

Body Worn Cameras

10.11.01 PURPOSE

This Department General Order instructs officers on when and how to use body-worn cameras (“BWCs”) so that they may reliably record investigations and enforcement activity. The use of BWC’s promotes professionalism, accountability, and transparency by documenting the San Francisco Police Department’s (“SFPD”) interactions with the public and the performance of SFPD’s members.

10.11.02 POLICY

Sworn members shall receive training on the use and operation of BWC’s prior to their issuance. Additional training shall be provided at periodic intervals to ensure the continued effective use and to incorporate changes, updates, or other revisions in policies and equipment.

SFPD will utilize BWCs in a manner that will assist in criminal investigations and prosecutions as well as civil litigation, by providing an accurate and unbiased recording of the incident that may supplement an employee’s member’s report and help document ~~police~~ conduct, investigations, and enforcement activity.

~~There are many situations where the activation of the BWC is appropriate and/or required and t~~This order is not intended to describe every possible circumstance. It is understood that not all situations will clearly start out as necessitating documentation by the BWC nor will all recorded events have a clear ending when the BWC is no longer required. Officers are expected to follow departmental policy and procedure, utilizing ethical and legal discretion as well as good judgment when ~~the~~ activating and deactivating the BWC.

The Department recognizes that BWC images have a limited field of view ~~and cannot always show the full story, nor do video images capture an entire scene~~. Video recordings captured by a BWC provide a limited perspective and do not necessarily reflect the experience or state of mind of the individual member wearing the BWC in a given incident. ~~Because BWC recordings provide only a limited perspective of the encounter, all other available evidence, such as witness statements, employee interviews, forensic analysis, and documentary evidence should be considered before any conclusions are reached.~~

10.11.03 ~~D10.11.03~~ DEFINITIONS

- A.** On Position ~~When tPushing the on/off buttonswitch~~ of the camera has been pressed and placed switched on and activated into a buffering-Buffering mode-Mode which allowings the camera, ~~when activated,~~ to capture the previous 30 seconds of video.
- ~~A.~~
- B.** Off Position ~~When thPushing the on/off buttonswitch~~ of the camera has been switched offpressed into to stop the buffering-Buffering modeMode. When off, the BWC cannot record audio or video.
- ~~B.~~
- C.** Buffering Mode ~~When powered on in the On Position~~, but not activated. In buffering-Buffering modeMode, the BWC captures video but not audio. The video is not stored ~~into in~~ permanent memory until BWC activation.
- ~~C.~~
- D.** -Activate ~~When triggered by touch or any other method~~, which initiates the audio and video recording functions.
- ~~D.~~
- E.** De-Activate ~~When triggered by touch or any other method~~ and returning the camera to a buffering mode in the on position.
- ~~E.~~
- F.** Incident ~~When triggered by touch or any other method~~ Any activity that is in furtherance of a law enforcement goal or investigation. These include, but are not limited to, traffic stops, pedestrian stops, calls for service, follow upfollow-up investigations, interviews, searches, crowd control incidents, protestsprotests, and arrests.
- ~~F.~~
- G.** Stabilize ~~When a member has completed their part of the incident; and there is little possibility that the member will have further contact-involvement with any involved persons of evidentiary value.~~

G.H. Member – A sworn employee of the San Francisco Police Department.

10.11.04 OFFICER RESPONSIBILITIES

- A.** All uniformed members issued a BWC are required to wear and use their BWCs while in uniform, except as described below. Sworn members holding the ranks of officer, sergeant, or lieutenant shall be issued BWCs. Captains and superior ranks shall not be issued a BWC and shall return any issued BWC to the Department upon promotion.
- ~~1.~~
- B.** Members shall ensure their assigned BWC is fully charged and properly functioning at the beginning of each shift.
- ~~2.~~
- C.** The BWC shall be secured to the member's uniform, above the beltline, on the front of the ~~members~~member's chest, and to the outermost garment in a manner to promote

the ease of use of the camera as well as the camera's ability to clearly record video and audio.

~~3.~~

~~a.1.~~ Members must still properly mount their BWC when wearing an external jacket, an external vest carrier, or exterior armor.

