**M emo**

**To: From: Date: Re:**

#### Munster Board of Safety

Stephen F. Scheckel, Chief of Police April 15, 2021

Body Camera Policy

As I have previously reported to the Board the body cameras are now active in the field, with each officer currently utilizing them on their interactions with the public. By the end of April, we will have all the squad cars fitted with the new car cameras that are interactive with the officer worn cameras. The Munster Police Department has completed the new policies, which are attached. This memo is just to highlight some of the major policy points.

Below is an overview of the new policies created for our new equipment-body worn cameras and drones. All policies were developed in conjunction with and are in compliance with GALEA Standards for our accreditation.

General Order 41 . 3.1 0 Body Worn Cameras

* All sworn members are assigned Body Worn Cameras (BWC).
* It is the policy of this agency to use body worn cameras as an effective law enforcement tool thereby reinforcing the public's perception of our professionalism and transparency. The intent of the BWC program is to record officer-citizen contacts but may be used to assist with other law enforcement activities.
* It is not the policy of the Police Department to require officers to cease recording an event, situation, or circumstance solely at the request of anyone other than the officer or police supervision. While not required by law or this policy, agency members assigned a BWC may find it valuable to inform other parties that they are being recorded. This has proven to be influential in garnering cooperation of subjects and has shown to reduce incidents of response to resistance.
* Officers and supervisors will be trained on the BWC prior to or upon being issued a BWC.
* Officers are required to wear a BWC while on regular duty or off-duty work status.
* Activation Rule of Thumb - If they are in contact with a citizen regardless of reason or are responding to a call for service, record the encounter.
  + Officers cannot deactivate recording until end of incident unless given permission by supervisor and it must be documented.
  + Incidents where ' recordings CANNOT occur - School or Hospital setting unless it is related to active investigation or arrest or while controlling a person and on station or restrooms or any location where there is an expectation of privacy while not performing police duties.
  + Videos are categorized per Indiana State Law Retention Schedule and are subject to deletion after their specified time schedule.
  + Requests for deletion can be made to administration in the following circumstances:
    - False activation.

o Recording of a sensitive conversation not related to police activity.

* + There is an automated and periodic supervisor review of videos for training purposes (unless officer is observed violating law or committing egregious policy violation).

•'" BWC recordings can be used for training purposes.

General Order 41. 3.11 Unmanned Aerial Systems (Drones)

* + Objectives of Drone Program
    - Community Outreach - to record events hosted and/ or sponsored by the department in furtherance of the department's goals.

o Situational Awareness - to assist decision makers (incident command staff, first responders, city, county, and state officials) in understanding the nature, scale, and scope of an incident and for the planning/coordination of effective responses.

o Tactical Deployment - to support the tactical deployment of officers and equipment in emergency incidents including but not limited to hostage(s) incidents, barricaded suspects, fleeing/wanted persons, support for large scale tactical operations and other temporary perimeter security incidents.

o Search and Rescue - to assist in a missing person(s) investigation, AMBER Alerts, Silver Alerts, fire scenes, and other search and rescue operations.

o Visual Perspective - to provide an aerial visual perspective to assist officers in providing direction for crowd control, traffic incident management, special circumstances, and temporary perimeter security.

o Scene Documentation - to document a crime scene, accident scene, or other major incident scene (disaster management, incident responses, large scale forensic scene investigation, fatality, or serious injury accidents).

* SWAT and K9 overwatch
* Training
  + Only those authorized, trained, and certified may deploy the drone.

• Page 2

#### We will have FAA certified operators in charge of the program who then can train and authorize police operators to operate under their liability and certification.

* + Only FAA Certified Operators can operate drones for non-police use.
  + Police Authorized Operators can operate drones for police use only.
  + Drone operation requires 2-person team of pilot and spotter.
  + Prohibited Uses:
    - Random surveillance activities.

o Targeting of persons or groups based solely on individual characteristics.

* Harass, intimidate, or discriminate.
* Conduct personal business of any type.
* Weaponizing the drone.

o Operate in unsafe manner or in violation of FAA rules.

If you have any questions regarding these policies, please do not hesitate to reach out to Lt. Daymon Johnston, or myself with your concerns.

* Page 3

**General Order #41.3.10 Body Worn Cameras**

**PURPOSE** <41.3.8a>

The purpose of this policy is to establish guidelines for the use and management of body worn cameras (BWC) and the retention and disposition of recorded video.

**BWC Assignments**

All sworn members and their immediate supervisors assigned to the Patrol Division who are normally assigned to field duties and any other sworn member at the discretion of the Chief will be assigned and required to utilize a BWC. Sworn members assigned to the Investigations Division, or assigned to a special assignment or task will have access to either a BWC or BWC compatible cell phone app. It will be the responsibility of the Investigations supervisor for each investigations unit to assign specific usage and/or method of recording by the BWC or digital audio recorder for each operational event. Any and all arrest or search warrant operations will be recorded using the BWC unless operational considerations preclude their use (IE: Walsh Act, informants, etc.). BWC usage guidelines will either be given verbally at the beginning of an investigation or will be documented in an operational plan. The Investigations supervisor has discretion to decide, on an event-by-event basis, whether a BWC/BWC compatible app/other recording device is to be utilized. Any sworn member under the Investigations chain of command shall be subject to the above usage guidelines (including during part-time employment) unless serving in a Patrol function under a Patrol chain of command.

**POLICIES** <41.3.8a>

It is the policy of this agency to use body worn cameras as an effective law enforcement tool thereby reinforcing the public's perception of our professionalism and transparency. The intent of the BWC program is to record officer-citizen contacts but may be used to assist with other law enforcement activities.

It is not the policy of the Police Department to require officers to cease recording an event, situation, or circumstance solely at the request of anyone other than the officer or police supervision. While not required by law or this policy, agency members assigned a BWC may find it valuable to inform other parties that they are being recorded. This has proven to be influential in garnering cooperation of subjects and has shown to reduce incidents of response to resistance.

