



Use of Audio/Video Recorders

Issue Date:	7/31/2020	Effective Date:	8/3/2020
Review Date:	11/2/2020	Number of Pages:	15
Rescinds:	G10-06 Body Worn Cameras; S10-06 Body Worn Cameras		
IACLEA Standards:	9.1.7		

Purpose

This order is intended to provide Indiana University Police Department (IUPD) officers and staff with instructions on when and how to use Body Worn Cameras (BWC) and In Car Video Systems (ICVS) and the appropriate access, use, handling and retention of recordings.

This order is intended to address audio/visual systems used in field or patrol operations and does not address audio or visual recordings obtained during undercover operations, to monitor facilities, or that are used to record interviews with subjects.

General Order

IUPD officers will be issued BWCs and IUPD vehicles will be equipped with ICVS at the direction of the Superintendent of Public Safety. IUPD officers equipped with a BWC or operating a vehicle containing an ICVS will activate the BWC and/or ICVS to record law enforcement related contacts with citizens.¹ Access to recordings generated by BWC and/or ICVS will be restricted to University officials who have a need to access the recordings or as otherwise required under applicable law. Recordings generated by BWC and/or ICVS will be stored in a secure manner and retained for a time defined by this order and in accordance with state law.

BWC and ICVS System Description

IUPD has adopted the use of the BWC and ICVS to accomplish several objectives. The primary objectives are as follows:

BWCs and ICVSs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.

Audio and video recordings also enhance IUPD’s ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.

The BWCs and ICVSs may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

The following components make up the BWC and ICVS System:

¹ Not all officers are issued BWCs or operate vehicles equipped with ICVS.



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AvailWeb: Recordings are uploaded to AvailWeb which will be referred to as the Recording Management System. The Recording Management System:

- Retains an original, unaltered copy of all recordings.
- Allows system administrators to define user and device permissions.
- Contains a live view section where authorized users can view the live location and status of all BWCs that are in an on-duty status and all ICVSs.
- Contains robust reports on device alerts, data related to BWCs and ICVSs, connectivity, diagnostics, geofences, recordings, device location and user actions.
- Maintains extensive audit logs on user actions and all interactions with recordings.
- Allows users who have been granted associated permissions to search for, view, classify, share, and redact copies of recordings.

Body Worn Camera: A Motorola mobile device which has been configured by the vendor to operate as a body worn camera. This device will capture video recordings with audio, photographs, and audio-only recordings as well as produce metadata to include logged on user, device coordinates, device speed and device duty status of on or off duty. The device will automatically upload video via a connected ICVS or wi-fi network. The device is capable of uploading video to the Recording Management System for high priority incidents when an ICVS or wi-fi network is not available. The device has a touch screen user interface to allow the user to log in to the device, change device settings and review recordings produced by the logged-on user on the device.

Body Worn Camera Case: The device is encased in a special case which has been engineered to fit into a carrier.

Body Worn Camera In-Uniform Carrier: A carrier device engineered with snaps and an interchangeable lens which can be attached to officer uniforms to include external vest carriers, uniform shirts, polo shirts, and coats. Traffic vests should not be fastened in such a way to obscure the view of the body worn camera.

Body Worn Camera External Carry Cases: Hard shell external carry cases can be used to attach body worn cameras to pieces of uniform equipment that accept MOLLE strap connections.

Holster Sensor: A sensor that attaches to an officer’s handgun holster. The sensor will send an activation signal to the BWC and/or ICVS that officer is logged in to when the sensor detects that the handgun has been removed from the holster.



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In Car Video System: The in-car video system consists of a forward-facing video camera, a rear-facing camera which monitors the rear seats and a microphone which captures audio in the rear passenger compartment of the vehicle. The system also makes use of a vehicle based modem known as a RocketIoT which monitors vehicle location, speed, emergency lights, driver door position, crash sensors, vehicle brakes, and the status of the rifle and/or shotgun retention system. The RocketIoT is also used to upload recordings from BWCs and ICVSs.

Motorcycle System: Motorcycles that are equipped with recording system equipment make use of the BWC worn by the motorcycle officer and a RocketIoT vehicle modem to track emergency light activation, crash sensors, speed, and motorcycle brakes.

