

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

**BODY-WORN CAMERA FILE REQUESTS, RETENTION,
AND CALIFORNIA PUBLIC RECORDS ACT
SUBJECT**

DATE: JANUARY 11, 2022

NO: J-2a

FROM: INTERIM CHIEF JIM CHRASKA

TO: ALL PERSONNEL

INDEX: **BODY-WORN-CAMERA FILE REQUESTS
BODY-WORN-CAMERA FILE RETENTION
CALIFORNIA PUBLIC RECORDS ACT**

I. PURPOSE

- A. To provide policy and procedures for Body-Worn Camera (BWC) file requests, BWC file data retention, and public records requests regarding BWC files.
- B. This policy applies to all persons who have been trained on the use of the BWC Digital Evidence Management System Software (DEMS).

II. DEFINITIONS

- A. Body-Worn Camera (BWC) – The currently authorized electronic recording device individually worn by officers that can capture audio and video when activated.
- 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 an audit trail of user activity is maintained in the system.

III. POLICY

- A. Only trained personnel should operate approved BWC devices and all related DEMS Software.
- B. 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.
- C. All recorded data from BWCs are 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, except for footage that only contains traffic accidents. 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. All governmental agency BWC file requests shall be sent to SPDBWC@stocktonca.gov.
- B. Any requests for BWC files from a citizen or public entity may be submitted in any manner, such as verbal, written, email, phone, etc. These requests would go through the CPRA Coordinator.
- C. Field Evidence Section Body-Worn Camera Technicians will be responsible for handling

departmental BWC file requests as well as non-departmental requests, as approved by the California Public Records Act (CPRA) Coordinator.

V. RESPONSIBILITIES

- A. Field Evidence Supervisor Responsibility
 - 1. 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.
 - 2. Ensure BWC files are being stored in accordance with the City of Stockton/Stockton Police Department retention policy.
 - 3. Ensure any broken or malfunctioning equipment is sent to the appropriate vendor for possible video recovery and repair or replacement.
 - 4. Ensure BWC file sharing and duplication requests are completed in a timely manner by designated personnel.

- B. Field Evidence Section Body-Worn Camera Technician Responsibility
 - 1. Manage and track BWC file sharing and duplication through the BWC management software.
 - 2. Requests for BWC footage will primarily be in the form of digital file sharing through the BWC management software.
 - 3. If necessary, copies will be provided and sent to or picked up by the requesting person, or the appropriate designee. No more than ten (10) separate DVDs shall be used if a request for footage needs to be placed on physical media. Duplication of BWC files from a single case that is too large to place on ten (10) separate DVDs will be placed on a flash media drive.
 - 4. Any requests that require redaction of an original file will require the booking of the final edited version into the Stockton Police Department Property Section under the appropriate documented report number. Redaction of video files is a time-consuming process that will not be routinely performed, and requests should be used sparingly. Documentation of what editing has been done to the original file will be placed in the description box of the property record and subsequent report.
 - 5. Requests for duplications that are already booked into the SPD Property Section shall be made to the Field Evidence Section BWC Technician.
 - 6. In the absence of the Field Evidence Section BWC Technician, the Evidence Section Supervisor will assign an appropriate designee to make the requested copies.

- C. The CPRA Coordinator Responsibility
 - 1. Manage, track, accept, and process non-departmental BWC requests in accordance with federal, state, and local statutes, and Departmental policy as outlined in General Order C-6, "Tracking of Public Records Request." This includes outside subpoenas and other Public Records requests per Government Code sections 6250-6270. These requests will be forwarded immediately to the CPRA Coordinator for proper distribution.

VI. BWC FILE REQUESTS

- A. Departmental Requests (Field Evidence Section Body-Worn Camera Technician)
 - 1. Departments, to include the District Attorney's Office or City Attorney's Office, shall forward a written request with enough information to locate the BWC file to the

Records Section via email or request form as is done with requests for photographs.

