

**STOCKTON POLICE DEPARTMENT**

**GENERAL ORDER**

**BODY WORN CAMERA SYSTEM**  
**SUBJECT**

**DATE:** **December 12, 2016**

**NO:** **J-2**

**FROM:** **CHIEF ERIC JONES**

**TO:** **ALL PERSONNEL**

**INDEX:** **BODY WORN CAMERA SYSTEM**  
**CALIFORNIA PUBLIC RECORDS ACT**

**I. PURPOSE**

- A. To provide policy and procedures for use of the Body Worn Camera (BWC) that produces recordings of field activity in the course of official police duties.
- B. This policy applies to all officers who have been issued and trained on the use of the body-worn camera device.

**II. DEFINITIONS**

- A. Body Worn Camera (BWC) – An electronic recording device individually worn by officers that can capture audio and video when activated. The current authorized device is the VieVu LE3, which is individually assigned to uniformed officers as standard issued equipment.
- B. Digital Evidence Management System (DEMS) – A management system designed to digitally collect, store, secure, disseminate and purge recorded media. The digital recordings are accessible to authorized personnel and maintain an audit trail of user activity.

**III. POLICY**

- A. All officers, and sergeants in a uniformed assignment in Field Operations, Special Operations, Code Enforcement Officers assigned to the Neighborhood Blitz Team, or investigators who normally respond to calls for service or regularly take enforcement action during the course of their duties and have received the BWC training, will be required to deploy with a Body Worn Camera when working in that capacity.
- B. Officers assigned and trained on the use of the BWC will not deploy into the field without a working device unless approved by a Lieutenant, Police Services Manager, or higher. Examples of when this is authorized are if the Officer's assigned BWC is inoperable and there are no replacements, if the Officer's BWC is missing, and a replacement is not available, or if the Officer is directed out to the field immediately due to a critical incident prior to roll call.
- C. The use of a BWC provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Officers shall utilize this device in accordance with the provisions in this general order to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.
- D. Only trained personnel should operate approved BWC devices.
- E. Personnel will use only the BWC issued and approved by the Department. The wearing of any other BWC is not authorized.
- F. Personnel will not make copies or use other recording devices to capture images on the display screen for personal use or distribution. The capture and distribution of images on the display screen for tactical or investigatory purposes can be approved by a Lieutenant, Police Services Manager or higher.

- G. Personnel shall not intentionally remove, dismantle or tamper with any hardware and/or software component or part of the BWC.
- H. Information obtained on a BWC is part of an SPD investigation, undertaken for the purpose of determining whether a violation of law or other code may occur or has occurred.
- I. All recorded data from body-worn cameras are property of the Stockton Police Department and shall not be accessed or released for any unauthorized purpose. All footage obtained on a BWC is deemed to have evidentiary value and is part of a law enforcement investigation. Department personnel are explicitly prohibited from accessing recorded data for personal use and from uploading recorded data onto public and social media Internet Web sites. Any violations of this prohibition will be grounds for sanctions, including all available employment disciplinary actions.

#### **IV. PROCEDURES**

- A. There are many situations where the use of the BWC is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, officers may activate the system any time they feel its use would be appropriate and/or valuable to document an incident.
- B. Unless it is unsafe or impractical to do so, officers shall record pedestrian contacts, interviews, and other events when the recording has value as evidence, to limit liability, to resolve citizen complaints, or as a training tool in any of the following incidents:
  - 1. Enforcement encounters where there is a reasonable suspicion the person is involved in criminal activity. This includes, but is not limited to dispatched calls for service as well as self-initiated activities.
  - 2. Probation or parole searches.
  - 3. Vehicle Pursuits.
  - 4. K9 Deployments.
  - 5. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require taping.
  - 6. During the investigation or inspection to determine code violations.
- C. While activated, the recording should not be intentionally terminated until the conclusion of the encounter. If a situation arises where officers need to intentionally stop a recording, then a legitimate reason will be articulated on the recording prior to terminating. For the purposes of this policy, legitimate reasons may include but are not limited to the filming of: juvenile victims, sex crimes victims, confidential informants, instances of tactical planning, and with respect to HIPPA concerns.
- D. Officers will have some level of discretion regarding when to stop a recording because there is no longer any investigative purpose to continue the recording and all parties are cooperating. The officer should dictate this reason on the video before ending the camera activation.
- E. Officers who do not record, or inadvertently stop recording with the BWC during an event, must articulate the reason for this in the appropriate call disposition or report.
- F. The Stockton Police Department prohibits surreptitiously and/or intentionally recording any member of this department's personnel without the expressed knowledge and consent of all parties. Officers shall not use the BWC recording functions to record any personal conversation of another department member without the recorded person's knowledge.
- G. California Penal Code sections 632.7 and 633 govern recording of communications without consent of all parties. This allows officers, on official law enforcement duties, to record events

