

**STOCKTON POLICE DEPARTMENT**

**GENERAL ORDER**

**BODY-WORN CAMERA SYSTEM**  
**SUBJECT**

**DATE: JANUARY 11, 2022**

**NO: J-2**

**FROM: INTERIM CHIEF JIM CHRASKA**

**TO: ALL PERSONNEL**

**INDEX: BODY-WORN CAMERA SYSTEM**

**I. PURPOSE**

- A. To provide policy and procedures for the use of the Body-Worn Camera (BWC) that produces recordings of field activity in the course of official police duties.
- B. This policy applies to all personnel who have been issued and trained on the use of the Body-Worn Camera device.

**II. DEFINITIONS**

- A. Body-Worn Camera (BWC) – An electronic recording device individually worn by employees that can capture audio and video when activated. The currently authorized device will be individually assigned to officers, detectives, sergeants, and Code Enforcement Officers as standard issued equipment.
- B. Digital Evidence Management System (DEMS) – A management system designed to digitally collect, store, secure, disseminate, and purge recorded media. The digital recordings are accessible to authorized personnel and maintain an audit trail of user activity.

**III. POLICY**

- A. All officers, detectives, sergeants, and Code Enforcement Officers who have received the BWC training will be required to deploy with a BWC when working in that capacity. BWC devices will be turned on at the beginning of shifts before being assigned to the first call for service or taking any proactive enforcement activity.
- B. Personnel assigned and trained on the use of the BWC will not deploy into the field without a working device unless approved by a Lieutenant, Police Services Manager, or higher. Examples of when this is authorized are if the employee's assigned BWC is inoperable and there are no replacements, if the employee's BWC is missing and a replacement is not available, or if the employee is directed out to the field immediately due to a critical incident before roll call.
- C. The use of a BWC provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Personnel shall utilize this device in accordance with the provisions of this general order to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.
- D. Only trained personnel should operate approved BWC devices.
- E. Personnel will use only the BWC issued and approved by the Department. The wearing of any other BWC is not authorized.
- F. Personnel will not make copies or use other recording devices to capture images on the display screen for personal use or distribution. The capture and distribution of images on the display screen for tactical or investigatory purposes may be approved by a Lieutenant, Police Services Manager, or higher.

- G. Personnel shall not intentionally remove, dismantle, or tamper with any hardware and/or software component or part of the BWC.
- H. Information obtained on a BWC is part of a Stockton Police Department investigation, undertaken for the purpose of determining whether a violation of law or other code may occur or has occurred.
- I. All recorded data from a BWC is the property of the Stockton Police Department and shall not be accessed or released for any unauthorized purpose. All footage obtained on a BWC is deemed to have evidentiary value and is part of a law enforcement investigation. Department personnel are explicitly prohibited from accessing recorded data for personal use and from uploading recorded data onto public and social media internet websites. Any violations of this prohibition will be grounds for sanctions, including all available employment disciplinary actions.

**IV. PROCEDURES**

- A. There are many situations where the use of the BWC is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, officers may activate the system anytime they feel its use would be appropriate and/or valuable to document an incident.
- B. Unless it is unsafe or impractical to do so, officers shall record pedestrian contacts, interviews, and other events when the recording has value as evidence, to limit liability, to resolve citizen complaints, or as a training tool in any of the following incidents:
  - 1. Enforcement encounters where there is a reasonable suspicion the person is involved in criminal activity. This includes, but is not limited to, dispatched calls for service as well as self-initiated activities.
  - 2. Probation or parole searches.
  - 3. Vehicle pursuits.
  - 4. K9 deployments.
  - 5. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
  - 6. During the investigation or inspection to determine code violations.
- C. While activated, the recording should not be intentionally terminated until the conclusion of the encounter. If a situation arises where officers need to stop a recording intentionally, then a legitimate reason will be articulated on the recording prior to terminating. For this policy, legitimate reasons may include, but are not limited to, the recording of: juvenile victims, sex crimes victims, confidential informants, instances of tactical planning, and with respect to HIPPA concerns.
- D. Personnel will have some level of discretion regarding when to stop a recording because there is no longer any investigative purpose to continue the recording and all parties are cooperating. The employee shall dictate this reason on the video before ending the camera activation.
- E. Employees who do not record, or inadvertently stop recording with the BWC during an event, must articulate the reason for this in the appropriate call disposition or report.
- F. The Stockton Police Department prohibits surreptitiously and/or intentionally recording any member of this Department's personnel without the expressed knowledge and consent of all parties. Personnel shall not use the BWC recording functions to record any personal conversation of another Department member without the recorded person's knowledge.
- G. California Penal Code sections 632.7 and 633 govern recording of communications without the consent of all parties. This allows officers, on official law enforcement duties, to record events

without consent in places they are legally allowed to be. Officers are not required to obtain consent from a private person when:

1. In a public place.
  2. In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where the officer is lawfully present and engaged in the performance of official duties).
  3. Officers are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.
- H. Personnel shall document the use, or non-use, of a BWC in the synopsis of all police reports, citations, case history, and field identification cards.
- I. Personnel shall index this footage with the appropriate Documented Report number when indexing the uploaded videos. The following is a reference on how to index:
1. When referencing Documented Report numbers, e.g., "21-0012345" using no spaces or letters.
  2. Code Enforcement Officers shall reference their case numbers, e.g., "21-0012345" using no spaces.
- J. Officers shall continue to author reports as currently dictated by the Report Writing Manual and training. A summary of events and statements should still be included, and officers shall not rely on the existence of BWC footage as the main documentation of a scene, interview, or incident.
- K. Personnel who experience a broken or malfunctioning BWC shall advise their supervisor of the situation and turn in the malfunctioning device to the on-duty Watch Commander or a BWC administrator to receive a replacement camera.