- a. Examples of sufficient information needed to locate a BWC file are documented report number, call history number, date of occurrence, the time range of occurrence, and officer's identification number.
 - b. The Technician can share a digital file through the BWC management software, or make a copy of the BWC file in accordance with the provisions of this order to fulfill requests.
 - c. Requests should provide a seven- (7) working-day lead time before the files are needed. If digital file sharing or copies are needed sooner, special accommodations may be made by contacting the Evidence/Identification Section Supervisor.
2. The Stockton Police Department will make efforts to provide the San Joaquin County District Attorney's Office with "view" access to digital evidence of arrests and referrals for prosecution through the vendor software.
- B. Non-Departmental Requests (CPRA Coordinator)
1. All other requests for a BWC file shall be accepted and processed in accordance with federal, state, and local statutes, and Departmental policy as outlined in General Order C-6, "Tracking of Public Records Request." This includes outside subpoenas and other Public Records requests per Government Code sections 6250-6270. These requests will be forwarded immediately to the CPRA Coordinator for proper distribution. It should be noted that BWC footage recordings that are evidence in an ongoing investigation, judicial, or administrative proceeding, are not public records until either the matter is concluded or, in the case of a criminal proceeding, the evidence is submitted in a public forum (filed with the court or submitted in open court). Such recordings will not be released until they become public. The Department at the discretion of the Chief's office may waive any exemptions for withholding release.
 2. BWC files involving a traffic accident are not considered evidentiary and must be released to involved parties or others such as attorneys or insurance companies with a vested interest.
 3. Files requested through subpoena and approved through the City Attorney's Office or District Attorney's Office will be duplicated and distributed unedited.
 4. If BWC files must be released through a CPRA request, and have to be redacted due to privacy concerns, the entire screen may be blurred through the use of a digital filter. This procedure is recommended as the redaction of footage frame by frame is an arduous task which requires a high level of technical expertise and undue expenditure of time. The use of smaller, specific filters will be determined on a case-by- case basis by the Technical Services Division Commander.
 5. In the case of critical incidents when BWC files are to be released, all officers involved in the video will be advised of the release. The Technical Services Division Commander or their designee will make attempts to advise officers involved in the videos of their release prior to the actual release.
 6. The Chief of Police retains the discretion, on a case-by-case basis, to release BWC video of any incident (exempt or not) if they deem it is in the public interest to do so.
 - a. The Chief of Police will consider the following when making this decision:
 - (1) The nature of an incident, and the severity of an incident, including whether it took place in a public or private location.

- (2) Feedback from the recipient of force at issue, any witnesses or - in some cases - family members of the recipient.
 - (3) Whether redacting or blurring parts of the footage will not do enough to protect juveniles, victim privacy rights, potential witnesses, or other individuals with a reasonable expectation of privacy.
 - (4) Whether releasing the footage will violate state law prohibiting the release of a law enforcement officer's home address, photograph, or any other information deemed otherwise confidential.
 - (5) Whether releasing the footage will help build public trust by facilitating transparency.
 - (6) Whether the footage, when released, could interfere with an ongoing investigation or where it could adversely affect the prosecution of an ongoing criminal matter or reasonably anticipated civil litigation.
7. Should the Chief of Police decide to release BWC video footage of a significant incident, the Department will strive to release that footage within ten (10) calendar days of the incident or request.
- C. Training requests
- 1. A BWC file may be utilized as a training tool for individuals, specific units, and the Department as a whole.
 - 2. A person recommending utilization of a BWC file for training purposes shall submit the recommendation through the chain of command to their respective Division Commander.
 - 3. BWC files shall not be used for training purposes without the permission of the involved employee, or the employee's legal representative.

VII. RETENTION

- A. Evidentiary data including video and audio recorded by a body-worn camera under this section shall be retained for a minimum of two years (24 months) under any of the following circumstances:
 - 1. The recording is an incident that leads to the detention or arrest of an individual.
 - 2. The recording is relevant to a formal or informal complaint against a law enforcement officer or a law enforcement agency.
 - 3. The recording is of an incident involving the use of force by a peace officer.
- B. The recording of an incident involving an officer-involved shooting shall be marked "Do Not Delete" unless deletion is authorized by the Technical Services Division Commander.
- C. The Department shall retain evidence relevant to a criminal investigation obtained from a body-worn camera recording for any time prescribed by the Evidence Code in addition to the time specified in paragraph VII section A.
- D. Records or logs of access and deletion of data from body-worn cameras shall be permanently retained in a digital format.
- E. All files of evidentiary value are stored on the DEMS system, which is rated as CJIS compliant by the FBI.