without consent in places they are legally allowed to be. Officers are not required to obtain consent from a private person when:

1. In a public place.
  2. In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where the officer is lawfully present and engaged in the performance of official duties)
  3. Officers are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.
- H. Officers, who are using a surplus camera that is not assigned to them, should use the download cable and not a dock to download their recordings. This will attach the officer's names to the videos.
- I. Officers should document the use, or non-use, of a BWC in the synopsis of all police reports, citations, case history and field identification cards.
- J. Officers should index this footage with the appropriate Documented Report number when indexing the downloaded videos. The following is a reference on how to index:
1. When referencing Documented Report numbers, eg. "15-12345," using no spaces or letters.
  2. Code Enforcement Officers shall reference their case numbers, eg "15-123456," using no spaces.
- K. Officers should continue to author reports as currently dictated by the Report Writing Manual and training. A summary of events and statements should still be included, and officers should not rely on the existence of BWC footage as the main documentation of a scene, interview, or incident.
- L. Officers who experience a broken or malfunctioning BWC should advise their supervisor of the situation, turn in the malfunctioning device to the Administrative Sergeant, and make use of a spare BWC until their device is fixed.

## V. **RESPONSIBILITIES**

### A. Program Manager

1. The Program Manager 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 until the proper evidence disposition is received from the San Joaquin County Court system. Ensure all other routine files are secure and maintained a minimum of 13 months.
  - g. Ensure BWC files are being reviewed and released in accordance with federal, state, local statutes, and City Stockton/Stockton Police Department retention policy.

- h. The Body Camera Program Manager or his/her designee is the sole person with authority to order editing or deletion of recorded footage.
- i. It is the responsibility of the Program Manager or his/her designee to restrict access to files which are deemed confidential due to internal investigations, or high profile incidents.
- j. Schedule and convene meetings of the Core Policy Team comprised of members of the Stockton Police Department, Stockton Police Officers Association, Stockton City Attorney's Office, and San Joaquin County District Attorney's Office.

B. Supervisor Responsibility

- 1. Supervisors will ensure officers utilize the BWC according to policy guidelines.
- 2. Supervisors will be responsible for monitoring and documenting the use, and failure to use the BWC to ensure officers are receiving needed training and counseling regarding the device.
- 3. Supervisors and reviewing investigative team members should receive training in the review of BWC videos.
- 4. Supervisors will provide roll call or Code Enforcement Officers assigned to the Neighborhood Blitz Team training monthly to assure officers are aware of their responsibilities regarding the BWC. Supervisors will document those in attendance and make note of the training in the officer's performance log as a "TRAINING" entry. This training schedule will change from monthly training to bi-annually on January 1, 2016.
- 5. The supervisor should take immediate physical custody of the BWC and should be responsible for downloading the data in the case of an incident involving the use of force by an officer, an officer-involved shooting, or other serious incident.