**DEFINITIONS**

Automati c Activation: BWC should activate when emergency lights are turned on, blue tooth is connected within 30 feet of patrol vehicle (with MVRS) or other activated BWC, in the event of a crash, with activation via the Signal Sidearm device equipped on officer's holster, or with Taser safety deactivation (on applicable models)

Body Worn Camera (BWC): Department issued equipment that records audio and video of officer contact with citizens when performing official duties. The equipment consists of an Axon body worn camera.

Event Mode: Records audio and video on BWC.

Evi dence. com: Secure cloud based offsite storage location for audio/video recordings.

Evidence Transfer Manager (ETM): A docking station for the Axon Body Worn Camera. When the BWC is docked, video data stored on the camera is automatically downloaded to evidence.com. The ETM also charges the BWC battery .

Evi dence Sync: A desktop-based application that allows BWC video to be uploaded using a desktop or MDT accomplishing the same function as the ETM.

Manual Activation: Officer turns on the BWC

Mobile Bluetooth Player: A smartphone application (app) that allows for a Bluetooth connection from the BWC to a supported smartphone device. The app will allow an officer to view live or recorded video stored on the BWC. Video cannot be altered or modified, but officers can tag the video with the appropriate ID# (Case Number) and Category in the field while the video is stored on the BWC.

MVRS: Department issued in-car video recording system (Mobile Video Recording System) that is installed in the patrol vehicle that records audio and video of officer contact with citizens when performing official duties.

Buffering: The BWC continuously records video in 1-minute looped increments. Once the officer places the BWC into Event Mode, the previous 1 minute of video is included in the evidentiary recording. Only video is recorded during buffering, not audio.

MVR: Mobile video recording shall refer to any audio/video recording made using an in-car video recording system and or a body worn camera recording system.

1. Configuration of BWC
   1. Configuration of each BWC shall be performed by the agency personnel authorized only by the Chief of Police.
   2. BWC equipment owned by the Police Department shall be maintained by the Administration. The Administration will be responsible for computer related operating equipment and the operation of backend software related to the BWC.
2. Inspection, Maintenance and Repair <41.3.Se>
   1. Officers responsible for operating a BWC shall inspect their BWC prior to each shift and report any deviations in the operating condition, appearance, or suitability for its intended use to the shift supervisor immediately and an Equipment Repair Request (Form #103) shall be completed and forwarded to the Administration.
   2. If a BWC is taken out of service, notification will be made to the officer's supervisor(s) and the officer may be assigned a loaner BWC at the discretion of the supervisor.
   3. Supervisors shall conduct documented inspections of officer's BWC equipment to determine whether the equipment is fully operational and being properly used per department policy.
3. Training on the use of the BWC <41.3.Sf>
   1. Officers and supervisors will be trained on the BWC prior to or upon being issued a BWC.
      1. Documented instruction pertaining to agency policy on the use of the BWC equipment and the laws relating to use of audio video recorders shall be provided by supervisors, FTOs, and/or the Department Training Coordinator.
      2. Documented instruction and hands-on operation of the BWC and its associated components followed by practical application by the officer to demonstrate competency of use shall be provided under the direction of the officer's supervisor, FTO, and/or the Department Training Coordinator.
      3. During training, the impact and legal obligations established through case law such as the Brady, Giglio and Deberry/Lolly cases will be discussed.
4. BWC General Procedures
   1. Body worn cameras (BWC) will only be operated in accordance with established training guidelines as determined by the manufacturer and the Chief of Police or designee.
   2. All Patrol Officers who are assigned a BWC are required to wear their assigned BWC any time they report for regular duty. Officers who serve an undercover role in a specialized assignment will not be subject to this policy and will refer to the governing policies and procedures for that special assignment. Sworn members serving in an Investigations chain of command will deploy BWC/BWC compatible recording app/other recording device at the direction and discretion of an Investigations Supervisor.
   3. Officers are required to ensure that the BWC is working properly at the beginning of each shift. Officers in uniform (including duty and soft duty uniform), engaged in law enforcement related overtime details (off duty or extra duty) are required to wear and utilize the BWC according to training directions. BWC's should be worn in a location and manner that maximizes the camera's ability to capture video footage of the officer's activities, without hindering the officer's ability to safely perform his/her duties.
   4. Uniformed officers shall activate the BWC prior to arriving on scene of dispatched calls for service, at the time of any self-initiated activity, whenever there is a potential for dealing with a suspect of a crime, or when there is any concern for officer safety. This would include recording contacts with citizens in the performance of official duties. The BWC may be activated whenever officers feel its use would benefit their law enforcement duties. Once the camera is activated to record (event mode), it shall remain on until the police action is completed. <41.3.Bb>
   5. The officer should activate the BWC at the first reasonable opportunity to do so unless an immediate threat to the officer's life or safety makes activating the BWC impossible or dangerous, in which case the officer should activate the BWC as soon as it is safe to do so.
   6. Additional arriving officers that are equipped with a BWC should activate their cameras and begin recording the situation upon their arrival until the officers leave the scene.
   7. Recordings made pursuant to an arrest or search of the residence or person(s) are not considered a consensual encounter for the purposes of this policy. The BWC should remain activated until the event is completed in order to ensure the integrity of the recording. This is to include, but is not limited to, the transportation of detainees to the jail or hospital.
   8. The BWC, which serves as the microphone for the MVRS (in-car camera), shall be left on at all times during contact with subjects while the MVRS is recording. If the BWC is to be muted, officers must record on the BWC they are muting and the reason why prior to muting. The reason for muting the BWC must also be documented in the officer's report.
   9. Activate the BWC for contacts with citizens when performing official duties. This includes self-initiated field activity.
   10. Officers are prohibited from covertly recording other police personnel with their BWC without a court order or without the direction of the Chief of Police subsequent to an authorized official investigation.
   11. If an officer encounters a victim or witness who is hesitant or refuses to be recorded, recording may be ended as a last resort as necessary to further the investigation.
       1. Indicate on the recording why recording was stopped and document the same in the report.

ii. If an officer subsequently identifies the victim/witness as a suspect in the investigation, reinitiate recording subject.

