

Body-Worn Cameras

435.1 PURPOSE AND SCOPE

The purpose of implementing a police body-worn camera program is to foster transparency and promote public trust. Body-worn camera recorders (BWC or BWCs) are a contemporary means for law enforcement to capture video and audio interactions between police employees and the public.

The Buena Park Police Department may provide its sworn and professional staff employees with these devices. The Department intends these BWC devices to assist and complement employees in the performance of their duties by providing an unbiased video and audio record of specific police contacts and activities, to assist in recollection of an incident, and/or to supplement the employee's report.

While recordings obtained from digital media devices provide a perspective of these events, it is understood that digital recordings captured by a BWC device do not necessarily reflect the entire experience or the state of mind of the individual employee(s) in a given incident. The BWC recording has limitations and may depict events differently from the events recalled by the involved employee. Video has a limited field of view and may not capture events commonly seen by the human eye. Video captures two-dimensional images, which may be different from a person's three-dimensional observations about depth, distance, and positional location. Also, lighting, as seen in a video, may be different than what is seen by the human eye, and different angles of view may contribute to different perceptions. It is specifically understood that the BWC may capture information that may not have been heard and/or observed by the involved employee, and may not capture information observed by the employee.

435.1.1 ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 41.3.8, 41.3.10, 83.2.2

435.1.2 DEFINITIONS

Definitions related to this policy include:

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

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC 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.

Deactivate - To place a BWC 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

Buena Park Police Department

Buena Park PD Policy Manual

Body-Worn Cameras

activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

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

435.2 POLICY

It is the policy of the Buena Park Police Department to provide BWC devices to all sworn officers, corporals, sergeants, lieutenants, and certain professional staff for use during the performance of their duties to capture video and audio interactions between police employees and the public.

A violation of this policy subjects the member to discipline (Penal Code § 832.18) (see the Personnel Complaints Policy).

435.3 RESPONSIBILITIES

435.3.1 BWC COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the coordinator include (Penal Code § 832.18):

- (a) Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
- (b) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department and recording the date each BWC is placed into or taken out of service.
- (c) Issue BWC devices and provide BWC training and instruction on use and operation of the BWC.
- (d) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (e) Managing BWC media systems so that:
 1. 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.
 2. Maintain digital video files and equipment in a secure and confidential environment and release only in accordance with this policy and applicable federal, state, local statutes, and other applicable laws.
- (f) Establishing a system for tagging and categorizing data according to the type of incident captured.

Buena Park Police Department

Buena Park PD Policy Manual

Body-Worn Cameras

- (g) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.
- (h) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
- (i) Coordinating with the Records Supervisor to (see the Records Bureau and Records Maintenance and Release policies):
 1. Determine and apply proper retention periods to BWC media. Agency legal counsel should be consulted in determining retention periods.
 2. Assist with developing procedures for the appropriate release of BWC media.
- (j) Establishing a system to prevent tampering with, deleting, or copying recordings, and to ensure chain of custody integrity.
- (k) Designating the persons responsible for downloading the recorded data from the BWC.

435.3.2 MEMBER RESPONSIBILITIES

The following basic guidelines apply to all members using BWC devices.

- (a) Each member assigned a BWC shall use the equipment with care to ensure proper functionality. Members shall bring equipment malfunctions or damage to the attention of their immediate supervisor or the on-duty Watch Commander as soon as reasonably possible.
- (b) Each member shall inspect and test the BWC equipment at the beginning of each work shift to ensure the equipment is operable, charged, and properly functioning. The member shall ensure there is no previously recorded data on the BWC at the beginning of the employee's shift.
- (c) Members shall wear the BWC on their duty belt or above the waist and in a forward-facing position to facilitate optimal recording of contacts and incidents.
- (d) Metadata is the labeling or tagging of the incident data (such as law enforcement case number, another government entity case number, crime code, or other descriptors to assist with identifying recording segments). Members shall attach or insert the metadata relevant to each recording segment as soon as practicable.
- (e) Member shall place the BWC into the charging cradle at the conclusion of their shift to recharge and upload BWC data files to the Evidence.com system. If needed and if practicable, employees should also recharge and upload data during their shift to ensure storage capacity and battery life is not exceeded.

Employees shall use only BWCs issued by the Department. The use of personal video recording devices by employees in the performance of their duties is prohibited. The BWC equipment and all data, images, video, and metadata captured, recorded or otherwise produced by the equipment are the sole property of the Department. See PC §832.18(b)(8).

Buena Park Police Department

Buena Park PD Policy Manual

Body-Worn Cameras

435.3.3 SWORN NON-UNIFORMED PERSONNEL EXCEPTIONS

Any sworn officer assigned to a non-uniformed position may carry and activate a BWC at any time the member believes such a device may be beneficial to the situation.

