7.8 LONG BEACH POLICE DEPARTMENT BODY WORN CAMERA (BWC) GUIDELINES

Revised June 2, 2016
The Patrol Bureau has audit responsibility.

7.8.1 PURPOSE

Revised June 2, 2016

This department procedure establishes guidelines for department members using body worn cameras (BWCs) and policy and procedures for preserving the digital media obtained from the BWCs during the pilot program.

As part of the BWC pilot program department stakeholders and the Long Beach Police Officers Association will meet no less than once per quarter. At the conclusion of the pilot program a debriefing will be conducted to evaluate the effectiveness of the program.

7.8.2 SCOPE

Revised June 2, 2016

The BWC Pilot Program will include the deployment of approximately 40 cameras for up to one year in the West Patrol Division on watch three. Officers will be randomly selected.

7.8.3 OBJECTIVES

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Cameras provide additional documentation of police/public encounters and may be an important tool for collecting evidence and maintaining the public's trust. However, video cannot always show the full story nor does it capture an entire scene. Digital evidence may capture a less broad and less detailed image than the totality of the human senses. An officer's recollection and perception of specific details may be different than what is captured in digital evidence. The use of cameras does not reduce the requirement to provide thorough written documentation. Persons reviewing recordings must also be cautious before conclusions are reached about what the video appears to show.

7.8.4 DEFINITIONS

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Body Worn Camera (BWC) – A camera worn on an individual officer's person that records and stores audio and video.

BWC Program Administrator – The BWC Administrator is responsible for the administration of the BWC system, including the digital storage system. This person will have full access to user rights and control user access. The Program Administrator will also be responsible for overseeing the staff assigned to administer the BWC Program.

Digital Evidence – BWC files, including photographs, audio recordings and video footage, captured by a BWC and stored digitally.

Digital Media Evidence System – A digital evidence management system, which stores digitally encrypted data accessible to personnel based on security clearance.

Metadata – DR numbers, CAD call numbers, GPS and other descriptors used to identify digital evidence.

7.8.5 PROCEDURE

Revised June 2, 2016

7.8.5.1 OFFICER SAFETY

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Officer safety takes precedence over camera activation.

7.8.5.2 **GENERAL**

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- 1) Only those personnel trained by the Long Beach Police Department shall receive a BWC device. Phase two trainees will not wear BWC's.
- 2) BWC equipment is for official use only and shall not be utilized for personal use.
- 3) Personal body worn cameras are not authorized.
- 4) All digital evidence collected using the BWC is considered property of the Long Beach Police Department and is for official use only.
- 5) All requests for digital evidence by the public will be handled in accordance with the LBPD Public Records Request Act Policy. This will not preclude supervisors and detectives from showing digital evidence to the public to further an investigation or investigate a personnel complaint.
- 6) Accessing, copying, forwarding, or releasing any digital evidence for other than official police department use is prohibited. Personal computer equipment and software programs shall not be used to make copies of digital evidence. Exceptions may be made when done for training purposes and with supervisor approval.
- 7) All officers wearing BWCs shall understand there is normally no expectation of privacy on information obtained through proper use of the BWC, and that the digital evidence is subject to inspection at any time and without prior permission of the officer. However, some situations involve an inherent expectation of privacy, such as those situations listed in Long Beach Police Department Manual § 7.8.5.5 item number 2.
- 8) If a BWC device or component is inoperable, the user shall contact a supervisor as soon as possible and note the malfunction in their unit history.

7.8.5.3 NORMAL BWC FIELD USE

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A) **Camera position:** Officers shall wear the BWC according to manufacturer recommendations.

- B) When to record: If possible, the BWC should be activated prior to contact with citizens, or as soon as safely possible thereafter, and continue recording until the contact is concluded.
- C) Citizen advisement: Per <u>CPC § 633</u>, private citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties. If asked, officers should advise citizens they are being recorded. Exceptions may be made for investigative reasons.
- D) **Citizen complaints:** Officers and supervisors involved in the investigation of a complaint against a member of the police department should inform complainants and witnesses if they are being recorded.
- E) Citizen demands: Officers shall not initiate or cease the recording of an event, situation, or circumstance solely at the demand of a citizen.
- F) **Police reports:** Officers shall note in their police reports whether or not the incident was recorded on their BWC and if it was reviewed prior to writing the report.

7.8.5.4 BWC RECORDING

Revised June 2, 2016

- A) **Enforcement related contacts:** Unless mitigating circumstances are present, officers should record enforcement related contacts which include but are not limited to:
 - 1. Traffic stops
 - 2. Subject stops
 - 3. Detentions
 - Arrests
 - 5. Searches
 - 6. Crimes in progress
 - 7. Demonstrations, protests, unlawful assemblies,
 - 8. Consensual encounters recording should begin at the point when the officer believes the encounter may transition into a detention.
 - 9. Other Officers shall record incidents where they are assisting other city employees or law enforcement officers engaged in an enforcement related contact. If a dispute arises related to filming, the involved officer shall notify a supervisor.
- B) **Arrests:** Officers may stop recording when the arrestee is cooperative and safely secured inside a police car or law enforcement facility. If an arrestee becomes uncooperative, or if there is some evidentiary purpose, officers should resume recording.
- C) Searches: Officers should record their actions during the execution of a search warrant, an arrest warrant, or a consent search in which the officer is looking for evidence or contraband. When the scene is secured, the recording may be stopped. A supervisor may use discretion when determining whether or not BWC equipped officers shall record the service of a warrant.
- D) **Crimes in progress:** Officers actively engaged in the apprehension of a suspect during an incident should activate BWCs. Officers should begin recording prior to arrival on scene.

