

## Body Worn Cameras

### 10.11.01 PURPOSE

~~The purpose of this General Order is to establish the policies and procedures governing the San Francisco Police Department's ("Department's") Body Worn Camera ("BWC") program. BWC is an effective tool the Department uses to demonstrate its commitment to transparency, to ensure the accountability of its members, increase the public's trust in officers, and protect its members from unjustified complaints of misconduct. The Department is also committed to using BWC because the footage is important in investigations, litigation, and for training purposes. This Department General Order instructs officers on when and how to use body worn cameras ("BWCs") so that they may reliably record investigations and enforcement activity. The use of BWC's promotes professionalism, accountability, and transparency by documenting the San Francisco Police Department's ("SFPD") interactions with the public and the performance of SFPD's members.~~

### 10.11.02 POLICY

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~~Department members assigned a body-worn camera (BWC) are required to wear and utilize the BWC consistent with this policy. Members will prior to the assignment of and deployment with a BWC, be trained on the use of the BWC equipment and this policy. Sworn members shall receive training on the use and operation of BWC's prior to their issuance. Additional training shall be provided at periodic intervals to ensure the continued effective use and to incorporate changes, updates, or other revisions in policies and equipment.~~

~~SFPD will utilize BWCs in a manner that will assist in criminal investigations and prosecutions as well as civil litigation, by providing an accurate and unbiased recording of the incident that may supplement a member's report and help document conduct, investigations, and enforcement activity.~~

~~This order is not intended to describe every possible circumstance. It is understood that not all situations will clearly start out as necessitating documentation by the BWC nor will all recorded events have a clear ending when the BWC is no longer required. Officers are expected to follow departmental policy and procedure, utilizing ethical and legal discretion as well as good judgment when activating and deactivating the BWC.~~

~~The Department recognizes that BWC images have a limited field of view. Video recordings captured by a BWC 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.~~

### 10.11.03 DEFINITIONS

~~A. Buffering Mode - When in the On Position, but not activated. In Buffering Mode, the BWC captures video but not audio. The video is not stored in permanent memory until BWC activation.~~

~~A. On Position - When the on/off button of the camera has been pressed and placed into Buffering Mode allowing the camera to capture the previous 30 seconds of video.~~

B. Off Position - When the on/off button of the camera has been pressed to stop Buffering Mode. When off, the BWC cannot record audio or video.

~~C. Buffering Mode - When in the On Position, but not activated. In Buffering Mode, the BWC captures video but not audio. The video is not stored in permanent memory until BWC activation.~~

~~D.C.~~ D.C. Activate - Triggering the BWC by touch or any other method, which initiates the audio and video recording functions.

~~E.D.~~ E.D. De-Activate - Discontinuing audio and video recording and returning the camera to a buffering mode in the on position.

~~F.E.~~ F.E. Incident - Any activity that is in furtherance of a law enforcement goal or investigation. These include, but are not limited to, traffic stops, pedestrian stops, calls for service, follow-up investigations, interviews, searches, crowd control incidents, protests, and arrests.

~~G.F.~~ G.F. Stabilize - When a member has completed their part of the incident and there is little possibility that the member will have further involvement of evidentiary value.

~~H.G.~~ H.G. Member - A sworn employee of the San Francisco Police Department.