* + - 1. Supervisors will direct the use of BWCs during warrant services unless the situation dictates otherwise (I.E., during mutual aid incidents where the lead agency does not allow for BWC usage). BWC usage instructions will be given verbally prior to warrant service. In addition, the supervisor will note the reason BWCs are not being used in the Operations Plan and/or After-Action Report.

1. BWC Activation <41.3.Sb>
   1. BWC activation will occur with one or all of the following:
      1. Event Mode record button on the BWC pressed twice - Manual Activation
      2. Emergency light activation at slide switch position 2 and (Full front and rear lights)

- Automatic Activation

* + 1. Bluetooth activation when within 30 feet of patrol vehicle with MVRS Automatic Activation
    2. In the event of a crash - Automatic Activation
    3. Taser safety deactivation (on applicable models) - Automatic Activation
    4. Signal Side Arm Activation upon removal of side arm - Automatic Activation

1. If an officer needs to remove their service weapon without alerting the BWC to record, the device may be placed in Mute mode by pressing and holding the front button on the device for 3 seconds.
2. Press and hold the button for 3 seconds to go from Field Mode to Mute Mode. The LED shows a solid color and then slowly blinks when you enter Mute Mode.
3. The color of the LED indicates the status of your battery.
   1. A green solid and blinking LED means Mute Mode is active, and the battery is good.
   2. A red solid and blinking LED means Mute Mode is active, and the battery is low and needs to be replaced.
4. The sensor automatically returns to Field Mode after you remove your sidearm from the holster or after 30 seconds elapses, whichever happens first.
5. The device is always on and does not require to be turned on or off.
6. Although the device is water resistance, officers should avoid submersing it under any liquid.
7. Prior to the start of their shift, an officer should conduct a daily check of their signal side arm device.
   1. This check consists of pressing the front button and confirming that the LED light shows a green, solid (not blinking), light when the button is pressed. The light should turn off when the button is not pressed. If pressing the button causes the LED to blink red or green, notification of a hardware fail should be made to the supervisor and the Axon & Technology Administrator should be notified.
8. The BWC, while in standby mode, may be activated utilizing three different methods. The BWC MUST be in standby mode for these triggers to be successful.
   1. Manual activation. Pressing the front event button twice.
   2. Removing your weapon from the holster, when equipped with a signal sidearm.
   3. Being close proximity (approximately 50 feet) to a Fleet camera equipped vehicle that was activated with the lightbar within 30 seconds.
9. Camera Activation Policy for Non-Patrol Activity
   1. Camera Activation Pol'icy for Detectives - Detectives shall wear their department issued BWC/BWC compatible recording app/other recording device whenever they take part in any potentially confrontational situation such as an arrest attempt, raid, serving a search warrant, or assisting a uniformed patrol officer who is dealing with a member of the public (if they are wearing a BWC at that time), etc. Detectives are encouraged to activate their BWC when its use is likely to provide a beneficial investigative purpose. Detectives may turn off their cameras only when one or more of the conditions under the "BWC Deactivation" section apply.
   2. Camera Activation Policy for School Resource Officers (SROs) - SROs shall wear their department issued BWCs at all times when on-duty and assigned as an SRO. SROs are restricted from activating their BWCs except in cases in which criminal activity is suspected or while assisting school personnel with matters that may result in disorderly or disruptive behavior. SROs shall not activate their BWCs when present during meetings between students and school personnel that are of an administrative nature and do not involve suspected criminal activity or the potential for disruptive behavior. SROs may turn off their cameras only when one or more of the conditions under the "BWC Deactivation" section apply.

Since SROs often assist patrol units in non-school related incidents, fill in for patrol officers under emergency circumstances and are often temporarily reassigned to other duties during the summer months, they shall be required to follow the same BWC policy as listed above for patrol officers at those times.

* 1. Camera Activation Policy for Officers Working Secondary Employment - Officers working secondary employment jobs in uniform shall wear their assigned body cameras at all times and shall follow the activation policy for patrol officers.

