



NEVADA HIGHWAY PATROL DIVISION DIRECTIVE MANUAL

AG REVIEW BY: N/A	ORIGINATION DATE: 02/29/2016	APPROVED BY: Dennis S. Osborn, Chief <i>(Signature on File)</i>
OFFICE OF PRIMARY INTEREST: Headquarters	DATE EFFECTIVE: 02/29/2016	SUBJECT: Body Worn Camera Use
PROCESSED BY: C. LaPrairie	REVISION DATE: 09/15/2016	DIRECTIVE NUMBER: 6.2.010

A. PURPOSE

To define and document the standardized, tailored Division requirements and records for Body Worn Camera (BWC) use as defined by Nevada Statute and DPS Policy.

BWC's are a beneficial tool to both the community and to our organization. Body worn cameras assist in our commitment to the community to be accountable and transparent. In addition, BWC's assist our organization with accurate, complete and an unbiased perspective of evidence preservation.

B. REFERENCES

The following additional documents/requirements form, in whole or in part, a part of this document:

NRS 49.335	Privilege to refuse disclosure of identity of informer
NRS 62H	Records relating to Children
NRS 239.010	Public records open to inspection, et.al.
NRS 239.051	Requirements before destruction
NRS 239.080	State records: Schedules for retention and disposition.
NRS 480.365	Requirements for wearing of portable event recording device by NHP
NAC 239.697	Records management program: General requirements.
NAC 239.699	Protection and preservation of records; General requirements, et. al.
DPS Policy 340	Disciplinary Policy
DPS Policy 422	Mobile Audio Video Policy

C. SCOPE

This document applies to NHP personnel requirements and records associated with the use of BWC's.

D. DEFINITIONS

A/V - Audio/Video

Body Worn Camera (BWC) - A portable device issued to a peace officer employed with the Nevada Highway Patrol to be worn on his or her body which records both audio and visual events during an encounter with a member of the public while performing his or her duties as a peace officer. This device is part of the Multi-View Integrated Camera System.

Calls for Service - A Dispatch generated service call requiring public interaction on scene.

Event - A Law Enforcement or Investigative encounter that has or could be of evidentiary value.

Failure to Operate - Once trained in BWC use, a user intentionally or neglects to activate recording without just cause.

General Retention Schedule Manual - Created by the Nevada State Library, Archives and Public Records that governs retention and disposition of official State Records.

Investigative Encounter - An encounter with a person(s) by officers on reasonable suspicion of involvement in criminal activity but could fall short of probable cause to arrest.

Non-Event - A Law Enforcement encounter that has no evidentiary value.

Law Enforcement Encounter - An encounter resulting from a violation of Nevada Statute, or an encounter which is consensual in nature on behalf of the officer or public.

MAV - Mobile Audio Video

MVICS - Multi-View Integrated Camera System. This system consists of multiple cameras recording to a single memory. The system has, at a minimum, a BWC, dash-view camera, and a camera viewing the prisoner transport area.

Video Record - Any recording made by the MVICS.

Routinely Interacts with the Public - For the purposes of this document, sworn NHP officers with rank of lieutenant and below deployed in an operational capacity shall be considered to routinely interact with the public.

E. PROCEDURE

The NHP will implement and deploy BWC's which integrate into an MVICS, serving as an additional audio video input to events recorded. A BWC, once integrated with the MVICS, shall be used in accordance with DPS Policy 422. In the interim period, prior to full integration with MVICS, BWC's may be deployed as independent recording device.

1. Deployment

- a. All NHP officers who routinely interact with the public shall wear a BWC in accordance with NRS 480.365.
- b. All NHP officers meeting the NRS 480.365 criteria for deployment must satisfactorily complete required training prior to using the BWC in field activities.
- c. All NHP officers shall ensure that the issued BWC has a fully charged battery and is functioning properly at the beginning of their shift.
- d. All NHP officers shall notify a supervisor whenever there is a malfunction or damage to the BWC and document the malfunction/damage and seek replacement as soon as practical.
- e. Only a department issued BWC will be authorized for use.

2. Activation

- a. Whenever an officer responds to a Call for Service, or initiates a Law Enforcement or Investigative Encounter with the public, the BWC must be recording upon first public contact.
- b. During a Public initiated consensual interaction, activation is discretionary.
- c. The BWC is designed to manually turn on or whenever certain triggers from the officers patrol car are activated including but not limited to when the emergency lights are activated, certain speeds are attained, and when there is an impact. The system remains on until turned off manually. The system also includes a “pre-record” function. The audio portion automatically activates and should remain on.

3. Deactivation

- a. Once recording has started it shall not be terminated unless otherwise specified below:
 - 1) Upon conclusion of the events described in the activation paragraph.
 - 2) To protect the privacy of citizens in accordance NRS 480.365.
 - 3) To protect the identity of an informer in accordance with NRS 49.335.
 - 4) The officer should announce the recording is being terminated to protect a citizen’s privacy.

4. When Activation is Not Required

- a. Activation of the BWC is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.
- b. No member of this department may surreptitiously record any other member of this department without a court order or during a criminal investigation with the authorization of the Director of Public or his/her designee.
 - 1) Each BWC does have an automatic pre-record system and this should not be misconstrued as a surreptitious activation of the body camera.

5. Storage and Archiving

- a. All BWC media will be appropriately downloaded for storage at designated Department facilities/locations.
- b. Records retention shall be in accordance with NRS 239, NAC 239 and the Nevada State Library, Archives and Public Records “General Retention Schedule”.
- c. Record controls involving minors shall conform to NRS 62H.
- d. All BWC media that is categorized as a “Non-Event” will only be retained for a period of 30 days.
- e. All BWC media categorized as an “Event” will be retained as prescribed in the “General Retention Schedule” and remain in compliance with NRS 239.051, NRS 239.080, NAC 239.697 and NAC 239.699.
- f. Officers who reasonably believe that a BWC recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Nevada Department of Public Safety should indicate this in and appropriate report. Officers should ensure relevant recordings are preserved.

6. Viewing and Use

- a. All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside the agency is strictly prohibited, except to the extent permitted or required by law.
- b. To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department BWC technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.
- c. Viewing and use for a video record from the MVICS, may be reviewed in any of the following situations:
 - 1) For use when preparing reports or statements.
 - 2) By a supervisor investigating a specific act of officer conduct.
 - 3) By a supervisor to assess officer performance.
 - 4) To assess proper functioning of BWC systems.
 - 5) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
 - 6) By department personnel who request to review recordings with supervisor approval.
 - 7) By an officer who is captured on or referenced in the video or audio data and reviews such data for any purpose relating to his/her employment.
 - 8) By court personnel through proper process or with permission of the Director of Public Safety or the authorized designee.
 - 9) By the media through proper process or with permission of the Director of Public Safety or the authorized designee or in compliance with a Nevada Public Records Act request (NRS 239.010 et seq.)
 - 10) To assess possible training value with supervisor approval.
 - 11) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the respective employees command staff to determine if the training value outweighs the officer's objection.
- d. Shall be in accordance with NRS 480.365 subsection 2.
- e. In no event shall a recording be used or shown for the purpose of ridiculing or embarrassing any employee.

7. Discipline

- a. Disciplinary procedure for Failure to Operate the BWC in accordance with NRS 480.365 shall conform to DPS Policy 340.
- b. Unauthorized willful destruction or manipulation of a video recording shall be considered no less than a Class 4 violation per DPS Policy 1015.