PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS

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CHIEF OF POLICE

TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	320.02	8/11/2026	8/11/2026
SUBJECT TITLE		**PREVIOUSLY ISSUED DATES**	
Body-Worn Camera (BWC) Program		2/20/2024; 10/6/2022; 2/28/2021; 1/15/2020; 4/26/2019; 9/19/2018; 12/22/2017; 10/3/2017; 7/14/2017; Supersedes 320.02	
REFERENCE		**RE-EVALUATION DATE**	
CALEA 41.3.8		7/15/2028	
SUBJECT AREA		**DISTRIBUTION**	
Law Enforcement Operations		All Sworn Personnel	

PURPOSE:
The purpose of this policy is to establish procedures pertaining to the Providence Police Department's use of Body-Worn Cameras (BWCs).

POLICY:
It is the policy of the Providence Police Department ("the Department") to utilize body-worn camera (BWC) equipment to record and document specific categories of law enforcement interactions with the public, and to institute parameters governing the viewing, storage, and dissemination of the associated audio-visual recordings.

DISCUSSION:
Numerous studies have shown that the use of BWCs by police departments has significantly contributed to officer safety; provides evidence for criminal prosecutions; assisted in resolving complaints made against personnel, and fostered positive relationships with the community. In light of these findings, and intending to gather similar positive outcomes, the Department is issuing BWCs to numerous sworn personnel for use in the field.

All sworn personnel who are assigned to the Patrol Bureau, Special Response Unit (SRU) Field Force Unit (FFU), uniformed details, and any other officers who are issued and/or authorized to use BWC equipment by the Department (i.e. "BWC officers") shall wear and utilize the BWC equipment that has been issued to them and/or that they have been authorized to use whenever they are conducting "official activities" (i.e. regular tours of duty, call back/overtime, detail assignments, special events, and SRU, FFU deployments; etc.)

Under no circumstances shall any Department personnel utilize a non-Department issued or unauthorized BWC or any associated hardware devices, peripherals, or software, when conducting their official duties.

Notwithstanding software and devices that are deployed for use by all officers who have been authorized to use BWCs, said officers shall only utilize the BWC equipment that has been issued or assigned to them.

While on duty and engaged in interactions with the public, all officers – regardless of whether or not they have been issued, authorized to use, or are using a BWC - shall be prohibited from using personal audio or video recording devices.

Department members are reminded that at all times they shall comply with all applicable parameters of the Providence Police Department Rules & Regulations Part II, including those parameters referenced in Section 200, "General Conduct and Responsibilities", Paragraph 200.2, as follows:

> ***200.2 OBEDIENCE TO LAWS AND RULES***
>
> *1. Department members shall comply with all Federal and State laws, City Ordinances, and all orders, rules, oaths, procedures and policies (i.e., all directives) of the Department and the City of Providence.*
>
> *2. Verbal orders and written orders shall carry equivalent weight and authority.*
>
> *3. All lawful orders of a superior, including any order relayed from a superior by a member of the same or lesser rank, shall be followed.*
>
> *4. No superior officer shall knowingly or willingly issue any order that is in violation of any law, ordinance, or directive.*
>
> *5. No member is required to obey an order that is in violation of any law, ordinance, or directive. However, any member who refuses to obey any order shall be required to justify their refusal via a typewritten report, signed and dated by the member in question. The report shall be submitted, as soon after the refusal as practicable, through the chain of command to the Chief of Police.*

This General Order defines the term stop, for purposes of compliance with Providence Code of Ordinances Sec. 18 ½.4(c)(1)(ii). A stop of an individual takes place when a reasonable person would believe, based upon a totality of the circumstances, that they were not free to leave and terminate the encounter with police. A police officer may conduct an investigatory stop, provided the officer has a reasonable suspicion based on

specific and articulable facts that the person detained is engaged in criminal activity. An officer may further perform a limited pat-down search of a suspect's outer clothing for weapons, which shall also constitute a stop if the officer has reasonable suspicion based on specific and articulable facts to believe the person may be armed and dangerous.

Conduct that constitutes a stop shall include, but not be limited to:

- Asking for a subject's identification or driver's license.
- Ordering a motorist or passenger to exit a vehicle.
- Applying handcuffs.
- Transporting a suspect any distance away from the scene including for witness identification.

