

Body Worn Cameras

426.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of Body Worn Camera (BWC) recording devices by members of this department while in the performance of their duties.

The use of BWC by law enforcement personnel serves a number of purposes, including but not limited to: assisting law enforcement personnel in the performance of their duties by obtaining documentary evidence for criminal investigations; providing enhanced accountability for employees, and protecting employees from unjustified or frivolous complaints of misconduct; and, serve as a tool to refresh the recollection of members. BWC recordings may prove valuable in related civil litigation, enhance a member's ability to review and document statements and actions for reports, provide an impartial measurement for self-critique and field evaluation, useful for training, adherence to state law requirements and department directives, and citizen complaints and administrative matters arising from police activity.

While BWC can provide an objective record of events, it is understood that video/audio recordings may not necessarily reflect the entire experience or state of mind of the individual employee(s) in any given incident. In some circumstances, the BWC could capture information that may not have been heard or observed by the involved employee(s). Similarly, there could be situations where the BWC will not capture information that was heard and/or observed by the involved employee(s).

This policy does not apply to audio/video recordings of interviews or interrogations conducted at any San Leandro Police Department facility, authorized undercover operations, wiretaps, or eavesdropping (concealed listening devices).

426.2 DEFINITIONS

Body Worn Camera Device (BWC) - A mobile audio and video recording device accompanied by a specific data recording and retrieval system used by law enforcement to record police department members and public interactions.

Evidentiary Data - Data of an incident or encounter that could prove useful for investigative purposes including, but not limited to, a crime, a detention, an arrest, a citation, a search, a use of force incident, or a confrontational encounter with a member of the public.

Buffering Mode - The LCD will indicate "READY," and when activated by a double press of the event button, the camera will capture a 30-second time period, known as a "buffer", before the activation without sound.

Sleep Mode - The device will remain powered on and able to record with a double press of the event button. The 30-second buffer will not record, and the device will not respond to a signal device activation. The LCD will display a "quarter moon" when the camera is in this mode.

Activation - A double press of the event button that causes the BWC system to enter into record mode and store video and/or audio data.

Record Mode - The Mode in which the BWC has been activated by a double press of the event button. The video and audio are recording, and the LCD will display a camera icon with a red flashing light.

Digital Evidence Management System - Software and hardware used to store, catalog, view, and otherwise manage digital evidence to include audio and video files recorded on BWC. The data files

San Leandro Police Department

San Leandro PD Policy Manual

Body Worn Cameras

are uploaded to Evidence.com, a secured off-site server maintained by Axon.

System Administrator - A sworn or civilian manager tasked with the maintenance, auditing, configuration, and reliable operation of the BWC and digital evidence management systems (Evidence.com).

Personnel - Any uniformed (Class "B" and "C," which includes the bicycle uniform) personnel employed with the San Leandro Police Department.

Routine - During the course of one's duties.

426.3 POLICY

The use of audio/video recorders and/or BWC are intended to enhance the mission of the department by recording contacts between members of the public and employees of the department who are acting in their official capacity. The department will issue a BWC to all sworn and selected professional staff members for use during the performance of their official duties. Employees are prohibited from using personally owned audio/video recording devices in place of or in addition to their Department-issued BWC. Members trained on the BWC and Evidence.com shall use the equipment in a manner consistent with department training.

All personnel shall utilize their assigned BWC in accordance with this policy. Unauthorized use, duplication, and/or distribution of BWC files are prohibited. Personnel shall not make copies of any BWC files for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to record BWC files. All recording media, images, and audio are the property of the San Leandro Police Department. Any BWC recordings shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.

Members shall not record non-business-related activity. The use of the BWC is prohibited in a restroom unless there is a business-related purpose.

All personnel who are assigned a BWC shall wear the device during any regular shift, any overtime shift, and when the Chief of Police or their designee deem it appropriate to wear.

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

426.4 BODY WORN CAMERA/SYSTEMS

AXON BWC's are designed to be worn by sworn personnel and select professional staff personnel for the purpose of capturing day-to-day interactions with the public and those in our custody. Currently the AXON Body 4 cameras have been issued to members of the department for use as outlined in this policy.

