

## **Body Worn Cameras**

### **10.11.01 PURPOSE**

The purpose of this order is to establish the procedures governing the San Francisco Police Department's (Department) Body Worn Camera (BWC) policy. BWC is an effective tool the Department uses to demonstrate its commitment to transparency, to ensure the accountability of its members, to increase the public's trust in officers, and to fairly and objectively adjudicate complaints of misconduct. The Department is also committed to using BWC as the footage is important in investigations, litigation, and for training purposes.

While recordings obtained from a BWC provide an objective record of the recorded events, it is understood that video recordings captured by a BWC (or any other recording device) provide a limited perspective and do not necessarily reflect the experience or state of mind of the individual member wearing the BWC in a given incident.

The Department's goal is to publicly release BWC recordings to the greatest extent permitted by law unless disclosure would endanger the safety of a witness or another person involved in the investigation, jeopardize the successful completion of an investigation, or violate local, state and/or federal laws, including but not limited to, the right of privacy.

### **10.11.02 DEFINITIONS**

- A. Off Position** – When powered off, the camera cannot record audio or video.
- B. Buffering Mode** – When BWC is powered on and display says “ready”. This is the mode between activation and deactivation. In Buffering Mode, the BWC captures video but not audio. The video is not stored in permanent memory until BWC activation.
- C. Activate** – When members start the audio and video recording functions by double tapping the event button.
- D. Deactivate** – When members stop the audio and video recording functions by holding the event button until there is a single beep.

### **10.11.03 POLICY**

The Department shall issue BWCs to all members, including at the Airport Bureau. Members assigned a BWC are required to wear and utilize the BWC consistent with this policy.

#### **10.11.04 MEMBER RESPONSIBILITIES**

- A. All members are required to wear and use their BWCs while in uniform, except as described below in 10.11.04 (F).
- B. Members shall ensure their assigned BWC is properly functioning at the beginning of each shift.
- C. The BWC shall be secured to the member's uniform, above the beltline, on the front of the member's chest, and to the outermost garment (such as an external jacket, an external vest carrier, or exterior armor) to promote the camera's ability to clearly record video and audio. The BWC may be temporarily moved from the mounted position to facilitate recording during any mandatory activation incident.
- D. Members are responsible for the care and maintenance of the BWC they are issued.
- E. Tracking maintenance, issuance, and replacement of BWC is the responsibility of the Technology Division.
  - 1. When a member discovers their BWC is broken, damaged, lost, or otherwise unavailable for use, the member shall notify their supervisor and the Technology Division and complete the necessary memorandum regarding damaged/lost equipment.
  - 2. Command Staff members have the option to notify the Technology Division directly.
- F. **Exceptions to Wearing a BWC**
  - 1. When in Class "A" or "AA" uniform, attending a formal event unless otherwise directed.
  - 2. Any member responding to a suspicious package or potential Explosive Ordnance Disposal (EOD) situation for the entirety of the incident shall power off and remove their BWC (secure in vehicle trunk per DGO 10.02).
  - 3. When engaged in training.
  - 4. When a uniformed member's primary duties are administrative, unless outside in public.
  - 5. Non-uniformed, plainclothes, and undercover officers' use of BWC shall be governed by Department General Order 5.08, *Plainclothes, Non-Uniformed, and Undercover Officers*.

#### **10.11.05 ACTIVATION OF BODY WORN CAMERAS**

- A. Members must ensure the BWC is powered on and in Buffering Mode after leaving a police, detention, or medical facility.
- B. Except as described in subsection 10.11.04 (F), all members dispatched or actively participating during any of the below-listed incidents shall activate their BWC. Unless exigent circumstances exist, activation must occur as outlined below:

Activation Timing	Incident / Situation
<b>Upon arriving on scene or upon making contact</b>	Response to any call for service
	In-person warrant services
<b>Immediately before initiating or actively participating in the activity/action</b>	Searches of persons, structures, or vehicles
	Transportation of detainees/arrestees
	Traffic or pedestrian stop
	Detention or arrest
	5150 Evaluations
	All pursuits
	Code 3 vehicle operation (see DGO 5.05)
	Use of force
	Issuing parking citations when a driver is present
	Issuing parking citations to or taking enforcement action on driverless/Autonomous Vehicles (AV)
<b>When a qualifying incident arises during an existing contact</b>	Consensual encounter where a person is believed to have knowledge of criminal activity, or any encounter that turns criminal or becomes violent
	Sobriety checkpoint screening results in further investigation
	At a public assembly: when a mandatory activation incident occurs or when directed by the Event Commander
	Mandatory activation incident or safety risk in a medical, psychiatric, detention, or jail facility or during psychological evaluations

Members shall also activate their BWC in any situation where they believe recording would likely be valuable for evidentiary purposes.

