

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
2	07/26/2017	10/03/2024	10/03/2026

## **BUENA PARK POLICE DEPARTMENT GENERAL ORDERS**

### **POLICY 447      DIGITAL MEDIA DEVICES (BODY-WORN CAMERAS)**

#### **447.1                      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 certain 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 than the events recalled by the involved employee. Video has a limited field of view and may not capture events normally 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.

##### **447.1.1                      ACCREDITATION STANDARDS**

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

#### **447.2                      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.

#### **447.3                      COORDINATOR**

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
2	07/26/2017	10/03/2024	10/03/2026

## BUENA PARK POLICE DEPARTMENT GENERAL ORDERS

---

- video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

### **447.4 BASIC OPERATION OF BWC**

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

- a) Each employee assigned a BWC shall use the equipment with care to ensure proper functionality. Employees 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 employee 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 employee shall ensure there is no previously recorded data on the BWC at the beginning of the employee's shift.
- c) Employees 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). Employees shall attach or insert the metadata relevant to each recording segment as soon as practicable.
- e) Employees 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).

### **447.5 ACTIVATION OF THE DIGITAL MEDIA DEVICE**

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.

Personnel assigned a department-issued BWC shall be familiar with the activation and operation

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
2	07/26/2017	10/03/2024	10/03/2026

## BUENA PARK POLICE DEPARTMENT GENERAL ORDERS

---

of the camera.

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

This policy is not intended to describe every possible situation where a BWC device should be used. There are many situations where the use of a BWC is appropriate. In addition to the situations listed below, employees may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident for legitimate law enforcement purposes. In the absence of exigent circumstances, employees equipped with a BWC shall, activate the device, at time of dispatch, or as soon as practicable, in the following situations:

- a) Vehicle stops
- b) Pedestrian contacts
- 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. Employees shall use good judgment and discretion when activating the BWC in such instances.

If an employee is equipped with a BWC, it shall be the primary digital media device used.

In the event the employee 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 employee 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.

Once the BWC is activated, it must remain in the record mode and shall not be shut off until the conclusion of the incident. For the purpose of this section, the conclusion of an incident has occurred when all suspects are in police custody, all involved parties are interviewed (i.e. victims, witnesses, arrestees, etc.), and/or the situation has become static.

Employee's assigned to transport arrestees shall continue to record their contact until the arrestee has been successfully transferred to the custody staff.

The body-worn camera shall not serve as a substitute for written reports in accordance with BPPD Policy §344, Report Preparation.

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
2	07/26/2017	10/03/2024	10/03/2026

## **BUENA PARK POLICE DEPARTMENT GENERAL ORDERS**

---

### **447.6                      ACTIVATION NOT PERMITTED**

Activation of the BWC is not permitted when exchanging information with other employees, during breaks or lunch periods, when not in service, or when not actively on patrol. However, if during these aforementioned activities circumstances necessitate police intervention, the BWC shall be activated.

The BWC shall not be used to record non-work-related activity and shall not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms. No employee of this Department may surreptitiously record a conversation of any other employee of this Department without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code §3303(g).

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 in order to activate his/her digital media device.

If an employee is granted permission to stop recording, the employee 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.

Employees working undercover or detectives conducting follow-up interviews may use discretion as to when to record conversations with the use of a BWC or DAR.

### **447.7                      UNINTENDED OR ACCIDENTAL RECORDINGS**

In the event any employee inadvertently records anything with the BWC that is not evidentiary in nature or not part of an enforcement incident, the employee may request the deletion of the video. Examples of this would be the employee using the restroom, going into the locker room, or entering some other area with an expectation of privacy not related 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 employee's chain of command.
- b) The employee's lieutenant in his/her 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 employee's lieutenant in his/her chain-of-command, then the highest-ranking official of the same sex shall review the video and advise the employee'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 employee's lieutenant in his/her chain-of-command shall forward the memorandum to the Chief of Police with a

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
2	07/26/2017	10/03/2024	10/03/2026

## BUENA PARK POLICE DEPARTMENT GENERAL ORDERS

---

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.

### **447.8 RECORDING CONVERSATIONS**

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

- a) Any employee contacting an individual suspected of violating any law or during the course of any official law enforcement-related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.
- b) It shall be presumed that any individual contacted by uniformed employees or investigations personnel who are wearing a conspicuously mounted BWC will have knowledge that such a contact is being recorded.
- c) 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.
- d) 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).

### **447.9 NON-UNIFORMED SWORN PERSONNEL RESPONSIBILITIES**

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

All non-uniformed sworn employees 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 employees 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.

### **447.10 DIGITAL MEDIA DEVICE RECORDINGS AS EVIDENCE**

BWC recordings will be uploaded to the Evidence.com database. Evidence.com is a third-party data storage entity that meets all the requirements of Penal Code §832.18(b) (7). If a copy of a recording is needed for evidentiary purposes, a request for a copy of the video will be made through

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
2	07/26/2017	10/03/2024	10/03/2026

## BUENA PARK POLICE DEPARTMENT GENERAL ORDERS

---

the custodian of records, or his/her designee.

Videos placed into evidence shall be retained in accordance with the retention period specified in §447.12.

### **447.10.1 NON-CRIMINAL MATTERS**

The employee shall activate the BWC any time he/she reasonably believes a recorded contact may be of benefit in a non-criminal matter, and upload the contact per this policy. Examples of such incidents include, but are not limited to, incidents that may subject the city to litigation, fires, natural disasters, etc. The employee shall notify a supervisor or Watch Commander of the existence of the recording as soon as practicable. The employee will also label the recording with metadata, such as an event or call number.

