



KAY IVEY
GOVERNOR

State of Alabama Department of Corrections

Alabama Criminal Justice Center
301 South Ripley Street
P. O. Box 301501
Montgomery, AL 36130-1501
(334) 353-3883



JEFFERSON S. DUNN
COMMISSIONER

December 9, 2021

ADMINISTRATIVE REGULATION
NUMBER

350

OPR: OPERATIONS,
WOMEN'S SERVICES AND
LESD

USE OF BODY WORN CAMERAS

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the responsibilities, policies, and procedures governing the use of Body Worn Cameras (BWCs).

II. POLICY

It is the policy of the ADOC to use BWCs, as available, to capture video footage of staff interactions with inmates and the public at ADOC facilities and to maintain footage as outlined in this AR.

III. DEFINITION(S) AND ACRONYM(S)

- A. **Body Worn Camera (BWC)**: An electronic video recording device worn on a person's body that records both audio and visual data.
- B. **Data System**: The electronic system for storage of video data.
- C. **Health Insurance Portability and Accountability Act of 1996 (HIPAA)**: Federal law which governs the use and disclosure of protected health information.
- D. **LESD**: The ADOC Law Enforcement Services Division.
- E. **Prison Rape Elimination Act of 2003 (PREA)**: A federal statute, codified in Code of Federal Regulations, Title 28, Part 115, that provides for analysis of the incidences and effects of sexual abuse and sexual harassment of incarcerated individuals and recommendations for its prevention. See AR 454, *Inmate Sexual Abuse and Harassment*.

- F. **Securities Technology Division**: A Division of the ADOC Facility Management Division, which is responsible for security technology within the ADOC.
- G. **System Administrator**: An LESD designee given both policy and computer system permissions to make changes to the configuration of the BWC Data System or its elements or to view/export/redact/delete the video footage collected by such Data System.

IV. **RESPONSIBILITIES**

- A. The Associate/Deputy Commissioner of Operations and the Associate/Deputy Commissioner for Women's Services are responsible for:
 - 1. Authorizing BWC equipment/devices for use in ADOC facilities; and
 - 2. Developing a process for periodic reviews of the BWC program and policy.
- B. Facility Wardens are responsible for:
 - 1. Implementation of standard operating procedures for compliance with this AR. Wardens at women's facilities shall also be responsible for establishing gender-responsive and trauma-informed policies to implement the provisions outlined in this AR;
 - 2. Posting of proper signage announcing the use of BWCs at all facility public access points, such as visitation areas, for citizen notification; and
 - 3. Documenting BWCs issued to facility personnel on the facility's Equipment Log (Form 350-A, Equipment Log); and
 - 4. Identification of a facility designee to report BWC equipment issues to the Security Technologies Division.
- C. The Training Division is responsible for:
 - 1. Providing BWC policy training to correctional officers/supervisors assigned BWC equipment. Training will include scenario-based exercises;
 - 2. Reviewing BWC footage referred by LESD for curriculum improvement;
 - 3. Making training recommendations and changes to the training curriculum, including recommendations based upon BWC video review, to improve use of force and officer safety responses; and
 - 4. Making recommendations regarding other areas for training improvement.
- D. The Security Technologies Division is responsible for:

1. Ensuring operability of the equipment;
 2. Facilitating repairs;
 3. Troubleshooting issues; and
 4. Requesting replacement cameras through the manufacturer.
- E. The LESD is responsible for:
1. Establishing a Data System for the storage of video and audio recordings captured by BWCs;
 2. Developing a management process for labeling the digital files compiled within the Data System and on the LESD server (e.g. criminal investigation, internal affairs investigation, intelligence, and non-investigative);
 3. Designating a System Administrator responsible for registering BWC data transfer equipment, certifying user accounts, and establishing data storage access permissions for the agency/facilities/users;
 4. Developing an auditing process for policy compliance;
 5. Developing procedures for BWCs assigned to personnel in the LESD K-9 Unit;
 6. Referring video footage to the Training Division for curriculum improvement;
 7. Monitoring the LESD server and Data System storage capacity;
 8. Coordinating with the Legal Division to evaluate all outside requests for external disclosure of BWC footage and data; and
 9. Reviewing BWC footage captured during use of force incidents.
- F. The Legal Division is responsible for:
1. Reviewing all outside requests for disclosure of BWC data and authorizing or denying release, in coordination with LESD;
 2. Designating necessary redactions of BWC footage for authorized release; and
 3. Ensuring compliance with PREA and HIPAA standards, other legal requirements, and expectations of privacy.

- G. Personnel issued a BWC are responsible for:
1. Abiding by the procedures set forth in this regulation, to include:
 - a. Accurate documentation on the Equipment Log (Form 350-A) prior to and following each shift (including documenting on the Equipment Log (Form 350-A) any instances where the BWC should have been activated but was not);
 - b. Performing equipment checks prior to and following each shift;
 - c. Immediately reporting any equipment issues to the Security Technologies Division through the facility designee;
 - d. Ensuring BWCs are charged and data is uploaded as required; and
 - e. Completing all necessary notifications and paperwork following any incidents, consistent with regular standard operating procedures.
 2. Establishing a personal username and password for their respective Data System account for the storage of video captured by their issued BWC;
 3. Activating and deactivating the BWC only as outlined in this AR; and
 4. Utilizing the BWC marker system, if any, to mark the time of an incident's occurrence in the video recording.
- H. The Research and Planning Division is responsible for forwarding open records requests for BWC footage to LESD and the Legal Division.