C. Officer Responsibility

- 1. BWCs are assigned to individual officers. It is the responsibility of each Officer to check if the battery is fully charged and operating properly at the beginning of each shift. Although there will be uploading/charging banks throughout the Department, Officers should take BWC with them as they secure from duty and charge them in their own secure environment to prevent loss or mishandling. Neighborhood Blitz Team Code Enforcement Officers are to charge their BWC's within a locked cabinet at their work station.
- 2. Officers shall wear the device affixed in an appropriate forward facing manner and secured as recommended by the manufacturer. This will provide for the best field of view possible.
- 3. Immediately report unresolved equipment malfunctions and problems to his/her supervisor and or the administrative sergeant.
- 4. Provide feedback his/her supervisor to the Program Administrator regarding challenges and concerns on the BWC program.
- 5. Officers should dock their issued camera for automated upload of BWC data files throughout their shift and daily at the end of their shift to ensure the BWC storage capacity is not exceeded and/or to upload files.
- 6. After downloading data, officers should index video files appropriately with respect to the software capability within 24 hours of making the recording.

7. In the event of an accidental activation of the BWC, where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the BWC file be deleted by submitting an email request with sufficient information to locate the BWC file to his/her sergeant. Neighborhood Blitz Team Code Enforcement Officers request shall be submitted to the Police Services Manager. The officer's sergeant or manager shall review the file, approve or deny the request, forward the request to the Program Manager and advise whether they feel the request should be approved or denied. The Program Manager will review the video, and if he/she concurs with an approved request, the Program Manager will then delete the video.

D. Evidence/ Identification Technician

1. All instances of duplication will be tracked through the BWC management software.
2. Copies will be sent to or picked up by the requesting person, or the appropriate designee.
3. Duplication of BWC files from a single case that are too large to place on twenty (20) separate DVD's or less will be placed on a flash media drive.
4. Any requests that require editing of an original file will require the booking of the final edited version into property under the appropriate Documented Report number. Editing of video files is a time consuming process that will not be routinely performed, and requests should be used sparingly. Documentation of what editing has been done to the original file will be placed in the description box of the property record and in a subsequent report.
5. Requests for duplications that are already booked into Property should be made to the BWC Technician.
6. In the absence of the BWC Technician, the EIT Supervisor will consult with the Administrative Sergeant to assign an appropriate designee to make the requested copies.

VI. **REVIEW OF DATA/ VIDEO**

- A. Data captured by the BWC is an official police record and shall be treated in the same manner as ARS reports, citations, and evidence. All access to the system will be logged and subject to compliance audit at any time. 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 video according to the provisions of this policy.
- B. Reviewing a BWC file may require documenting the specific reason for access on the video file page in a notation field prior to viewing unless exempted by the Chief of Police or his/her designee.
- C. An employee may review BWC files as it relates to:
  1. His/her involvement in an incident for the purposes of completing a criminal investigation and preparing official reports or as delineated in General Order Q-6, Officer Involved Shooting.
  2. Detectives will have access to files and may view videos they are working on. If copies are needed, then a request to the BWC Technician will be filled out.
  3. Prior to courtroom testimony or for courtroom presentation.
  4. Prior to providing a statement pursuant to an administrative inquiry, including but not limited to officer involved shooting investigations and Countywide Protocol Investigations.
  5. For potential training purposes.
  6. In the instance of a Professional Standards Section review/ investigation.
  7. A supervisor necessitating clarification regarding a concern from a citizen.

8. A supervisor, manager, or Department investigative team investigating a specific incident, act, or accusation of officer conduct, may review videos based on a reasonable supervisory need.
  9. Whether the video has already been made public.
- D. Members of the prosecution team and City Attorney's Office, with the permission of the Chief of Police or his/her designee may view videos.
  - E. In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee or member of the community.

**VII. BWC FILE REQUESTS**

**A. Departmental Requests**

1. Departments, to include the District Attorney's Office or City Attorney's Office, shall forward a written request via email with sufficient information to locate the BWC file to the BWC Evidence Technician via email or request form as is done with requests of photographs.
  - a. Examples of sufficient information needed to locate a BWC file are: documented report number, call history number, date of occurrence, time range of occurrence, officer's identification number, and case number.
  - b. A copy of the BWC file can be made by the Technician in accordance with the provisions of this order to fulfill requests.
  - c. Requests should provide a seven (7) working day lead time before the files are needed. If copies are needed sooner, special accommodations may be made by contacting the Evidence/Identification Unit Supervisor.
2. The Stockton Police Department will make efforts to provide the San Joaquin County District Attorney's Office with "view" access to digital evidence on arrests and referrals for prosecution through the vendor software.