### **447.11 VIEWING AND COPYING BWC RECORDINGS**

The purpose of the BWC is to capture and preserve an objective record of law enforcement contacts and activities. All data for this system, including video that is stored on the digital storage system, shall be treated with the utmost security and confidentiality. All access to the system is logged and subject to audit at any time by the Chief of Police or a specified designee. Access to the data from the BWC system is permitted on a right-to-know, need-to-know basis.

- a) The Chief of Police has the discretion to prohibit or allow the review of any recordings by Department employees if it is determined, at the Chief's sole discretion, that it is in the best interest of the Department or the City.
- b) A BWC may record an incident involving a Department employee that results in injury, bodily harm, death, or involves the use of force. If the Department will interview the employee pursuant to an investigation related to this event, the employee and/or his/her attorney will be afforded an opportunity to review the video of the incident either (a) prior to the interview, or (b) following the interview, whichever the employee elects.
- c) If the employee elects to view the video after being interviewed, the employee shall be afforded the opportunity to review the video immediately after providing his/her statement regarding the underlying incident and be given an opportunity to offer a supplemental statement.

Unless prohibited by applicable law, the following personnel may review recorded files in any of the following situations:

- a) Employees should review their own digital recordings to assist with their investigations prior to the completion of their reports. Report writers shall summarize and document recorded statements within the narrative of the applicable report.
- b) A supervisor investigating an allegation of misconduct may review related BWC recordings.
- c) An authorized Department employee participating in an official investigation, such as a personnel complaint, administrative investigation, or a criminal investigation, may review related recordings.
- d) The Chief of Police, or his/her designee, may review and, if necessary, release to other

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
2	07/26/2017	10/03/2024	10/03/2026

## BUENA PARK POLICE DEPARTMENT GENERAL ORDERS

parties copies of audio and video captured by a BWC during the course of a personnel investigation, based on an allegation of misconduct or in the course of a criminal investigation involving a Department employee. Nothing herein shall be construed as a waiver by any public safety officer to his/her rights under California Government Code §3303 (e), which, in part, prohibits the release of his/her photograph to the press or news media without his/her consent.

- e) A department employee may request to review his or her own recordings.
- f) A field training officer (FTO) or supervisor may use BWC recordings in the review, evaluation, or remediation of the performance of any trainee.
- g) By official discovery through a lawful process, or in accordance with the California Public Records Act, or with permission of the Chief of Police, or his/her designee. Nothing in this policy shall be construed as a waiver of any exemption to disclosure under the Public Records Act.
- h) Recordings may be shown for the purposes of training value. This shall not occur until the incident review and/or administrative investigation has been adjudicated. Recordings shall not be used or shown to ridicule or embarrass any department employee. If an involved employee objects to the showing of a recording, s/he will submit his/her objection to staff to determine if the employee's objection outweighs the training value.

Employees 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

Penal Code §141 makes it a felony for any police officer 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.

### 447.12 VIDEO MEDIA STORAGE AND RETENTION

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

Category	Retention / Duration
Non-evidence	1 year

CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
2	07/26/2017	10/03/2024	10/03/2026

## BUENA PARK POLICE DEPARTMENT GENERAL ORDERS

---

Detention / arrest	2 years minimum plus disposition of criminal case
Use of force	5 years
Formal or informal complaint against employee or agency	5 years
Critical incidents (OIS, in-custody death)	Permanent
Homicide	Permanent
Records or logs of access and deletion of data	Permanent

### **447.13                      RELEASING OF DIGITAL MEDIA**

Pursuant to a criminal filing and pre-trial discovery, the custodian of records or his/her designee may release all copies of video or audio captured by a BWC device that have been retained for evidentiary purposes in a criminal investigation. A record sufficient to establish and document the chain of custody of the recording will be made for any copy released.

There may be a situation in which the Department desires to release digital media in the interest of public safety, accountability, or transparency. Any release of digital media not otherwise covered in this policy may be done at the discretion of the Chief of Police or his/her designee.

### **447.14                      AUDITING**

Supervisors or managers shall conduct random audits of BWC video to ensure police-related incidents are being recorded in accordance with this policy. The random audits shall occur during each of the three shift-change deployments. Each unit/shift lieutenant or their designated supervisor shall select two BWC recordings for each employee assigned a BWC and document the associated case numbers on an audit log. BWC inspections shall also be documented on "line inspection memorandums" submitted during each shift-change deployment. The Operations Division Commander and Support Services Division Commander will review the documentation as needed.

### **447.15                      PROGRAM ADMINISTRATOR**

The department shall designate a program administrator who has oversight responsibilities including, but not limited to:

- a) Document system malfunctions as well as equipment failures related to the BWC device.
- b) Properly train administrative staff regarding the use, retention, and confidentiality of video records.
- c) Maintain digital video files and equipment in a secure and confidential environment and



CATEGORY	DATE ADOPTED	LAST REVIEW	NEXT REVIEW
2	07/26/2017	10/03/2024	10/03/2026

## **BUENA PARK POLICE DEPARTMENT GENERAL ORDERS**

---

release only in accordance with this policy and applicable federal, state, local statutes and other applicable laws.

- d) Issue BWC devices and provide BWC training and instruction on use and operation of the BWC.
- e) Provide recommendations on additional policy development and equipment integrity.