

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

BODY-WORN CAMERA SYSTEM
SUBJECT

DATE: April 2, 2020

NO: J-02

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: BODY-WORN-CAMERA SYSTEM
CALIFORNIA PUBLIC RECORDS ACT

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 officers 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 officers that can capture audio and video when activated. The currently authorized device is the VieVu LE4, which is individually assigned to uniformed officers and Neighborhood Blitz Code Enforcement Officers as standard issued equipment. The LE4 is also assigned to officers in plain clothes assignments in a “pool” use format.
- 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, and sergeants in a uniformed assignment in Field Operations, Special Operations, Code Enforcement Officers assigned to the Neighborhood Blitz Team, or investigators who normally respond to calls for service or regularly take enforcement action during the course of their duties and have received the BWC training, will be required to deploy with a Body-Worn Camera 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. The LE4 device can be powered on by depressing the power button for approximately three seconds.
- B. Officers 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 Officer’s assigned BWC is inoperable and there are no replacements, if the Officer’s BWC is missing, and a replacement is not available, or if the Officer 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. Officers 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 can 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 an SPD 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 body-worn cameras 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. 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. Officers 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 officer shall dictate this reason on the video before ending the camera activation.
- E. Officers 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. Officers 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. **Officers, who are using a surplus camera that is not assigned to them, shall use the VieVu USB cable and not a dock to upload their recordings. This will attach the officers' names to the videos.**
- I. Officers shall document the use, or non-use, of a BWC in the synopsis of all police reports, citations, case history, and field identification cards.
- J. Officers 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., "170012345," using no spaces or letters.
 - 2. Code Enforcement Officers shall reference their case numbers, e.g., "170012345," using no spaces.
- K. 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.
- L. Officers who experience a broken or malfunctioning BWC shall advise their supervisor of the situation and turn in the malfunctioning device to the Administrative Sergeant, or other BWC administrator to receive a replacement camera. Should the Administrative Sergeant be unavailable, officers should make use of a spare BWC until a BWC administrator is available to issue them a new 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, local statutes, and City Stockton/Stockton Police Department retention policy.
- h. The Body 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 officers utilize the BWC according to policy guidelines.
- 2. Supervisors will be responsible for monitoring and documenting the use, and failure to use, the BWC to ensure officers 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, assigned to the Neighborhood Blitz Team who are issued a BWC device will provide roll call training biannually to ensure officers are aware of their responsibilities regarding the BWC. Supervisors will document those in attendance and make a note of the training in the officer'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 officers 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 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. Officer Responsibility

- 1. BWCs are assigned to individual officers. It is the responsibility of each officer to check if the battery is fully charged and operating properly at the beginning of each shift. Although there will be uploading/charging banks throughout the Department, officers should take the BWC with them as they secure from duty and charge them in their secure environment

to prevent loss or mishandling. Neighborhood Blitz Team Code Enforcement Officers are to charge their BWCs within a locked cabinet at their workstation.

2. Officers 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 Administrative Sergeant to receive a replacement BWC. In the event the Administrative Sergeant is unavailable, the officer should use a spare BWC until they can be issued a new camera.
4. Provide feedback to their supervisor for the Program Administrator regarding challenges and concerns on the BWC program.
5. Officers 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, officers shall ensure the CAD Integration system has properly indexed their videos. Should the system not be working properly, officers should report this to the Administrative Sergeant 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 with sufficient information to locate the BWC file to their sergeant/ supervisor. Neighborhood Blitz Team Code Enforcement Officers' request shall be submitted to the Police Services Manager. The officer's sergeant or manager 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.

D. BWC Technician

1. All instances of BWC file sharing and duplication will be tracked 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 editing of an original file will require the booking of the final edited version into property under the appropriate Documented Report number. Editing 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 Property shall be made to the BWC Technician.
6. In the absence of the BWC Technician, the Evidence/Identification Section Supervisor will consult with the Administrative Sergeant to assign an appropriate designee to make the requested copies.

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 filled out.
 - 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.

VII. BWC FILE REQUESTS

- A. Departmental Requests
 - 1. Departments, to include the District Attorney's Office or City Attorney's Office, shall forward a written request via email with sufficient 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, officer's identification number, and case number.
 - b. The Technician can make digital file sharing through the BWC management software, or 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 on arrests and referrals for prosecution through the vendor software.

B. Non-Departmental Requests

1. All other requests for a BWC file shall be accepted and processed in accordance with federal, state, local statutes, and Departmental policy as outlined in General Orders 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 Technical Services Division Secretary 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.
2. Files requested through subpoena and approved through the City Attorney's Office or District Attorney's Office will be duplicated and distributed unedited.
3. If BWC files must be released through a California Public Records Act, 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.
4. If 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.
5. 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 criminal litigation.

6. 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 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. A recommendation to utilize a BWC file for such purpose may come from any source.
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.

VIII. RETENTION

- A. Evidentiary data including video and audio recorded by a body-worn camera under this section shall be retained for a minimum of 2 years (24 months) under any of the following circumstances:
 1. The recording is of an incident involving the use of force by a peace officer or an officer-involved shooting.
 2. The recording is an incident that leads to the detention or arrest of an individual.
 3. The recording is relevant to a formal or informal complaint against a law enforcement officer or a law enforcement agency.
- B. 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 VIII. RETENTION, A.
- C. Records or logs of access and deletion of data from body-worn cameras shall be retained in a digital format permanently.
- D. All files of evidentiary value are stored on the Viewu Cloud system, which is operated by Microsoft Azure and is rated as CJIS compliant by the FBI.