



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
HEADQUARTERS
1245 3rd STREET
SAN FRANCISCO, CALIFORNIA 94158



GREGORY P. SUHR
CHIEF OF POLICE

San Francisco Police Department Agenda
1st Working Group Meeting
Body Camera Policy
June 2, 2015
1:30 p.m.

Roll Call

- Item 1. Introductions/ Purpose of the Meetings
- Item 2. Discussion Regarding Model Policies and Additional Reference Material for Future Meetings.
- Item 3. Discussion Regarding Working Document
- Item 4. Future Agenda Items
- Item 5. Future Meeting Dates

Item 6. General Public Comment

(The public is now welcome to address the working group regarding items that are within the subject matter jurisdiction of the working group. Speakers shall address their remarks to the working group as a whole and not to individual members of the working group. Working group members are not required to respond to questions by the public but may provide a brief response. Individual working group members should refrain, however, from entering into any debates or discussion with speakers during public comment).

END OF AGENDA

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapters 67 of the San Francisco Administrative Code) or to report a



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violation of the ordinance, please contact: Sunshine Ordinance Task Force Administrator in Room 244 at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683. (Office) 415-554-7724; (Fax) 415-554-7854; E-mail: SOTF@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.sfgov.org. Copies of explanatory documents are available to the public online at <http://www.sfbos.org/sunshine> or, upon request to the Commission Secretary, at the above address or phone number.

LANGUAGE ACCESS

Per the Language Access Ordinance (Chapter 91 of the San Francisco Administrative Code), Chinese, Spanish and or Filipino (Tagalog) interpreters will be available upon requests. Meeting Minutes may be translated, if requested, after they have been adopted by the Commission. Assistance in additional languages may be honored whenever possible. To request assistance with these services please contact the Police Commission at (v) 415.837.7070 or (TTY) 415.575.5827 at least 48 hours in advance of the hearing. Late requests will be honored if possible.

DISABILITY ACCESS

Police Commission hearings are held in Room 400 at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco. City Hall is accessible to persons using wheelchairs and other assistive mobility devices. Ramps are available at the Grove, Van Ness and McAllister entrances. The closest accessible BART station is Civic Center Station. For information about SFMTA service, please call 311.

Assistive listening devices, real time captioning, American Sign Language interpreters, readers, large print agendas or other accommodations are available upon request. Please make your requests for accommodations to the Police Commission at (v) 415.837.7070 or (TTY) 415.575.5827. Requesting accommodations at least 72 hours prior to the meeting will help to ensure availability.

LOBBYIST ORDINANCE

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; (Office) 415.252.3100; (Fax) 415.252.3112; Website: sfgov.org/ethics.

Digital Recording Devices

DRAFT

05/28/14

I. Purpose:

The use of Portable Digital Recording Devices (PDRDs) is an effective tool a law enforcement agency can use to demonstrate its commitment to transparency, ensure the accountability of its members, increase the public's trust in officers, and protect its members from unjustified complaints of misconduct. As such, the San Francisco Police Department is committed to establishing a PDRD program that reinforces its responsibility to protecting public and officer safety. The purpose of this Order is to establish the policies and procedures governing that program.

The PDRD is a small audio-video recorder mounted on a person. It is designed to record audio and video activity to preserve evidence for use in criminal investigations, civil litigation, officer performance evaluations, administrative inquiries and disciplinary cases, as appropriate.

II. Policy:

- A. **USE OF EQUIPMENT.** The Department-issued PDRD is authorized for use in the course and scope of official police duties as set forth in this Order. Only members authorized by the Chief of Police and trained in the use of PDRDs are allowed to wear Department-issued PDRDs. The use of personally owned PDRDs while on-duty is prohibited.
- B. **TRAINING.** The Department will train all members assigned PDRDs prior to deployment. Members assigned PDRDs shall use the devices in accordance with their training and the provisions outlined in this order.
- C. **PROGRAM ADMINISTRATOR.** The Risk Management Office (RMO) is the PDRD's program administrator. The duties of the RMO include, but are not limited to:
 - 1. Tracking and maintaining PDRD inventory
 - 2. Issuing and replacing PDRDs to authorized members
 - 3. Granting security access to the computer server
 - 4. Monitoring retention timeframes as required by policy and law
 - 5. Complying with public record requests
 - 6. Conducting periodic and random audits of PDRD equipment and the computer server

III. Procedures:

- A. **Set Up and Maintenance.**

Members shall be responsible for the proper care and use of their assigned PDRD and associated equipment.

1. Members shall test the equipment at the beginning of their shift and prior to deploying the PDRD equipment to ensure it is working properly and is fully charged.
2. If the member discovers a defect or that the equipment is malfunctioning, the member shall cease its use and shall promptly report the problem to his/her Platoon Commander or Officer in Charge.
3. If the member discovers that the PDRD is lost or stolen, the member shall submit a memorandum through the chain of command memorializing the circumstances, in accordance with Department General Order 2.01, Rule 24, Loss or Damage to Department Property.
4. If the member's PDRD is damaged, defective, lost or stolen, the member's supervisor shall facilitate a replacement PDRD as soon as practical.
5. Members shall attach the PDRD in such a way to provide an unobstructed view of officer/citizen contacts. The PDRDs shall be considered mounted correctly if it is mounted in one of the Department-approved mounting positions.

B. Consent Not Required.

Private persons do not have an expectation of privacy when dealing with police officers performing their normal scope of lawful duties. Members are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.

C. Authorized Use.

All members equipped with a PDRD shall activate their PDRD equipment to record in the following circumstances:

1. Detentions and arrests
2. Consensual encounters where the member suspects that the citizen may be involved in criminal activity as a suspect, victim or witness.
3. 5150 evaluations
4. Traffic and pedestrian stops
5. When serving a search or arrest warrant
6. Conducting any of the following searches on one's person and/or property:
 - a. Incident to an arrest
 - b. Cursory
 - c. Probable cause
 - d. Probation/parole
 - e. Consent
 - f. Vehicles
7. Transportation of arrestees and detainees
8. During any citizen encounter that becomes hostile
9. In other situations when the assigned member believes that a recording would be valuable for evidentiary purposes

Members shall not activate their PDRDs in situations that serve no law enforcement purpose.

D. Members shall not intentionally use PDRDs to record:

1. Sexual assault and child abuse victims during a preliminary investigation
2. Situations that could compromise the identity of confidential informants and undercover operatives.
3. Strip searches
4. Surreptitious recording of Department members as defined in DGO 2.01, Rule 56, Surreptitious Recordings.
5. First Amendment Activities as defined in DGO 8.10, Guidelines for First Amendment Activities.

However, a member may record in these circumstances if the member can articulate an exigent circumstance that required deviation from the normal rule in these situations.

E. Permissible Terminations of Recordings

Once the PDRD has been activated, members shall continue using the PDRD until their involvement in the event has concluded to ensure the integrity of the recording, unless the contact moves into an area restricted by this policy. Members may terminate a recording in the following circumstances:

1. When discussing sensitive tactical or law enforcement information away from the citizen.
2. After receiving an order from a higher ranking member.
3. After arriving safely at the booking facility.
4. When recording at a hospital would compromise patient confidentiality.
5. When gathering intelligence from witnesses or community members and there is concern that a PDRD would inhibit intelligence gathering efforts as some witnesses and community members may be hesitant to report information if they know their statement will be recorded. They may fear retaliation, worry about their own privacy, or not feel comfortable sharing sensitive information on camera. Officers should have the discretion to keep their cameras turned off in these situations.

If a member terminates the PDRD prior to the conclusion of an event, the member shall document the reasons for terminating the recording in an incident report, written statement or CAD entry or a memorandum. If the member restarts the PDRD after turning the equipment off, the member shall document the reason for restarting the recording in the incident report, written statement or CAD or a memorandum.

The accuracy of police reports, officer statements and other official documentation is essential for the proper administration of justice and complying with the Department's obligation to maintain full and complete records of enforcement and investigative activities, investigators, supervisors, prosecutors and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Officers are

therefore required to review body worn video recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to ensure that their reports, statements, and documentation are accurate and complete.

F. Storage and Use of Recordings.

1. A member who has recorded an event shall upload the footage prior to the end of his or her watch unless instructed to do so sooner by an assigned investigator or a superior officer
2. When uploading recordings to the computer server, members shall identify each PDRD recording with the incident report number, CAD number or citation number and the appropriate incident category title to ensure the recording is accurately retained and to comply with local, state and federal laws.
3. Recordings may be reviewed by a member for any legitimate investigatory purpose, including but not limited to, preparing an incident report, preparing statements, or providing testimony, except when the member is the subject of the investigation in any of the following that were captured by the PDRD:
 - a. An officer-involved shooting or in-custody death,
 - b. A member is the subject of a criminal investigation, an administrative investigation or an immediate investigation.
 - c. At the discretion of the Chief of Police or their designee.

For the above listed circumstances, the Department's administrative or criminal investigator will coordinate with the member or the member's legal representative to arrange the viewing of the PDRD recording prior to the member's interview.

Note: A member's recollection and perception of an incident may vary from what he/she may later recall and/or from what a recording captures. A review of a recording is intended to aid in recollection. However, members should remember to focus on their own perspective and specific recollection of the event.

4. Members with no legitimate law enforcement purpose shall not access recordings.

G. Duplication and Distribution.

1. Departmental Requests

The officer-in-charge or commanding officer of the unit assigned the investigation recorded by the PDRD, or the officer-in-charge or commanding officer of the Legal Division shall have the authority to permit the duplication and distribution of the PDRD files. Other than routine discovery request stemming from the rebooking process or court proceedings, any member requesting to duplicate or distribute a PDRD recording shall obtain prior approval from the officer-in-charge

or the commanding officer of the unit assigned the investigation, or the officer-in-charge or commanding officer of the Legal Division. Duplication and distribution of PDRD recordings are limited to those who have a "need to know" and a "right to know" and are for law enforcement purposes only.

2. Non-Departmental Requests

- a. Members shall accept and process public records requests in accordance with the provisions of federal, state and local statutes and Department policy.
- b. Members shall provide discovery requests related to the rebooking process or other court proceedings by transferring the PDRD recording to the requesting agency by using the computer server where the PDRD recording is stored.

H. Retention.

The Department shall retain all PDRD recordings for a minimum of one year in adherence with local, state, federal statutes and Department policy.

A PDRD recording may be saved for a longer or indefinite period of time as part of a specific case if deemed relevant to a criminal, civil or administrative matter.

Except for members of the RMO, a member may not delete any PDRD recording without prior authorization. The member seeking to delete a recording shall submit a memorandum to his/her Commanding Officer requesting to delete footage from a PDRD file and shall make an entry of the request in the appropriate case file, if applicable.

The Commanding Officer shall then forward the memorandum to the Commanding Officer of the Risk Management Office for evaluation and appropriate action.

Members of the RMO are authorized to delete PDRD recordings in accordance with the Department's established retention policies on PDRD recordings and when directed by the Commanding Officer of the Risk Management Division.

I. Accidental or Unintentional Recordings.

If a PDRD accidentally or inadvertently captures an unintended recording, the member may submit a memorandum through the chain of command specifying the date, time, location and a summary of the unintentionally recorded event. This memorandum shall be forwarded to the Commanding Officer of the Risk Management Office for evaluation and appropriate action.

J. Documentation.

If a member terminates a PDRD recording prior to the conclusion of an event, the member shall document the reason(s) for terminating the recording in CAD, the incident report, a written statement or a memorandum.

If a member restarts the PDRD after turning the equipment off, the member shall document the reason(s) for restarting the recording in CAD, the incident report, a written statement or a memorandum.

Officers submitting an incident report or completing a written statement shall indicate whether the PDRD was activated and whether it captured footage related to the incident.

If a member determines that officer or public safety would be compromised if a PDRD were activated during an incident requiring its use, the member shall document in CAD, an incident report, a written statement or a memorandum the reasons for not using the PDRD.

K. Discovery of Potential Misconduct during Authorized Review.

Members reviewing recordings should remain focused on the incident captured in the PDRD and should review only those recordings relevant to the investigative scope. If potential misconduct is discovered during any review of the PDRD, a superior officer shall conduct an administrative investigation pursuant to Department General Order 1.06, Duties of Superior Officers, Section I.A.4. Nothing in this procedure prohibits addressing Department policy violations.

References:

Los Angeles Police Department's Body Camera Policy
Oakland Police Department's Body Camera Policy
Bart Police Department's Body Camera Policy
San Diego Police Department's Body Camera Policy
PERF/US DOJ Report: Implementing a Body-Worn Camera Program

DGO 1.06, Duties of Superior Officers
DGO 2.01, Rules 23 and 24, Use of Department Property and Loss or Damage to Department Property
DGO 2.01, Rule 56, Surreptitious Recordings
DGO 8.10, Guidelines for First Amendment Activities



DEPARTMENTAL
GENERAL
ORDER

Effective Date
05 Mar 14

I-15.1

Evaluation Coordinator:
Research and Planning Division
Commander

Index as:

Portable Video Management
System

Evaluation Due Date:
05 Sep 14

Automatic Revision Cycle:
2 Years

PORTABLE VIDEO MANAGEMENT SYSTEM

The purpose of this order is to set forth Departmental policy and procedures for the Portable Video Management System (PVMS), which includes a Portable Digital Recording Device (PDRD), designed to record both audio and video of field activity.

Progressive police departments are increasingly utilizing a variety of audio/video technology to further the mission of their departments. The Oakland Police Department has adopted PDRD technology because of its flexibility to capture audio/video evidence and enhance the Department's ability to conduct criminal investigations, administrative investigations, and review police procedures and tactics.

I. POLICY

- A. Officers shall utilize the PDRD in accordance with the provisions of this order.
- B. Unauthorized use, duplication, editing, and/or distribution of PDRD files are prohibited.
- C. Personnel shall not delete any PDRD file except as specified in Part V, C (request for deletion of an accidental recording.)
- D. Personnel shall not remove, dismantle or tamper with any hardware/software component or part of the PDRD.
- E. Members are prohibited from wearing or using personally owned video recording devices in place of or in conjunction with their issued PDRD.
- F. The Project Resource Management Unit is designated as the Custodian of Record for all PDRD data files.

II. PDRD ACTIVATION AND DE-ACTIVATION

- A. Members, including cover officers, shall activate their PDRD under the following circumstances:
1. Citizen contacts ("consensual encounters") to confirm or dispel a suspicion that the citizen may be involved in criminal activity as a suspect, victim or witness. This does not include victims of sexual assault;
 2. Detentions and Arrests;
 3. Assessment or evaluation for a psychiatric detention (5150 W&I);
 4. Involved personnel, as defined by DGO J-4, during a vehicle pursuit;
 5. Serving a search or arrest warrant;
 6. Conducting any of the following searches on one's person and/or property:
 - a. Incident to arrest;
 - b. Cursory;
 - c. Probable Cause;
 - d. Probation/Parole;
 - e. Consent; or
 - f. Inventory
 7. Transporting any detained or arrested citizen (excluding prisoner wagon transports); or
 8. Upon the order of a higher ranking member

Members shall activate their PDRD prior to initiating the circumstances enumerated in Part II. A. 1-7, above.

B. PDRD Activation is not required during the following circumstances:

1. Members taking a report or conducting a preliminary investigation who reasonably believe no criteria for a required activation are present;
2. During a preliminary investigation with a victim of a sexual assault;
3. Members meeting with any Confidential Informant, as defined in DGO O-4, INFORMANTS; or
4. Members on a guard assignment at a Police, Medical, Psychiatric, Jail or Detention facility. Members shall assess the circumstances of each guard assignment, on a continuing basis, to determine whether to discretionarily activate or de-activate their PDRD.

C. De-activation of the PDRD

1. Members shall not de-activate their PDRD when it was activated as required by this policy until:
 - a. Their involvement in the citizen contact or detention has concluded; or
 - b. They receive an order from a higher ranking member; or
 - c. They are discussing administrative, tactical or law enforcement sensitive information away from the citizen; or
 - d. They are at a location where they are not likely to have interaction or a chance encounter with the suspect (e.g. outer perimeter post, traffic control post, etc.); or
 - e. The searches requiring activation as enumerated in Part II. A have concluded and the member believes he/she will have no further interaction with the person; or
 - f. They reasonably believe the recording at a hospital may compromise patient confidentiality; or
 - g. A pursuit has been terminated and the member performs the required actions as specified in DGO J-4, PURSUIT DRIVING or notifies Communications they are in-service; or

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- h. They are interviewing an informant for the purpose of gathering intelligence. At the conclusion of the interview, the PDRD shall be re-activated until no longer required by policy.

After a member de-activates their PDRD, it is his/her responsibility to ensure they re-activate their PDRD should the circumstances require it.

- 2. When a member activates his/her PDRD, and such activation was not required by policy and the circumstances do not require continued recording, he/she may use his/her own discretion when deciding to de-activate the PDRD.
- D. Personnel shall not intentionally use the PDRD recording functions to record any personal conversation of, or between another member/employee without the recorded member/employee's knowledge.
- E. Personnel are not required to advise or obtain consent from a person when:
 - 1. In a public place; or
 - 2. In a location where the member is lawfully present.
- F. During crowd control, protest or mass arrest incidents members shall use their PDRD consistent with this policy unless otherwise directed by the Incident Commander. The Incident Commander shall document his/her orders in an appropriate report (e.g. Operations Plan or After Action Report) and provide the orders to all personnel.
- G. Part II also applies to cover officers.

III. OFFICER, SUPERVISORY AND INVESTIGATORY REVIEW OF PDRD

- A. Level 1 Use of Force, Level 1 Pursuit or In-Custody Death
 - 1. In the event of a Level 1 use of force, Level 1 pursuit or an in-custody death, all PDRD recordings shall be uploaded to the server as soon as practical. No member may view any audio/video recordings prior to completing and submitting the appropriate report(s) and being interviewed by the appropriate investigative unit.
 - 2. Once a member's report(s) has been submitted and approved and the member has been interviewed by the appropriate investigator, the investigator will show the member his/her audio/video. This will

occur prior to the conclusion of the interview process. The member will be given the opportunity to provide additional information to supplement his/her statement and may be asked additional questions by the investigators.

B. Investigation of a Member

1. Criminal - Members who are the subject of a criminal investigation may only view their own audio/video recordings at the direction of the CID or IAD Commander.
2. Administrative – Members having received notification (Complaint Notification Report [CNR]) from the IAD and who are considered to be a subject or witness officer, may only view their own audio/video recordings at the direction of the IAD Commander or designee.

C. Investigators conducting criminal or internal investigations shall:

1. Advise the Project Administrator or a System Administrator to restrict public disclosure of the PDRD file in criminal or internal investigations; as necessary.
2. Review the file to determine whether the PDRD file is of evidentiary value and process it in accordance with established protocols.
3. Investigators shall notify the System Administrator to remove the access restriction when the criminal/internal investigation is closed.

D. Supervisor Review

1. Supervisors shall conduct a random review of the PDRD recordings of each of their subordinates on a monthly basis.
2. When a supervisor is approving or investigating a UOF or vehicle pursuit they shall review the PDRD recordings of members who are a witness to or involved in the use of force.
3. Supervisors review of subordinate PDRD recordings shall include an assessment of;
 - a. Officer performance and training needs;
 - b. Policy compliance; and
 - c. Consistency between written reports and video files.

- E. When a member does not activate or de-activate his/her PDRD as required, supervisors and commanders shall determine if the delayed or non-activation was reasonable, based upon the circumstances. If the supervisor determines that the delay or non-activation was reasonable they shall document their justification in the UOF report or, if no UOF report is generated, in the officer's SNF. The supervisor's commander shall be advised and their name noted in the SNF.
- F. Supervisors, commanders, and managers who discover Class II misconduct during the review of PDRD video, that does not indicate a pattern of misconduct, may address the Class II misconduct through non-disciplinary corrective action. Supervisors shall, at a minimum, document any Class II violation of this policy in the officer's SNF.
- G. OIG staff conducting audits, training staff, supervisors, commanders, active FTOs and the FTO Coordinator may view PDRD files to investigate allegations of misconduct or evaluate the performance of members.
- H. When a member is authorized to view a PDRD recording by this policy, the audio/video recording shall be reviewed at a Department desktop computer by logging onto the server. Personnel reviewing the video shall document the reason for access in the "Add Details" field, under the "Comments" section on the video file.

IV. RESPONSIBILITIES

- A. The Project Administrator is designated by the Chief of Police and has oversight responsibilities to include, but not limited to, the following:
 - 1. Document malfunctions and equipment failures;
 - 2. Policy and procedure review and evaluation;
 - 3. Ensure PDRD files are secured and retained for a minimum of five (5) years;
 - 4. Ensure PDRD files are reviewed and released in accordance with federal, state, local statutes, and Departmental General Order M-9.1, PUBLIC RECORDS ACCESS; and
 - 5. Train the System Administrators to ensure consistency across the bureaus.
- B. System Administrators shall be designated by the Bureau Commander for non-patrol assignments. All Sergeants of Police assigned to the Patrol Division are System Administrators.

System Administrator responsibilities shall include, but are not limited to, the following:

1. Ensure officers are assigned a fully functional PDRD. Malfunctioning PDRDs shall be replaced immediately;
2. User training;
3. Return damaged equipment to the Project Administrator;
4. Make copies of PDRD files for court or other authorized activities;
5. Destruction of copied PDRD files not admitted as evidence in court; and
6. Approve/disapprove requests for deleting accidental recordings

V. OPERATING THE PDRD

- A. Members assigned a PDRD shall test the equipment prior to every shift. Once activated, the indicator light of a fully functioning PDRD should change from solid green to blinking green. If that does not occur, immediately report the malfunction to a supervisor.
- B. Members shall position and securely attach the camera to the front of their uniform or uniform equipment, as the primary location, to facilitate recording. Members shall not wear a PDRD that is damaged or not functioning properly due to low battery charge, damage, malfunction or memory exceeding capacity and shall notify their supervisor.
- C. Subject to the recording requirements of Part II of this policy, the PDRD may be temporarily removed and placed or mounted in the police vehicle or other location, to facilitate recording a citizen.
- D. Members shall upload PDRD data files at the end of and, if needed, during their shift to ensure storage capacity is not exceeded.
- E. Members shall ensure the battery is fully charged and operating properly at the beginning of their shift.
- F. Members shall report unresolved equipment malfunctions/problems to a System Administrator for camera replacement. Members shall check out a backup camera, as soon as practical, and utilize it as required until such time as their original camera is operational.

- G. Members are required to document the activation of their PDRD. Members are required to provide an explanation for any delayed or non-activation of their PDRD when PDRD activation is required.

Documentation shall be provided in at least one of the following reports, as appropriate:

1. Citation or Notice to Appear;
2. Crime Report;
3. Consolidated Arrest Report, electronic or paper, or Juvenile Record;
4. Field Interview; or
5. CAD notes

VI. PDRD FILE REQUESTS

A. Departmental Requests

Personnel requiring a copy of PDRD audio/video file(s) for court shall contact their first line supervisor. If the first line supervisor is unavailable, personnel shall contact any System Administrator.

1. In non-patrol assignments, requests for PDRD audio/video file(s) shall be forwarded to the designated System Administrator.
2. Any PDRD copies not entered into evidence shall be returned to the first line supervisor or a System Administrator for destruction.

B. Non-Departmental Requests.

Public Records requests shall be accepted and processed, in accordance with the provisions of federal, state, local statutes and DGO M-9.1, PUBLIC RECORDS ACCESS, and forwarded to the Project Administrator.

C. Request for deletion of an accidental recording.

In the event of an accidental activation of the PDRD and the resulting recording is of no investigative or evidentiary value, the respective personnel may request that the PDRD file be deleted by submitting an email request to their immediate supervisor with sufficient information to locate the PDRD file. Approved requests shall be submitted to the Project Administrator at PDRD@oaklandnet.com.

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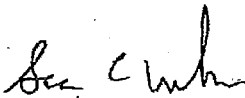
Effective Date
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- D. A PDRD file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a PDRD file for such purpose may come from any source.
1. A person recommending utilizing a PDRD file for training purposes shall submit the recommendation through the chain-of-command to the Training Section Commander.
 2. The Training Section Commander shall review the recommendation and determine how best to utilize the PDRD file considering the identity of the person(s) involved, sensitivity of the incident and the benefit of utilizing the file versus other means.

VII. REPLACEMENT PROCEDURES

- A. Personnel shall immediately report any recognized problems with the PDRD as well as a lost, stolen or damaged PDRD to their immediate supervisor. Upon notification, the supervisor shall facilitate the replacement of the PDRD as soon as practical.
- B. Supervisors shall document a lost, stolen or damaged PDRD as specified in DGO N-5, LOST, STOLEN, DAMAGED CITY PROPERTY, unless the PDRD stops functioning properly for no apparent reason and the supervisor does not observe any sign of damage.

By Order of



Sean Whent
Interim Chief of Police

Date Signed: 3-5-14

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

POLICE DEPARTMENT

INTEROFFICE MEMORANDUM

TO: All Personnel

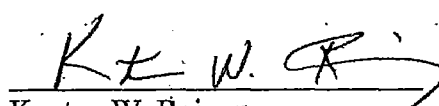
DATE: November 10, 2012

FROM: Chief Kenton W. Rainey

SUBJECT: Policy 450 – Use of Video and Audio Recorders

As many of you are aware the Department has purchased Mobile Video Recorders (MVR) for all of our sworn officers and sergeants to wear in the field. In the upcoming weeks, we will begin to slowly phase this equipment into our daily operations by requiring the Capital Corridor Team Officers to wear the MVR during their **regularly assigned work days only**. However, if feasible they are also encouraged to wear their MVRs whenever they are working an overtime assignment or other special assignment at their direct report station (Lake Merritt).

The below is the agreed upon policy and procedure that governs the proper use of the MVR that we all need to begin to become familiar with. This policy will be reviewed and revised at regular intervals in order to maximize the efficiency and effectiveness of the MVR. I want to thank the Police Officers Association, Police Management Association, our Taser Instructors and members of the Capital Corridor Team for all of their assistance and input in moving us forward in this process.


Kenton W. Rainey
Chief of Police



BART POLICE DEPARTMENT
KENTON W. RAINEY, CHIEF OF POLICE

SPECIAL ORDER NO 12-03
DATE OF ISSUE: 11/10/12

Policy 450 - Use of Video and Audio Recorders

450.1 PURPOSE AND SCOPE

The San Francisco Bay Area Rapid Transit District Police Department (BART) is providing each of its sworn sergeants and officers with a wearable Mobile Video Recorder (MVR) for use while on-duty. The MVR is designed to record both video and audio activity of members during the course of their official police duties. The MVR is intended to assist officers in the performance of their duties by providing an objective, unbiased video and audio record of a contact and/or incident.

The use of the MVR provides documentary evidence for criminal investigations, civil litigation, and allegations of officer misconduct. Video documentation shall be maintained by the Police Department if it supports a criminal investigation based on reason to believe the subject of the investigation is or may be involved in criminal conduct, or for purposes of an administrative investigation on the conduct of a member(s) of the Police Department.

Officers shall utilize the MVR in accordance with the provision of this Policy in order to maximize the effectiveness of the device, enhance transparency, and ensure the integrity of evidence.

450.2 DEFINITIONS

- A. **"Mobile Video Recorder" (MVR)** This refers to any system that captures audio and video signals that is capable of installation in a vehicle or individually worn by officers and that includes at a minimum a recorder, microphone, and paired monitoring device.
- B. **"Audio Recording"** is the electronic recording of conversation or other spoken words.
- C. **"Evidence.com"** is the online web-based digital media storage facility. The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in a highly secure environment. The digital recordings are accessible to authorized personnel based upon a security clearance and maintain an audit trail of user activity.
- D. **"Evidence Transfer Manager" (ETM)** is a docking station that simultaneously recharges the AXON Flex Camera and AXON Flex Controller and uploads all data captured from the camera's point of view during officer's shift to bartpd.evidence.com. The ETM ensures that evidence handling is secured and cannot be altered.
- E. **"AXON Flex Camera"** connects to the AXON Flex Controller. The Flex Camera manages the video compression and storage and is capable of playback via a Bluetooth paired smart device. The AXON Flex Camera ensures that evidence handling is secured and cannot be

altered. Once plugged into the docking station, the AXON Flex Camera will upload digitally-encrypted data through the Evidence Transfer Manager to bartpd.evidence.com.

- F. **"AXON Controller"** is the battery pack for the AXON Flex Camera and connects to the Flex Camera via a small gage wire.
- G. **"MVR Technician"** The Community Service Officer(s) assigned to administrative services that assign, oversee, and track Department equipment. The CSO(s) shall oversee needed repairs or replacement of the MVR and Evidence Transfer Manager equipment through Taser AXON representatives.
- H. **"System Administrator"** The Administrative Services Supervisor will be the bartpd.evidence.com system administrator with full access to user rights who controls passwords, coordinates with the MVR Technician, and acts as liaison with Taser AXON representatives.
- I. **"Video Recording"** is the electronic recording of visual images with or without audio component.
- J. **"Impound"** is the process by which video and audio files are uploaded to Evidence.com by docking the MVR to the Evidence Transfer Manager thereby ensuring files are secure and unable to be altered.

450.2a CATEGORIES AND RETENTION PERIODS

The BART Police Department has nine (9) categories to tag and retain our cases in Evidence.Com. Each one is listed below with the current retention cycle. It should be noted that retention times can be extended at any time by a Supervisor, Internal Affairs, Evidence Specialist, BPD System Administrator for evidence.com, or by the Chief of Police or his/her designee. Categories can also be added if needed.

- 01) COLD REPORT- 1 YEAR
- 02) CONSENSUAL CONTACTS -1 YEAR
- 03) DETENTIONS- 2 YEARS
- 04) INFRACTION VIOLATIONS 2 YEARS
- 05) ARREST – MISDEMEANOR / FELONY 3 YEARS
- 06) STATEMENT – VICTIM / SUSPECT / WITNESS 3 YEARS
- 07) USE OF FORCE – UNTIL MANUALLY DELETED
- 08) SICK / INJURED PATRON – 3 YEARS
- 09) UNATTENDED DEATH / HOMICIDE – UNTIL MANUALLY DELETED

450.3 UNIFORMED OFFICER RESPONSIBILITIES

Prior to going into service, each uniformed patrol officer equipped with a Department issued MVR will be responsible for making sure that the MVR is in good working order. The MVR shall be conspicuously placed on the officer's person in one of the Department approved mounting positions, which are limited to an eye glass clip, ear mount, collar clip, or epaulet clip.

The MVR shall be worn in such a way as to provide an unobstructed camera view of officer/citizen contacts. The camera shall be considered mounted correctly if it is mounted in one of the department approved mounting positions.

Members of the Department that are assigned an MVR shall receive mobile video training prior to deployment of the device in an operational setting. At this training, each officer will be provided a standard checklist of steps they are required to complete in order to ensure their MVR's and MVR mounting systems are in good working order. Officers will conduct the following steps prior to going into service:

1. Officers shall insure that the battery is fully charged
 - a. Depress the battery status button on the front of the controller and observe that the light is green
2. Officers shall insure that the camera is able to be activated and is functioning
 - a. Connect the battery cable from the battery to the camera
 - b. Turn the camera on by clicking the On switch
 - c. Observe the indicator lights are correct (blinking green)
 - d. Double tap button to activate recording
 - e. Observe that indication lights are correct (blinking red)
 - f. Press and hold to end recording
 - g. Observe that indicator lights are correct (blinking green)
3. Officer shall insure that the player is properly paired
4. Officer shall insure that the field of view for the camera is correct
 - a. Activate the Samsung Galaxy player
 - b. Activate the Live Preview feature

450.4 NON-UNIFORMED OFFICER RESPONSIBILITIES

Any officer assigned to a non-uniformed position may carry a Department-issued MVR at any time the officer believes that such a device may be utilized in order to assist the officer in the performance of their duties by providing an objective, unbiased video and audio record of a contact and/or incident. However, whenever a non-uniformed officer is working a uniformed patrol assignment he/she shall wear a Department - issued MVR in accordance with this policy.

450.5 ACTIVATION OF THE VIDEO/AUDIO RECORDER

Penal Code Section 632 prohibits any individual from surreptitiously recording any conversation (confidential communication) in which any party to the conversation has a reasonable belief that the conversation is private or confidential. This excludes a communication made in a public gathering or in any legislative, judicial, executive or administrative proceeding open to the public, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded. However Penal Code Section 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation as follows:

(a) No member of the Department may surreptitiously record a contact with or conversation of any other member of this Department without the expressed knowledge and consent of all parties present, including the member whose acts or conversation are being recorded. Nothing in this Section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code Section 3303(g).

~~(b) Any member of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation:~~

(1) For the purpose of this Policy, any officer 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.

(2) For the purpose of this Policy, it shall further be presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted MVR will have knowledge that such a contact is being recorded. This subsection shall not apply to contact between a member of the Department wearing a conspicuously mounted MVR and other member(s) of the Department. For purposes of this policy, contact between members of this Department is governed by section 450.5(a), and 450.5(b)(1).

(c) All on-scene officers (inclusive of all initiating and witness officers) equipped with an MVR shall activate their cameras prior to making contact with individuals in any of the following circumstances:

(1) Any enforcement contact e.g. detentions, vehicle stops, walking stops (officers are encouraged to activate their MVR on consensual encounters also), as outlined in Policy section 322.3.