However, when exigent circumstances exist that would require a police officer to briefly detain an individual and perform a quick pat-down or frisk for weapons, or perform a preliminary field inquiry, without a full search or without obtaining an identification of the individual for the safety of the public or the police, this shall not be considered a stop.

Additionally, a stop does not occur when a police officer performs a protective sweep of a building that results in a pat-down of the individual (s) for the safety of the police officer or individual (s). Stops shall also not include when, under exigent circumstances, an officer requires the identity of an individual (s) to identify a specific suspect.

If exigent circumstances do not exist, a police officer must record any stop of an individual as defined by this General Order.

For the purpose of this policy, the following definition shall apply:

Critical Incidents: Any of the following types of incidents:

- Officer-involved shootings, regardless of whether or not a person was struck by an officer's gunfire;
- Use of force resulting in the death of a person or serious bodily injury to a person requiring hospitalization;
- All deaths while an arrestee/detainee is in the custodial care of the Department unless there is no preliminary evidence of any of the following: officer misconduct, a use of force, or an act committed by an arrestee/detainee that appears intended to cause injury or death;
- Any other police encounter where the Commissioner of Public Safety and the Chief of Police determine that the release of the video is in the public interest.

PROCEDURE:

I. BODY-WORN CAMERAS, GENERALLY

A. BWC officers assigned to the Patrol Bureau shall:

1. Report to their designated roll call locations at the beginning of each tour of duty with the BWC that has been issued to them.

a. A BWC shall only be deployed by the officer to whom it has been issued and/or its use has been authorized.

2. Inspect the BWC to ensure that the battery is fully charged and that the device is assembled correctly and is fully operational.

a. As soon as practicable, a BWC officer shall report to his/her immediate supervisor, both verbally and by documenting the facts and circumstances in a letter of information, whenever a BWC is not functioning properly, damaged, or missing.

b. BWCs that are not functioning properly, is damaged, or that require maintenance, and copies of any associated documentation, shall be turned over to a system administrator as soon as practicable for repair/replacement.

i. Missing or lost BWCs shall be replaced either from existing hardware reserves or via the manufacturer, as soon as practicable.

3. Position the BWC on the chest portion of the work clothing, in the location and manner communicated and demonstrated through Department-approved training, to facilitate obtaining an appropriate and unobstructed recording field of view.

4. Report to their designated roll-call locations after each tour of duty/official activity and insert the BWC into the provided docking station so as to initiate the uploading of video from and the recharging of the device.

a. All data recorded by BWCs shall be uploaded to and stored within the BWC vendor-related cloud storage service system commonly referred to as *Evidence.com*. External copies of BWC data extracted from this system may only be made under the restrictions delineated within this policy.

b. A 24 to 48-hour extension for the uploading of video, as measured from the conclusion of the officer's regular tours of duty, call back/overtime, detail assignments and special events, may be granted by a district supervisor i.e. sergeant, on a case-by-case basis.

5. Use the storage software to mark for automatic archival any portion of a BWC recording that captures an arrest and any related footage.

a. Tagging of videos shall normally be accomplished automatically via the proprietary Records Management System (RMS) Integration feature of the BWC manufacturer's software. However, officers shall confirm that proper tagging has occurred by reviewing Evidence.com, and shall manually tag their videos whenever necessary.

b. Officers shall categorize videos by selecting the appropriate options available to them, as per training. These categories can be added and edited through both Evidence.com and Evidence Sync software.

6. Clearly state in writing within the following documents that a BWC activation occurred relative to an incident, arrest, or charge, whenever such documents are created in accordance with Department policy:

a. Within the narrative of the corresponding Aegis™ and/or RICRS™ electronic report.

b. As a notation on any summonses/citations that are issued.

c. In a witness statement.

7. Remove the BWC from the docking station once the upload procedure has completed, and securely retain it.

a. Recharging of the BWC shall be completed with the issued charging devices, whenever necessary.

B. Those authorized BWC Officers shall adhere to the procedures outlined in Section A, 1a.-7a. above. The use of BWCs will be utilized while authorized officers are in uniform and/or as needed when designated by the Chief of Police or his/her designee.

C. Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the BWC system.

