



POLICY DIRECTIVE

Policy:	DOC 3.1.37 BODY WORN CAMERAS
Effective Date:	03/31/2026 Page 1 of 5
Revision Date(s):	
Signature/Title:	/s/ John Schaffer, Public Safety Chief

I. POLICY

Establish proper use guidelines for Probation and Parole (P&P) officers and facility staff members employed by the Department utilizing Body Worn Cameras (BWCs) and requirements for the management and retention of the information and evidence created by these recording devices.

II. DEFINITIONS (see Glossary)

III. APPLICABILITY

All Department, division, and facility staff members whose responsibilities include the use of a BWC in the formal execution of their duties as defined by their employment with the Department.

IV. GENERAL REQUIREMENTS

A. Department Use of BWCs

1. It is the policy of the Department to use BWCs to effectively and accurately document interactions with offenders, with due consideration for individual privacy interests, officer and public safety, and constitutional rights.
2. Any features related to Department approved BWCs that may become available in the future will be assessed to determine if there is an appreciable impact on working conditions.
 - a. No features impacting working conditions will be implemented until negotiated with the Montana Federation of Public Employees DOC Consortium and approved through this policy.

B. Training

1. The Department shall ensure that all personnel who operate or perform functions in support of the authorized use of BWCs and BWC data and data integrity have received all appropriate training in the use and maintenance of BWCs and all relevant requirements.
2. Training shall take place prior to the Probation and Parole officer's, or facility staff member's use of the BWC or accessing BWC data.
3. The Department shall document the completion of all requisite training and refresher training.
4. At minimum, training shall include:
 - a. BWC operation and maintenance;
 - b. proper handling, storage, use, and dissemination of BWC data;
 - c. compliance with privacy requirements, Freedom of Information Act (FOIA) policy, and when appropriate, the correct practices for redacting, sharing, and disclosing data originating from the BWC;
 - d. mandatory, optional, and non-permissible uses of the BWC and BWC data;
 - e. officer and public safety considerations when wearing BWCs;
 - f. laws, regulations, and policies governing the use of BWCs; and

- g. relevant civil rights and civil liberties considerations, as applicable.

C. BWC Use Guidelines

1. BWCs shall be made available to eligible P&P officers and staff members trained in their use.
2. P&P officers and facility staff members who are expected to wear and utilize a BWC during the normal course of their duties may remove the BWC or power down the BWC in circumstances where passive or active recording would unreasonably infringe upon a person's right to privacy, including, but not limited to:
 - a. using sanitary facilities;
 - b. meeting with supervisors;
 - c. in the office; and
 - d. while riding in a state vehicle with other state employees, unless they are transporting an offender.
3. P&P officers and facility staff members utilizing a BWC must use the system consistent with applicable laws, their training, and Department requirements.
4. The BWC shall be worn above the middle torso in a place that allows for efficient recording.
 - a. Members of a Specialized Response Team (SRT) or a Cell Extraction Team may wear the BWC in another position best suited for tactical advantage and providing the clearest view of the event, with a preference for helmet placement.
5. P&P officers, facility staff members, and Department employees shall not intentionally obstruct the view of the camera or interfere with the audio recording functions of the BWC.
6. When equipped, the BWC should be powered on and remain in passive mode until a qualifying event occurs, at which point it should be switched to active recording mode.

D. Active Recording and Mandatory Recording of Qualifying Events

1. The BWCs must be manually activated to begin recording both video and audio.
 - a. The BWCs are also automatically triggered for activation by drawing the following:
 - 1) the firearm from the officer's holster with Signal Sidearm™, if equipped; and
 - 2) a TASER.
2. When a qualifying event occurs, the P&P officer or facility staff member is required to activate the BWC and begin recording.
3. P&P officer qualifying events include, but are not limited to:
 - a. conducting arrests and serving warrants;
 - b. conducting field interactions with offenders;
 - c. conducting collateral interactions in the field;
 - d. during meaningful office interactions with offenders, family members, etc.;
 - e. performing compliance checks or searches of an offender's residence;
 - f. providing assistance to another law enforcement agency; and
 - g. providing public safety assistance to the general public.
4. Facility staff member qualifying events include, but are not limited to events involving either suspected or evident misconduct and prohibited activities:
 - a. while on the floor of a unit;
 - b. in the dining area;
 - c. during any activity involving use of force;
 - d. any planned use of force;
 - e. during any activity or interaction in which physical contact with an offender may occur;
 - f. gym or yard supervision;
 - g. searches, crime scene preservation, and physical evidence collection; and
 - h. any contact with an inmate that might suggest an anticipated or known need to record.