(2) Probation and parole searches

(3) Service of a search or arrest warrant

(4) Any contact with a subject suspected of criminal behavior

(d) Members of the Department are expected to activate their MVRs any time they reasonably believe that a recording of an on-duty contact with a member of the public may be of future benefit to the Department.

(1) At no time should an officer jeopardize his/her safety or the safety of another in order to activate their MVR.

(2) Members of the Department are expressly prohibited from utilizing Department recorders and recorded media for personal use.

(3) Members of the Department will not make copies of any recordings for their personal use and are prohibited from using a recording device (such as a phone camera or

secondary video camera) to record media from bartpd.evidence.com or the AXON Flex Camera unit. Nothing in this policy shall be construed as limiting an officer's right to carry and use a personal device such as a smart-phone, however officers shall not carry or use another mobile video recorder in addition to the District issued MVR without express approval of the Chief of Police.

450.6 MOBILE VIDEO OPERATING PROCEDURES

Members of the Department that are assigned an MVR shall receive mobile video training prior to deployment of the device in an operational setting.

1. Prior to going into service each officer shall perform an inspection, consisting of the steps set forth in section 450.3 and provided to each officer at their initial MVR training, to ensure that his/her MVR is operational. If problems are encountered with any component of the system, the MVR equipment will not be used.
2. The officers shall report malfunctions, damage, loss or theft of an MVR to their immediate supervisor prior to placing the unit out of service. The officer placing the MVR unit out of service shall notify the MVR Technician in writing of the suspected cause of equipment failure and/or recommendations for corrective action. If the officer does not know what the suspected cause of equipment failure is and/or has no recommendations for corrective action, they may indicate this in writing to the MVR technician. In case of loss or theft of an MVR, the officer shall notify the MVR technician and their immediate supervisor as soon as they become aware of the loss or theft of the device. When so notified, the MVR technician shall immediately deactivate the device. The assigned officer shall document the status of the device, including all relevant circumstances via the appropriate Departmental report. A spare MVR shall be issued to an officer through a supervisor with the Watch Commander's approval prior to going into service. The Watch Commander shall log the assignment of a spare MVR with the Department MVR Technician.
3. Once the MVR is activated it should remain on until the incident or contact of interest has reached a conclusion and/or the officer leaves the scene, whichever occurs first. Where the officer reasonably believes the incident or contact of interest is over, they may shut the MVR record mode off. If the incident resumes following the officer's termination of the MVR recording, the officer shall re-activate their MVR.
4. When the MVR is used in any incident, investigation, or during a traffic stop, this fact will be documented on any relevant citation and/or report prepared regarding the incident. Conversely, when the MVR is not used in any incident, investigation, or during a traffic stop, the reason for non-use will be documented on any relevant citation and/or report prepared regarding the incident.
5. Except in circumstances prohibited by statute, or as directed by the Chief of Police, or his or her designee, an officer may have access to review his/her recordings when preparing written reports and/or statements relevant to any incident, to help ensure accuracy and consistency of accounts. To prevent damage, original recordings shall

not be viewed in any equipment other than the equipment issued or authorized by the MVR manufacturer.

6. Department personnel shall not intentionally erase, alter, reuse, modify or tamper with audio-video recordings, nor shall they attempt to erase, alter, reuse, modify or tamper with audio-video recordings.
7. If the MVR is accidentally activated, an officer may submit a written memorandum to his or her immediate supervisor requesting the recording be deleted. The request shall be routed via the chain of command to the requesting officer's Deputy Chief. The Deputy Chief shall either approve or deny the request in writing, after they ensure the recording has been reviewed and contains nothing of evidentiary value. (For purposes of this section "in writing" means checking the appropriate box and signing the form).
- 8.

450.7 MOBILE VIDEO RECORDER IMPOUNDING PROCEDURE

At the end of each shift, officers shall place the MVRs into an assigned open slot on the Evidence Transfer Manager (docking station). This will allow the data to be transferred from the MVR, via the docking station, to bartpd.evidence.com. The data is considered impounded at this point and the MVR is cleared of existing data.

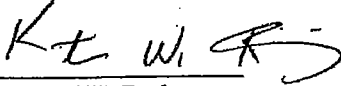
450.8 REVIEW OF RECORDED MEDIA

Recorded files shall be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific incident, issue, and/or act of officer conduct.
- (b) By any member of the Department who is authorized to participate in an official investigation in the following type of cases only: personnel complaints, administrative investigations, or criminal investigations.
- (c) Pursuant to a lawful process or by members of the District Attorney's office or court personnel otherwise authorized to review evidence in a related case.
- (d) By the Independent BART Police Auditor or his/her investigator.
- (e) With the expressed permission of the Chief of Police or authorized designee.

450.9 MOBILE VIDEO RECORDERS

The Department assigned MVR (Taser Axon Flex) shall be the only mobile video recorder allowed for Department employees while on-duty. Any other mobile video recorder shall only be used with the expressed permission of the Chief of Police.


Kenton W. Rainey
Chief of Police



THE CITY OF SAN DIEGO
M E M O R A N D U M

DATE: January 7, 2014

TO: Personnel Participating in the Body Worn Camera Field Test

FROM: Dan Christman, Captain, Operational Support Division

SUBJECT: Procedures Governing Use of Body Worn Cameras and Recordings

I. PURPOSE

This Department procedure establishes guidelines and limitations regarding videotaping conducted by Department members using body worn audio/video equipment and procedures for preserving the digital media in Evidence.com.

II. SCOPE

This procedure applies to all personnel participating in the Body Worn Camera Field Test and encompasses the use of equipment, recordings, computer systems and software associated with the field test commencing on January 7, 2014.

III. DEFINITIONS

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

BWC Program Administrator (Operational Support) – Police Department program administrator for Evidence.com and TASER Axon camera system with full access to user rights, sets user access and parameters.

Digital Evidence - Includes photographs, audio recordings and video footage that is stored digitally.

Docking Station - A portable multi-ported base installed at the commands. The docking station simultaneously recharges the BWC while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to Evidence.com.

Evidence.com- A commercial digital media and software company contracted for through the city and accessed at www.evidence.com. The virtual warehouse stores digitally encrypted data in a highly secure environment accessible to personnel based on security clearance.

Metadata- Case numbers, Incident numbers and other descriptors used to identify digital evidence.

IV. PROCEDURE

A. Storage

1. The BWC devices shall be stored in the designated docking station when not in use or in a secure storage location. Only authorized personnel shall use or be in possession of a BWC device.

B. Pre-shift inspection

1. Daily, officers shall inspect their assigned BWC device to ensure there is no visual damage and the device is in working order. Visual damage shall be logged on to the officer's MCT (Mobile Computer Terminal) as a journal entry. Inoperable equipment shall be tagged and returned to Operational Support as soon as possible.

C. BWC Modes of Operation (TASER models)

1. The BWC system operates on rechargeable battery power for up to twelve hours of continuous buffering and records up to ten hours of continuous video and audio media. The user can view recordings and add metadata via a specific monitor, computer or a smart phone with specific application. Viewing or adding metadata will not alter the video recording as they are protected with multiple layers of encryption on the aforementioned devices, the BWC itself and at Evidence.com.
2. Buffering Mode- When a BWC is on but has not been activated to record both sound and video. The camera will continuously record only video in 30 second loops.
3. Event Mode - When the Event button is activated, the BWC saves the buffered video from 30 seconds prior to pressing the button (video only) and continues recording video as well as audio for up to ten (10) additional hours.

Continuous pressing of the Event button turns the recording on and off and creates separate media segments.

4. Each recorded segment requires metadata be entered, even if the segments are of the same event. Metadata should be added at the conclusion of the event. In case of a delay, metadata will be added as soon as possible.

D. Equipment Maintenance

In the event the BWC malfunctions, the officer will notify their supervisor and Operational Support. A notation will be made on the officer's journal indicating the nature of the malfunction. The inoperable equipment will be taken to Operational Support for repair as soon as possible. In the event Operational Support cannot repair the unit, the manufacturer will be contacted to facilitate the repair. This procedure will be followed for all BWC related equipment and accessories. Repair and replacement of damaged or nonfunctional BWC equipment is coordinated through Operational Support and performed through an authorized service provider.

E. Audio/Visual Recording

In keeping with the Department's value of respecting the dignity of all human beings, officers will use sound judgment in when and how the BWC will be used. Officers will adhere to the following guidelines:

1. BWC equipment shall not be utilized for personal use.
2. The BWC shall not be used in Buffering or Event Modes and BWC shall be turned off in the following instances:
 - a. During Department administrative investigations.
 - b. Where possible, officers will avoid capturing video media of sensitive human areas such as exposed breast, groin, etc...
 - c. While in Department dressing rooms, break rooms, during pre-shift conferences, in restrooms or any other place where there is a reasonable expectation of privacy.
3. Enforcement Related Contacts: Officers shall use the event mode to record enforcement related contacts. The event mode should be activated prior to actual contact with the citizen, or as soon as possible thereafter, and continue recording until the contact is concluded.

Enforcement related contacts include the following: Traffic stops, field interviews, detentions, arrests, and consensual encounters where the officer is attempting to develop reasonable suspicion.

4. Arrests: Officers may stop recording in the event mode when the suspect is cooperative and safely secured inside a police car. If a suspect becomes uncooperative officers should resume recording in the event mode.
5. Suspect Interviews: Officers are encouraged to fully record suspect interviews. Officers shall insure they record any admonishments prior to the start of an interview. Officers should not stop and start the recording during a suspect interview.
6. Victim and Witness Interviews: Victim and witness interviews will generally not be recorded. Offices shall not record the following:
 - a. During Sex Crime investigations to include statements of victims, witnesses and interactions with parents of victims.
 - b. During Child Abuse investigations to include statements of victims, witnesses and interactions with parents of victims.
7. Demonstrations: As a general policy, Department personnel should refrain from visual recording or photographing peaceful demonstrations. When there is reason to believe that a planned event has the potential for unlawful activity, Commanding Officers should make the determination whether visual recording or photographing is appropriate.

During demonstrations, officers should operate cameras in the buffering mode. If officers witness crimes occurring among the demonstrators and/or believe an arrest is likely, they should begin recording in the event mode.

8. BWC recordings of contacts shall be documented in the following manner:
 - a. ARJIS 2 and ARJIS 8: "BWC Recording" shall be recorded in the Evidence section of the report.
 - b. ARJIS 9: "BWC Recording" shall be recorded in the in the Property Tag section of the report.
 - c. Field Interview Slips and Traffic Warnings: "BWC Recording" shall be recorded in the narrative.
 - d. Traffic Citations: "BWC Recording" shall be recorded in the case number box near the top of all citations.
 - e. Other Reports: "BWC Recording" shall be recorded in the narrative.

- f. Other Recordings: Non evidentiary recordings, such as inadvertent recordings, recordings initiated for training, or recordings with no associated report shall be documented on the officer's journal.

F. Officer Safety and Civilian Advisements

1. Officers shall follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Officer safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.
2. Private persons do not have an expectation of privacy when talking with police officers during the normal scope of an officer's duty. Therefore, officers are not required to give notice they are recording. However, if asked, officers shall advise citizens that are being recorded. The advisement shall be noted in any written reports. Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.

Exception: Officers and supervisor involved in the investigation of a complaint against a member of the police department must inform complainants and witnesses they are being recorded.

G. Impounding Procedures

After verifying the required metadata has been added to all recorded events, officers shall place the BWC into any open slot(s) on the docking station at the end of their shift. This will allow for the battery to recharge. The data will automatically be transferred from the BWC through the docking station to Evidence.com. The data will be considered impounded at this point.

H. Accessing Impounded Data

1. Using a computer, enter www.evidence.com in the browser.
2. Enter assigned user name and password (for problems contact the Department Program Administrator in Operational Support Administration).
3. Digital media can be viewed and copied from this location.
4. Only authorized detectives or detective sergeants shall access www.evidence.com. Detectives are responsible for reviewing, updating and tracking digital evidence associated with their assigned cases.

I. Ownership, Security, Copying, Reviewing and Retention

1. All digital evidence collected using the BWC is considered a record of the San Diego Police Department and is for official use only. Accessing, copying or releasing any media for other than official law enforcement use and contrary to this procedure is strictly prohibited. Public release of digital evidence is prohibited unless approved by the Chief of Police or his designee.
2. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Publishing digital evidence on the internet or through other sources is prohibited. Using a secondary recording device such as video camera, cell phone or other to capture digital evidence from www.evidence.com is prohibited.
3. The Department realizes that digital evidence captured by the BWC is not all inclusive. The system captures a less broad and less detailed image than the totality of the human senses. It is understood an officer's account of specific details may appear different than retained digital evidence. Officers should review digital evidence prior to completing reports and prior to providing civil or criminal testimony.
 1. Administrative Review of Digital Evidence: It is not the intent of the Department that recordings be viewed for the purpose of general performance review, for routine preparation of performance reports, or for the purpose of locating policy violations. During those instances where policy allows viewing of these recordings, the manner in which these viewings may take place shall not exceed the scope of policy established in this procedure.

Authorization shall be obtained from a chief officer prior to an administrative review of digital evidence recorded in association with the Body Worn Camera Field Test.

- a. When digital evidence is used by the Department for the purpose of proving and disproving allegations of misconduct, only digital evidence relevant to the investigative scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence by investigators shall be documented as part of the chronological summary of a criminal or administrative investigation.
4. Criminal, Civil and Administrative Proceedings
 - a. Department policies and procedures relating to access and disclosure of public records, rights of privacy and subpoenas shall be followed.
 - b. Criminal Proceedings: The release of digital media maintained for evidence in criminal proceedings shall be coordinated through the District

Attorney's office or City Attorney's office.

- c. There will be no charge for copies of digital evidence as a result of subpoenas or discovery orders.
 - d. Civil Proceedings: The release of digital evidence maintained for civil proceedings shall be coordinated through the Chief's Office and the Department Legal Advisor. A fee is required for copying digital evidence pursuant to a subpoena or a discovery order.
 - e. Administrative Proceedings: When digital evidence is used by the Department for the purpose of proving and disproving allegations of misconduct, only digital evidence relevant to the investigative scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence by investigators shall be documented as part of the chronological summary of a criminal or administrative investigation.
- J. Discovery of Misconduct during Authorized Video Review: Employees reviewing event recordings should remain focused on the incident or incidents in question and review only those recordings relevant to the investigative scope. If improper conduct is discovered during any review of digital evidence, a supervisor will be notified and will conduct an investigation. Nothing in this procedure prohibits addressing policy violations.
- K. Use of Digital Evidence for Training Purposes: When an incident is recorded which is perceived to be of value as a training aid, the officer responsible for recording the event may report it to the Training Lieutenant who will review the digital evidence to determine the value of the incident for training. If the Training Lieutenant determines the incident would be an appropriate training aid, the Training Lieutenant shall obtain approval from the Department Legal Advisor and from the Assistant Chief of Neighborhood Policing.
- L. Temporary Retention of Digital Evidence: During the trial period, Evidence.com shall retain all recordings and will provide access to authorized personnel. Following the Trial Period, Evidence.com will return recordings to the police department for storage and remove all copies from their data bases.
- M. BWC Program Administrator's Responsibilities. BWC Program Administrators shall be sworn members assigned to Operational Support. BWC Program Administrators are responsible for performing the following duties:
1. Maintain and troubleshoot the BWC units.
 2. Be proactive and able to complete minor repairs.
 3. Arrange for the warranty and non-warranty repair of the BWC units.

4. Repair or replace BWC components (cameras, docking stations, etc.).
5. Maintain BWC equipment repair and maintenance records.
6. Update software and system settings as necessary.
7. Train officers on current policy and the proper use of BWC units.

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 12

April 28, 2015

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON APRIL 28, 2015

SUBJECT: BODY WORN VIDEO PROCEDURES - ESTABLISHED

PURPOSE: The purpose of this Order is to inform Department personnel of the responsibilities and procedures for the use and deployment of Body Worn Video (BWV).

PROCEDURE: Department Manual Section 3/579.15, *Body Worn Video Procedures*, has been established.

I. OBJECTIVES OF BODY WORN VIDEO. The following provisions are intended to provide LAPD Officers with instructions on when and how to use BWV to ensure reliable recording of enforcement and investigative contacts with the public. "Officers," as referenced below, include all sworn personnel. The Department has adopted the use of BWV by uniformed personnel to:

- Collect evidence for use in criminal investigations and prosecutions;
- Deter criminal activity and uncooperative behavior during police-public interactions;
- Assist officers with completing reports and providing testimony in court;
- Promote accountability;
- Assist in resolving complaints against officers including false allegations by members of the public; and,
- Provide additional information for officer evaluation, training, and continuous improvement.

Body Worn Video provides additional information regarding an investigative or enforcement contact with a member of the public. Body Worn Video recordings, however, provide a limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, officer interviews, forensic analyses and documentary evidence, when evaluating the appropriateness of an officer's actions.

II. BODY WORN VIDEO EQUIPMENT. Body Worn Video equipment generally consists of a body-mounted camera with a built-in microphone and a handheld viewing device. The BWV camera is worn on the outside of an officer's uniform, facing forward to make video and audio recordings. The BWV video and audio recordings are stored digitally on the BWV camera and can be viewed on a handheld viewing device or an authorized computer. An officer cannot modify, alter, or delete video or audio once recorded by the BWV camera.

- III. WHEN ACTIVATION OF BODY WORN VIDEO EQUIPMENT IS REQUIRED.** Officers shall activate their BWV devices prior to initiating any investigative or enforcement activity involving a member of the public, including all:
- Vehicle stops;
 - Pedestrian stops (including officer-initiated consensual encounters);
 - Calls for service;
 - Code 3 responses (including vehicle pursuits) regardless of whether the vehicle is equipped with In-Car Video equipment;
 - Foot pursuits;
 - Searches;
 - Arrests;
 - Uses of force;
 - In-custody transports;
 - Witness and victim interviews (except as specified below);
 - Crowd management and control involving enforcement or investigative contacts; and,
 - Other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.
- IV. INABILITY TO ACTIVATE PRIOR TO INITIATING ENFORCEMENT OR INVESTIGATIVE ACTIVITY.** If an officer is unable to activate his or her BWV prior to initiating any of these enforcement or investigative activities, the officer shall activate the device as soon as it is practical and safe to do so. As in all enforcement and investigative activities including vehicle and pedestrian stops, the safety of the officers and members of the public are the highest priorities.
- V. RECORDING OF THE ENTIRE CONTACT.** The BWV shall continue recording until the investigative or enforcement activity involving a member of the public has ended. If enforcement or investigative activity with a member of the public resumes, the officer shall activate the BWV device and continue recording.
- VI. DOCUMENTATION REQUIRED FOR FAILING TO ACTIVATE BODY WORN VIDEO OR RECORDING THE DURATION OF THE CONTACT.** If an officer is unable or fails to activate the BWV prior to initiating an enforcement or investigative contact, fails to record the entire contact, or interrupts the recording for any reason, the officer shall set forth the reasons why a recording was not made, was delayed, was interrupted, or was terminated in the comments field of the incident in the Computer Aided Dispatch (CAD) System, Daily Field Activity Report (DFAR), Form 15.52.00, Traffic Daily Field Activity Report, Form 15.52.01, Sergeant's Daily Report, Form 15.48.00, Metropolitan Division Officer's Log, Form 15.52.04 or Gang Enforcement Detail – Supervisor's Daily Report Form, 15.49.00.

Exceptions: Officers are not required to activate and record investigative or enforcement encounters with the public when:

- A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational;
- In the officer's judgment, a recording would interfere with his or her ability to conduct an investigation, or may be inappropriate, because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault);
- Situations where recording would risk the safety of a confidential informant, citizen informant, or undercover officer; or
- In patient-care areas of a hospital, rape treatment center, or other healthcare facility unless an enforcement action is taken in these areas.

VII. CONFIDENTIAL NATURE OF RECORDINGS. Body Worn Video use is limited to enforcement and investigative activities involving members of the public. The BWV recordings will capture video and audio evidence for use in criminal investigations, administrative reviews, and other proceedings protected by confidentiality laws and Department policy. Officers shall comply with all applicable laws and policies regarding confidential information including Department Manual Section 3/405, *Confidential Nature of Department Records, Reports, and Information*. Unauthorized use or release of BWV recordings may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded. Therefore, any unauthorized use or release of BWV or other violation of confidentiality laws and Department policies are considered serious misconduct and subject to disciplinary action.

VIII. PROHIBITION AGAINST MODIFICATION OF RECORDINGS. Officers shall not copy, edit, alter, erase, or otherwise modify in any manner BWV recordings except as authorized by law or Department policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action.

IX. NOTICE TO MEMBERS OF THE PUBLIC OF RECORDING. Officers are encouraged to inform individuals that they are being recorded when feasible. Officers, however, are not required to obtain consent from members of the public when the officer is lawfully in the area where the recording takes place. For example, an officer who lawfully enters a business or residence shall record any enforcement or investigative activity, as set forth above, and is not required to obtain consent from members of the public who may also be present. In addition, officers are not required to play back BWV recordings to allow members of the public to review the video footage.

X. PROHIBITION AGAINST RECORDING PERSONNEL IN NON-ENFORCEMENT OR INVESTIGATIVE SITUATIONS. Body Worn Video equipment shall only be used in conjunction with official law enforcement and investigative activities involving members of the public. Body Worn Video

shall not be used to record Department personnel during briefings, meetings, roll calls or while in private spaces such as locker rooms or restrooms.

- XI. DEPARTMENT-ISSUED EQUIPMENT ONLY.** Officers assigned BWV equipment shall not use any other non-Department issued video or audio equipment, such as personally owned video or audio recorders, to record enforcement or investigative activities involving members of the public unless expressly authorized by a supervisor. Uniformed supervisory personnel, however, may use digital recording devices other than a BWV to record interviews when conducting use of force or personnel complaint investigations. Nothing in this provision precludes personnel from utilizing authorized still photography equipment.
- XII. PROPERTY OF THE DEPARTMENT.** Body Worn Video equipment and all data, images, video, and metadata captured, recorded, or otherwise produced is the sole property of the Department and any unauthorized release is strictly prohibited.
- XIII. TRAINING REQUIRED.** Officers who are assigned a BWV must complete Department-approved training in the proper use and maintenance of the devices before deploying to the field.
- XIV. INSPECTION AND TESTING OF EQUIPMENT.** The BWV equipment is the responsibility of the assigned officer and will be used with reasonable care to ensure proper functioning and reliability. At the start of a field assignment, officers shall inspect and test their BWV and make sure it is undamaged and operating properly. Officers shall document the results of their inspection in the comments field of "Status Change – SW" entry within CAD, in the comments field of the DFAR or Traffic DFAR, the Sergeant's Daily Report, Gang Enforcement Detail – Supervisor's Daily Report, or Metropolitan Division Officer's Log.
- XV. DAMAGED, MALFUNCTIONING OR INOPERABLE EQUIPMENT.** If an officer's BWV malfunctions or is damaged, the officer shall notify an on-duty supervisor (who shall notify the watch commander) and complete an Employee's Report, Form 15.07.00. The officer is required to provide the malfunctioning or damaged equipment to the kit room officer and obtain a functional BWV before deploying to the field.
- XVI. IDENTIFYING RECORDINGS.** For each incident recorded on a BWV, officers shall identify the event type and other information using the BWV equipment and software that best describes the content of the video (i.e. arrest, traffic stop, report). Body Worn Video recordings, however, are not a replacement for written reports or other required documentation such as a CAD summary or DFAR.
- XVII. STORAGE OF RECORDINGS.** At the end of each shift, officers shall upload all BWV recordings to secure storage by docking the device at the station.
- XVIII. VIEWING OF BODY WORN VIDEO RECORDINGS BY OFFICERS.** The accuracy of police reports, officer statements, and other official documentation is essential for the proper administration of justice and complying with the

Department's obligation to maintain full and complete records of enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Officers are therefore required to review BWV recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to ensure that their reports, statements, and documentation are accurate and complete.

XIX. PROCEDURE FOR REVIEWING BODY WORN VIDEO RECORDINGS IN CATEGORICAL USE OF FORCE INCIDENTS. If an officer is involved in a Categorical Use of Force (CUOF), such as an officer-involved shooting, an officer shall not review his or her BWV until authorized by the assigned Force Investigation Division (FID) investigator. Once authorized, the officer shall review his or her BWV recording, and any other relevant BWV footage as deemed necessary and appropriate by the assigned FID supervisor, prior to being interviewed by investigators. An officer may have an employee representative present during the review of the BWV recordings without the FID investigator or supervisor present. The separating and monitoring of officers involved in a CUOF shall be maintained during the review of BWV recordings and a review shall not occur jointly among involved employees.

XX. DOCUMENTATION OF RECORDINGS. Officers are required to document any portion of an incident captured on the BWV system under the heading "Photos, Recordings, Video, DVCV, BWV and Digital Imaging" on all administrative and investigative reports (e.g., "The suspect's spontaneous statements and actions were recorded via BWV"). If an employee is unable to review the BWV recording before submitting a report, the officer must document in this section the circumstances that prevented his or her review. If any portion of an incident resulting in an arrest was captured by BWV equipment, officers shall identify the existence of a BWV recording on all necessary forms including the City Attorney's Disclosure Statement.

XXI. SUPERVISOR'S RESPONSIBILITIES. Supervisors assigned to any unit with BWV-equipped officers shall:

- Ensure that officers assigned BWV equipment have completed Department-required training and are familiar with applicable policies and procedures;
- Conduct periodic inspections of officers assigned BWV equipment and ensure that the BWV cameras are properly affixed to the officers' uniforms and fully operable;
- Ensure officers upload all BWV recordings at the end of their shifts; and,
- Review relevant BWV recordings prior to submitting any administrative reports (e.g. non-categorical use of force investigations, pursuits, officer-involved traffic collisions).

After conducting an inspection of an officer's assigned BWV equipment, the supervisor shall document the inspection in his or her Sergeant's Daily Report. If

any of the BWV equipment is found to be defective, the supervisor must ensure that the equipment is removed from service and immediately replaced. The supervisor must also complete an Employee's Report regarding the defective equipment and notify the system administrator at Information Technology Bureau via email at BWV@lapd.lacity.org. Watch commanders must document the supervisor's findings in their Watch Commander's Daily Report, Form 15.80.00, and take any appropriate action depending on the cause of the problem.

XXII. RECORDINGS IN NON-CATEGORICAL USE OF FORCE INCIDENTS

- SUPERVISOR'S RESPONSIBILITIES. Supervisors investigating Non-Categorical Use of Force (NCUOF) incidents shall, when available, allow involved officers to review their BWV recordings and, if deemed necessary, review other BWV recordings to ensure complete and accurate reports and documentation of the incident.

XXIII. RECORDINGS IN CATEGORICAL USE OF FORCE INCIDENTS

- SUPERVISOR'S RESPONSIBILITIES. Supervisors assigned to any unit with BWV-equipped officers must take possession of an officer's BWV equipment when the officer is involved in a Categorical Use of Force, ensure the recording has stopped, power off the camera, and maintain custody until transferred to FID personnel.

Note: Supervisors, however, shall not view the BWV recording without express authorization of FID.

Force Investigation Division investigators, upon arrival at the scene of a Categorical Use of Force incident, shall take possession of any involved officer's BWV camera and complete the upload process.

XXIV. WATCH COMMANDER'S RESPONSIBILITIES. Watch commanders assigned to any unit with BWV-equipped officers shall:

- Conduct roll call training on expectations, use, and maintenance of the BWV equipment and debrief BWV captured incidents of value;
- Review deviations from BWV policy and procedures and take appropriate action;
- Ensure all BWV anomalies identified by the Area training coordinator have been addressed and any appropriate documentation is returned to the Area training coordinator for commanding officer review;
- Review supervisor inspections regarding defective equipment, systems, and ensure necessary steps are taken to have them repaired;
- Review Sergeant's Daily Reports to ensure inspections of sworn personnel assigned BWV units are being conducted and documented. If field inspections are not properly documented, the watch commander must take appropriate action to correct the deficiency and appropriately document the findings (i.e., Employee Comment Sheet, Form 01.77.00, Supervisor Action Item, Notice to Correct Deficiencies, Form Gen. 78, or a Complaint Form, Form 01.28.00) and the

corrective action taken. The corrective action must also be documented within the Learning Management System (LMS); and,

- Log the appropriate disposition on the Video Evidence Control Log, Form 10.11.05, which must be maintained in the analyzed evidence locker at the concerned Area.

XXV. KIT ROOM OFFICER'S RESPONSIBILITIES. Officers assigned to the kit room shall:

- Conduct daily inspections of all BWV docking equipment to ensure they are active;
- Inspect any BWV devices returned to the kit room as inoperative;
- Assign spare units to sworn personnel who returned their primary unit to the kit room; and,

Note: If found to be defective, the kit room officer must declare the item inoperable and verify that an Employee's Report has been completed. If it is discovered that no documentation exists declaring the item inoperable, the kit room officer must complete an Employee's Report and submit the Employee's Report to the watch commander accompanied with the equipment log at the completion of the officer's shift.

- Provide a copy of the Employee's Report documenting the inoperable equipment to the Area training coordinator along, with any of the inoperable equipment.

XXVI. TRAINING COORDINATOR'S RESPONSIBILITIES. Area training coordinators shall:

- Verify officers have been trained on the use and deployment of BWV;
- Document all employees who have been trained on the use of BWV into the LMS including all traffic officers and reserve officers eligible for field duty;
- Ensure all employees transferring into the Area receive proper training on the use and deployment of BWV;
- Review all Employee's Reports documenting inoperable equipment and facilitate the equipment's repair;
- Deliver all inoperable equipment to the Information Technology Bureau (ITB), Tactical Technology Section; and,
- Notify the watch commander or specialized unit officer in charge (OIC) in the event that it appears that BWV equipment has been tampered with.

XXVII. COMMANDING OFFICER'S RESPONSIBILITIES. Area commanding officers (Areas with BWV) are responsible for ensuring compliance with BWV training, policies, and procedures by regularly monitoring and inspecting BWV equipment within their command. Area commanding officers are also responsible for supervising the proper maintenance and disposition of division records, ensuring adherence to record retention protocols and properly filing all BWV documents for future reference.

XXVIII. INFORMATION TECHNOLOGY BUREAU, TACTICAL TECHNOLOGY SECTION, RESPONSIBILITIES. The OIC of ITB, Tactical Technology Section, is responsible for:

- Coordinating warranty service and maintenance through Department-approved vendor(s);
- Providing technical assistance and subject matter experts related to investigations; and,
- Coordinating the replacement of inoperable, malfunctioning or damaged equipment and/or systems.

AMENDMENT: This Order adds Section 3/579.15 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

DISTRIBUTION "D"

Police Body-Mounted Cameras: With Right Policies in Place, a Win For All

Version 2.0

By Jay Stanley, ACLU Senior Policy Analyst

Originally published: October 2013

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Introduction to Version 2.0¹

Since we published the first version of this policy white paper in October 2013, interest in police body cameras has exploded. The August 2014 shooting of Michael Brown in Ferguson, Missouri and the subsequent protests focused new public attention on the problem of police violence—and on the possibility that body cameras might be part of the solution. The following December, a grand jury's decision not to indict an officer in the videotaped chokehold death of Eric Garner in New York City further intensified discussion of the technology.

With so much attention being paid to body cameras, we have received a lot of thoughtful feedback on our policy recommendations. Overall, considering how early in the discussion we issued our paper, we believe our recommendations have held up remarkably well. But in this revision of the paper we have seen fit to refine our recommendations in some areas, such as when police should record. And of course, the intersection of technology and human behavior being highly complex and unpredictable, we will continue to watch how the technology plays out in the real world, and will most likely continue to update this paper.

"On-officer recording systems" (also called "body cams" or "cop cams") are small, pager-sized cameras that clip on to an officer's uniform or are worn as a headset, and record audio and video of the officer's interactions with the public. Recent surveys suggest that about 25% of the nation's 17,000 police agencies were using them, with fully 80% of agencies evaluating the technology.

¹ I would like to thank Doug Klunder of the ACLU of Washington, who did much of the thinking behind the analysis set forth in the original draft of this paper; Scott Greenwood of Ohio; and my colleagues at the national office, for their valuable feedback and advice.

Much interest in the technology stems from a growing recognition that the United States has a real problem with police violence. In 2011, police killed six people in Australia, two in England, six in Germany and, according to an FBI count, 404 in the United States. And that FBI number counted only “justifiable homicides,” and was comprised of *voluntarily submitted* data from just 750 of 17,000 law enforcement agencies. Attempts by journalists to compile more complete data by collating local news reports have resulted in estimates as high as 1,000 police killings per year in the United States. Fully a quarter of the deaths involved a white officer killing a black person.

The ACLU's Interest

Although we at the ACLU generally take a dim view of the proliferation of surveillance cameras in American life, police on-body cameras are different because of their potential to serve as a check against the abuse of power by police officers. Historically, there was no documentary evidence of most encounters between police officers and the public, and due to the volatile nature of those encounters, this often resulted in radically divergent accounts of incidents. Cameras have the potential to be a win-win, helping protect the public against police misconduct, and at the same time helping protect police against false accusations of abuse.