#### 10.11.04 OFFICER RESPONSIBILITIES

- A. All uniformed members issued a BWC are required to wear and use their BWCs while in uniform, except as described below. Sworn members holding the ranks of officer, sergeant, or lieutenant shall be issued BWCs. Captains and superior ranks shall not be issued a BWC and shall return any issued BWC to the Department upon promotion.
- B. Members shall ensure their assigned BWC is fully charged and 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) ~~in a manner to promote the ease of use of the camera as well as~~ the camera's ability to clearly record video and audio.
- ~~1. Members must still properly mount their BWC when wearing an external jacket, an external vest carrier, or exterior armor.~~
- ~~2.1. The BWC may be temporarily moved from the mounted position to facilitate recording in furtherance of a police objective. Upon completion of the objective, the BWC shall be returned to the mounted position.~~
- ~~3.2. Exemptions to the positioning placement of the BWC in accordance with this order may only be authorized by a Commander or above. Examples for exemptions may include, but are not limited to, Tactical, Explosive Ordnance Disposal (EOD), Honda, Traffic, and Mounted Patrol.~~
- D. ~~Sworn m~~Members assigned to "front desk" or station keeper duties, ~~whose duties include interaction with members of the public~~ are required to wear a BWC and are required to activate in accordance with SEC 10.11.05(A).
- E. Members are responsible for the reasonable care and maintenance of the BWC they are issued.
1. ~~If~~ When a member discovers their's BWC is broken, damaged, lost, or otherwise unavailable for use, the member shall notify their supervisor, ~~as soon as practical.~~
- a. As soon as practical, ~~the~~ supervisor shall issue a replacement BWC, which are available at each station.
- b. The member shall submit a memorandum documenting the need for a replacement.
2. Exceptions to wearing a BWC:
- a. When in Class "A" or "AA" uniform attending a formal event, unless a supervisor otherwise directs.
- b. When engaged in EOD duties.
- c. When engaged in training conducted within the Training Division.

- ~~e. When assigned to units whose primary duties are administrative and where they are required to wear a uniform. or investigative unless:~~
  - ~~i. The member anticipates participating in enforcement activity (e.g., serving an arrest warrant, executing a search warrant where a dynamic entry is needed to obtain evidence, etc.), or~~
  - ~~ii. The member is detailed to work a uniformed assignment where members of the public/police interaction is occurring, or is likely to occur (e.g., patrol, parade, baseball game, uniformed 10-B, etc.), or~~
  - ~~iii. The member is directed to wear the BWC by a supervisor.~~
- 3. Non-Uniformed Plainclothes officers' use of BWC shall be governed by Department General Order 5.08, ~~Non-Uniformed Officers~~.

### 10.11.05 ACTIVATION OF BODY WORN CAMERAS

- A. All members (not just the primary unit) dispatched, present, or otherwise participating in any of the below listed incidents must make a reasonable effort to activate their BWC:
  - 1. A response to any call for service, or activity with a potential to require law enforcement action.
  - 2. During any consensual encounter where the member has reason to believe that a member of the public may have knowledge of criminal activity as a suspect, witness or victim.
  - 3. Making or attempting to make a traffic or pedestrian stop.
  - 4. Making or attempting to make a detention or an arrest.
  - 5. During 5150 Evaluations
  - 6. During all pursuits
  - 7. During all uses of force
  - 8. When operating a vehicle in a Code 3 (emergency lights and siren activated) capacity as defined in DGO 5.05 Emergency Response and Pursuit Driving.
  - 9. Transporting a detainee/arrestee
  - 10. Searches of persons, structures, or vehicles, including warrant services.
  - 11. At the direction of the Event Commander during a public demonstration.
  - 12. Any time members determine it would be beneficial to capture a law enforcement incident or activity.
- B. There may be instances in which a member is required to take immediate action in response to an event which may not allow time to activate their BWC. In those situations, it may be impractical or unreasonable for members to activate their BWC before taking police action. It is expected that once the immediacy of the situation is over, members will activate their BWC system to record the remainder of the incident. Members shall articulate the reasoning for the delayed activation of their BWC in a report, statement, or other form of Department approved documentation.

- C. Once activated, the BWC shall not be de-activated unless the initial incident that caused the activation has stabilized or as ordered by a supervisor. If investigative or enforcement activity resumes, members shall re-activate their BWC and continue recording.
- D. Members do not need consent from members of the public prior to recording when the member is lawfully in the area where the recording takes place nor are they required to activate or deactivate a BWC upon the request of a member of the public. Members are not required to play back BWC recordings for members of the public.
- E. If the BWC was not activated during a required recording circumstance, the reason shall be documented in writing.
- F. 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.
- G. Members must ensure the BWC is ~~in the On Position and~~ in Buffering Mode after leaving a police, detention, or medical facility.