Pre Event Recording: When a recording initiation command is sent to a BWC or ICVS, the video portion of the recording will begin 30 seconds prior to the recording initiation command and the audio portion of the recording will begin at the time of the recording initiation command.

Recordings: Video, audio and associated metadata produced by BWCs and ICVSs.

Wearable Remote-Control Device: A device that allows the user to send commands to an associated BWC and/or ICVS. The device can be worn on an officer’s wrist or attached to an officer’s duty belt or equipment that can accept a MOLLE strap connection.

9.1.7 a. System Activation and Deactivation

Except as provided in Restricted Recordings below, officers will initiate a BWC and/or ICVS recording to record law enforcement related contacts with citizens, including, but not limited to: (9.1.7 a.)

- Responding to any call for service.
- Self-initiating a law enforcement activity such as traffic or pedestrian stops or attempting to detain or arrest a person to include vehicle or foot pursuits.
- Any searches of people, vehicles, buildings, or other places.
- Interviewing individuals unless the interview is otherwise being recorded.
- Transporting any non-sworn persons for reasons such as prisoner transport, safety escort, or hospital transport. This does not include transporting subjects who are participating in an approved ride along.
- Responding to a citizen who flags down an officer.
- When directed to activate a BWC or ICVS by a supervisor.



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Supervisors may direct one or more officers to start their BWC and/or ICVS to:

- Record an incident as identified above, if the supervisor is aware that the officer’s BWC and/or ICVS is not recording.
- Record during a public gathering, to include protests, if the supervisor feels that legitimate law enforcement purposes are best served by recording.

Automated and Remote System Activation

The BWC and ICVS system used by IUPD make use of automation to initiate recording when pre-defined triggers occur. Pre-defined triggers that will result in recording activation are as follows:

- The following will only initiate a recording on the ICVS:
 - Activation of the vehicle’s emergency lights.
 - The vehicle exceeds 85 miles per hour.
- The following will only initiate a recording on the BWC:
 - The emergency lights are active in a vehicle where the officer is logged into the vehicle’s ICVS and the driver’s door of the vehicle is opened.
 - The officer begins running and continues to run for 15-20 seconds.
 - The BWC is in a horizontal position and relatively motionless for at least 30 seconds.
- The following will initiate a recording on the BWC and/or ICVS:
 - The holster sensor of the officer logged into a BWC that is in an on-duty status and/or ICVS sends an activation signal when the officer removes his/her weapon from the holster. The ICVS will only activate if the officer is in range of the ICVS.
 - The vehicle crash sensor detects a crash.
 - The release button on the rifle and/or shotgun retention device is pressed.
 - The officer logged into a BWC that is in an on-duty status and/or ICVS is attached to an incident in Computer Aided Dispatch that is classified as priority 1, 2, 3 or 4 as arrived.
 - An officer logged into a BWC that is in an on-duty status and/or ICVS enters an action zone/geofence that has been defined in AvailWeb.



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System Administrators, Department Administrators, Division Administrators, Supervisors and Communication Operators at the direction of a dispatch or law enforcement supervisor, will have the capability to remotely initiate.

These individuals will only remotely initiate recording in situations as identified by System Activation 9.1.7 a. above.

A live view of a BWC and/or ICVS recording will only be initiated for incidents that have a potential for violence or if an officer is not responding to repeated attempts to contact them via radio. Users who initiate a live view of a recording will be required to enter the identification of the person or operation center initiating the live view.

Officers will be able to prevent remote activation or live viewing but will only prevent remote activation or live viewing if the conditions of restricted recordings, as provided below, are met.

Remote activation may be prevented by pressing the stop button on the wearable remote-control device.

System Deactivation

The BWC and/or ICVS recording will not be stopped until all incidents that require recording activation are completed to ensure the completeness and integrity of the recording, unless the contact moves into an area covered in Restricted Recordings as defined below or if the officer is instructed to stop a BWC and/or ICVS recording by a supervisor.