~~b.2.~~ The BWC may be temporarily moved from the mounted position to facilitate recording in furtherance of a police objective. Upon completion of the objective, the BWC shall be returned to the mounted position.

~~3.~~ Exemptions to the placement of the BWC in accordance with this order may only be authorized by a Commander or above. Examples for exemptions may include, but are not limited to, ~~TacticalAC~~, Explosive Ordnance Disposal (EOD), Honda, Traffic, and Mounted Patrol.

~~e.~~

~~4.~~ ~~The BWC shall be worn for the entire shift.~~

~~5.D.~~ Sworn members assigned to "front desk" or station keeper duties, whose duties include interaction with members of the public are required to wear a BWC.

~~E.~~ Members are responsible for the reasonable care and maintenance of the BWC they are issued.

~~6.~~

~~a.1.~~ If a member's BWC is broken, damaged, lost, or otherwise unavailable for use, the member shall notify their supervisor as soon as practical.

a. The supervisor shall issue a replacement BWC, which are available at each station.

~~b.~~ The member shall submit a memorandum documenting the need for a replacement, circumstances.

~~a.~~

~~7.~~ Exceptions to wearing a BWC:

~~2.~~

~~1.~~ When in Class "A" or "AA" uniform attending a formal ~~event~~event, unless a supervisor otherwise directs. ~~or funeral.~~

~~2.a.~~

~~3.~~ When engaged in ~~Explosive Ordnance Disposal (EOD)~~ duties.

~~4.b.~~

~~5.c.~~ When assigned to units whose primary duties are administrative or investigative unless:

i. The member anticipates participating in enforcement activity (e.g., serving an arrest warrant, executing a search warrant where a dynamic entry is needed to obtain evidence, etc.), or

ii. The member is detailed to work a uniformed assignment where ~~citizen~~members of the public/police interaction is occurring, or is likely to occur (e.g., patrol, parade, baseball game, uniformed 10-B secondary employment, etc.), or

iii. The -member is directed to wear the BWC by a supervisor.

iii.

6.3. Plainclothes officers' use of BWC shall be governed by Department General Order 5.08 Non-Uniformed Officers.

10.11.05 4 ACTIVATION OF BODY WORN CAMERAS

A.

Unless unsafe, impossible, or impractical to do so, aAll members (not just the primary unit) dispatched, present, dispatched, or otherwise participating in any of the below listed incidents must make a every reasonable effort to activate their BWC: prior to initiating, or as soon as practical after initiating:

1.

a. Immediately upon receipt of or in response to any in progress call for service, or activity likely to require immediate enforcement action (e.g., in progress or just occurred armed robbery, armed person, aggravated assault, etc.) to ensure adequate time to turn on cameras.

b. Upon arrival at the scene for routine, non-emergency calls for serviceA response to any call for service, or activity with a potential likely to require law immediate enforcement action.

e.1.

2. During any consensual encounter where the member has reason to believe suspects that a member of the public may have knowledge of criminal activity as a suspect, witness or victim.

d.3. Making or attempting to make a traffic or pedestrian stop.

e.4. Upon obtaining probable cause or reasonable suspicion to conduct a stop (traffic stop, bicycle stop, or person). When performing a detention or arrest. Making or attempting to make a detention or an arrest.

f.5. During 5150 Evaluations

g.6. During all pursuits

h.7. During all uses of force

i.8. When operating a vehicle in a Code 3 (emergency lights and siren activated) capacity as defined in DGO 5.05 Emergency Response and Pursuit Driving.

j. Transporting a detainee/arrestee

k.9. Where the member reasonably believes that the member or another person is likely to use force

l.10. Searches of persons, structures, or vehicles, including warrant services.

m. At the direction of the Event Commander during a public demonstration.

n.11. During any encounter with the public that becomes confrontational.

12. Any time members deem determines it would be beneficial to capture a law enforcement incident or activity.

o.