E. Transport and Hospital Duty

1. P&P Officers and facility staff members escorting or transporting an offender, or while on a hospital duty rotation, must ensure the BWC remains in passive recording mode unless a qualifying event necessitates activation.

F. Passive Recording General Guidelines

1. Department BWCs are designed to passively record video.
 - a. Passive video recordings are stored on the camera and are not transferred to Department contracted storage.
 - b. No audio recording will occur without the recording system being activated.
2. BWC passive recording capacity is a rolling 18 hours of video data, without audio recording.
3. Reviewing passive recording data at officer request:
 - a. P&P Officers will be able to request access to passively recorded information in order to assist with, but not as a primary tool in, writing a report about an incident; and
 - b. Facility staff members wearing body cameras will not have access to any recorded data from the BWC system.
4. P&P officers who want to review their passive recordings for a justifiable purpose may submit a request for review through their immediate supervisor.
5. Passive recording must be downloaded using the View XL™, or equivalent desktop application and may not be viewed or downloaded remotely.

G. Reviewing Passive Recording Data for Department Interest

1. Passive recording data will only be accessed and reviewed with the authorization of the Warden or Associate Warden or designee, Operations Manager, P&P Major, the Public Safety Chief or designee, or higher.
2. Recordings will only be accessed and reviewed for legitimate purposes, including but not limited to a public safety threat, or:
 - a. to address an identified training opportunity; and
 - b. other purposes and circumstances as determined by the Warden, Associate Warden, or designee, Operations Manager, P&P Major, or Public Safety Chief or designee or higher.
3. The Department shall exercise discretion and confidentiality when undertaking a criminal investigation relating to incidents involving an employee in order to ensure the integrity and impartiality of the investigation.
 - a. P&P officers and staff who are part of an active criminal investigation shall not receive notification prior to the Department accessing video and audio records from devices such as the BWC in furtherance of the investigation; and
 - b. information related to a criminal investigation shall be disclosed only with the approval of the Warden or Associate Warden or designee, Operations Manager, P&P Major, or the Public Safety Chief or designee and in accordance with *DOC 3.1.19 Investigations*.
4. Employees, P&P officers, or facility staff members who are involved in activities captured by passive recording will be notified when the department intends to review the recording and they may be present during the access and review of the recording.
 - a. If there is a public safety emergency that requires immediate review of the recording, and the employee, officer, or staff member is not immediately available, the Department may download, review, and use the information from the review.

H. When Not to Record with a BWC

1. An officer or facility staff member shall not record when:
 - a. Officer, facility staff member, or citizen safety would be jeopardized by activating a recording device.
 - b. Engaged in tactical, command, or strategic planning.
 - c. The recording may capture any confidential privileged discussions, including attorney/client privilege for any person, including other Department employees.
 - d. The officer is in a location where individuals have a reasonable expectation of privacy, for example, staff-only restrooms, locker rooms, etc.
 - e. There is an articulable threat to the officer, the facility staff member, or public safety concern in which recording would unnecessarily delay response to a priority incident.
 - f. Attending community events, public meetings, gatherings, or general assemblies, unless the P&P officer believes a crime has been or is about to be committed or there is another qualifying circumstance that necessitates recording.
 - g. During urinalysis or unclothed searches, P&P officers and facility staff members will not record an offender.
 - 1) an unclothed search may be recorded at the request of the offender.
 - h. Facility staff members and P&P officers are prohibited from using the BWC to record minors who are in a state of undress or undergoing an unclothed body search, unless other factors are present that require video documentation.
 - 1) in the event that a minor is captured in an unclothed state, any video footage of a minor in such a state may only be reviewed by staff of the same gender, and reviewers must obtain authorization from a Lieutenant or higher prior to viewing.

