



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



## 525.07 BODY WORN CAMERA 09-12-16

### **PURPOSE**

The purpose of this order is to establish policy and procedures for the use and deployment of the body-worn camera.

### **POLICY**

It shall be the policy of the Sacramento Police Department to utilize a body-worn camera in a manner that will assist in criminal prosecutions or civil litigation by providing a recording of the incident that may supplement an employee's report and help document professional police conduct.

### **PROCEDURE**

#### **A. GENERAL**

1. Body-worn camera video provides additional information regarding an investigative or enforcement contact with a member of the public. As body-worn camera recordings only provide a limited perspective of the encounter, all other available evidence, such as witness statements, officer interviews, forensic analyses and documentary evidence should be considered before conclusions are reached.
2. Body-worn cameras should assist in the following:
  - a. Documenting the initial police response;
  - b. Collecting evidence for use in criminal investigations and prosecutions;
  - c. Assisting officers with completing reports and providing testimony in court;
  - d. Deterring criminal activity and uncooperative behavior during police-public interactions;
  - e. Promoting accountability; and,
  - f. Training, performance, and professionalism of Sacramento police officers.
3. Body-worn camera video is not meant to replace or relieve the employee from submitting any documentation as required by policy.
4. All audio, video images, and recordings associated with body-worn cameras are property of the Sacramento Police Department and will not be released or disseminated to the public without the express written consent of the Chief of Police or designee or unless otherwise expressly required by federal or state law.

#### **B. EMPLOYEE RESPONSIBILITY**

1. Employees issued a body-worn camera shall be trained on the proper use of the device prior to deployment.
2. Employees are to ensure the following when assigned to use the body-worn camera:
  - a. Employees are responsible for the reasonable care and maintenance of the body-worn camera they are assigned. Employee shall ensure the body-worn camera is functioning properly. Any apparent damage, malfunction, or loss shall be brought to the attention of a supervisor as soon as reasonably practical.
  - b. If the employee's body-worn camera has been lost, damaged or stolen, the employee shall contact his/her supervisor as soon as practicable for a replacement and shall submit a Red Border form as required in General Order 410.02.
  - c. The body-worn camera shall be affixed to the employee's uniform at the beginning of shift; in accordance with training and the manufacturer's guidelines. The body-worn camera shall be worn for the entire shift.
  - d. The employees shall ensure their issued body-worn camera is fully charged and has adequate video storage to complete their shift.
  - e. Employees shall download all media at or prior to the end of their shift.
  - f. Employees shall only use a body-worn camera that has been approved by the Department.



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3. For each incident recorded by a body-worn camera, employees shall:
  - a. Identify the event type, to include the report or CAD call number and other pertinent information using the body-worn camera equipment and or software that best describes the content of the video (i.e., arrest, traffic stop, report).
  - b. Note in reports or on CAD calls (e.g., when no report is generated), if the body-worn camera was used during the event being documented.
  - c. Enter remarks including searchable keyword "BWC" when clearing a call in CAD where the body-worn camera was activated.
4. Employees are authorized to review their own body-worn camera recording at any time, including prior to giving a statement after being involved in a critical incident, writing reports, testifying in court or other proceedings, or for any other official use.
5. Employees shall not:
  - a. Make copies of any recorded event for personal use.
  - b. Use a recording device such as a cell phone camera or secondary video camera to record a body-worn camera file or image.
  - c. Copy or upload any body-worn camera recordings onto public, private, or social media websites for personal use.

## C. REQUIRED ACTIVATION OF THE BODY-WORN CAMERA

1. This policy is not intended to describe every possible situation in which the body-worn camera should be utilized. Moreover, not all situations will clearly start out as necessitating the activation of the body-worn camera, nor will all events have a clear ending when the body-worn camera is no longer necessary.
2. If immediate activation of the body-worn camera is not feasible due to an immediate risk to the safety of the employee or others, the employee should activate the body-worn camera as soon as it is safe to do so. Failure to activate the body-worn camera under these circumstances shall be documented.
3. Employee shall activate their body-worn cameras during any enforcement or investigative activity, whether self-initiated-activity or in response to a dispatched call including but not limited to the following:
  - a. Vehicle stops;
  - b. When administering field sobriety tests;
  - c. Pedestrian and/or vehicle contacts;
  - d. While responding to any in-progress, just occurred and/or any other call for service in which the fleeing suspect and/or vehicles may be captured leaving the crime scene;
  - e. When responding to a call reportedly involving weapons or violence;
  - f. All calls involving suspected suicidal and/or suicidal individuals;
  - g. When pursuing a suspect on foot;
  - h. Code 3 responses (including vehicle pursuits) regardless of whether the vehicle is equipped with an in-car camera system;
  - i. While executing warrantless searches of individuals, vehicles, buildings and other places. NOTE: The body-worn camera shall be utilized to record the consent when practical. The intent of the recording is to corroborate the consent and is not intended to replace the use of any form used to gain and/or document the consent to search without a warrant.
  - j. Executing a search warrant;
  - k. When advising suspects of their rights per Miranda;
  - l. All arrests, detentions, and/or citations;
  - m. While taking statements from witnesses, victims, and other subjects (see below for exceptions);
  - n. Protests, demonstrations, or civil unrest;
  - o. When ordered to by a supervising officer; and,
  - p. Other contacts that become adversarial, or in which, in the employee judgement, a video recording would assist in documenting the incident for later investigation or review.