The AXON Body 4 cameras are equipped with pre-event recording, or buffering. The current installed settings records video for a period of 30-seconds prior to activation and does not record audio during buffering. While on-duty personnel shall keep their AXON BWC's in the "On" position and in buffering mode except when using the restroom, locker room, or similar sensitive areas. In addition, personnel may keep the BWC in the "Off" position while taking actions where the camera is permitted to be off, as provided in this policy.

The BWC works in conjunction with AXON Evidence.com. All video/audio data, metadata, and other information collected will be stored on AXON's server network. Access to the system and the data contained therein are provided in this policy.

426.5 EMPLOYEE RESPONSIBILITY

San Leandro Police Department

San Leandro PD Policy Manual

Body Worn Cameras

- a) Each employee issued a BWC shall be responsible for maintaining the recorder in good working order. If the employee becomes aware that their BWC recorder is not in working order or malfunctions at any time, the employee shall promptly report the failure to their supervisor and obtain a functioning device as soon as practicable. Uniformed personnel shall wear the BWC on the front of their uniform in a forward-facing position to provide an unobstructed view of events intended to be recorded.
- b) All employees issued a BWC are required to wear and use their BWC while working in uniform. A "uniform" is to be considered the standard uniform of the day based on assignment. This would include but is not limited to, any apparel (e.g., tactical vests, visible badge, and firearm) that identifies the wearer as a Department employee.

Exceptions:

- 1. Uniformed personnel attending a formal event or funeral and wearing a Class A uniform.
 - 2. Personnel in Department callout gear consisting of Class D uniform, except to the extent that unexpected public contact is anticipated that would otherwise require activation under this policy.
 - 3. Personnel working in an administrative assignment, undercover capacity, or while conducting plain clothes surveillance where the intent is not to be identified as a police officer and no enforcement action is planned, except to the extent that unexpected public contact is anticipated that would otherwise require activation under this policy.
 - 4. Department employees with express approval from the Chief of Police or their designee under special circumstances.
- c) Any employee assigned to a non-uniformed position shall carry a BWC at any time the employee anticipates they would be required to wear a BWC. Personnel in non-uniformed assignments shall wear the BWC in a forward facing position to provide an unobstructed view of events intended to be recorded. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed employees should wear the BWC in a conspicuous manner when in use or otherwise notify persons that they are being recorded whenever reasonably practicable.
 - d) When a report or Field Interview (FI) card is generated, employees shall document the existence of a BWC in such official record, including any instance where the BWC malfunctioned or was prematurely deactivated. Employees shall also document the reason for any premature deactivation of the BWC in a police report.
 - e) Employees shall ensure the battery is always sufficiently charged to enable recording at any time during and throughout a shift.
 - f) Employees shall ensure that the BWC is properly docked after each shift absent extraordinary circumstances.
 - g) Any time an employee reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording. Comments may be added/or placed inside the notes with each file of Evidence.com.

Once the video is captured, employees shall annotate the BWC files in Evidence.com by:

San Leandro Police Department

San Leandro PD Policy Manual

Body Worn Cameras

- Identifying the file 'title' with sufficient information such as, crime code, suspect name, location, event, etc.
- Annotating the San Leandro Police Department case number in the 'ID' field with the four-digit year and eight-digit case number (e.g., 2024-00001234).
- Select the appropriate 'Category' (e.g., Citation Civil, Arrest Felony) which aligns with appropriate retention periods.
- Employees are reminded that although CAD/RMS (Computer Aided Dispatch/Records Management System) integration with Axon is helpful in labeling files, it is not always complete and accurate.
- Employees shall verify that the CAD/RMS integrated information is accurate and make the appropriate amendments when necessary.
- In the event an employee recorded multiple BWC videos concerning the same incident, the employee shall annotate specific details in the file 'title' to assist locating the correct BWC file when needed (e.g. "Suspect apprehension," "Witness statement," etc).
- Employees may review any of their BWC files at their discretion, unless the files are restricted (e.g., critical incident, sensitive investigation, etc).
- Employees may contact the System Administrator or their supervisor if they feel videos were viewed against policy.
- The POA President or their designee may review the audit log with reasonable notice through the Office of the Chief of Police to ensure the audits are conducted fairly. At no time will the audit log be duplicated or distributed.
- The Independent Police Auditor will also utilize BWC according to policy to review all complaint investigations, uses of force incidents, and other incidents to assess performance and policy compliance in such incidents consistent with its scope of work and consistent with its philosophy of continuous improvement through coaching, mentoring, and training.