Officers will use one of the following methods to terminate a BWC and/or ICVS recording:

- Pressing the stop button on the wearable remote-control device.
- Using the screen of the BWC, navigating to the active BWC recording record and pressing the stop button.
- Using the screen of the ICVS tablet, navigating to the active ICVS recording record and pressing the stop button.

If an officer terminates a BWC and/or ICVS recording for any reason prior to the completion of the event, they will verbally state the reason for terminating the recording prior to terminating the recording.

Restricted Recordings

BWCs and/or ICVS will not be intentionally used to record:



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1. Communications or interactions with other police personnel during the officer’s shift unless those communications or interactions happen during an incident for which an officer is required to activate their BWC and/or ICVS.
2. Any officer’s break time or other personal activities such as personal phone calls, restroom and locker room use.
3. Communications or interactions with an undercover officer or a confidential informant.
4. Public gatherings, including protests, except when there are specific police-public interactions at such gatherings, or the officer concludes in their professional judgment that legitimate law enforcement purposes are best served by recording.

Classification as a restricted recording does not supersede a recording’s classification as a law enforcement recording. Restricted recordings as described in 1 and 2 will be considered **Restricted Non-Law Enforcement Recordings** and restricted recordings as described in 3 and 4 will be considered **Restricted Law Enforcement Recordings**.

Recordings generated for the purpose of testing the functionality or demonstrating the capabilities of BWCs and/or ICVSSs should be classified as Restricted Non-Law Enforcement Recordings.

BWCs will not be removed from an officer’s uniform and left in a location for the purposes of creating a covert recording.

Use of BWC and/or ICVS Off Duty

Officers who have been issued a BWC and/or operate a vehicle equipped with an ICVS who operate a marked police vehicle in an off duty capacity will be required to log into the BWC and/or ICVS prior to initiating any law enforcement action off duty, and will be required to attach the BWC to their clothing when engaged in any law enforcement action.

Officers who have been issued a BWC will be required to wear and use the BWC in accordance with this general order while they are engaged in secondary employment.

Except as provided above, officers will not use department issued BWCs and/or ICVSSs while off duty.

9.1.7 b. Permissible Access and Distribution of Recordings

Access to recordings on the Recording Management System are controlled using role-based access control. Users who have been classified as one of the following roles may access recordings and perform other actions based on permissions assigned to that role: (9.1.7 b.)



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- **Officers** may access their own BWC or ICVS recordings and recordings that have been shared with them by another user for the purposes of classifying recordings, recommending recordings for training use, writing reports, or preparing for court testimony.
- **Detectives** may access all BWC or ICVS recordings related to a case that they are assigned to investigate for the purpose of furthering the investigation.
- **Supervisors** may access their own recordings as defined above and may also access recordings of officers under their supervision to:
 - Classify recordings, at the request of an officer, as restricted law enforcement recordings or restricted non-law enforcement recordings.
 - Review response to resistance, vehicle and foot pursuits, and arrests.
 - Recommend a recording for training use.
 - Investigating complaints or allegations of misconduct.
 - Random review of recordings as specified in the supervisor responsibility section of this order.
- **Communication Operators** may access any non-restricted recording for the purpose of locating an image of a suspect in a criminal offense related to a crime or incident that is in progress or has just occurred.
- **Recording Technicians** may access any recording for the purpose of redacting recordings, preparing recordings for, or delivering recordings to, prosecutors, defense attorneys, department or university administrators, media outlets or any other individual as directed, in writing, by a Division Chief or their designee, or the Superintendent of Public Safety or their designee, or for the purpose of responding to a lawfully-issued subpoena or request, or as otherwise be required by applicable law. Requests pursuant to APRA and subpoenas will be handled according to procedures as outlined in Restrictions to Recording Access and Distribution below.
- **Department Administrators**, to include the Division Chief and/or designee Division of Education and Training staff, and System Administrators may access any recording for:
 - Any of the reasons allowed to officers, detectives, supervisors, or recording technicians
 - Performing audits of recording access.
 - Reviewing any recording on behalf of university administration.



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- Assessing the effectiveness of BWCs and ICVSs.
- University officials representing university administration, human resources, dean of students or general counsel may be granted access to recordings by Division or Department Administrators for the purposes of investigating allegations of student or employee misconduct.
- Individuals who are prosecutors, defense attorneys, media representatives, and university officials may be granted an account with which a recording can be shared but will not have direct access to recordings. These accounts will facilitate an audit trail of recording access.