**V. RESPONSIBILITIES**

- A. Program Manager
1. The Program Manager is designated by the Chief of Police and has oversight responsibilities to include, but not limited to, the following:
    - a. Operation and User administration of the system.
    - b. System evaluation.
    - c. Training.
    - d. Policy and procedure review and evaluation.
    - e. Coordination with IT regarding system-related issues.
    - f. Ensure BWC files of evidentiary value are secured and maintained until the proper evidence disposition is received from the San Joaquin County Court system. Ensure all other routine files are secure and maintained a minimum of 24 months.
    - g. Ensure BWC files are being reviewed and released in accordance with federal, state, and local statutes, and City of Stockton/Stockton Police Department retention policy.
    - h. The Body-Worn Camera Program Manager or their designee is the sole person with authority to order editing or deletion of recorded footage.

- i. It is the responsibility of the Program Manager or their designee to restrict access to files which are deemed confidential due to internal investigations, or high-profile incidents.
- j. Schedule and convene meetings of the Core Policy Team comprised of members of the Stockton Police Department, Stockton Police Officers Association, Stockton City Attorney's Office, and San Joaquin County District Attorney's Office.

B. Supervisor Responsibility

- 1. Supervisors will ensure personnel utilize the BWC according to policy guidelines.
- 2. Supervisors will be responsible for monitoring and documenting the use of, and failure to use, the BWC to ensure personnel are receiving needed training and counseling regarding the device.
- 3. Supervisors and reviewing investigative team members should receive training in the review of BWC videos.
- 4. Supervisors, including those of Code Enforcement Officers, will provide roll call training biannually to ensure employees are aware of their responsibilities regarding the BWC. Supervisors will document those in attendance and make a note of the training in the employee's performance log as a "TRAINING" entry.
- 5. In the case of a use of force by an officer, the supervisor should respond to the call as usual and follow the listed steps.
  - a. In severe cases and whenever staffing allows on other cases, the prisoner should be turned over to another unit for processing and booking. When this occurs, the supervisor can immediately return to the office with the officer(s) and ensure that the body camera is uploaded without delay.
  - b. If staffing does not allow for the prisoner to be turned over, the supervisor will accompany the officer(s) to the Police Department and find another officer to watch the prisoner or watch the prisoner themselves while the officers upload their cameras. The supervisor should confirm the data has been uploaded from the camera.
  - c. In cases of Officer Involved Shootings, Critical Incident Investigations, or Protocol incidents, the immediacy is interpreted as when the involved officers have been transported away from the scene for interviews. At that time, the officer's supervisor or the Investigations Division supervisor would have the responsibility for securing the BWC device, uploading it, and returning it to the officer prior to the officer's return to duty.

C. Employee Responsibility

- 1. BWCs are assigned to individual employees. It is the responsibility of each employee to check if the battery is fully charged and operating properly at the beginning of each shift.
- 2. Personnel shall wear the device affixed in an appropriate forward-facing manner and secured as recommended by the manufacturer. This will provide for the best field of view possible.
- 3. Officers who experience a broken or malfunctioning BWC shall advise their supervisor of the situation and turn the malfunctioning device in to the on-duty Watch Commander to receive a replacement BWC.

4. Provide feedback to their supervisor for the Program Administrator regarding challenges and concerns with the BWC program.
5. Personnel should attempt to dock their issued camera for automated upload of BWC data files throughout their shift and daily at the end of their shift to ensure the BWC storage capacity is not exceeded and/or to upload files.
6. Within 24 hours of uploading data, or upon their return to work on their next scheduled workday, personnel shall ensure the CAD Integration system has properly indexed their videos. Should the system not be working properly, personnel should report this to a BWC Administrator and index their video files appropriately.
7. In the event of an accidental activation of the BWC, where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the BWC file be deleted by submitting an email request to their sergeant or supervisor with sufficient information to locate the BWC file. The employee's sergeant or supervisor shall review the file, approve or deny the request, forward the request to the Program Manager, and advise whether they feel the request should be approved or denied. The Program Manager shall review the video, and if they concur with an approved request, the Program Manager will then delete the video and document the reason.

**VI. REVIEW OF DATA/VIDEO**

- A. Data captured by the BWC is an official police record and shall be treated in the same manner as ARS reports, citations, and evidence. All access to the system will be logged and subject to compliance audit at any time. Access to the data from the system is permitted on the right to know/need to know basis. Employees authorized under this policy may review video according to the provisions of this policy.
- B. Reviewing a BWC file may require documenting the specific reason for access on the video file page in a notation field prior to viewing unless exempted by the Chief of Police or their designee.
- C. An employee may review BWC files as it relates to:
  1. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports or as delineated in General Order Q-6, "Officer Involved Shooting."
  2. Detectives will have access to files and may view videos they are working on. If copies are needed, then a request to the BWC Technician will be completed.
  3. Prior to courtroom testimony or for courtroom presentation.
  4. Prior to providing a statement pursuant to an administrative inquiry, including but not limited to Officer Involved Shooting investigations and Countywide Protocol Investigations.
  5. For potential training purposes.
  6. In the instance of a Professional Standards Section review/investigation.
  7. A supervisor necessitating clarification regarding a concern from a citizen.
  8. A supervisor, manager, or Department investigative team investigating a particular incident, act, or accusation of officer conduct, may review videos based on a reasonable supervisory need.
  9. Supervisors shall review BWC video pertaining to all Uses of Force and Pursuits to ensure this policy and others are being followed.

- D. Members of the prosecution team and City Attorney's Office, with the permission of the Chief of Police or their designee, may view videos.
- E. In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee or member of the community.