B. Members shall ensure that the entire event is captured during all mandated recording circumstances or their involvement at the incident is completed.

p. There may be instances in which a member is required to take immediate action in response to an event which may not allow time to activate their BWC. In those situations, it may be impractical or unreasonable for employeesmembers to activate their BWC before taking police action. It is expected that once the immediacy of the situation is over, members will activate their BWC system to record the remainder of the incident. Members shall articulate the reasoning for the delayed activation of their BWC in a report, statement, or other form of Department approved documentation. Members shall begin recording whenever responding to calls for service.

q. Members shall begin recording self-initiated activity prior to approaching the person, vehicle, or location.

Members must ensure the BWC is in the On Position and in Buffering Mode after leaving a police, detention, or medical facility.

2. Ensure the BWC is on and buffering after leaving a police, detention, or medical facility.

3. Members do not need consent from members of the public prior to recording when the member is lawfully in the area where the recording takes place nor are they required to activate or deactivate a BWC upon the request of a member of the public. Members are not required to play back BWC recordings for members of the public.

4. Unless unsafe, impossible, or impractical to do so, all members (not just the primary unit) present, dispatched, or otherwise participating in any of the below listed incidents must activate their BWC:

a. Immediately upon receipt of or response to any in progress call, or activity likely to require immediate enforcement action (e.g., in progress or just occurred armed robbery, armed person, aggravated assault, etc.) to ensure adequate time to turn on cameras.

b. Upon arrival at the scene for routine, non-emergency calls for service

c. Upon a citizen-initiated requests for police services.

d. Upon obtaining probable cause or reasonable suspicion to conduct a stop (traffic stop, bicycle stop, or person).

e. When operating a vehicle in a Code 3 (emergency lights and siren activated) capacity as defined in DGO 5.05.

f. Transporting a detainee/arrestee

g. Where the member reasonably believes that the member or another person is likely to use force

h. Searches of persons, structures, or vehicles, including warrant services.

i. At the direction of the Event Commander during a public demonstration.

~~j.—During any encounter with the public that becomes confrontational.~~

~~k. Any time members deem determine it would be beneficial to capture an event or activity.~~

~~There may be instances in which a member is required to take immediate action in response to an event which may not allow time to activate their BWC. In those situations, it may be impractical or unreasonable for employees to activate their BWC before taking police action. It is expected that once the immediacy of the situation is over, members will activate their BWC system to record the remainder of the incident. Members shall articulate the reasoning for the delayed activation of their BWC in a report, statement, or other form of Department approved documentation.~~

C. Once activated, the BWC shall ~~remain activated and~~ not be de-activated unless the initial incident that caused the activation has stabilized or as ordered by a supervisor. If investigative or enforcement activity resumes, ~~the member~~ members shall re-activate their BWC and continue recording.

D. Members do not need consent from members of the public prior to recording when the member is lawfully in the area where the recording takes place nor are they required to activate or deactivate a BWC upon the request of a member of the public. Members are not required to play back BWC recordings for members of the public.

E. If the BWC was not activated during a required recording circumstance, the reason shall be documented in writing.

~~5.~~

~~6.—If the BWC was not activated during a required recording circumstance, the reason shall be documented in writing in CAD or in a police report.~~

D. If the BWC is accidentally activated or inadvertently captures and unintended recording, a member may submit a memorandum through the chain of command with the date, time, and summary of the accidental/unintended recording. The memorandum will be forwarded to the Commanding Officer of the Risk Management Office (RMO) for evaluation and appropriate action.

F.

~~7. Members must ensure the BWC is in the On Position and in Buffering Mode after leaving a police, detention, or medical facility.
Members do not need consent from members of the public prior to recording when the member is lawfully in the area where the recording takes place nor are they required to activate or deactivate a BWC upon the request of a member of the public.
Members are not required to play back BWC recordings for members of the pub~~

~~8. lie.~~

~~Members must ensure the BWC is in the On Position and in Buffering Mode after leaving a police, detention, or medical facility.~~

