1. A member may not surreptitiously record another department member with a body-worn camera, personal recording device, or other portable audio/video recorder without a court order.
2. Officers may not record another member of the University community except in the context of a law enforcement-related encounter or activity.
3. All recordings made by Officers on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, are the property of the department. Officers shall have no expectation of privacy or ownership interest in the content of these recordings.

K. Use Near Explosive Device

1. Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, an officer shall remove the officer's body-worn camera when in an area where an explosive device may be present, and is not required to record a law enforcement-related encounter or activity.

L. Prohibited Use of Body-Worn Cameras or Portable Recording Devices

1. Members are prohibited from using body-worn cameras or personal recording devices and recording media for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity. Members may not alter or delete a recording captured on a personal recording device or body-worn camera (Utah Code 77-7a-106).

2. Members may not retain recordings of activities or information obtained while on duty, whether the recording was created with a body-worn camera or department-issued or personal recording device.
3. A member shall not duplicate, distribute, or display recordings, except for authorized legitimate department business purposes.
4. A member may not use a recording from a body-worn camera or other recording of activities or information obtained while on duty for the purpose of embarrassment, harassment, or ridicule.

M. Training

1. Each officer shall receive training in operation of the body-worn cameras and personal recording devices prior to being issued a body-worn camera or personal recording device. Police supervisors will have training available which will be conducted by University Police and the Director of Physical Security and Law Enforcement Technology, regarding the operation of the system. Those supervisors who are required to use and interact with the system shall receive the training.

N. Release of Audio/Video Recordings

1. The department shall process requests for the release of audio/video recordings in accordance with the Records Maintenance and Release Policy.

O. Review of Recorded Media Files

1. When preparing written reports, members should review their recordings as a resource.
2. Members may not retain personal copies of recordings.
3. Members may not use the fact that a recording was made as a reason to write a less detailed report.

4. Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance.
5. Recorded files may also be reviewed for the following purposes
 - a. Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation
 - b. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case
 - c. By media personnel with permission of the Chief Safety Officer or the Chief Safety Officer's designee
 - d. In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy
 - e. In particular cases with educational or training significance, pursuant to department training protocol with permission of the recording officer, Chief of Police and Chief Safety Officer along with appropriate redactions of the identities of individuals recorded on audio or video in the footage. Such use shall be logged and included in the monthly audits performed by the Body-worn Camera Coordinator.
6. The University Police GRAMA Coordinator or designee shall review a recording from a body-worn camera or personal recording device prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy should not be publicly released unless disclosure is required by law or by order of the court, with appropriate redactions.

P. Review and Revision

1. This rule shall be reviewed by the Chief Safety Officer or designee at least annually. This review and any revisions shall be done in coordination with the Public Safety Advisory Committee (PSAC), Surveillance System Administrator Committee (SSAC) as well as other campus community partners. The rule shall also be revised for compliance purposes should statutory or other regulatory changes require.

IV—VII Regulations Resource Information.

User Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.

IV. [[Policies]/ [Rules]], Procedures, Guidelines, Forms and other Related Resources

- A. Policies/Rules.
 1. Policy 1-011: Campus Security
 2. Policy 3-234: Building Access and Surveillance Systems
- B. Procedures, Guidelines, and Forms.
- C. Other Related Resources.
 1. The Commission on Accreditation of Law Enforcement Agencies Standard 41.3.8
 2. Campus Safety Supplemental Rules
 - a. Warrant Service Policy
 - b. Records Maintenance and Release Policy

V. References

- A. Utah Code Title 77, Chapter 7a, Law Enforcement Use of Body-worn Cameras
- B. Utah Code Title 63G, Chapter 2, Government Records and Management Act

VI. Contacts

The designated contact officials for this Regulation are

- A. Policy Owner (primary contact person for questions and advice): Chief Safety Officer
- B. Policy Officers: Chief Operating Officer

See University Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

Renumbering Not Applicable

Revision History.

A. Current version. Revision 1.

1. Approved by -- Academic Senate November 1, 2021 with effective date of November 1, 2021.
2. Legislative History for current version.

Editorial Revisions: *[reserved]*

B. Past versions.

1. Interim Rule R1-011A Revision 0.
 - a. Legislative History for Revision 0: The Interim Rule was put into effect on July 16, 2021 by University Interim President Michael Good. The Interim Rule was required in order to comply with Utah law and best practices for body-worn cameras.