<Agency Logo Here>

Subject: **Body-Worn Cameras**

Policy Number: (If applicable, policy number here)

Effective Date: (Date this policy becomes effective)

Revision Date(s): (If the policy is revised, revision date here)

**MINIMUM STANDARDS**

Section 81-1453 of the Nebraska Revised Statutes requires the Nebraska Commission on Law Enforcement and Criminal Justice to adopt a model body-worn camera policy which includes certain minimum standards. As established in § 81-1454, those minimum standards pertain to training, retention of body-worn camera recordings, and destruction of such recordings. The minimum standards established by the Commission can be found in subsections A., E., and G. of the Procedures section, below. Agencies must also adopt policies that address subsections B, C, D and F of this model policy.

In accordance with § 81-1453, any law enforcement agency required by law to adopt a body-worn camera policy that does not develop and adopt its own policy shall adopt this policy in its entirety. Any law enforcement agency that adopts its own policy shall include procedures and provisions in conformance with the minimum standards set forth herein and may include any other procedures and provisions the law enforcement agency deems appropriate.

**PURPOSE**

This policy is intended to provide uniformed peace officers and other personnel as designated by the agency with guidelines on when and how to use body-worn cameras (BWC) so that they may reliably record their contacts with the public in accordance with the law.[[1]](#footnote-1)

**POLICY**

It is the policy of (your agency here) that personnel shall wear and activate their BWC when its use is appropriate in the proper performance of his or her official duties. BWC recordings shall be consistent with this policy and the law. This policy does not govern the use of the surreptitious recording devices used in undercover operations.

**PROCEDURES**

1. Training (Minimum Standards)
2. Personnel shall be trained on the agency’s BWC policy that specifically relates to activation of the recording device.
3. Personnel shall be trained to conduct pre-shift inspections and ensure their assigned BWC is working properly.
4. Personnel shall be trained regarding the proper wearing of their assigned BWC.
5. Personnel shall be trained on how to properly retain and index recorded events and download files for storage and retention according to agency policies.
6. Personnel who are using BWC, and any other agency personnel who will come into contact with video and audio data recordings obtained from a BWC, must complete an agency approved and provided training program to ensure proper use and operation prior to utilizing a BWC or data recorded by a BWC. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment and to incorporate changes, updates, and other revisions to this policy or BWC equipment.
7. When and How to Use the BWC.
8. Uniformed (officers, deputies or troopers) and any other agency authorized personnel shall make every reasonable effort to activate their assigned BWC to record all contacts with citizens during the performance of their investigative duties or when they reasonably believe situations should be recorded for law enforcement purposes.
9. When (officers, deputies or troopers) and any other agency authorized personnel are making a consensual entry into a private residence unrelated to an investigation involving any of the occupants of the residence, they shall, when practicable, inform the occupant(s) if they are utilizing the BWC.
10. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.
11. If an/a (officer, deputy or trooper) and any other agency authorized personnel fails to activate his or her assigned BWC, fails to record the entire contact, or interrupts the BWC recording, such individual shall document the reasons that a recording was not made, was interrupted, or was terminated.
12. Members of the public shall not be allowed to review BWC recordings at the scene of the contact.
13. When utilized in conjunction with an investigation, the BWC video and audio recording file may be treated as an exemption under Neb. Rev. Stat. §84-712.05.[[2]](#footnote-2)
14. Procedures for BWC Use
15. BWC equipment shall be assigned to agency authorized personnel. Personnel who are assigned the BWC equipment shall utilize the equipment in accordance with this policy.
16. Personnel shall only use the BWC issued by (your agency here). BWC equipment and all data, images, video, audio and metadata files captured, recorded, or otherwise produced by the equipment is the sole property of (your agency here).
17. Personnel who are assigned a BWC shall wear it at all times while on duty. The BWC shall be worn according to the manufacture’s specifications and/or recommendations. The BWC shall be worn openly in a prominent location on the individual’s body, uniform, or clothing in a manner that maximizes the BWC’s ability to capture video and audio of the personnel’s contacts.
18. Each authorized personnel issued BWC equipment shall use reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the individual’s supervisor as soon as reasonably possible.
19. Personnel shall inspect and test their assigned BWC prior to each shift in order to verify proper functioning. Supervisory personnel shall be notified if any BWC equipment is not functioning properly.
20. Personnel shall not edit, alter, or erase, any BWC recordings without prior written authorization from the (Chief, Sheriff, Colonel or, other head administrator as appropriate) or his or her designee. (Officers, Deputies or Troopers) or any other agency personnel also shall not share, distribute, or publish any BWC recordings to non-law enforcement personnel or non-prosecuting authorities without such written authorization.
21. Personnel are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
22. Personnel may review BWC video and audio recordings when preparing written reports of events in order to ensure accuracy and consistency of their reports; however, if an person assigned a BWC is suspected of wrongdoing, the department/agency reserves the right to limit or restrict the individual(s) from viewing the video and audio recording/file.
23. Requests for deletion of any portion of a recording (e.g., in the event of an inadvertent personal recording) must be submitted in writing and approved by the (Chief, Sheriff, Colonel or head administrator as appropriate) or his or her designee in accordance with state and/or local record retention laws. All requests and final decisions shall be kept on file consistent with the (department’s or agency’s) records retention policy.
24. Personnel shall note in incident, arrest or related reports when recordings were made during the relevant contact. However, BWC recordings are not a replacement for written reports.
25. Restrictions on Using the BWC