D. BWC officers should continue to prepare reports in the same manner as prior to the implementation of this camera system. Officers should not substitute "refer to video" for a detailed and thorough report. Officers should avoid using exact quotes, but should represent statements in their reports as a summary of what is contained in the video, such as, "In summary the victim related…"

E. Generally, BWCs shall be turned off when entering the Providence Public Safety Complex (PPSC), and will be subsequently turned on again upon leaving the PPSC and returning to service. Exceptions include but are not limited to:

1. Transporting prisoners within the building.

2. Responding to an emergency situation within or near the PPSC.

3. Circumstances as they relate to Sections II(A)(1-10) and II(G)(1-10) of this directive, below, as applicable.

II. BODY-WORN CAMERA ACTIVATION PARAMETERS

A. An authorized officer equipped with a BWC shall activate its recording functions as soon as practicable under the following circumstances:

1. All enforcement encounters where there is at least reasonable suspicion that a person has committed, is committing, or may be involved in criminal activity.

2. All self-initiated stops and dispatched calls for service.

3. All enforcement encounters where there is reason to believe that the individual is committing a violation for which a summons may be issued.

4. When initiating and conducting all vehicle pursuits.

5. When conducting all vehicle and pedestrian stops. Failure to record such stops whenever practicable is strictly prohibited.

6. Taking or attempting to take an individual into custody (i.e. arrests, mentally ill persons/protective custody situations, etc.).

7. All incidents involving a reportable use of force, as soon as and whenever practicable.

8. Any public interaction, regardless of context, that escalates and becomes adversarial.

9. All building searches/entries made pursuant to criminal or investigatory purposes.

10. Whenever an officer judges that it would be beneficial to record an incident, but only when recording does not contradict Section “G”, below.

B. Once the BWC has been activated, it should remain activated until the interaction has concluded to ensure the integrity of the recording, except as otherwise provided for by law or by this policy.

C. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document in his/her written report of the incident why a recording was not made, was interrupted, or was terminated.

D. An officer who mutes the BWC during an event in which this policy otherwise requires recording shall record on the camera the reason for the interruption or termination of recording before deactivating the BWC, and document such event in his/her incident report.

E. Once a BWC is activated, if it becomes necessary to discuss issues surrounding an investigation with a supervisor or another officer in private, the officer may mute their BWC. However, once the initial outcome of the discussion has been completed the BWC must be unmuted. Officers should keep their BWC muted as briefly as possible. Under no circumstances shall an officer re-engage with any individual involved in the incident and/or bystanders without unmuting their BWC.

F. Upon unmuting the BWC, the officer should state that he/she has restarted the recorded event.

G. Unless circumstances 1 through 9 of Section "A" above are applicable, an authorized officer equipped with a BWC is **prohibited** from activating a BWC and/or continuing to record under the following circumstances:

1. During encounters not directly related to official activities in the proper performance of police duties.

2. During the performance of non-enforcement functions or administrative duties within a Department facility.

3. In places where a reasonable expectation of privacy exists, such as, but not limited to, the interior portions of domiciles, hospital emergency rooms, locker rooms, and restrooms.

   a. Exceptions: Officers shall use the BWC only in conjunction with official law enforcement duties. Hence, the activation of the BWC shall be permitted within the above-mentioned areas when an officer deems it necessary to record a potential incident.

   b. The BWC raises important educational, privacy, and public safety considerations. The potential impact of an officer equipped with a camera on a school district's ability to foster a productive educational environment and a community's interest in preserving students' privacy, for instance, must be carefully balanced against the community's interest in ensuring transparency and accountability regarding officer/student interactions in a school setting. To ensure the privacy of students, the Providence Police Department and Providence School Department have a written shared understanding for the use of the BWC by a School Resource Officer (SRO) in a school consistent with this Policy.

4. Whenever dealing with victims of sex crimes or child abuse.

5. To record any personal conversation of or between another Department member or employee without the recorded member's/employee's knowledge and permission.

