

ALAMEDA COUNTY SHERIFF'S OFFICE GENERAL ORDER	NUMBER: 8.17
	<hr/> RELATED ORDERS: General Orders 1.20, 1.05, 5.01, 5.44, 8.16 CALEA Standard 41.3.8, 82.1.3, 82.1.6 & 83.2.2 Rules and Regulations 2.1.32, 2.2.32, 2.2.85 Penal Code 632
	<hr/> ISSUE DATE: June 15, 2016
	<hr/> REVISION DATE: March 9, 2017
CHAPTER: Body Worn Cameras	SUBJECT: Body Worn Cameras

- I. **PURPOSE:** To establish a policy for the Alameda County Sheriff’s Office (ACSO or Agency) to use, manage, store and retrieve data captured on body-worn cameras (BWCs).
- II. **POLICY:** BWCs are intended to assist Agency Members in the performance of their duties by providing an audio and/or video record of law enforcement related encounters. BWCs are useful in documenting citizen encounters, enhancing the Agency’s ability to review probable cause for arrest(s), review interactions with members of the public, and use as evidence for investigative and prosecutorial purposes.

BWCs can strengthen the public’s perception of law enforcement professionalism and transparency, as well as provide factual representations of interactions with the public. BWCs can improve community relations, defend Members against false allegations, increase Member and Agency accountability, and enhance training and evaluation. All Members assigned BWCs shall utilize them in accordance with the provisions of this General Order and in a manner consistent with California law and other related ACSO orders, rules, and regulations.

III. **DEFINITIONS:**

- A. **MEMBERS:** Employees of the Alameda County Sheriff’s Office who are assigned a body-worn camera.
- B. **BODY-WORN CAMERA:** A mobile audio and video recording device accompanied by a specific data recording and retrieval system used by law enforcement to record Member and public interactions.
- C. **BODY-WORN CAMERA SYSTEM:** An electronic recording system that is used in conjunction with a BWC to record, display, broadcast, store, copy, and retrieve any display of moving medium to include video and audio data.
- D. **EVIDENTIARY DATA:** Data of an incident or encounter that could prove useful for investigative purposes including, but not limited to: a crime, a detention, an arrest, a citation, a search, a use-of-force incident, or a confrontational encounter with a citizen(s).

IV. ORDER:

A. All Members assigned BWCs shall follow the guidelines set forth in this General Order.

B. BODY WORN CAMERA/SYSTEM:

1. The Alameda County Sheriff's Office has authorized the VIEVU LE3 and VIEVU LE4 as the only BWCs to be used. The VIEVU LE3 and LE4 are mobile audio/video recording devices used with the VIEVU VERIPATROL software system. Members shall only use these ACSO-issued devices in the performance of their duties described and set out herein.
 - a. The VIEVU LE3 has a 68 degree field of view and 5 hours of continuous recording time. The VIEVU LE3 does not have pre-event recording capabilities.
 - b. The VIEVU LE4 has a 95 degree field of view, 12 hours of continuous recording time and pre-event recording capabilities. The pre-event recording, or buffering, records video in 30 second intervals and does not record audio during buffering. While on duty Members will keep their LE4 BWC in the "on" position and in buffering mode except when using the restroom.
2. The BWC works in conjunction with the VERIPATROL software system. All video/audio data, metadata and other information collected will be stored on ACSO's internal server system. Access to the system and the data contained therein are outlined in this order.
3. It is the intent of the ACSO to designate a manager to serve as the administrator for the BWC system.

C. TRAINING:

1. Members issued a BWC and those responsible for the administering, issuance, data downloads, and/or viewing data from a BWC are required to complete Agency-approved training.

BWC training may be provided during Continued Professional Training, Standardized Training for Corrections, EVOC, Range, Training Bulletins, Written Directives, and muster training.

2. The Management Services Division Commander and the Commanding Officer of the Regional Training Center will set the training guidelines and administer the recommendations of the Agency Training Committee.

D. GENERAL PROCEDURES AND USE FOR MEMBERS:

1. Members who are assigned a BWC shall wear the device when working all uniformed assignments and will activate the BWC, as provided in this policy.

