



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



## 525.07 BODY-WORN CAMERA 1-16-19

### PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that they may reliably record their investigations and enforcement activity in accordance with the law and in order to provide accountability and transparency to the public.

### POLICY

It shall be the policy of the Sacramento Police Department (SPD) to utilize a BWC in a manner that will assist in criminal investigations and prosecutions as well as civil litigation, by providing a recording of the incident that may supplement an employee's report and help document police conduct, investigations, and enforcement activity.

### PROCEDURE

#### A. DEFINITIONS

1. On Position - Switching the on/off switch of the camera into a standby mode which allows the camera, when activated, to capture the previous 30 seconds of video.
2. Activation - Triggering the Body Worn Camera by touch or any other method, which initiates the audio and video recording functions.
3. De-Activation – Discontinuing audio and video recording and returning the camera to a standby mode in the on position.
4. BLUE TEAM (BT) – IA Pro Blue Team is Web-based computer software that allows sergeants to enter use of force incidents, pursuits, and audits from a Department computer.
5. Muting – A function of the BWC that allows for video recording while audio recording is disabled.
6. Stealth Mode – A function of the BWC where the LED indicator lights, sounds, and vibrations are disabled.

#### B. GENERAL

1. All employees issued a BWC are required to wear and use their BWCs while working in uniform. A “uniform” is to be considered the standard uniform of the day based on assignment. This would include, but is not limited to, any apparel (e.g., tactical/raid vests, visible badge and firearm) that identifies the wearer as a police officer.
  - a. Exceptions:
    - (1) Uniformed personnel attending a formal event or funeral.
    - (2) Personnel working in an undercover capacity or while conducting plain clothes surveillance where the intent is not to be identified as a police officer and no enforcement action is planned.
    - (3) Personnel working in an administrative assignment. However, they shall always have them readily available to use in accordance with this general order.
    - (4) Personnel with express managerial approval under special circumstances.
2. BWC video recordings help provide context and capture beneficial information during police investigations and enforcement contacts with members of the public. 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.
3. BWC should assist in the following:
  - a. Documenting an initial police response.



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- b. Collecting evidence for use in investigations and prosecutions.
  - c. Helping employees with completing reports and testifying in court.
  - d. Deterring criminal activity and uncooperative behavior during police-public interactions.
  - e. Promoting accountability.
  - f. Recording video for use in training SPD employees.
  - g. Documenting the performance and professionalism of SPD employees.
4. BWC video is not meant to replace or to relieve the employee from submitting any documentation as required by policy.
  5. All recordings made using BWCs are the property of SPD and will not be released or disseminated to the public without the express written consent of the Chief of Police (COP) or authorized designee or unless otherwise expressly required by federal or state law.
- C. EMPLOYEE RESPONSIBILITY
1. Employees issued a BWC shall be trained in the proper use of the device prior to deployment.
  2. Employees issued a BWC shall:
    - a. Be responsible for the reasonable care and maintenance of the BWC they are issued.
    - b. Ensure the BWCs are functioning properly.
    - c. Affix their issued BWC to their uniforms above the beltline at the beginning of their shift in accordance with training and the manufacturer's guidelines. The BWC shall be worn for the entire shift.
    - d. Ensure their issued BWC is fully charged and has adequate video storage to complete the shift.
    - e. Only use BWCs that have been approved by the Department.
    - f. Ensure the BWC is placed in the on position after leaving a police facility or a detention facility.
  3. Generally, employees shall begin downloading all media prior to the end of their shift; however, supervisors may approve other download schedules when appropriate.
  4. When a report is generated, employees shall document their use of the BWC or ensure that it is documented by another employee. Employees are required to spell out "body-worn camera" at least once in the associated report prior to referring to the initials "BWC" later in the report.
  5. Employees are authorized to review their own BWC recordings, including prior to giving a statement after being involved in a critical incident, when writing a report, testifying in court or other proceeding, or for any other official use.
  6. Employees may be authorized to review other employees' BWC recording after being involved in a critical incident.
  7. Employees shall not tamper with or modify any part of the BWC system.
- D. EQUIPMENT REPLACEMENT
- In the event an employee's BWC is malfunctioning, damaged, lost, or unavailable for use:
1. The employee shall notify their supervisor as soon as reasonably practical.
  2. The supervisor shall issue a replacement BWC, which are available at each station.
  3. The supervisor shall send an email to Public Safety Information Technology (PSIT) that includes the serial number, Blue Tag number, description of the problem, and to whom the BWC was issued.
  4. Only a watch commander or higher can authorize an employee to go in service without a BWC due to an equipment shortage or malfunction.
- E. REQUIRED ACTIVATION OF THE BODY-WORN CAMERA
1. This policy is not intended to describe every situation in which the BWC should be activated, but rather is designed to provide general guidance. Not all situations will start out as necessitating the activation of the BWC, nor will all events have a clear ending when the BWC is no longer necessary.



