

# SAN DIEGO POLICE DEPARTMENT PROCEDURE

**DATE:** SEPTEMBER 2, 2021  
**NUMBER:** 1.49 - ADMINISTRATION  
**SUBJECT:** AXON BODY WORN CAMERAS  
**RELATED POLICY:** N/A  
**ORIGINATING DIVISION:** OPERATIONAL SUPPORT  
**NEW PROCEDURE:**   
**PROCEDURAL CHANGE:**  **EXTENSIVE CHANGES**  
**SUPERSEDES:** DP 1.49 06/03/2020

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## 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

NEW

This procedure applies to all sworn members of the Department.

## III. BACKGROUND

Law enforcement's use of 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.

The Body Worn Camera 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 from monitors, computers, and smart phones by downloading a specific software application.

This Procedure was reviewed in consideration of Penal Code section 832.18.

#### IV. **DEFINITIONS**

NEW

Body Worn Camera (BWC) – A camera worn by sworn personnel that records and stores audio and video.

Buffering Mode or Standby Mode – The 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 two-minute loops.

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.

Event Mode – When the “Event” button on the BWC 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.

Evidence.com – A digital evidence management service contracted for the city and accessed at Sdspd.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.

NEW

Sworn Personnel - All peace officers below the rank of lieutenant.

Taser’s Evidence Docking Station (EDS) – A portable multi-ported docking station installed at area commands. The EDS 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.

#### V. **PROCEDURE**

A. Officer safety and public safety take precedence over recording events.

NEW

B. Sworn personnel shall follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Officer safety and the safety of the public shall be the primary considerations when

contacting citizens or conducting vehicle stops, not the ability to record an event.

C. Body Worn Cameras shall be used to capture audio and visual evidence for investigations and enforcement encounters. Sworn personnel shall not provide narration or dictate their actions to the camera. Detailed police reports are still required and are the appropriate place to document the totality of the circumstances for the incident.

D. General

1. Only authorized personnel shall use or be in possession of a BWC device.

NEW

2. All sworn personnel are required to wear and use their BWC while working in any uniformed assignment. This applies to overtime assignments, out of class assignments and special details (11-86).

3. BWC equipment is for official use only and shall not be utilized for personal use.

NEW

4. Sworn personnel shall not tamper with or dismantle any hardware or software component of any BWC device.

5. The use of any other personal recording device for the same purpose is not authorized without permission of the Chief of Police or designee.

6. All digital evidence collected using the BWC is considered an investigative record for the San Diego Police Department and is for official use only.

7. 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 designee.

8. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a secondary recording device such as a video camera, cell phone or other device to record or capture digital evidence from Sdpd.evidence.com is strictly prohibited.

NEW

E. Storage

When not in use, the BWC devices shall be stored in the designated EDS. Sworn personnel shall ensure the BWC is properly seated into the EDS to allow for proper downloading, charging, and updating.

NEW

F. Pre-shift inspection

1. Patrol personnel shall inspect their assigned BWC device daily to ensure there is no visual damage and the device is in working order. When feasible, investigative personnel shall inspect their assigned BWC device prior to use.
2. Visible damage shall be logged on to the officer's MPS (Mobile for Public Safety) as a journal entry. Investigative personnel shall notify their supervisor and Operational Support of visible damage.
3. Inoperable equipment shall be tagged and returned to Operational Support immediately. If Operational Support is closed, the equipment shall be returned to the Watch Commander's Office for an immediate replacement.

NEW

G. Camera Position

1. Sworn personnel shall wear the BWC above the midline of their torso. Sworn personnel shall utilize their viewers to ensure the BWC is in a position where the field of view provides for effective recording.
2. Sworn personnel shall not intentionally obscure the view of their body worn camera.

NEW

H. Equipment Repair, Replacement, and Maintenance

1. When a BWC malfunctions, sworn personnel will notify their supervisor and Operational Support.
2. Patrol personnel will note the nature of the malfunction in their journals. For all sworn personnel, if a report is written for the incident during which the malfunction occurred, the malfunction will be documented in the report.

