
BODY WORN CAMERA (BWC) POLICY

447.1 PURPOSE & SCOPE

This Department procedure establishes guidelines for Department members using body worn cameras, and procedures for preserving the digital media in the video storage system in a department approved manner. This procedure applies to all Department members.

447.1.1 DEFINITIONS

Body Worn Camera (BWC) - A camera worn on an individual officer's person that records and stores audio and video.

BWC Program Administrator (BWC Administrator) – A Police Department program administrator for video storage systems and BWC system and Video Storage System with full access to user rights, sets user access and parameters.

Digital Evidence - BWC files, including photographs, audio recordings and video footage, captured by a BWC and stored digitally.

Evidence Transfer Manager (ETM) - A portable multi-ported docking station installed in the police department. The ETM simultaneously recharges the BWC while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to Video Storage System.

Video Storage System - A digital evidence management service that stores digitally encrypted data in a highly secure environment accessible to personnel based on security clearance.

Metadata - Case numbers, Incident numbers and other descriptors used to identify digital evidence.

447.2 BACKGROUND

Cameras are an important tool for collecting evidence and documentation of police/public encounters and in maintaining public trust. Video cannot always show the full story nor does it capture an entire scene. The use of cameras does not reduce the requirement to provide thorough written documentation. Persons reviewing recordings must also be cautious before conclusions are reached about what the video shows.

447.3 PROCEDURE

A. Officer safety takes precedence over recording events

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Officers shall follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Officer safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.

B. General

1. Only authorized personnel shall use or be in possession of a BWC device.
2. BWC equipment is for official use only and shall not be utilized for personal use.
3. Officers shall not tamper with or dismantle any hardware or software component of any BWC device.
4. The use of any other personal recording device for the same purpose is not authorized, without permission of the Chief of Police or designee.
5. All digital evidence collected using the BWC is considered a record of the Salinas Police Department and is for official use only.
6. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this procedure is strictly prohibited. Public release of digital evidence is prohibited unless approved by the Chief of Police or his/her designee or required by law.
7. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a secondary recording device such as video camera, cell phone or other device to record or capture digital evidence from the Video Storage System is strictly prohibited.

C. Storage

When not in use, the BWC devices shall be stored in the designated ETM or in a secure storage location within the Department.

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D. Pre-shift inspection

1. Officers shall inspect their assigned BWC devices daily to ensure there is no visual damage and the device appears to be in working order.

2. Visual damage shall be reported to a supervisor or BWC Administrator.

3. Inoperable equipment shall be documented and returned to the BWC Administrator as soon as possible.

E. Camera Position

1. Officers shall wear the BWC above the midline of their torso and/or in a position that provides for effective recording.

F. Equipment Repair, Replacement, and Maintenance

1. When a BWC malfunctions, the officer will notify his or her supervisor or BWC Administrator via e-mail.

2. The inoperable equipment will be taken to BWC Administrator for repair as soon as possible.

3. If the BWC Administrator cannot repair the unit, the manufacturer will be contacted to facilitate the repair. Repair and replacement of damaged or nonfunctional BWC equipment is coordinated through the BWC Administrator and performed through an authorized service provider.

4. This procedure will be followed for all BWC related equipment and accessories.

G. Advisements about Recording

1. Private citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence.

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2. Officers are not required to give notice they are recording. However, if asked, officers shall advise citizens they are being recorded.

3. Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.

4. Officers and supervisors involved in the investigation of a complaint against a member of the police department must inform complainants and witnesses they are being recorded.

H. When and Where to Record

1. Enforcement Related Contacts

a. Officers should record enforcement related contacts. The recording should be activated prior to actual contact with the citizen, or as soon as safely possible thereafter, and continue recording until the contact is concluded.

b. This policy is not intended to describe every possible situation in which the BWC may be used, although there are many situations where its use is appropriate. An officer may activate the BWC any time the officer believes it would be appropriate or valuable to document an incident, except as provided in Section 446.4.3.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence.

Although it is understood that there might be circumstances that necessitate immediate law enforcement action before an officer has an opportunity to activate the BWC, the BWC should be activated in any of the following situations:

c. All field contacts involving actual or potential criminal conduct within video or audio range:

(a). Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.

(b). Priority responses

(c). Vehicle pursuits

(d). Suspicious Vehicles

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- (e). Arrests
- (f). Vehicle searches
- (g). Physical or verbal confrontations or use of force
- (h). Pedestrian checks
- (i). DWI/DUI Investigations including field sobriety tests
- (j). Consensual encounters
- (k). Crimes in progress
- (l). Responding to an in-progress call

d. All self initiated activity in which an officer would normally notify County Communications

e. Any call for service involving a crime where the recorder may aid in the arrest and/or prosecution of a suspect:

- (a). Domestic Violence Calls
- (b). Disturbance of the peace calls
- (c). Offenses involving violence or weapons

f. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

g. Although not required, an officer may activate the BWC in any other circumstance where the officer believes that a recording of an incident would be appropriate.

h. Officers working plain-clothes assignments are exempt from this policy.

I. Arrests

a. Officers may stop recording when the arrestee is cooperative and safely secured inside a police car or law enforcement facility. If an arrestee becomes uncooperative, or if there is some evidentiary purpose, officers should resume recording.

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b. If an officer resumes recording, the camera shall remain recording until the officer no longer has contact with the subject.