6. Whenever the identities and/or investigative techniques of undercover officers would be compromised.

7. Whenever performing or present during a strip search of a detainee.

8. Whenever a potential witness requests to speak to an officer confidentially or desires to be anonymous.**

9. Whenever a victim or witness requests that he or she not be recorded and the situation is not confrontational.**

10. Whenever a victim requests that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation.**

**NOTE: Regarding the circumstances delineated in item #'s 8, 9, and 10 above, and whenever appropriate and practicable, any requests to have BWCs turned off that are made by members of the public shall be captured by the BWC prior to deactivating the recording function.

H. Whenever a prohibited recording is made by an authorized BWC officer, he/she shall, as soon as practicable, make a request for deletion of the video file at issue by documenting the facts and circumstances in a letter of information and forwarding it to his/her immediate supervisor.

I. An authorized officer equipped with a BWC shall, as soon as practicable and when consistent with ensuring officer safety, inform subjects that they are being recorded.

1. BWC officers shall use the following phrase: "I am advising you that our interaction is being recorded."

a. Exceptions: When dealing with suicidal subjects/subjects who are mentally impaired/subjects who are experiencing a mental health crisis, officers shall refrain from making the aforementioned announcement in an effort to avoid possibly escalating the situation.

2. It should be noted that this provision is not meant to imply that permission is required from a subject prior to initiating recording. RI law stipulates that consent to record is only required from one party in an interaction, and the BWC officer, acting as the consenting party, fulfills this requirement.

J. Whenever an officer equipped with a BWC conducts a custodial interrogation of a Limited English Proficiency individual (LEP) in the field,

that interrogation shall be recorded. Recordings made pursuant to this subsection shall be made available to the interrogated individuals and/or their attorneys, unless doing so would impede an ongoing investigation. Release of these recordings to the LEPs and/or their attorneys shall be performed in accordance with Sections IV(B)(7) and V of this policy.

K. All BWCs shall be setup to automatically begin recording whenever a TASER is activated and the BWC is within a 30-foot radius. BWC officers shall only deactivate said recording in accordance with this policy.

III. BODY-WORN CAMERA RECORDINGS/DATA

A. All access to the system is logged and subject to audit by the Training Bureau at any time. Employee access to audio/video/image/data files on the BWC or its related systems is permitted on a right to know/need to know basis. Furthermore, employees authorized to view BWC audio/video/image/data files may only do so in accordance with the provisions of this policy.

B. Mindful of the legal protections afforded to officers under Graham v. Connor, 490 U.S 386 (1989), which established the "objective reasonableness" standard for police use of force incidents; and, in order to ensure the fairness and integrity of investigations relating to "serious use of force" incidents (as defined in General Order 300.01 *Use of Force*); the policy and practice with respect to the right of officers and their Union/legal/other representatives or their designees to access, view, and/or listen to any BWC audio/video/image/data file of any kind that pertains to a known or alleged serious use of force incident involving that officer, shall be as follows:

1. <u>BWC Step 1 Statement</u>: The officer and his/her Union/legal/other representatives or their designees shall not be permitted to view the BWC audio/video/image/data file until the officer first provides a descriptive statement of the serious use of force event/incident from his/her recollection and perception of the event/incident, in either a recorded "walk-through" procedural statement or other type of recorded statement. Detailed questions from the lead investigating officer/supervisor, Force Investigation Team ("FIT") members, or any other investigators shall not be permitted at this stage of the officer statement process.

2. Immediately after the officer provides his/her BWC Step 1 Statement of the serious use of force event/incident as referenced in Sub-Paragraph (1) above, the officer and his/her Union/legal/other representatives or their designees shall be permitted to view the BWC audio/video/image/data file.

3. <u>BWC Step 2 Statement</u>: Immediately after the officer and his/her Union/legal/other representatives or their designees have viewed the BWC audio/video/image/data file, the officer shall provide a recorded continuation of his/her descriptive statement of the serious use of

force event/incident, this time while or after viewing the BWC audio/video/image/data file. The officer shall be permitted to note, address and/or explain any discrepancies or differences between the officer's BWC Step 1 Statement and what is shown or heard on the BWC audio/video/image/data file. Detailed questions from the lead investigating officer/supervisor or from Force Investigation Team ("FIT") members (if applicable and permissible) shall be permitted at this stage of the officer statement process. The officer's explanation of any discrepancies or differences between the officer's BWC Step 1 Statement and what is shown or heard on the BWC audio/video/image/data file, shall be noted in the lead investigating officer's/supervisor's or FIT investigation report concerning the serious use of force event/incident.