We're against pervasive government surveillance, but when cameras primarily serve the function of allowing public monitoring of the government instead of the other way around, we generally support their use. While we have opposed government video surveillance of public places, for example, we have supported the installation of video cameras on police car dashboards, in prisons, and during interrogations.

At the same time, body cameras have more of a potential to invade privacy than those deployments. Police officers enter people's homes and encounter bystanders, suspects, and victims in a wide variety of sometimes stressful and extreme situations.

For the ACLU, the challenge of on-officer cameras is the tension between their potential to invade privacy and their strong benefit in promoting police accountability. Overall, we think they can be a win-win—but *only* if they are deployed within a framework of strong policies to ensure they protect the public without becoming yet another system for routine surveillance of the public, and maintain public confidence in the integrity of those privacy protections. Without such a framework, their accountability benefits would not exceed their privacy risks.

On-officer cameras are a significant technology that implicates important, if sometimes conflicting, values. We will have to watch carefully to see how they are deployed and what their effects are over time, but in this paper we outline our current thinking about and recommendations for the technology. These recommendations are subject to change.

Control over recordings

Perhaps most importantly, policies and technology must be designed to ensure that police cannot “edit on the fly” — i.e., choose which encounters to record with limitless discretion. If police are free to turn the cameras on and off as they please, the cameras'

role in providing a check and balance against police power will shrink and they will no longer become a net benefit.

The primary question is how that should be implemented.

Purely from an accountability perspective, the ideal policy for body-worn cameras would be for continuous recording throughout a police officer's shift, eliminating any possibility that an officer could evade the recording of abuses committed on duty.

The problem is that continuous recording raises many thorny privacy issues, for the public as well as for officers. For example, as the Police Executive Research Forum (PERF) pointed out in their September 2014 report on body cameras, crime victims (especially victims of rape, abuse, and other sensitive crimes), as well as witnesses who are concerned about retaliation if seen cooperating with police, may have very good reasons for not wanting police to record their interactions. We agree, and support body camera policies designed to offer special privacy protections for these individuals.

Continuous recording would also mean a lot of mass surveillance of citizens' ordinary activities. That would be less problematic in a typical automobile-centered town where officers rarely leave their cars except to engage in enforcement and investigation, but in a place like New York City it would mean unleashing 30,000 camera-equipped officers on the public streets, where an officer on a busy sidewalk might encounter thousands of people an hour. That's a lot of surveillance. That would be true of many denser urban neighborhoods—and of course, the most heavily policed neighborhoods, poor and minority areas, would be the most surveilled in this way.

Continuous recording would also impinge on police officers when they are sitting in a station house or patrol car shooting the breeze — getting to know each other as humans, discussing precinct politics, etc. We have some sympathy for police on this; continuous recording might feel as stressful and oppressive in those situations as it would for any employee subject to constant recording by their supervisor. True, police officers with their extraordinary powers are not regular employees, and in theory officers' privacy, like citizens', could be protected by appropriate policies (as outlined below) that ensure that 99% of video would be deleted in relatively short order without ever being reviewed. But on a psychological level, such assurances are rarely enough. There is also the danger that the technology would be misused by police supervisors against whistleblowers or union activists — for example, by scrutinizing video records to find minor violations to use against an officer.

On the other hand, if the cameras do not record continuously, that would place them under officer control, which allows them to be manipulated by some officers, undermining their core purpose of detecting police misconduct. Indeed, this is precisely what we are seeing happening in many cases.

The balance that needs to be struck is to ensure that officers can't manipulate the video record, while also placing reasonable limits on recording in order to protect privacy.

One possibility is that some form of effective automated trigger could be developed that would allow for minimization of recording while capturing any fraught encounters — based, for example, on detection of raised voices, types of movement, etc. With dashcams, the devices are often configured to record whenever a car's siren or lights are activated, which provides a rough and somewhat (though not entirely) non-discretionary measure of when a police officer is engaged in an encounter that is likely to be a problem. That policy is not applicable to body cams, however, since there is no equivalent to flashing lights. And it's not clear that any artificial intelligence system in the foreseeable future will be smart enough to reliably detect encounters that should be recorded. In any case, it is not an option with today's technology.

Another possibility is that police discretion be minimized by requiring the recording of all encounters with the public. That would allow police to have the cameras off when talking amongst themselves, sitting in a squad car, etc., but through that bright-line rule still allow officers no discretion, and thus no opportunity to circumvent the oversight provided by cameras.

An all-public-encounters policy is what we called for in the first version of this white paper, but (as we first explained [here](#)), we have refined that position. The problem is that such a policy does not address the issues mentioned above with witnesses and victims, and greatly intensifies the privacy issues surrounding the cameras, especially in those states where open-records laws do not protect the privacy of routine video footage.

If a police department is to place its cameras under officer control, then it becomes vitally important that it put in place tightly effective means of limiting officers' ability to choose which encounters to record. Policies should require that an officer activate his or her camera *when responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a police officer and a member of the public*. That would include stops, frisks, searches, arrests, consensual interviews and searches, enforcement actions of all kinds. This should cover any encounter that becomes in any way hostile or confrontational.

If officers are to have control over recording, it is important not only that clear policies be set, but also that they have some teeth. In too many places ([Albuquerque](#), [Denver](#), and [other cities](#)) officer compliance with body camera recording and video-handling rules has been terrible. Indeed, researchers report that compliance rates with body camera policies are as low as 30%.

When a police officer assigned to wear a body camera fails to record or otherwise interferes with camera video, three responses should result:

1. Direct disciplinary action against the individual officer.
2. The adoption of rebuttable evidentiary presumptions in favor of criminal defendants who claim exculpatory evidence was not captured or was destroyed.
3. The adoption of rebuttable evidentiary presumptions on behalf of civil plaintiffs suing the government, police department and/or officers for damages based on

police misconduct. The presumptions should be rebuttable by other, contrary evidence or by proof of exigent circumstances that made compliance impossible.

Evidentiary presumptions against a defendant-officer in a criminal proceeding should not be sought, as they are insufficient for meeting the burden of proof in a criminal case and might lead to false convictions.

Limiting the threat to privacy from cop cams

The great promise of police body cameras is their oversight potential. But equally important are the privacy interests and fair trial rights of individuals who are recorded. Ideally there would be a way to minimize data collection to only what was reasonably needed, but there's currently no technological way to do so.

Police body cameras mean that many instances of entirely innocent behavior (on the part of both officers and the public) will be recorded. Perhaps most troubling is that some recordings will be made inside people's homes, whenever police enter — including in instances of consensual entry (e.g., responding to a burglary call, voluntarily participating in an investigation) and such things as domestic violence calls. In the case of dashcams, we have also seen video of particular incidents released for no important public reason, and instead serving only to embarrass individuals. Examples have included DUI stops of celebrities and ordinary individuals whose troubled and/or intoxicated behavior has been widely circulated and now immortalized online. The potential for such merely embarrassing and titillating releases of video is significantly increased by body cams.

Therefore it is vital that any deployment of these cameras be accompanied by good privacy policies so that the benefits of the technology are not outweighed by invasions of privacy. The core elements of such a policy follow.

Notice to citizens

Most privacy protections will have to come from restrictions on subsequent retention and use of the recordings. There are, however, a few things that can be done at the point of recording.

1. Body cameras should generally be limited to uniformed police officers and marked vehicles, so people know what to expect. Exceptions should be made for non-uniformed officers involved in SWAT raids or in other planned enforcement actions or uses of force.
2. Officers should be required, wherever practicable, to notify people that they are being recorded (similar to existing law for dashcams in some states such as Washington). One possibility departments might consider is for officers to wear an easily visible pin or sticker saying "lapel camera in operation" or words to that effect. Cameras might also have blinking red lights when they record, as is standard on most other cameras.

3. It is especially important that the cameras not be used to surreptitiously gather intelligence information based on First Amendment protected speech, associations, or religion. (If the preceding policies are adopted, this highly problematic use would not be possible.)

Recording in the home

Because of the uniquely intrusive nature of police recordings made inside private homes, officers should be required to provide clear notice of a camera when entering a home, except in circumstances such as an emergency or a raid. And departments should adopt a policy under which officers ask residents whether they wish for a camera to be turned off before they enter a home in non-exigent circumstances. (Citizen requests for cameras to be turned off must themselves be recorded to document such requests.) Cameras should never be turned off in SWAT raids and similar police actions.

Retention

Data should be retained no longer than necessary for the purpose for which it was collected. For the vast majority of police encounters with the public, there is no reason to preserve video evidence, and those recordings therefore should be deleted relatively quickly.

- Retention periods should be measured in weeks not years, and video should be deleted after that period unless a recording has been flagged. Once a recording has been flagged, it would then switch to a longer retention schedule (such as the three-year period currently in effect in Washington State).
- These policies should be posted online on the department's website, so that people who have encounters with police know how long they have to file a complaint or request access to footage.
- Flagging should occur automatically for any incident:
 - involving a use of force;
 - that leads to detention or arrest; or
 - where either a formal or informal complaint has been registered.
- Any subject of a recording should be able to flag a recording, even if not filing a complaint or opening an investigation.
- The police department (including internal investigations and supervisors) and third parties should also be able to flag an incident if they have some basis to believe police misconduct has occurred or have reasonable suspicion that the video contains evidence of a crime. We do not want the police or gadflies to be able to routinely flag all recordings in order to circumvent the retention limit.

- If any useful evidence is obtained during an authorized use of a recording (see below), the recording would then be retained in the same manner as any other evidence gathered during an investigation.
- Back-end systems to manage video data must be configured to retain the data, delete it after the retention period expires, prevent deletion by individual officers, and provide an unimpeachable audit trail to protect chain of custody, just as with any evidence.

Use of Recordings

The ACLU supports the use of cop cams for the purpose of police accountability and oversight. It's vital that this technology not become a backdoor for any kind of systematic surveillance or tracking of the public. Since the records will be made, police departments need to be subject to strong rules around how they are used. The use of recordings should be allowed only in internal and external investigations of misconduct, and where the police have reasonable suspicion that a recording contains evidence of a crime. Otherwise, there is no reason that stored footage should even be reviewed by a human being before its retention period ends and it is permanently deleted. Nor should such footage be subject to face recognition searches or other analytics.

Subject Access

People recorded by cop cams should have access to, and the right to make copies of, those recordings, for however long the government maintains copies of them. That should also apply to disclosure to a third party if the subject consents, or to criminal defense lawyers seeking relevant evidence.

Public Disclosure

When should the public have access to cop cam videos held by the authorities? Public disclosure of government records can be a tricky issue pitting two important values against each other: the need for government oversight and openness, and privacy. Those values must be carefully balanced by policymakers. One way to do that is to attempt to minimize invasiveness when possible:

- Public disclosure of any recording should be allowed with the consent of the subjects, as discussed above.
- Redaction of video records should be used when feasible — blurring or blacking out of portions of video and/or distortion of audio to obscure the identity of subjects. If recordings are redacted, they should be discloseable.
- Unredacted, unflagged recordings should not be publicly disclosed without consent of the subject. These are recordings where there is no indication of police misconduct or evidence of a crime, so the public oversight value is low. States

may need to examine how such a policy interacts with their state open records laws.

- Flagged recordings are those for which there is the highest likelihood of misconduct, and thus the ones where public oversight is most needed. Redaction of disclosed recordings is preferred, but when that is not feasible, unredacted flagged recordings should be publicly discloseable, because in such cases the need for oversight generally outweighs the privacy interests at stake.

Good technological controls

It is important that close attention be paid to the systems that handle the video data generated by these cameras.

- Systems should be architected to ensure that segments of video cannot be destroyed. A recent case in Maryland illustrates the problem: surveillance video of an incident in which officers were accused of beating a student disappeared (the incident was also filmed by a bystander). An officer or department that has engaged in abuse or other wrongdoing will have a strong incentive to destroy evidence of that wrongdoing, so technology systems should be designed to prevent any tampering with such video.
- In addition, all access to video records should be automatically recorded with immutable audit logs.
- Systems should ensure that data retention and destruction schedules are properly maintained.
- It is also important for systems be architected to ensure that video is only accessed when permitted according to the policies we've described above, and that rogue copies cannot be made. Officers should not be able to, for example, pass around video of a drunk city council member, or video generated by an officer responding to a call in a topless bar, or video of a citizen providing information on a local street gang.
- If video is held by a cloud service or other third party, it should be encrypted end-to-end so that the service provider cannot access the video.

It is vital that public confidence in the integrity of body camera privacy protections be maintained. We don't want crime victims to be afraid to call for help because of fears that video of their officer interactions will become public or reach the wrong party. Confidence can only be created if good policies are put in place and backed up by good technology.

As the devices are adopted by police forces around the nation, studies should be done to measure their impact. Only very limited studies have been done so far. Are domestic

violence victims hesitating to call the police for help by the prospect of having a camera-wearing police officer in their home, or are they otherwise affected? Are privacy abuses of the technology happening, and if so what kind and how often?

Although fitting police forces with cameras will generate an enormous amount of video footage and raises many tricky issues, if the recording, retention, access, use, and technology policies that we outline above are followed, very little of that footage will ever be viewed or retained, and at the same time those cameras will provide an important protection against police abuse. We will be monitoring the impact of cameras closely, and if good policies and practices do not become standard, or the technology has negative side effects we have failed to anticipate, we will have to reevaluate our position on police body cameras.

Use of body cameras in different contexts

Body cameras are not justified for use by government officials who do not have the authority to conduct searches and make arrests, such as parking enforcement officers, building inspectors, teachers, or other non-law enforcement personnel. Police officers have the authority, in specific circumstances, to shoot to kill, to use brutal force, and to arrest people—and all too often, abuse those powers. The strong oversight function that body cameras promise to play with regards to police officers makes that deployment of the technology a unique one. For other officials, the use of body cameras does not strike the right balance between the oversight function of these cameras and their potential intrusiveness.

Implementing a Body-Worn Camera Program

Recommendations and Lessons Learned



COPS

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U.S. Department of Justice



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Implementing a Body-Worn Camera Program

Recommendations and Lessons Learned

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The Internet references cited in this publication were valid as of the date of publication. Given that URLs and websites are in constant flux, neither the author(s) nor the COPS Office can vouch for their current validity.

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Letter from the PERF Executive Director

The recent emergence of body-worn cameras has already had an impact on policing, and this impact will only increase as more agencies adopt this technology. The decision to implement body-worn cameras should not be entered into lightly. Once an agency goes down the road of deploying body-worn cameras—and once the public comes to expect the availability of video records—it will become increasingly difficult to have second thoughts or to scale back a body-worn camera program.

A police department that deploys body-worn cameras is making a statement that it believes the actions of its officers are a matter of public record. By facing the challenges and expense of purchasing and implementing a body-worn camera system, developing policies, and training its officers in how to use the cameras, a department creates a reasonable expectation that members of the public and the news media will want to review the actions of officers. And with certain limited exceptions that this publication will discuss, body-worn camera video footage should be made available to the public upon request—not only because the videos are public records but also because doing so enables police departments to demonstrate transparency and openness in their interactions with members of the community.

Body-worn cameras can help improve the high-quality public service expected of police officers and promote the perceived legitimacy and sense of procedural justice that communities have about their police departments. Furthermore, departments that are already deploying body-worn cameras tell us that the presence of cameras often improves the performance of officers as well as the conduct of the community members who are recorded. This is an important advance in policing. And when officers or members of the public break the law or behave badly, body-worn cameras can create a public record that allows the entire community to see what really happened.

At the same time, the fact that both the public and the police increasingly feel the need to videotape every interaction can be seen both as a reflection of the times and as an unfortunate commentary on the state of police-community relationships in some jurisdictions. As a profession, policing has come too far in developing and strengthening relationships with its communities to allow encounters with the public to become officious and legalistic. Body-worn cameras can increase accountability, but police agencies also must find a way to preserve the informal and unique relationships between police officers and community members.

This publication, which documents extensive research and analysis by the Police Executive Research Forum (PERF), with support from the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office), will demonstrate why police departments should not deploy body-worn cameras carelessly. Moreover, departments must anticipate a number of difficult questions—questions with no easy answers because they involve a careful balancing of competing legitimate interests, such as the public's interest in seeing body-worn camera footage versus the interests of crime victims who would prefer not to have their images disseminated to the world.

One of the most significant questions departments will face is how to identify which types of encounters with members of the community officers should record. This decision will have important consequences in terms of privacy, transparency, and police-community relationships. Although recording policies should provide officers with guidance, it is critical that policies also give officers

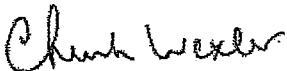
a certain amount of discretion concerning when to turn their cameras on or off. This discretion is important because it recognizes that officers are professionals and because it allows flexibility in situations in which drawing a legalistic "bright line" rule is impossible.

For example, an officer at a crime scene may encounter a witness who would prefer not to be recorded. By using discretion, the officer can reach the best solution in balancing the evidentiary value of a recorded statement with the witness's reluctance to be recorded. The decision may hinge on the importance of what the witness is willing to say. Or perhaps the witness will agree to be recorded by audio but not video, so the officer can simply point the camera away from the witness. Or perhaps the witness will be willing to be recorded later, in a more private setting. By giving officers some discretion, they can balance the conflicting values. Without this discretion, body-worn cameras have the potential to damage important relationships that officers have built with members of the community. This discretion should not be limitless; instead, it should be guided by carefully crafted policies that set specific parameters for when officers may use discretion.

If police departments deploy body-worn cameras without well-designed policies, practices, and training of officers to back up the initiative, departments will inevitably find themselves caught in difficult public battles that will undermine public trust in the police rather than increasing community support for the police.

This publication is intended to serve as a guide to the thoughtful, careful considerations that police departments should undertake if they wish to adopt body-worn cameras.

Sincerely,



Chuck Wexler, Executive Director
Police Executive Research Forum

Letter from the COPS Office Director

Dear colleagues,

One of the most important issues currently facing law enforcement is how to leverage new technology to improve policing services. Whether using social media to engage the community, deploying new surveillance tools to identify suspects, or using data analysis to predict future crime, police agencies around the world are implementing new technology at an unprecedented pace.

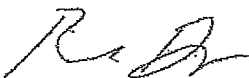
Body-worn cameras, which an increasing number of law enforcement agencies are adopting, represent one new form of technology that is significantly affecting the field of policing. Law enforcement agencies are using body-worn cameras in various ways: to improve evidence collection, to strengthen officer performance and accountability, to enhance agency transparency, to document encounters between police and the public, and to investigate and resolve complaints and officer-involved incidents.

Although body-worn cameras can offer many benefits, they also raise serious questions about how technology is changing the relationship between police and the community. Body-worn cameras not only create concerns about the public's privacy rights but also can affect how officers relate to people in the community, the community's perception of the police, and expectations about how police agencies should share information with the public. Before agencies invest considerable time and money to deploy body-worn cameras, they must consider these and other important questions.

The COPS Office was pleased to partner with the Police Executive Research Forum (PERF) to support an extensive research project that explored the numerous policy and implementation questions surrounding body-worn cameras. In September 2013, the COPS Office and PERF hosted a conference in Washington, D.C., where more than 200 law enforcement officials, scholars, representatives from federal agencies, and other experts gathered to share their experiences with body-worn cameras. The discussions from this conference, along with interviews with more than 40 police executives and a review of existing body-worn camera policies, culminated in the recommendations set forth in this publication.

Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned offers practical guidance as well as a comprehensive look at the issues that body-worn cameras raise. I hope you find that the wide range of perspectives, approaches, and strategies presented in this publication are useful, whether you are developing your own body-worn camera program or simply wish to learn more about the topic. The goal of the COPS Office and PERF is to ensure that law enforcement agencies have the best information possible as they explore this new technology; therefore, we encourage you to share this publication, as well as your own experiences, with other law enforcement practitioners.

Sincerely,



Ronald L. Davis, Director
Office of Community Oriented Policing Services

Acknowledgments

PERF would like to thank the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office) for supporting this research into body-worn cameras.

We are thankful to COPS Office Director Ronald Davis and Principal Deputy Director Joshua Ederheimer for recognizing the increasingly important role this technology plays for law enforcement agencies across the globe. We are also grateful to our program managers at the COPS Office, Helene Bushwick and Katherine McQuay, for their support and encouragement throughout the project.

We would also like to thank the law enforcement agencies that participated in our survey on body-worn cameras. Their thoughtful responses guided our research and the agenda for the executive session in Washington, D.C., in September 2013. We are also grateful to the more than 200 police chiefs, sheriffs, scholars, and other professionals who participated in our executive session (see appendix B for a list of participants). These leaders provided valuable information about their experiences with body-worn cameras and prompted an insightful discussion regarding the issues these cameras raise.

We are especially thankful for the more than 40 police executives who shared their body-worn camera policies with PERF and who participated in interviews with PERF staff. Their candid assessments of how this technology has impacted their agencies shaped the findings and recommendations found in this publication.

Finally, credit is due to PERF staff members who conducted the survey, prepared for and hosted the executive session, conducted interviews, and helped write and edit this publication, including Jessica Toliver, Lindsay Miller, Steve Yanda, and Craig Fischer.

Introduction

State of the field and policy analysis

Over the past decade, advances in the technologies used by law enforcement agencies have been accelerating at an extremely rapid pace. Many police executives are making decisions about whether to acquire technologies that did not exist when they began their careers—technologies like automated license plate readers, gunshot detection systems, facial recognition software, predictive analytics systems, communications systems that bring data to officers' laptops or handheld devices, GPS applications, and social media to investigate crimes and communicate with the public.

For many police executives, the biggest challenge is not deciding whether to adopt one particular technology but rather finding the right mix of technologies for a given jurisdiction based on its crime problems, funding levels, and other factors. Finding the best mix of technologies, however, must begin with a thorough understanding of each type of technology.

Police leaders who have deployed body-worn cameras¹ say there are many benefits associated with the devices. They note that body-worn cameras are useful for documenting evidence; officer training; preventing and resolving complaints brought by members of the public; and strengthening police transparency, performance, and accountability. In addition, given that police now operate in a world in which anyone with a cell phone camera can record video footage of a police encounter, body-worn cameras help police departments ensure events are also captured from an officer's perspective. Scott Greenwood of the American Civil Liberties Union (ACLU) said at the September 2013 conference:

The average interaction between an officer and a citizen in an urban area is already recorded in multiple ways. The citizen may record it on his phone. If there is some conflict happening, one or more witnesses may record it. Often there are fixed security cameras nearby that capture the interaction. So the thing that makes the most sense—if you really want accountability both for your officers and for the people they interact with—is to also have video from the officer's perspective.

The use of body-worn cameras also raises important questions about privacy and trust. What are the privacy issues associated with recording victims of crime? How can officers maintain positive community relationships if they are ordered to record almost every type of interaction with the public? Will members of the public find it off-putting to be told by an officer, "I am recording this encounter," particularly if the encounter is a casual one? Do body-worn cameras also undermine the trust between officers and their superiors within the police department?

In addition to these overarching issues, police leaders must also consider many practical policy issues, including the significant financial costs of deploying cameras and storing recorded data, training requirements, and rules and systems that must be adopted to ensure that body-worn camera video cannot be accessed for improper reasons.

"Because technology is advancing faster than policy, it's important that we keep having discussions about what these new tools mean for us. We have to ask ourselves the hard questions. What do these technologies mean for constitutional policing? We have to keep debating the advantages and disadvantages. If we embrace this new technology, we have to make sure that we are using it to help us do our jobs better."

— Charles Ramsey, Police Commissioner,
Philadelphia Police Department

1. Body-worn cameras are small video cameras—typically attached to an officer's clothing, helmet, or sunglasses—that can capture, from an officer's point of view, video and audio recordings of activities, including traffic stops, arrests, searches, interrogations, and critical incidents such as officer-involved shootings.

Project overview

Even as police departments are increasingly adopting body-worn cameras, many questions about this technology have yet to be answered. In an effort to address these questions and produce policy guidance to law enforcement agencies, the Police Executive Research Forum (PERF), with support from the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS Office), conducted research in 2013 on the use of body-worn cameras. This research project consisted of three major components: an informal survey of 500 law enforcement agencies nationwide; interviews with police executives; and a conference in which police chiefs and other experts from across the country gathered to discuss the use of body-worn cameras.

First, PERF distributed surveys to 500 police departments nationwide in July 2013. The exploratory survey was designed to examine the nationwide usage of body-worn cameras and to identify the primary issues that need to be considered. Questions covered topics such as recording requirements; whether certain officers are required to wear body-worn cameras; camera placement on the body; and data collection, storage, and review.

PERF received responses from 254 departments (a 51 percent response rate). Although the use of body-worn cameras is undoubtedly a growing trend, over 75 percent of the respondents reported that they did not use body-worn cameras as of July 2013.

"I really believe that body-worn cameras are the wave of the future for most police agencies. This technology is driving the expectations of the public. They see this out there, and they see that other agencies that have it, and their question is, 'Why don't you have it?'"

— Roberto Villaseñor, Chief of Police,
Tucson (Arizona) Police Department

Of the 63 agencies that reported using body-worn cameras, nearly one-third did not have a written policy governing body-worn camera usage. Many police executives reported that their hesitance to implement a written policy was due to a lack of guidance on what the policies should include, which highlights the need for a set of standards and best practices regarding body-worn cameras.

Second, PERF staff members interviewed more than 40 police executives whose departments have implemented—or have considered implementing—body-worn cameras. As part of this process, PERF also reviewed written policies on body-worn cameras that were shared by departments across the country.

Last, PERF convened a one-day conference of more than 200 police chiefs, sheriffs, scholars, representatives from federal criminal justice agencies, and other experts to discuss the policy and operational issues surrounding body-worn cameras. The conference, held in Washington, D.C., on September 11, 2013, gave participants the opportunity to share the lessons they have learned, to identify promising practices from the field, and to engage in a dialogue about the many unresolved issues regarding the use of body-worn cameras.

Drawing upon feedback from the conference, the survey results, and information gathered from the interviews and policy reviews, PERF created this publication to provide law enforcement agencies with guidance on the use of body-worn cameras.

The first chapter discusses the perceived benefits of deploying body-worn cameras, particularly how law enforcement agencies have used the cameras to resolve complaints and prevent spurious complaints, to enhance transparency and officer accountability, to identify and address structural problems within the department, and to provide an important new type of evidence for criminal and internal administrative investigations.

The second chapter discusses the larger policy concerns that agencies must consider when implementing body-worn cameras, including privacy implications, the effect cameras have on community relationships and community policing, officers' concerns, the expectations cameras create, and financial costs.

The third chapter presents PERF's policy recommendations, which reflect the promising practices and lessons that emerged from PERF's conference and its extensive discussions with police executives and other experts following the conference.

The police executives referenced throughout this publication are those who attended the September conference; participated in a discussion of body-worn cameras at PERF's October 2013 Town Hall Meeting, a national forum held in Philadelphia; provided policies for PERF's review; and/or were interviewed by PERF in late-2013 and early-2014.² A list of participants from the September conference is located in appendix B.

2. The titles listed throughout this document reflect officials' positions at the time of the September 2013 conference.

Chapter 1. Perceived Benefits of Body-Worn Cameras

Among the police executives whose departments use body-worn cameras, there is an overall perception that the cameras provide a useful tool for law enforcement. For these agencies, the perceived benefits that body-worn cameras offer—capturing a video recording of critical incidents and encounters with the public, strengthening police accountability, and providing a valuable new type of evidence—largely outweigh the potential drawbacks. For example, Chief Superintendent Stephen Cullen of the New South Wales (Australia) Police Force said, “After testing out body-worn cameras, we were convinced that it was the way of the future for policing.”

Accountability and transparency

The police executives whom PERF consulted cited many ways in which body-worn cameras have helped their agencies strengthen accountability and transparency. These officials said that, by providing a video record of police activity, body-worn cameras have made their operations more transparent to the public and have helped resolve questions following an encounter between officers and members of the public. These officials also said that body-worn cameras are helping to prevent problems from arising in the first place by increasing officer professionalism, helping agencies evaluate and improve officer performance, and allowing agencies to identify and correct larger structural problems within the department. As a result, they report that their agencies are experiencing fewer complaints and that encounters between officers and the public have improved.

“Everyone is on their best behavior when the cameras are running. The officers, the public—everyone.”

— Ron Miller, Chief of Police,
Topeka (Kansas) Police Department

Reducing complaints and resolving officer-involved incidents

In 2012, the police department in Rialto, California, in partnership with the University of Cambridge-Institute of Criminology (UK), examined whether body-worn cameras would have any impact on the number of complaints against officers or on officers’ use of force. Over the course of one year, the department randomly assigned body-worn cameras to various front-line officers across 988 shifts. The study found that there was a 60 percent reduction in officer use of force incidents following camera deployment, and during the experiment, the shifts without cameras experienced twice as many use of force incidents as shifts with cameras. The study also found that there was an 88 percent reduction in the number of citizen complaints between the year prior to camera implementation and the year following deployment.³ Chief of Police William Farrar of Rialto, who oversaw the study, said, “Whether the reduced number of complaints was because of the officers behaving better or the citizens behaving better—well, it was probably a little bit of both.”

Body-worn camera results for Rialto (California) Police Department

- 60 percent reduction in officer use of force incidents following camera deployment
- Half the number of use of force incidents for shifts with cameras compared to shifts without cameras
- 88 percent reduction in number of citizen complaints between the year prior to and following camera deployment

A study conducted in Mesa, Arizona, also found that body-worn cameras were associated with a reduction in complaints against officers. In October 2012, the Mesa Police Department implemented a one-year pilot program in which 50 officers were assigned to wear body-worn cameras, and 50 officers were assigned to a control group without the cameras. The two groups were demographically

3. William Farrar, “Operation Candid Camera: Rialto Police Department’s Body-Worn Camera Experiment,” *The Police Chief* 81 (2014): 20–25.

Body-worn camera results for Mesa (Arizona) Police Department

- Nearly 3x more complaints against officers without cameras, eight months after camera deployment
- 40 percent fewer total complaints for officers with cameras during pilot program
- 75 percent fewer use of force complaints for officers with cameras during pilot program

similar in terms of age, race, and other characteristics. The study, which was conducted by Arizona State University, found that during the first eight months of deployment, the officers without the cameras had almost three times as many complaints as the officers who wore the cameras.⁴ The study

also found that the officers assigned body-worn cameras had 40 percent fewer total complaints and 75 percent fewer use of force complaints during the pilot program than they did during the prior year when they were not wearing cameras.⁵

Police executives interviewed by PERF overwhelmingly report that their agencies experienced a noticeable drop in complaints against officers after deploying body-worn cameras. "There's absolutely no doubt that having body-worn cameras reduces the number of complaints against officers," said Chief of Police Ron Miller of Topeka, Kansas. One explanation for this is that the mere presence of a camera can lead to more civil interactions between officers and the public. "We actually encourage our officers to let

people know that they are recording," said Chief of Police Ken Miller of Greensboro, North Carolina. "Why? Because we think that it elevates behavior on both sides of the camera."

Lieutenant Harold Rankin, who oversaw the body-worn camera program in Mesa, agrees: "Anytime you know you're being recorded, it's going to have an impact on your behavior. When our officers encounter a confrontational situation, they'll tell the person that the camera is running. That's often enough to deescalate the situation." Many police executives report that wearing cameras has helped improve professionalism among their officers. Chief Superintendent Cullen of New South Wales said,

"In the testing we did [of body-worn cameras], we had a number of tenured officers who wanted to wear the cameras and try them out, and their feedback was very positive. They said things like, 'You'll be amazed at how people stop acting badly when you say this is a camera, even if they're intoxicated.' And we also know that the overwhelming majority of our officers are out there doing a very good job, and the cameras will show just that."

— Douglas Gillespie, Sheriff,
Las Vegas Metropolitan Police Department

"After testing out body-worn cameras, the overwhelming response from officers was that the cameras increased their professionalism because they knew that everything they said and did was being recorded."

Many agencies have found that having video footage of an encounter also discourages people from filing unfounded complaints against officers. "We've actually had citizens come into the department to file a complaint, but after we show them the video, they literally turn and walk back out," said Chief Miller of Topeka. Chief of Police Michael Frazier of Surprise, Arizona, reports a similar experience. "Recently we received an allegation that an officer engaged in racial profiling during a traffic stop. The officer was wearing his body-worn camera, and the footage showed that the allegation was completely unfounded," Frazier said. "After reviewing the tape, the complainants admitted that they have never been treated unfavorably by any officers in my department." As several police officials noted, preventing unfounded complaints can save departments the significant amounts of time and money spent on lengthy investigations and lawsuits.

When questions arise following an encounter, police executives said that having a video record of events helps lead to a quicker resolution. According to the results of PERF's exploratory survey, the number one reason why police departments choose to implement body-worn cameras is to provide a more accurate documentation of police encounters with the public. Police executives report that when questions arise following an encounter or a major event such as an officer-involved shooting, having video from a body-worn camera can help resolve the questions.

4. Harold Rankin, "End of Program Evaluation and Recommendations: On-Officer Body Camera System" (Mesa, AZ: Mesa Police Department, 2013).