I. Review or Use of Recordings

1. With approval, P&P officers may review recordings that capture the officers' own perspective (for example, location) prior to preparing written reports, testifying in any court proceeding, or being interviewed during an investigation. This excludes internal or criminal investigations.
2. P&P officers and facility staff members shall not review another officer's recordings.
3. P&P officers and facility staff members may not rely on the existence of a recording to write reports that do not appropriately document the circumstances.
4. Recordings may be used for training purposes as approved by a Warden or designee, Bureau Chief or designee, or the Public Safety Chief or designee.
5. Recordings shall never be used for any purpose outside of a legitimate Department need, and as defined in this policy .
6. Upon reviewing BWC footage for any reason, the officer, staff member, or employee initiating access to the data must enter a comment into the comment box clearly describing the justification for reviewing the data.
7. The personal use, possession, or distribution of a recording obtained during an officer's duties is prohibited without Department approval.
8. Video recordings that capture minors are subject to rigorous security protocols and restrictions. Only authorized investigators or senior administrators of the same gender may access such footage unless it is part of an official sexual abuse investigation, in which case access is subject to strict oversight.
9. In cases where a BWC recording captures an offender in a state of undress, facility staff members are required to follow applicable review protocols in *DOC 3.1.3 MSP Logs and Record Keeping Systems*. Any cross-gender staff viewing such content must document the review in the *PREA Cross-Gender Camera Viewing Logbook*.

J. Release of Recordings

1. A public request for release of video will be evaluated on a case-by-case basis and will be approved or denied in compliance with the FOIA, the Montana Public Records Act, and any other relevant state or federal law, case law or court order. All requests will be responded to under consultation with the Department's Legal Services.
2. Routine requests for the release of evidentiary recordings that may contain Confidential Criminal Justice Information (CCJI) pursuant to Title 44, Chapter 5 of MCA, shall be processed in accordance with standard discovery processes.
3. Recordings of critical or sensitive incidents with considerable community interest or ramifications may be promptly or proactively disseminated at the discretion of the Department Director or designee, and upon approval of the release of CCJI by a District Court Judge.
 - a. Prior to the release of CCJI, the following should be considered:
 - 1) privacy rights of all involved individuals;
 - 2) the public's right to know;
 - 3) impact on any court proceedings related to the incident; and
 - 4) community benefit of releasing the recording.

K. Deleting, Editing, and Redacting Recordings

1. No Department employee shall have sufficient system permissions to delete any recording. Recordings shall only be deleted per the established retention schedule in accordance with *DOC 1.5.20 Records Retention*.
2. Only the Director or their designee may authorize the editing or redaction of BWC audio or video data and must do so under the guidance of Department legal counsel, and in accordance with all applicable laws and Department policies.
3. Any editing, clipping, and/or redacting of BWC data shall only be performed on a "child file" and never to the "parent file" or recording.
4. Editing, clipping, and/or redacting will only be performed:
 - a. in coordination with the relevant prosecuting attorney if a criminal case is involved; or
 - b. with coordination of the Montana Attorney General's Office.

L. Maintenance and Inspection of BWCs

1. All P&P Officers, and facility staff members who are trained and authorized to wear a BWC are responsible for routine care, cleaning, and maintenance of the BWC.
2. All Department-issued BWCs will be inspected on a recurring schedule to ensure proper operation.
3. If a Department-issued BWC is lost, stolen, or damaged so as to render it unusable, the P&P officer, or facility staff member shall report the issue immediately to a supervisor.

V. CLOSING

Questions about this policy should be directed to the Public Safety Chief or designee.

VI. REFERENCES

- A. *DOC 1.5.20 Records Retention; DOC 3.1.19 Investigations; DOC 3.1.3 MSP Logs and Record Keeping Systems*
- B. *44-5-303, MCA*