~~1.~~

~~12.G. Hospitals/Jails/Etc.~~

- a. ~~The interiors of ambulances/medic units.~~
- b. ~~_____~~ **D**

10.11.06 ~~10.11.06~~ DEACTIVATION AND EXCEPTIONS

A. The BWC may be deactivated in the following circumstances:

- A.**
- 1. Upon stabilization of an incident.
- 2. ~~Members~~ ~~When~~ on a perimeter post or ~~assigned to a~~ static post where they are not in contact with ~~citizens~~ members of the public, involved in the initial incident, or actively part of the investigation. The BWC will be reactivated if a mandated recording circumstance occurs. ~~f these fail to apply.~~
- 3. While the member is on break or is otherwise not actively performing law enforcement functions (e.g., while eating meals, when in service, but not on a call, etc.)
- 4. Routine, incidental contact with a member of the public (e.g., a person asking for directions)
- 5. Members on a guard assignment at a pPolice, Mmedical, Ppsychiatric, jJail or dDetention facility. Members shall assess the circumstances (e.g., suspect's demeanor/ actions, spontaneous statements, etc.) of each assignment, on a continuing basis, to determine whether to discretionarily activate or de-activate their BWC.
- 6. When respect for an individual's privacy or dignity outweighs the need to record an incident. Such circumstances may include natural death scenes, child or sexual assault victim interviews, and when the use of BWC would impede or limit the cooperation of a victim or witness.
- 7. Member to member training (e.g., when a Field Training Officer or Field Training Supervisor wishes to speak to a member enrolled in the Field Training Program about a training issue);
- 7.

B. The BWC shall not be activated:

- B.**
- 1. During department briefings, meetings, roll calls.
- 2. During compelled statements such as public safety statements, and administrative interviews (e.g. Internal Affairs (IA) or Department of Police Accountability (DPA) related interviews)
- 3. While in any magistrate's or judge's office, any courtroom, or correctional facility.
- 4. When directed by a supervisor
 - i. ~~Supervisors who direct that recordings not occur/cease will direct members to document the supervisor's order in an incident report and/or CAD update.~~
 - i.
 - ii. ~~During strip searches~~
 - 5.

~~iii.~~ In private areas of police facilities (e.g. locker rooms) and areas of police facilities that would compromise security and confidentiality.

~~6.~~

~~iv.i.~~ Holding cells/Booking areas ~~have no expectation of privacy~~ are not considered “private areas” for purposes of this policy.

~~5.7.~~ For ~~non-work-related~~ personal activities

~~6.8.~~ Personnel or supervisor discussion that involve police tactics or strategy. (e.g., to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to summon a drug/explosives-detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/~~planning~~ discussion is not conducted in the immediate presence of a civilian member of the public (i.e., under circumstances where a civilian might overhear the strategy discussion), and further provided that the BWC equipped officer is not actively engaged in the collection of physical evidence (e.g., conducting a search).

~~7.9.~~ During medical or psychological evaluations or treatment by a clinician or similar professional, while in a medical facility.

10.11.07 UPLOADING AND DOCUMENTATION

A. Members shall begin uploading all media prior to the end of their shift; however, supervisors may approve other download schedules when appropriate.

~~A.~~

1. Members on an outside assignment (e.g., 10B, squad deployment) are permitted to will download all recorded evidence ~~recorded~~ no later than during their next regularly assigned on-duty shift unless involved in a use of force, an arrest, or directed by a supervisor.

~~1.~~

B. Members will ensure the data is categorized and titled with the following information:

1. The title of the video shall contain either the incident report number, CAD number, or citation number in addition to a brief description for the incident.

2. The category of the video shall indicate the type of incident.

~~2.~~

C. ~~EE~~ Entering the information specified above in #2, shall be completed daily. Should conditions exist that prohibit completion during the member’s shift, it shall be completed minimally by the end of the member’s next regularly scheduled shift.

~~C.~~

1. During incidents that require a large-scale activation of the Department’s members, (i.e. protest, natural disaster, etc.), the incident commander may approve delayed information entry, except in cases that require an investigative callout (e.g. OIS, ICD officer-involved shooting, in-custody death, or a criminal investigation of a member ~~or employee.~~) The Incident Commander shall document their orders in their After Action Report.

~~1.~~
D. Members authoring incident reports or statements shall document their use of the BWC or ensure that it is documented by another ~~employee~~member.

~~D.~~
E. Members aware that there is no recording or there was a delay in recording are required to explain why in their report or ~~/~~statement.