5. Ibid.



Agencies are also reporting that, in most of these cases, the resolution is in support of the officer's account of events. Chief of Police Mike Chitwood of Daytona Beach, Florida, recalled one example in which a member of the public threatened to file a complaint against officers following a contentious encounter. Alleging that the officers had threatened him and used racial epithets, the individual said that he would go to the news media if the department failed to take action. One of the officers involved had been wearing a body-worn camera. "We reviewed the video, and clearly the individual lied," recalled Chitwood. "The officer was glad to have the footage because the individual's allegations were absolutely not what was represented in the video."

Body-worn cameras have also helped to resolve more serious incidents, including officer-involved shootings. Chief Miller of Topeka said that the local district attorney cleared an officer in a deadly shooting incident after viewing the officer's body-worn camera footage. Miller described how the camera footage captured the event in real time and provided a record of events that would otherwise not have existed. "The entire event was captured on video from the perspective of the officer. Now tell me when that happened before the advent of body-worn cameras," said Miller.

Several police departments, including those in Daytona Beach, Florida, and Greenville, North Carolina, are finding that officers with a history of complaints are now actively requesting to wear cameras. For officers who behave properly but generate complaints because they have high levels of activity or frequent contacts with criminal suspects, cameras can be seen as beneficial. "We all have our small percentage of officers with a history of complaints," said Chief of Police Hassan Aden of Greenville. "Internal Affairs has told me that these officers have come in to request body-worn cameras so that they can be protected in the future."

Identifying and correcting internal agency problems

Another way that body-worn cameras have strengthened accountability and transparency, according to many police executives, is by helping agencies identify and correct problems within the department. In fact, PERF's survey found that 94 percent of respondents use body-worn camera footage to train officers and aid in administrative reviews.

Many police agencies are discovering that body-worn cameras can serve as a useful training tool to help improve officer performance. For example, agencies are using footage from body-worn cameras to provide scenario-based training, to evaluate the performance of new officers in the field, and to identify new areas in which training is needed. By using body-worn cameras in this way, agencies have the opportunity to raise standards of performance when it comes to tactics, communication, and customer service. This can help increase the perceived legitimacy and sense of procedural justice that communities have about their police departments.

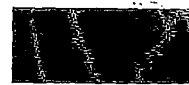
Law enforcement agencies have also found that body-worn cameras can help them to identify officers who abuse their authority or commit other misconduct and to assist in correcting questionable behavior before it reaches that level. In Phoenix, for example, an officer was fired after his body-worn camera captured repeated incidents of unprofessional conduct. Following a complaint

"The use of body-worn video by frontline officers has real potential to reduce complaints of incivility and use of force by officers. The footage can also exonerate officers from vexatious and malicious complaints. In addition, I feel there are benefits to the criminal justice system in terms of more guilty pleas, reduced costs at court, and a reduction in the number of civil cases brought against the police service for unlawful arrest/excessive force. We already have good examples of body-worn video footage exonerating officers from malicious complaints."

— Paul Rumney, Detective Chief Superintendent,
Greater Manchester (UK) Police

"We have about 450 body-worn cameras actively deployed, and in the overwhelming majority of cases, the footage demonstrates that the officer's actions were appropriate."

— Sean Whent, Chief of Police,
Oakland (California) Police Department



against the officer, the police department reviewed footage from the incident along with video from prior shifts. Upon finding repeated instances of verbal abuse, profanity, and threats against members of the public, the department terminated the officer. "It clearly shocked the conscience when you saw all of the different incidents," said Assistant Chief of Police Dave Harvey of Phoenix.

In Daytona Beach, Chief Chitwood requested that the officers with a history of complaints be among the first to be outfitted with body-worn cameras. Although he found that usually the videos demonstrated that "the majority of the officers are hardworking, good police," he has also seen how body-worn cameras can help an agency address discipline problems. Chitwood said:

We had an officer who had several questionable incidents in the past, so we outfitted him with a camera. Right in the middle of an encounter with a subject, the camera goes blank, and then it comes back on when the incident is over. He said that the camera malfunctioned, so we gave him another one. A week later he goes to arrest a woman, and again, the camera goes blank just before the encounter. He claimed again that the camera had malfunctioned. So we conducted a forensic review of the camera, which determined that the officer had intentionally hit the power button right before the camera shut off. Our policy says that if you turn it off, you're done. He resigned the next day.

Body-worn cameras can also help law enforcement officials to address wide-reaching structural problems within the department. Many police officials that PERF consulted said that body-worn cameras have allowed them to identify potential weaknesses within their agencies and to develop solutions for improvement, such as offering new training programs or revising their departmental policies and protocols.

In Phoenix, an officer was fired after his body-worn camera captured repeated incidents of unprofessional conduct.

For example, Chief of Police William Lansdowne of San Diego said that one reason his department is implementing body-worn cameras is to improve its understanding of incidents involving claims of racial profiling. "When it comes to collecting data, the raw numbers don't

always fully capture the true scope of a problem," he said. "But by capturing an audio and video account of an encounter, cameras provide an objective record of whether racial profiling took place, what patterns of officer behavior are present, and how often the problem occurs."

Police agencies have also found that implementing a body-worn camera program can be useful when facing consent decrees and external investigations. Roy Austin, deputy assistant attorney general for the Civil Rights Division at the U.S. Department of Justice, said, "We want to get police departments out from under consent decrees as soon as possible. What is important is whether you can show that your officers are engaged in constitutional policing on a regular basis. Although it isn't an official Department of Justice policy, the Civil Rights Division believes that body-worn cameras can be useful for doing that."

Many police departments that have faced external investigations, including those in New Orleans and Detroit, are in various stages of testing and implementing body-worn cameras. Police executives in these cities said that cameras help them to demonstrate they are improving policies and practices within their agencies. Police Superintendent Ron Serpas of New Orleans, whose department is in the process of deploying more than 400 body-worn cameras, said, "Body-worn cameras will be good for us. The hardworking officers say, 'Chief, just give us a chance to show everyone that we are not like the people who went astray after Hurricane Katrina.' The one thing that New Orleans police officers want more than anything else is the independent verification that they are doing what they're



supposed to do." The police departments in Las Vegas, Nevada, and Spokane, Washington are also implementing body-worn cameras to assist in complying with the collaborative agreements they entered into with the COPS Office of the U.S. Department of Justice.

Chief of Police Charlie Beck of Los Angeles, whose department is testing body-worn cameras, understands first-hand how video evidence can help in these situations. "We exited our consent decree last year, and one of the reasons that the federal judge signed off on us was that we implemented in-car video," said Beck. "Recordings can help improve public trust."

Evidence documentation

Police executives said that body-worn cameras have significantly improved how officers capture evidence for investigations and court proceedings. Along with documenting encounters with members of the public, body-worn cameras can provide a record of interrogations and arrests, as well as what officers witness at crime scenes.

Chief of Police Jason Parker of Dalton, Georgia, described how body-worn cameras have helped officers to improve evidence collection at accident scenes. "It is always hard to gather evidence from accident scenes," Parker said. He explained that officers are often focused on securing the scene and performing life-saving measures and that witnesses and victims may not always remember what they had told officers in the confusion. This can lead to conflicting reports when victims and witnesses are asked to repeat their accounts in later statements. "Unlike in-car cameras, body-worn cameras capture everything that happens as officers travel around the scene and interview multiple people. The body-worn cameras have been incredibly useful in accurately preserving information."

Some prosecutors have started encouraging police departments to use body-worn cameras to capture more reliable evidence for court, particularly in matters like domestic violence cases that can be difficult to prosecute. Chief Chitwood of Daytona Beach explained how body-worn cameras have changed how domestic violence cases are handled. "Oftentimes we know that the suspect is repeatedly abusing the victim, but either the victim refuses to press charges, or there is simply not enough evidence to go to trial," he said. With the victim's consent, Daytona Beach officers can now use body-worn cameras to videotape victim statements. "The footage shows first-hand the victim's injuries, demeanor, and immediate reactions," Chitwood noted. In some cases, officers capture the assault itself on video if they arrive on the scene while the incident is still ongoing. "This means that we can have enough evidence to move forward with the case, even if the victim ultimately declines to prosecute."

Chief Miller of Topeka echoed this sentiment: "When we show suspects in domestic violence cases footage from the body-worn cameras, often they plead guilty without even having to go to trial."

"Some police departments are doing themselves a disservice by not using body-worn cameras. Everyone around you is going to have a camera, and so everyone else is going to be able to tell the story better than you if you don't have these cameras. And when the Civil Rights Division is looking at a police department, every piece of information that shows the department is engaged in constitutional policing is important. So of course body-worn cameras can help."

— Roy L. Austin, Jr., Deputy Assistant Attorney General,
Civil Rights Division, U.S. Department of Justice

"Although body-worn cameras are just one tool, the quality of information that they can capture is unsurpassed. With sound policy and guidance, their evidentiary value definitely outweighs any drawbacks or concerns."

— Jason Parker, Chief of Police,
Dalton (Georgia) Police Department





Chapter 2. Considerations for Implementation

New technologies in policing raise numerous policy issues that must be considered. This is especially true with body-worn cameras, which can have significant implications in terms of privacy, community relationships, and internal departmental affairs. As agencies develop body-worn camera programs, it is crucial that they thoughtfully examine how their policies and practices intersect with these larger questions. Policy issues to look at include the effect these cameras have on privacy and community relationships, the concerns raised by frontline officers, the expectations that cameras create in terms of court proceedings and officer credibility, and the financial considerations that cameras present.

Privacy considerations

The proliferation of camera phones, advances in surveillance technology, and the emergence of social media have changed the way people view privacy, contributing to the sense that, as Police Commissioner Charles Ramsey of Philadelphia said, it sometimes feels as though "everyone is filming everybody." As technology advances and expectations of privacy evolve, it is critical that law enforcement agencies carefully consider how the technology they use affects the public's privacy rights, especially when courts have not yet provided guidance on these issues.

Body-worn cameras raise many privacy issues that have not been considered before. Unlike many traditional surveillance methods, body-worn cameras can simultaneously record both audio and video and capture close-up images that allow for the potential use of facial recognition technology. In addition, while stationary surveillance cameras generally cover only public spaces, body-worn cameras give officers the ability to record inside private homes and to film sensitive situations that might emerge during calls for service.

There is also concern about how the footage from body-worn cameras might be stored and used. For example, will a person be able to obtain video that was recorded inside a neighbor's home? Will agencies keep videos indefinitely? Is it possible that the body-worn camera footage might be improperly posted online?

When implementing body-worn cameras, law enforcement agencies must balance these privacy considerations with the need for transparency of police operations, accurate documentation of events, and evidence collection. This means making careful decisions about when officers will be required to activate cameras, how long recorded data should be retained, who has access to the footage, who owns the recorded data, and how to handle internal and external requests for disclosure.

"In London we have CCTVs, which are quite extensive and becoming even more so, but the distinction is that those cameras don't listen to your conversations. They observe behavior and see what people do and cover public space, so you can see if there is a crime being committed. But CCTVs don't generally seek out individuals. So I think there is an important distinction there."

— Sir Bernard Hogan-Howe, Commissioner,
London Metropolitan Police Service

Determining when to record

The issue with perhaps the greatest privacy implications is deciding which types of encounters and activities officers should record. Should officers be required to record every interaction with a member of the public? Or are there some situations in which recording should be discretionary or prohibited?

One approach is to require officers to record all encounters with the public. This would require officers to activate their cameras not only during calls for service or other law enforcement-related

encounters but also during informal conversations with members of the public (e.g., a person asking an officer for directions or an officer stopping into a store and engaging in casual conversation with the owner). This is the approach advocated by the American Civil Liberties Union (ACLU), which stated in a report released in October 2013, "If a police department is to place its cameras under officer control, then it must put in place tightly effective means of limiting officers' ability to choose which encounters to record. That can only take the form of a department-wide policy that mandates that police turn on recording during every interaction with the public."⁶

Scott Greenwood, an attorney with the ACLU, explained why the ACLU advocates recording all encounters. "You don't want to give officers a list and say, 'Only record the following 10 types of situations.' You want officers to record all the situations, so when a situation does go south, there's an unimpeachable record of it—good, bad, ugly, all of it. This is an optimal policy from a civil liberties perspective."

Greenwood said this approach benefits not only the public but also officers. "Mandatory recording is also what will protect an officer from allegations of discretionary recording or tampering," said Greenwood. "You want activating the camera to be a reflexive decision, not

something that officers have to evaluate with each new situation. If officers have to determine what type of incident it is before recording, there are going to be a lot of situations in which a recording might have exonerated an officer, but the recording was never made."

However, PERF believes that requiring officers to record every encounter with the public would sometimes undermine community members' privacy rights and damage important police-community relationships. There are certain situations, such as interviews with crime victims and witnesses and informal, non-law enforcement interactions with members of the community, that call for affording officers some measure of discretion in determining whether to activate their cameras. There are situations in which not recording is a reasonable decision. An agency's body-worn camera policy should expressly describe these situations and provide solid guidance for officers when they exercise discretion not to record.

For example, officer discretion is needed in sensitive situations, such as encounters with crime victims or witnesses who are concerned about retaliation if they are seen as cooperating with the police. In other cases, officer discretion is needed for routine and casual situations—such as officers on foot or bike patrol who wish to chat with neighborhood residents—and turning on a video camera could make the encounter seem officious and off-putting.

"For the [American Civil Liberties Union], the challenge of on-officer cameras is the tension between their potential to invade privacy and their strong benefit in promoting police accountability. Overall, we think they can be a win-win—but only if they are deployed within a framework of strong policies to ensure they protect the public without becoming yet another system for routine surveillance of the public, and maintain public confidence in the integrity of those privacy protections. Without such a framework, their accountability benefits would not exceed their privacy risks."

—*"Police Body-Mounted Cameras: With Right Policies in Place, a Win for All"* (New York: ACLU; 2013).

6. Jay Stanley, "Police Body-Mounted Cameras: With Right Policies in Place, a Win for All" (New York: ACLU, 2013), https://www.aclu.org/files/assets/police_body-mounted_cameras.pdf.

Of the police departments that PERF consulted, very few have adopted the policy of recording all encounters with the public. The more common approach is to require officers to activate their cameras when responding to calls for service and during law enforcement-related encounters and activities, such as traffic stops, arrests, searches, interrogations, and pursuits. In many cases, the department's written policy defines what constitutes a law enforcement-related encounter or activity, and some policies also provide a specific list of which activities are included. Many policies generally indicate that when in doubt, officers should record. Most policies also give officers the discretion to not record when doing so would be unsafe, impossible, or impractical, but most require officers to articulate in writing their reasons for not activating the camera or to say on camera why they are turning the camera off.

Police executives cite several reasons for favoring a more limited and flexible approach rather than requiring officers to record all encounters. One reason is that it gives officers the discretion to not record if they feel that doing so would infringe on an individual's privacy rights. For example, many police departments, including those in Oakland and Rialto, California; Mesa, Arizona; and Fort Collins, Colorado, give officers discretion regarding whether to record interviews with victims of rape, abuse, or other sensitive crimes. Some departments also extend this discretion to recording victims of other crimes. The Daytona Beach (Florida) Police Department recently changed its policy to require that officers obtain consent, on camera, from all crime victims prior to recording an interview. "This new policy is a response to the privacy concerns that arise when you are dealing with victims of crime," said Chief of Police Mike Chitwood of Daytona Beach.

Some agencies encourage officers to use discretion when determining whether to record encounters with or searches of individuals who are partially or completely unclothed. Chief of Police Don Lanpher of Aberdeen, South Dakota, said, "We had an incident when officers were called to assist a female on a landing in an apartment building who was partially undressed. All of the officers had cameras, but they did not record her until she was covered. Officers are encouraged to use discretion in those cases."

In addition to privacy concerns, police executives cite the potential negative impact on community relationships as a reason for not requiring officers to record all encounters with the public. Their goal, always, is to maintain an open dialogue with community members and preserve the trust in their relationships.⁷ "There are a lot of issues with recording every citizen contact without regard to how cooperative or adversarial it is," said Chief of Police Ken Miller of Greensboro, North Carolina. "If people think that they are going to be recorded every time they talk to an officer, regardless of the context, it is going to damage openness and create barriers to important relationships."

Commissioner Ramsey of Philadelphia agrees. "There has to be some measure of discretion. If you have a police interaction as a result of a 911 call or a reasonable suspicion stop, it is one thing—you should record in those situations. But you have to give officers discretion whether to record if they are just saying 'hello' to someone or if they are approached by an individual who wants to give them information."

Of the police departments that PERF consulted, very few have adopted the policy of recording all encounters with the public. The more common approach is to require officers to activate their cameras when responding to calls for service and during law enforcement-related encounters and activities, such as traffic stops, arrests, searches, interrogations, and pursuits.

7. See "Impact on community relationships" on page 19, "Securing community support" on page 21, "Protecting intelligence-gathering efforts" on page 22, and "Lessons learned about impact on community relationships" on page 24 for strategies departments have taken to address this impact.

Some police executives also believe that requiring officers to record all encounters can signal a lack of trust in officers, which is problematic for any department that wants to encourage its officers to be thoughtful and to show initiative. For example, a survey of officers conducted in Vacaville, California, found that although 70 percent of officers were in favor of using body-worn cameras,

a majority were opposed to a policy containing strict requirements of mandatory recording of all police contacts.

"In a sensitive investigation, such as a rape or child abuse case, if you have a victim who doesn't want to be recorded, I think you have to take that into account. I think that you cannot just arbitrarily film every encounter. There are times when you've got to give your officers some discretion to turn the camera off. Of course, the officers should be required to articulate why they're not recording or why they're shutting it off, but we have to give them that discretion."

— Charlie Beck, Chief of Police,
Los Angeles Police Department

"Legitimacy in policing is built on trust. And the notion of video-recording every interaction in a very tense situation would simply not be a practical operational way of delivering policing. In fact, it would exacerbate all sorts of problems. In the United Kingdom, we're also subject to human rights legislation, laws on right to privacy, right to family life, and I'm sure you have similar statutes. It's far more complicated than a blanket policy of 'every interaction is filmed.' I think that's far too simplistic. We have to give our officers some discretion. We cannot have a policy that limits discretion of officers to a point where using these devices has a negative effect on community-police relations."

— Sir Hugh Orde, President,
Association of Chief Police Officers (UK)

For departments whose policies do not require officers to record every interaction with the public, the goal is to sufficiently ensure accountability and adherence to the department's body-worn camera policies and protocols. For example, when officers have discretion to not record an encounter, many departments require them to document, either on camera or in writing, the fact that they did not record and their reasons for not recording. Some departments also require officers to obtain supervisor approval to deactivate the camera if a subject requests to not be recorded.

Consent to record

In a handful of states, officers are legally required to inform subjects when they are recording and to obtain the person's consent to record. This is known as a "two-party consent" law, and it can create challenges to implementing a body-worn camera program. In many two-party consent states, however, police executives have successfully worked with their state legislatures to have the consent requirement waived for body-worn police cameras. For example, in February 2014 Pennsylvania enacted a law waiving the two-party consent requirement for police using body-worn cameras.⁸ Efforts are under way to change two-party consent statutes in other jurisdictions as well. Each department must research its state laws to determine whether the two-party consent requirement applies.

Some police executives believe that it is good practice for officers to inform people when they are recording, even if such disclosures are not required by law. In Greensboro, for example, officers are encouraged—but not required—to announce when they are recording. Chief Miller of Greensboro said this policy is based on the belief that the knowledge that cameras are running can help defuse potentially confrontational situations and improve behavior from all parties.

However, many police executives in one-party consent states do not explicitly instruct officers to inform people that they are recording. "Kansas is a one-party consent state, so only the officer needs to know that the camera is running. But if a person asks, the officer tells them the truth," said Chief of Police Ron Miller of Topeka, Kansas.

8. Police body cameras heading to Pennsylvania (February 10, 2014), ABC 27 News, <http://www.abc27.com/story/24686416/police-body-cameras-heading-to-pennsylvania>.

Recording inside private homes

Another privacy question is whether and under what conditions officers should be allowed to record while inside a person's home. Many law enforcement agencies have taken the position that officers have the right to record inside a private home as long as they have a legal right to be there. According to this approach, if an officer enters a home in response to a call for service, pursuant to a valid search warrant, or with consent of the resident, officers can record what they find inside.

There is a concern that footage taken inside a private home may be subject to public disclosure. Deputy Chief of Police William Roseman of Albuquerque described how this can be particularly problematic in states with broad public disclosure laws. "Here in Albuquerque, everything is open to public record unless it is part of an ongoing investigation. So if police come into your house and it is captured on video, and if the video isn't being used in an investigation, your neighbor can request the footage under the open records act, and we must give it to them." Scott Greenwood of the ACLU has expressed similar concerns:

An officer might be allowed to go into the residence and record, but that does not mean that everything inside ought to be public record. The warrant is an exception to the Fourth Amendment, not a waiver. We do not want this to show up on YouTube. My next-door neighbor should never be able to view something that happened inside my house without my permission.

"One of the things we are forgetting is that we already send officers into people's homes and have them document all these bits of information that we're worried about recording. If an officer enters someone's home, they document the condition of the home, especially if it's a case about a child or involves domestic violence or physical injury. So videos are just a technologically advanced type of police report that should be treated no differently from an initial contact form that we currently fill out every day. The advantage of a camera is now you have a factual representation as opposed to an interpretation by an officer."

— Chris Burbank, Chief of Police,
Salt Lake City (Utah) Police Department

Data storage, retention, and disclosure

Decisions about where to store video footage and how long to keep it can have a far-reaching effect on privacy. Many police executives believe that privacy concerns can be addressed through data storage, retention, and disclosure policies. However, when developing these policies, agency leaders must balance privacy considerations with other factors, such as state law requirements, transparency, and data storage capacity and cost.

Data storage policies

Among police executives interviewed by PERF, security, reliability, cost, and technical capacity were the primary factors cited for choosing a particular method for storing video files from body-worn cameras. Among the more than 40 departments that PERF consulted, all stored body-worn camera video on an in-house server (managed internally) or an online cloud database (managed by a third-party vendor).⁹

Police executives noted a number of strategies that can help agencies protect the integrity and privacy of their recorded data, regardless of which storage method is used. These lessons learned regarding data storage include the following:

- *Consult with prosecutors and legal advisors:* Legal experts can advise whether data storage policies and practices are in compliance with all relevant laws and adequately preserve evidentiary chain of custody.

9. Cloud storage is a method for storing and backing up electronic data. The data is maintained and managed remotely, generally by a third party, and made available to users over a network, or "cloud."

- *Explicitly prohibit data tampering, editing, and copying.*
- *Include protections against tampering with the data prior to downloading:* This helps to mitigate concerns that officers will be able to alter or delete recordings prior to downloading them. Some body-worn camera systems are sold with technological safeguards that make it impossible for an officer to access the data prior to downloading.
- *Create an auditing system:* It is important to have a record of who accesses video data, when, and for what purpose. Some storage systems include a built-in audit trail.
- *Explicitly state who will be authorized to access data:* Many written policies outline who will have access to the data (e.g., supervisors, Internal Affairs, certain other officers and department personnel, and prosecutors) and for what purpose (e.g., administrative review, training, and investigations).

"Whether you store video internally or externally, protecting the data and preserving the chain of custody should always be a concern. Either way, you need something built into the system so that you know that video has not been altered."

— Ken Miller, Chief of Police,
Greensboro (North Carolina) Police Department

- *Ensure there is a reliable back-up system:* Some systems have a built-in backup system that preserves recorded data, and some departments copy recordings to disc and store them as evidence.
- *Specify when videos will be downloaded from the camera to the storage system and who will download them:* The majority of existing policies require the camera operator to download the footage by the end of each shift. In the case of an officer-involved shooting or other serious incident, some policies require supervisors to step in and physically take possession of the camera and assume downloading responsibilities.
- *Consider third-party vendors carefully:* Overwhelmingly, the police executives whom PERF interviewed reported that their legal advisors and prosecutors were comfortable using a third-party vendor to manage the storage system. When deciding whether to use a third-party vendor, departments consider the vendor's technical assistance capabilities and whether the system includes protections such as an audit trail, backup system, etc. Police executives stressed the importance of entering into a legal contract with the vendor that protects the agency's data.

These strategies are important not only for protecting the privacy rights of the people recorded but also for preserving evidence and resolving allegations of data tampering.

Data retention policies

The length of time that departments retain body-worn camera footage plays a key role for privacy. The longer that recorded videos are retained, the longer they are subject to public disclosure, which can be problematic if the video contains footage associated with privacy concerns. And community members' concerns about police departments collecting data about them in the first place are lessened if the videos are not retained for long periods of time.

The retention times are generally dictated by the type of encounter or incident that the footage captures. Although protocols vary by department, footage is typically categorized as either "evidentiary" or "non-evidentiary."

Evidentiary video involves footage of an incident or encounter that could prove useful for investigative purposes, such as a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter with a member of the public. Evidentiary footage is usually further categorized by specific incident type, and the retention period is governed by state evidentiary rules for that incident. For example, many state laws require that footage involving a homicide

be retained indefinitely, but video of a traffic citation must be kept for only a matter of months. Departments often purge evidentiary videos at the conclusion of the investigation, court proceeding, or administrative hearing for which they were used.

Non-evidentiary video involves footage that does necessarily have value to aid in an investigation or prosecution, such as footage of an incident or encounter that does not lead to an arrest or citation or of general activities that an officer might perform while on duty (e.g., assisting a motorist or clearing a roadway). Agencies often have more leeway in setting retention times for non-evidentiary videos, which are generally not subject to state evidentiary laws.

Of the departments that PERF consulted, the most common retention time for non-evidentiary video was between 60 and 90 days. Some departments retain non-evidentiary video for an even shorter period. Fort Collins, Colorado, for example, discards footage after seven days if there is no citizen contact recorded and after 30 days if contact is made but no enforcement action is taken. On the other end of the spectrum, some departments, such as Albuquerque, retain non-evidentiary video for a full year.

Many police executives express a preference for shorter retention times for non-evidentiary video. Shorter retention periods not only address privacy concerns but also reduce the costs associated with data storage. On the other hand, police executives noted that they must keep videos long enough to demonstrate transparency and to have footage of an encounter in case a complaint arises about an officer's actions. For example, departments in Rialto, Fort Collins, Albuquerque, Daytona Beach, and Toronto base retention times in part on how long it generally takes for complaints to be filed.

Public disclosure policies

State public disclosure laws, often known as freedom of information laws, govern when footage from body-worn cameras is subject to public release. However, most of these laws were written long before law enforcement agencies began deploying body-worn cameras, so the laws do not necessarily account for all of the considerations that must be made when police departments undertake a body-worn camera program.

Although broad disclosure policies can promote police agency transparency and accountability, some videos—especially recordings of victims or from inside people's homes—will raise privacy concerns if they are released to the public or the news media. When determining how to approach public disclosure issues, law enforcement agencies must balance the legitimate interest of openness with protecting privacy rights.¹⁰

In most state public disclosure laws, exceptions are outlined that may exempt body-worn camera footage from public release. For example, even the broadest disclosure laws typically contain an exception for video that contains evidence or is part of an ongoing investigation. Some state disclosure laws, such as those in North Carolina, also exempt personnel records from public release. Body-worn camera videos used to monitor officer performance may fall under this type of exception.

"It is important to have retention policies that are directly linked to the purposes of having the video, whether that purpose is to have evidence of a crime or to hold officers and the public accountable. Agencies should not retain every video indefinitely, or else those videos could be used down the road for all sorts of inappropriate reasons."

— Lorie Fridell, Associate Professor
University of South Florida

10. Scott Greenwood of the ACLU recommends that police executives work with the ACLU to ensure that state disclosure laws contain adequate privacy protections for body-worn camera videos. "If interpreted too broadly, open records laws can undermine the accountability of law enforcement agencies," said Greenwood. "You want to make sure that the video is not subject to arbitrary disclosure. It deserves the highest level of protection."

These exceptions to public disclosure can help police departments to avoid being required to release videos if doing so could jeopardize a criminal prosecution. The exceptions can also help police to protect the privacy of crime victims and witnesses. However, by policy and practice, law enforcement

"When developing body-worn camera policies, agencies have to consider how open the public disclosure laws are in their state. Are they going to have to give up all of their footage to any person that requests it? Or are there some protections? This is important to think about when it comes to privacy."

— Ron Miller, Chief of Police,
Topeka (Kansas) Police Department

agencies should apply these exceptions judiciously to avoid any suspicion by community members that police are withholding video footage to hide officer misconduct or mistakes. In launching body-worn camera programs, law enforcement agencies should convey that their goal is to foster transparency and accountability while protecting civil liberties and privacy interests. When an agency decides whether to release or withhold body-worn camera footage of a particular incident, the agency should articulate its reasons for doing so.

In addition, some agencies have adopted recording and retention policies that help to avoid violations of privacy. For example, some agencies allow officers to deactivate their cameras during interviews with crime victims or witnesses. And short retention times for non-evidentiary video footage can reduce the window of opportunity for requests for release of video footage that would serve no legitimate purpose.

Lessons learned on privacy considerations

In their conversations with PERF staff members, police executives and other experts revealed a number of lessons that they have learned regarding body-worn cameras and privacy rights:

- Body-worn cameras have significant implications for the public's privacy rights, particularly when it comes to recording victim interviews, nudity, and other sensitive subjects and when recording inside people's homes. Agencies must factor these privacy considerations into decisions about when to record, where and how long to store data, and how to respond to public requests for video footage.
- In terms of when officers should be required to activate their cameras, the most common approach is requiring officers to record all calls for service and law enforcement-related encounters and activities and to deactivate the camera only at the conclusion of the event or with supervisor approval.
- It is essential to clearly define what constitutes a law enforcement-related encounter or activity in the department's written body-worn camera policy. It is also useful to provide a list of specific activities that are included, noting that the list is not necessarily all inclusive. Many agencies give a general recommendation to officers that when they are in doubt, they should record.
- To protect officer safety and acknowledge that recording may not be possible in every situation, it is helpful to state in policies that recording will not be required if it would be unsafe, impossible, or impractical.
- Significant privacy concerns can arise when interviewing crime victims, particularly in situations involving rape, abuse, or other sensitive matters. Some agencies prefer to give officers discretion regarding whether to record in these circumstances. In such cases, officers should take into account the evidentiary value of recording and the willingness of the victim to speak on camera. Some agencies go a step further and require officers to obtain the victim's consent prior to recording the interview.
- To promote officer accountability, most policies require officers to document, on camera or in writing, the reasons why the officer deactivated the camera in situations that are otherwise required to be recorded.

- In one-party consent states, officers are not legally required to notify subjects when officers are recording. However, some agencies have found that announcing the camera is running promotes better behavior and defuses potentially confrontational encounters.
- When making decisions about where to store body-worn camera footage, how long to keep it, and how it should be disclosed to the public, it is advisable for agencies to consult with departmental legal counsel and prosecutors.
- Regardless of the chosen method for storing recorded data, agencies should take all possible steps to protect the integrity and security of the data. This includes explicitly stating who has access to the data and under what circumstances, creating an audit system for monitoring access, ensuring there is a reliable back-up system, specifying how data will be downloaded from the camera, and including protections against data tampering prior to downloading.
- It is important that videos be properly categorized according to the type of event contained in the footage. How the videos are categorized will determine how long they are retained, who has access, and whether they can be disclosed to the public.
- To help protect privacy rights, it is generally preferable to set shorter retention times for non-evidentiary data. The most common retention time for this video is between 60 and 90 days.
- When setting retention times, agencies should consider privacy concerns, the scope of the state's public disclosure laws, the amount of time the public needs to file complaints, and data storage capacity and costs.
- Evidentiary footage is generally exempt from public disclosure while it is part of an ongoing investigation or court proceeding. Deleting this video after it serves its evidentiary purpose can reduce the quantity of video stored and protect it from unauthorized access or release. It is important to always check whether deletion is in compliance with laws governing evidence retention.
- Informing the public about how long video will be retained can help promote agency transparency and accountability. Some agencies have found it useful to post retention times on the department's website.
- It is important for the agency to communicate its public disclosure policy to the community when the body-worn camera program is deployed to develop public understanding of the technology and the reasons for adopting it.

In launching body-worn camera programs, law enforcement agencies should convey that their goal is to foster transparency and accountability while protecting civil liberties and privacy interests.

Impact on community relationships

Building positive relationships with the community is a critical aspect of policing, and these relationships can exist only if police have earned the trust of the people they serve. Police rely on these community partnerships to help them address crime and disorder issues.

At the PERF conference, a number of participants expressed concern that excessive recording with body-worn cameras may damage the relationships officers have developed with the community and hinder the openness of their community policing interactions. Some police executives fear, for

example, that people will be less likely to come forward to share information if they know their conversation is going to be recorded, particularly in high-crime neighborhoods where residents might be subject to retaliation if they are seen as cooperating with police.

"Before we make a decision on where to go with body-worn cameras, I really think that all of us need to stop and consider some of these larger unanswered questions. We need to look at not only whether the cameras reduce complaints but also how they relate to witnesses on the street coming forward, what they mean for trust and officer credibility, and what messages they send to the public."

— Bob Cherry, Detective of Baltimore Police Department and President of Baltimore City Fraternal Order of Police

Detective Bob Cherry of the Baltimore Police Department, who is also the president of the Baltimore City Fraternal Order of Police, said, "Trust builds through relationships, and body-worn cameras start from a position of mistrust. The comments I hear from some officers are, 'I'm worried that if I wear a camera, it is going to make it hard to continue the relationship I have with a business owner or the lady down the street. These are the people I'm working with now to clean up the neighborhood.'"