426.6 MEMBERSHIP PRIVACY EXPECTATIONS

All recordings made by employees on any Department-issued device while acting in an official capacity for this Department, regardless of ownership of the device it was made on, shall remain the property of the Department. Employees shall have no expectation of privacy or ownership interest in the content of these recordings.

426.7 SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure the BWC is docked and begins uploading as soon as practicable when the device may have captured an incident involving a use of force, an officer-involved shooting, in-custody death, or other serious incident, and ensure the data is uploaded to Evidence.com, no later than the end of the shift (Penal Code § 832.18). Supervisors are authorized to retrieve the actual BWC immediately in the field if deemed necessary to ensure the BWC is docked and uploaded to Evidence.com as soon as reasonably possible. Absent exigent circumstances, the employee will be in an out-of-service status until they have been issued a replacement BWC.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, uses of force, stops, arrests, citations, pursuits, reports of meritorious conduct, or whenever such recordings would be beneficial in assisting in an on-going investigation.

San Leandro Police Department

San Leandro PD Policy Manual

Body Worn Cameras

Supervisors may be assigned recordings for random review or may review videos randomly to determine training needs, ensure policy adherence, or review an employee's performance. If improper conduct is discovered during any such review of BWC recordings, minor infractions (not criminal in nature and as determined by the Chief) discovered during such review should be viewed as training opportunities and, generally, should not subject employees to disciplinary action. Should the behavior or action be repeated after it was addressed by a supervisor, the appropriate disciplinary or corrective action may be pursued.

All audits and reviews conducted by supervisors and the Independent Police Auditor will be conducted in a fair and impartial manner. Supervisors may use BWC recordings for training purposes with the approval of the Professional Standards and Training Lieutenant.

426.8 PROCEDURE FOR DOCKING/CHARGING THE BODY WORN CAMERA

Employees shall dock their assigned BWC into the appropriate docking/charging station at the end of each shift or as soon as practical.

426.9 ACTIVATION OF THE BODY WORN CAMERA

There are many situations where the use of the body-worn camera system is appropriate. This policy is not intended to describe every possible circumstance. At no time are personnel required to jeopardize their safety in order to activate a body-worn camera system. However, the body-worn camera system shall be activated in required situations as soon as practicable. The activation of the body-worn camera system is required in any of the following circumstances:

- a) All dispatched calls for service.
- b) While enroute to in-progress calls for service the employee shall activate their BWC as soon as practicable after being dispatched.
- c) All enforcement and investigative contacts including, but not limited to, self-initiated stops and field interview (FI) situations, whether initiated by the employee or a member of the public.
- d) All traffic stops including, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops.
- e) All code 3 driving and/or responses.
- f) When conducting the following: Searches of a person, property or residence (e.g., incident to arrest, cursory, probable cause, probation/parole, consent, vehicle, warrant).
- g) All vehicle pursuits.
- h) All foot pursuits.
- i) All K-9 deployments or searches.
- j) Crowd control situations involving engagement, enforcement, or investigative contact.
- k) Employees working special events when engaging in enforcement activity.
- l) All incidents involving a use of force.
- m) Witness, victim, and reporting party statements.
- n) Suspect statements, including advisement of Miranda warnings.
- o) During any suspect transport.
- p) Any contact that becomes adversarial after the initial contact, in a situation that would not

San Leandro Police Department

San Leandro PD Policy Manual

Body Worn Cameras

otherwise require BWC activation.

- q) While processing or submitting evidence and/or property
- r) Tactical Operations personnel who are engaged in an active tactical operation shall activate their BWC cameras prior to the start of the operation and shall continue recording until the situation becomes static.
- s) CID personnel shall activate their BWC during the course of any in-person investigative contact.
- t) Anytime the employee believes activation would be of value/evidence.
- u) At the direction of a supervisor.