The inoperable equipment will be taken to Operational Support for repair immediately. If Operational Support is closed, the equipment shall be returned to the Watch Commander's Office for an immediate replacement.

3. 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.

4. This procedure shall be followed for all BWC related equipment and accessories.

NEW

I. Privacy Concerns and Advisements

1. Private citizens do not have a reasonable expectation of privacy when talking with sworn personnel during the scope of their official duties, even when the contact is in a private residence. When sworn personnel are lawfully present in a home (warrant, consent, or exigent circumstances) in the course of official duties, there is no reasonable expectation of privacy. Therefore, sworn personnel are not required to give notice they are recording. However, if asked, citizens shall be advised they are being recorded.
2. Sworn personnel are not required to initiate or cease recording an event, situation, or circumstance solely at the demand of a citizen. However, sworn personnel are strongly encouraged to inform citizens they are being recorded in an effort to de-escalate potential conflicts.
3. Sworn personnel involved in the investigation of a complaint against a member of the police department must inform complainants and complaint witnesses they are being recorded.

J. Mandated Recordings for Sworn personnel:

NEW

1. Enforcement Related Contacts
  - a. All sworn personnel who are issued a BWC shall keep their BWC on Buffering Mode/Stand-by Mode while on duty, except during instances listed in this procedure under Prohibited Recordings. Keeping the BWC on Buffering/Stand-by Mode allows officers to capture pre-event recordings when the Event Mode is activated.
  - b. Sworn personnel shall use the Event Mode to record enforcement related contacts. The Event Mode shall be activated prior to actual contact with the citizen, or as soon as safely possible thereafter, and continue recording until the contact is concluded or the contact transitions from an enforcement contact to intelligence gathering.
  - c. Sworn personnel shall begin recording in the Event Mode while driving to a call that has the potential to involve an enforcement contact.
  - d. 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. Consensual searches will be recorded in accordance with DP 4.01 – Stop/Detention and Pat Down Procedures.

- e. Sworn personnel shall begin recording in the Event Mode while covering another City employee or law enforcement officer during an enforcement contact, including, but not limited to, PISOs, Parking Controllers, etc.
- f. Sworn personnel shall begin recording in Event Mode when responding to traffic collisions.

NEW

## 2. Arrests

- a. Sworn personnel may stop recording in the Event Mode when the arrestee is cooperative and safely secured inside a 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.

NEW

## 3. Searches

- a. When searching a prisoner and without sacrificing officer safety, it is advantageous to position the search so that it is captured on camera. This starts the chain of custody by allowing any contraband or weapons found to be documented on the BWC recording.
- b. Patrol personnel shall record during the execution of a search warrant, an arrest warrant, a Fourth Amendment waiver search, a parole search, a knock and talk, or a consent search in which the officer is looking for a suspect, evidence or contraband.
- c. During searches of commercial buildings or residential dwellings, when there is a strong indication of encountering a suspect, while keeping officer safety as the primary concern, sworn personnel shall activate their body worn cameras prior to making entry into the building. The recording of a suspect confrontation normally outweighs tactics potentially shown in the recording.

NEW

4. Transporting Prisoners for Sworn Personnel

- a. Sworn personnel shall record all prisoner or passenger transports, regardless of the gender of the prisoner or passenger. The entire transport will be recorded. Two person units will be required to record with at least one BWC during transports.
- b. Sworn personnel may transport a female passenger and/or prisoner without the required second officer if the body worn camera is recording during the entire transport.
- c. In addition to recording with their BWC, sworn personnel transporting female passengers and prisoners shall notify the radio dispatcher of their beginning mileage and ending mileage.

NEW

5. Transporting Prisoners for Detectives

- a. Detectives shall record all prisoner transports, and all others deemed necessary by a supervisor, regardless of the gender of the prisoner and whether transported in a vehicle equipped with a cage or not. The entire transport will be recorded.
- b. Detectives may transport a prisoner in a vehicle equipped with a cage, without a second officer/detective, as long as their body worn camera is recording during the entire transport (Refer to 6.01 DP).
- c. In addition to recording with their BWC, detectives transporting female prisoners shall notify the radio dispatcher of their beginning mileage and ending mileage.