Some police executives reported that deploying body-worn cameras has in fact had a negative impact on their intelligence-gathering activities, particularly when officers are not allowed the discretion to turn off the camera. Chief of Police Sean Whent of Oakland, California, explained, "Our policy is to film all detentions and to keep recording until the encounter is over. But let's say an officer detains someone, and now that person wants to give up information. We are finding that people are not inclined to do so with the camera running. We are considering changing our policy to allow officers to turn off the camera in those situations."

The Mesa (Arizona) Police Department has also found that body-worn cameras can undermine information-gathering efforts. "We have definitely seen people being more reluctant to give information when they know that they are being videotaped," said Lieutenant Harold Rankin.

However, other police executives said that these types of situations are rare and that body-worn cameras have not had a significant impact on their ability to gather information from the public. For some agencies, public reaction to the cameras has been practically nonexistent. Major Stephen Willis of the Charlotte-Mecklenburg (North Carolina) Police Department said, "We have had in-car cameras for many years, and in most instances the public has an expectation that they will be recorded. We encountered very little resistance from the public when we piloted body-worn cameras." Deputy Chief of Police Cory Christensen of Fort Collins, Colorado, said, "We are not seeing much pushback from the community. Often people do not even notice the presence of the cameras."

"I disagree that cameras hurt community relationships," said Chief of Police William Farrar of Rialto, California. "We have not seen any evidence of that. People will ask officers if they have a camera on, but it does not seem to bother them." In fact, in its evaluation of its body-worn camera program, the Rialto Police Department found that officers made 3,178 more contacts with the public (not counting calls for service) during the year that cameras were deployed than in the prior year.¹¹

Some police executives reported that body-worn cameras have actually improved certain aspects of their police-community relationships. These executives said that the presence of cameras leads to better behavior by both the officer and the person being recorded. "The cameras help defuse some of the tensions that might come up during encounters with the public. I think that 98 percent of the time, cameras help improve relationships with the community," said Chief Chitwood of Daytona Beach. Deputy Chief Christensen of Fort Collins agreed: "Officers wearing cameras have reported a noticeable improvement in the quality of their encounters with the public. With both sides behaving better, community relations will improve."

11. William Farrar, "Operation Candid Camera: Rialto Police Department's Body-Worn Camera Experiment," *The Police Chief* 81 (2014): 20–25.

Sir Robert Peel's Principles of Policing

Sir Robert Peel, who created London's Metropolitan Police Force in 1829, is known as the father of modern policing. He helped to establish a policing philosophy grounded in professionalism, ethics, and strong police-community cooperation, which continues to influence policing to this day. The "Nine Principles of Policing," which were issued to the first officers of the London Metropolitan Police and reflect Sir Robert Peel's philosophy, provide guidance on the role of police and the importance of maintaining strong police-community relationships.

The following principles attributed to Peel seem to have relevance for a discussion of how body-worn cameras can affect police officers' relationships with community members:

Police must recognize always that the power of the police to fulfill their functions and duties is dependent on

public approval of their existence, actions and behavior and on their ability to secure and maintain public respect.

Police must recognize always that to secure and maintain the respect and approval of the public means also the securing of the willing cooperation of the public in the task of securing observance of laws.

Police must maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.*

* "Principles of Good Policing," Institute for the Study of Civil Society, <http://www.civitas.org.uk/pubs/policeNine.php>.

Cameras have also helped assure the public that an agency is serious about transparency and officer accountability, according to several police executives. "We have found that body-worn cameras can actually help strengthen trust and police legitimacy within the community," said Chief of Police Hassan Aden of Greenville, North Carolina. To illustrate this point, Aden shared the following story:

A local community group approached me with a genuine concern that certain officers were racially profiling subjects during traffic stops. We went back and looked at the footage from these officers' body-worn cameras and found that there was indeed a pattern of using flimsy probable cause when making stops. However, we determined that it was a training problem and immediately changed the relevant training protocols. The organization that had raised the complaint was happy with the outcome. They appreciated that we had the body-worn camera footage, that the officers' behavior was investigated, and that we used the video to help us improve.

Securing community support

To mitigate community concerns, many police executives found it useful to engage the community before rolling out their camera programs. The Rialto Police Department, for example, used social media to inform the public about its body-worn camera program. "You have to engage the public before the cameras hit the streets," said Chief Farrar of Rialto. "You have to tell people what the cameras are going to be used for and how everyone can benefit from them."

"We want our officers to go out, get out of their cars, and talk to the public about football or whatever it may be to establish an informal relationship. That's how you build partnerships and persuade people to give you information about crime in their area. I think if we say that every single interaction is going to be recorded, the danger is that it will lead to a more officious relationship. Maybe the public will get used to it, just as in our country they've gotten used to cameras on the streets. But as we start off, I think there's a danger that every interaction will become a formal interaction, and the informal relationships may be eroded."

— Sir Peter Fahy, Chief Constable,
Greater Manchester (UK) Police

The Los Angeles Police Department, which is in the process of testing body-worn cameras, plans to solicit public feedback when developing its camera policies. The Greensboro (North Carolina) Police Department partnered with the Greensboro Police Foundation, which launched a "Put Cameras on Cops" public information campaign that included posting billboards and reaching out to the community.

Chief Lanpher of Aberdeen said that it is also important for agencies to engage local policymakers and other stakeholders. "Police departments cannot do this alone," he said. "We went to the mayor, the city council, and the state's attorney's office and showed them actual footage that officers had recorded to demonstrate why these cameras would be useful. Without their support, implementing the program would have been a challenge. Communication and developing those partnerships is critical."

"My opinion is that body-worn cameras will help with community relationships. They will show when officers are doing a good job and help us correct when they aren't. This is good for the community."

— Lieutenant Dan Mark,
Aurora (Colorado) Police Department

"I think it's absolutely critical that we talk to the public about [body-worn cameras]. We need to bring them on board and have them understand what this is about and go through the advantages and disadvantages and the issues."

— Sir Peter Fahy, Chief Constable,
Greater Manchester (UK) Police

There are also indications that the public is more accepting of body-worn cameras if agencies are transparent about their camera policies and practices. Some agencies post their camera policies on their websites. In addition, some agencies, such as the Oakland Police Department, have proactively posted body-worn camera footage on their websites to demonstrate transparency and to help resolve questions surrounding controversial incidents.

In Phoenix, the police department released to the media body-worn camera footage from an officer who was fired for misconduct. Assistant Chief of Police Dave Harvey of Phoenix explained that the police union requested the release to demonstrate transparency.

"It is important that agencies are open and transparent with the community," said Deputy Chief Christensen of Fort Collins. "If we only show the good and hide the bad, it will foster distrust of the police."

Protecting intelligence-gathering efforts

In addition to engaging the public to mitigate concerns, some agencies have adopted recording policies that seek to minimize the potential damage that body-worn cameras have on police-community relationships. These agencies limit body-worn camera recordings to calls for service and law enforcement-related contacts, rather than recording every encounter with the public, so that officers do not feel compelled to record the kinds of casual conversations that are central to building informal relationships within the community.

Chief Miller of Topeka said that this approach has worked well. "I recently witnessed a community policing officer having a casual conversation with two citizens," he said. "The officer was wearing a camera, but it was not running at the time. The camera was clearly visible, but it did not create a problem." Chief Miller of Greensboro said, "From a community policing aspect, it does not make sense to record every single interaction with the public. If an officer sees someone on the street and just wants to talk about what is going on in the neighborhood, it is easier to have that conversation if the camera is not running."

A number of agencies also give officers the discretion to turn off their cameras when talking with a person who wants to share information about a crime. This situation can occur when a person approaches an officer with information or if an officer interviews witnesses at a crime scene. In either case, police executives said that officers must weigh the evidentiary value of recording the statement with the reality that some people who share information may not want to talk on camera. "If officers encounter an informant or witness who isn't comfortable being recorded, they have to decide whether obtaining the information outweighs recording the statement," said Lieutenant Rankin of Mesa. "If so, our officers can either turn the camera off or position the camera so that they capture audio but not video. People usually feel more comfortable with just the audio."

Chief Farrar of Rialto said that it is important for officers to maintain credibility with people who might want to share information. "We teach our officers to consider the facts of each incident before they record," he said. "When officers encounter reluctant witnesses, I would suggest that they develop a rapport by being honest and not pressuring them to talk, especially on camera."

Many agencies, while allowing officers to turn off the camera at the request of the person being interviewed, nonetheless strongly encourage officers to record if at all possible. "It is important to remain flexible, as there are no absolutes," said Commander Michael Kurtenbach of Phoenix. "But we would generally recommend an officer to keep the camera on if possible when gathering information from witnesses."

Inspector Danny Inglis of Greater Manchester, United Kingdom, agreed. "I generally think there is more to gain than lose in terms of recording these kinds of statements," he said. "Recording is a way to capture critical intelligence and evidence. Our officers can turn the camera off at the person's request, but they should confirm the reason for this on camera."

The Topeka Police Department takes a similar approach. "Officers should try to leave the camera on to record exactly what a person says. If the person does not want to talk on camera, the officer can turn it off after stating the reason why," said Chief Miller. Again, it is important that officers weigh the situation before making a decision. "The detectives and the prosecutors will want witness interviews on camera if possible. But they would also rather have the good information than have the witness refuse to talk because of the camera," said Miller.

Some police executives said that the decision to record witnesses at a crime scene may depend on whether the scene is live or if it has been controlled. In many places, including Greensboro, Daytona Beach, and Rialto, officers typically leave their cameras running when responding to a live crime scene so they can capture spontaneous statements and impressions. Once the scene has been controlled (crime scene tape is put up, detectives arrive, etc.), it transitions into an investigative scene, and officers can turn the cameras off. Then they can determine whether to record more detailed statements taken from witnesses at the scene.

Agencies often include protections in their policies to ensure officers do not abuse their recording discretion. If an officer chooses not to record an encounter with someone giving information, he or she must typically document, on camera or in writing, the reason for not recording. In addition, many agencies require officers to activate the camera if an interaction becomes adversarial after the initial

"If officers are talking to a member of the community just to say hello or to ask what is going on in the neighborhood, it is usually better for the relationship if the officer does not record the conversation."

— Stephen Cullen, Chief Superintendent,
New South Wales (AUS) Police Force

"We view evidence collection as one of the primary functions of cameras. So in the case of interviewing witnesses, we would make every attempt to capture the statement on video. However, we do allow discretion if the person we approach requests that the camera be turned off. Officers just need to understand what the tradeoff is."

— Cory Christensen, Deputy Chief of Police, Fort Collins
(Colorado) Police Department

contact. Chief Chitwood said this approach has worked in Daytona Beach. "Between their experience and training, the officers know when they need to turn on their cameras. Activating the camera in these situations has become second nature to them," he said.

Lessons learned about impact on community relationships

In their conversations with PERF staff members, police executives and other experts revealed a number of lessons that they have learned when addressing the impact body-worn cameras can have on community relationships:

- Engaging the community prior to implementing a camera program can help secure support for the program and increase the perceived legitimacy of the program in the community.
- Agencies have found it useful to communicate with the public, local policymakers, and other stakeholders about what the cameras will be used for and how the cameras will affect them.
- Social media is an effective way to facilitate public engagement.
- Transparency about the agency's camera policies and practices, both prior to and after implementation, can help increase public acceptance and hold agencies accountable. Examples of transparency include posting policies on the department website and publicly releasing video recordings of controversial incidents.
- Requiring officers to record calls for service and law enforcement-related activities—rather than every encounter with the public—can ensure officers are not compelled to record the types of casual conversations that are central to building informal relationships within the community.
- In cases in which persons are unwilling to share information about a crime if they are being recorded, it is a valuable policy to give officers discretion to deactivate their cameras or to position the camera to record only audio. Officers should consider whether obtaining the information outweighs the potential evidentiary value of capturing the statement on video.
- Recording the events at a live crime scene can help officers capture spontaneous statements and impressions that may be useful in the later investigation or prosecution.
- Requiring officers to document, on camera or in writing, the reasons why they deactivated a camera in situations that they are otherwise required to record promotes officer accountability.

Addressing officer concerns

For a body-worn camera program to be effective, it needs the support not only of the community but also of the frontline officers who will be wearing the cameras. Securing this support can help ensure the legitimacy of a camera program and make its implementation more successful. Agency leaders should engage in ongoing communication with officers about the program's goals, the benefits and challenges of using cameras, and the agency's expectations of the officers.

Officer concerns about body-worn cameras

One of the primary concerns for police executives is the fear that body-worn cameras will erode the trust between officers and the chief and top managers of the department. Some officers may view the cameras as a signal that their supervisors and managers do not trust them, and they worry that supervisors would use the cameras to track and scrutinize their every move. Inspector Inglis of Greater Manchester explained, "I have heard some resentment about the level of scrutiny that

officers will be under if they wear body-worn cameras. This is especially true with the first-level response officers, who already feel they are under an extraordinary amount of pressure to get everything right. I can understand this concern."

Given these concerns, one of the most important decisions an agency must make is how it will use camera footage to monitor officer performance. Most agencies permit supervisors to review videos so they can investigate a specific incident or complaint, identify videos for training purposes, ensure the system is working, and monitor overall compliance with the camera program.

However, there is some debate over whether supervisors should also periodically and randomly review videos to monitor officer performance. Some agencies allow periodic monitoring to help proactively identify problems and hold officers accountable for their performance. Other agencies permit periodic monitoring only in certain circumstances, such as when an officer is still in a probationary period or after an officer has received a certain number of complaints. Some agencies prohibit random monitoring altogether because they believe doing so is unnecessary if supervisors conduct reviews when an incident occurs.

In Greater Manchester, Inspector Inglis encourages supervisors to randomly review camera footage. "We use random review as a teaching tool, not just a supervision tool," he said. "Supervisors might not get a lot of face time with officers, so reviewing the video is a good way for supervisors to appraise officers and provide feedback. It also helps hold officers accountable and gives them incentive to record."

Other agencies expressly prohibit supervisors from randomly monitoring body-worn camera footage. "Per our policy, we do not randomly review videos to monitor officer performance," said Chief Chitwood of Daytona Beach. "Instead, our review is incident-based, so if there is an issue, we will review the footage. In those cases, we can also review prior videos to see if there is a pattern of behavior."

The Topeka Police Department generally prohibits random monitoring, though supervisors can periodically review videos if officers have received numerous complaints. Chief Miller of Topeka said that this policy strikes a balance between showing trust in the officers and holding them accountable. "If an officer does something wrong, you do not want to be accused of deliberate indifference because you had the videos but ignored them," he said. "You have to show that you reviewed the footage once you had a reason to do so."

Some police officials suggested that an agency's internal audit unit, rather than direct supervisors, should be responsible for periodic, random monitoring. They said this approach allows agencies to monitor compliance with the program and assess officer performance without undermining the trust between an officer and his or her supervisor. These officials stressed that internal audit reviews should be truly random (rather than targeted to a specific officer or officers) and should be conducted in accordance with a written standard of review that is communicated to the officers. Chief of Police Jeff Halstead of Fort Worth, Texas, said, "Random review of the camera footage, either by an internal auditor or a supervisor, is critical to demonstrating that an agency is doing what it is supposed to do and is serious about accountability."

In addition to concerns about trust and supervisor scrutiny, police executives said that some officers worried about the difficulty of operating the cameras and learning a new technology. "Officers can feel inundated with technology," said Chief of Police Roberto Villaseñor of Tucson. "In the past few

"I have heard officers say that while they are not opposed to using body-worn cameras, they do have some concerns. Some of these concerns are more practical, like whether adding new equipment will be overly burdensome. But the larger philosophical concern is whether these cameras send the wrong message about the trust we place in officers. What does it say about officer professionalism and credibility if the department has to arm every officer with a camera?"

— Bob Cherry, Detective of
Baltimore Police Department
and President of Baltimore City
Fraternal Order of Police

years, our department has introduced a new records management system and a new digital radio system. So some officers see body-worn cameras as another new piece of technology that they will have to learn." Some officers also said that cameras can be cumbersome and challenging to operate, and agencies often have to test several different camera models and camera placement on the body to determine what works best.

Addressing officer concerns

Agencies have taken various steps to address officer concerns about body-worn cameras. One of the most important steps, according to many police executives, is for agency leaders to engage in open communication with officers about what body-worn cameras will mean for them.

For example, a survey of officers conducted by the Vacaville (California) Police Department found that including officers in the implementation process—and allowing them to provide meaningful input—generated support for the cameras. Some police executives, like Chief Chitwood of Daytona Beach and Chief Lanpher of Aberdeen, have found it useful to attend officer briefings, roll calls, and meetings with union representatives to discuss the camera program. "My staff and I invested considerable time talking at briefings and department meetings with all employees who would be affected by body-worn cameras," said Chief of Police Michael Frazier of Surprise, Arizona. "This has helped us gain support for the program."

"I think police agencies can help the officer and fulfill their duties to the public by saying, 'We have an officer [whom] we think is having problems, and we are going to look at those videos to determine behavioral patterns.' You do not want to have a problem come up later and claim that you did not know about it even though you had videos. So to me, targeted monitoring makes sense."

— Christy Lopez, Deputy Chief,
Special Litigation Section,
Civil Rights Division,
U.S. Department of Justice

Many police executives said that creating implementation teams comprised of representatives from various units within the department can help improve the legitimacy of a body-worn camera program. For example, as agencies develop body-worn camera policies and protocols, it can be useful to receive input from patrol commanders and officers, investigators, training supervisors, the legal department, communications staff, Internal Affairs personnel, evidence management personnel, and others across the agency who will be involved with body-worn cameras.

Police executives also said it is important to emphasize to officers that body-worn cameras are useful tools that can help them perform their duties. Chief Terry Gainer, U.S. Senate sergeant at arms, believes that framing body-worn cameras as a check on officer behavior is the wrong approach. "It's going to be hard to encourage our officers to be the self-actualized professionals that we want them to be if we say, 'Wear this because we're afraid you're bad; and cameras will help you prove that you're good,'" said Gainer. "Body cameras should be seen as a tool for creating evidence that will help ensure public safety."

Lieutenant John Carli of Vacaville, California, suggests that agencies frame the cameras as a teaching tool, rather than a disciplinary measure, by encouraging supervisors to review footage with officers and provide constructive feedback. One suggestion to accomplish this goal is to highlight officers whose videos demonstrate exemplary performance by showing their footage at training programs or by showing the video during an awards ceremony.

Incremental implementation

Some police executives have also found it helpful to take an incremental approach when implementing body-worn cameras. For example, the San Diego Police Department plans to deploy 100 cameras as part of a pilot program with the eventual goal of outfitting 900 uniformed officers with cameras.

The Greensboro Police Department took a similar approach. "When we first deployed the cameras, there was an undercurrent of apprehension on the part of the officers. So we rolled it out in small increments to help officers get more comfortable with the program," said Chief Miller of Greensboro. Gradual implementation can also help agencies learn which policies, practices, and camera systems are the best fit for their departments. Some agencies, such as the Mesa Police Department, initially assigned cameras to the most tech-savvy officers as a way to ease implementation.

Many agencies have found that officers embrace body-worn cameras when they see evidence of the cameras' benefits. "Our officers have been fairly enthusiastic about body-worn cameras because they have seen examples of how the cameras have cleared fellow officers of complaints," said Lieutenant Dan Mark of Aurora, Colorado. "One officer was threatened by an individual, and it was captured on the officer's camera. We took the footage to the city attorney's office, and the individual was successfully prosecuted. Once that story got out among the officers, we saw a lot more acceptance of the cameras."

Police executives said that in many cases, officers see these benefits once they begin wearing the cameras. "The more officers use the cameras, the more they want to have them," said Lieutenant Gary Lewis from Appleton, Wisconsin. "If I could put cameras on all of my patrol officers, I would have 100 percent support." Chief Farrar of Rialto agreed: "Now that the officers wear the cameras, they say that they could not do without them."

Lessons learned about addressing officer concerns

Police executives revealed a number of lessons about addressing officers' concerns about body-worn cameras:

- As with any other deployment of a new technology, program, or strategy, the best approach includes efforts by agency leaders to engage officers on the topic, explain the goals and benefits of the initiative, and address any concerns officers may have.
- Briefings, roll calls, and meetings with union representatives are effective means to communicate information about a body-worn camera program.
- Creating an implementation team that includes representatives from across the department can help strengthen program legitimacy and ease implementation.

"You have to ask yourself, what is the main reason you are implementing the program? Is it because you want to give officers a helpful tool, or because you do not trust them? The answer to that question—and how you convey it—will influence how officers receive the program."

— Lieutenant John Carli,
Vacaville (California) Police Department

"At first, officers had a lot of concerns about the 'Big Brother' aspect of body-worn cameras. But once they wear them and see the benefits, they are much more likely to embrace them. Resistance has been almost nonexistent."

— Chris Burbank, Chief of Police,
Salt Lake City (Utah) Police Department

- Departments have found that officers support the program if they view the cameras as useful tools: e.g., as a technology that helps to reduce complaints and produce evidence that can be used in court or in internal investigations.
- Recruiting an internal "champion" to help inform officers about the benefits of the cameras has proven successful in addressing officers' hesitation to embrace the new technology.
- Body-worn cameras can serve as a teaching tool when supervisors review footage with officers and provide constructive feedback.
- Taking an incremental approach to implementation can help make deployment run more smoothly. This can include testing cameras during a trial period, rolling out cameras slowly, or initially assigning cameras to tech-savvy officers.

Managing expectations

"In the beginning, some officers were opposed to the cameras. But as they began wearing them, they saw that there were more benefits than drawbacks. Some officers say that they would not go out on the street without a ballistic vest; now they say they will not go out without a camera."

— Lieutenant Harold Rankin,
Mesa (Arizona) Police Department

Police executives said that it has become increasingly common for courts, arbitrators, and civilian review boards to expect police departments to use body-worn cameras. "If your department has a civilian review board, the expectation now is that police should have cameras," said Chief of Police Chris Burbank of Salt Lake City. "If you don't, they will ask, 'Why don't your officers have cameras? Why aren't your cameras fully deployed? Why does the next town over have cameras, but you don't?'"

In addition, people often expect that officers using body-worn cameras will record video of everything that happens while they are on duty. But most police departments do not require officers to record every encounter. Many agencies have policies against recording when it is unsafe or impossible, and some agencies give officers discretion to

deactivate their cameras in certain sensitive situations, such as during interviews with victims or witnesses. Camera malfunctions may also occur. Some agencies have taken steps to inform judges, oversight bodies, and the public about these realities of using body-worn cameras.

Police executives said that these expectations can undermine an officer's credibility if questions arise about an incident that was not captured on video. This is one reason why many agencies require officers to articulate, either on camera or in writing, their reasons for turning a camera off in the middle of an incident or for not turning it on in the first place. These issues of credibility are also why it is important to provide rigorous, ongoing officer training on body-worn camera policies and

practices. Some agencies find that situational training can be particularly useful. For example, the Oakland Police Department incorporated a program into its police academy that involves officers participating in situational exercises using training model cameras.

Expectations about body-worn cameras can also affect how cases are prosecuted in criminal courts. Some police executives said that judges and juries have come to rely heavily on camera footage as evidence, and some judges have even dismissed a case when video did not exist. "Juries no longer want to hear just officer testimony—they want to see the video," said Detective Cherry of Baltimore. "But the video only

"There is a learning curve that comes with using body-worn cameras. And the video cannot always be taken at face value—the full story has to be known before conclusions are reached about what the video shows."

— Major Stephen Willis,
Charlotte-Mecklenburg
(North Carolina) Police Department

gives a small snapshot of events. It does not capture the entire scene, or show the officer's thought process, or show an officer's investigative efforts. This technology shouldn't replace an officer's testimony. I'm concerned that if juries rely only on the video, it reduces the important role that our profession plays in criminal court."

Officer review of video prior to making statements

Given the impact that body-worn cameras can have in criminal and administrative proceedings, there is some question as to whether officers should be allowed to review camera footage prior to making a statement about an incident in which they were involved. According to many police executives, the primary benefit to officer review is that it allows officers to recall events more clearly, which helps get to the truth of what really happened. Some police executives, on the other hand, said that it is better for an officer's statement to reflect what he or she perceived during the event, rather than what the camera footage revealed.

The majority of police executives consulted by PERF are in favor of allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved. They believe that this approach provides the best evidence of what actually took place. PERF agrees with this position.

"When you're involved in a tense situation, you don't necessarily see everything that is going on around you, and it can later be difficult to remember exactly what happened," said Police Commissioner Ramsey of Philadelphia. "So I wouldn't have a problem with allowing an officer to review a video prior to making a statement."

Chief Burbank of Salt Lake City agreed. "Officers should be able to review evidence that is gathered about an event, and that includes body-worn camera footage," he said. "Some of the most accurate reports are generated by officers who take a moment to go back and review the circumstances. For example, I was once involved in a pursuit that lasted 30 minutes. I went back and re-drove the route and documented every turn before filing my report. Otherwise, it would have been impossible to remember everything that happened."

Chief Miller of Topeka said that if an officer is not allowed to review video, and if the footage conflicts with the officer's statement, it can create unfair doubts about the officer's credibility. "What we are after is the truth," he said. "If you make a statement that you used force because you thought a suspect had a gun but the video later shows that it was actually a cell phone, it looks like you were lying. But if you truly thought he had a gun, you were not lying—you were just wrong. An officer should be given the chance to make a statement using all of the evidence available; otherwise, it looks like we are just trying to catch an officer in a lie."

Police executives who favor review said that officers will be held accountable for their actions regardless of whether they are allowed to watch the video recordings prior to making a statement. "Officers are going to have to explain their actions, no matter what the video shows," said Chief Burbank of Salt Lake City. Chief Frazier of Surprise, Arizona, said, "If an officer has acted

"Right from the start, officers now learn how to use the cameras as part of their regular training on patrol procedures. We want activating the cameras to become a muscle memory so that officers do not have to think about it when they are in a real-world situation."

— Sean Whent, Chief of Police,
Oakland (California) Police Department

"I tell the officers every day: You usually don't get hurt by the videos you have. What hurts you is when you are supposed to have a video but, for whatever reason, you don't."

— Ron Miller, Chief of Police,
Topeka (Kansas) Police Department

inappropriately, and those actions were recorded, the officer cannot change the record and will have to answer for his or her actions. What will be gained by a review of the video is a more accurate accounting of the incident."

The majority of police executives consulted by PERF are in favor of allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved.

Other police executives, however, said that the truth—and the officer's credibility—are better served if an officer is not permitted to review footage of an incident prior to making a statement. "In terms of the officer's statement, what matters is the officer's perspective at the time of the event, not what is in the video," said Major Mark Person of the Prince George's County (Maryland) Police Department. "That perspective is what they are going to have to testify to. If officers watch the video before making a statement, they might tailor the statement to what they see. It can cause them to second-guess themselves, which makes them seem less credible."

Lessons learned about managing expectations

In interviews with PERF staff members, police executives discussed lessons that they have learned for managing expectations about body-worn cameras:

- With more and more agencies adopting body-worn cameras, courts, arbitrators, and civilian review boards have begun to expect not only that agencies will use cameras but also that officers will have footage of everything that happens while they are on duty. If this footage does not exist, even for entirely legitimate reasons, it may impact court or administrative proceedings and create questions about an officer's credibility. Agencies must take steps to manage expectations while also working to ensure that officers adhere to agency policies about activating cameras.
- Educating oversight bodies about the realities of using cameras can help them to understand operational challenges and why there may be situations in which officers are unable to record. This can include demonstrations on how the cameras operate.
- Requiring an officer to articulate, on camera or in writing, the reason for not recording an event can help address questions about missing footage.
- Rigorous, ongoing officer training on body-worn camera policies and protocols is critical for improving camera usage. Situational training in which officers participate in exercises using mock cameras can be particularly useful in helping officers to understand how to operate cameras in the field.
- Many police executives believe that allowing officers to review body-worn camera footage prior to making a statement about an incident in which they were involved provides the best evidence of what actually occurred.

Financial considerations

While body-worn cameras can provide many potential benefits to law enforcement agencies, they come at a considerable financial cost. In addition to the initial purchasing cost, agencies must devote funding and staffing resources toward storing recorded data, managing videos, disclosing copies of videos to the public, providing training to officers, and administering the program.

For some agencies, these costs make it challenging to implement a body-worn camera program. PERF's survey revealed that 39 percent of the respondents that do not use body-worn cameras cited cost as a primary reason. Chief Villaseñor of Tucson said that cost was a major obstacle to getting cameras. "In recent years, we've faced serious budget cuts and have had to reduce staffing levels," he said. "It can be hard to justify spending money on cameras when officers are fighting for their jobs." However, Villaseñor has put together a review committee to evaluate costs and explore how to implement body-worn cameras in Tucson.

Police Commissioner Ramsey said that in departments the size of Philadelphia's, which has 6,500 sworn officers, the cost of implementing a body-worn camera program would be extraordinary. "We've considered using cameras in Philadelphia, and we see all of the benefits they can provide," he said. "Cost is the primary thing holding us back."

Some police executives, however, said that body-worn cameras can save departments money. They said that by improving officer professionalism, defusing potentially confrontational encounters, strengthening officer training, and documenting encounters with the public, body-worn cameras can help reduce spurious lawsuits and complaints against officers. They also said that these savings more than make up for the considerable financial cost of implementing a camera program.

"If there is a lawsuit against the department, the settlements come from the department's operational budget," said Chief Chitwood of Daytona Beach. "By preventing these suits, the department has more money to spend on cars, technology, and other things that benefit officers."¹²

The London Metropolitan Police Service, working together with the College of Policing, is planning to conduct a cost-benefit analysis in conjunction with its upcoming pilot program of 500 cameras. The analysis will measure whether the cameras contribute to cost savings in terms of promoting early guilty pleas in criminal cases and quicker resolution of complaints against officers. The study will also measure community and victim satisfaction with the cameras, as well as how the cameras impact the length of sentences that offenders receive.

"I absolutely think that officers should be allowed to review camera footage from an incident in which they were involved, prior to speaking with internal investigators. With what we know of the effect of stressful incidents on the human mind, officers in most instances may not recall every aspect of the incident. Or they may recall events out of sequence or not remember everything until much later. For this reason alone, allowing an officer to review the video prior to making a statement seems prudent."

— Michael Frazier, Chief of Police,
Surprise (Arizona) Police Department

12. See "Perceived Benefits of Body-Worn Cameras" on page 5 for additional discussion of cost-benefit analysis.

Cost of implementation

The price of body-worn cameras currently ranges from approximately \$120 to nearly \$2,000 for each device. Most of the agencies that PERF consulted spent between \$800 and \$1,200 for each camera. Prices vary depending on factors such as functionality, storage capacity, and battery life. Agencies must make this initial purchase up front, and sometimes they purchase cameras as part of a contract with the manufacturer for related services, such as data storage and technical assistance.

"Once you put cameras in the field, you're going to amass a lot of data that needs to be stored. Chiefs need to go into this with their eyes wide open. They need to understand what storage is going to cost, what their storage capacities are, and the amount of time it takes to review videos for public release. It is a major challenge."

—Kenton Rainey, Chief of Police,
Bay Area Rapid Transit Police Department

Although the initial costs of purchasing the cameras can be steep, many police executives said that data storage is the most expensive aspect of a body-worn camera program. "Data storage costs can be crippling," said Chief Aden of Greenville. Captain Thomas Roberts of Las Vegas agreed. "Storing videos over the long term is an ongoing, extreme cost that agencies have to anticipate," said Roberts.

The cost of data storage will depend on how many videos are produced, how long videos are kept, and where the videos are stored. If the videos are stored on an online cloud database, the costs typically go toward paying a third-party vendor to manage the data and to provide other services, such as technical assistance and forensic auditing. If videos are stored on an in-house server, agencies must often purchase additional computer equipment and spend money on technical staff and systems to ensure the data are secure.

The New Orleans Police Department has launched a plan for deploying 350 body-worn cameras at an anticipated cost of \$1.2 million over five years—the bulk of which will go to data storage.¹³ One department reported that it will pay \$2 million per year, mostly toward data storage, to outfit 900 officers with cameras. Another department spent \$67,500 to purchase 50 cameras and will spend approximately \$111,000 to store the video on a cloud for two years. In terms of storage, Chief Miller of Topeka said, "I've seen a formula that says that if you have 250 officers that have body-worn cameras, in three years you will produce 2.3 million videos. If the officer was required to run the camera continuously during his or her entire shift, it would produce even more. Managing and storing that data is usually more expensive than buying the cameras."

In addition to the cost of purchasing cameras and storing data, administering a body-worn camera program requires considerable ongoing financial and staffing commitments. Many agencies appoint at least one full-time officer to manage the camera program. Agencies must provide ongoing training programs, ensure that cameras are properly maintained, fix technical problems, and address any issues of officer noncompliance. Some agencies also devote resources toward public information campaigns aimed at educating the community about the program.

According to many police executives, one of the most significant administrative costs—at least in terms of staff resources—involves the process of reviewing and categorizing videos. Although the exact process varies depending on the camera system, officers must typically label, or "tag," videos as evidentiary or non-evidentiary. Evidentiary videos are further categorized according to the type of incident captured in the footage (e.g., homicide, robbery, or traffic citation). This tagging process is critical for determining how a video will be used and how long it will be retained. Most agencies that PERF consulted require officers to download and tag videos by the end of each shift.