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4. Employees are not required to give notice they are recording when talking with private citizens during the course and scope of their official duties, even when the contact occurs in a private residence. If asked, employees shall advise citizens they are being recorded. Moreover, employees should strongly consider advising citizens that they are being recorded as a tool to de-escalate a situation or when dealing with instances such as outlined in D.1 (e).
5. The body-worn camera shall continue recording until the investigative or enforcement activity involving a member of the public has reasonably concluded. If enforcement or investigative activity with a member of the public resumes, the officer shall re-activate the body-worn camera and continue recording.
6. Generally, employees should not record informal or casual encounters with members of the public. Employees should consider that recording people in some circumstances may inhibit sharing neighborhood information or developing strong ties between members of the community and employees.
7. Absent deliberate and/or a repeated pattern, the failure to activate the body-worn camera, alone, shall not constitute cause for discipline.

## D. DEACTIVATION OF THE BODY-WORN CAMERA

1. Employees may deactivate the body-worn camera at any time based on their discretion, in the following circumstances:
  - a. Discussion of tactical or confidential information with other law enforcement personnel, briefings, or conversations with confidential informants.
  - b. Employee on a perimeter or assigned to a static post where they are not in contact with citizens or actively part of the investigation may deactivate the body-worn camera to conserve battery life. The body-worn camera should be reactivated if either of these circumstances no longer applies.
  - c. If it is necessary to discuss issues or concerns with an employee, supervisor, doctor, nurse, or paramedic in private, the body-worn camera may be deactivated.
  - d. A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational.
  - e. In the employee's judgement, a recording would interfere with his or her ability to conduct an investigation, or may be inappropriate because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault).
2. Details regarding the reason for deactivation should be recorded and documented.

## E. RESTRICTED USE OF THE BODY-WORN CAMERA AND/OR STORED MEDIA

1. Under no circumstances, except those instances involving a criminal investigation of Department personnel, will a conversation between Department employees be intentionally recorded without all parties to the conversation being aware of the fact that it was being recorded.
2. The body-worn camera will not be intentionally activated to record Department personnel during briefings, meetings, roll calls or while in private spaces such as locker rooms or restrooms where a reasonable expectation of privacy exists.
3. The body-worn camera shall not intentionally be utilized to record confidential informants or undercover employees.
4. Prior to conducting a strip search, the officer shall record a 360-degree video of where the strip search will be conducted. During the strip search, the body-worn camera will be utilized to only capture audio of the event by positioning the camera away from the individual to be searched.
5. Employees should not normally record patients during medical or psychological evaluation by a clinician or similar professional, or during treatment. Employee shall be aware of patients' rights to privacy when in hospital settings. When recording in Hospitals and other medical facilities officers should be careful to avoid recording persons other than those who are the focus of the investigations.
6. Employees shall not play back body-worn footage for citizens or the media without prior approval from the Chief of Police or designee.



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7. Employees who have made an inadvertent recording may request to have that video removed from the system. Requests shall be submitted to their Division Captain.

## F. SUPERVISOR RESPONSIBILITY

1. Ensure that employees assigned a body-worn camera have completed Department required training and are familiar with applicable policies and procedures.
2. Conduct periodic inspections of employees assigned body-worn camera equipment and ensure that the body-worn cameras are properly affixed to the employee's uniforms and fully operable.
3. When an incident arises that requires the immediate retrieval of body-worn camera footage for chain of custody purposes (including, but not limited to: serious crime scenes, officer involved shootings or other as determined by policy), a supervisor will respond to the scene and secure the body-worn camera as soon and practical.
4. Supervisors may view recordings in the field to mitigate and address citizen complaints.
5. Sergeants and above shall have access to video footage of all users. This will allow instant access when creating or reviewing a pursuit or a use of force report in Blue Team and for training or administrative purposes.
6. Recordings may be shown for the purposes of training.
  - a. If the recording contains footage that may embarrass an employee, consideration should be given before the video is used for training.
  - b. If an involved employee objects to the showing of a recording, their objection shall be submitted in writing through their chain of command to the COP or their designee to determine if the training value outweighs the employee's objection. In no event shall any recording be used or shown for the purpose of ridicule or the embarrassment of any employee.

## G. DATA MANAGEMENT AND FILE RETENTION

1. Body-worn camera recordings will be retained for a minimum of 18 months from the date created in accordance with the City of Sacramento Retention Schedule. Video recordings which become evidence will be kept in accordance with the crime classification listing in the City of Sacramento Retention Schedule SPD-007.
2. Any attempt to erase, alter, or tamper with the body-worn camera or its recordings except as authorized by law or Department policy will be considered employee misconduct.
3. External audit facilitated by the Professional Standards Unit, in compliance with General Order 340.02, shall be conducted bi-annually. This is to ensure digital recordings are being properly indexed and are recorded in compliance with this order.
4. Digital evidence captured by a body-worn camera shall be treated as official records and handled pursuant to existing Department policies and procedures as outlined in GO 525.03, sections F and G.