

In-Vehicle and Body-Worn Cameras

435.1 PURPOSE AND SCOPE

This policy is intended to provide officers with instructions on when and how to use in-vehicle and body-worn cameras so that officers may reliably record their contacts with the public. The purpose of the audio and video recordings is to provide documentary evidence for criminal investigations, internal or administrative investigations, training, and to defend the City of Ridgecrest against potential civil liability. The ultimate purpose of the BWCs is to help Officers protect and serve the community.

Officers shall utilize the camera systems in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity. All recordings are the property of the Ridgecrest Police Department and are considered part of an Officer's Police Report.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

435.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place the systems in active mode (also called event mode). In active mode, the systems record both video and audio.

Body-Worn Camera- An audio video recording system worn on the uniform of officers.

Camera System- Collectively the in-vehicle and body-worn cameras.

Deactivate - To place an in-vehicle or body-worn camera system in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the media file. Deactivate does not mean powering off the system.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

In-vehicle Camera- An audio video recording system mounted in marked patrol vehicles.

Media - The video, audio, and images captured by department in-vehicle and body-worn camera systems and the associated metadata.

Media systems - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

435.2 POLICY

It is the policy of the Department to use in-vehicle and body-worn cameras and media for evidence collection, and to accurately document events in a way that promotes member safety, accountability, and department transparency while also protecting the privacy of members of the public. A violation of this policy subjects the member to discipline (Penal Code § 132.18) (see the Personnel Complaints Policy).

435.3 RESPONSIBILITIES- COORDINATOR

The Chief of Police or the authorized designee should delegate certain responsibilities to a In-vehicle and body-worn camera coordinator. The responsibilities of the coordinator include (Penal Code § 832.18):

1. Serving as a liaison between the Department and the camera system manufacturer/distributor and any third-party media storage vendor.
2. Developing inventory procedures for issuing and tracking camera system equipment, including properly marking the equipment as property of the Department and recording the date each camera system is placed into or taken out of service.
3. Assisting with troubleshooting and maintenance of cameras and media systems and, when necessary, coordinating the repair or replacement of cameras and equipment.
 - (a) All equipment and system malfunctions and their resolutions shall be documented, and maintenance and repair records should be maintained for all camera systems.
4. Managing camera systems so that:
 - (a) Access is limited to the minimum necessary authorized users and user Privileges are restricted to those necessary for the member to conduct assigned department duties.
 - (b) Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
5. Configuring camera systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
6. Retaining audit logs or records of all access, alteration, and deletion of media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.
7. Developing and updating training for members who are assigned in-vehicle and/or body-worn cameras or given access to media systems.
8. Coordinating with the community for the following:
 - (a) Provide the public with notice of the department's use of in-vehicle and body-worn cameras (e.g., posting on the department website or social media pages).
 - (B) Gain insight into community expectations regarding the use of in-vehicle and body-worn camera systems.
9. Coordinating with the Records Supervisor to (see the Records Unit and Records Maintenance and Release policies):
 - (a) Determine and apply proper retention periods to in-vehicle and body-worn media. Agency legal counsel should be consulted in determining retention periods.
 - (b) Develop procedures for the appropriate release of in-vehicle and body-worn media.

10. Coordinating with the Property and Evidence Section to develop procedures for the transfer, storage, and backup of evidentiary media (see the Property and Evidence Policy).
11. Establishing a system to prevent tampering with, deleting, or copying recordings, and to ensure chain of custody integrity.
12. Designating the persons responsible for downloading the recorded data from the media system.

435.3.1 RESPONSIBILITIES- SUPERVISOR

1. Supervisors shall ensure officers utilize the in-vehicle and body-worn cameras according to policy guidelines.
2. Supervisors shall ensure recordings related to critical incidents are uploaded to the evidence storage medium and properly categorized by the officers.
3. Supervisors may have the ability to immediately resolve citizen complaints by reviewing video captured by the camera systems with the complainant during the investigation of the complaint. In those circumstances where a complaint is resolved with no further action needed, supervisors shall add an additional category of citizen complaint to the video/audio and make appropriate notes in the notes section of the recordings database. This will allow the department to capture the incidents that are resolved by this camera system.
4. Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.
5. Supervisors may, with the involved officer's permission, use a video/audio for the purposes of training. The Chief of Police can also give permission for a video to be used for training.