13. "NOPD Wearable Cameras Expected to Cost \$1.2 Million," The Times-Picayune, September 30, 2013, http://www.nola.com/crime/index.ssf/2013/09/post_346.html. Since The Times-Picayune published this article, New Orleans has increased the number of body-worn cameras it expects to deploy from 350 to more than 400.

Some officers have expressed concern about this increase to their administrative workload. "One of the major complaints we heard from officers was that they were spending so much time, after their shifts were over, downloading and tagging their videos," said Commander Tony Filler from Mesa. The department explored several solutions to this problem, ultimately creating an automated process that linked videos to the department's records management system (RMS). The department also purchased from the camera manufacturer electronic tablets that allow officers to view and tag videos while they are in the field. "The tablets were an additional cost, but they were worth it because they save officers a lot of time," said Filler.

Police executives said that there are also significant administrative costs involved with responding to requests from the public or the news media for body-worn camera videos. When an agency receives a disclosure request, often under the Freedom of Information Act, officers or other department personnel must spend time reviewing videos to find the relevant footage, determining whether an exception to the presumption of disclosure applies, identifying portions that by law must be redacted, and performing the redaction process.

Cost-saving strategies

Police executives discussed several strategies that their agencies have employed to mitigate the considerable financial and staffing costs associated with body-worn cameras. These strategies focus primarily on managing the costs of data storage, which many police executives said represent the most expensive aspect of their programs.

Although managing data storage costs is not the primary reason why many agencies have decided against recording non-law enforcement related encounters with the public, it can be a factor. "There is a huge difference in the amount of money it would take to record all encounters versus adopting a more restrictive recording policy," said Chief Miller of Greensboro. "If you record everything, there are going to be astronomical data storage costs. With 500 officers using cameras, we have already produced over 40,000 videos in just seven months. And we would have a lot more if we didn't use a more restrictive recording policy."

Some agencies, such as the police departments in Oakland and Daytona Beach, are working to adopt shorter data retention periods for non-evidentiary footage in an effort to keep data storage costs manageable. Although it is important to keep videos long enough to demonstrate transparency and preserve a record of an encounter, keeping these videos indefinitely would overwhelm an agency's resources. Some agencies may even decide against adopting body-worn cameras due to the extraordinary costs of data storage.

"The two biggest challenges that we face in terms of cost are data storage and responding to records requests," said Chief Chitwood of Daytona Beach. "We had to brainstorm about how to address those costs, and one way was through changing our retention times."

As the public becomes more familiar with the existence of police body-worn camera programs, it is reasonable to expect that members of the public and the news media will increasingly want to obtain video recordings. Such public records requests will add to the workload of managing a camera program. Captain James Jones of the Houston Police Department said, "The cost of responding to

"Responding to public disclosure requests is one of the biggest challenges that my department faces. When a request for a video comes in, an officer has to sit for at least two hours and review the videos to find the footage and identify which portions must by law be redacted. And the actual redactions can take over 10 hours to complete."

— Lieutenant Harold Rankin,
Mesa (Arizona) Police Department

open records requests played a role when we were deciding how long to keep the video. To protect privacy, you have to go through every video and make sure that you're not disclosing something that you shouldn't. It takes a lot of time, and personnel, to review and redact every tape. If you keep video for five years, it is going to take even more."

Agencies have also explored cheaper storage methods for videos that by law must be retained long-term, such as those containing evidence regarding a homicide or other serious felony. For example, the Greensboro Police Department deletes videos requiring long-term storage from the online cloud after importing them into its RMS or Internal Affairs case management systems. This reduces overall consumption of expensive cloud storage for videos that are required for future court proceedings or long-term retention under state personnel laws. The Charlotte-Mecklenburg Police Department recently completed a body-worn camera trial program, and Major Willis said that the department is exploring alternative storage methods. "Long-term storage costs are definitely going to be a problem. We are looking at cold storage, offline storage, and shorter retention times as a way to keep those costs more manageable," he said.

Many police agencies have also found it useful to conduct a cost-benefit analysis when exploring whether to implement body-worn cameras. For example, agencies can conduct an audit of their claims, judgments, and settlements related to litigation and complaints against officers to determine what costs they may already be incurring. The costs associated with deploying body-worn cameras may be offset by reductions in litigation costs, and agencies should carefully assess their ongoing legal expenses to determine how they could be reduced through the use of body-worn cameras.

Lessons learned about financial considerations

In interviews with PERF staff members, police executives and other experts revealed a number of lessons that they have learned about the financial costs of body-worn cameras:

- The financial and administrative costs associated with body-worn camera programs include costs of the equipment, storing and managing recorded data, and responding to public requests for disclosure.
- It is useful to compare the costs of the camera program with the financial benefits (e.g., fewer lawsuits and unwarranted complaints against officers, as well as more efficient evidence collection).
- Setting shorter retention times for non-evidentiary videos can help make the significant costs of data storage more manageable.
- Videos requiring long-term storage (e.g., those involving serious offenses) can be copied to a disc, attached to the case file, and deleted from the internal server or online cloud. This frees up expensive storage space for videos that are part of an ongoing investigation or that have shorter retention times.
- Linking recorded data to the agency's records management system or using electronic tablets, which officers can use in the field, can ease the administrative burden of tagging and categorizing videos.

The Los Angeles Police Department's Approach to Financing Body-Worn Cameras

In September 2013, Los Angeles Police Commission President Steve Soboroff launched a campaign to raise money to purchase on-body cameras for the Los Angeles Police Department (LAPD). "Before being elected commission president, I heard from numerous leaders in the LAPD that getting on-body cameras was a top priority with a huge upside," said Soboroff in an interview with PERF. "After hearing all of the benefits that this technology could offer, I wanted to find a way to proactively jump-start the project."

Realizing that trying to secure city funds for cameras would be challenging—the LAPD's in-car camera project has been going on for two decades and is only 25 percent complete—Soboroff devised a plan to identify private donors. Within five months, he had raised \$1.3 million for a body-worn camera program, exceeding its original goal. Contributors included a number of local companies, executives, and philanthropists, including the Los Angeles Dodgers, movie director Steven Spielberg, entertainment executive Jeffrey Katzenberg, and former Los Angeles Mayor Richard Riordan.[†]

This money will go toward purchasing 600 body-worn cameras for LAPD officers and for video storage, repairs, and other costs over two years.^{*} The LAPD said it would test several camera models before implementing its program.[§] According to Soboroff, the LAPD will eventually need hundreds more cameras to outfit every patrol officer, but he hopes the pilot program will convince city officials that the cameras are worth the money. "I think that the pilot will show that body-worn cameras are transformative. I think it will show so many public safety benefits, and so many savings in litigation settlement dollars, man hours, and attorney hours, that the return on the investment will be apparent and significant," he said.[¶]

Soboroff believes that other places can look at the LAPD's fundraising approach as a model. "Probably every city in America has financial concerns. But I believe that there are always going to be local businesses and philanthropists who are willing to help. You just have to show them that there is going to be a positive community and financial return on their investment or donation."^{††} However, Soboroff also said it is important that law enforcement agencies retain independence as they develop their programs: "The LAPD has complete control over which cameras it chooses and its camera policies. That is critical—there should be no outside influence from donors."^{§§}

As Soboroff indicates, police agencies outside of Los Angeles have also sought private funding for body-worn cameras. For example, the Greensboro (North Carolina) Police Department told PERF that the Greensboro Police Foundation raised \$130,000 from private donors to purchase 125 cameras. The Greensboro Police Foundation also created awareness by launching the "Put Cameras on Cops" public information campaign that included reaching out to potential donors and posting billboards in support of the program.

* Steve Soboroff (president, Los Angeles Police Commission), in discussion with PERF staff members, fall 2013.

† "LAPD to Soon Start Testing Body Cameras," *CBS Los Angeles*, January 13, 2014, <http://losangeles.cbslocal.com/2014/01/13/lapd-officers-to-soon-start-testing-body-cameras/>.

† "LAPD Surpasses Fundraising Goal for Officers' On-Body Cameras," *Los Angeles Times*, November 6, 2013, <http://articles.latimes.com/2013/nov/06/local/la-me-ln-lapd-cameras-20131106>.

§ "LAPD to Soon Start Testing Body Cameras."

§§ Soboroff, discussion with PERF staff members.

†† Ibid.

§§ Ibid.



Chapter 3. Body-Worn Camera Recommendations

The list of recommendations beginning on page 38 is intended to assist law enforcement agencies as they develop body-worn camera policies and practices. These recommendations, which are based on the research conducted by PERF with support from the COPS Office, reflect the promising practices and lessons that emerged from PERF's September 2013 conference in Washington, D.C., where more than 200 police chiefs, sheriffs, scholars, and federal criminal justice officials shared their experiences with body-worn cameras and their perspectives on the issues discussed in this publication. The recommendations also incorporate feedback gathered during PERF's interviews of more than 40 law enforcement officials and other experts, as well as findings from PERF's review of body-worn camera policies submitted by police agencies across the country.

Each law enforcement agency is different, and what works in one department might not be feasible in another. Agencies may find it necessary to adapt these recommendations to fit their own needs, budget and staffing limitations, state law requirements, and philosophical approach to privacy and policing issues.

When developing body-worn camera policies, PERF recommends that police agencies consult with frontline officers, local unions, the department's legal advisors, prosecutors, community groups, other local stakeholders, and the general public. Incorporating input from these groups will increase the perceived legitimacy of a department's body-worn camera policies and will make the implementation process go more smoothly for agencies that deploy these cameras.

PERF recommends that each agency develop its own comprehensive written policy to govern body-worn camera usage. Policies should cover the following topics:

- Basic camera usage, including who will be assigned to wear the cameras and where on the body the cameras are authorized to be placed
- The designated staff member(s) responsible for ensuring cameras are charged and in proper working order, for reporting and documenting problems with cameras, and for reissuing working cameras to avert malfunction claims if critical footage is not captured
- Recording protocols, including when to activate the camera, when to turn it off, and the types of circumstances in which recording is required, allowed, or prohibited
- The process for downloading recorded data from the camera, including who is responsible for downloading, when data must be downloaded, where data will be stored, and how to safeguard against data tampering or deletion
- The method for documenting chain of custody
- The length of time recorded data will be retained by the agency in various circumstances
- The process and policies for accessing and reviewing recorded data, including the persons authorized to access data and the circumstances in which recorded data can be reviewed

- Policies for releasing recorded data to the public, including protocols regarding redactions and responding to public disclosure requests
- Policies requiring that any contracts with a third-party vendor for cloud storage explicitly state that the videos are owned by the police agency and that its use and access are governed by agency policy

In summary, policies must comply with all existing laws and regulations, including those governing evidence collection and retention, public disclosure of information, and consent. Policies should be specific enough to provide clear and consistent guidance to officers yet allow room for flexibility as the program evolves. Agencies should make the policies available to the public, preferably by posting the policies on the agency website.

General recommendations

1. Policies should clearly state which personnel are assigned or permitted to wear body-worn cameras and under which circumstances.

It is not feasible for PERF to make a specific recommendation about which officers should be required to wear cameras. This decision will depend on an agency's resources, law enforcement needs, and other factors.

Lessons learned: Some agencies have found it useful to begin deployment with units that have the most frequent contacts with the public (e.g., traffic or patrol officers).

2. If an agency assigns cameras to officers on a voluntary basis, policies should stipulate any specific conditions under which an officer might be required to wear one.

For example, a specified number of complaints against an officer or disciplinary sanctions, or involvement in a particular type of activity (e.g., SWAT operations), might result in an officer being required to use a body-worn camera.

3. Agencies should not permit personnel to use privately-owned body-worn cameras while on duty.

Rationale: Most of the police executives whom PERF interviewed believe that allowing officers to use their own personal cameras while on duty is problematic. PERF agrees with this position. Because the agency would not own the recorded data, there would be little or no protection against the officer tampering with the videos or releasing them to the public or online. In addition, chain-of-custody issues would likely prevent the video evidence from being admitted as evidence in court.

This recommendation applies regardless of whether the agency has deployed body-worn cameras.



4. Policies should specify the location on the body on which cameras should be worn.

The most appropriate camera placement will depend on several factors, such as the type of camera system used. Agencies should test various camera locations to see what works for their officers in terms of field of vision, comfort, functionality, and ease of use.

Lessons learned: Police executives have provided feedback regarding their experiences with different camera placements:

- **Chest:** According to the results of PERF's survey, the chest was the most popular placement location among agencies.
- **Head/sunglasses:** This is a very popular location because the camera "sees what the officer sees." The downside, however, is that an officer cannot always wear sunglasses. Some officers have also reported that the headband cameras are uncomfortably tight, and some expressed concern about the potential of injury when wearing a camera so close to the eye area.
- **Shoulder/collar:** Although some officers like the perspective that this placement offers, others have found the camera can too easily be blocked when officers raise their arms. One agency, for example, lost valuable footage of an active shooter incident because the officer's firearm knocked the camera from his shoulder.
- **Shooting side:** Some agencies specify that officers should wear cameras on the gun/shooting side of the body, which they believe affords a clearer view of events during shooting incidents.

5. Officers who activate the body-worn camera while on duty should be required to note the existence of the recording in the official incident report.

Rationale: This policy ensures that the presence of video footage is accurately documented in the case file so that investigators, prosecutors, oversight boards, and courts are aware of its existence. Prosecutors may need to give potentially exculpatory materials to defense attorneys.

6. Officers who wear body-worn cameras should be required to articulate on camera or in writing their reasoning if they fail to record an activity that is required by department policy to be recorded. (See recommendations 7–13 for recording protocols.)

This may occur, for example, if an officer exercises recording discretion in accordance with the agency's policy because he or she cannot record due to unsafe conditions or if a person does not give consent to record when consent is required.

Rationale: This holds officers accountable and helps supervisors investigate any recording irregularities that may occur.



Recording protocols

7. As a general recording policy, officers should be required to activate their body-worn cameras when responding to all calls for service and during all law enforcement-related encounters and activities that occur while the officer is on duty. Exceptions include recommendations 10 and 11 below or other situations in which activating cameras would be unsafe, impossible, or impractical.

7a: Policies and training materials should clearly define what is included in the description "law enforcement-related encounters and activities that occur while the officer is on duty." Some agencies have found it useful to provide a list of examples in their policies, such as traffic stops, arrests, searches, interrogations or interviews, and pursuits.

7b: Officers should also be required to activate the camera during the course of any encounter with the public that becomes adversarial after the initial contact.

Rationale:

- The policy affords officers discretion concerning whether to record informal, non-law enforcement-related interactions with members of the community, such as a person asking an officer for directions or officers having casual conversations with people they see on patrol. If officers were always required to record in these situations, it could inhibit the informal relationships that are critical to community policing efforts.
 - The policy can help to secure officer support for a body-worn camera program because it demonstrates to officers that they are trusted to understand when cameras should and should not be activated. Protocols should be reinforced in officer training.
 - The policy is broad enough to capture the encounters and activities that, because they are the most likely to produce evidence or lead to complaints from community members about the police, are most in need of accurate documentation. However, the policy is narrow enough to help keep the amount of recorded data more manageable. This can help reduce the costs associated with storing data, reviewing and tagging data, and responding to public records requests.
8. Officers should be required to inform subjects when they are being recorded unless doing so would be unsafe, impractical, or impossible.

Some states have two-party consent laws that require a person making a recording to obtain the consent of the person or persons being recorded. In this case, officers must obtain consent unless the law provides an exception for police recordings. Most states have one-party consent policies, which allow officers to make recordings without obtaining consent.

PERF recommends that police in all states inform subjects that they are being recorded, aside from the exceptions stated already. This policy does not mean that officers in one-party consent states must obtain consent prior to recording; rather, they must inform subjects when the camera is running.

Rationale: The mere knowledge that one is being recorded can help promote civility during police-citizen encounters. Police executives report that cameras improve both officer professionalism and the public's behavior, an observation that is supported by evaluations of body-worn camera programs.

9. Once activated, the body-worn camera should remain in recording mode until the conclusion of an incident/encounter, the officer has left the scene, or a supervisor has authorized (on camera) that a recording may cease.

Officers should also announce while the camera is recording that the incident has concluded and the recording will now cease.

See further discussion in recommendation 11b, "Lessons learned."

10. Regardless of the general recording policy contained in recommendation 7, officers should be required to obtain consent prior to recording interviews with crime victims.

Rationale: There are significant privacy concerns associated with videotaping crime victims. PERF believes that requiring officers to obtain consent prior to recording interviews with victims is the best way to balance privacy concerns with the need to accurately document events.

This policy should apply regardless of whether consent is required under state law.

Crime victims should give or deny consent in writing and/or on camera.

11. Regardless of the general recording policy contained in recommendation 7, officers should have the discretion to keep their cameras turned off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood.

11a: When determining whether to record interviews with witnesses and members of the community who wish to share information, officers should always consider both the evidentiary value of recording and the subject's comfort with speaking on camera. To better capture evidence, PERF recommends that officers record statements made by witnesses and people sharing information. However, if a person will not talk unless the camera is turned off, officers may decide that obtaining the information is more important than recording. PERF recommends allowing officers that discretion.

11b: Policies should provide clear guidance regarding the circumstances under which officers will be allowed to exercise discretion to record, the factors that officers should consider when deciding whether to record, and the process for documenting whether to record.

Situations in which officers may need to exercise discretion include the following:

- When a community member approaches an officer to report a crime or share information
- When an officer attempts to interview witnesses, either at a crime scene or during follow-up interviews

Rationale: Some witnesses and community members may be hesitant to come forward with information if they know their statements will be recorded. They may fear retaliation, worry about their own privacy, or not feel comfortable sharing sensitive information on camera. This hesitancy can undermine community policing efforts and make it more difficult for officers to collect important information.

Lessons learned: Agencies have adopted various approaches for recording conversations with witnesses or other people who want to share information:

- Record unless the subject requests otherwise; after receiving such a request, the officer can turn the camera off.
- Require officers to proactively obtain consent from the subject prior to recording.
- Allow officers to position the camera so they capture only audio, and not video, of the person making the statement.
- Instruct officers to keep their cameras running during the initial response to an ongoing/live crime scene to capture spontaneous statements and impressions but to turn the camera off once the scene is controlled and moves into the investigative stage. Officers may then make a case-by-case decision about whether to record later interviews with witnesses on the scene.

If an officer does turn the camera off prior to obtaining information from a witness or informant, the officer should document on camera the reason for doing so.

12. Agencies should prohibit recording other agency personnel during routine, non-enforcement-related activities unless recording is required by a court order or is authorized as part of an administrative or criminal investigation.

Under this policy, for example, officers may not record their partner while they are patrolling in their vehicle (unless they are responding to a call for service), are having lunch at their desks, are on breaks, are in the locker room, etc.

Rationale: This policy supports officer privacy and ensures officers feel safe to engage in routine, informal, non-law enforcement-related conversations with their colleagues.

13. Policies should clearly state any other types of recordings that are prohibited by the agency.

Prohibited recordings should include the following:

- Conversations with confidential informants and undercover officers (to protect confidentiality and officer safety)
- Places where a reasonable expectation of privacy exists (e.g., bathrooms or locker rooms)
- Strip searches
- Conversations with other agency personnel that involve case tactics or strategy

Download and storage policies

14. Policies should designate the officer as the person responsible for downloading recorded data from his or her body-worn camera. However, in certain clearly identified circumstances (e.g., officer-involved shootings, in-custody deaths, or other incidents involving the officer that result in a person's bodily harm or death), the officer's supervisor should immediately take physical custody of the camera and should be responsible for downloading the data.

15. Policies should include specific measures to prevent data tampering, deleting, and copying.

Common strategies include the following:

- Using data storage systems with built-in audit trails
- Requiring the supervisor to physically take custody of the officer's body-worn camera at the scene of a shooting or at another serious incident in which the officer was involved and to assume responsibility for downloading the data (see recommendation 14)
- Conducting forensic reviews of the camera equipment when questions arise (e.g., if an officer claims that he or she failed to record an incident because the camera malfunctioned)

16. Data should be downloaded from the body-worn camera by the end of each shift in which the camera was used.

Rationale: First, many camera systems recharge and clear old data during the downloading process, so this policy helps to ensure cameras are properly maintained and ready for the next use. Second, events will be fresh in the officer's memory for the purpose of tagging and categorizing. Third, this policy ensures evidence will be entered into the system in a timely manner.

17. Officers should properly categorize and tag body-worn camera videos at the time they are downloaded. Videos should be classified according to the type of event or incident captured in the footage.

If video contains footage that can be used in an investigation or captures a confrontational encounter between an officer and a member of the public, it should be deemed "evidentiary" and categorized and tagged according to the type of incident. If the video does not contain evidence or it captures a routine, non-confrontational encounter, it should be considered "non-evidentiary" or a "non-event."

Rationale: Proper labeling of recorded data is critical for two reasons. First, the retention time for recorded data typically depends on the category of the event captured in the video. Thus, proper tagging is critical for determining how long the data will be retained in the agency's system. Second, accurate tagging helps supervisors, prosecutors, and other authorized personnel to readily identify and access the data they need for investigations or court proceedings.

Lessons learned: Some agencies report that reviewing and tagging recorded data can be a time-consuming process that is prone to human error. One agency addressed this issue by working with the camera manufacturer to develop an automated process that links the recorded data to the agency's records management system. Some camera systems can also be linked to electronic tablets that officers can use to review and tag recorded data while still in the field.

18. Policies should specifically state the length of time that recorded data must be retained. For example, many agencies provide 60-day or 90-day retention times for non-evidentiary data.

Agencies should clearly state all retention times in the policy and make the retention times public by posting them on their websites to ensure community members are aware of the amount of time they have to request copies of video footage.

Retention times for recorded data are typically subject to state laws and regulations that govern other types of evidence. Agencies should consult with legal counsel to ensure retention policies are in compliance with these laws.

- For evidentiary data, most state laws provide specific retention times depending on the type of incident. Agencies should set retention times for recorded data to meet the minimum time required by law but may decide to keep recorded data longer.
- For non-evidentiary data, policies should follow state law requirements when applicable. However, if the law does not provide specific requirements for non-evidentiary data, the agency should set a retention time that takes into account the following:
 - Departmental policies governing retention of other types of electronic records
 - Openness of the state's public disclosure laws
 - Need to preserve footage to promote transparency and investigate citizen complaints
 - Capacity for data storage

Agencies should obtain written approval for retention schedules from their legal counsel and prosecutors.

19. Policies should clearly state where body-worn camera videos are to be stored.

The decision of where to store recorded data will depend on each agency's needs and resources. PERF does not recommend any particular storage method. Agencies should consult with their department's legal counsel and with prosecutors to ensure the method for data storage meets any legal requirements and chain-of-custody needs.

Common storage locations include in-house servers (managed internally) and online cloud databases (managed by a third-party vendor). Some agencies burn recorded data to discs as part of the evidence file folder.

Lessons learned: Factors that agency leaders should consider when determining storage location include the following:

- Security concerns
- Reliable methods for backing up data
- Chain-of-custody issues
- Capacity for data storage

Lessons learned: Police executives and prosecutors report that they have had no issues to date with using a third-party vendor to manage recorded data on an online cloud, so long as the chain of custody can be properly established. When using a third-party vendor, the keys to protecting the security and integrity of the data include the following:

- Using a reputable, experienced third-party vendor
- Entering into a legal contract that governs the vendor relationship and protects the agency's data
- Using a system that has a built-in audit trail to prevent data tampering and unauthorized access
- Using a system that has a reliable method for automatically backing up data
- Consulting with prosecutors and legal advisors

Recorded data access and review

20. Officers should be permitted to review video footage of an incident in which they were involved, prior to making a statement about the incident.

This can occur, for example, if an officer is involved in a shooting and has to give a statement about the shooting that may be used in an administrative review or a criminal or civil court proceeding.

Rationale:

- Reviewing footage will help officers remember the incident more clearly, which leads to more accurate documentation of events. The goal is to find the truth, which is facilitated by letting officers have all possible evidence of the event.
 - Real-time recording of the event is considered best evidence. It often provides a more accurate record than an officer's recollection, which can be affected by stress and other factors. Research into eyewitness testimony demonstrates that stressful situations with many distractions are difficult even for trained observers to recall correctly.
 - If a jury or administrative review body sees that the report says one thing and the video indicates another, this can create inconsistencies in the evidence that might damage a case or unfairly undermine the officer's credibility.
21. Written policies should clearly describe the circumstances in which supervisors will be authorized to review an officer's body-worn camera footage.

Common situations in which supervisors may need to review footage include the following:

- To investigate a complaint against an officer or a specific incident in which the officer was involved
- To identify videos for training purposes and for instructional use

PERF also recommends that supervisors be permitted to review footage to ensure compliance with recording policies and protocols, specifically for the following situations:

- When officers are still in a probationary period or are with a field training officer
 - When officers have had a pattern of allegations of verbal or physical abuse
 - When officers, as a condition of being put back on the street, agree to a more intensive review
 - When officers are identified through an early intervention system
22. An agency's internal audit unit, rather than the officer's direct chain of command, should periodically conduct a random review of body-worn camera footage to monitor compliance with the program and assess overall officer performance.

Rationale: PERF recommends that an agency's internal audit unit (e.g., the Staff Inspection Unit) conduct these random footage reviews to avoid undermining the trust between an officer and his or her supervisor.

The internal audit unit's random monitoring program should be governed by a clearly-defined policy, which should be made available to officers.

23. Policies should explicitly forbid agency personnel from accessing recorded data for personal use and from uploading recorded data onto public and social media websites.

Rationale: Agencies must take every possible precaution to ensure body-worn camera footage is not used, accessed, or released for any unauthorized purpose. This prohibition should be explicitly stated in the written policy.

Written policies should also describe the sanctions for violating this prohibition.

24. Policies should include specific measures for preventing unauthorized access or release of recorded data.

Some systems have built-in audit trails. All video recordings should be considered the agency's property and be subject to any evidentiary laws and regulations.

25. Agencies should have clear and consistent protocols for releasing recorded data externally to the public and the news media (a.k.a. Public Disclosure Policies). Each agency's policy must be in compliance with the state's public disclosure laws (often known as Freedom of Information Acts).

Policies should state who is allowed to authorize the release of data and the process for responding to public requests for data. PERF generally recommends a broad disclosure policy to promote agency transparency and accountability.

However, there are some videos—such as recordings of victims and witnesses and videos taken inside private homes—that raise privacy concerns if they are publicly released. These privacy considerations must be taken into account when deciding when to release video to the public. The policy should also identify any exemptions to public disclosure that are outlined in the state Freedom of Information laws.

In certain cases, an agency may want to proactively release body-worn camera footage. For example, some agencies have released footage to share what the officer's video camera showed regarding controversial incidents. In some cases, the video may support a contention that an officer was in compliance with the law. In other cases, the video may show that the department is taking appropriate action against an officer. Policies should specify the circumstances in which this type of public release is allowed. When determining whether to proactively release data to the public, agencies should consider whether the footage will be used in a criminal court case, and the potential effects that releasing the data might have on the case.

Lessons learned:

- While agencies that have implemented body-worn cameras report that responding to public disclosure requests can be administratively complicated, departments must implement systems that ensure responses to these requests are timely, efficient, and fully transparent. This process should include reviewing footage to locate the requested video, determining which portions are subject to public release under state disclosure laws, and redacting any portions that state law prohibits from disclosure (e.g., images of juveniles' faces).
- The most important element of an agency's policy is to communicate it clearly and consistently within the community.

Training policies

- 26. Body-worn camera training should be required for all agency personnel who may use or otherwise be involved with body-worn cameras.**

This should include supervisors whose officers wear cameras, records/evidence management personnel, training personnel, Internal Affairs, etc.

Agencies may also wish to offer training as a courtesy to prosecutors to help them better understand how to access the data (if authorized), what the limitations of the technology are, and how the data may be used in court.

- 27. Before agency personnel are equipped with body-worn cameras, they must receive all mandated training.**

- 28. Body-worn camera training should include the following:**

- All practices and protocols covered by the agency's body-worn camera policy (which should be distributed to all personnel during training)
- An overview of relevant state laws governing consent, evidence, privacy, and public disclosure
- Procedures for operating the equipment safely and effectively
- Scenario-based exercises that replicate situations that officers might encounter in the field

- Procedures for downloading and tagging recorded data
- Procedures for accessing and reviewing recorded data (only for personnel authorized to access the data)
- Procedures for preparing and presenting digital evidence for court
- Procedures for documenting and reporting any malfunctioning device or supporting system

29. A body-worn camera training manual should be created in both digital and hard-copy form and should be readily available at all times to agency personnel.

The training manual should be posted on the agency's intranet.

30. Agencies should require refresher courses on body-worn camera usage and protocols at least once per year.

Agencies should also require ongoing monitoring of body-worn camera technology for updates on equipment, data storage options, court proceedings, liability issues, etc.

Policy and program evaluation

31. Agencies should collect statistical data concerning body-worn camera usage, including when video footage is used in criminal prosecutions and internal affairs matters.

Statistics should be publicly released at various specified points throughout the year or as part of the agency's year-end report.

Rationale: Collecting and releasing statistical information about body-worn camera footage helps to promote transparency and trust within the community. It also allows agencies to evaluate the effectiveness of their body-worn camera programs and to identify areas for improvement.

32. Agencies should conduct evaluations to analyze the financial impact of implementing a body-worn camera program.

These studies should analyze the following:

- The anticipated or actual cost of purchasing equipment, storing recorded data, and responding to public disclosure requests
- The anticipated or actual cost savings, including legal fees and other costs associated with defending lawsuits and complaints against officers
- Potential funding sources for a body-worn camera program

33. Agencies should conduct periodic reviews of their body-worn camera policies and protocols.

Evaluations should be based on a set standard of criteria, such as the following:

- Recording policies
- Data storage, retention, and disclosure policies
- Training programs
- Community feedback
- Officer feedback
- Internal audit review discoveries
- Any other policies that govern body-worn camera usage

An initial evaluation should be conducted at the conclusion of the body-worn camera pilot program or at a set period of time (e.g., six months) after the cameras were first implemented. Subsequent evaluations should be performed on a regular basis as determined by the agency.

Rationale: Body-worn camera technology is new and evolving. In addition, the policy issues associated with body-worn cameras are just recently being fully considered and understood. Agencies must continue to examine whether their policies and protocols take into account new technologies, are in compliance with new laws, and reflect the most up-to-date research and best practices. Evaluations will also help agencies determine whether their policies and practices are effective and appropriate for their departments.

Conclusion

The recent emergence of body-worn cameras has already impacted policing, and this impact will increase as more agencies adopt this technology. Police agencies that are considering implementing body-worn cameras should not enter into this decision lightly. Once an agency travels down the road of deploying body-worn cameras, it will be difficult to reverse course because the public will come to expect the availability of video records.

When implemented correctly, body-worn cameras can help strengthen the policing profession. These cameras can help promote agency accountability and transparency, and they can be useful tools for increasing officer professionalism, improving officer training, preserving evidence, and documenting encounters with the public. However, they also raise issues as a practical matter and at the policy level, both of which agencies must thoughtfully examine. Police agencies must determine what adopting body-worn cameras will mean in terms of police-community relationships, privacy, trust and legitimacy, and internal procedural justice for officers.

Police agencies should adopt an incremental approach to implementing a body-worn camera program. This means testing the cameras in pilot programs and engaging officers and the community during implementation. It also means carefully crafting body-worn camera policies that balance accountability, transparency, and privacy rights, as well as preserving the important relationships that exist between officers and members of the community.

PERF's recommendations provide guidance that is grounded in current research and in the lessons learned from police agencies that have adopted body-worn cameras. However, because the technology is so new, a large body of research does not yet exist regarding the effects body-worn cameras have on policing. Additional research and field experience are needed before the full impact of body-worn cameras can be understood, and PERF's recommendations may evolve as further evidence is gathered.

Like other new forms of technology, body-worn cameras have the potential to transform the field of policing. To make sure this change is positive, police agencies must think critically about the issues that cameras raise and must give careful consideration when developing body-worn camera policies and practices. First and foremost, agencies must always remember that the ultimate purpose of these cameras should be to help officers protect and serve the people in their communities.

Appendix A. Recommendations Matrix

The tables below include the 33 policy recommendations and other lessons learned that are found throughout this publication. These recommendations, which are based on the research conducted by PERF with support from the COPS Office, reflect the promising practices and lessons that emerged from PERF's September 2013 conference in Washington, D.C., where more than 200 police chiefs, sheriffs, scholars, and federal criminal justice officials shared their experiences with body-worn cameras and their perspectives on the issues discussed in this report. The recommendations also incorporate feedback gathered during PERF's interviews of more than 40 law enforcement officials and other experts, as well as findings from PERF's review of body-worn camera policies submitted by police agencies across the country.

