

Portable Audio/Video Recorders

422.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties, including body-worn cameras.

This policy does not apply to interviews or interrogations conducted at any Salt Lake City Police Department facility, undercover operations, or wiretaps.

Additional guidance regarding the use of body-worn cameras during the execution of a warrant is found in the Warrant Service Policy.

422.1.1 DEFINITIONS

Body-Worn Camera - A video recording device that is carried by, or worn on the body of, a law enforcement officer and that is capable of recording the operations of the officer (Utah Code 77-7a-103(1)(a)). Body-worn cameras do not include dashboard mounted cameras or cameras intended to record clandestine investigation activities (Utah Code 77-7a-103(1)(b)).

422.2 POLICY

The Salt Lake City Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

422.3 BODY-WORN CAMERAS

422.3.1 BODY-WORN CAMERA COORDINATOR

The Chief of Police or the authorized designee should designate a body-worn camera coordinator responsible for establishing procedures for (Utah Code 77-7a-102):

- (a) The security, storage and maintenance of data and recordings.
- (b) Accessing data and recordings.
- (c) Logging or auditing access.
- (d) Transferring, downloading, tagging or marking events.
- (e) Initial and ongoing training for officers and supervisors in the use of body-worn cameras and evidence.com.
 - i. Any member assigned a body-worn camera should receive this policy and associated procedure, as well as training on how to operate a body-worn camera, before utilization.

422.3.2 MEMBER RESPONSIBILITIES

Prior to going into service, each officer who has been issued a body-worn camera will be responsible for making sure that the camera is in good working order. If the recorder is not in

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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 device as soon as reasonably practicable. Officers should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable (Utah Code 77-7a-104; Utah Code 77-7a-105).

Officers shall document the existence of a recording in any report or other official record of the contact (such as the general offense report or MDT CAD notes), including any instance where the officer failed to record an incident, a camera malfunctioned, or the officer deactivated the camera. Officers shall include the reason for the failure or deactivation, if applicable (Utah Code 77-7a-104).

All body-worn camera recordings must be downloaded by the officer at the end of their assigned shift unless an exception is authorized by a supervisor.

422.3.3 ACTIVATION OF THE BODY-WORN CAMERA

State law requires that a body-worn camera be activated in any of the following situations (Utah Code 77-7a-103; Utah Code 77-7a-104):

- (a) All enforcement and investigative contacts including stops and field interview situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any use of force
- (f) Dispatched calls for service in which a member has in-person contact with an individual or another member of the Department or a law enforcement agency.
- (g) Execution of a warrant

State law prohibits the activation of a body-worn camera inside a hospital, health care facility, human service program, or the clinic of a health care provider except during one of the situations outlined above, and the officer wears the camera in a clearly visible manner or otherwise makes notification of the use of the body-worn camera (77-7a-104(11)(b)).

In order to ensure officers capture the above required types of contacts, officers should activate their body-worn camera immediately after acknowledging a call for service, prior to arriving in the area, or immediately after notifying Dispatch of their intent to engage in a law enforcement action. Proper body-worn camera activation procedures shall be followed. [Salt Lake City Police Department Procedure Manual: 408.2 BODY-WORN CAMERA ACTIVATION PROCEDURES](#)

At no time is a member expected to jeopardize their safety in order to activate a body-worn camera (Utah Code 77-7a-102). However, the camera should be activated as soon as reasonably practicable (Utah Code 77-7a-104).

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422.3.4 FAILURE TO ACTIVATE A BODY-WORN CAMERA

A member's failure to activate their body-worn camera in circumstances where activation is required by this policy or applicable law may result in corrective action or discipline. In determining the appropriate type of corrective action or tier of discipline, relevant considerations include, but are not limited to:

- (a) the unique facts and circumstances/context in which the failure-to-activate occurred; and
- (b) the actual or potential impact of the failure-to-activate on the member, the Department, and the public.