#### **10.11.06 DEACTIVATION AND EXCEPTIONS**

- A. The BWC may be deactivated in the following circumstances:
  1. Upon stabilization of an incident.
  2. When on a perimeter post or static post where they are not in contact with members of the public, involved in the initial incident, or actively part of the investigation. The BWC will be reactivated if a mandated recording circumstance occurs.
  3. While the member is on break or is otherwise not actively performing law enforcement functions (e.g., while eating meals, when in service, but not on a call, etc.)
  4. Routine, incidental contact with a member of the public (e.g., a person asking for directions)
  5. Members on a guard assignment at a police, medical, psychiatric, jail or detention facility. Members shall assess the circumstances (e.g., suspect's demeanor/ actions, spontaneous statements, etc.) of each assignment, on a continuing basis, to determine whether to discretionarily activate or de-activate their BWC.
  6. When respect for an individual's privacy or dignity outweighs the need to record an incident. Such circumstances may include natural death scenes, child or sexual assault victim interviews, and when the use of BWC would impede or limit the cooperation of a victim or witness.

7. Member to member training (e.g., when a Field Training Officer or Field Training Supervisor wishes to speak to a member enrolled in the Field Training Program about a training issue);

**B.** The BWC shall not be activated:

1. During department briefings, meetings, roll calls.
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, any courtroom, or correctional facility.
4. When directed by a supervisor
  - i. Supervisors who direct that recordings not occur/cease will direct members to document the supervisor's order 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.
  - i. Holding cells/Booking areas are not considered "private areas" for purposes of this policy.
7. For personal activities
8. Personnel or supervisor discussion that involve police tactics or strategy, provided that the strategy discussion is not conducted in the immediate presence of a member of the public, and further provided that the BWC equipped officer is not actively engaged in the collection of physical evidence (e.g., conducting a search).
9. During medical or psychological evaluations or treatment by a clinician or similar professional, while in a medical facility.

### **10.11.07 UPLOADING AND DOCUMENTATION**

**A.** Members shall begin uploading all media prior to the end of their shift; however, supervisors may approve other download schedules when appropriate.

1. Members on an outside assignment (e.g., 10B, squad deployment) are permitted to download all recorded evidence no later than during their next regularly assigned on-duty shift unless involved in a use of force, an arrest, or directed by a supervisor.

**B.** Members will ensure the data is categorized and titled with the following information:

1. The title of the video shall contain either the incident report number, 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.** Entering the information specified above in #2, shall be completed daily. Should conditions exist that prohibit completion during the member's shift, it shall be completed minimally by the end of the member's next regularly scheduled shift.
  - 1. During incidents that require a large-scale activation of the Department's members, (i.e. protest, natural disaster, etc.), the incident commander may approve delayed information entry, except in cases that require an investigative callout (e.g officer-involved shooting, in-custody death, or a criminal investigation of a member.) The Incident Commander shall document their orders in their After Action Report.
- D.** Members authoring incident reports or statements shall document their use of the BWC or ensure that it is documented by another member.
- E.** Members aware that there is no recording or there was a delay in recording are required to explain why in their report or statement.
  - 1. For incidents that do not result in incident reports, members will document the reasons therefore in a memorandum or in CAD.
- F.** Members not assigned to a call for service or incident but who capture video of the incident will attach themselves to the call and note that the incident was recorded in a CAD update.

### **10.11.08 REVIEW OF BWC 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 - Following any (1) officer-involved shooting; (2) in-custody death; or (3) serious bodily injury use of force investigation ("Covered Incident Investigation"), any subject officer shall be required to provide an initial statement before the member reviews their own BWC recording(s). Officers may not view any other member's BWC recording(s) or any other video(s) that may capture an officer-involved shooting, in-custody death, or serious bodily injury use of force investigation unless authorized by the lead investigator.
  - a. The initial statement by the subject officer shall briefly summarize the actions that the officer was engaged in, the actions that required the use of force, and the officer's response. The statement shall be distinct from the "public safety statement."
  - b. After providing an initial statement, the subject officer shall have an opportunity to review their own BWC recording(s) depicting the incident

(with their representative or attorney, if desired) prior to being subject to an interview.

c. Nothing herein is intended to limit the DPA role in these investigations.