Policy recommendations

General recommendations

No.	Recommendation	Rationale for Recommendation and Tips for Implementation	Page Reference(s)
1	Policies should clearly state which personnel are assigned or permitted to wear body-worn cameras and under which circumstances.	<p>The decision about which officers should wear body-worn cameras will depend on an agency's resources, law enforcement needs, and other factors.</p> <p>Implementation tip:</p> <ul style="list-style-type: none"> Some agencies find it useful to begin deployment with units that have the most frequent contacts with the public (e.g., traffic or patrol officers). 	<p>Assignment of cameras: p. 38</p> <p>Incremental implementation: p. 27</p>
2	If an agency assigns cameras to officers on a voluntary basis, policies should stipulate any specific conditions under which an officer might be required to wear one.	<p>Officers who are not otherwise assigned body-worn cameras may become required to wear one in certain circumstances, such as the following:</p> <ul style="list-style-type: none"> After receiving a specified number of complaints or disciplinary actions When participating in a certain type of activity, such as SWAT operations 	<p>Use of body-worn cameras to improve officer performance: p. 7-9</p> <p>Assignment of cameras: p. 38</p>
3	Agencies should not permit personnel to use privately-owned body-worn cameras while on duty.	The agency would not own recordings made from personal devices; thus, there would be little or no protection against data tampering or releasing the videos to the public or online. There would also be chain-of-custody issues with admitting personal recordings as evidence in court.	<p>Personal cameras: p. 38</p> <p>Data protection: pp. 15-16; 17-19; 42-47</p>
4	Policies should specify the location on the body on which cameras should be worn.	<p>Implementation tips:</p> <ul style="list-style-type: none"> Factors to consider when determining camera placement include field of vision, comfort, functionality, ease of use, and the type of camera system used. Agencies should field test various camera locations. 	Camera placement: p. 39

No.	Recommendation	Rationale for Recommendation and Tips for Implementation	Page Reference(s)
5	Officers who activate the body-worn camera while on duty should be required to note the existence of the recording in the official incident report.	This policy ensures that the presence of video footage is accurately documented in the case file so that investigators, prosecutors, oversight boards, and courts are aware of its existence.	Documentation of camera usage: p. 39
6	Officers who wear body-worn cameras should be required to articulate on camera or in writing their reasoning if they fail to record an activity that is required by department policy to be recorded. (See Recommendations 7-13 for Recording Protocols.)	<p>There may be times when an officer fails to record an event or activity that is otherwise required by agency policy to be recorded. This may arise under the following circumstances:</p> <ul style="list-style-type: none"> • When conditions make it unsafe or impossible to activate the camera. • When an officer exercises discretion, per agency policy, to not record because doing so would be detrimental to other agency priorities (e.g., protecting privacy rights, preserving community relations, or facilitating intelligence gathering) • When the camera malfunctions or otherwise fails to capture the event/activity <p>In these situations, officers should document in writing and/or on camera their reasons for not recording. This holds officers accountable, allows supervisors to investigate recording irregularities, and documents the absence of video footage for investigations and court proceedings.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • The failure to record should be noted in the officer's written report. • If the officer deactivates the camera in the middle of recording, the officer should state on camera the reasons why. 	<p>Documenting the failure to record: pp. 13; 14; 18-19; 23; 28; 30; 39</p> <p>Recording discretion: pp. 12-14; 18-19; 22-23; 40</p>

Recording protocols

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
7	General recording policy: Officers should be required to activate their body-worn cameras when responding to all calls for service and during all law enforcement-related encounters and activities that occur while the officer is on duty. Exceptions include recommendations 10 and 11 below or other situations in which activating cameras would be unsafe, impossible, or impractical.	<p>Rather than requiring officers to record all encounters with the public, most agencies that PERF consulted require officers to record during calls for service and during all law enforcement-related encounters and activities. PERF agrees with this approach. This means that officers have discretion whether to record informal, non-law enforcement-related interactions with the public.</p> <p>The reasons for adopting this approach include the following:</p> <ul style="list-style-type: none"> • Protecting relationships between the police and the community • Promoting community policing efforts • Securing officer support for the body-worn camera program by signaling that they are trusted to know when to record • Keeping data storage manageable 	Recording discretion: pp. 12–14; 18–19; 22–23; 40
7a	Policies and training materials should clearly define what is included in the description “law enforcement-related encounters and activities that occur while the officer is on duty.”	<p>Officers should have clear guidance about which specific types of activities, events, and encounters they are required to record.</p> <p>Implementation tip:</p> <ul style="list-style-type: none"> • Some agencies have found it useful to provide a list of specific examples in their policies, such as traffic stops, arrests, searches, interrogations or interviews, and pursuits. Policies should note that these types of lists are not exhaustive. • These recording policies should be reinforced in training. 	Recording guidance: pp. 13; 18–24; 40
7b	Officers should also be required to activate the camera during the course of any encounter with the public that becomes adversarial after the initial contact.	<p>If officers are given discretion to not record informal, non-law enforcement-related encounters with the public, they should nonetheless be instructed to activate their cameras if the encounter becomes adversarial. This provides documentation of the encounter in the event that a complaint later arises. It also may help to defuse tense situations and prevent further escalation.</p> <p>Implementation tip:</p> <ul style="list-style-type: none"> • Officers may be called upon to activate their cameras quickly and in high-stress situations. Therefore, training programs should strive to ensure that camera activation becomes second-nature to officers. Situational training is particularly useful to achieve this goal. 	<p>Recording adversarial encounters: pp. 23; 40</p> <p>Preserving documentation for complaints: pp. 5–7</p> <p>Situational training: pp. 28–29; 47</p>

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
8	Officers should be required to inform subjects when they are being recorded unless doing so would be unsafe, impractical, or impossible.	<p>The mere knowledge that one is being recorded can help promote civility during police encounters with the public. Many police executives have found that officers can avoid adversarial situations if they inform people that they are being recorded.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • In states with two-party consent laws, officers are required to announce they are recording and to obtain the subject's consent. Agencies should consult their state laws to determine whether this requirement applies. • In one-party consent states, PERF's recommendation that officers inform a person that he or she is being recorded does <i>not</i> mean that officers must also obtain the person's consent to record. • An officer may exercise discretion to not announce that he or she is recording if doing so would be unsafe, impractical, or impossible. 	<p>Consent (in general): pp. 14; 40</p> <p>Improving police-citizen encounters: pp. 6; 14</p> <p>Informing when recording: pp. 6; 14; 18-19; 40</p>
9	Once activated, the body-worn camera should remain in recording mode until the conclusion of an incident/encounter, the officer has left the scene, or a supervisor has authorized (on camera) that a recording may cease.	<p>Implementation tip:</p> <ul style="list-style-type: none"> • Prior to deactivating the camera, officers should announce that the incident has concluded and that the recording will now cease. 	Camera deactivation: pp. 18-19; 41
10	Regardless of the general recording policy contained in recommendation 7, officers should be required to obtain consent prior to recording interviews with crime victims.	<p>There are significant privacy concerns associated with videotaping crime victims. PERF believes that requiring officers to obtain consent prior to recording interviews with victims is the best way to balance privacy concerns with the need to accurately document events.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • Victims should give or deny consent in writing and/or on camera. • This policy should apply regardless of whether consent is required under state law. 	Recording crime victims: pp. 13; 18-19; 40-41

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
11	Regardless of the general recording policy contained in recommendation 7, officers should have the discretion to keep their cameras turned off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood.	<p>One of the most important jobs of police officers is to gather information about crime that occurs in their communities. These intelligence-gathering efforts may be formal (e.g., through interviews with witnesses of a crime) or informal (e.g., through conversations with community members with whom the officer has a relationship). Some police executives report that body-worn cameras can inhibit intelligence-gathering efforts, as some witnesses and community members may be hesitant to report information if they know their statements will be recorded. They may fear retaliation, worry about their own privacy, or not feel comfortable sharing sensitive information on camera. Officers should have the discretion to keep their cameras turned off in these situations.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • If a person is not comfortable sharing information on camera, some agencies permit officers to position the camera so that they capture only audio, not video, recordings of the person making the statement. This affords greater privacy protections while still preserving evidentiary documentation. • It is useful for officers to keep their cameras running during the initial response to an ongoing/live crime scene to capture spontaneous statements and impressions made by people at the scene. Once the scene is controlled and has moved into the investigative stage, officers may make a case-by-case decision about whether to record later interviews with witnesses. • When encountering a reluctant witness, officers should attempt to develop a rapport by being honest and not pressuring the person to talk on camera. • If an officer turns the camera off prior to obtaining information, the officer should document on camera the reason for doing so. 	<p>Impact on intelligence-gathering efforts: pp. 19–21</p> <p>Recording statements from witnesses or citizen informants: pp. 22–23; 41–42</p>
11a	When determining whether to record interviews with witnesses and members of the community who wish to share information, officers should always consider both the evidentiary value of recording and the subject's comfort with speaking on camera. To better capture evidence, PERF recommends that officers record statements made by witnesses and people sharing information. However, if a person will not talk unless the camera is turned off, officers may decide that obtaining the information is more important than recording. PERF recommends allowing officers that discretion.	<p>Recorded statements made by crime victims and members of the community can provide valuable evidence for investigations and prosecutions. Therefore, it is always preferable to capture these statements on camera when possible.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • Many agencies instruct officers to keep the camera activated when speaking with witnesses or informants unless the person actively requests otherwise. • Agencies should work with prosecutors to determine how best to weigh the importance of having a recorded statement versus the importance of gathering information when a witness refuses to speak on camera. 	Recording statements from witnesses or citizen informants: pp. 22–23; 41–42
11b	Policies should provide clear guidance regarding the circumstances under which officers will be allowed to exercise discretion to record, the factors that officers should consider when deciding whether to record, and the process for documenting whether to record.	Although discretion is important for protecting community policing efforts, this discretion must not be unlimited. Officers should always adhere to agency policies regarding discretion and should document when they exercise this discretion.	Recording statements from witnesses or citizen informants: pp. 22–23; 41–42

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
12	Agencies should prohibit recording other agency personnel during routine, non-enforcement-related activities unless recording is required by a court order or is authorized as part of an administrative or criminal investigation.	<p>This policy supports officer privacy and ensures officers feel safe to engage in routine, informal, non-law enforcement-related conversations with their colleagues. Situations that should not be recorded include the following:</p> <ul style="list-style-type: none"> • Non-law enforcement-related conversations held between officers while on patrol (except while responding to a call for service) • Conversations between agency personnel held during breaks, at lunch, in the locker room, or during other non-law enforcement-related activities 	Prohibited recordings: p. 42
13	<p>Policies should clearly state any other types of recordings that are prohibited by the agency. Prohibited recordings should include the following:</p> <ul style="list-style-type: none"> • Conversations with confidential informants and undercover officers to protect confidentiality and officer safety • Places where a reasonable expectation of privacy exists (e.g., bathrooms or locker rooms) • Strip searches • Conversations with other agency personnel that involve case tactics or strategy 	When determining whether a recording should be prohibited, agencies should consider privacy concerns, the need for transparency and accountability, the safety of the officer and the citizen, and the evidentiary value of recording.	<p>Prohibited recordings: pp. 37–38; 42</p> <p>Privacy considerations (in general): pp. 11–20</p>

Download and storage policies

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
14	Policies should designate the officer as the person responsible for downloading recorded data from his or her body-worn camera. However, in certain clearly identified circumstances (e.g., officer-involved shootings, in-custody deaths, or other incidents involving the officer that result in a person's bodily harm or death), the officer's supervisor should immediately take physical custody of the camera and should be responsible for downloading the data.	In most cases, it is more efficient for an officer to download recorded data from his or her own body-worn camera. The officer will have the best access to the camera and knowledge of the footage for tagging/documentation purposes. However, if the officer is involved in a shooting or other incident that results in someone's bodily harm or death, it is prudent for the officer's supervisor to take immediate custody of the officer's camera for evidence preservation purposes.	Data protection: pp. 15-16; 18-19; 42-44
15	Policies should include specific measures to prevent data tampering, deleting, and copying.	Implementation tips: <ul style="list-style-type: none">• Agencies should create an audit system that monitors who accesses recorded data, when, and for what purpose. Some camera systems come with a built-in audit trail.• Agencies can conduct forensic reviews to determine whether recorded data has been tampered with.	Data protection: pp. 15-16; 18-19; 42-45
16	Data should be downloaded from the body-worn camera by the end of each shift in which the camera was used.	The majority of agencies that PERF consulted require officers to download recorded data by the conclusion of his or her shift. The reasons for this include the following: <ul style="list-style-type: none">• Many camera systems recharge and clear old data during the downloading process.• Events will be fresh in the officer's memory for the purpose of tagging and categorizing.• Evidence will be entered into the system in a timely manner.	Data protection: pp. 15-16; 18-19; 42-45
17	Officers should properly categorize and tag body-worn camera videos at the time they are downloaded. Videos should be classified according to the type of event or incident captured in the footage.	Properly categorizing and labeling/tagging recorded video is important for the following reasons: <ul style="list-style-type: none">• The type of event/incident on the video will typically dictate data retention times.• It enables supervisors, investigators, and prosecutors to more easily identify and access the data they need. Implementation tips: <ul style="list-style-type: none">• Some camera systems can be linked to an agency's records management system to allow for automated tagging and documentation.• Some camera systems can be linked to electronic tablets that officers can use to review and tag recorded data while in the field. This saves the officer time spent tagging data at the end of his or her shift.	Data tagging: pp. 16-17; 18-19; 33-34; 43

Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
18	Policies should specifically state the length of time that recorded data must be retained. For example, many agencies provide 60-day or 90-day retention times for non-evidentiary data.	<p>Most state laws provide specific retention times for videos that contain evidentiary footage that may be used for investigations and court proceedings. These retention times will depend on the type of incident captured in the footage. Agencies typically have more discretion when setting retention times for videos that do not contain evidentiary footage.</p> <p>When setting retention times, agencies should consider the following:</p> <ul style="list-style-type: none"> • State laws governing evidence retention • Departmental policies governing retention of other types of electronic records • The openness of the state's public disclosure laws • The need to preserve footage to promote transparency • The length of time typically needed to receive and investigate citizen complaints • The agency's capacity for data storage <p>Implementation tips:</p> <ul style="list-style-type: none"> • Agencies should make retention times public by posting them on their websites. • When setting retention times, agencies should consult with legal counsel to ensure compliance with relevant evidentiary laws. Agencies should obtain written approval for retention schedules from prosecutors and legal counsel. 	Data retention: pp. 16–19; 33–34; 43–45

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
19	Policies should clearly state where body-worn camera videos are to be stored.	<p>Common storage locations include in-house servers (managed internally) and online cloud databases (managed by a third-party vendor). Factors that agencies should consider when determining where to store data include the following:</p> <ul style="list-style-type: none">• Security concerns• Reliable methods for backing up data• Chain-of-custody issues• Capacity for data storage <p>Implementation tips:</p> <ul style="list-style-type: none">• Agencies should consult with prosecutors and legal advisors to ensure data storage methods meet all legal requirements and chain-of-custody needs.• For videos requiring long-term storage, some agencies burn the data to a disc, attach it to the case file, and delete it from the internal server or online database. This frees up expensive storage space for videos that are part of an ongoing investigation or that have shorter retention times.• The agencies that PERF consulted report having no issues to date with using a third-party vendor to manage recorded data. To protect the security and integrity of data managed by a third party, agencies should use a reputable, experienced vendor; enter into a legal contract with the vendor that protects the agency's data; ensure the system includes a built-in audit trail and reliable backup methods; and consult with legal advisors.	Data storage: pp. 15–16; 18–19; 32–34; 43–44

Recorded data access and review

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
20	Officers should be permitted to review video footage of an incident in which they were involved, prior to making a statement about the incident.	<p>Most agencies that PERF consulted permit officers to review video footage of an incident in which they were involved, such as a shooting, prior to making a statement that might be used in an administrative review or court proceeding. The reasons for this policy include the following:</p> <ul style="list-style-type: none"> • Reviewing footage will help lead to the truth of the incident by helping officers to remember an incident more clearly. • Real-time recording is considered best evidence and provides a more accurate record than the officer's recollection. • Research into eyewitness testimony has demonstrated that stressful situations with many distractions are difficult for even trained observers to recall correctly. • Officers will have to explain and account for their actions, regardless of what the video shows. 	Officer review of footage: pp. 29–30; 45–47
21	Written policies should clearly describe the circumstances in which supervisors will be authorized to review an officer's body-worn camera footage.	<p>PERF recommends that supervisors be authorized to review footage in the following circumstances:</p> <ul style="list-style-type: none"> • When a supervisor needs to investigate a complaint against an officer or a specific incident in which the officer was involved • When a supervisor needs to identify videos for training purposes and for instructional use • When officers are still in a probationary period or are with a field training officer • When officers have had a pattern of allegations of abuse or misconduct • When officers have agreed to a more intensive review as a condition of being put back on the street • When an officer has been identified through an early intervention system 	Supervisor review of footage: pp. 24–26; 27–28; 45–47

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
22	An agency's internal audit unit, rather than the officer's direct chain of command, should periodically conduct a random review of body-worn camera footage to monitor compliance with the program and assess overall officer performance.	<p>Randomly monitoring an officer's camera footage can help proactively identify problems, determine noncompliance, and demonstrate accountability. However, unless prompted by one of the situations described in recommendation 21, PERF does not generally recommend that supervisors randomly monitor footage recorded by officers in their chain of command for the purpose of spot-checking the officers' performance. Instead, an agency's internal audit unit should be responsible for conducting random monitoring. This allows agencies to monitor compliance with the program and assess performance without undermining the trust between an officer and his or her supervisor.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • Internal audit reviews should be truly random and not target a specific officer or officers. • Audits should be conducted in accordance with a written standard of review that is communicated to officers. 	Internal audit unit review of footage: pp. 24–26; 28; 45–47
23	Policies should explicitly forbid agency personnel from accessing recorded data for personal use and from uploading recorded data onto public and social media websites.	<p>Agencies must take every possible precaution to ensure that camera footage is not used, accessed, or released for any unauthorized purposes.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> • Written policies should describe the sanctions for violating this prohibition. 	Data protection: pp. 15–16; 18–19; 45–46
24	Policies should include specific measures for preventing unauthorized access or release of recorded data.	All video recordings should be considered the agency's property and be subject to any evidentiary laws and regulations. (See also recommendations 15 and 23.)	Data protection: pp. 15–16; 18–19; 45–46

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
25	Agencies should have clear and consistent protocols for releasing recorded data externally to the public and the news media (a.k.a. Public Disclosure Policies). Each agency's policy must be in compliance with the state's public disclosure laws (often known as Freedom of Information Acts).	<p>PERF generally recommends a broad public disclosure policy for body-worn camera videos. By implementing a body-worn camera program, agencies are demonstrating that they are committed to transparency and accountability, and their disclosure policies should reflect this commitment.</p> <p>However, there are some situations when an agency may determine that publicly releasing body-worn camera footage is not appropriate. These include the following:</p> <ul style="list-style-type: none"> • Videos that contain evidentiary footage being used in an ongoing investigation or court proceeding are typically exempted from disclosure by state public disclosure laws. • When the videos raise privacy concerns, such as recordings of crime victims or witnesses or footage taken inside a private home, agencies must balance privacy concerns against the need for transparency while complying with relevant state public disclosure laws. <p>Implementation tips:</p> <ul style="list-style-type: none"> • Policies should state who is allowed to authorize the release of videos. • When determining whether to proactively release videos to the public (rather than in response to a public disclosure request), agencies should consider whether the footage will be used in a criminal court case and the potential effects that releasing the data may have on the case. • Policies should clearly state the process for responding to public disclosure requests, including the review and redaction process. • Agencies should always communicate their public disclosure policies to the public. 	Public disclosure: pp. 17–19; 33–34; 46–47

Training policies

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
26	Body-worn camera training should be required for all agency personnel who may use or otherwise be involved with body-worn cameras.	<p>Personnel who receive training should include the following:</p> <ul style="list-style-type: none"> • Officers who will be assigned or permitted to wear cameras • Supervisors whose officers wear cameras • Records/evidence management personnel • Training personnel • Internal Affairs • Anyone else who will be involved with the body-worn camera program <p>Implementation tip:</p> <ul style="list-style-type: none"> • As a courtesy, agencies may wish to offer training to prosecutors so they can better understand how to access the data, what the limitations of the technology are, and how the data may be used in court. 	Training: pp. 47–49
27	Before agency personnel are equipped with body-worn cameras, they must receive all mandated training.	This ensures officers are prepared to operate the cameras safely and properly prior to wearing them in the field.	Training: pp. 25; 28–29; 47–49
28	<p>Body-worn camera training should include the following:</p> <ul style="list-style-type: none"> • All practices and protocols covered by the agency's body-worn camera policy (which should be distributed to all personnel during training) • An overview of relevant state laws governing consent, evidence, privacy, and public disclosure • Procedures for operating the equipment safely and effectively • Scenario-based exercises that replicate situations that officers might encounter in the field • Procedures for downloading and tagging recorded data • Procedures for accessing and reviewing recorded data (only for personnel authorized to access the data) • Procedures for preparing and presenting digital evidence for court • Procedures for documenting and reporting any malfunctioning device or supporting system 	<p>Implementation tips:</p> <ul style="list-style-type: none"> • Agencies can use existing body-worn camera footage to train officers on the proper camera practices and protocols. • Scenario-based training can be useful to help officers become accustomed to wearing and activating their cameras. Some agencies require officers to participate in situational exercise using training model cameras. 	Training: pp. 7; 26–30; 47–49
29	A body-worn camera training manual should be created in both digital and hard-copy form and should be readily available at all times to agency personnel.	<p>Implementation tip:</p> <ul style="list-style-type: none"> • The training manual should be posted on the agency's intranet. 	Training: pp. 47–49
30	Agencies should require refresher courses on body-worn camera usage and protocols at least once per year.	Body-worn camera technology is constantly evolving. In addition to yearly refresher courses, training should occur anytime an agency's body-worn camera policy changes. Agencies should also keep abreast of new technology, data storage options, court proceedings, and other issues surrounding body-worn cameras.	Training: pp. 47–49

Policy and program evaluation

No.	Recommendation	Findings in Support of Recommendation and Tips for Implementation	Page Reference(s)
31	Agencies should collect statistical data concerning body-worn camera usage, including when video footage is used in criminal prosecutions and internal affairs matters.	<p>Collecting and releasing data about body-worn cameras helps promote transparency and trust within the community. It also helps agencies to evaluate the effectiveness of their programs, to determine whether their goals are being met, and to identify areas for improvement. Agencies can also use the findings when presenting information about their body-worn camera programs to officers, oversight boards, policymakers, and the community.</p> <p>Implementation tip:</p> <ul style="list-style-type: none"> Statistics should be publicly released at various specified points throughout the year or as part of the agency's year-end report. 	Engaging the public: pp. 21–22; 24; 28–29; 47–48
32	Agencies should conduct evaluations to analyze the financial impact of implementing a body-worn camera program.	<p>A cost-benefit analysis can help an agency to determine the feasibility of implementing a body-worn camera program. The analysis should examine the following:</p> <ul style="list-style-type: none"> The anticipated or actual cost of purchasing equipment, storing recorded data, and responding to public disclosure requests The anticipated or actual cost savings, including legal fees and other costs associated with defending lawsuits and complaints against officers Potential funding sources for a body-worn camera program 	<p>Financial considerations: pp. 30–34; 48–49</p> <p>Cost-benefit analysis: p.31</p> <p>Reducing complaints and lawsuits: pp. 6–9</p>
33	Agencies should conduct periodic reviews of their body-worn camera policies and protocols.	<p>Body-worn camera technology is new and evolving, and the policy issues associated with body-worn cameras are just recently being fully considered. Agencies must continue to examine whether their policies and protocols take into account new technologies, are in compliance with new laws, and reflect the most up-to-date research and best practices. Evaluations will also help agencies determine whether their policies and practices are effective and appropriate for their departments.</p> <p>Implementation tips:</p> <ul style="list-style-type: none"> Evaluations should be based on a set of standard criteria and outcome measures. An initial evaluation should be conducted at the conclusion of the body-worn camera pilot program or at a set period of time (e.g., six months) after the cameras were first implemented. Subsequent evaluations should be conducted on a regular basis as determined by the agency. 	Program evaluation: p. 48–49

Additional lessons learned: engaging officers, policymakers, and the community

According to the police officials whom PERF consulted, it is critical for agencies to engage the community, policymakers, courts, oversight boards, unions, frontline officers, and other stakeholders about the department's body-worn camera program. Open communication—both prior to and after camera deployment—can strengthen the perceived legitimacy of the camera program, demonstrate agency transparency, and help educate stakeholders about the realities of using body-worn cameras. The following table presents lessons that agencies shared with PERF with respect to engaging stakeholders.

No.	Lesson Learned	Page Reference(s)
1	Engaging the community prior to implementing a camera program can help secure support for the program and increase the perceived legitimacy of the program within the community.	pp. 21–22; 24
2	Agencies have found it useful to communicate with the public, local policymakers, and other stakeholders about what the cameras will be used for and how the cameras will affect them.	pp. 21–22; 24
3	Social media is an effective way to facilitate public engagement about body-worn cameras.	pp. 21–22; 24
4	Transparency about the agency's camera policies and practices, both prior to and after implementation, can help increase public acceptance and hold agencies accountable. Examples of transparency include posting policies on the agency's website and publicly releasing video recordings of controversial incidents.	pp. 21–22; 24
5	When presenting officers with any new technology, program, or strategy, the best approach includes efforts by agency leaders to engage officers on the topic, explain the goals and benefits of the initiative, and address any concerns officers may have.	pp. 26–27
6	Briefings, roll calls, and meetings with union representatives are effective means to communicate with officers about the agency's body-worn camera program.	pp. 26–27
7	Creating an implementation team that includes representatives from across the agency can help strengthen program legitimacy and ease implementation.	pp. 26–27
8	Agencies have found that officers support a body-worn camera program if they view the cameras as useful tools: e.g., as a technology that helps to reduce complaints and produce evidence that can be used in court or in internal investigations.	pp. 26–27
9	Recruiting an internal "champion" to help inform officers about the benefits of the cameras has proven successful in addressing officers' concerns about embracing the new technology.	pp. 26–27
10	Taking an incremental approach to implementation can help make deployment run more smoothly. This can include testing cameras during a trial period, rolling out cameras slowly, or initially assigning cameras to tech savvy officers.	pp. 26–27
11	Educating oversight bodies about the realities of using cameras can help them to understand operational challenges and why there may be situations in which officers are unable to record. This can include demonstrations to judges, attorneys, and civilian review boards about how the cameras operate.	pp. 28–30

Appendix B. Conference attendees

PERF and the COPS Office convened this one-day conference on September 11, 2013, in Washington, D.C., to discuss the policy and operational issues surrounding body-worn cameras. The titles listed below reflect attendees' positions at the time of the conference.

Albuquerque (NM) Police Department

William Roseman
Deputy Chief of Police

Alexandria (VA) Police Department

David Huchler
Deputy Chief of Police

Eddie Reyes
Deputy Chief of Police

Anne Arundel County (MD) Police Department

Herbert Hasenpusch
Captain

Thomas Kohlmann
Lieutenant

Appleton (WI) Police Department

Gary Lewis
Lieutenant

Arlington County (VA) Police Department

Jason Bryk
Lieutenant

Michael Dunne
Deputy Chief of Police

Lauretta Hill
Assistant Chief of Police

Arnold & Porter LLP

Meredith Esser
Associate

Peter Zimroth
Partner

Atlanta (GA) Police Department

Todd Coyt
Lieutenant

Joseph Spillane
Major

Aurora (CO) Police Department

Dan Mark
Lieutenant

Baltimore County (MD) Police Department

Karen Johnson
Major

James Johnson
Chief of Police

Baltimore (MD) Fraternal Order of Police

Bob Cherry
President

Baltimore (MD) Police Department

Jeronimo Rodriguez
Deputy Police Commissioner

Bay Area Rapid Transit Police Department

Kenton Rainey
Chief of Police

Boyd (VA) Police Department

Michael Brave
Training Officer

Bureau of Justice Assistance

U.S. Department of Justice

David Adams
Senior Policy Advisor

Steve Edwards
Senior Policy Advisor

Kristen Mahoney
Deputy Director of Policy

Denise O'Donnell
Director

Brian Reaves
Senior Statistician

Cornelia Sigworth
Senior Advisor

Christopher Traver
Senior Policy Advisor

Calgary (AB) Police Service

Trevor Daroux
Deputy Chief of Police

Evel Kiez
Sergeant

Asif Rashid
Staff Sergeant

Camden County (NJ) Police Department

Orlando Cuevas
Deputy Chief of Police

Charlotte-Mecklenburg (NC) Police Department

Michael Adams
Major

Stephen Willis
Major

Cincinnati (OH) Police Department

Thomas Streicher
Chief of Police (Retired)

City of Akron (OH) Police Department

James Nice
Chief of Police

Civil Rights Division

U.S. Department of Justice

Roy L. Austin, Jr.
Deputy Assistant Attorney General

Christy Lopez
Deputy Chief

Zazy Lopez
Attorney

Jeffrey Murray
Attorney

Tim Mygatt
Special Counsel

Rashida Ogletree
Attorney

CNA Corporation

James Stewart
Director of Public Safety

Columbus (OH) Division of Police

Gary Cameron
Commander, Narcotics Bureau

Commission on Accreditation for Law Enforcement Agencies, Inc.

Craig Hartley
Deputy Director

CP2, Inc.

Carl Peed
President

Dallas (TX) Police Department

Andrew Acord
Deputy Chief of Police

Dalton (GA) Police Department

Jason Parker
Chief of Police

Daytona Beach (FL) Police Department

Michael Chitwood
Chief of Police

Denver (CO) Police Department

Magen Dodge
Commander

Des Moines (IA) Police Department

Judy Bradshaw
Chief of Police

Todd Dykstra
Captain

Stephen Waymire
Major

Detroit (MI) Police Department

James Craig
Chief of Police

Digital Ally, Inc.

Matthew Andrews
Engineer

Stan Ross
CEO

Eugene (OR) Police Department

James Durr
Captain

Fairfax County (VA) Police Department

Bob Blakley
Lieutenant

Fayetteville (NC) Police Department

Wayne Burgess
Lieutenant

Bradley Chandler
Assistant Chief of Police

Timothy Tew
Lieutenant

Federal Bureau of Investigation

Jacques Battiste
Supervisory Special Agent

Federal Emergency Management Agency

Roberto Hylton
Senior Law Enforcement Advisor

Edward Welch
Director

Fort Collins (CO) Police Department

Cory Christensen
Deputy Chief of Police

Garner (NC) Police Department

Chris Hagwood
Lieutenant

Glenview (IL) Police Department

William Fitzpatrick
Chief of Police

Grand Junction (CO) Police Department

John Camper
Chief of Police

Greater Manchester (UK) Police

Paul Rumney
Detective Chief Superintendent

Greensboro (NC) Police Department

Kenneth Miller
Chief of Police

George Richey
Captain

Wayne Scott
Deputy Chief of Police

Greenville (NC) Police Department

Hassan Aden
Chief of Police

Greenwood & Streicher LLC

Scott Greenwood
CEO

**Gulf States Regional Center for Public Safety
Innovations**

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Director

Harrisonburg (VA) Police Department

John Hancock
Officer

Roger Knott
Lieutenant

Hayward (CA) Police Department

Lauren Sugayan
Program Analyst

Henrico County (VA) Division of Police

Douglas Middleton
Chief of Police

Herndon (VA) Police Department

Maggie DeBoard
Chief of Police

Steven Pihonak
Sergeant

Houston (TX) Police Department

Jessica Anderson
Sergeant

James Jones
Captain

Charles McClelland
Chief of Police

**Indianapolis (IN) Department of
Public Safety**

David Riggs
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Innovative Management Consulting, Inc.

Thomas Maloney
Senior Consultant

International Association of Chiefs of Police

Mike Fergus
Program Manager

David Roberts
Senior Program Manager

Jersey City (NJ) Police Department

Matthew Dillon
Police ID Officer

Stephen Golecki
Sr. Police ID Officer

Samantha Pescatore
Officer

John Scalcione
Officer

Daniel Sollitti
Captain

L-3 Communications

Michael Burrige
Executive Director, Public Safety

Lakehurst (NJ) Police Department

Eric Higgins
Chief of Police

Lansing (MI) Police Department

Michael Yankowski
Chief of Police

Las Vegas Metropolitan (NV) Police Department

Liesl Freedman
General Counsel

Thomas Roberts
Captain

Leesburg (VA) Police Department

Carl Maupin
Lieutenant

Lenexa (KS) Police Department

Dawn Layman
Major

Los Angeles County Sheriff's Department

David Betkey
Division Chief

Kevin Goran
Division Chief

James Hellmold
Assistant Sheriff

Chris Marks
Lieutenant

Los Angeles Police Department

Greg Meyer
Captain (Retired)

Louisville (KY) Metro Police Department

Robert Schroeder
Major

Lynchburg (VA) Police Department

Mark Jamison
Captain

Ryan Zuidema
Captain

Madison (WI) Police Department

June Groehler
Lieutenant

Manning & Kass, Ellrod, Ramirez, Trester

Mildred Olinn
Partner

Eugene Ramirez
Senior Partner

Maryland State Police Department

Michael Brady
Sergeant

Clifford Hughes
Assistant Bureau Chief

Thomas Vondersmith
Director

Meriden (CT) Police Department

Jeffry Cossette
Chief of Police

Timothy Topulos
Deputy Chief of Police

Mesa (AZ) Police Department

Tony Filler
Commander

Metropolitan Nashville (TN) Police Department

Michael Anderson
Chief of Police

John Singleton
IT Security Manager

Metropolitan (DC) Police Department

Brian Bobick
Sergeant

Alfred Durham
Assistant Chief of Police

Barry Gersten
CIO

Lamar Greene
Assistant Chief of Police

Cathy Lanier
Chief of Police

Thomas Wilkins
Executive Director

Miami Beach (FL) Police Department

David De La Espriella
Captain

Milwaukee (WI) Police Department

Mary Hoerig
Inspector of Police

Minneapolis (MN) Police Department

Bruce Folkens
Commander

Janeé Harteau
Chief of Police

Montgomery County (MD) Police Department

Brian Acken
Director

Luther Reynolds
Assistant Chief of Police

Motorola Solutions, Inc.