2. Members assigned to a non-uniformed position shall wear and activate the BWC during pre-planned and anticipated enforcement encounters, such as probation searches, parole searches, arrests, or search warrants services.
3. Pursuant to Government Code section 6254 (California Public Records Act) all BWC video and footage is considered a “law enforcement investigatory file” and does not require full disclosure to the public. ***Requests for video will be processed pursuant to General Order 1.22, Public Records.***
4. Members acknowledge and agree that all Body Worn Cameras, Body Worn Camera Systems, Evidentiary Data, information, footage, and data captured, utilized, retained, and/or recorded by and/or on any electronic device issued to Members (as well as the device itself) is the property of ACSO.
5. As soon as practical and safe, Members shall activate their BWCs when responding to calls for services and during law enforcement related encounters that occur while on duty. Members assigned BWCs shall activate the BWC in the following situations:
 - a. All dispatched calls for service (prior to arrival on scene)
 - b. All traffic stops
 - c. All enforcement and investigative contacts (consensual, detention or arrest)
 - d. When serving all search or arrest warrants
 - e. All Code 3 driving and/or responses
 - f. When conducting the following: searches of one’s person, property or residence (incident to arrest, cursory, probable cause, probation/parole, consent, vehicle)
 - g. All vehicle pursuits: primary and secondary deputies and other authorized deputies
 - h. Any foot pursuit
 - i. All K-9 deployment or searches
 - j. Crowd control situations involving engagement, enforcement, or investigative contact
 - k. All incidents involving use of force
 - l. Witness and victim statements
 - m. Suspect statements to include post-Miranda advisement interviews
 - n. While serving all civil processes

- o. All inmate/prisoner transports [exception for Detention and Corrections (D&C) Transportation Unit noted in the D&C section of this order
- p. Any contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- q. Anytime the Member believes audio and/or video evidence would be of use
- r. At the direction of a supervisor

E. DETENTION AND CORRECTIONS:

Members assigned to the D&C Division shall activate their BWCs in accordance with the general procedures and use for Members, as well as while in the performance of the following duties:

1. Anytime an inmate is removed or escorted from their cell or holding area
2. Entering a cell, dormitory housing, or holding area occupied by an inmate (i.e., conducting a count inside a minimum housing setting, window checks)

Exception - supervising pod time or conducting general observation and intensive observation checks, unless a situation arises that dictates otherwise
3. Processing of new arrestees (except during the supervision of medical screenings or classification interviews)
4. Resistive Inmate Movement (RIM) activations
5. Searches of a cell, dormitory housing, or holding area (i.e., shakedown)
6. Supervising inmate workers who are in close proximity to security exit/entry points or perimeters
7. During on-loading and off-loading of Transportation vehicles
8. Members shall not record inmates while conducting a strip search, conducting a classification or medical interview, or during the inmates' use of a toilet or shower. There may be circumstances which dictate the need for BWC activation, such as the inmate becoming uncooperative or resistive, or the possibility of an allegation of misconduct arises from the contact.

F. COURT SERVICES: Members assigned to Court Services shall activate their BWCs in accordance with the general procedures and use for Members, as well as while taking remanded subjects into custody.

G. ADVISEMENT AND DEACTIVATION:

1. Generally, Members are not required to advise or obtain consent from a person(s) to record or utilize the BWC when they are in a public place or at a location where the Member is lawfully present.