435.3.2 RESPONSIBILITIES- MEMBER

Member Responsibilities- Members shall wear their assigned body-worn cameras on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the body-worn camera remains in a position suitable for recording. When a body-worn camera is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location. Members shall report any malfunction or damage to the camera system coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning body-worn camera to use either temporarily while repairs are being made to the member's camera or as a permanent replacement. Members shall ensure in-vehicle cameras are functioning properly.

Every member issued an in-vehicle and/or body-worn camera is responsible for its proper use, safekeeping, and maintenance (Penal Code § 832.18). Personnel utilizing the camera systems shall be responsible for the following:

1. At the beginning of each shift or period of camera system use, the member shall inspect their assigned camera systems to confirm they are charged and in good working order. As part of the inspection, the member should perform a function test by activating each system and recording a brief video stating their name, assignment, and

the date and time. This shall be done for both the in-vehicle and body-worn camera systems separately.

2. Immediately reporting unresolved equipment malfunctions and/or problems to their supervisor.
3. Position the camera on their uniform to facilitate optimum recording field of view.
4. Monitoring system effectiveness and making recommendations for operational improvement and policy revision.
5. Once video/audio of evidentiary value is captured officers shall identify the camera system files by:

- (a) Noting the assigned case number or incident number in the Case ID Field;
- (b) Entering a title. The title should include sufficient information to identify the file, such as crime code, suspect name, location, event, etc.; and
- (c) Selecting the appropriate category(s) set forth in Section 450.9).

- Note: Officers shall continue to prepare reports in the same manner as prior to the implementation of the camera systems. Officers shall not substitute "refer to video and audio" for a detailed and thorough report. Officers should avoid using exact quotes, but should represent statements in their reports as a summary of what is contained in the statement/video, such as, "In summary the victim related". Occasionally, an exact quote is needed as proof of the crime and in these cases the officer should utilize the recording to ensure the accuracy of the quote documented in his report.

- (d) At the end of their shift, the officers shall place their assigned body-worn cameras into the designated docking station for charging and uploading of recordings. Officers assigned take-home vehicle can charge the body-worn camera at their homes, but must ensure downloading occurs upon their return to the department. Officers should not remove the camera and related equipment from the docking station until the video/audio files are completely uploaded and the battery is fully charged unless there is an emergency.

435.3.3 REQUEST FOR DELETION OF ACCIDENTAL RECORDING

In the event of an accidental or sensitive personal recording using the camera systems, where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the file be deleted by submitting a Department memo to the Chief of Police via the Chain of The Watch Commander will review the request and the recording to confirm what is to be deleted. If the recording is of an unclothed person, it shall be reviewed by someone of the same gender. The Watch Commander will then forward the form to the Chief's Office through the chain of command. The Chief of Police or his designee will approve/deny the request. If approved, the form will be forwarded to the system administrator to delete the recording. If the request is denied, the form will be returned to the officer with an explanation as to why it was denied. The approved "Request for Deletion" forms will be retained by the Department as a formal record for two years.

435.4 IN-VEHICLE AND BODY-WORN CAMER USE

The following guidelines apply to the use of the camera systems:

1. Only department-issued camera systems shall be used without the express consent of the Chief of Police or the authorized designee. No personally owned camera equipment shall be used.
2. Camera systems should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
3. The use of department-issued camera systems shall be strictly limited to department-related activities (Penal Code § 832.18).
4. Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
5. Members shall immediately report unauthorized access or use of camera systems or media by another member to the Chief of Police via the Chain of Command.
6. Members assigned to Investigations will use body-worn cameras at the discretion of the unit supervisor, as to not interfere with covert operations.
7. Members are advised the GPS location is available when the device is activated.

435.4.1 Prohibited Use of Recordings

Employees shall not obtain, convert, nor distribute, any recordings obtained during the course and scope of their duties for personal use. The following are specifically prohibited:

1. Personal copies of official recordings.
2. Re-recording of videos with personal devices.
3. Posting of official video and/or audio to any non-Department sponsored social networking or other website.
4. Posting of media on any Department sponsored site without express permission from the Chief of Police or his designee; any video posted on a Department sponsored social media or other website will thereafter be considered public information.
5. Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).
6. Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
7. Conversations of other members without their knowledge.
8. When a member is taking an authorized break or otherwise engaged in personal activities.
9. In a courtroom unless responding to a call for service or emergency situation.
10. Interactions with undercover officers or confidential informants.
11. Strip searches.