While the Department will evaluate a failure-to-activate on a case-by-case basis, the following represents the Department's presumptive general guidelines pertaining to corrective action or discipline for violations of this policy:

Negligent/Inadvertent Failure to Activate Body-Worn Camera

- (a) If a member's failure-to-activate was negligent or inadvertent, the Department will review the member's body-worn camera activation history for the previous thirty (30) days to assist in determining whether corrective action or discipline is warranted and, if so, what type of corrective action or tier of discipline is appropriate.
- (b) For example, if a negligent or inadvertent failure-to-activate occurs on April 30, the Department will review the member's body-worn camera activation history from April 1 through April 30 (i.e. the 30-day period preceding the date of the failure-to-activate).

Intentional/Willful/Knowing Failure to Activate Body-Worn Camera

- (a) If a member's failure-to activate was intentional, willful, or knowing, Tier 3 discipline (which may include termination of employment) will be considered

422.3.5 CESSATION OF RECORDING

Once activated, the camera shall remain on continuously until the member reasonably believes their direct participation in the incident is complete or the situation no longer fits the criteria for activation.

Recording may be stopped (Utah Code 77-7a-104):

- (a) During significant periods of inactivity such as report writing or other breaks from direct participation in the incident, including consultation with a supervisor or other officer.
- (b) When speaking with a victim, witness, or person wishing to report or discuss criminal activity if both of the following apply:
 - (a) The subject of the recording requests deactivation.
 - (b) The member believes the value of the information outweighs the value of the potential recording.
- (c) During a conversation with a victim of a sexual offense or domestic violence if:
 - (a) The member is conducting an evidence-based lethality assessment.

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- (b) The victim or the member believes that deactivating the body-worn camera recording will either:
 - 1. Encourage complete and accurate information sharing by the victim, or
 - 2. Is necessary to protect the safety or identity of the victim.
- (c) The body-worn camera is reactivated as soon as reasonably possible after the evidence-based lethality assessment is complete.

The member should record the request to deactivate the portable recorder. A member should document any instance where they should have activated their body-worn camera but failed to do so, and the reason for the failure (Utah Code 77-7a-104).

422.3.6 IDENTIFICATION AND PRESERVATION OF BODY-WORN CAMERA RECORDINGS

To assist with identifying and preserving data and recordings members will tag body-worn camera recordings in accordance with department procedure. [Salt Lake City Police Department Procedure Manual: 408.3 TAGGING BODY-WORN CAMERA RECORDINGS](#)

422.3.7 RETENTION OF BODY-WORN CAMERA RECORDINGS

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 77-7a-107). Officers will follow proper procedure to ensure proper retention of body-worn camera recordings.

[Salt Lake City Police Department Procedure Manual: 408.4 RETENTION OF BODY-WORN CAMERA RECORDINGS](#)

422.4 PORTABLE AUDIO RECORDERS

Utah law permits an individual to record any conversation in which one party to the conversation has given their permission (Utah Code 77-23a-4).

Members of the Department may use a portable audio recorder to overtly or surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Divisions who issue and/or utilize portable audio recorders will establish procedures for storage and retention of such recordings.

422.5 MEMBER PRIVACY EXPECTATION

Members shall not surreptitiously record another department member with a portable audio/video recorder without a court order.

All recordings made by members 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

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it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

422.6 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

422.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders 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 portable recorder (Utah Code 77-7a-106).

Members are also prohibited from retaining recordings of activities or information obtained while on-duty whether the recording was created with a department-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department (Utah Code 77-7a-106).

Members are prohibited from using personally owned recording devices while on-duty.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

422.8 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

422.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

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 the member's performance.

Recorded files may also be reviewed:

- (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.

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- (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 of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the GRAMA Coordinator or designee prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

422.10 PUBLIC ACCESS

The Office of the Chief of Police should ensure that this policy is available to the public (Utah Code 77-7a-105).

422.11 REVISIONS

Enacted: March 26, 2018

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