Restrictions to Recording Access and Distribution

Individuals who are not authorized to view recordings by this order will not be allowed to review any recording at the scene of an incident. This does not include showing an individual a photo or video that was sent to a BWC or ICVS for the purposes of furthering an investigation, which is permitted.

Any request to access or view a recording by a requestor as defined by Indiana Code (IC) 5-14-3-5.1 (a), requests made pursuant to the Indiana Access to Public Records Act (APRA), or requests related to a lawfully issued state or federal subpoena will be forwarded to the Office of the Vice President and General Counsel. The Office of the Vice President and General Counsel may be granted access to recordings by Division or Department Administrators for the purpose of processing public records requests, responding to lawfully- issued subpoenas, and for other legal review or providing legal advice.

Users will not:

- Share recordings with anyone who does not have an official need to access the recording.
- Access recordings for unofficial purposes or while off duty.
- Make copies of recordings with any other device.
- Intentionally view a recording using a user account other than their own.

The Director of Education and Training or their designee may authorize the sharing of a recording with IUPD employees for the purposes of training.

The Superintendent of Public Safety or their designee may authorize the sharing of a recording in his or her discretion.



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Adding Restrictions to Recordings

In the event restricted recordings are captured, a user may ask for the entire recording or the applicable portions of the recordings to have a restriction added by attaching a note to the recording and sharing the recording to a supervisor. Users may indicate which section(s) of a law enforcement recording contain material which meets the definition of a restricted recording by adding one or more markers to the recording to indicate start and/or stop points for the restricted material.

Supervisors receiving a request to add a restriction to a recording, or a portion of a recording will comply with the request unless they have reason to believe that it does not meet the definition of a restricted recording. A supervisor may view a recording, or portion of a recording, identified by a user as restricted only if it is necessary to determine if the definition of a restricted recording has been met. Supervisors will attach a note to the recording to document their decision. The supervisor will share the restricted recording with the original officer to ensure the officer has access to the chain of custody log.

If a portion of an otherwise unrestricted law enforcement recording contains a section which meets the definition of a restricted recording, the supervisor will add a restriction to the original recording and then share the original recording with a recording technician, who will produce a copy of the original with the approved section(s) redacted through the use of blurring and/or audio redaction. The recording technician will then share the redacted copy with appropriate users. The original, unredacted copy will be classified and retained according to applicable retention policies as defined below.

If a user is suspected of wrongdoing or involved in an officer-involved shooting or other serious response to resistance incident, a user with the ability to restrict recordings will add a restriction to the recording and will not share the recording with the involved user or users. This will limit involved users from viewing the recording during the department’s investigation to allow the department to gather information about the event that is not influenced by the content of the recording. If disciplinary action or legal proceedings result from such investigation, the user will have access to the recording to defend him/herself in accordance with existing law and policy.

Users with the role System Administrator, Division Administrator, Department Administrator or Recording Technician may view or share any restricted recording. Users with the role Officer, Detective, Supervisor or Communication Operator will not be able to view or share any restricted recording unless the restricted recording is specifically shared with the user. Restricted recordings may be viewed by any user with whom the recording has been shared, regardless of that user’s role.



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Redaction of Recordings

Prior to the sharing of a recording, the individual authorizing the sharing will assess the need to redact or withhold the recording, in consultation with the Office of the Vice President and General Counsel, for video or audio depictions described in IC 5-14-3-5.2(e) and any depiction of a Criminal Justice Information as defined by the CJIS Security Policy or an investigatory record as defined in IC 5-14-3-2(i).

- Recordings requested pursuant to IC 5-14-3-5.1(b) will only be redacted as described by IC5-14-3-5.1(c).
- If a recording needs to be redacted, a user with the ability to redact video will produce a redacted copy of the recording without altering the original recording.