12. Camera systems shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

435.5 ACTIVATION OF BWC

Members should activate their camera systems during all calls for service and the performance of enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to enforcement functions. However, members should activate their camera system(s) any time a contact with an individual becomes hostile or adversarial. Unless otherwise authorized by this policy or approved by a supervisor, camera systems should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations. The BWC shall be re-activated as needed.

Examples of required activations include, but are not limited to the following:

1. Arrests
2. Citizen Complaints
3. Videotaping for evidentiary purposes
4. Pedestrian Stops
5. Calls for Service
6. Traffic Collisions
7. Traffic Stops
8. Force Response
9. Critical Incidents
10. Adversarial Interaction

Officers assigned to the General and Special Investigations Units are only required to wear body-worn cameras when serving a search warrant, conducting a probation search or when working patrol.

At no time is a member expected to jeopardize their safety to activate their camera system(s). However, the camera systems(s) should be activated as soon as reasonably practicable in required situations. If a member attempts to activate their camera systems(s) but the camera system fails to record an event, the member should notify their supervisor as soon as practicable. That failure shall be documented in any associated crime report or added to the CAD notes of the incident.

435.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the body-worn camera in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a body-worn camera or if their body-worn camera is activated.

435.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns. When responding to a place where individuals have an

expectation of privacy (e.g., inside private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also mute or deactivate their BWC:

1. To protect the privacy of a victim or witness.
2. When an individual wishes to provide information anonymously.
3. To avoid recording a confidential informant or undercover officer.
4. When discussing case tactics or strategy.
5. During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate camera system(s) when practicable. Deactivation should only be used when muting the camera system(s) will not accomplish the level of privacy necessary for the situation. Before muting or deactivating their camera system(s), the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their camera system(s) and verbally note that recording has resumed.

435.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's camera system(s) in real time. Only supervisors and dispatchers approved by the Chief of Police or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

1. For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.
2. To assist with situational awareness or tactical decisions during a significant incident.
3. When requested by the member.

435.5.4 DOCUMENTATION

Members are encouraged to provide narration while using the camera system(s) when it would be useful to provide context or clarification of the events being recorded. However, the use of a camera system is not a replacement for written reports and should not be referred to in a written report in place of detailing the event. It is recognized the camera systems do not see everything the member sees and the member does not see everything the camera system(s) captures.

Every report (case or incident) prepared by a member who is issued a camera system should state "camera footage available" or "camera footage unavailable," as applicable, and should document:

- (a) To the extent practicable and relevant, the identity of individuals appearing in the camera footage.
- (b) An explanation of why camera system(s) was unavailable including any malfunction, damage, or battery issue that resulted in the failure of the camera system(s) to capture all or part of the event.

(c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.

(d) Any period of the event in which the member deactivated or muted their camera system(s) and the reason for such action.

(e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through camera system livestreaming. Anyone accessing the livestream function shall complete a report to document the function utilization.

435.6 DOWNLOADING IN-VEHICLE AND BODY-WORN MEDIA

Unless otherwise authorized by a supervisor, all media from a member's camera system(s) should be properly downloaded and tagged before the end of their shift. Camera system media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be downloaded and tagged as soon as practicable upon returning to the Department (Penal Code § 832.18).

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the camera system for each member present and download and tag the camera system media if the storage system does not have automatic downloading capacity (Penal Code §832.18).

435.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their camera system(s) with their name, the case or incident number, and the event type. Camera system media should be tagged upon downloading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to camera system media, it should be tagged with each event type. If camera system media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

Camera system media depicting sensitive circumstances or events should be tagged as restricted. Camera system media should be flagged for supervisor review when it pertains to a significant event such as:

1. An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
2. When a member has sustained a serious injury or a line-of-duty death has occurred.
3. When a firearm discharge or force response incident has occurred.
4. An event that has attracted or is likely to attract significant media attention. Supervisors should conduct audits at regular intervals to confirm camera system media is being properly downloaded and tagged by their subordinates.

435.7 CAMERA SYSTEM MEDIA

All camera system media is the sole property of the Department (Penal Code § 832.18). Members shall have no expectation of privacy or ownership interest in the content of camera system media. All camera system media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of camera system media should include provisions specifying that

all camera system media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee (Penal Code § 832.18).

Members shall not alter, copy, delete, release, or permit access to camera system, media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee (Penal Code § 832.18).

Media associated with the camera systems should not be accessed using personal devices unless authorized in writing by the Chief of Police or the authorized designee.

