

Body Worn Camera (BWC)

450.1 PURPOSE

This policy is intended to provide Sausalito Police Officers and Parking Enforcement/Community Service Officers (PEO/CSO) with instructions on when and how to use the Axon Body Worn Cameras (BWC) so that officers may reliably record their contact with the public in accordance with applicable state and federal laws.

While recordings obtained from BWCs provide an objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individual employee(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved employee. BWCs also have low-light recording capabilities that can exceed the observations of the employee wearing the BWC. Current BWCs have a field of view that exceeds the binocular vision of a human being. Video captures two-dimensional images, which may be different from an employee's three-dimensional observations. Lighting and viewing angles may also contribute to different perceptions. Specifically, it is understood that the recording device will capture information that may not have been heard and / or observed by the involved employee and that the involved employee may see and hear information that may not be captured on video.

450.2 POLICY

The Sausalito Police Department will provide all officers and PEO/CSO with BWCs for use during the performance of their duties. The use of the BWC is intended to enhance the mission of Sausalito Police Department by:

- Capturing contacts between members of the department and the public.
- Enhancing the ability to collect and capture evidence to be used for criminal investigation and prosecution.
- Allowing for additional documentation of police-public contacts, arrests, and critical incidents.
- Enhancing the Sausalito Police Department's ability to review probable cause for arrest, officer and suspect interaction, and to provide additional information to be used in the training of officers.
- Providing supplemental documentation of crime and accident scenes.

450.3 PROCEDURES

450.3.1 BWC TRAINING

Officers who are assigned a BWC must complete an agency approved and provided training to ensure proper use an operations. This training will be documented in the training files of all officers.

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Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper performance, and to incorporate changes, updates, and other revisions in policy and equipment.

450.3.2 ACTIVATION OF BWC

Officers shall activate their BWC during all calls for service (excluding calls over the telephone), enforcement contacts, field investigations/interviews/interrogations, when it is reasonably likely that law enforcement action will be taken, and any other time the officer reasonably believes a recording of the contact would be useful.

BWCs shall only be activated when it is safe and practical for the officer to do so. At no time is an officer expected to jeopardize his or her safety in order to activate the BWC or change the BWC's recording mode. The BWC shall be activated as soon as practical as safety considerations allow.

Unless it is unsafe or impractical to do so, or mechanical/technical issues are present that impede the use of the BWC, officers shall activate their BWC prior to making contact in any of the following incidents:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations.
- (b) Traffic stops, but not limited to, traffic violations, traffic collisions, stranded motorist assistance.
- (c) Self-initiated activity in which a member would normally notify the Communications Center. Examples of self-initiated activity that does not require activation of the BWC are:
 1. Foot patrols.
 2. Traffic related directed/extra patrols prior to any enforcement stop.
 3. Extra patrols where officers conduct drive throughs of neighborhoods, parking lots, etc. where no other call for service, criminal act, or investigation is occurring.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Officers can utilize the BWC to record telephonic calls for service upon their discretion. If the BWC is to be utilized to record a telephone call while in the police building, the BWC shall be removed from the officer's torso and placed camera side down so no unwanted video footage is captured.

Once the BWC has been activated, it should remain on until the officer's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Officers may deactivate or mute the recording during significant periods of inactivity, such as report writing, perimeter or static post assignments, or when no longer part of the active investigation or contact with citizens.

If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document in the applicable police report (if the incident generates a police report) why a recording was not made, was interrupted, or was terminated.

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If an individual asks if they are being recorded, officers shall tell them. There is no obligation to gain consent from individuals prior to utilizing a BWC during an incident.

Officers shall not cease recording or delete any recording that was captured while conducting a lawful investigation of an incident in which the BWC was activated, even if the property owner/occupant requests or demands such action.

BWC recordings shall not be used for the purpose of embarrassing, harassing, ridiculing, or intimidating any member of the Sausalito Police Department, allied agency, or the public.

450.3.3 NON-ACTIVATION OF BWC

There are specific situations where the use of the BWC is not appropriate. These situations include, but are not limited to, the following:

- (a) For the purpose of recording conduct of another department member when not in the presence of the public.
- (b) During communications with other law enforcement personnel unrelated to official duties.
- (c) Encounters with undercover officers or confidential informants.
- (d) When on a break and not in service.
- (e) In restrooms, locker rooms, or other places where there is a similar expectation of privacy and there is no legal reason to record.
- (f) During operational or tactical planning.
- (g) When an arrested or detained person and their attorney, clergy or physician are conferring.
- (h) When an explosive device may be present.

Generally, officers shall try to ensure the non-arrestee privacy will be maintained while inside a medical facility. Officers should use their discretion when using BWCs inside a medical facility.

If an arrestee is cooperative, the BWCs recording can be interrupted while in the medical facility's public areas then continued while the officer and the arrestee are in a private room/area.

If the arrestee is uncooperative, disruptive, combative, or threatening, the BWC shall remain activated while at the medical facility.

With exception of legal blood draws, conversations between the doctor/nurse and the arrestee shall not be recorded unless the arrestee is uncooperative, disruptive, combative, or threatening.

450.4 OFFICER RESPONSIBILITIES

Officers shall only use the BWCs issued by the Sausalito Police Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Sausalito Police Department.

BWC equipment is the responsibility of the individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the

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officer's supervisor and the Operations Division Commander as soon as possible so a replacement unit may be procured.

Officers shall inspect and verify proper functioning of the BWC prior to each shift and shall notify their supervisor of any problems.

Officers shall wear the BWC upon their torso, pointing in front of the officer and horizontal to the ground. Officers shall ensure the view of the BWC is unobstructed by clothing or uniform accessories. If necessary, different BWC mounting options (i.e. helmet mounts) will be provided by the Sausalito Police Department for those officers actively performing specialty assignments whose uniforms could prevent the BWC from being mounted to the officers uniform (i.e. SRT, Bicycle, Motorcycle, Marine Patrol).