The BWC shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to knowingly record:

1. Conversations between subordinate personnel and supervisors involving counseling, guidance sessions, or personnel evaluations unless all parties present agree to be recorded;
2. Encounters with undercover officers or confidential informants when utilizing the BWC may create a dangerous situation or otherwise diminish the investigative success of the operation;
3. When on break or otherwise engaged in personal activities;
4. In any place of solitude or seclusion where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, any facility, public or private, used as a restroom, tanning booth, locker room, shower room, fitting room, or dressing room, unless being recorded as part of an ongoing investigation; or
5. Any court, administrative or mental health proceedings, meetings with attorneys, depositions, or any activity within a courtroom or courthouse, unless being recorded as part of an ongoing investigation.
6. Storage and Retention (Minimum Standards)
7. All video and audio recordings shall be securely downloaded to a designated agency-approved repository as soon as practicable. Each video and audio file shall contain information related to the date of the recording, a BWC equipment identifier, and the individual to whom the equipment was assigned at the time of the recording.
8. All video and audio recordings or data files of a BWC are the exclusive property of the (your agency). Accessing, copying, or releasing files, or portions thereof, for non-law enforcement purposes is strictly prohibited unless specifically authorized by the (Chief, Sheriff, Colonel or head administrator as appropriate) or his or her designee.
9. The (Chief, Sheriff, Colonel or head administrator as appropriate) or his or her designee shall periodically monitor the data files to ensure that only authorized users are accessing recordings or data files.
10. Video and audio recordings shall be securely stored and retained for a minimum period of ninety-days from the date of recording and not longer than useful for purposes of training or for use in an investigation or prosecution. Such recordings shall be retained for more than ninety-days if required in the following circumstances:
    1. Upon notice to the agency of a criminal or civil court proceeding in which the recording may have evidentiary value or in which the recording is otherwise involved, the recording shall be retained until final judgment has been entered in the proceeding;
    2. Upon notice to the agency of a disciplinary proceeding against an employee of the agency in which the recording may have evidentiary value or in which the recording is otherwise involved, the recording shall be retained until a final determination has been made in such proceeding; and
    3. If the recording is part of a criminal investigation that has not resulted in an arrest or prosecution, the recording shall be retained until the investigation is officially cleared, closed or suspended.
11. Supervisor Responsibilities
12. Supervisory personnel shall ensure that all individuals who are assigned BWC equipment utilize such equipment in accordance with this policy. Supervisory personnel shall also ensure that other agency personnel who will come into contact with any BWC video and audio recordings and data files comply with this policy.
13. At least twice a year, law enforcement supervisors shall randomly review BWC recordings to ensure that the equipment is operating properly, that individuals who are assigned BWC are using the devices appropriately and in accordance with this policy, and to identify any areas in which additional training or guidance may be necessary. All supervisory reviews shall be documented.
14. Destruction of Recordings After the Retention Period (Minimum Standards)
15. All BWC video and audio recording data may be destroyed after the retention period has expired as set forth in this policy. Such destruction shall be conducted in a manner that ensures any sensitive, proprietary or confidential information is not compromised.
16. Any third party vendors who store BWC recordings on behalf of the agency shall adhere to this section.

**ADMINISTRATIVE REVIEW**

The (Chief, Sheriff, Colonel or head administrator as appropriate) or his or her designee shall conduct an annual review of the operational procedures and practices relating to BWC equipment and use to ensure members of this agency follow and adhere to this policy. In the event this policy is revised or updated, the (Chief, Sheriff, Colonel or head administrator as appropriate) shall provide a copy of the updated version to the Nebraska Commission on Law Enforcement and Criminal Justice.

1. This is in keeping with the intent of Neb. Rev. Stat. §81-1452 et seq. Please consult your legal advisor for any local ordinances which affect your department or agency. [↑](#footnote-ref-1)
2. For the purpose of this policy, the term “file” refers to all sounds, images, and associated metadata. [↑](#footnote-ref-2)