435.7.1 ACCESS AND USE OF SYSTEM MEDIA

Camera system media shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy. Camera system media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

1. Camera system media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
2. Members may review their own camera system media for department-related purposes.
3. Investigators may review camera system media pertaining to their assigned cases.
4. A member testifying regarding a department-related event may review the pertinent camera system media before testifying.
5. Supervisors are permitted to access and view camera system media of their subordinates.
 - (a) Supervisors should review camera system media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
 - (b) Supervisors should conduct documented reviews of their subordinate's camera system media at least quarterly to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review camera system media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
 - (c) Supervisors should conduct periodic reviews of a sample of each subordinate's camera system media to evaluate proper use and ensure compliance with this policy.
6. The Training Manager is permitted to access and view camera system media for training purposes.
 - (a) The Training Manager should conduct a quarterly review of a random sampling of camera system media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review camera system media as part of their review to identify training needs.

(b) The Training Manager may use camera system media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Manager should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the camera system media before its use for training. When practicable, sensitive issues depicted in camera system media should be redacted before being used for training.

7. The Records Supervisor may access camera system media when necessary to conduct department-related duties.

8. The camera system coordinator may access camera system media as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

9. In all instance of viewing, the reason for viewing shall be documented in the camera system.

435.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, camera media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of:

1. A private residence.
2. A facility that offers health care, mental health or substance abuse treatment, or social services.
3. A school building.
4. Any other building in which public access is restricted or which implicates heightened security concerns.

Camera system recordings are considered part of a police officer's investigation report and are exempt from disclosure under the California Public Records Act. The primary purpose of recordings is to assist the Department in attaining the highest degree of accuracy in memorializing law enforcement activities in order to protect and serve the community. As set forth in the City's Public Records Act Policy, video recordings will not be released to the public (or media), except in unusual circumstances where the public's safety and/or best interest is clearly served by public dissemination of a recording.

Requests for the release of camera system media shall be processed in accordance with the Records Maintenance and Release Policy. The Records Supervisor should review camera system media before public release. The Chief of Police will make all reasonable/lawful efforts to preserve the privacy of community members and the employees of the Ridgecrest Police Department.

435.8 RETENTION OF BWC MEDIA

Non-evidentiary camera system media should be retained for a minimum of two years, after which it may be erased, destroyed, or recycled. Non-evidentiary media may be kept for more than two years for availability in case of a civilian complaint and to preserve transparency (Penal Code § 832.18).

Unless circumstances justify continued retention, camera system media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. Camera system media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

435.8.1 EVIDENTIARY CAMERA SYSTEM MEDIA

Camera system media relevant to a criminal prosecution should be exported from the camera system media and securely transferred to digital evidence storage according to established department procedures. Evidentiary camera system media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property and Evidence Policy).

Evidentiary camera system media should be retained for a minimum of two years under the following circumstances (Penal Code § 832.18):

1. The recording is of an incident involving the use of force by an officer or an officer-involved shooting.
2. The recording is of an incident that leads to the detention or arrest of an individual.
3. The recording is relevant to a formal or informal complaint against an officer or the Ridgecrest Police Department.

435.8.2 CATEGORIZATION AND RETENTION

With the exception of upon entering the data described in Section 435.3, camera system data shall be categorized and retained for a minimum of two years or as follows:

1. Uncategorized Until manually deleted
2. 293 PC or Confidential Cases 20 Years
3. Animal Control 2 Years
4. Citizen Complaints 2 Years
5. Critical Incidents Until manually deleted
6. Felony 20 Years
7. Field Interview 5 Years
8. Misdemeanor 10 Years
9. No Evidentiary Value 2 Years
10. Officer Injury Until manually deleted
11. Pending Review Until manually deleted
12. Restricted Access – Admin Only Until manually deleted
13. Retain Indefinitely Until manually deleted
14. Traffic 5 Years
15. Training 2 Years

16. Use of Force Until manually deleted

17. 5150 10 Years

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

435.9 TRAINING

The camera system coordinator should ensure that each member issued a camera system receives initial training

before use, and periodic refresher training thereafter. Training should include:

1. Proper use of the camera systems and accessories.
2. When camera system(s) activation is required, permitted, and prohibited.
3. How to respond to an individual's request to stop recording. Recording shall continued unless otherwise specified in this policy.
4. Proper use of the camera systems, including downloading and tagging procedures.
5. Security procedures for camera system media, including appropriate access and use.