9.1.7 c. Storage and Data Retention Requirements

BWC and ICVS recordings will be securely uploaded to the recording management system using any available wi-fi path and officers will ensure all recordings from their BWC or ICVS have uploaded prior to ending their shift. All recordings will contain information related to the date, BWC or ICVS identifier, and assigned officer. (9.1.7 c.)

Unaltered, original BWC and ICVS law enforcement recordings, regardless of their restricted status, will be stored securely and in accordance with IC 5-14-3-5.3 Retention of Law Enforcement Recordings: (9.1.7 c.)

- If a recording is used in a criminal, civil, or administrative proceeding, IUPD will retain the recording until final disposition of all appeals and order from the court.
- IUPD will retain a recording for at least two years, if notified within 180 days of the creation of a law enforcement recording of:
 - Any request, in writing, regardless of reason given, to include no reason, by a requestor as defined by IC 5-14-3-5.1(a). IUPD will not ask or compel a requestor to provide a reason for requesting a recording.
 - A formal or informal complaint filed with the public agency regarding a law enforcement activity depicted in the recording.
- Law enforcement recordings, as defined by as defined by IC 5-15-3-2 (k), which do not meet any of the criteria above, will be retained for 190 days.

Unaltered, original BWC and ICVS recordings identified as restricted non law enforcement recordings will be retained for 14 days. (9.1.7 c.)



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Any employee who is permitted to access recordings is encouraged to notify training coordinators of any recording that may be of value for training purposes. Any law enforcement recording identified by the Director of Education and Training or their designee may be retained indefinitely for training purposes. (9.1.7 c.)

Recordings will not be stored on external media such as USB drives, flash cards, CDs or DVDs unless such storage is necessary to deliver recordings to an individual who will not be granted an account on the recording management system or is directed by a prosecutor or his or her designee.

All BWC and ICVS recordings are the sole property of Indiana University.

Roles and Responsibilities

Roles and responsibilities for implementing, maintaining, administering, and using BWCs and ICVS are as follows:

BWC and ICVS System Coordinators

The Public Safety and Institutional Assurance Director for Information Technology and Systems will serve as the Department systemwide BWC and ICVS Coordinator.

The BWC and ICVS Coordinator or their designee(s) will:

- Administer the BWC and ICVS environment, to include hardware and software configuration, account provisioning, cellular data plan management, providing and maintaining a hardware inventory system, and performing audits of system and recording access.
- Provide technical consultation and guidance to the Education and Training Division for the purposes of developing training.
- Ensure Division BWC and ICVS Coordinators are performing their duties.

Each division, which deploys BWC and/or ICVS, will have a Division BWC and ICVS Coordinator appointed by the Division Chief whose responsibilities will include:

- Ensuring each officer who uses a BWC or ICVS has completed department approved training on the use of the BWC and/or ICVS prior to issuing an officer a BWC and/or prior to the officer operating a vehicle equipped with an ICVS.
- Issuing and recovering BWCs from users and updating the hardware inventory system.



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- Arranging for repair or replacement of any damaged or malfunctioning BWC or ICVS hardware.

Responsibilities of Officers Using BWC and/or ICVS System

IUPD officers will only use BWCs and ICVSs issued by IUPD and will not use personal equipment such as smart phones to generate recordings while on duty.

Prior to each shift officers will:

- Log into, inspect and test the BWC and/or ICVS prior to each shift in order to verify proper functioning, including checking that the battery is fully charged and the date/time stamp is accurate, and will notify their supervisors of any problems.
 - Officers should complete inspection of handguns prior to turning on the BWC to prevent automated initiation of a recording due to a handgun being removed from the holster.
- Use the BWC to check the battery level of the wearable remote-control device and the holster sensor to confirm that the battery level for these devices is above 20%.
 - If the battery level of the wearable remote-control device is below 20% the officer will notify their supervisor so they can be given a replacement battery. The officer will be responsible for replacing the battery.
 - If the battery level of the holster sensor is below 20% the officer will charge the holster sensor until it is above 20% before starting their duty shift.

BWC and ICVS hardware is the responsibility of each officer and will be used with reasonable care to ensure proper functioning. Equipment malfunctions will be brought to the attention of the officer’s supervisor as soon as possible so that a replacement BWC or ICVS may be issued.