4. Prior to the officer providing his/her BWC Step 2 Statement, the lead investigating officer/supervisor who is present shall note on the recording of the statement that the purpose of the officer's viewing of the BWC audio/video/image/data file and providing the BWC Step 2 Statement is for purposes of memory aid and clarification, and is not for purposes of or with the intention of attempting to confuse the officer, accuse the officer of inaccurate statements, or any other type of confrontational questioning.

5. Other written statements/reports/field reports/documentation may be submitted by the officer, if required, after his/her BWC Step 2 Statement.

6. Nothing herein shall be construed to require an officer to waive the rights afforded him/her under the doctrines set forth in Garrity v. New Jersey, 385 U.S. 493 (1967), and caselaw decided thereunder, with respect to any statements requested of or required by the officer concerning his/her use of force event/incident.

7. If an officer's viewing of the BWC audio/video/image/data file causes an adverse stress-related reaction in the officer, his/her statement shall be suspended immediately and the officer shall be afforded stress-team, peer counseling, and/or medical aid.

C. The Commanding Officer of OPR or his/her designee shall determine compliance with the requirements of Section III(B)(1-7), above.

D. Conducted Electrical Weapon (CEW) discharge incidents that either do not involve a Force Investigation Team response or that do not appear to involve death/serious bodily injury are exempt from the requirements of Section III(B)(1-7), above, unless the incident was either reported or discovered in an untimely manner or as the result of an allegation of a serious use of force or a misuse of force.

E. Barring either a potential conflict of interest or the direct participation in and/or the contemporaneous observation of a specific serious use of force

incident, the requirements of Section III(B)(1-7), above, shall not apply to the Chief of Police, the Commissioner of Public Safety, and/or their respective designees; the Commanding Officer of OPR and/or his/her designees; and personnel of the City of Providence Law Department.

F. Notwithstanding the above-described practice, an officer may be granted immediate access to BWC recordings/data:

1. As they relate to the officer's personal involvement in an incident or the official investigation of an incident, for the purposes of furthering the investigation and/or preparing official reports.

2. When the officer is notified that he/she has an impending court or hearing date, for the purposes of providing testimony.

3. Prior to being interviewed in a criminal, civil or administrative case or matter and/or providing a statement either to an investigating body or pursuant to an administrative inquiry.

    a. Under the circumstances delineated in (III)(B), above, an officer's Union/legal/other representatives, or their designees, may also be granted access.

G. The BWC is intended to record anything that the BWC Officer could have potentially heard and/or observed using his/her senses of hearing and sight. This does not mean that the BWC Officer is required or expected to have seen and/or heard everything documented in the footage. It is imperative for Department members to clearly distinguish and delineate the following information his/her BWC Step 2 Statement (if applicable) and in any reports that are required per Department policy:

1. Facts that are recalled independent of a recording.

2. Recollections that are refreshed by viewing a recording.
3. Facts that were not previously known but that are learned by viewing a recording.

4. Areas in the recording that appear to differ from the officer's actual perceptions during the event/incident, or that appear to present a distorted view of the actual scene or events.

H. Consistent with the responsibilities outlined in General Order 320.01 *Field Reporting*, immediate supervisors shall review all recordings made by BWC officers under their respective commands that pertain to the commission of Uniform Crime Reporting (UCR) Part I crimes, as defined therein.

I. In the event of a BWC officer being rendered incapacitated/unresponsive while on duty, other officers may connect that officer's BWC to a mobile terminal and view the BWC video in order to identify a possible suspect/aid in apprehension of a possible attacker.

IV. SUPERVISORY RESPONSIBILITIES

A. Immediate supervisors shall:

1. Inspect uniformed members who are issued BWCs for their personally assigned BWCs and ensure that they are properly affixed to the uniform and functioning properly.

2. Conduct an immediate investigation whenever notified that a BWC is not functioning properly, has become damaged, or is otherwise unaccounted for.

3. Conduct an immediate investigation whenever notified that a recording was interrupted or an incident that is required to be recorded was not recorded.

4. Document in a letter of information the facts and circumstances pertaining to any of the aforementioned BWC investigations, and forward that letter, the BWC officer's letter, and any investigatory documentation through the chain of command to the Chief of Police.