**C. Captain and Command Staff Activations**

1. If responding to or initiating enforcement action.
2. When issuing commands while on scene during an active incident.

**D.** Members do not need consent from the public to record when the member is lawfully in the area. Members are not required to activate or deactivate a BWC upon the request of a

member of the public. Members shall not play back BWC recordings for members of the public.

### **10.11.06 DEACTIVATION GUIDELINES**

A. The BWC *may* be deactivated in the following circumstances:

1. Upon the member's completion of an incident.
2. In district stations, unless a mandatory activation incident occurs.
3. When on a perimeter post or static post of an initial incident or that is actively part of an investigation.
4. While the member is on break or is otherwise not actively performing law enforcement functions (e.g., while eating meals, restroom breaks, when in service, but not on a call, etc.).
5. Routine contact with a member of the public (e.g., a person asking for directions).
6. During certain Major or Critical Incidents, when discussing sensitive tactical information away from members of the public.
7. When expressly directed by authorized personnel from the United States Secret Service or any other entity with a valid legal basis for recording prohibitions, such as matters of national security, or Dignitary protection.

B. The BWC shall be deactivated or powered off, unless a mandatory activation incident spontaneously occurs:

1. During Department briefings, meetings, roll calls, and command briefings.
2. During compelled statements such as public safety statements, and administrative interviews (e.g., Internal Affairs (IA) or Department of Police Accountability (DPA)-related interviews).
3. While in any magistrate's or judge's office, or any courtroom.
4. When directed by a supervisor, members shall document the supervisor's order and reason in an incident report and/or CAD update.
5. During strip searches.
6. In private areas of police facilities (e.g. locker rooms) and areas of police facilities that would compromise security and confidentiality.
7. While asking screening questions of drivers at a sobriety checkpoint.

### **10.11.07 USE OF BODY WORN CAMERA TO COMPLY WITH RECORDKEEPING & REPORTING REQUIREMENTS**

San Francisco Administrative Code section 96I.2 states: "Officers shall be authorized to comply with recordkeeping and reporting requirements through the use of technologies such as body-worn cameras." Instances where members may use BWCs as an alternative to written documentation will be identified in applicable Departmental written directives.

### 10.11.08 UPLOADING AND DOCUMENTATION

- A. Members shall upload all BWC footage prior to the end of their shift. Members who meet one of the following exceptions must begin uploading all BWC footage at the start of their next scheduled shift:
1. The member is on any assignment outside of their home station and does not go back to their home station at the end of shift (e.g., 10B, EWW, squad deployment).
  2. The member has a take-home car and does not go back to their home station at the end of shift.
  3. The member is assigned or deployed to a specialized unit and may be required to respond to incidents, training, spontaneous events, or other assignments outside their regular duties.
  4. A supervisor has approved an alternative schedule or extension of time to upload. The supervisor shall document reason for approval.

For critical incidents, see 10.11.11 regarding supervisory responsibilities for BWC collection and upload.

- B. Auto-Tagging and Labeling** – The Department uses Auto-Tagging to categorize and label BWC by filling in CAD, Case # and retention period.

Members shall review the auto-tagging for accuracy and correct when necessary to ensure the following is included:

1. The title of the video may contain either the incident report number, or CAD number, or citation number, in addition to a brief description for the incident.
2. The category of the video shall indicate the type of incident.

### C. Deviations

1. If there were delays in activation, no activation, or early deactivation, members should note in an incident report, statement or CAD, including the reasons and approvals and any orders given during deactivation, if applicable.
2. If the BWC is accidentally activated or inadvertently captures an unintended recording, a member may submit a memorandum through the chain of command with the date, time, and summary of the accidental/unintended recording. The memorandum will be forwarded to the Commanding Officer of the Risk Management Office (RMO) for evaluation and appropriate action.

### 10.11.09 REVIEW OF BODY WORN CAMERA RECORDINGS

- A. Members are authorized to review BWC recordings for legitimate investigatory or administrative purposes, such as preparing an incident report, conducting follow-up investigations, testifying in court or other proceeding, or for any other official law

enforcement use, or as directed by the Chief of Police, except for Covered Incident investigations as described below.