J. Suspect Interviews

a. Officers are encouraged to fully record suspect interviews. Officers should not stop and start the recording during a suspect interview.

b. When recording interviews, officers shall ensure they record any admonishments prior to the start of an interview.

K. Private Residences

Private Citizens have a reasonable expectation of privacy in their homes. However, when officers are lawfully present in a home (warrant, consent, or exigent circumstances) in the course of official duties, there is no reasonable expectation of privacy.

L. During the execution of a search warrant, an arrest warrant, a Fourth Amendment waiver search, or a consent search in which the officer is looking for evidence or contraband.

M. When and Where NOT to Record

a. BWCs shall not be used to record non-work related activity.

b. BWCs shall not be used to record in areas or activities such as briefings, Department locker rooms, break rooms, or other activities not related to a criminal investigation.

c. BWCs shall not be activated in places where persons have a reasonable expectation of privacy, such as locker rooms, dressing rooms, or restrooms.

d. BWCs shall not be used during Department administrative investigations.

e. When possible, officers should avoid recording exposed areas of the body that could cause embarrassment or humiliation, such as exposed breast, groin, etc...

f. In order to protect a patient's rights to privacy, officers should generally not record in a medical environment unless there is a compelling law enforcement reason to do so.

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Officers should attempt to avoid recording people in medical facilities who are unrelated to the police purpose.

N. Victim and Witness Interviews

a. Victim and witness interviews will generally not be recorded except during the investigation of violent felonies, in-custody deaths and officer involved shootings.

b. Domestic violence victims often recant their statements as early as the following morning after a crime. Victims may also make their children unavailable for investigators or court to avoid their providing statements. For these reasons, domestic violence victims should be recorded.

Officers should also record the statements of children of domestic violence victims who are witnesses in these types of cases.

c. Generally, officers should not record informal or casual encounters with members of the public. Officers should consider that recording people in some circumstances may inhibit sharing neighborhood information or developing strong ties between members of the community and officers.

O. Documentation of Recorded Events

All recordings shall be documented, such as in a citation, field interview, and police reports.

a. Field Interview Cards: "BWC Recording" shall be recorded in the narrative.

b. Traffic Citations: "BWC Recording" shall be recorded in the case number box near the top of all citations.

c. Other Reports: "BWC Recording" shall be recorded in the narrative.

Pursuant to an employee request of an accidental activation of the BWC and the resulting recording is of no investigative or evidentiary value, the officer may request that the media file(s) be deleted by submitting a request to a BWC Administrator who shall review the file, endorse the request, and delete the requested file(s) with supervisor approval from Commander or above.

P. Entering Metadata

Each recorded segment requires metadata be entered, even if the segments are of the same event. Metadata should be added at the conclusion of the event. In case of a delay, metadata should be added as soon as possible.

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Q. Impounding Procedures

After verifying the required metadata has been added to all recorded events, officers shall place the BWC into any open slot(s) on the docking station at the end of their shift. This will allow for the battery to recharge. The data will automatically be transferred from the BWC through the docking station to Video Storage System. The data is considered impounded at this point.

R. Retention of Digital Evidence

All recordings related to any criminal proceeding, claim filed, pending litigation, or a personnel complaint, shall be preserved until that matter is resolved and/or in accordance with the law.

S. Reviewing Impounded Digital Evidence

a. Officers may review their own recordings.

b. Detectives are responsible for reviewing, updating and tracking digital evidence associated with their assigned cases.

c. Digital evidence captured by the BWC is not all-inclusive. The system captures a less broad and less detailed image than the totality of the human senses. An officer's recollection of specific details may be different than what is captured in digital evidence. Officers should review digital evidence prior to completing reports when necessary to ensure accuracy. Officers shall review digital evidence prior to providing testimony at hearings, trial, administrative investigations, or depositions.

d. It is NOT the intent of the Department to review digital evidence for the purpose of general performance review, for routine preparation of performance reports, or to discover policy violations.

T. Discovery of Misconduct

Employees reviewing event recordings should remain focused on the incident or incidents in question and review only those recordings relevant to their investigative scope. If improper conduct is discovered during any review of digital evidence, the person who discovered the conduct in question shall notify a supervisor.

Supervisors may not randomly access the BWC System for arbitrary or capricious purposes. Accordingly, minor infractions (not criminal in nature) discovered during routine review of the recorded material should be viewed as training opportunities and not as routine disciplinary

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actions. Should the behavior or action be repetitive after being addressed by a supervisor, the appropriate disciplinary or corrective action should be pursued.

U. Copying and Releasing Digital Evidence

Digital evidence captured by BWC shall be treated as official records and handled pursuant to existing Department policies and procedures.

V. Use of Digital Evidence for Training Purposes

Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

W. BWC Program Administrator Responsibilities

BWC Program Administrators shall be sworn members. BWC Program Administrators are responsible for training officers on current policy and the proper use of BWC units and performing the following duties:

- a. Maintain and troubleshoot the BWC units.
- b. Maintain a record of assigned BWC and related equipment.
- c. Be proactive and able to complete minor repairs.
- d. Arrange for the warranty and non-warranty repair of the BWC units.
- e. Repair or replace BWC components (cameras, docking stations, etc.).
- f. Maintain BWC equipment repair and maintenance records.
- g. Update software and system settings as necessary.