

SAN DIEGO POLICE DEPARTMENT PROCEDURE

DATE: JUNE 12, 2014

NUMBER: 1.49 - ADMINISTRATION

SUBJECT: AXON BODY WORN CAMERAS

RELATED POLICY: 3.26

ORIGINATING DIVISION: OPERATIONAL SUPPORT

NEW PROCEDURE: ■

PROCEDURAL CHANGE: □

SUPERSEDES: NEW

I. PURPOSE

This Department procedure establishes guidelines for Department members using body worn cameras and procedures for preserving the digital media in Evidence.com.

II. SCOPE

This procedure applies to all Department members.

III. BACKGROUND

Law enforcement's use of in-car cameras and body worn cameras has proven effective in reducing violent confrontations and complaints against officers. Cameras provide additional documentation of police/public encounters and may be an important tool for collecting evidence and maintaining public trust. There is also a learning curve that comes with using body-worn cameras. 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.

IV. DEFINITIONS

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

BWC Program Administrator (Operational Support) - Police Department program administrator for Evidence.com and TASER Axon camera system with full access to user rights and sets user access and parameters.

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

Taser's Evidence Transfer Manager (ETM) - A portable multi-ported docking station installed at the commands. 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 Evidence.com.

Evidence.com - A digital evidence management service contracted for the city and accessed at Sdpd.evidence.com. The service 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. There are 12 searchable fields into which this metadata can be entered.

V. PROCEDURE

A. Officer Safety takes Precedence over Recording Events

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 San Diego 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 their designee.
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 Sdpd.evidence.com is strictly prohibited.

C. BWC Modes of Operation (TASER models)

1. The BWC system operates on rechargeable battery power for up to twelve hours of continuous buffering and records up to ten hours of continuous video and audio media. The user can view recordings and add metadata to monitors, computers, and smart phones by downloading a specific software application. Viewing or adding metadata will not alter the video recording as it is protected with multiple layers of encryption on the aforementioned devices, the BWC itself and at Evidence.com.
2. Buffering Mode is when a BWC is on but has not been activated to record both sound and video. While in the buffering mode, the camera will continuously record only video in 30 second loops.
3. Event Mode is when the Event button is activated and the camera is recording both audio and video. The buffered video (not audio) captured directly before the event will be saved and attached to the event in permanent memory. Repeated pressing of the Event button turns the recordings on and off and creates separate media segments.

D. Storage

When not in use, the BWC devices shall be stored in the designated ETM or in a secure storage location at each Division.

E. Pre-shift inspection

1. Officers shall inspect their assigned BWC devices daily to ensure there is no visual damage and the device is in working order.
2. Visual damage shall be logged on to the officer's MCT (Mobile Computer Terminal) as a journal entry.
3. Inoperable equipment shall be tagged and returned to Operational Support as soon as possible.

F. Camera Position

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

G. Equipment Repair, Replacement, and Maintenance

1. When a BWC malfunctions, the officer will notify his or her supervisor and Operational Support.
2. The officer will note the nature of the malfunction in his or her journal.
3. The inoperable equipment will be taken to Operational Support for repair as soon as possible.
4. If Operational Support 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 Operational Support and performed through an authorized service provider.
5. This procedure will be followed for all BWC related equipment and accessories.

H. 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. Therefore, officers are not required to give notice they are recording. However, if asked, officers shall advise citizens they are being recorded.
2. Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.
3. 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.

I. When and Where to Record

1. Enforcement Related Contacts

- a. Officers shall use the event mode to record enforcement related contacts. The event mode 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. Enforcement related contacts include the following: Traffic stops, field interviews, detentions, arrests, persons present at radio calls who are accused of crimes, and consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter.
- c. Covering another City employee or law enforcement officer during an enforcement contact, including, but not limited to, PISOs, Parking Controllers, etc.
- d. Officers working plain clothes assignments are exempt from this policy.

2. Arrests

- a. Officers may stop recording in the event mode 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 in the event mode.
- b. If an officer resumes recording in the event mode, the camera shall remain in event mode until the officer no longer has contact with the subject.

3. 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.

4. 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.

5. Searches

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.

6. Special Events

Officer's use of BWCs at special events is at the discretion of the Special Event Unit.

J. When and Where NOT to Record

1. BWCs shall not be used to record non-work related activity.
2. BWCs shall not be used to record in areas or activities such as pre-shift conferences, Department locker rooms, break rooms, or other activities not related to a criminal investigation.
3. BWCs shall not be activated in places where persons have a reasonable expectation of privacy, such as locker rooms, dressing rooms, or restrooms.
4. BWCs shall not be used during Department administrative investigations.
5. When possible, officers should avoid recording exposed areas of the body that could cause embarrassment or humiliation, such as exposed breast, groin, etc.
6. Patient Privacy
 - a. Officers shall not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. This includes during PERT clinician interviews. Officers shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
 - b. Officers shall not record while in a facility whose primary purpose is to provide psychiatric services unless responding to a radio call involving a suspect who is still present.
 - c. Officers shall not record while inside jail facilities.