2. Members should make a reasonable effort to advise a person(s) they are being recorded with the BWC, unless the advisement would endanger their safety, another Member's safety, the safety of the public, or the advisement would interfere with an ongoing investigation.
3. Once activated, the BWC should remain in recording mode until:
 - a. There is no likelihood of enforcement action or suspect contact and further recording would not be of evidentiary value.
 - b. Members may cease recording in between interviews (unless doing so could result in the loss of potential evidence).
 - c. The incident is of such duration that it is deemed necessary to deactivate the BWC to conserve available recording time.
 - d. Members may stop recording when encountering or interviewing a victim(s) who asks not to be video-recorded (i.e., sexual assault, domestic violence or child abuse victims), and the absence of a BWC recording will not affect the investigation.
 - e. Members may stop recording when interviewing a Member of the public who does not want to be video-recorded, if the Member feels the importance of obtaining information and/or a statement outweighs the need to record it.
 - f. Any incident that the Member determines where the BWC must be deactivated, either temporarily or for the entire event, based on articulable reasons (i.e., sensitive intelligence gathering such as meeting with informants, when discussing sensitive tactical or confidential law enforcement information, other investigative purposes).
4. In all cases indicated above, while in recording mode, the Member should explain the reason for deactivating their BWC.
5. While in recording mode, the Member should obtain consent prior to conducting an interview with crime victims and witnesses. If the witness and/or victim refuse to provide a statement on camera, the option of an audio statement or written statement may be used. An audio statement can be accomplished by angling the camera lens away from the victim and/or witness. Statements taken with a BWC are required to be audible, intelligible, and summarized accurately in a police report. Members who take a statement with a BWC, absent exigent circumstances, will create a separate file for each statement by turning the BWC off and then turning it back on.
6. Members have discretion to keep their BWCs off during conversations with persons who wish to report or discuss criminal activity and wish to remain anonymous.
7. Recording of personnel during routine, non-enforcement activities is prohibited (i.e., bathrooms, locker rooms, musters, meal breaks).

8. Other situations that prohibit BWC recording include interactions and conversations with personnel in an undercover capacity and/or confidential informants.
9. Places where there is reasonable expectation of privacy (i.e., doctor office).

H. MEMBER RESPONSIBILITIES:

1. Members are responsible for the reasonable care, proper functioning, and maintenance of the BWC. Members shall inspect and test each device to ensure the battery is charged and perform a function check prior to the start of their shift. A function check consists of briefly activating the camera and ensuring the green LED light is flashing. Members will immediately notify their supervisor if the BWC is not functioning properly and a replacement will be issued. If the BWC is lost or damaged, the Member shall document the incident in the appropriate report.
2. When wearing a BWC, Members shall wear it on the front of their uniform, attached to the outermost layer of clothing, and positioned forward facing to facilitate an unobstructed field of view. The BWC may be repositioned for additional uses as follows:
 - a. While conducting interviews, Members may position their BWC in order to best capture the subject of the interview.
 - b. While transporting prisoners, Members may place the camera in a position which captures the rear compartment.
3. When a report is written, the use of the BWC and serial number shall be noted.
4. Members shall be able to review BWC data under the following instances:
 - a. To complete a criminal investigation or preparation of an official report
 - b. Prior to courtroom testimony
 - c. For potential training purposes

Members wishing to use BWC data for training purposes will submit a memorandum to the duty station captain via the chain of command. If an involved Member objects, they will document the objection in a memorandum to the duty station captain via the chain of command. The captain will determine if the objection outweighs the training value.

- d. Pursuant to a Critical Incident in accordance with General Order 1.02
- e. To prepare for an Internal Affairs Unit investigation, to include reviewing the data with their representative, outside the presence of any supervisor or investigator
- f. For other reasons not specified, with the permission of the Sheriff or designee