1. **BWC Deactivation <41.3.Bb>**
   1. BWC deactivation will occur with one or all of the following:
      1. Event Mode button on the BWC held down until beep or vibrate to indicate the recording has stopped - Manual Deactivation
      2. Manual deactivation using the Mobile Data Terminal (MDT).
   2. Deactivation of BWC may only be done:
      1. After the officer has gone back in service from the detail which resulted in the activation.
      2. If after responding to an emergency, the on-scene supervisor determines that a recording of the investigation or citizen contact is not necessary.
      3. If the initial recording started due to testing, training, school traffic, part- time work without enforcement action or accidental activation.
      4. If involved in activity that is not actively recording footage that could be used as evidence and the officer has a reasonable belief, there will be no loss of critical documentary information.
      5. At the discretion of a Supervisor (or longest tenured detective on-scene), at the conclusion of any operational event (arrest warrant service, search warrant service, etc.), after the scene has been cleared and stabilized, and if further scene documentation is set to take place by other means (such as scene photography by an E.T. before and after a search). This shall also apply for events and scenes in which Investigations personnel are called-out and for scenes/events which they are to take command and control.
   3. The BWC will not be deactivated at any time during any emergency response or while officers are performing a traffic stop. The only exception would be if, during a traffic stop, a supervisor approves deactivation to protect the identity of a witness or confidential informant.
   4. If, during an emergency response, an officer is advised that an emergency response is not necessary or is disregarded, the officer may stop the recording after all emergency lights have been turned off.
2. Prohibited Use of BWC
   1. BWC's shall not be used to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between an officer and a member of the public.
   2. Audio or video recording devices shall not be used in Department restrooms or any other intimate places where there would be a reasonable expectation of privacy.
   3. Audio or video recording devices should not be used while on the grounds of any public, private, or parochial elementary or secondary school, or inside of a medical treatment facility, except for when one or more of the following applies:
      1. During times when all parties being visibly or audibly recorded are in a private room with consent for such recording;
      2. While during an active investigation or effecting an arrest;
      3. While controlling a person through arrest control or defensive tactics techniques; or
      4. Any other circumstance that is extraordinary.
   4. Without prior supervisory approval, officers shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically for the purpose of documenting an operation, drug purchase/sale or other undercover operation in furtherance of a criminal investigation.
   5. All digital recordings captured using the BWC will be considered property of the Munster Police Department. Accessing, copying, or releasing any recording by any officer for other than official law enforcement purposes is strictly prohibited without permission from the Chief of Police or designee.
   6. No video may be uploaded or converted to be used in any form of social media or for training purposes without the approval of the Chief of Police or designee.
   7. BWC's may be used at the officer's discretion when making death notifications or when citizen contact requires a discreet approach.
3. Review of BWC Recorded Media Files
   1. If an officer is involved in a critical incident, the officers and supervisors will refrain from viewing the BWC recording in the field. This does not preclude the review of the BWC recording if exigent circumstances are present (description of suspect, vehicle, direction of travel, etc.). The officer will be allowed to review the BWC recording prior to giving any statement regarding the incident.
   2. Although the BWC video is not a replacement for a well-written report, officers may refer to the video recording as a resource for the purpose of completing a criminal investigation and preparing official reports.
   3. Officers may review BWC video prior to court room testimony or for court presentation .
   4. During a complaint investigation against an officer, the officer may review all associated BWC recordings prior to making any statement.
   5. All non-departmental requests for BWC recorded media must be accompanied by a completed "Request for Public Records" form. The request will be reviewed and redacted per policy guidelines prior to release.
   6. Non-departmental requests for viewing BWC video must be made with a completed "Request for Public Records" form, approved by either Town Legal or Munster PD Patrol Supervisor (or denied by Munster PD Command Staff), and scheduled by the Patrol Lieutenant or designee.
   7. A defendant contesting a traffic citation or minor criminal offense may request to view the in-car video or BWC video related to their offense, prior to trial. They may also request a copy of the BWC video or in car video. A minimum of seven (7) business days will be required to process any request for BWC video or in car video.
   8. The request must be made in writing and directed to the Chief of Police. These requests will then be forwarded to the Administrators or Records Division for completion.
   9. All appointments to view video must be scheduled between the hours of 0900-1500, Monday through Friday.
   10. Only the portion of recording which contains specific contact or event in question shall be released.
   11. Before the public release of any BWC recording, efforts must be made to notify the Officers involved of the pending release.
       1. Before any non-court ordered public release, the Administration or Records Division may redact video to protect the identity, privacy and/or safety of any uninvolved person, potential witness, juveniles, HIPAA information, personal identifiers (DOB's, SSN's, etc.).

m. Any recording captured by a BWC is to be treated as evidence and protected accordingly.

1. **Storage and Data Uploads of Video on the BWC <41.3.Sd>**
   1. In the event of an Officer involved shooting, in-custody death, or other incidents involving the Officer that result in a person's serious bodily injury or death, the Officer's BWC shall be collected by the Investigations Division. Downloading of the BWC will be conducted under the direction of the Investigations Division Commander.
   2. All video associated with the MVRS and BWC will be uploaded via a secure network to Evidence.com. The recordings are stored and can be viewed on Evidence.com. Evidence.com is a secure encrypted environment with all access tracked by individual user credentials. Department members are reminded not to share their unique access credentials with other users and may be subject to progressive discipline for doing so.
   3. All in car MVRS and BWC videos, regardless of category, will be uploaded to network storage by following the approved manufacturer methods.
   4. Downloading of Video
      1. Officers shall download video to the approved cloud storage software upon indication that the device is nearing capacity or after a significant event.
      2. Officers shall download the BWC video to the approved cloud storage before the end of the last day of their shift.
      3. Officers involved in any use of force incident or are witness to same, shall download the BWC prior to the end of their scheduled workday.
      4. Off-loading of the video shall be dependent upon the BWC being utilized. Specific off-load instructions shall be provided during the mandatory training session.
      5. Officers shall make notes on the downloaded video including the case number and tag the incident with the appropriate incident designation.
      6. The incident tag should determine how long the recording of an incident is retained.
      7. BWC data should be retained for such time as is necessary for training, investigation, or prosecution and in accordance with the Indiana records retention policy, unless a longer duration is otherwise noted herein. Officer injury, shootings, and use of force incidents shall be saved indefinitely and may only be deleted by Administration. Cases tagged indefinite retention may only be deleted with the approval of the Chief of Police or designee.
      8. BWC data pertaining to an active civil suit should be retained until authorization to destroy is granted by The Chief of Police or designee.
      9. BWC data pertaining to investigations of civil violations, traffic investigations, and criminal investigations should be retained until, at a minimum, the expiration of the statute of limitations for the most serious crime that could be charged.
      10. BWC data pertaining to investigations that could result in a charge classified Level 1 Felony should be retained until authorization to destroy is granted.
   5. Categories and Video Retention - Videos will be retained according to Indiana State law. (5-14-3-2 through 9)
      1. Arrest - Until Manual Deletion
      2. Citation or OPO- 2 years
      3. No citation- 200 days
      4. Citizen contact- 200 days
      5. Response to resistance- Until Manual Deletion
      6. Suspicious activity- 200 days
      7. Training- 30 days
      8. Non-Evidentiary video- 200 days
      9. Pursuit- Until Manual Deletion
      10. Civil complaint- 200 days
      11. Mental emotional- 200 days
      12. Investigation- 3 years
      13. Axon app data- Until Manual Deletion
      14. Lab photos- Until Manual Deletion
      15. CID video- 5 years
      16. Death Investigation- Until Manual Deletion
      17. Tort Claim-3 years
          1. Litigation for which record is admitted into evidence- Record becomes responsibility of the court
          2. If recording is used in a criminal, civil, or administrative proceeding- The agency shall retain the recording until final disposition of all appeals and order from the court.
   6. Officers may view video from the storage software or cell phone application for official purposes only, but shall not be able to delete, edit or alter the video.
   7. Officers should have the ability to view only video captured by his or her own device for report writing and/or training purposes. Non- official use or viewing of video is strictly prohibited. Officers may view video captured by another Officer's BWC with the approval of a Shift Supervisor. Officers will document in appropriate reports that other footage was viewed . Shift Supervisors may view the BWC videos for legitimate purposes only. Unauthorized viewing of BWC video will be subject to discipline.
   8. Only law enforcement personnel may view BWC video in the field. Civilians will not be afforded the opportunity to view any BWC video at the time of contact or at the scene of an event. Civilians contacting any member of the Administration Division and requesting to view BWC video will be referred to submit a FOIA request.
   9. In the event of a recording of personal/private and/or privileged conversations or occurrences that are unrelated to any criminal/traffic or internal investigation, or an accidental activation of the BWC where the recording has no evidentiary or investigative value, the Officer may request to have the specific recording deleted by submitting a written request through their chain of command to the Administration . If approved , the video will be deleted by the Administration with written notice sent to the Officer confirming the deletion.