7. Victim and Witness Interviews

- a. Victim and witness interviews will generally not be recorded.
- 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 with serious injuries, such as strangulation injuries or injuries requiring hospitalization, are exceptions and their statements should be recorded if the victim is willing. Officers should also record the statements of children of domestic violence victims who are witnesses in these types of cases if the children are willing.
- c. BWCs shall not be used during Sex Crimes or Child Abuse investigations to include statements of victims, witnesses, and interactions with parents of victims.

8. Demonstrations

- a. As a general policy, Department personnel should refrain from video recording or photographing peaceful demonstrations.
- b. When there is reason to believe that a planned event has the potential for unlawful activity, Commanding Officers should make the determination whether visual recording or photographing is appropriate.
- c. During demonstrations, officers should operate cameras in the buffering mode. If officers witness crimes occurring among the demonstrators and/or believe an arrest is likely, they should begin recording in the event mode.

- 9. 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.

K. Documentation of Recorded Events

All recordings shall be documented, such as in an ARJIS 9, citation, Field Interview, Traffic Warning, CAD incident history, or the officer's daily journal.

- 1. ARJIS 2 and ARJIS 8 - "BWC Recording" shall be recorded in the Evidence section of the report.

2. ARJIS 9 - “BWC Recording” shall be recorded in the Property Tag section of the report.
3. Field Interview Slips and Traffic Warnings - “BWC Recording” shall be recorded in the narrative.
4. Traffic Citations - “BWC Recording” shall be recorded in the case number box near the top of all citations.
5. Other Reports - “BWC Recording” shall be recorded in the narrative.
6. Other Recordings - Non evidentiary recordings, such as inadvertent recordings, recordings initiated for training, or recordings with no associated report shall be documented on the officer’s journal.

L. 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.

M. Impounding Procedures

After verifying the required metadata has been added to all recorded events, officers shall place the BWC into a slot on the ETM 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 ETM to Evidence.com. The data is considered impounded at this point.

N. Accessing Impounded Digital Evidence

1. All those given permission associated with Evidence.com may review digital evidence.
2. Using a Department computer, enter Sdpc.evidence.com in the browser.
3. Enter assigned user name and password. For help with problems, contact the Department Program Administrator in Operational Support Administration.
4. Digital Evidence can be viewed and/or copied from this location.

O. 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.

P. Reviewing Impounded Digital Evidence

1. Officers may review their own recordings.
2. Detectives are responsible for reviewing, updating and tracking digital evidence associated with their assigned cases.
3. 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, or depositions.
4. 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.
5. Digital evidence may be viewed for administrative purposes limited to the following:
 - a. Any incident in which a member of the Department is injured or killed during the performance of their duties.
 - b. Any incident involving the use of force by a member of the Department, including canines, which results in injury or death.
 - c. Any in-custody death.
 - d. Any police pursuit.
 - e. When any member of the Department intentionally or unintentionally discharges a firearm at a person regardless whether an individual is struck.
 - f. When any member of the Department not involved in training intentionally or unintentionally discharges an ERIW at a person regardless whether an individual is struck.

- g. When any member of the Department not involved in training intentionally or unintentionally discharges a Conductive Energy Weapon at a person, including the application of a drive stun.
 - h. Officer involved traffic collisions.
 - i. Prior to the release of recordings in response to a proper legal request (e.g., in response to a subpoena or other court order).
 - j. In preparation for a civil deposition or responding to an interrogatory where the incident arises from the employee's official duties.
 - k. When preparing to testify in a criminal, civil, or administrative proceeding arising from the employee's official duties.
 - l. For investigations undertaken by the Department, for the purpose of proving or disproving specific allegations of misconduct.
 - m. For administrative proceedings, when digital evidence is used by the Department for the purpose of proving or disproving allegations of misconduct, only digital evidence relevant to the investigative scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence by investigators shall be documented as part of the chronological summary of any investigation undertaken by the Department.
6. In situations where there is a need to review digital evidence not covered by this procedure, a captain or higher must approve the request. Each situation will be evaluated on a case by case basis.

Q. 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. Nothing in this procedure prohibits addressing policy violations.

R. 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.

S. Use of Digital Evidence for Training Purposes

Officers and supervisors may find it useful, and are encouraged, to review recordings of incidents of which they were involved when beneficial for the purpose of conducting a tactical debrief. When an incident is recorded which may be of value as a training aid for a broad section of the Department, the recording officer or that officer's supervisor should contact the Training Lieutenant who will review the digital evidence to determine the value of the incident for training. If the Training Lieutenant determines the incident would be an appropriate training aid, the Training Lieutenant shall obtain approval from the Department Legal Advisor and from the Assistant Chief of Training and Employee Development.

T. BWC Program Administrator Responsibilities

BWC Program Administrators shall be sworn members assigned to Operational Support. BWC Program Administrators are responsible for performing the following duties:

1. Maintain and troubleshoot the BWC units.
2. Maintain a record of assigned BWC and related equipment.
3. Be proactive and able to complete minor repairs.
4. Arrange for the warranty and non-warranty repair of the BWC units.
5. Repair or replace BWC components (cameras, docking stations, etc.).
6. Maintain BWC equipment repair and maintenance records.
7. Update software and system settings as necessary.
8. Train officers on current policy and the proper use of BWC units.