- E) Interviews: Victim, suspect and witness interviews may be recorded.
- F) **Personnel complaints**: Supervisors handling personnel complaints should record interviews with the public, if they are assigned a BWC. Any interviews involving department personnel shall follow the Internal Affairs protocol.
- G) Other circumstances: Officers may record any other legitimate law enforcement contact where he or she believes that a recording would be appropriate.

7.8.5.5 WHEN NOT TO RECORD

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- 1) BWCs shall not be used to record non-work related activity.
- 2) BWCs shall not be used to record in areas at the department or during activities where there is a reasonable expectation of privacy, such as: squad meetings, private discussions or conversations, locker rooms, restrooms, breakrooms, or during other activities not related to a criminal investigation.
- 3) Employees shall not use BWCs while being interviewed in an Internal Affairs interview.
- 4) Unless there is a clear and valid law enforcement purpose, Officers should avoid recording exposed areas of the body that could cause embarrassment or humiliation to those being recorded, such as an exposed breast, groin, etc.
- 5) Unless there is a clear and valid law enforcement purpose, BWCs should not be activated in places where citizens have a reasonable expectation of privacy, such as locker rooms, dressing rooms, or restrooms.
- 6) Where an officer believes such circumstances exist, or that the use of a BWC would impede or limit the cooperation of a victim or witness during an investigative contact, an officer may deactivate the BWC.

7.8.5.6 ENTERING METADATA

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Each recorded segment requires metadata be entered, even if the segments are of the same event. Metadata should normally be added by the body worn camera software. In case of a software or technology malfunction, metadata shall be added by the officer wearing the camera as soon as possible.

7.8.5.7 RETENTION OF DIGITAL EVIDENCE

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All recordings related to any criminal proceeding, claim filed, pending litigation, or a personnel complaint, shall be preserved in accordance with the law. All recordings not governed by legal statute shall be retained for one year.

7.8.5.8 REVIEWING IMPOUNDED DIGITAL EVIDENCE

Revised June 2, 2016

1) Officers may review their own recordings and those recordings of other employees in which they appear or could have been heard.

- 2) Detectives may review recordings when relevant to their investigations.
- 3) Officers may review digital evidence prior to completing reports to ensure accuracy.
 - a) Digital evidence capturing an officer involved shooting or in-custody death may be reviewed by involved employees prior to the initial investigation at the scene and after obtaining approval from the Homicide Detail. This procedure will be re-evaluated periodically throughout the duration of the pilot program.
- 4) Officers should review digital evidence prior to providing testimony at hearings, trial, or depositions.
- 5) Supervisors and management may review and use digital evidence for administrative purposes limited to the following:
 - a) Incident involving the death or injury of a department employee.
 - b) Use of force
 - c) In-custody death
 - d) Police pursuit
 - e) Officer-involved shooting
 - f) Prior to the release of recordings in response to a proper legal request (e.g., in response to a subpoena, court order, or Public Records Act Request)
 - g) Personnel investigations
 - h) Field Training Officers and program administrators shall have full access to the recordings of their trainees during the period of their assignment to the FTO program, and may use that information to correct field practices.
 - i) When an incident is recorded which may be of value as a training aide for the Department, the appropriate Divisional Commander will approve the use of the video. Consideration must be given to criminal or administrative investigations.
 - j) Observed misconduct: Employees who inadvertently discover minor policy violations will have discretion as to whether or not they will report their observation to a supervisor. Supervisors who have a minor policy violation brought to their attention will have the discretion to resolve the violation with training or informal counseling. Should the policy violation rise to the level of formal discipline, the employee will adhere to policies set forth by the Department Policy.
 - k) Other situations: In situations where there is a need to review digital evidence not covered by this procedure, the officer's division commander must approve the request. Each situation will be evaluated on a case-by-case basis.

7.8.5.9 BWC PROGRAM ADMINISTRATOR RESPONSIBILITIES

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The BWC Program Administrator is responsible for administration of the program, maintaining records and equipment.

7.8.5.10 DELETION OF RECORDINGS

Revised June 2, 2016

- 1) A department employee may request a recording deletion for the following:
 - a) Unintentional activation
 - b) Tactically sensitive recording

- c) Medically sensitive recording
- d) Recordings of undercover officers or confidential informants
- e) Other recordings that are not within the objectives of the BWC program, and are not governed by legal statute.
- 2) A memorandum detailing the circumstances of the recording will be forwarded via the chain of command to the officer's division commander. The approved memorandum will be forwarded to the BWC Program Administrator. The BWC Program Administrator shall facilitate the actual removal of any record approved for deletion. The BWC Program Administrator shall maintain a record of the approved request.

7.8.5.11 FAILED RECORDINGS

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In the event that the Department becomes aware of a failed recording, the incident shall be reviewed at the divisional level.