If multiple employees are working together at the scene, all involved employees shall utilize their cameras with respect to this policy. Employees shall not coordinate or otherwise decide to use only one camera to capture an incident.

At no time is an employee expected to jeopardize their safety in order to activate a BWC.

426.10 SURREPTITIOUS USE OF THE BODY WORN CAMERA

Employees of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the employee reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Employees shall not surreptitiously record another Department employee without a court order unless lawfully authorized by the Chief of Police or their authorized designee.

426.11 CESSATION OF RECORDING

Once activated, the BWC shall remain on continuously until the encounter has concluded or the employee has left the scene of the encounter.

a) Employees shall cease recording whenever necessary to ensure conversations are not recorded between a person in custody and that person's attorney, religious advisor, or physician unless there is explicit consent from all parties to the conversation (Penal Code § 636).

b) Recording may be stopped during significant and extended periods of inactivity but shall be re-activated once activity resumes. Prior to ceasing a recording due to an extended period of inactivity, employees shall verbalize the reason they are terminating the recording before the incident concludes.

426.12 EXPLOSIVE DEVICE

Body-worn cameras and audio/video transmitters emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

426.13 PROHIBITED USE OF PORTABLE RECORDERS/BODY WORN CAMERAS

Recordings shall not be used by any employee for the purpose of embarrassment, harassment, or ridicule.

No BWC will be intentionally activated to record Department employees during briefings, meetings, or patrol line-up's.

Employees shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, employees should be careful to avoid recording persons who are not the focus of the investigation. When guarding a prisoner who is being medically cleared

San Leandro Police Department

San Leandro PD Policy Manual

Body Worn Cameras

at a hospital or medical facility, employees should avoid recording privileged conversations between a licensed physician and the prisoner. Employees should consider either orienting the camera away from the prisoner/physician interaction and monitoring from a distance as to ensure privacy or temporarily ceasing the recording, after verbalizing the reason.

426.14 IDENTIFICATION AND PRESERVATION OF BODY WORN CAMERA RECORDINGS

Recordings of the following should be retained for a minimum of seven years (Penal Code § 832.18):

- a) Incidents involving a use of force by an officer
- b) Officer-involved shootings
- c) Incidents that lead to the detention or arrest of an individual
- d) Recordings relevant to a formal or informal complaint against an officer or the San Leandro Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18)

Records of access and deletion of recordings are to be retained in Evidence.com audit report for seven years after each incident occurs (Penal Code § 832.18)

In the event of an accidental activation of the BWC, the recording employee may request that the BWC file be deleted. In such an event, the recording employee shall submit an e-mail request with sufficient information to locate the BWC file to the Professional Standards and Training Unit Lieutenant. The Professional Standards and Training Unit Lieutenant shall review the file and shall ensure there are no integrity concerns, policy violations, and the recording has no administrative or evidentiary value. The Professional Standards and Training Unit Lieutenant will make a recommendation to the Chief of Police, who will make the final determination. If the request is approved, it shall be forwarded to the System Administrator for action. The reason for the deletion will be annotated within the notes section of Evidence.com.

In the event that an accidentally recorded video features an employee in a setting, such as a restroom or dressing room, and the employee expresses a concern that the video could contain nudity or other potentially private or personal content, the Professional Standards and Training Unit Lieutenant will ensure that the video in question is reviewed by a person of the same sex as the individual featured in the recording and ensure the video is not viewed by other personnel and is deleted.

426.15 RELEASE OF BODY WORN CAMERA RECORDINGS

Requests for the release of body worn camera recordings shall be processed in accordance with the Records Maintenance and Release Policy. All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy).

Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court or can be appropriately redacted to protect privacy concerns.

All employees that are identifiable in a BWC file, and/or whose BWC recorded an event, shall be given advanced notice prior to any public release.