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2. If immediate activation of the BWC is not feasible due to risk to the safety of the employee or others, the employee should activate the BWC as soon as it is safe to do so.
3. Employees shall activate their BWC during investigations and enforcement activity, including evidence collection, whether self-initiated or in response to a dispatched call.
4. If the BWC was not activated during an investigation or enforcement activity, or malfunctioned, the reason shall be documented on the CAD call.
5. Employees are not required to give notice they are recording when speaking 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.
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 information or developing strong ties between members of the community and employees.
7. Absent a deliberate intent to not comply or repeated pattern of non-compliance, the failure to activate the BWC shall not alone constitute cause for discipline.

## F. DEACTIVATION OF THE BODY-WORN CAMERA

1. Once their BWC is activated, employees shall not deactivate their BWCs until the investigative or enforcement activity has concluded. If investigative or enforcement activity resumes, the employee shall re-activate the BWC and continue recording.
2. Lieutenants and above have the discretion to authorize or order officers to deactivate their BWCs when appropriate.
3. After a recorded public safety statement is obtained during an OIS the patrol sergeant will instruct involved officers to turn off their BWC so that they can be collected as evidence.
4. Employees shall audibly record the reason for deactivation in all instances.

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

1. Except those instances involving a criminal investigation of department personnel, a conversation amongst Department employees shall not be intentionally recorded without all parties to the conversation being aware that it is being recorded.
2. No BWC will be intentionally activated to record Department personnel during briefings, meetings, roll calls, or while in private spaces such as locker rooms, restrooms, or any other place where a reasonable expectation of privacy exists.
3. The BWC shall not intentionally be activated to record confidential informants or undercover employees.
4. Prior to conducting a strip search, the employee shall record a 360-degree video of where the strip search will be conducted. During the strip search, the BWC will be activated to capture only 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, unless necessitated by investigatory or safety concerns. Employees shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, employees 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 COP or authorized designee unless for investigative purposes.
7. Employees who have made an inadvertent recording may request to have that video deleted. Requests shall be submitted to their division captain.
8. Employees shall not:
  - a. make copies of any recorded event for personal use.



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- b. use a recording device such as a cell phone camera or secondary video camera to record a BWC file or image.
- c. copy, upload, or disseminate any BWC recordings publicly or privately, nor shall employees post recordings on social media for personal use.

## H. SUPERVISOR RESPONSIBILITY

Supervisors shall:

1. ensure that employees issued a BWC have completed required training and are familiar with applicable policies and procedures.
2. conduct periodic inspections of employees issued BWC equipment and ensure that the BWCs are properly affixed to the employees' uniforms and fully operable.
3. have the opportunity to view recordings in the field to mitigate and address citizen complaints when necessary.
4. 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 for training or administrative purposes.
5. conduct audits and ensure compliance in accordance with section M of this general order.