All non-uniformed sworn officers who are executing planned enforcement activities such as serving a search or arrest warrant or parole/probation searches shall be equipped with a BWC.

Non-uniformed officers shall be responsible for tagging and uploading their digital recordings in the same manner as described above for uniformed officers.

Field training officers who are wearing civilian clothing during the final "ghost ride" phase of training are not required to wear a BWC, but may do so if they wish. However, they are still responsible for ensuring their assigned trainee adheres to this policy.

435.4 BWC USE

The following guidelines apply to the use of BWCs:

- (a) Only department-issued BWCs should be used. Members are prohibited from using any other BWC without the express consent of the Chief of Police or the authorized designee.
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
- (c) The use of department-issued BWCs shall be strictly limited to department-related activities (Penal Code § 832.18).
- (d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

When an employee faces an unexpected or sudden incident that prevents the activation of his/her digital media device, the employee shall document the reasons for not activating their BWC in any related report or memorandum directed up their chain of command. At no time should an employee jeopardize his/her safety to activate his/her digital media device.

435.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) 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).
- (b) 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.
- (c) Conversations of other members without their knowledge.

Buena Park Police Department

Buena Park PD Policy Manual

Body-Worn Cameras

- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.
- (f) Interactions with undercover officers or confidential informants.
- (g) Strip searches.

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

Penal Code §632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential. However, Penal Code §633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

435.5 ACTIVATION OF BWC

Members should activate their BWC during all calls for service and the performance of law 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 law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

While in the field, members equipped with a BWC shall have the device powered on at all times unless directed otherwise by the member's supervisor or on-duty watch commander. This will ensure that if an incident occurs in which the BWC is activated, there is a possibility of capturing pre-event video of what led up to the activation.

In the absence of exigent circumstances, members equipped with a BWC shall activate the device at the time of dispatch or as soon as practicable in the following situations:

- (a) Vehicle stops
- (b) Pedestrian checks
- (c) Foot pursuits
- (d) Searching
- (e) Arrests
- (f) Uses of force
- (g) Witness and victim interviews (except as specified below)
- (h) Any other law enforcement activity where a video recording would assist with documenting an investigation or any other situation that has the potential to generate a citizen complaint or lead to civil litigation or criminal court proceedings.

Members shall use good judgment and discretion when activating the BWC in such instances.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. If a member

Buena Park Police Department

Buena Park PD Policy Manual

Body-Worn Cameras

is granted permission to stop recording, the member shall state audibly the reason why he/she is turning off the BWC prior to doing so. The advisement should be clear enough so the BWC captures the audio.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

In the event the member is unable to activate his/her BWC as directed above, or in any instance during which an employee determines a BWC cannot or should not be used, the member shall report the circumstance to a supervisor as soon as practical, and document the reason the BWC was not used in any applicable report or memorandum directed up their chain of command.

435.5.1 TRANSPORTING ARRESTEES

Officers assigned to transport arrestees shall continue to record their contact until the arrestee has been successfully transferred to the jail staff.

435.5.2 NOTICE OF RECORDING

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

435.5.3 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., 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 deactivate their BWC:

- (a) To protect the privacy of a victim or witness.
- (b) When an individual wishes to provide information anonymously.
- (c) To avoid recording a confidential informant or undercover officer.
- (d) When discussing case tactics or strategy.
- (e) During private conversations with other members or emergency responders.

Employees are prohibited from muting audio. If there is a need to mute audio post-recording, the employee will notify their chain of command for permission.

Before deactivating their BWC, 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 reactivate their BWC and verbally note that recording has resumed.

Buena Park Police Department

Buena Park PD Policy Manual

Body-Worn Cameras

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor, or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

435.5.4 UNINTENDED/ACCIDENTAL RECORDINGS

In the event any member inadvertently records anything with the BWC that is not evidentiary in nature or not part of an enforcement incident, the member may request the deletion of the video. Examples of this include the member using the restroom, entering the locker room, or accessing other areas with an expectation of privacy unrelated to an official investigation or incident.

The process to request such a deletion shall be the following:

- (a) Submit a memorandum containing the date and time of the recording and the circumstances of the inadvertent recording through the member's chain of command.
- (b) The member's lieutenant in their chain of command shall review the video to decide if the recording was accidental and contains no evidentiary value before determining the necessity of the deletion.
- (c) If the video depicts private images involving the opposite sex of the member's lieutenant in his/her chain-of-command, then the highest-ranking official of the same sex shall review the video and advise the member's lieutenant in his/her chain-of-command whether the video is suitable for deletion.
- (d) Once the administrative review of the video is completed, the member's lieutenant in his/her chain-of-command shall forward the memorandum to the Chief of Police with a recommendation to either retain or delete the video in question.
- (e) The Chief of Police will have the ultimate authority for the retention or deletion of the video.