~~E.~~
1. For incidents that do not result in incident reports, members will ~~make a CAD entry with this explanation~~document the reasons therefore in a memorandum or in CAD.

~~1.~~
F. Members not assigned to a call for service or incident but who capture video of the incident will attach themselves to the call and note that the incident was recorded in a CAD update.

F.

~~2.~~
10.11.08 REVIEW OF BWC RECORDINGS

A. Members are authorized to review BWC recordings for legitimate investigatory or administrative purposes, such as preparing an incident report, conducting follow-up investigations, testifying in court or other proceeding, or for any other official law enforcement use, or as directed by the Chief of Police, except for ~~Officer Involved Shootings and In-Custody Deaths~~Covered Incident investigations as described below.

~~1.~~

~~2.B.~~ Officer Involved Shooting and In-Custody Death Covered Incident Investigations
~~2.~~ —Following any (1) officer-involved shooting; (2) in-custody death; or (3) serious bodily injury use of force investigation (“Covered Incident Investigation”), any subject officer shall be required to provide an initial statement before the member reviews their own BWC recording(s). Officers may not view any other member’s BWC recording(s) or any other video(s) that may capture an officer-involved shooting, ~~or~~ in-custody death, or serious bodily injury use of force investigation unless authorized by the lead investigator.

- a. ~~Initial Statement~~—The initial statement by the subject officer shall briefly summarize the actions that the officer was engaged in, the actions that required the use of force, and the officer’s response. The statement shall be distinct from the “public safety statement.”
- b. ~~Viewing the BWC after the Initial Statement~~—After providing an initial statement, the subject officer shall have an opportunity to review their own BWC recording(s) depicting the incident (with their representative or attorney, if desired) prior to being subject to an interview.
- c. Nothing in section 10.11.08.2~~herein~~ is intended to limit the ~~Department of Police Accountability’s (“DPA”)~~ role in these investigations.

~~e.~~
C. All recordings made using BWCs are the property of SFPD and are subject to Departmental policies and applicable laws regarding viewing, release, retention, and destruction.

~~3.~~
D. Recordings will not be released or disseminated to the public without the express written consent of the Chief of Police (~~COP~~) or their authorized designee or unless otherwise expressly required by federal, ~~or state, or local~~ law. ~~BWC recordings will not be provided to anyone outside of the SFPD unless the recording is requested through the proper Public Information Act request process or through a Criminal Justice request received on a completed and approved request form.~~

~~4.~~
E. Employees Members shall not:

~~5.~~

~~a.1.~~ make copies of any recorded event for personal use.

~~b.2.~~ use a recording device such as a cell phone camera or secondary video camera to record a BWC file or image.

~~c.3.~~ post recordings on social media for personal use.

~~d.4.~~ edit, alter, erase, duplicate, copy, or otherwise distribute in any manner body worn camera recordings without proper authorization.

~~e.5.~~ Access, copy, release, or share BWC data on any computer or device not controlled or provided by the SFPD.

~~f.6.~~ Give or show copies of SFPD video files to anyone without a lawful right to know and need to know, unless authorized by the Chief of Police or their designee.

~~g.~~ Convert for their personal use or for the unauthorized use of another person, any information from Department video files or the confidential files of any other agency.

~~6.7.~~ ~~If BWC accidentally or inadvertently captures an unintended recording, the member may submit a memorandum through the chain of command specifying the date, time, and summary of the unintentionally recorded event. This memorandum shall be forwarded to the Commanding Officer of the RMO for evaluation and appropriate action.~~

10.11.09 10.11.09 Supervisor responsibilities SUPERVISOR RESPONSIBILITIES

A. Supervisors shall ensure that members assigned a BWC utilize them in accordance with policy and procedure.

~~A.~~

B. Supervisors will ensure member videos related to critical incidents are uploaded and tagged for retention as soon as practical.

~~B.~~

C. A supervisor not actively involved in a critical incident shall take possession of a member's BWC under the following circumstances:

1. The member is the subject or witness to an ~~OIS~~ officer-involved shooting, ~~ICD~~ in-custody death, or ~~U~~ use of ~~F~~ force resulting in a serious bodily injury investigation.
2. The member is ~~thea~~ subject of a criminal investigation.
- ~~3.~~ At the order of a superior officer.