**B. Non-Departmental Requests**

1. All other requests for a BWC file shall be accepted and processed in accordance with federal, state, local statutes, and Departmental policy as set forth in General Orders C-6 "Tracking of Public Records Request." This includes outside subpoenas and other Public Records requests per Government Code sections 6250-6270. These requests will be forwarded immediately to the Technical Services Secretary for proper distribution. It should be noted that BWC footage recordings that are evidence in an ongoing investigation, judicial or administrative proceeding, are not public records until either the matter is concluded or, in the case of a criminal proceeding, the evidence is submitted in a public forum (filed with the court or submitted in open court). Such recordings will generally not be released until they become public.
2. Files requested through subpoena and approved through the City Attorney's Office or District Attorney's Office will be duplicated and distributed unedited.
3. If BWC files must be released through a California Public Records Act, and have to be redacted due to privacy concerns, the entire screen may be blurred through the use of a digital filter. This procedure is recommended as the redaction of footage frame by frame is an arduous task which requires a high level of technical expertise and undue expenditure of time.
4. If BWC files are to be released, all officers involved in the video will be advised of the release.

5. The Chief of Police retains the discretion, on a case by case basis, to release BWC video of any incident (exempt or not) if he deems it is the public interest to do so. The Chief of Police will consider the following when making this determination:
  - The nature of an incident, and the severity of an incident, including whether it took place in a public or private location.
  - Feedback from the recipient of force at issue, any witnesses or - in some cases - family members of the recipient.
  - Whether redacting or blurring parts of the footage will not do enough to protect juveniles, victim privacy rights, potential witnesses or other individuals with a reasonable expectation of privacy.
  - Whether releasing the footage will violate state law prohibiting the release of a law enforcement officer's home address, photograph or any other information deemed otherwise confidential.
  - Whether releasing the footage will help build public trust by facilitating transparency.
  - Whether the footage, when released, could interfere with an ongoing investigation or where it could adversely affect the prosecution of an ongoing criminal matter or reasonably anticipated criminal litigation.
6. Should the Chief of Police decide to release BWC video footage of a significant incident, the Department will strive to release that footage within ten calendar days of the incident or request.

C. Training requests

1. A BWC file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a BWC file for such purpose may come from any source.
2. A person recommending utilization of a BWC file for training purposes shall submit the recommendation through the chain of command to his/her respective Division Commander.
3. BWC files shall not be used for training purposes without the permission of the involved employee, or the employee's legal representative.

**VIII. RETENTION**

- A. Evidentiary data including video and audio recorded by a body-worn camera under this section should be retained for a minimum of two years (24 months) under any of the following circumstances:
  1. The recording is of an incident involving the use of force by a peace officer or an officer-involved shooting.
  2. The recording is of an incident that leads to the detention or arrest of an individual.
  3. The recording is relevant to a formal or informal complaint against a law enforcement officer or a law enforcement agency.
- B. If evidence that may be relevant to a criminal prosecution is obtained from a recording made by a body-worn camera under this section, the law enforcement agency should retain the recording for any time in addition to that specified in paragraph (A) and in the same manner as is required by law for other evidence that may be relevant to a criminal prosecution.
- C. Records or logs of access and deletion of data from body-worn cameras should be retained permanently.

- D. All files of evidentiary value are stored on the in house secure server that is managed and maintained by City of Stockton IT Staff. Files of evidentiary value may be archived to the in-house secure server or to a “cloud” based storage solution if one is available, at the end of one calendar year.
  - 1. Large files or groups of files from the same incident may be transferred to a solid state storage device and booked into evidence for archival purposes.