**B. Covered Incident Investigations** – Covered incidents are criminally investigated by outside agencies, such as the San Francisco District Attorney’s Office or the California Department of Justice.

1. **Criminal Investigations** – Members involved in or witness to a Covered Incident may not view any BWC recording unless first authorized by the assigned criminal investigator. This restriction does not apply to recordings that have been publicly released.
2. **Administrative Investigations** – Administrative investigators shall not show BWC recordings to involved or witness members unless (1) the criminal investigation has concluded; or (2) the criminal investigator has consented to sharing the footage.

Involved members who have not already seen their BWC recording during the criminal investigation shall be required to give an initial interview prior to viewing their recording in the administrative investigation. After providing an initial interview to the satisfaction of the assigned administrative investigator, the member shall have an opportunity to view their own BWC recording(s) depicting the incident.

#### **10.11.10 OWNERSHIP AND DISTRIBUTION**

**A.** All recordings made using BWCs are the property of SFPD and are subject to Departmental policies and applicable laws regarding viewing, release, retention, and destruction.

Recordings will not be released or disseminated to the public without the express written consent of the Chief of Police or their authorized designee or unless otherwise expressly required by federal, state, or local law. Members shall not:

1. Edit, alter, erase, duplicate, copy, record on a device such as a cell phone camera or secondary video camera.
2. Distribute BWC recordings without proper authorization from the Chief of Police or designee, including posting recordings on social media.
3. Access, copy, release, or share BWC data on any computer or device not controlled or provided by the SFPD.

**B.** When requested by the DPA, members of the Legal Division, as the Chief’s designee for this purpose, shall provide the BWC recordings consistent with applicable laws, and MOUs.

**C.** This section does not apply to sharing BWC footage internally or with other law enforcement agencies (i.e., BOLO, Identification requests, etc.).

### **10.11.11 SUPERVISOR RESPONSIBILITIES**

- A.** Supervisors will ensure that members assigned a BWC utilize them in accordance with policy and procedure. When a supervisor recognizes that a member is utilizing a BWC outside of policy, the supervisor shall take corrective action.
- B.** Supervisors will ensure that member videos related to critical incidents are uploaded and tagged for retention as soon as practical.
- C.** A supervisor shall take possession of a member's BWC under the following circumstances:
  - 1. The member is a potential or confirmed subject or witness to a Covered Incident.
  - 2. The member is the subject of a criminal investigation.
- D.** When a supervisor seizes a member's BWC, it is not the duty of the supervisor, but the duty of the investigative unit assigned to the covered incident or criminal investigation to upload and title relevant recordings on the seized BWC.
- E.** Supervisors may review a member's BWC recordings under the following circumstances:
  - 1. When performing supervisory duties.
  - 2. To ensure that a member's BWC functions properly.
  - 3. Training (e.g., FTO, Return to Duty).
- F.** Supervisors may not review a member's BWC footage for the purpose of retaliation or unfair targeting.

### **10.11.12 RETENTION**

- A.** RMO is the BWC program administrator. For details, see RMO Unit Order 26-XX.
- B.** Consistent with Penal Code Section 832.18, the Department shall retain all BWC non-evidentiary recordings for a minimum of sixty (60) days, except for accidental recordings, after which recordings may be erased, destroyed, or recycled.
  - 1. The Department shall retain evidentiary BWC recordings for a minimum of two (2) years if:
    - a. The recording is of an incident involving a member's use of force (including reportable and non-reportable uses of force) or officer-involved shooting; or
    - b. The recording is of an incident that leads to the detention or arrest of an individual; or
    - c. The recording is relevant to a formal or informal complaint against a member of the Department.

2. A BWC recording may be saved indefinitely as part of a specific case if deemed relevant to a criminal, civil, or administrative matter.
3. As the BWC program administrator, RMO is authorized to delete BWC recordings in accordance with this DGO.

### **10.11.13 AIRPORT BUREAU**

Airport Bureau members shall comply with this DGO. The Chief's authorization, in accordance with 10.11.10(A), shall be designated through any executed Memorandum of Understanding between the Department and agencies working at, through, or for the Airport. All Airport Bureau members, including those temporarily assigned to the Airport, shall review Airport Bureau Order 26-XX, which outlines the procedures specific to Airport facilities.

EXPEDITED PROPOSAL