5. Forward all letters requesting the deletion of prohibited recordings through the chain of command to the Chief of Police, who shall communicate his decision in writing back down the same chain of command as well as to the system administrators.

6. Review pertinent BWC audio/video/image/data files and report his/her findings when completing a Supervisor's Use of Force Inquiry form in accordance with General Order 300.01 *Use Of Force.*

B. The BWC system administrators shall be designated by the Chief of Police and have BWC oversight responsibilities which include but are not limited to the following:

1. Operation and user administration of the system.

2. System evaluation.

3. Training.

4. Policy and procedure review and evaluation.

5. Coordination with IT regarding system related issues.

6. Ensuring that BWC files of evidentiary/investigative/probative value are securely archived.

   a. Any time a video captures a reportable use of force, detention, or arrest; or anytime a video captures the topic of an internal

affairs complaint and that complaint is known to police; that video will be flagged for archival automatically.

7. Ensuring that requests for copies of any documents, data, records, files, or recordings relating to BWCs are reviewed and approved by the Chief of Police or the Commissioner of Public Safety, or their respective designees, in conjunction with the City Law Department, prior to release.

8. Ensuring that written directives from the Chief of Police to edit, delete, or alter any BWC captured audio and/or video are carried out as stated and documented.

9. Performing documented reviews of BWC images/audio/video/data on a monthly basis. Immediate supervisors (i.e. District Sergeants, Investigative Sergeants) shall perform a documented review of at least one BWC recording per BWC officer under their command, per month. District Lieutenants, OICs, and Captains shall randomly review the BWC recordings of BWC officers under their command each month. These reviews will focus on the following issues:

   a. Customer service.

   b. Adherence to directives and training pertaining to BWCs.

   c. The functionality and effectiveness of BWCs.

   d. Officer safety and related training.

   e. Any other issues that could result in a citizen complaint; a hindrance to prosecution; or liability to Department personnel, the Department, or the City of Providence.

   Any violations of law or Department policy that are found during a review shall be reported in writing to the next supervisor in the reviewer's chain of command for remedial action. Violations of a serious nature shall be forwarded to the Office of Professional Responsibility and to the Chief of Police.

. C. Any letters of reprimand and/or disciplinary action sanctioned against an officer shall be forwarded to the Commanding Officer of Human Resources.

V. PROVISIONS

A. BWCs, as well as any image, video, audio and/or data captured by or pertaining to BWCs, irrespective of the nature or content, are at all times the property of the Department and the City of Providence. Members of the Department may not in any way copy, publish, share, release, or disseminate any BWC audio/video/image/data files except as authorized by the Chief of Police or the Commissioner of Public Safety, or their respective

designees. Furthermore, members of the Department may not edit, delete or alter any audio/video/image/data files either captured by or pertaining to BWCs or stored on the cloud server or other storage media devices, except as authorized by the Chief of Police or the Commissioner of Public Safety.

B. The Commissioner of Public Safety, the Chief of Police, and the personnel of the City of Providence Law Department shall collaboratively ensure that BWC recordings are redacted as necessary prior to release so as to preserve any applicable privacy rights, and shall also ensure that such recordings are only released when in accordance with:

1. The parameters set forth in any applicable bona fide legal process or federal law; and/or

2. The parameters set forth in Chapter 2 of Title 38 of the Rhode Island General Laws, commonly known as the RI Access to Public Records Act ("APRA"), which pertains to public records requests and delineates the types of records that are exempt from public disclosure.

a. In keeping with the current process pertaining to APRA requests, BWC-related records requests shall be forwarded to the Department from the City of Providence Law Department after being properly vetted.

C. Notwithstanding Paragraph B above, it is the policy of the Providence Police Department that relevant video imagery in the Department's possession of critical incidents involving Providence Police officers be released to the public within 45 days of such incidents, noting that the Commissioner of Public Safety in conjunction with the Chief of Police may determine that earlier release is in the public interest. Relevant video imagery is video and accompanying audio footage that depicts the actions and events leading up to and including the critical incident and that is

typically considered by the Chief of Police, the Commissioner of Public Safety, and criminal prosecutors to determine the propriety of an officer's conduct during such critical incident. The release of video shall be accompanied by additional information to provide context based upon the evidence available at the time of release. This policy applies only to incidents occurring after the effective date of this policy revision.