426.16 REVIEW OF RECORDED BODY WORN CAMERA FILES

San Leandro Police Department

San Leandro PD Policy Manual

Body Worn Cameras

Although the data captured by the BWC is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the system shall be logged and subject to audit at any time within Evidence.com. Access to the data from the system is permitted on a right-to-know, need-to-know basis. Employees authorized under this policy may review a video according to the provisions of this policy.

An employee may review BWC files as it relates to their involvement in:

- a) An incident for the purpose of completing a criminal investigation and preparing official reports.
- b) Prior to courtroom testimony or for courtroom presentations.
- c) In the event of a critical incident.

When preparing written reports, employees should review their recordings as a resource. However, employees shall not retain personal copies of recordings. Employees should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are required to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct.

Recorded files may also be reviewed:

- a) Upon approval by a supervisor, any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- c) By media personnel with permission of the Chief of Police.
- d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
- e) By the Independent Police Auditor in the performance of their duties to ensure policy adherence and to assess performance in the interest of continuous improvement.

During a critical incident or the resulting investigation, the initial interview of an involved officer should occur before the officer has reviewed any BWC recordings of the incident. An involved officer (whether a primary actor or a witness to the critical incident) will have the opportunity to review recordings after the initial statement has been taken. To the extent that an involved officer wishes to amend any statement previously given as a result of their viewing of BWC recordings after their initial interview, they shall be given the opportunity to do so. The investigator shall admonish an involved employee about the limitations of audio/video recordings. The following is an example of an appropriate advisement in a case involving video evidence:

“In this case, there is video evidence that you will have an opportunity to view after you have given your initial statement. Video evidence has limitations and may depict the event differently than you recall and may not depict all of the events as seen or heard by you. Video has a limited field of view and may not capture events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The frame rate of video may limit the camera’s ability to capture movements normally seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance, or positional orientation as well as the human eye.”

426.17 USE OF BODY WORN CAMERA RECORDINGS FOR TRAINING

San Leandro Police Department

San Leandro PD Policy Manual

Body Worn Cameras

BWC recordings may be used to train Department employees with the approval of the Professional Standards and Training Unit Lieutenant and only after notification of the employees involved in the recorded incident.

426.18 AXON SYSTEM ADMINISTRATOR RESPONSIBILITIES

The System Administrator is designated by the Chief of Police and has oversight responsibilities to include, but not limited to, the following:

- a) Operation and user administration of the system
- b) System evaluation
- c) Training
- d) Policy and procedure review and evaluation
- e) Coordination with IT regarding system related issues.
- f) Ensure BWC files of evidentiary value are secured and maintained conditional upon adjudication of the case. Ensure all other routine files (routine files are any files that are not assigned a report number) are secured and maintained for one year.
- g) Ensure BWC files are reviewed and released in accordance with federal, state, and local statutes and the City of San Leandro/San Leandro Police Department retention policy.

426.19 BODY WORN CAMERA FILE REQUESTS

Departmental requests, to include requests from the District Attorney's Office or City Attorney's Office, shall be in writing and contain sufficient information to assist in locating the BWC file. Such requests shall be forwarded, via email, to the Property Room Supervisor.

Non-Departmental requests:

- a) All non-Departmental requests for a BWC file shall be accepted and processed in accordance with federal, state, and local statutes and Departmental policy (e.g., court cases, subpoenas, public records act, etc.) as set forth in the Records Maintenance and Release Policy.
- b) Media inquiries and/or requests shall be received and processed in accordance with current policy.
- c) Personnel shall be advised, prior to any release, of video under the CPRA (California Public Records Act) and the guidelines consistent with the Department's Operations Directive.

Copying procedures require a BWC file be requested in accordance with the provisions of the order by submitting a written request, to include the reason for the request, to the System Administrator.

When necessary, investigators conducting criminal or internal investigations shall advise the System Administrator to restrict access/public disclosure of the associated BWC files.

426.20 REPAIR PROCEDURE

Personnel should immediately report any problems with the BWC to their immediate supervisor.

Upon notification, the supervisor shall contact the System Administrator or designee stating the problem or malfunction and request a replacement camera.

San Leandro Police Department

San Leandro PD Policy Manual

Body Worn Cameras

426.21 POLICY REVIEW

This policy was revised on 07/01/2024.

DRAFT