j . In the event of a recording of personal/private and/or privileged conversations that is included on a BWC recording and is related to any criminal/traffic or internal investigation, the Officer may request to have the specific section of recording redacted by submitting a written request through their chain of command to the Administration . If approved, the video will be redacted by the Administrator with written notice sent to the Officer confirming the redaction. However due to the specific section of the recording being part of a larger recording that is considered evidence, the original un-redacted recording must be maintained in its entirety unless approved for deletion by the Courts.

1. Access to Evidence.com Software BWC
   1. The URL for the Evidence.com software is accessible via the Munster Intranet.
   2. Each user will have individual access to all videos on Evidence.com in order to review videos for case reporting purposes.
   3. All sworn members may review video on Evidence.com for legitimate law enforcement or agency purposes. Access to the system will be controlled by using network permissions; review of videos is tracked automatically with a time/date stamp and officer's name in Evidence.com. <41.3.Bc>

###### Creating Case Information for BWC <41.3.Sc>

* 1. When auto-tagging is not available, prior to uploading video into evidence.com, tag the video with ID# (Case Number), Title (Name of subject) and Category on the in-car computer, a computer at the police station or by using the Mobile Bluetooth Player. Utilizing more than one category may be appropriate.
  2. In the event a video is taken that has no evidentiary or administrative value, the officer may list it in the "non-evidentiary video" category. This should NOT be used if the video is part of an arrest, case, or response to resistance.
  3. Auto-tagging occurs when videos uploaded into Evidence.com are merged with data provided by the CAD system (dispatched calls). This merge occurs twice during a 24-hour period. All videos made (in-car and BWC) that are associated with a call for service that dispatch has an officer assigned to will automatically update with a case number, title, and category during the merges as long as the videos are uploaded into Evidence.com within a five-day period from the call. For officers who have MVRS (in-car) and BWC, once a video is made on a CAD associated call, the officer will need to submit the videos when all three show up on the screen. If an officer only has a BWC and is on a dispatched call for service, he/she needs to upload the video either in a dock station or through SYNC within five days of when the video was made in order for the auto-tagging to work. For times when an officer is not on a call for service or associated with a call in CAD and a video is made, either with MVRS including BWC or with BWC alone, the officer will have to manually add meta data. (Example: An officer turns on their emergency lights while directing school traffic and video is made without being associated with a call for service.)

1. Supervisor Review of Video <41.3.Sg>
   1. Supervisors will have the ability to review all videos within the Evidence.com software for purposes of audit/review, after action review, complaint investigations, internal. investigations, and criminal investigation. Evidence.com automatically tracks and records all user activities including a complete chain of custody for every video viewed.
2. During annual inspections, it is the supervisors' responsibility to conduct a documented review of MVRS and BWC equipment and at least one video/audio recording for each employee for each type of video equipment. All video review will be documented. Additional documentation may occur on pursuit review forms and use of force notification forms when video is reviewed for those purposes. The purpose of video review is to:
   1. Periodically ensure officer performance and confirm what is documented in report matches what is captured by video.
3. Ensure that audio/video recording equipment is functioning properly.
4. Determine if audio/video recording equipment is being operated properly.
5. Identify any material that may be appropriate for training.
6. Supervisors with newly assigned personnel may conduct more frequent reviews to ensure that the equipment is being operated in a manner consistent with departmental policy. Minor errors in use should be considered training opportunities. Continued violations may require corrective action.
7. It is not the intent of the system to allow supervisors to conduct searches for unknown disciplinary issues. Use of the system in disciplinary investigations must be associated with a complaint or concern.
8. When a supervisor becomes aware that there was a failure to activate a BWC they are required to investigate the incident.
9. After conducting the investigation, the supervisor is required to provide written documentation of the investigation through the chain of command.
10. Failure of the supervisor to conduct and document failed activations may result in discipline.
11. Justifiable exceptions due to extenuating or exigent circumstances will be taken into consideration when reviewing any potential violations.

i. Supervisors will conduct random reviews of selected recordings in order to assess Officer Performance as well as flag videos that may be appropriate for training purposes.