Officers will note in incident, arrest, and related reports when BWC and/or ICVS recordings were made during the incident in question, but these recordings will not take the place of a written narrative.

Officers will ensure that all recordings have uploaded from the BWC and/or ICVS before completing their duty assignment.

If an officer fails to activate the BWC and/or ICVS, fails to record the entire contact, or interrupts the recording, the officer shall document the reason why in a case supplement for incidents that generate a case, or by generating an administrative case report for incidents that did not generate a case.



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Officers are responsible for charging their issued BWC and holster sensor and ensuring those devices retain sufficient charge to complete a duty assignment. If a BWC or holster sensor is no longer capable of holding a charge sufficient to complete a standard duty assignment, the officer will notify their supervisor so that the BWC or holster sensor can be repaired and a replacement BWC or holster sensor can be issued.

Supervisor Responsibilities

Supervisory personnel will ensure that officers equipped with BWCs and/or operating vehicles equipped with ICVSs utilize them in accordance with this order.

Supervisors will ensure each officer issued a BWC has the BWC at the beginning of their duty assignment or the officer is told to retrieve the BWC prior the start of the assignment. Any officer who has been issued a BWC but does not have a functioning BWC will be issued a replacement.

Any officer who reports to a supervisor that their ICVS is not functioning properly will, if possible, be assigned to a vehicle with a functioning ICVS prior to beginning their duty assignment. A malfunctioning ICVS will not prohibit use of the vehicle if no other vehicles are available.

On a monthly basis, supervisors will randomly review two recordings generated by every subordinate for which they are responsible. This is to ensure the equipment is operating properly, officers are using the devices appropriately, and may identify any areas in which additional training or guidance is required. The monthly reviews will not be conducted with the intent of generating a complaint or internal investigation but if a supervisor observes a violation of any general order, university policy or law in the process of reviewing a recording, the supervisor will take appropriate action to address the violation.

Education and Training Responsibilities

The Director of Education and Training or their designee will:

- Approve department training on BWCs, ICVSs and the recording management system and retain records that all users have completed necessary training before using any of these devices or systems.
- Ensure that any additional training that may be required at periodic intervals to ensure the continued effective use and operation of the equipment and to incorporate changes, updates, or other revisions in policy and equipment is provided to users.
- Review videos suggested by users as training materials and approve or deny their use for training.



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Definitions

Law Enforcement Recordings – are defined by IC 5-15-3-2 (k) as an audio, visual, or audiovisual recording of a law enforcement activity captured by a camera or other device that is provided to or used by a law enforcement officer in the scope of the officer's duties and designed to be worn by a law enforcement officer or attached to the vehicle or transportation of a law enforcement officer.

Requestor – as defined by IC 5-14-3-5.1 is an individual who is depicted in a law enforcement recording. If the individual depicted in the law enforcement recording is deceased the surviving spouse, father, mother, brother, sister, son, or daughter of the individual or the personal representative (as defined in IC 6-4.1-1-9) of or an attorney representing the deceased individual's estate. If individual depicted in the law enforcement recording is an incapacitated person (as defined in IC 29-3-1-7.5), the legal guardian, attorney, or attorney in fact of the incapacitated person. A requestor may also be a person that is an owner, tenant, lessee, or occupant of real property, if the interior of the real property is depicted in the recording. A requestor may also be a person who is the victim of a crime or suffers a loss due to personal injury or property damage if the events depicted in the law enforcement recording are relevant to the person's loss or to the crime committed against the person.



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Related Information

Indiana Code:

- IC 5-14-3-2 Access to Public Records – Definitions
- IC 5-14-3-5.1 Inspection of law enforcement recordings; obscuring of undercover law enforcement officer; obscuring of confidential informants
- IC 5-14-3-5.2 Exemptions to right of inspection; court orders permitting inspection
- IC 5-14-3-5.3 Retention of law enforcement recordings
- IC 6-4.1-1-9 Personal Representative
- IC 29-3-1-7.5 Incapacitated Person

Indiana University:

Office of the Vice President and General Counsel, Open Records Request Form:
<http://www.indiana.edu/~vpgc/sample-agreements/open-records-requests.shtml>

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