- (a) Officers that are serving in an undercover role will not be required to wear a BWC and are not subject to this policy.
- (b) Officers in plain clothes assignments are not required to wear a BWC unless they are taking direct and specific law enforcement action (i.e. warrant services, traffic enforcement, arrests, etc.).
- (c) Officers shall note in the incident/arrest reports that BWC recordings were made during the incident. However, BWC recordings will not replace a written report of an incident/arrest.
- (d) When an officer believes that an event captured on a BWC recording may lead to a citizen complaint, the officer shall bring the recording to the attention to their supervisor as soon as possible.
- (e) Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute any BWC recordings without prior written authorization and approval from the Chief of Police or their designee.
- (f) Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
- (g) Requests for deletion of portions of a BWC recording (i.e. in the event of an accidental personal recording) must be submitted in writing via a memorandum to the Office of Chief of Police via the chain of command. The Chief of Police or their designee will make a determination in each case based on the applicable California laws (i.e. records retention, evidence, criminal). All requests and final dispositions shall be kept on file with the Records Supervisor.
- (h) Officers shall download all BWC recordings by the end of their shifts, or when practical, and mark/tag them by the category of recording and if applicable the associated case number.
- (i) Officers will report the loss or destruction of a BWC to their supervisor immediately. The Officer will then prepare a memorandum to the Operations Division Commander documenting the loss/destruction of the BWC and the facts surrounding the matter.

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450.5 SUPERVISOR RESPONSIBILITIES

Supervisors will ensure that employees are using their BWCs in accordance with this policy, which can include periodic audits of the BWC recordings in furtherance of that objective. Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such a recording would be beneficial in reviewing the member's performance.

Supervisors will ensure that recorded media files related to critical incidents are uploaded in the storage system as soon as practical.

450.6 ADMINISTRATORS RESPONSIBILITIES

The Chief of Police will appoint a Program Administrator (sworn member of the department) who will develop, disseminate and supervise practices and protocols which ensure that:

- (a) Employees are properly trained in the use of the BWC.
- (b) BWC have adequate capacity, and function properly.
- (c) BWC recordings are created, downloaded, tagged, categorized, reviewed, copied, retained and deleted efficiently and securely, and adhere to the requirements of the City's retention schedule, this policy, and the California law.
- (d) BWC recordings created and retained by SPD comply with the chain of custody as required for criminal process.

450.7 REVIEW OF BWC RECORDINGS: GENERALLY

Generally, BWC recordings can be viewed under the following circumstances:

- (a) BWC recordings made by the officer to assist with the writing of a report, supplement report, or memorandum.
- (b) BWC recording made by the officer to assist them in preparation for a court appearance.
- (c) BWC recording made by the officer to assist them in preparation for an internal affairs/citizen/personnel complaint interview.
- (d) BWC recordings made by the officer to assist them in preparation for a critical incident statement.
- (e) BWC recordings made by other officers if the viewing is in furtherance of an investigation, report preparation, or other official purpose.
- (f) For evidentiary purposes as it relates to an investigation or court/trial preparation.
- (g) A command/supervisory officer/trainer reviewing or investigating a specific incident or act of employee contact (i.e. use of force, pursuit, etc.).
- (h) A command/supervisory officer conducting a routine performance review/evaluation.
- (i) Authorized personnel participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.

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- (j) Command/supervisory or any employee may not randomly access BWC recordings for arbitrary or capricious purposes.
- (k) For the purposes of training. In an involved officer objects to the showing of a BWC recording, their objections will be submitted to the Operations Division Commander to determine if the training value outweighs the employee's objection.

If an officer is suspected of a criminal act or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict them from viewing the BWC recording.

The live streaming of video from BWCs will be reserved for critical incidents, planned operations (i.e. SRT operations, warrant services, crowd control, etc.) natural disasters, and other incidents in which command/supervisory personnel would be in need of timely information and intelligence for the proper management of the event and community safety/security concerns. Live streaming of video from BWC will not be utilized on an arbitrary and/or capricious manner or to monitor an officer during normal calls for police service.

450.8 REVIEW OF BWC RECORDINGS: CRITICAL INCIDENTS

In the event an officer is involved in a critical incident, such as an officer involved shooting or in-custody fatality, the public safety statement should take place as soon as practicable regardless of an employee's ability to review the BWC recording.

The involved officer will be given an opportunity to review any applicable BWC recordings after the initial public safety statement and prior to providing a criminal or administrative statement.

450.9 REVIEW OF BWC RECORDINGS: ADMINISTRATIVE INVESTIGATIONS

Investigators conducting an administrative investigation should provide each subject employee with a copy of relevant BWC recording files, including but not limited to the employee's own recording, at the time the employee is served with the notice of investigation.

450.10 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with BWC is prohibited (California Penal Code Section 832.19).

450.11 RETENTION OF BWC RECORDINGS

BWC recordings of the following should be retained for a minimum of two (2) years (California Penal Code Section 832.18):

- (a) Incidents involving the 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 Sausalito Police Department.

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BWC 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 (California Penal Code Section 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period of less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (California Penal Code Section 832.18).

450.12 RELEASE OF RECORDINGS

Requests for the release of BWC recordings shall be processed in accordance with the Sausalito Police Department's Records Maintenance and Release Policy (Sausalito Police Policy Section 810) and California Government Code 6254(f)(4).

No BWC recording, duplicates, copies, or still image from a recording can be released without prior written authorization and approval from the Chief of Police or their designee and in accordance to the Sausalito Police Department's Records Maintenance and Release Policy (Sausalito Policy Section 810) and California Government Code 6254.