1. Request for Copies of Videos
   1. In the event an officer needs to view another officers BWC video/video not readily accessible, a request should be sent to the officer who recorded the video via evidence.com. The recording officer may share their video for an investigation or official department use only. All shared video is tracked via the evidence .com audit trail and is available at discovery
   2. There shall be no unauthorized copying or releasing of audio/video files. All audio/video file copying or releasing will be done in accordance with agency policy.
2. Use of BWC Recordings for Training Purposes <41.3.Sc>
   1. Periodically, BWC's record events which may prove useful as training aids. Therefore, when these cameras record instances that are perceived to be of value as a training aid, the following procedures shall apply:
      1. The officer responsible for generating the audio/video file or a supervisor shall arrange to review the file with the Division Commander and/or Training Coordinator.
      2. Should the audio/video file be considered of value for training purposes, a Division Commander or Training Coordinator may authorize a copy of the video be made for training purposes.
      3. This policy is not intended to prohibit an officer from reviewing his/her own video for evaluation or training purposes (including FTO) from within the system. It is intended to control any video that may be removed from the system for training or other purposes without agency permission.
3. Misuse of BWC Equipment
   1. Each BWC shall be used to its fullest capability . No member shall intentionally misuse or deface any part of the BWC.
   2. Regarding BWC, when possible, cameras shall be aimed in a position as to capture citizen contacts and or criminal acts at any time. No officer shall intentionally block the view of the camera. The BWC must be worn prominently on the outside of the uniform positioned in such a way as to capture citizen contacts and criminal acts.
   3. Computer software portions of the BWC fall under the same policies set forth in the department policy and shall not be deviated from.

Q. Deletion of Unintentional Recordings

In the event of an unintentional activation of the BWC system during a non-enforcement or non­ investigative activity, including but not limited to, restroom, meal break, or other areas where a reasonable expectation of privacy exists, officers may request the recording to be deleted through their chain of command.

1. BWC Documentation

If an officer fails to activate his/her BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why the recording was not made, was interrupted, or was terminated as soon as the officer becomes aware that there is not a recording. Appropriate disciplinary action shall be taken against any officer who is found to have intentionally or unintentionally failed to adhere to the recording or retention requirements contained in this policy,

or to have intentionally interfered with a BWC's ability to accurately capture video footage. (Circumstances outside of the officer's control and/or knowledge will be taken into consideration.)

G0 #41.3

Patrol Division Equipment

### General Order #41.3.11 Unmanned Aerial Systems (Drones)

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

It is the policy of this department that unmanned aerial systems may be utilized by trained and authorized personnel when such use is appropriate in the performance of their official duties. All deployments of a UAS shall be in furtherance of the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

**DEFINITIONS:**

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that can sustain directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

Certificate of Authorization (COA) - A certificate of authorization is an authorization issued by the FAA to a public operator for a specific UAS activity .

Digital Media Evidence COME) - Digital recording of images, sounds, and associated data associated captured through the deployment of a UAS.

Pilot in Command (PIC) - Has final authority and responsibility for the operation and safety of the flight.

**PRIVACY**

The UAS shall not be operated in violation of the Indiana and United States constitutions, statutes, or regulations. When a search warrant is required by law and no warrant exception exists, flight is prohibited until a search warrant is obtained.

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally operate outside the guidelines of the Certificate of Authorization . In the event a UAS operator receives a request from a supervisor that is counter to the COA, any law, General Order or Operational Procedure, that operator shall notify the requesting supervisor of the conflict and if needed the UAS Program Coordinator may be contacted for additional consultation on the request.

**PROCDURES**

A ADMINISTRATION

All deployments of the UAV must be specifically authorized by the Chief of Police or authorized supervisory personnel. This agency has adopted the use of a UAV to provide an aerial visual perspective in furtherance of the department's public safety mission and the following objectives:

* + Community Outreach - to record events hosted and/ or sponsored by the department in furtherance of the department's goals.

G0 #41.3

Patrol Division Equipment

* + - Situational Awareness - to assist decision makers (incident command staff, first responders, City, county, and state officials) in understanding the nature, scale, and scope of an incident and for the planning/coordination of effective responses.
    - Tactical Deployment - to support the tactical deployment of officers and equipment in emergency incidents including but not limited to hostage(s) incidents, barricaded suspects, fleeing/wanted persons, support for large scale tactical operations and other temporary perimeter security incidents.
    - Search and Rescue - to assist in a missing person(s) investigation, AMBER Alerts, Silver Alerts, fire scenes, and other search and rescue operations.
    - Visual Perspective - to provide an aerial visual perspective to assist officers in providing direction for crowd control, traffic incident management, special circumstances, and temporary perimeter security.
    - Scene Documentation - to document a crime scene, accident scene, or other major incident scene (disaster management, incident responses, large scale forensic scene investigation, fatality, or serious injury accidents) .
    - SWAT and K9 overwatch
    - Training

1. PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program and serve as the official liaison with the FAA. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

* 1. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
  2. Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
  3. Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require a supervisor's approval. The supervisor will make notification to his/her lieutenant.
  4. Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
  5. Implementing a system for public notification of UAS deployment in non- emergency or pre-planned public events.
  6. Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
  7. Developing a protocol for fully documenting all missions.
  8. Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
  9. Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
  10. Facilitating law enforcement access to images and data captured by the UAS.
  11. Recommending program enhancements, particularly regarding safety and information security .
  12. Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

GO #41.3

Patrol Division Equipment

1. DEPLOYMENT & USE
   1. Personnel Authorized - only personnel (pilots and crew members) who have been trained and certified in the use/deployment of the UAV are authorized to use/ deploy the device.
   2. Inspection - authorized/certified personnel shall inspect and test the UAV prior to and after each use *I* deployment to verify the proper functioning of all components of the UAV and the airworthiness of the device.
   3. Responsibility - UAV equipment is the direct responsibility of the pilot in command. The UAV and all UAV equipment will be used with reasonable care to ensure proper functionality. Equipment malfunctions shall be brought to the attention of the UAV Coordinator as soon as possible so that appropriate repairs can be made, or a replacement unit can be procured. A malfunctioning UAV will be grounded until repaired.
   4. Each deployment of the UAV will be recorded for the duration of the mission.
   5. Use/Deployment Records - all uses/deployments of the UAV shall be accurately recorded as required by the FAA.
   6. Public Notification - A member of Administration may direct public notification of the use *I*

deployment of the UAV on a case-by-case basis.