NEW

6. Suspect Interviews

- a. Sworn personnel are encouraged to fully record suspect interviews. Sworn personnel shall not stop and start the recording during a suspect interview.
  - (1) The only exception to recording a suspect interview would be if the suspect declines to make a statement due to the body worn camera being activated.
- b. When recording interviews, officers shall ensure they record any admonishments prior to the start of an interview.

NEW

7. Special Events

When directed to work a special event, sworn personnel shall retrieve and use their BWCs. Sworn personnel shall comply with the provisions of this Department Procedure.

NEW

8. Deactivation of BWC

- a. Sworn personnel assigned BWCs will occasionally assist specialized investigative units and agencies in sensitive operations where confidentiality is imperative to the operation. If there is a specific reason in the interest of the investigation for officers involved in the operation to not activate their BWCs, the supervisor in charge must give his or her approval.
- b. Absent any specific reason to not activate the BWC, previously approved by the supervisor in charge, sworn personnel shall record any instances mandated by this procedure.
- c. If a supervisor orders any sworn personnel to turn off their camera during an enforcement contact, that officer will document that order on a Case Report or Officer's Report explaining the specific reason why the BWC was not activated.
- d. Additionally, a supervisor who gives an order to any sworn personnel to turn off their BWC during an enforcement contact will also be responsible for documenting the reason on a Case Report, or Officer's Report, or Investigative Follow-up.
- e. All sworn personnel will always document why the BWC was intentionally deactivated during an enforcement contact.

NEW

K. Mandated Recordings for Investigative Personnel:

1. All sworn investigative personnel whose role in an operation is to make entry, to contact a suspect for an arrest, or take a perimeter position shall wear a Body Worn Camera. BWC's shall be worn by these sworn investigative personnel during the execution of any knock and talks, search warrants, probation/parole searches, consensual searches, and for any pre-planned arrest operations.
  - a. Sworn investigative personnel shall start recording in the Event Mode prior to making contact at any location or with a suspect. The supervisor at the scene is encouraged to give a verbal reminder to all personnel to begin recording.



- b. BWCs shall remain recording in the Event Mode during the clearing of any location where a search will take place and/or where a suspect may be found.
2. No recording is necessary while searching for evidence at a location. The BWC's may be turned off when a supervisor determines the scene is secure and a suspect is compliant. The BWCs shall not be turned off by investigative personnel until directed to do so by the supervisor on scene. However, the BWCs may remain on at the supervisor's discretion.
3. Uniformed officers assisting investigative personnel during a search shall, when feasible, consult with the scene supervisor to determine when their BWC may be turned off, in accordance with the guidelines set forth in this section.

NEW

L. Recommended Recordings

1. Victim and Witness Interviews
  - a. Victim and witness interviews will generally not be recorded, subject to the exceptions below.
  - b. Domestic violence victims often recant their statements as early as the following morning after a crime. Some victims go so far as to testify that the officer fabricated their statement. Victims may also make their children unavailable for investigators or court to avoid them from providing statements. For these reasons, all domestic violence victims and witnesses should be recorded. Officers should also record the statements of children of domestic violence victims who are witnesses in these types of cases.
  - c. Victims of sexual assault experience psychological, emotional, and physical trauma. Some sexual assault victims are victimized while under the influence of intoxicating substances. Video evidence of victims who are under the influence can be powerful evidence used to further an investigation. Furthermore, victims of sexual assault are often first contacted while in a heightened emotional state due to the trauma of the assault. Officers responding to the initial call for service are asked to conduct thorough fact-finding interviews. As a result, video documentation of the victim's first disclosure, ensuring the investigative questions were not leading, would be invaluable. Video of the victim's and witnesses' emotional and physical state can also be powerful evidence. For these reasons, all victims and witnesses of sexual assault should be recorded.