~~D.~~ When a supervisor seizes a member's BWC, ~~The-the~~ investigative unit assigned to the above incidents shall be responsible for uploading and titling relevant recordings on the seized BWC.

~~4.~~

~~E.~~ Supervisors may review a member's BWC recordings under the following circumstance:

~~E.~~

- ~~1. To ensure that a member's BWC functioning properly~~
- ~~2.1. When Conducting-conducting an administrative or criminal investigation or performing supervisory duties (e.g. injury report or use of force evaluation).~~
- ~~3.2. To ensure that a member's BWC functioning properly-functions properly.~~
- ~~4.3. Reviewing a member's professional conduct or /performance.~~
 - a. Supervisors may not review an officer's BWC footage to search for violations of Department policy without ~~ea~~use~~cause~~.
 - b. Members shall not be subject to negative evaluation for the proper exercise of lawful discretion in enforcement matters.
- ~~5.4. Training (e.g. FTO, Return to Duty)~~
 - a. Supervisors may select portions of relevant BWC recordings to train members in safety, de-escalation, empathy, proper police procedures, and legal doctrines.
- ~~6.5. To mitigate and address citizen complaints when necessary.~~
 - a. In those circumstances where a complaint is resolved with no further action needed, the supervisor shall document their review in ~~E~~evidence.com or CAD.

~~F.a. Supervisors must review a member's BWC recordings:~~

- ~~1. When a member is injured during the performance of their duties~~
- ~~2. There is a reportable use of force by the recording member or another member.~~
- ~~3. The member is involved in a vehicular pursuit or vehicular collision.~~
- ~~4. For the purposes of Early Intervention System (EIS) performance reviews.~~

~~G. Supervisors who discover minor violations of policy or procedure found during the review of BWC recordings, not related to the operation of the BWC or that indicate a pattern of misconduct, will have discretion to be handle them as a training referral or counseling/mentoring/coaching to ensure no future violations occur.~~

- ~~1. Such training/counseling/mentoring/coaching may be included in an employee's performance evaluation.~~
- ~~2. Should the policy violation rise to the level of more formal discipline, the supervisor will adhere to policies set forth in the DGO's for reporting those violations.~~

10.11.10 ADMINISTRATIVE INFORMATION

A. SFPD's goal is to release BWC recordings to the greatest extent possible unless disclosure would endanger the safety of a witness or another person involved in the investigation, jeopardize the successful completion of an investigation, or violate local, state and/or federal laws, including but not limited to, the right of privacy.

~~A.~~

B. Risk Management Office (RMO) is the BWC program administrator. The duties of the RMO include, but are not limited to:

1. Granting security access to the computer server
2. Monitoring retention timeframes as required by policy and law
3. Complying with Public Record Act (PRA) requests and all court record requests
4. Conducting periodic and random audits of BWC equipment and the computer server
5. Conducting periodic and random audits of BWC recordings for members' compliance with the policy

6. Maintaining a log of access, duplication, distribution, and deletion.

~~6.~~

C. Tracking, maintenance, issuance, and replacement of BWC shall be the responsibility of the Technology Division.

~~C.~~

D. When requested by the DPA, members of the Legal Division shall provide the BWC recordings consistent with the Police Commission's document protocol policy on DPA non-routine requests.

~~D.~~

E. Consistent with state law, the Department shall retain all BWC recordings for a minimum of sixty (60) days, after which recordings may be erased, ~~destroyed~~ or destroyed or recycled.

~~E.~~

1. The Department shall retain BWC recordings for a minimum of two (2) years if:
 - a. The recording is of an incident involving a member's use of force or officer-involved shooting; or
 - b. The recording is of an incident that leads to the detention or arrest of an individual; or
 - c. The recording is relevant to a formal or informal complaint against a member or the Department.
2. A BWC recording may be saved for indefinitely as part of a specific case if deemed relevant to a criminal, civil, or administrative matter.
3. Members of the RMO are authorized to delete BWC recordings in accordance with the Department's established retention policies on BWC recordings or when directed by the Commanding Officer of the RMO.