

**STATE OF UTAH**  
**State Tax Commission**  
**Motor Vehicle Enforcement Division**  
**POLICIES AND PROCEDURES**

Policy #:  
0020

Page  
1 of 5

Effective Date:  
03/01/2015

Revision Date:  
05/10/2016

SUBJECT: **Body-worn camera and dash camera**

## **I. Purpose**

The purpose of this policy is to establish guidelines for the use of the body-worn camera and the dash camera so that Motor Vehicle Enforcement Division (division) officers are in compliance with the law and protected from liability. The use of the body-worn cameras and dash cameras are intended to enhance the mission of the division by accurately capturing contacts between officers of the division and the public.

## **II. Policy**

It is the policy of the division to ensure that the division provided body-worn camera and dash camera are used in compliance with state law and within division policy.

## **III. Definitions**

- A. "Audio recording" means the electronic recording of sounds, conversations, or other spoken words.
- B. "Body-worn camera" means 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.
- C. "Dash camera" means the division issued video and audio device installed in all police vehicles assigned to the division.
- D. "Division action" means:
  - 1. advising an individual of the individual's Miranda rights;
  - 2. conducting an interrogation in a state or local government facility;  
or
  - 3. performing an action as directed in writing by the division director.
- E. "Law enforcement encounter" means:
  - 1. an enforcement stop;
  - 2. a dispatched call;
  - 3. a field interrogation or interview;
  - 4. use of force;
  - 5. execution of a warrant;
  - 6. a traffic stop, including a traffic violation, stranded motorist assistance, and any crime interdiction stop; or
  - 7. any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- F. "Video recording" means the electronic recording of visual images either with or without an audio component.

## IV. Procedures

- A. An officer using a body-worn camera shall verify that the equipment is fully charged and properly functioning as is reasonably within the officer's ability.
- B. An officer shall report any malfunctioning equipment to the officer's supervisor, division-assigned technician, and the chain of command if:
  1. the body-worn camera issued to the officer is not functioning properly upon initial inspection; or
  2. an officer determines that the officer's body-worn camera is not functioning properly at any time while the officer is on duty.
- C. An officer shall wear the body-worn camera so that it is clearly visible to the person being recorded.
- D. An officer shall activate the body-worn camera prior to any law enforcement encounter or division action, or as soon as reasonably possible. However, officers are advised to have the body-worn camera be operational at all times to ensure an incident is properly recorded. Investigators wearing a body-worn camera may activate the unit whenever they interact with the public unless prohibited by law or this policy. Also, an officer who arrives to assist another division officer in a traffic incident shall activate his or her body-worn camera to add an additional viewpoint to the incident.
- E. An officer shall record in an uninterrupted manner until after the conclusion of a law enforcement encounter or division action, except as an interruption of a recording is allowed under this policy.
- F. When going on duty and off duty, an officer who is issued a body-worn camera shall record the officer's name and the current time and date, unless the information is already available due to the functionality of the body-worn camera.
- G. If a body-worn camera was present during a law enforcement encounter or division action, the officer shall document the presence of the body-worn camera in any report or other official record of a contact.
- H. When a body-worn camera has been activated, the officer may not deactivate the body-worn camera until the officer's direct participation in the law enforcement encounter or division action is complete, except as provided in Subsection (IV)(I).
- I. An officer may deactivate a body-worn camera:
  1. to consult with a supervisor or another officer;
  2. during a significant period of inactivity; and
  3. during a conversation with a sensitive victim of crime, a witness of a crime, or an individual who wishes to report or discuss criminal activity if:
    - a. the individual who is the subject of the recording requests that the officer deactivate the officer's body-worn camera;

and

- b. the officer believes that the value of the information outweighs the value of the potential recording and records the request by the individual to deactivate the body-worn camera.
- J. A body-worn camera or dash camera may not be used in the recording of conversations with division employees or supervisors. Any recording between division employees or supervisors must be announced to the participants and approved by the division director. This also applies to the use of personal purchased devices while on duty.
- K. All division officers assigned a body-worn camera or dash camera shall complete a familiarization course on its operation. Any questions on operations or functions of the equipment shall be submitted to the officer's immediate supervisor.
- L. If an officer deactivates a body-worn camera, the officer shall document the reason for deactivating the body-worn camera in a written report.
- M. The dash camera system is installed on all division police vehicles and is to be used on division traffic stops. The system is automatically started once the emergency lights are activated.
- N. The officer shall conduct a pre-shift inspection of the officer's dash camera to make sure that it is operational. An officer shall immediately report any malfunctioning equipment to a supervisor.
- O. In the event of an immediate retrieval of a digital recording, a supervisor shall respond to the scene to secure the body-worn camera and maintain chain of custody. The officer assigned the investigation will coordinate the download, minimizing the chain of custody. In the event of an immediate retrieval of a dash camera recording, a supervisor shall submit a request to administration and the download will be secured to protect the chain of custody.
- P. Officers will document in their reports if the body-worn camera or dash camera were used to record an incident and will attach the appropriate case number to the recording and list in the report the date and time of the download and by whom the download was performed. While it is understood that the use of the division issued equipment will capture scenes of evidentiary value, these recordings will not be used in lieu of crime lab personnel for photo or video-graphic incident documentation.
- Q. Officers involved in any significant use of force incident or accident-causing injuries will be permitted to review their own body-worn camera and dash camera recording after it has been approved by the division director. All other video releases of evidence will follow Utah State Tax Commission procedures and will be reviewed by the disclosure officer.

- R. An officer is prohibited from:
1. wearing a body-worn camera into an auto dealership or other division licensee's listed address of operation;
  2. using a body-worn camera for personal use;
  3. making a personal copy of a recording created while on duty or acting in an official capacity as a law enforcement officer;
  4. retaining a recording of any activity or information obtained while on duty or acting in an official capacity as a law enforcement officer;
  5. duplicating or distributing a recording except as authorized by the employing law enforcement agency; and
  6. altering or deleting a recording in violation of this chapter.
- S. When an officer with a body-worn camera enters a private residence, the officer shall give notice, when reasonable under the circumstances, to the occupants of the residence that a body-worn camera is in use either by:
1. wearing a body-worn camera in a clearly visible manner; or
  2. giving an audible notice that the officer is using a body-worn camera.

## **V. Body-Worn Recording Device/ Dash Camera Storage**

- A. Officers will monitor their storage availability. The body-worn camera storage will not be allowed to go over half of capacity. Upon storage reaching fifty percent capacity the officer shall initiate downloading procedures.
- B. If an officer allows the officer's body-worn camera storage to become full and an incident is not able to be recorded, the officer will be deemed in violation of policy and disciplinary actions will be taken.
- C. The body-worn camera downloaded recordings will be retained according to the division's retention schedule:

Arrests	Until adjudication or final disposition
Contacts & Detentions	1 year
Critical Incident (non arrest)	2 years
Evidence	Until adjudication or final disposition
Pursuits (non arrest)	1 year
Traffic Stops	1 year
Training	1 year
Use of Force	1 year
Miscellaneous	1 year

Body-worn camera and dash camera footage of stops where no arrest or citations were made shall be kept for 90 days. Once the downloading has commenced the equipment shall not be interrupted or stopped until the process is completed.

- D. Release of body-worn camera or dash camera captured recordings to defense counsel in pending criminal or non-criminal proceedings shall be coordinated and approved through the Utah State Tax Commission disclosure officer. All recordings are property of the division.

**Warning**

This directive is for division use only and does not apply in any criminal or civil proceedings. The division policy should not be constructed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violation of this directive will only form the basis for division administrative sanctions.

By the Order of



Signature of Director