- d. Child abuse victims experience psychological, emotional, and physical trauma. These victims are often incapable of articulating detailed, accurate statements and resort to gesturing or pantomime to convey their thoughts. Those gestures are sometimes not adequately described in the written report, causing them to lose their meaning and power. At times, the parent(s) or guardian(s) of the victims will not cooperate with a forensic interview, making the initial disclosure of utmost importance. Officers responding to the initial call for service are asked to conduct minimal fact-finding interviews in compliance with DP 3.13. As a result, video documentation of the victim's first disclosure, ensuring the investigative questions were not leading, would be invaluable. Video evidence of the emotional state and reaction of the victim, witnesses, and other parties involved is an important piece of evidence. With cases involving child neglect, or dangerous living environments, video of the scene at the time of the initial contact can be critical for successful prosecution. For these reasons, all victims and witnesses of child abuse should be recorded.
- e. When necessary to obtain cooperation, officers may position the BWC so it captures only audio, and not video, of the person making the statement.
- f. Elder Abuse victims will sometimes recant or change their statements. The most common reasons are because the victims may feel embarrassed, or desire to protect the alleged abuser who is often a family member or caregiver, or may suffer from a memory-related illness which hinders the ability to recall portions of or most of what was told to officers initially. For these reasons it is highly recommended and encouraged to record all victim and witness statements whenever possible.

2. Scene Documentation

Officers occasionally respond to dynamic and chaotic crime scenes. The initial encounters with the victim, and witnesses, including their location and any spontaneous statements made, can be important to the overall investigation. Therefore, officers may use their BWCs to record these types of scenes for evidentiary purposes.

NEW

M. Prohibited Recordings

- 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, restrooms, or other

activities not related to an enforcement contact or a criminal investigation.

3. BWCs shall not be used during Department administrative investigations.
4. BWCs shall not be used during line-ups or briefings.
5. BWCs shall not be used during major crime briefings, homicide briefings, or during a homicide walk-through.
6. BWCs shall not be used during contact with confidential informants.
7. Patient Privacy
  - a. Sworn personnel shall not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. This includes during PERT clinician interviews. Sworn personnel shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, sworn personnel shall be careful to avoid recording persons other than the suspect.
  - b. Sworn personnel shall not record while in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a radio call involving a suspect or taking a suspect statement.
  - c. Sworn personnel shall not regularly record with their BWC while inside jail facilities.
  - d. However, in any setting, if confronting a violent or assaultive suspect, or in an anticipated use of force, sworn personnel shall, when reasonably able to do so, activate their BWCs to record the encounter. BWC should be kept in Buffering/Stand-by Mode prior to the event.
8. Demonstrations
  - a. As a general policy sworn personnel should refrain from video recording or photographing peaceful demonstrations, per DP 3.26.
  - 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, sworn personnel should operate cameras in the buffering/Stand-by mode. If sworn personnel witness crimes occurring among the demonstrators and/or believe an arrest is likely, they should begin recording in the Event mode. Refer to DP 4.17 for further details regarding First Amendment Activity and BWC usage.
9. Sworn personnel shall not record informal or casual encounters with members of the public. It should be considered that recording people in some circumstances may inhibit sharing neighborhood information or developing strong ties between members of the community and law enforcement. During these contacts, the BWC should be kept in Buffering/Stand-by Mode.

NEW

#### N. Entering Metadata

1. Each recorded segment requires metadata be entered, even if the segments are of the same event. All sworn personnel are required to add metadata at the conclusion of the event with two exceptions:
  - a. For officer safety reasons, at which time metadata should be added as soon as possible.
  - b. For investigative personnel, metadata may be added on their next scheduled workday, with approval of their supervisor.
2. Metadata consists of an identification field, retention category, and recording title. If an event number exists, the complete event number shall be entered into the identification field. Absent an event number, a citation number, or field interview number may be used. Sworn personnel shall select the retention category that most accurately fits the recording. Recording titles may vary and include the location or suspect's name.
3. Viewing or adding metadata will not alter the video recording as it is protected with multiple layers of encryption on the BWC itself and at Evidence.com.