435.5.5 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only authorized personnel by the Chief of Police or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

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

435.5.6 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Buena Park Police Department

Buena Park PD Policy Manual

Body-Worn Cameras

Every report prepared by a member who is issued a BWC should indicate whether the BWC was activated during the incident, and should document:

- (a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- (b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC 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 BWC and the reason for such action.

435.6 DOWNLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly downloaded and tagged before the end of their shift. BWC 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 BWC for each member present and download and tag the BWC media if the storage system does not have automatic downloading capacity (Penal Code § 832.18).

435.6.1 TAGGING BWC MEDIA

Current Axon software utilizes an "auto tag" feature, which should classify completed recorded events as one of pre-identified "Type of Incident" categories outlined in this policy. However, members using the BWC shall routinely ensure the nature of the recorded event is classified properly by the end of their shift so it can be retained according to the appropriated retention schedule for recorded incidents. Officers shall ensure events are tagged with correct TYPE OF INCIDENT and INCIDENT NUMBER.

If a member records an incident that is later classified as privileged or confidential under the Evidence Code, it is the member's responsibility to ensure the incident is properly tagged as confidential/restricted to prevent erroneous release during court proceedings, discovery requests, or Public Records Act requests.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly downloaded and tagged by their subordinates.

435.7 BWC MEDIA

All BWC 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 BWC media.

All BWC 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.

Buena Park Police Department

Buena Park PD Policy Manual

Body-Worn Cameras

Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC 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 BWC 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).

435.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

- (a) BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
- (b) Members may review their own BWC media for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report.
- (c) An authorized Department member participating in an official investigation, such as a personnel complaint, administrative investigation, or a criminal investigation, may review related recordings.
- (d) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
- (e) A field training officer (FTO) may use BWC recordings in the review, evaluation, or remediation of the performance of any trainee.
- (f) Supervisors are permitted to access and view BWC media of their subordinates.
 1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
 2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually 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 BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
 3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.
- (g) The Training Sergeant is permitted to access and view BWC media for training purposes.

Buena Park Police Department

Buena Park PD Policy Manual

Body-Worn Cameras

1. The Training Committee members may review BWC media as part of their review to identify training needs.
 2. The Training Sergeant may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Sergeant 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 BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.
- (h) The Records Supervisor may access BWC media when necessary to conduct department-related duties.
- (i) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

435.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC 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:

- (a) A private residence.
- (b) A facility that offers health care, mental health or substance abuse treatment, or social services.
- (c) A school building.
- (d) Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Records Supervisor should review BWC media before public release.

435.7.3 BWC MEDIA RESTRICTIONS

Members shall not review, access, use, release, obtain, or convert any recordings obtained during the course and scope of their duties for personal use. The following are specifically prohibited:

- (a) Making personal copies of official recordings
- (b) Re-recording of videos with personal devices
- (c) Posting official video and/or audio to any non-department sponsored social networking or website
- (d) Posting recordings on any Department-sponsored website without express permission from the Chief of Police or his/her designee (any video posted on a department-sponsored social media or other website will thereafter be considered public information)
- (e) Taking any action that would result in altering or deleting the content of any recording, except as expressly authorized in this policy

Buena Park Police Department

Buena Park PD Policy Manual

Body-Worn Cameras

Penal Code §141 makes it a felony for any police officer or professional staff to knowingly, willfully, intentionally, and/or wrongfully alter or modify any digital image or recording with the intent to cause any person to be charged with a crime. Violation(s) shall result in departmental disciplinary action.

435.8 RETENTION OF BWC MEDIA

BWC recordings will be uploaded automatically via secure access points at the Police Department. Video files will be retained according to the following retention schedule:

Non-evidence	1 year
Citizen Contact-No Enforcement-Report Taken	2 years
Arrest - Felony	5 years
Arrest - Misdemeanor	2 years
Use of Force	5 years
Formal/Informal Complaint Against Employee or Agency	5 years
Critical Incidents (OIS, In-custody Death)	Permanent
Homicide	Permanent
Records/Logs of Access and Deletion of Data	Permanent

435.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established department procedures. Evidentiary BWC 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 Policy).

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

- (a) The recording is of an incident involving the use of force by an officer or an officer-involved shooting.
- (b) The recording is of an incident that leads to the detention or arrest of an individual.
- (c) The recording is relevant to a formal or informal complaint against a member of the Buena Park Police Department.

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 Training Sergeant should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

- (a) Proper use of the BWC device and accessories.

Buena Park Police Department

Buena Park PD Policy Manual

Body-Worn Cameras

- (b) When BWC activation is required, permitted, and prohibited.
- (c) How to respond to an individual's request to stop recording.
- (d) Proper use of the BWC media systems, including downloading and tagging procedures.
- (e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

435.10 ANNUAL PROGRAM REVIEW

The Training Sergeant should complete an annual administrative review of the BWC program and provide it to the Chief of Police for review.