* 1. Search Warrant - where there no exigent circumstances or other exceptions as defined in IC 35-33-5-9 exist and there are specific and articulable grounds to believe the UAV will collect evidence of criminal wrongdoing and/or if the UAV will be used in a manner that may intrude upon reasonable expectations of privacy, the department will obtain a search warrant prior to conducting the flight.
  2. UAS operations should only be conducted during daylight hours unless otherwise authorized by the COA and a UAS should not be flown over populated areas without FAA approval.

1. PROHIBITED USE

The UAS and associated equipment are intended to support the legitimate functions of the Munster Police Department and shall only be used in the furtherance of public safety . The UAS shall not be used:

* 1. To conduct random surveillance activities prohibited by state or federal law.
  2. To target a person or group based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender, or sexual orientation.

3. To harass, intimidate or discriminate against any individual or group.

1. To conduct personal business of any type.
2. The UAS shall not be weaponized.

6. In an unsafe manner or in violation of FAA rules or department policy.

1. DME RETENTION & DATA MANAGEMENT
   1. All digital multimedia evidence (DME) shall be handled in accordance with existing policy on data and record retention where applicable.
   2. All DME, including training data, shall be downloaded, and entered into evidence at the completion of each deployment. Each entry shall include the date, time, location, case number and personnel involved in the flight.
   3. Officers shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any

manner UAS DME without approval of the Chief of Police or designee.

**Response to UAS Usage by the Public General Guidelines**

GO #41.3

Patrol Division Equipment

The following serves as general guidelines for officers responding to complaints of UAS usage in the community. Responding officers must remain cognizant of safety, individual rights to airspace, regulations of the FAA, and state statutes. Refer to the attached FAA LEO Guidance quick reference to help evaluate usage.

Safety

UAS operation presents a unique hazard to both officers and citizens in that the National Airspace System is accessible to the public and governed by Federal guidelines. Personnel of the Munster Police Department do not have authority to act with regard to the National Airspace System.

Documentation of Unsafe or Unauthorized UAS Usage

As with any other civil or criminal investigation, successful enforcement will depend on development of a complete and accurate report of the event. The following serves as a baseline of information that should be collected.

* + 1. Witness identification and interviews
    2. Identification of UAS operators
    3. Documentation of the event with photographs or video
    4. Notation of any flight restrictions at the time of use- Temporary Flight Restricted areas, Steady state flight restricted areas
    5. Notification to the Central FAA Regional Operation Center (817-222-5006) through Lake County Communications
    6. Identification and preservation of any scene evidence INDIANA CRIMINAL CODE:

IC 35-33-5-9Unmanned aerial vehicles; search warrant; exceptions

Sec. 9. (a) Except as provided in subsection (b), a law enforcement officer must obtain a search warrant in order to use an unmanned aerial vehicle.

1. A law enforcement officer or governmental entity may use an unmanned aerial vehicle without obtaining a search warrant if the law enforcement officer determines that the use of the unmanned aerial vehicle:
   1. is required due to:
      1. the existence of exigent circumstances necessitating a warrantless search;
      2. the substantial likelihood of a terrorist attack;
      3. the need to conduct a search and rescue or recovery operation;
      4. the need to conduct efforts:
2. in response to; or
3. to mitigate;

the results of a natural disaster or any other disaster; or

* + 1. the need to perform a geographical, an environmental , or any other survey for a purpose that is not a criminal justice purpose;
  1. is required to obtain aerial photographs or video images of a motor vehicle accident site on a public street or public highway; or
  2. will be conducted with the consent of any affected property owner. As added by P.L.170-2014, SEC.19. Amended by P.L.57-2016, SEC.2.

IC 35-33-5-1OAdmissibility of evidence; unmanned aerial vehicles

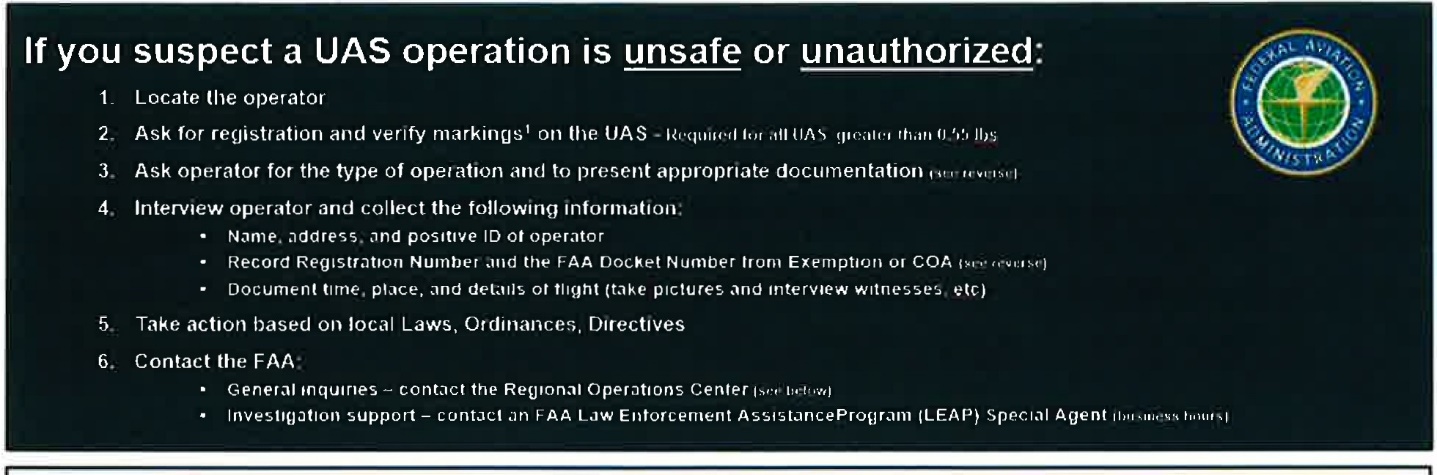
Sec. 10. The following are not admissible as evidence in an administrative or judicial proceeding:

1. A communication or an image that is obtained through the use of an unmanned aerial vehicle in violation of section 9 of this chapter.
2. Evidence derived from a communication or an image described in subdivision (1). As added by P.L.170-2014, SEC.20 .