NEW

#### O. Documentation of Recorded Events

All recordings shall be documented in a Case Report, Officer's Report, citation, Field Interview, Traffic Warning, CAD incident history, officer's daily journal, or in the Investigator's Follow-up Report. Supervisors reviewing and approving reports shall ensure sworn personnel properly document and record events.

1. Case Reports – Officers shall document the existence of BWC evidence as well as a short description of what the recording depicts in the narrative of

the report. Additionally, “BWC Recording” shall be recorded in the Evidence section of the report.

2. Officer’s Report – Officers shall document the existence of BWC evidence as well as a short description of what the recording depicts in the narrative of the report. Additionally, “BWC Recording” shall be recorded in the Property Tag section of the report.
3. Field Interviews 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 and by marking the BWC box on the reverse side of the pink copy of the citation.
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 Daily Journal.
  - a. Unless writing their own report, cover officers shall notate in their Officer’s Daily Journal, and the CAD incident report that their BWC was recording during an event. Additionally, they will notify the case agent of an incident that BWC evidence exists and provide a short description of what the recording depicts.

NEW

P. Impounding Procedures

After verifying the required metadata has been added to all recorded events, officers shall place the BWC into a slot on the EDS and ensure it is properly seated at the end of their shift. (Investigative personnel may place their BWCs on the EDS on their next scheduled work day with permission from their supervisor). This will allow for the battery to recharge. The data will automatically be transferred from the BWC through the EDS to Evidence.com. The data is considered impounded at this point.

NEW

Q. 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. Sworn personnel are required to ensure that the BWC evidence is properly categorized for the necessary retention period.

NEW

R. 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](http://Sdpc.evidence.com) in the browser.
3. Enter assigned username 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.

NEW

S. Reviewing Impounded Digital Evidence

1. Sworn personnel may review their own digital evidence. Digital evidence can provide a cue to one's priming memory to recall more facts and greater detail of an incident.
2. Detectives are responsible for reviewing, updating and tracking digital evidence associated with their assigned cases.
3. Detectives and personnel assigned to investigative assignments (e.g., NRC Desk) are responsible for forwarding BWC video evidence to either the District Attorney or City Attorney Evidence.com accounts. Digital evidence will be submitted at the same time the case file is submitted for prosecutorial review.
4. BWCs have a field of vision of either 75 degrees for the Flex or 130 degrees for the Axon. While human beings have a field of vision of 180 degrees, the human brain has a field of attention of 50-60 degrees. Under stress, this field can narrow down to a ½ degree. Stress also induces auditory exclusion and prevents the brain from analyzing and remembering all the stimuli it takes in through the senses.
  - a. Sworn personnel make decisions based on the totality of the human senses. Recollection of specific details may be different than what is captured in digital evidence since BWCs only capture audio and video.
  - b. Sworn personnel should review digital evidence prior to completing reports to assist in priming their recollection. Sworn personnel shall write their reports to what they remember and notate any discrepancies from what the recording shows. Sworn personnel shall not write their reports based solely on what they viewed from the BWC recording.

5. Sworn personnel shall review digital evidence prior to providing testimony at hearings, trial, or depositions.
6. It is NOT the intent of the Department to review digital evidence for the purpose of general performance review, for normal preparation of performance reports, or to discover policy violations.
7. 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 of whether an individual is struck.
  - f. When any member of the Department not involved in training intentionally or unintentionally discharges an Extended Range Impact Weapon (ERIW) at a person regardless of 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. Traffic collisions involving department members.
  - 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.
  - n. Supervisors should review BWC recordings to assist citizen's complaints. Supervisors have discretion to show BWC recordings to a complainant when it relates to his or her complaint, to assist in clarifying the complaint, resolving the complaint, or having the complaint withdrawn.
8. 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.

#### **VI. DISCOVERY OF MISCONDUCT**

NEW

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 suspected during any review of digital evidence, the person who discovered the conduct in question shall immediately notify a supervisor. The supervisor will report the conduct to the Department member's commanding officer through the chain-of-command as per Department Policy 9.33. Nothing in this procedure prohibits addressing policy violations.