1. The sources of video that may be released pursuant to this policy includes, but are not limited to, BWC video, police facility surveillance video, and video captured by third parties that is in the Department's possession.

2. There may be circumstances under which the release of such video must be delayed to protect one or more of the following:

- The safety of the involved individuals, including officers,

witnesses, bystanders, or other third parties;
- The integrity of an active investigation (including criminal or administrative);
- Confidential sources or investigative techniques;
- Constitutional rights of an accused.

These reasons may not be general; they must have a factual basis and be specific to the individual case. For example, investigators have identified but not yet been able to interview a key witness to the incident.

The delay of the release of video, in accordance with this policy, shall be made pursuant only to the unanimous decision of the Chief of Police and the Commissioner of Public Safety. In the absence of a unanimous decision supporting a delay, the video imagery will be released. Any decision to permit a delay shall be reassessed every fourteen days thereafter, with any continued justification for delay as well as the anticipated time frame for release announced publicly. The video imagery in question shall be released as soon as any reasons for delay have been resolved.

3. Absent exigent circumstances, reasonable attempts shall be made to notify the following individuals or entities forty-eight hours prior to the release of video imagery:

    - The officers depicted in the video and/or significantly involved in the use of force;
    - The subject upon whom force was used; however:
        - If the subject is deceased, the next of kin will be notified.
        - If the subject is a juvenile, the subject's parents or legal guardian will be notified.
        - If the subject is represented by legal counsel, that representative will be notified.
    - The Attorney General's Office and the City Solicitor's Office;
    - Other individuals or entities connected to the incident as deemed appropriate.

4. The release of any specific video imagery does not waive the Department's right to withhold other video imagery or investigative materials in the same case or any other case, as permitted by law.

D. Whenever applicable, the Department's existing chain of custody procedures/protocols will be followed in order to ensure the integrity of BWC audio/video/image/data files.

E. Unless otherwise prohibited by law, BWC recordings shall be retained, at a minimum, in accordance with records retention schedule ***LG6.3.6 – Body Camera Recordings*** as provided by the RI Office of the Secretary of

State (see attachment). Notwithstanding the above, entities who may order the archival of BWC recordings include the Commissioner of Public Safety, the Chief of Police, members of the Department Command Staff, the Commanding Officer of the Office of Professional Responsibility, and personnel of the City of Providence Law Department.

1. Recordings that are being stored for criminal, civil, evidentiary, or administrative purposes are to be tagged in *Evidence.com* with a permanent retention period and may be transferred to a DVD/CD and preserved as evidence. Transfer of BWC recordings to other media sources for these purposes shall be conducted by a system administrator upon the receipt of a written request from the Chief of Police, the Commissioner of Public Safety, or their respective designees. The system administrator is responsible for documenting the transfer and chain of custody within either *Evidence.com* or an incident report.

2. Once a video/audio recording of a vehicle or pedestrian stop has been preserved by the Police Department for further investigation beyond the minimum retention period, the subject of said stop shall be notified by the Police Department of this action and shall be informed that they, and or their legal counsel, shall have the right to request to view and listen to the recording involving them at a reasonable time and location within ten (10) business days of the request, provided that such notification does not adversely impact imminent law enforcement action.

F. Except as provided for in section IV(B)(9)(a-e), above, it shall be deemed a violation of this policy for recordings to be reviewed solely for the purpose of searching for instances of Department members committing violations of law or Department policy, unless such reviews are related to a specific complaint, allegation, or incident.

G. All sworn Department personnel, regardless of rank, shall receive documented initial and ongoing training in this policy and in the use of BWCs at a level commensurate with their actual or anticipated involvement in the use and/or supervision of those officers who use BWCs, both prior to and throughout the duration of time that this Department may authorize their use and issue them, as deemed appropriate by the Training Bureau.