- C. 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.
- D. 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.
- E. Members shall not:
  - 1. make copies of any recorded event for personal use.
  - 2. use a recording device such as a cell phone camera or secondary video camera to record a BWC file or image.
  - 3. post recordings on social media for personal use.
  - 4. edit, alter, erase, duplicate, copy, or otherwise distribute in any manner body worn camera recordings without proper authorization.
  - 5. Access, copy, release, or share BWC data on any computer or device not controlled or provided by the SFPD.
  - 6. Give or show copies of SFPD video files to anyone without a lawful right to know and need to know, unless authorized by the Chief of Police or their designee.
  - 7. Convert for their personal use or for the unauthorized use of another person, any information from Department video files or the confidential files of any other agency.

### **10.11.09 SUPERVISOR RESPONSIBILITIES**

- A. Supervisors shall ensure that members assigned a BWC utilize them in accordance with policy and procedure.
- B. Supervisors will ensure member videos related to critical incidents are uploaded and tagged for retention as soon as practical.
- C. A supervisor not actively involved in a critical incident shall take possession of a member's BWC under the following circumstances:
  - 1. The member is the subject or witness to an officer-involved shooting, in-custody death, or use of force resulting in a serious bodily injury investigation.
  - 2. The member is the subject of a criminal investigation.
  - 3. At the order of a superior officer.



- D.** When a supervisor seizes a member's BWC, the investigative unit assigned to the above incidents shall be responsible for uploading and titling relevant recordings on the seized BWC.
- E.** Supervisors may review a member's BWC recordings under the following circumstance:
  - 1. When conducting an administrative or criminal investigation or performing supervisory duties (e.g. injury report or use of force evaluation).
  - 2. To ensure that a member's BWC functions properly.
  - 3. Reviewing a member's professional conduct or performance.
    - a. Supervisors may not review an officer's BWC footage to search for violations of Department policy without cause.
    - b. Members shall not be subject to negative evaluation for the proper exercise of lawful discretion in enforcement matters.
  - 4. Training (e.g. FTO, Return to Duty)
    - a. Supervisors may select portions of relevant BWC recordings to train members in safety, de-escalation, empathy, proper police procedures, and legal doctrines.
  - 5. To mitigate and address citizen complaints when necessary.
    - a. In those circumstances where a complaint is resolved with no further action needed, the supervisor shall document their review in Evidence.com or CAD.

#### **10.11.10 ADMINISTRATIVE INFORMATION**

- A.** SFPD's goal is to release BWC recordings to the greatest extent possible 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.
- B.** Risk Management Office (RMO) is the BWC program administrator. The duties of the RMO include, but are not limited to:
  - 1. Granting security access to the computer server
  - 2. Monitoring retention timeframes as required by policy and law
  - 3. Complying with Public Record Act (PRA) requests and all court record requests
  - 4. Conducting periodic and random audits of BWC equipment and the computer server
  - 5. Conducting periodic and random audits of BWC recordings for members' compliance with the policy
  - 6. Maintaining a log of access, duplication, distribution, and deletion.
- C.** Tracking, maintenance, issuance, and replacement of BWC shall be the responsibility of the Technology Division.

- D.** When requested by the DPA, members of the Legal Division shall provide the BWC recordings consistent with the Police Commission's document protocol policy on DPA non-routine requests.
  
- E.** Consistent with state law, the Department shall retain all BWC recordings for a minimum of sixty (60) days, after which recordings may be erased, destroyed or recycled.
  - 1. The Department shall retain BWC recordings for a minimum of two (2) years if:
    - a. The recording is of an incident involving a member's use 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 or the Department.
  - 2. A BWC recording may be saved for indefinitely as part of a specific case if deemed relevant to a criminal, civil, or administrative matter.
  - 3. Members of the RMO are authorized to delete BWC recordings in accordance with the Department's established retention policies on BWC recordings or when directed by the Commanding Officer of the RMO.