#### **VII. COPYING AND RELEASING DIGITAL EVIDENCE**

NEW

Digital evidence captured by BWC shall be treated as an investigative record and handled pursuant to existing Department policies and procedures.

#### **VIII. USE OF DIGITAL EVIDENCE FOR TRAINING PURPOSES**

NEW

Sworn personnel may find it useful, and are encouraged, to review recordings of incidents in 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, sworn personnel or their supervisor should receive approval from their commanding officer to contact the Training Captain who will



review the digital evidence to determine the value of the incident for training. If the Training Captain determines the incident would be an appropriate training aid, the Training Captain shall obtain approval from the Department Legal Advisor and from the Assistant Chief of Training and Employee Development.

## **IX. SUPERVISORS RESPONSIBILITIES**

NEW

### **A. Sergeant's Responsibilities**

1. Sergeants and Detective Sergeants who have personnel assigned to them who wear a BWC are required to conduct monthly inspections. The inspections will ensure that the BWC is being used to record enforcement related contacts and other incidents set forth in this procedure. Inspection results will be entered and forwarded to the respective Lieutenant of the division for review and approval.
2. Sergeants and Detective Sergeants will randomly select at least two dates each month that their employees were working to inspect the proper use of their BWCs. Detective Sergeants will select days in which the BWCs were operationally used by their personnel. (It is possible the detectives will have no BWC recordings for that particular monthly inspection). The supervisor will confirm that the number of enforcement contacts match up to the number of videos submitted. If the supervisor identifies a discrepancy, they will follow-up with the officer/detective to determine the reason the videos submitted did not match up with the number of contacts. If the supervisor is satisfied with the reason, no further action is required. If the supervisor feels a violation of this procedure occurred, appropriate action will be taken.
3. Sergeants and Detective Sergeants will make sure that all BWC videos were uploaded and categorized with the appropriate metadata. All videos that are uncategorized will be immediately corrected by the officer/detective. The supervisor will then re-inspect the BWC video to confirm the corrections were made.
4. Patrol Sergeants will select one video per day to inspect and verify the officer is in compliance with DP 1.49 (I) (1) (c) which states, "Officers shall begin recording in the Event Mode while driving to a call that has the potential to involve an enforcement contact". While viewing the video, Sergeants are reminded to use the "Post a note" function located below the video. Under the "Post a note" heading, Sergeants should enter "monthly inspection."
5. If during the inspection, the Sergeant or Detective Sergeant determines that the BWC of the officer/detective is not functioning properly, the

BWC will be immediately returned to Operational Support Administration for repair and/or replacement.

NEW

B. Lieutenant's Responsibilities

1. Lieutenants will complete a BWC Divisional Monthly Inspection. The inspection form will be completely filled out to include all of the squads who work directly for the Lieutenant.
2. Lieutenants will ensure the Sergeant/Detective Sergeant's inspection forms are completed correctly. If a supervisor identifies a discrepancy, the Lieutenant will follow up with the supervisor to ensure the discrepancy is corrected.
3. Inspection results will be entered and forwarded to the Captain of the division for review and approval.

C. Captain's Responsibilities

1. Captains will review their divisions BWC Monthly Inspection to ensure compliance of this policy.
2. The Captain will forward the BWC Inspection to their respective Assistant Chief.
3. Captains will be responsible for making sure that personnel who return to their command from an extended absence are re-issued a BWC and attend any needed BWC training.

**X. 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:

- A. Maintain and troubleshoot the BWC units.
- B. Maintain a record of assigned BWC and related equipment.
- C. Be proactive and able to complete minor repairs.
- D. Arrange for the warranty and non-warranty repair of the BWC units.
- E. Repair or replace BWC components (cameras, docking stations, etc.).
- F. Maintain BWC equipment repair and maintenance records.

- G. Update software and system settings as necessary.
- H. Train sworn personnel on current policy and the proper use of BWC units.
- I. Provide official copies of any recording audit trail when properly requested.
- J. Provide official copies of digital media when properly subpoenaed.

NEW