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17-150
07/05/17

**Taking Photographs and Recording with
Body Worn Camera during Criminal Investigations**
(Re-issue DB 15-182)

If a member believes it is necessary to take photographs of an individual during the course of a criminal investigation in which the individual is not taken into custody, the following guidelines shall be followed:

A photograph may be taken without a person's consent when a member has reasonable suspicion to believe that a crime related activity has taken place or is taking place and the person he or she intends to photograph is a suspect in that crime. A photograph may be taken during a detention if it serves a specific investigative purpose.


When there is neither reasonable suspicion nor probable cause, members may take photographs only with the informed consent of the individual. When the person's consent is given, members shall have the person write a statement on an SFPD Statement Form (377G) stating that he or she has consented to having their photograph taken. Members shall photocopy the statement and include it as a page of their incident report. The original form and the photographs shall be booked as evidence. The photos shall not be retained at the unit level.

In order to ensure that the person being photographed understands what they have authorized, members shall provide foreign language and sign language interpreters if needed. If the consensual photographs are not needed for further investigation, the assigned investigator shall, upon request, return the photograph to the person.

Regarding Body Worn Camera (BWC) video evidence the following applies, as stated in Department General Order 10.11, III, B. Notification and Consent:

"When feasible, members should inform individuals that they are being recorded. However, state law allows members to record communications that he or she could *lawfully hear or record*. Penal Code § 633 see also *People v. Lucero* 190 Cal. App. 3d 1065, 1069. Members are not required to obtain consent from members of the public prior to recording when the member is lawfully in the area where the recording takes place. Members are not required to activate or deactivate a BWC upon the request of a citizen. In addition, members are not required to play back BWC recordings to allow members of the public to review the video footage."

Members assigned to the Airport Bureau shall follow San Francisco Airport Bureau Protocols and San Mateo County requirements for taking photographs during criminal investigations.


WILLIAM SCOTT
Chief of Police