G0 #41 .3

Patrol Division Equipment

**LEO Guidance for Unmanned Aircraft Systems (UAS)**



Local Protocol:Observe UAS usage in accordance with this quick reference. If a violation is believed to have occurred complete a report and make notifications as directed In policy.

|  |  |  |  |
| --- | --- | --- | --- |
| FAA REGIONAL OPERATIONS CENTERS: | | | |
| Eastern | (404) 305-5150 | DC.DE. Kl. NJ. NY. PA. WV. VA | 7-aea-roc@faa .gov |
| Southern *I* New England | (404) 305-5156 | AL. CT. FL GA,KY, MA, *WE,* MS, NC. NH. PR. RI, SC, lN. Vl VT | [9-aso-roc@faa.gov](mailto:9-aso-roc@faa.gov) |
| Western | (425) 227-1999 | AK, AZ. CA. CXl, HI. ID.*MT.* NV. OR. UT. WA .WY | 9-wsa-oosctri!ilfaa.aov |
| Central | (817) 222-5006 | AR. IA, L. N. KS, LA. M, .MO, ND, NE. NM. OH. OK, SD, lX, WI | 9-csa-roc@raa .aov |
| Washington | (202) 267 -3333 | Nallonal | 9-awa-ash-woc@faa .gov |

\*\* If **you need immediate assistance from the FAA call (202) 267-3333** \*\*

G0 #41.3



|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Mu t h1ve n u1 .IJ '.J{ | | | | | | | I Ofl ; | | | n ul M .H k i ng ' (re4tmt-d l(H :ill l.JA S gr t<lle! rh.Hl () 55 llJS) | | | | | | | | | | | | | |
| Mu st | rt(/ 1 | | | nd:,nur | | P | t'"' ';;.Oll'.-1 | | | | ()1 | pr opt:' rt'j | | (H ' | | t.ht:' | v r |  | •lHtd |  | | | |
| Mu,;t g | | 1v W ;!.V to .ind not ir 11t: r ter e wi | | | | | | | | | | | th r | r1;i,.ned .ur:, r.:ilt | | | | | | |  | | |
| Must comp | | | | | ly with .:i | |  | tl | 1gh? 1e5t11c t1ono;.md lempor "1r y Fught 1elrict1on·c,· | | | | | | | | | | | | | |  |
| A.re ·,u t; | | | 1en t o '"1Fll enfor cernent for C :ore l | | | | | | | | | | | | e :.s or Reckless ope 1 | | | | | | | :1t1oro | |

Patrol Division Equipment

**Types of Authorized UAS Ops and Required Documentation:**

*Required documents muet* be *In operator 's possession and presenrod* ro *law enforcem1mr upon request per 14 CFR 61.3(1)(3)*

|  |  |
| --- | --- |
| **Model Aircraft Non-Model *I* Commercial Public *I* Government**  An unmann&d ain:rallthet 111) capable ohu1talned flight In Ille Any UAS operation conducted far non-'1obby or commen:lal purpo11QB Public agencies or organizations that conduct UAS operation•  atmosphere, 2) flown within vllual Mlle of sight of the pereon any operation the! doe1 not meet the persmelara for Model AIR:11111. for a government function.  opeiatlng Ille aircraft , and 3) flown fer hobby or 111Creallonal Operator mu11posseu ALL of thefalowing documentl: <>pemar rmst pouau 6LL.of Iha followtnO documenlt: purpon1. Mutt be ope111ta<I within AU. of lhe following  pe111metera: 1. Certificate of Aulhortzatlon (COA) a  1. Section 333 Exemption or Aircraft Certincatlon 4  1. Strictly for hobby or recreational u11 2. Aircraft Registration and Markings 1  2. Certificate of Authortzatlon (COA) a   1. Must give way to manned aircraft 3. Aircraft Registration and Markings 1 2. L111than 1111 pounds 2 4. Pilot certificate s 3. Optrat.d In accordance with community | |
| baHd Ht of safety guidelines 3  II. If within IImilts of airport, must notify A LL UA S :  airport operator and control tower (If tower)  8. Registration and Marldngs1 (  *Modol aircraft oporotlng tandards are governed*  *under i".L.* f f2 H*(Feb 14, Z012J* ll | |
|  |  |
| 1Airc raft Reqjstratjon and Madjjags:All UAS greater than 0.55 are required to be registered,regardle&S of the type of operation. The operator must provide the registration certificate upon request and the UAS must be marked with the appropriate registration or serial number. To verify registration, contact a LEAP agent during normal business hows or the Regional Ops Center after hours.  2 Aircraft is limited to no more than 55 pounds unless certified through design, construction and inspection by community based organization.  3A membership based association that represents the modeling community and provides its members a comprehensive set of safety guidelines.  •333 Exe!!J9tion:FAA Letterheaddated and signed with an Exemption Number and Regulatory Docket Number.Includes conditions and limitations such as:  *{Nol required for UAS with* en *FAA AirV1orlhiness Certificate or Public/Govemment Opeflllors)*  > Line of Sight;The UAS must be visible at an times to the operator using his or her own natural vision.  > Daytime only: Unless specifically authorized in the COA, UAS operations must be conducted during daytime only.  'Ce[1ificate of Warm or Autborizaljon (CQA): FAA Form 7711-1 signed by UAS Tactical Operations Section and includes FAA. Docket Number.  Addresses specific restrictions such as:  > Altitude: As stipulated on cover page of COA. Generally 400' or 200' (but can be higher).  > Proximity to Airports: As stipulated on COA.  8Pilot certificate: All non-model/commercial operators must have an FAA pilot certificate (Government *agencies may self-certify pilot)*  7 Temooracy f l i ght Rest rictions (TFR) are common for Presidential movements,select sporting events, Iheme parks.Active TFRs are published here: [www.lfr.faa.gov](http://www.lfr.faa.gov/) | |