- g. The Sheriff or Undersheriff reserves the right to prohibit a Member from reviewing BWC data.
 5. Members shall document and explain in their incident report any delayed or non-activation of their BWC when activation was required. In an incident where any of the above listed reports were not generated, Members may be required to submit a memorandum to the captain of their duty station, explaining their reasons for delaying or failing to activate their BWC in a situation requiring activation.
 6. Members are responsible for ensuring their BWC is downloaded to the storage system in a timely manner. Members whose BWCs contain evidentiary data will commence the download process prior to the end of their shift.
 7. Members will categorize and annotate BWC data with appropriate agency report number, citation number, disciplinary report number and/or grievance tracking number. Members should categorize and annotate incidents which might generate a complaint or otherwise require review at a later time.
 8. Absent exigent circumstances, Members are not allowed to use their own personal electronic devices for documentation purposes in place of their issued BWC.
 9. Members shall not use their own personal electronic devices as dash-mounted cameras.
 10. Each Member shall have reviewed, agreed to, and signed off on this General Order before being issued a BWC.
- I. SUPERVISOR RESPONSIBILITIES:
1. Supervisors will ensure that Members comply with this General Order.
 2. Supervisors will ensure that Members complete Agency approved training. Supervisors shall also work to ensure that Members are kept up to date on relevant changes in the law that may affect BWC use as described herein.
 3. Supervisors will ensure that damaged or malfunctioning BWCs are replaced and the proper reporting steps are taken.
 4. In the event of an officer involved shooting, use-of-force involving significant injury or death, or pursuit involving great bodily injury or death, supervisors shall take possession of the BWC of the involved Member(s) and ensure data related to critical incidents and other incidents described in this subsection is downloaded as soon as possible following the incident.
 5. Supervisors completing use-of-force reviews or pursuit analysis where a BWC was used will review the video as part of their review.
 6. Supervisors and Internal Affairs investigators may access BWC data for administrative investigations limited to the specific complaint against the Member. Inadvertent discovery of other allegations during this review will require the

supervisor or Internal Affairs investigators to articulate the reason for expanding the scope of the investigation.

7. Field Training Officers and Jail Training Officers and their supervisors may view BWC data to evaluate the performance of their trainees.
8. Supervisors may review BWC data as part of a related Personal Early Warning System (PEWS), or as part of a Performance Improvement Plan (“PIP”).
9. Supervisors may review any relevant BWC data submitted with any report.
10. It is not the intent of the Agency to review BWC data for purposes of general performance review or to proactively discover policy violations.

J. DATA STORAGE AND SECURITY:

1. All BWC data will be stored on secure servers maintained by the ACSO Support Services
2. Technical Unit. The system meets the requirements set forth by the Department of Justice, to include Federal Information Processing Standards (FIPS) 140-2 compliance, to ensure that video data has not been compromised or altered.
3. BWC data will be retained in compliance with governmental standards, guidelines and applicable laws. Per the recommendation of the Office of the County Counsel, data will be maintained in a secured data storage medium for a minimum period of three years. After that period, the data may be destroyed, unless other conditions (described herein) would preclude destruction. Exceptions to this purge criteria are data associated with civil or criminal cases that have yet to be adjudicated, or if the Sheriff’s Office has sufficient notice of a potential litigation that could involve particular BWC data; sustained Internal Affairs investigations; the request of the District Attorney’s office or other law enforcement agency; and/or at the discretion of the Sheriff’s Office. The purging of data files will be completed in a manner consistent with all statutory requirements and Sheriff’s Office policies.
4. Any access to the BWC system will be tracked utilizing the VERIPATROL software solution. Members are prohibited from accessing, downloading, uploading or using the BWC data for private, unauthorized, or personal use.
5. In the event of an accidental activation of the BWC, if the data is of no investigative or evidentiary value, the Member may request the BWC file be deleted. A memorandum shall be submitted to the captain of the duty station who will review the data, and if approved, forward the memorandum to the BWC administrator. Pending review, access to the data will be locked. Prior to deletion, the BWC administrator will capture the audit log for the data. The BWC administrator will maintain a file with a copy of the memorandum and the audit logs. The BWC administrator will notify the requesting Member, via email, as to the disposition of the request.

K. AUDIT OF BODY-WORN CAMERA SYSTEM:

The Management Services Division, through the Support Services Unit, is responsible for conducting an annual internal audit on the Agency's BWC system and collected data.

1. It is the intent of this Agency and the Management Services Division to perform the audit strictly through a random process, and not target or identify a specific Member or unit. The Sheriff or designee will select the audit committee, which will include representatives from each Member's bargaining unit.
2. The audit will be conducted on an annual basis to ensure that Members are complying with the guidelines set forth in this order. The audit will review the efficacy of the BWC program, including but not limited to, agency-wide training issues, impacts on use-of-force situations, adjudication of Internal Affairs complaints, and impacts on prosecution of criminal cases submitted to the District Attorney.
3. At the conclusion of the audit, a final report on the findings will be forwarded to the Commander of the Management Services Division. The final report will be forwarded to the Undersheriff.