V. **PROCEDURES**

- A. Issuance of BWCs:
1. Personnel may be issued a BWC at the Warden's discretion, but shall only be issued a BWC following successful completion of the BWC training.
 2. Personnel issued BWCs shall ensure they obtain the BWC assigned specifically to them at the beginning of each shift, accurately completing the Equipment Log (Form 350-A) and documenting retrieval of the equipment.
 3. Personnel are not authorized to utilize privately-owned BWCs, other privately-owned camera systems, or personal audio-recording devices while in ADOC facilities or while on duty.

4. Personnel shall utilize BWCs for official purposes only. Issued BWCs shall not be removed from ADOC property or utilized for any purpose not explicitly authorized by this AR.

B. Operation of BWCs:

1. BWCs shall be properly affixed to the user's uniform in accordance with the manufacturer's recommendations at all times during the assigned shift.
2. BWCs are to be activated at all times during a user's shift, to include all encounters with inmates, while touring any common areas where inmates are located (i.e., living areas, hallways, recreation yards, etc.) and during a response to emergency or emergent situations.
3. Citizen requests for BWC deactivation will not be honored. Citizens are notified through signage at facility public access points, such as visitation areas, of the use of BWCs.
4. During a user's shift, BWCs may be manually deactivated only under the following circumstances and only after announcement of deactivation:
 - a. Bathroom breaks. Prior to deactivation for bathroom breaks, the user shall announce the purpose of deactivation upon arriving at the restroom area or pause sufficiently so that it is clear on the recording that the user is entering a restroom area. The user shall immediately resume recording once he/she has exited the bathroom to return to shift.
 - b. Administrative work. Prior to deactivation for conducting non-inmate-related administrative work, including work on a computer, paperwork, discussions between and among personnel about personnel matters, and other routine, non-inmate, administrative matters, the user shall announce the purpose of deactivation. The user shall immediately resume recording once the administrative matter is finished and/or upon engagement with an inmate or inmates.
5. In accordance with AR 327, *Use of Force*, absent exigent circumstances, BWCs should continue to record audio during a required post-use-of-force incident health care examination of an inmate, but the video camera of the BWC should be pointed toward the ground or ceiling during the examination of the inmate.
6. The BWC shall be returned to the appropriate docking station at the end of every shift in the manner recommended by the manufacturer to ensure charging and data storage transfer. The user should ensure that the charge light for restoring the battery is active. The user shall complete the Equipment Log (Form 350-A) documenting the return of the BWC and note any deficiencies regarding the BWC's operability status.

C. Reporting Requirements:

1. If a user fails to activate the BWC during his/her shift or discovers the BWC failed to record at any point during the shift, he/she shall immediately notify a supervisor upon discovery and complete an Incident Report (Form 302-A) providing an explanation regarding the failure(s) to have the BWC active. The user should also note the failure to record on the Equipment Log (Form 350-A). The supervisor shall report the issue to the Warden or designee.
2. The usage of a BWC does not replace any documentation requirements for incident reporting. Documentation of an incident shall also include a statement regarding whether a BWC was present for all or part of the incident, and if present, whether it was in operation at the time of the incident and the name of the officer wearing the BWC.

D. Access and Disclosure:

1. LESD will be responsible for granting individual persons temporary or standing access to view BWC footage in accordance with LESD standard operating procedures.
2. Authorized personnel are only permitted to view BWC footage while on duty.
3. Any public sharing of BWC footage is strictly prohibited except when in compliance with open records laws and approved by the Legal Division and LESD.
4. Attempts or acts of tampering, copying, viewing, or disclosing/disseminating BWC footage without authorization are prohibited and may result in disciplinary action up to and including termination and/or criminal prosecution.
5. Any outside requests or orders for disclosure of BWC data should be forwarded to both the Legal Division and LESD. LESD shall not release any video footage without first receiving direction from the Legal Division. As a general rule, video footage captured on BWC shall not be disclosed while an active investigation is ongoing without a valid court order or other legal mandate.
6. Only designated LESD personnel are authorized to access the BWC data on the LESD server. Any attempts or actions of unauthorized access of BWC data on the LESD server may result in disciplinary action and/or criminal prosecution.

7. BWC footage included in case files for District Attorney reviews, Grand Jury presentations, or to satisfy any other legal mandates, shall be provided digitally through the case management database and in accordance with LESD standard operating procedures.

E. Retention of BWC Recordings:

1. BWC footage shall be downloaded to the LESD server and preserved in anticipation of or during litigation. BWC footage related to litigation may only be purged upon completion of litigation.
2. BWC footage labeled by LESD as evidentiary or otherwise relevant in an investigatory capacity shall be downloaded to the LESD server. BWC footage classified as evidentiary shall be maintained as evidence, pursuant to LESD evidence standard operating procedures, and kept on the LESD server in compliance with storage requirements and server capabilities.
3. BWC footage not flagged as significant to litigation or investigations shall remain in the Data System. The Data System shall purge BWC footage every 90 days.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS


ADOC Form 350-A, *Use of Body Worn Camera Equipment Log*.

VIII. SUPERCEDES

This Administrative Regulation does not supersede any existing regulation.

IX. PERFORMANCE

- A. Health Insurance Portability and Accountability Act of 1996.
- B. Prison Rape Elimination Act of 2003



Jefferson S. Dunn
Commissioner

Use Of Body Worn Cameras Equipment Log Alabama Department of Corrections

Facility/Date:

Date	Officer Signature	Time BWC Checked Out	Time BWC Returned	Comments
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Reviewed By:			Date:	

Form 350-A, Use of
Body Worn Camera
Equipment Log