## I. USE OF VIDEO FOR TRAINING

1. Recordings may be used for training purposes.
2. When a recording contains footage that may embarrass an employee, consideration should be given before the video is used for training.
3. If a video will be used for training purposes, the Department will notify the employee. If an involved employee objects to the use of a recording, the employee may object in writing through their chain of command to the COP or authorized designee to determine if the training value outweighs the employee's objection. In no event shall any recording be used for the purpose of ridiculing or embarrassing any employee.

## J. BODY-WORN CAMERA RECORDING DUPLICATION

1. BWC duplications shall not be made without an approved SPD 524 (Video Request Form). The SPD 524 may be approved by:
  - a. a sergeant or higher authority.
  - b. the Internal Affairs Division.
  - c. the Professional Standards Unit.
  - d. the City Attorney's Office.
  - e. a Supervising Police Records Assistant in response to a subpoena.
2. Duplication requests shall be received by the Evidence and Property Section (EPS) at least seven (7) business days prior to the date required.
3. An SPD 524 is NOT required when the BWC recording is downloaded by:
  - a. a sergeant or higher authority.
  - b. the Internal Affairs Division.
  - c. the Professional Standards Unit.
  - d. court liaison personnel.
  - e. authorized PSIT personnel.
  - f. employees for their own incidents for official purposes.
4. When a copy is made, the BWC software will create a traceable audit trail for that particular video that contains the date/time of the copy and employee's name and badge number. A remark in the "Notes" section shall be added to the video giving the reason for the copy and the name of the approving supervisor if required.
5. Recordings created by the BWC system are not to be booked as evidence unless they contain evidentiary information useful in investigations including, but not limited to:
  - a. Homicide investigations.
  - b. Officer-involved shooting investigations.



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- c. In-custody death investigations.
- d. Major officer-involved vehicle collisions.
- e. Upon the direction of a lieutenant or designee.

## K. OUTSIDE LAW ENFORCEMENT AGENCY REQUESTS

1. All outside law enforcement agency requests for recordings of BWC footage or footage captured from the Air Unit shall be sent to PSU.
2. The PSU supervisor shall approve these requests. Exception: A watch commander may authorize the immediate copy and release of BWC footage to outside law enforcement agencies when it is essential to an ongoing investigation.
3. Approved requests shall be processed by EPS, except for Air Unit footage. The Air Unit supervisor can make copies of Air Unit footage when requested by PSU or EPS personnel.

## L. DATA MANAGEMENT AND FILE RETENTION

1. BWC recordings will be retained for a minimum of two and a half years from the date created in accordance with the City of Sacramento Retention Schedule. Video recordings that 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 BWC or its recordings, except as authorized by law or Department policy, will be considered employee misconduct.
3. PSU shall facilitate an external audit bi-annually.
4. Digital evidence captured by BWC shall be treated as official records and handled pursuant to existing Department policies and procedures.

## M. AUDIT/COMPLIANCE PROCEDURES

1. Periodic Review
  - a. PSIT shall generate a BWC audit on a monthly basis and make that information accessible to all employees.
  - b. Supervisors should periodically review the body worn camera audit mentioned in M(1)(a) to help determine if officers are utilizing their BWC in accordance with this policy.
2. Bi-annual Review
  - a. Supervisors are required to complete a compliance review for each employee they supervise prior to the completion of the employee's mid-year and end-of-the-year performance evaluations.
  - b. Supervisors shall:
    - (1) Randomly choose two BWC videos for each employee they supervise which:
      - (i) are at least ten minutes in duration.
      - (ii) have an associated RMS report.
    - (2) Compare the two videos mentioned above, along with ICC video, if captured, and the associated report, to ensure compliance with this policy.
    - (3) Generate a Blue Team entry for each BWC video they review.
3. The mid-year and end-of-the-year performance evaluations will have a BWC compliance check box to be marked upon completion of the audit.