H. A review of the BWC program and this policy shall occur once a year or sooner should circumstances so dictate. This review shall include the participation of the following entities and/or their respective designees:

1. The Commissioner of Public Safety.

2. The Chief of Police.

3. The Commanding Officer of OPR.

4. The Accreditation Manager.

5. The BWC Systems Administrators.

APPROVED:

COLONEL OSCAR L. PEREZ
CHIEF OF POLICE

(SEE RECORDS RETENTION ATTACHMENT, BELOW)

State of Rhode Island and Providence Plantations
Office of the Secretary of State
RI State Archives and Public Records Administration
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AMENDMENT OF RECORDS RETENTION SCHEDULE

Date	Record Series Title
March 2, 2017	**LG6.3.6 Body Camera Recordings**

LG6.3.6 Body Camera and Dash Camera Recordings
This series covers the retention for recordings made from body cameras worn by police and dash camera units mounted in police vehicles. Body cameras and dash cameras are used by police departments when responding to complaints, incidents or enforcement encounters, as stipulated by statute, ordinance, or department policy. May include requests for deletion of videos for events specifically stipulated by department policy that should not have been recorded due to privacy concerns.

a) Non-evidentiary recordings
Retention: Retain sixty (60) days.

b) Evidentiary recordings
Retention: Retain until resolution of the investigation, court proceedings (including appeals) or administrative hearing to which they relate. Thereafter recordings will be maintained and destroyed in accordance with the approved retention periods for LG6.1.2 Complaint Report Files.

Note: Retain recordings pertaining to legal cases in accordance with GRS2.1 Case Files.

c) Evidentiary recordings used in internal affairs or use of force investigations
Retention: Retain seven (7) years.
(See LG6.12.8 Internal Affairs Investigations and LG6.12.9 Use of Force Investigations.)

Note: Retain recordings pertaining to legal cases in accordance with GRS2.1 Case Files.

d) Requests for deletion and associated recordings
Retention: Destroy records upon approval of request from department head. Retain requests (approved or denied) three (3) years.

Note: Retain recordings pertaining to legal cases in accordance with GRS2.1 Case Files.

LG6.1.2	**Complaint Report Files** Records complaint, report, and follow-up of incident. May include complaint report card, incident, accident, misdemeanor, felony, fraudulent check, missing person, domestic violence, supplemental, or other reports, consent to search, witness and Miranda rights statements, property records, arrest, court, processing, and disposition documents, and copies of records from arrest files.	**The following retention periods apply unless a case is in litigation:**
	(a) Criminal incidents.	Retain until expiration of statute of limitations.
	(b) Non-criminal incidents.	Retain three (3) years.
	(c) Motor vehicle accidents. • if not covered under other categories.	Retain three (3) years.
	(d) Accidental or unexplained death.	Permanent
	(e) Missing persons, unsolved.	Permanent
LG6.12.8	**Internal Affairs Investigations** Investigations of complaints of alleged officer misconduct. May include reports, correspondence, statements, investigation documentation, findings, and disposition.	
	(a) Complaint unfounded, not sustained.	Retain seven (7) years.
	(b) Complaint sustained.	Retain seven (7) years.
LG6.12.9 **(Amended 5/2016)**	**Use of Force Investigations** Investigations on the application of physical or deadly force. May include copies from complaint report file, inquiry and findings. Includes prescribed forms filled out for every use-of-force event.	
	a) Investigations	Retain seven (7) years unless litigation ensued, then retain in accordance with GRS2.1 – Case Files.
	b) Forms filed and not resulting in investigations.	Retain four (4) years unless litigation ensued, then retain in accordance with GRS2.1 – Case Files.

GRS2.1 Case files

Records created and received by the agency that document its involvement in legal cases. The files may include, but are not limited to, correspondence, copies of subpoenas, court filings, discovery, internal memoranda, court proceedings, transcripts of testimony, and legal inquiries.

a) Routine cases

Includes all cases that do not result in agency policy changes and do not involve discrimination.

Retention: Retain seven (7) years after final disposition of litigation or ten (10) years after case opens, whichever is later.

b) Landmark cases

Includes cases that result in changes to agency policy and/or procedures.

Retention: Permanent.

c) Discrimination cases (cases regarding accusations of discrimination)

May involve complaints to the Human Rights Commission, Equal Employment Opportunity complaints, and appeals to the Personnel Appeal Board.

Retention: Retain four (4) years after final resolution of case.

Note: Some discrimination cases may result in change to agency policy and thus be reclassified as landmark cases.