Domingo Herraiz
Vice President

Kelly Kirwan
Corporate Vice President

Steve Sebestyen
Business Development Manager

MPH Industries Inc.

Larry Abel
Senior Training Officer

National Institute of Justice

U.S. Department of Justice

Brett Chapman
Social Science Analyst

William Ford
Division Director

National Law Enforcement Museum

Sarah Haggerty
Associate Curator

National Press Photographers Association

Mickey Osterreicher
General Counsel

New Haven (CT) Police Department

Luiz Casanova
Assistant Chief of Police

New Orleans (LA) Police Department

Ronal Serpas
Superintendent of Police

New South Wales (AUS) Police Force

Stephen Cullen
Chief Superintendent

New York City Police Department

Terrence Riley
Inspector

Newark (NJ) Police Department

Sheilah Coley

Chief of Police

Samuel DeMaio

Director

Michele MacPhee

Lieutenant

Brian O'Hara

Lieutenant

Norfolk (VA) Police Department

Frances Emerson

Captain

James Ipock

Lieutenant

Northern California Regional Intelligence Center

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Oakland (CA) Police Department

Sean Whent

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Office of Community Oriented Policing Services

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Acting Director

Mora Fiedler

Social Science Analyst

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Acting Chief of Staff

Debra McCullough

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Katherine McQuay

Senior Policy Analyst

Tawana Waugh

Senior Program Specialist

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Program Specialist

Office of Justice Programs

U.S. Department of Justice

Linda Mansour

Intergovernmental Affairs

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Panasonic

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Group Manager

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Charles Ramsey

Police Commissioner

Anthony Washington

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Phoenix (AZ) Police Department

Dave Harvey

Assistant Chief of Police

Police and Public Safety Consultant

Robert Lunney

Consultant

Police Foundation

Jim Bueermann

President

Jim Specht

Assistant to the President for Communications and Policy

Poulsbo (WA) Police Department

Alan Townsend

Chief of Police

Prince George's County (MD) Police Department

Joshua Brackett

Corporal

Mark Person

Major

Henry Stawinski III

Deputy Chief of Police

Hector Velez

Deputy Chief of Police

**Prince William County (VA)
Police Department**

Charlie Deane
Chief of Police (Retired)

Javid Elahi
Lieutenant

Thomas Pulaski
Senior Administrative Manager

Ramsey County (MN) Sheriff's Office

Robert Allen
Director of Planning and Policy Analysis

Rialto (CA) Police Department

William Farrar
Chief of Police

Richmond (CA) Police Department

Allwyn Brown
Deputy Chief of Police

Richmond (VA) Police Department

Scott Booth
Major

Sydney Collier
Major

Roger Russell
Captain

Riverside (CA) Police Department

Bruce Loftus
Lieutenant

Roanoke (VA) County Police Department

Mike Warner
Assistant Chief of Police

Robinson & Yu LLC

David Robinson
Principal

Royal Canadian Mounted Police

K. Troy Lightfoot
Director of Operational Policy and Compliance

**San Diego County District Attorney,
Bureau of Investigations**

Adolfo Gonzales
Chief Investigator

San Leandro (CA) Police Department

Sandra Spagnoli
Chief of Police

Seattle (WA) Police Department

David Puente
Detective

Spokane (WA) Police Department

Bradley Arleth
Commander

Craig Meidl
Assistant Chief of Police

Tim Schwering
Deputy Director

Springfield (MO) Police Department

Paul Williams
Chief of Police

Tampa (FL) Police Department

Michael Baumaister
Captain

TASER International

Jeff Kukowski
Chief Operating Officer

Tennessee Association of Chiefs of Police

Maggi McLean Duncan
Executive Director and CEO

Thomasville (NC) Police Department

Rusty Fritz
Sergeant

Topeka (KS) Police Department

Ronald Miller
Chief of Police

Toronto (ON) Police Service

Mike Federico
Deputy Chief of Police

John Sandeman
Unit Commander

Peter Sloly
Deputy Chief of Police

Tucson (AZ) Police Department

Sharon Allen
Deputy Chief of Police

Jim Rizzi
Captain

UCLA Anderson School of Management

Peter Scranton

**University of California,
San Diego Police Department**

Orville King
Chief of Police

David Rose
Captain

University of South Florida

Lorie Fridell
Associate Professor

U.S. Capitol Police Department

Kim Dine
Chief of Police

Daniel Malloy
Inspector

U.S. State Department

Jody Platt
Public Diplomacy Officer

VIEVU

Steven Lovell
President

Virginia Beach Police Department

James Cervera
Chief of Police

Richard Cheatham
PTO Coordinator

Todd Jones
Lieutenant

West Palm Beach (FL) Police Department

Anthony Kalil
Captain

Sarah Mooney
Captain

Yakima (WA) Police Department

Jeff Schneider
Captain

About PERF

The Police Executive Research Forum (PERF) is an independent research organization that focuses on critical issues in policing. Since its founding in 1976, PERF has identified best practices on fundamental issues such as reducing police use of force, developing community policing and problem-oriented policing, using technologies to deliver police services to the community, and evaluating crime reduction strategies.

PERF strives to advance professionalism in policing and to improve the delivery of police services through the exercise of strong national leadership, public debate of police and criminal justice issues, and research and policy development.

In addition to conducting research and publishing reports on our findings, PERF conducts management studies of individual law enforcement agencies, educates hundreds of police officials each year in a three-week executive development program, and provides executive search services to governments that wish to conduct national searches for their next police chief.

All of PERF's work benefits from PERF's status as a membership organization of police officials, academics, federal government leaders, and others with an interest in policing and criminal justice.

All PERF members must have a four-year college degree and must subscribe to a set of founding principles, emphasizing the importance of research and public debate in policing, adherence to the Constitution and the highest standards of ethics and integrity, and accountability to the communities that police agencies serve.

PERF is governed by a member-elected president and board of directors and a board-appointed executive director. A staff of approximately 30 full-time professionals is based in Washington, D.C.

To learn more, visit PERF online at www.policeforum.org.

About the COPS Office

The Office of Community Oriented Policing Services (COPS Office) is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and grant resources.

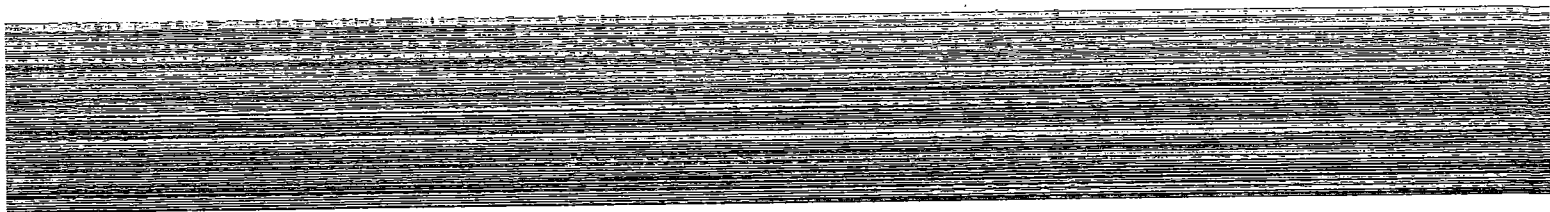
Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Rather than simply responding to crimes once they have been committed, community policing concentrates on preventing crime and eliminating the atmosphere of fear it creates. Earning the trust of the community and making those individuals stakeholders in their own safety enables law enforcement to better understand and address both the needs of the community and the factors that contribute to crime.

The COPS Office awards grants to state, local, territory, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime fighting technologies, and develop and test innovative policing strategies. COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement. The COPS Office has produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.

- Since 1994, the COPS Office has invested more than \$14 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing.
- To date, the COPS Office has funded approximately 125,000 additional officers to more than 13,000 of the nation's 18,000 law enforcement agencies across the country in small and large jurisdictions alike.
- Nearly 700,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.
- To date, the COPS Office has distributed more than 8.57 million topic-specific publications, training curricula, white papers, and resource CDs.

COPS Office resources, covering a wide breadth of community policing topics—from school and campus safety to gang violence—are available, at no cost, through its online Resource Center at www.cops.usdoj.gov. This easy-to-navigate website is also the grant application portal, providing access to online application forms.



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In recent years, many law enforcement agencies have been deploying small video cameras worn by officers to record encounters with the public; investigate officer-involved incidents; produce evidence; and strengthen agency performance, accountability, and transparency. While body-worn cameras have the potential to improve police services, they also raise issues involving privacy, police-community relationships, procedural justice, and technical and cost questions, all of which agencies should examine as they consider this technology.

The Police Executive Research Forum, with support from the Office of Community Oriented Policing Services, conducted research in 2013 on the use of body-worn cameras. This research included interviews with police executives, a review of agencies' policies, and a national conference at which 200 police executives and other experts discussed their experiences with body-worn cameras. This publication describes the findings of this research, explores the issues surrounding body-worn cameras, and offers policy recommendations for law enforcement agencies.



COPS

Community Oriented Policing Services
U.S. Department of Justice

U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street NE
Washington, DC 20530

To obtain details on COPS Office programs,
call the COPS Office Response Center at 800-421-6770.

Visit the COPS Office online at www.cops.usdoj.gov.



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DUTIES OF SUPERIOR OFFICERS

This order outlines the duties and responsibilities of superior and commanding officers.

I. POLICY

A. SUPERIOR OFFICERS. All superior officers shall:

- 1. CONDUCT.** Set an example of efficiency, sobriety, discretion, industry and promptness. Not use abusive language or act arbitrarily in dealing with subordinates.
- 2. SUPERVISION.** Guide and instruct subordinates in the performance of their duties and require strict compliance with the policies and procedures of the Department and the orders of superiors. Promptly report in writing any misconduct by subordinates and forward the report to their superiors.
- 3. CONTAGIOUS DISEASES.** See *Infectious Disease Control Manual*, DM-04.
- 4. INVESTIGATION OF MISCONDUCT** (also see DGO 2.04, Citizen Complaints Against Officers and DGO 2.05, Citizen Complaints Against Non-Sworn Members). This section provides a format for investigating misconduct brought to the attention of superiors by other than a citizen's complaint.
 - a.** When a superior officer becomes aware of possible misconduct by any member of his/her unit, the superior shall immediately notify the senior-ranking officer on duty at the unit. The senior-ranking officer shall:
 - (1)** Remain personally responsible for the conduct of the matter until relieved of responsibility.
 - (2)** Conduct an administrative investigation in addition to any investigation that may be made by the Management Control Division or the Office of Citizen Complaints. (See DGO 2.08, Peace Officers' Rights)

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- (3) Prepare an initial investigative report on memorandum (SFPD 68) addressed to his/her commanding officer before reporting off duty. The report shall contain information that can be reasonably obtained e.g., full identification of witnesses, summary of statements from witnesses, preliminary findings, and recommendations where appropriate.
 - (4) If it is necessary to relieve a member as unfit for duty (e.g., misconduct constituting criminal activity) contact the commanding officer at any time day or night. The commanding officer shall assume responsibility for the investigation, assure that proper investigative steps are being taken, and respond to the unit if necessary.
- b. When a superior officer becomes aware of possible misconduct by any member assigned to another unit, he/she shall:
- (1) Immediately notify the senior-ranking officer on duty at the member's unit. If the unit is closed, the commanding officer of the unit shall be notified at any time day or night.
 - (2) The senior-ranking officer or commanding officer (as appropriate) shall be responsible for performing the steps outlined in Section a. above.

B. COMMANDING OFFICERS. All commanding officers shall:

1. **ASSUMPTION OF COMMAND.** Within one week of assuming command, make an inspection of personnel to ensure they are equipped as required and conform to grooming standards.
2. **FACILITIES AND EQUIPMENT.** Be responsible for the general condition, cleanliness and order of facilities under their command and not permit any property to be improperly used, loaned or removed for private purposes. Also see DGO 3.03, Facilities Management.
3. **VACATIONS.** Arrange vacation periods for members of the command.
4. **RECORD INSPECTION.** Make continuous inspections of all records under their command.

5. **PERSONNEL DATA.** Keep a record of the residence address and telephone number of each member of their command, including patrol special officers, and forward copies to the Operations Center and the Personnel Division. When a member of the command is transferred to a unit, forward all his/her personnel data and records to that unit (see DGO 3.06, Residence Certification and *PIP, A Supervisor's Guide* DM-06.).
 6. **ATTIRE.** Be appropriately attired while attending any official meeting.
 7. **RETURN OF DEPARTMENT PROPERTY**
 - a. When members of their command are suspended from duty pending the filing and hearing of charges, or are found unfit for duty, relieve them of their Department-issued star, handgun, police identification and other Department property, except their uniform.
 - b. When members resign, are dismissed or retire, have them return their Department-issued property to the Property Control Section. Upon the death of a member, obtain Department-issued equipment from the family of the deceased and forward it to the Property Control Section.
 8. **DEATH OF A MEMBER.** In the event of a member's death, make a report to the Chief of Police detailing the available facts. Whenever the death resulted from violence, unlawful means or other than natural causes, make a personal investigation of the incident and prepare a full report to the Chief of Police. Include whether the deceased was on or off duty or performing any public service at the time.
-

GENERAL RULES OF CONDUCT

This order outlines the general rules of conduct for officers and non-sworn employees of the Department.

1. **ATTENTION TO DUTY.** The basic mission of the San Francisco Police Department and its officers is to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate non-criminal conduct as provided by law. While on duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments.
2. **OFF-DUTY RESPONSIBILITY.** While off duty, officers shall take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property, consistent with their ability to take proper action.
3. **MAINTAINING FIT CONDITION.** Officers shall, while carrying a firearm off-duty or while acting in the capacity of a peace officer, maintain themselves in a fit condition to perform police duties.
4. **REPORTING FOR DUTY.** Members shall report for duty at the time and place required and be physically and mentally fit to perform their duties.
5. **PERFORMING DUTIES.** Members shall perform their duties promptly and according to Department policies and procedures.
6. **DRESS/APPEARANCE.** Members shall, while on duty, be dressed as prescribed for their assignment (see DGO 10.01, Uniform and Equipment Classes). Members shall be clean and neat in appearance, except when excused by a superior for a proper police purpose. When appearing before the Police Commission, members shall either wear their uniform or shall be dressed as prescribed for court appearances (see DGO 3.08, Court Appearances by Members.)
7. **MAINTAINING KNOWLEDGE.** Members shall maintain a working knowledge of all information required for the proper performance of their duties (see DGO 3.01, Written Communication System).

DGO 2.01

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8. **REQUESTING HEARINGS.** Whenever ten or more members want a hearing on a matter affecting the Department, they must submit a signed petition to the Chief describing their concerns and any recommendation they wish to make. The Chief shall note the petition and send it with any comments to the Police Commission for consideration. The Commission shall set the matter for hearing within 30 days. If the Commission declines to hear the matter, the members submitting the petition shall be advised of the reasons, in writing, within the same 30-day period.
9. **MISCONDUCT.** Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.
10. **WRITTEN ORDERS.** Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors. (see DGO 3.01, Written Communication System)
11. **CONFLICTING ORDERS.** If a member is given a lawful order that conflicts with a previous order or written directive, the member shall advise the superior of the conflict and proceed according to the superior's direction. The member may prepare a memorandum detailing the circumstances of the incident.
12. **ADDRESSING SUPERIOR OFFICERS.** Members shall, at all times, address superior officers by title of rank.
13. **RESPECTFULNESS.** Members shall be respectful to superiors at all times.
14. **PUBLIC COURTESY.** When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment.
15. **TELEPHONE COURTESY.** When answering the telephone, members shall identify the station, bureau, or unit and give their rank and name. Members shall be courteous on the telephone.

16. CONTAGIOUS DISEASES. See Infectious Disease Control Manual, DM-04.
17. RESPONSIBILITY OF RANK. When assigned duties of a higher rank, officers shall assume the responsibilities that apply to the higher rank.
18. RESPONSIBILITY OF HIGHER RANK. Unless otherwise ordered, when two or more officers are on duty together, the highest ranking officer shall be in charge and is responsible for the proper completion of the assignment.
19. EQUAL RANK RESPONSIBILITY. Unless otherwise ordered, when two or more officers of equal rank are on duty together, the senior officer shall be in charge and is responsible for the proper completion of the assignment.
20. INVESTIGATIVE RESPONSIBILITY. When an officer who is charged with the final investigation is at the scene of an incident, he/she shall immediately assume responsibility for the investigation.
21. COOPERATION WITH INVESTIGATIONS. Members shall, when questioned on matters relating to their employment with the Department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and accorded all his or her rights mandated by law or Memorandum of Understanding (see DGO 2.08, Peace Officers' Rights).
22. CARE OF DEPARTMENT PROPERTY. Members shall take proper care of all Department property entrusted to them and shall be personally liable for its loss or damage due to negligence. (see DGO 10.02, Equipment)
23. USE OF DEPARTMENT PROPERTY. Members shall use Department property according to Department policies and procedures. Members shall use and operate Department vehicles and equipment in a reasonable and prudent manner and not allow unauthorized persons in police vehicles or allow them to use Department equipment. Authorization under special circumstances may be granted by a superior officer. (see DGO 10.02, Equipment)
24. LOSS OR DAMAGE TO DEPARTMENT PROPERTY. Members shall promptly report in writing any loss or damage to Department property entrusted to their use. Additionally, officers shall inspect their assigned vehicles and equipment and report any defect or damage, in writing, to their superiors. Failure to report defects or damage prior to use shall indicate that the officer assumes full responsibility for the damage. (see DGO 10.02, Equipment)

25. ON-DUTY WRITTEN REPORTS. While on duty, members shall make all required written reports of crimes or incidents requiring police attention.
26. OFF-DUTY REPORTING. Officers shall, when off duty, report any serious crime or urgent police matter brought to their attention. Officers shall report any incident in which they become involved as a peace officer.
27. GIFTS, PRESENTS, COMPENSATION, REWARDS. Members shall not solicit or accept any gift, compensation or reward for the performance of their duties, except with the permission of the Police commission. When offered money or gifts for police services (other than monies received pursuant to Section 10 B.1 of the City Administrative Code), members who wish to accept the money or gift being offered shall submit a written report to their commanding officer. The report shall include a request for permission to accept the money or gifts, and include the date the offer was made, the name and address of the donor, and a brief description of the services rendered. Commanding officers shall forward these reports through channel to the Police Commission. The Commission may grant or deny the member permission to accept all or part of the money or gifts.
28. VEHICLE ACCIDENTS. See DGO 2.06, Vehicle Accidents Involving Members.
29. FILING SUIT. Members shall, prior to filing a suit for the collection of damages sustained in the performance of police duties, submit a written report to their commanding officer briefly describing the cause of action. Commanding officers shall forward these reports through channels to the Legal Division.
30. DEFENSE SUBPOENAS. See DGO 3.08, Court Appearances by Members.
31. FILING SUIT AGAINST THE CITY AND COUNTY OF SAN FRANCISCO. Members shall, prior to filing a suit against the City or any of its departments, boards, tribunals or officers, submit a memorandum to their commanding officer briefly describing the cause of action. Commanding officers shall forward these memoranda through channels to the Legal Division. Also see DGO 3.15, Personal Property Claims.
32. ACCEPTING FEES. When offered a fee for testifying in any civil or criminal proceeding or deposition where the fee offered is greater than the fee set by law, members shall make a written application to the Police Commission to accept the fee. Members will be permitted to accept the fees only when all of the following are present:
 - a. The member has been legally subpoenaed.

- b. The member testifies during off-duty hours.
- c. The fee is in the form of a check made payable to the member.
- d. The fee does not exceed one day's pay.

Members who provide expert testimony on a regular basis (i.e., more than once a year), shall submit a secondary employment request and shall, if the request is approved, be governed by existing secondary employment regulations rather than by this rule (see DGO 11.02, Secondary Employment).

33. MEDIA. See DGO 8.09, Media Relations Policy.

34. MEMBERS RELIEVED OF DUTY. When relieved as unfit to exercise their duties, members shall submit to their commanding officer a handwritten report answering the accusation in detail. Members who are ordered to submit the report shall be advised of and accorded all civil and employee rights provided by law or Memorandum of Understanding.

35. RESPONSIBILITIES OF MEMBERS WITH PRISONERS. Members shall be responsible for the custody, control, and safety of prisoners in their care until the prisoner has been formally remanded to the custody of another. Members shall treat prisoners with due respect and courtesy.

36. TRANSPORTING OF FEMALES. Immediately prior to transporting any female, or transgender/transsexual person or individual whose gender identity is indeterminate to the member and not clearly articulated by the individual in a Department vehicle, whether due to detention, arrest or any other reason, an officer shall notify Communications Division of the vehicle's starting mileage, the location from which he/she is leaving, and the destination. Upon arrival at the destination, the officer shall immediately notify Communications Division and provide the vehicle's ending mileage. Communications Division shall broadcast starting and ending times as an appropriate response, confirming the officer's broadcasts.

37. CONSUMING ALCOHOLIC BEVERAGES. See DGO 2.02, Alcohol Use By Members.

38. DRUG USE BY MEMBERS. See DGO 2.03, Drug Use By Members.

39. ALCOHOLIC BEVERAGES/CONTROLLED SUBSTANCES. Members shall not store or bring into any Department vehicle or facility alcoholic beverages or controlled substances, except in the performance of police duties.

40. **PERSONAL BUSINESS.** Members shall not, while on duty, engage in personal business or in any other activity that would cause them to be inattentive to duty.
41. **SICKNESS OR INJURY.** Members shall not falsely report themselves sick or injured.
42. **SLEEPING ON DUTY.** Members shall not sleep while on duty.
43. **BORROWING MONEY FROM BAIL BONDSMAN.** Members shall not borrow money or become indebted to a bail bond broker.
44. **LEAVING ASSIGNED POSTS.** Members shall not leave their assigned posts unless relieved, to take action in a serious matter, for personal necessity, or with a supervisor's permission.
45. **SECURING PERSONAL PRIVILEGES.** Members shall not use or attempt to use their official positions for securing personal privileges beyond what is authorized by law, or for avoiding the consequences of illegal conduct.
46. **POLITICAL ACTIVITY.** Members shall not, while on duty or while acting as a representative of the Department, endorse political candidates or issues or participate in political campaigns. Members shall not place or cause to be placed politically oriented information in or on any Department building or equipment other than upon the bulletin board provided for the posting of general notices.
47. **USE OF PRIVATE VEHICLES.** Members shall not use a private vehicle for police business, except with the specific approval of their commanding officer or officer-in-charge.
48. **COMPROMISING INVESTIGATIONS.** Except as required by law or by Department policy and procedure, members shall not divulge any information or engage in any conduct that may compromise an investigation or prosecution of a criminal offense (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).
49. **DIVULGING CONFIDENTIAL INFORMATION.** Except as required by law, members shall not divulge any information that is made confidential by law or by Department policies and procedures (see DGO 3.16, Release of Police Reports and DGO 8.09 Media Relations).

50. **RECOMMENDING FOR PROFIT BUSINESSES.** Members shall not recommend to non-city employees the name or employment of any attorney, bail bondsman or tow truck operator, or the name of a particular for-profit business when the member knows or should know that the member will directly or indirectly receive a benefit, service, or profit by such recommendation.
51. **INDUCING RETIREMENTS.** Members shall not offer to, or pay money, or provide any other consideration with the intent of inducing the retirement of any member of the Department, nor shall any member become a party to any such transaction.
52. **SERVING SUBPOENAS, SUMMONS OR PAPERS IN CIVIL ACTIONS.** Members shall not serve a subpoena, summons, or other paper in a civil action or render any assistance in such a case; however, when a crime is committed requiring an arrest, an arrest may be made even though the crime originated from a civil dispute (see DGO 6.09, Domestic Violence, DGO 8.05, Labor Disputes).
53. **FURNISHING INFORMATION TO BAIL BONDSMAN OR ATTORNEYS.** Except as required by law, members shall not furnish information regarding any arrested person, an investigation made or about to be made, or other Department activities to bail bondsmen or attorneys or to persons working with or for bail bondsmen or attorneys.
54. **LOANING MONEY TO PRISONERS.** Members shall not loan or give money or anything of value to persons in custody, except with the permission of the station keeper.
55. **TESTIMONIALS.** Members shall not, in their official capacity, bestow testimonials or collect or receive money or anything of value from any person, except with the permission of the Police Commission.
56. **SURREPTITIOUS RECORDINGS.** Unless conducting an assigned criminal or administrative investigation, no member shall surreptitiously record (video or audio) any other member who is on-duty without the express written approval of the Chief of Police.
57. **CONFLICT OF INTEREST IN INVESTIGATIONS.** If a member is assigned to an investigation in which the member knows or suspects, or should reasonable know or suspect, that the member has a personal or family interest the member shall immediately report the interest to the members immediate supervisor.

GUIDELINES FOR FIRST AMENDMENT ACTIVITIES

I. STATEMENT OF PRINCIPLES

A. **GENERAL POLICY.** It is the policy of the San Francisco Police Department to ensure that the First Amendment rights guaranteed by the United States Constitution are protected for all individuals and to permit police involvement in the exercise of those rights only to the extent necessary to provide for the legitimate needs of law enforcement in investigating criminal activity.

B. **WHEN A CRIMINAL INVESTIGATION THAT INVOLVES FIRST AMENDMENT ACTIVITIES IS PERMITTED.** The Department may conduct a criminal investigation that involves the First Amendment activities of persons, groups or organizations when there is an articulable and reasonable suspicion to believe that:

1. They are planning or are engaged in criminal activity
 - a. which could reasonably be expected to result in bodily injury and/or property damage in excess of \$2500
 - b. or which constitutes a felony or misdemeanor hate crime, and
2. The First Amendment activities are relevant to the criminal investigation.

C. WHEN THESE GUIDELINES APPLY

1. The Department must follow these guidelines in every criminal investigation that involves the First Amendment activities of a person, group, or organization. These guidelines do not apply to criminal investigations that do not involve First Amendment activities.
2. These guidelines are intended to regulate the conduct of criminal investigations that involve First Amendment activities by requiring (1) written justification for the investigation and (2) written approval by the Commanding Officer of the Special Investigations Division, Deputy Chief of Investigations, and the Chief of Police.
3. These guidelines, however, are not intended to interfere with investigations into criminal activity. Investigations of criminal activities that involve First Amendment activities are permitted provided that the investigation is justified and documented as required by these guidelines.

II. DEFINITIONS

- A. First Amendment Activity: All speech, associations and/or conduct protected by the First Amendment and/or California Constitution Article I, section 2 (Freedom of Speech) and/or Article 3 (Right to Assemble and Petition the Government, including but not limited to expression, advocacy, association or participation in expressive conduct to further any political or social opinion or religious belief.)
 - 1. Examples. First Amendment activity includes speaking, meeting, writing, marching, picketing or other expressive conduct protected by the First Amendment.
- B. Articulable and Reasonable Suspicion: The standard of reasonable suspicion is lower than probable cause. This standard requires members to be able to articulate specific facts or circumstances indicating a past, current, or impending violation, and there must be an objective basis for initiating the investigation. A mere hunch is insufficient.
 - 1. Demonstrations. The Department shall not conduct an investigation in connection with a planned political demonstration, march, rally or other public event, including an act of civil disobedience, unless the prerequisites of Section I.B, supra, are met. Nothing shall preclude the Department, however, from openly contacting organizations or persons knowledgeable about a public event to facilitate traffic control, crowd management, or other safety measures at the event.
- C. Infiltrator: An undercover officer or civilian acting under the direction of the Department who attends a meeting, joins an organization, develops a relationship with an individual or organization or eavesdrops for the purpose of obtaining information about an individual or organization for transmittal to the San Francisco Police Department.
- D. Informant: A person who provides information to the San Francisco Police Department motivated by the expectation of receiving compensation or benefit, but is not acting under the direction of the Department.
- E. Source: A person who provides information to the San Francisco Police Department with no expectation of compensation or benefit and is not acting under the direction of the Department.

III. AUTHORIZATION REQUIRED FOR AN INVESTIGATION

- A. A member of the Department may undertake an investigation that comes within these guidelines only after receiving prior written authorization by the Commanding Officer of the Special Investigations Division (SID), the Deputy Chief of the Investigations Bureau, and the Chief of Police. However, neither the Commanding Officer of SID, the Deputy Chief of the Investigations Bureau, nor the Chief of Police is authorized to approve an investigation and/or the gathering or maintenance of information in violation of the terms of this General Order.

- B. To obtain written authorization, a member must submit a memorandum through their chain of command to the Commanding Officer of the SID containing the following:
 - 1. The identity of the subject of the proposed investigation, if known.
 - 2. The facts and circumstances that create an articulable and reasonable suspicion of criminal activity as defined in Section I. B.
 - 3. The relevance of the First Amendment activities to the investigation.
- C. When an investigation is authorized by the Commanding Officer of SID and after review by the Deputy Chief of the Investigations Bureau, a copy of the memorandum shall be sent to the Chief of Police, who shall indicate his/her approval or disapproval.
- D. Time limits. Written approval of an investigation is in effect for 120 days. If the Department continues an investigation past 120 days, a new memorandum and approval must be obtained. The new memorandum must describe the information already collected and demonstrate, based on that information, that an extension is reasonably necessary to pursue the investigation.
- E. Emergencies. If there is an immediate threat of criminal activity, an investigation may begin before a memorandum is prepared and approved, but verbal permission must be received from the Commanding Officer of SID or designee. The required memorandum must be written and approved by the Commanding Officer of SID, reviewed by the Deputy Chief of the Investigations Bureau and Chief of Police within five days of the occurrence of the emergency.
- F. Although it is expected that most investigations conducted under these guidelines will be initiated by the SID, if any member of the Department becomes aware of a criminal investigation that involves First Amendment activities as defined in these guidelines, the member shall refer the case to SID for a determination as to how the investigation should be conducted. These guidelines do not preclude investigations that impact on First Amendment activities by divisions other than SID, but those investigations must be conducted in consultation with SID and must be conducted pursuant to these guidelines.

IV. USE OF INVESTIGATIVE TECHNIQUES

- A. Principles. The investigative techniques used in a particular case shall be dictated by the gravity of the crime under investigation, the evidence of criminal activity and the need for a particular investigative technique.
- B. The Department shall use techniques such as numbers 1-5 listed below before employing the more intrusive techniques listed in Section C.

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1. Examination of public records and other sources of information available to the general public.
 2. Examination of San Francisco Police Department files and records.
 3. Examination of records and files of the government or law enforcement agencies.
 4. Interviews with persons connected with the complaint or subject of the investigation, including information received from sources.
 5. Physical surveillance from places open to the public.
- C. If the techniques listed in Section B are inadequate or obviously would be futile under the circumstances, the Department may use techniques such as the following:
1. Electronic surveillance such as the use of videotape, body wire, or audiotape.
 2. The use of undercover officers, infiltrators, informants, or mail covers.
- D. A member may undertake use of techniques listed in Section C only after submission of a memorandum setting forth the justification for the request and receiving prior written authorization by the Commanding Officer of SID, the Deputy Chief of the Investigations Bureau, and the Chief of Police. If there is an immediate threat of criminal activity, verbal approval by the Commanding Officer of SID or designee is sufficient until a written memorandum can be prepared and approved by the Commanding Officer of SID, the Deputy Chief of the Investigations Bureau, and the Chief of Police. The required memorandum must be written and approved within five days of the occurrence of the emergency.

V. RULES OF CONDUCT FOR INFILTRATORS, INFORMANTS AND UNDERCOVER OFFICERS

- A. The officer-in-charge shall specifically direct the undercover officer, infiltrator, or informant:
1. Not to participate in unlawful acts of violence.
 2. Not to use unlawful techniques to obtain information.
 3. Not to initiate, propose, or suggest a plan to commit criminal acts.
 4. Not to be present during criminal activity unless it has been determined to be necessary for the prosecution.
 5. Not to live with or engage in sexual relations with members of the organization (unless a civilian infiltrator was so involved before becoming an infiltrator).

6. Not to assume a leadership position or intentionally cause dissention within the organization.
 7. Not to attend meetings or engage in other activities for the purpose of obtaining legally-privileged information, such as confidential sources of reporters, attorney-client communications, or physician-patient communications.
 8. Not to record or maintain a record concerning an individual who is not a target unless the information is relevant for the investigation or the information would itself justify an investigation under these guidelines.
- B. The Commanding Officer of the SID shall monitor the compliance of undercover officers and infiltrators with these guidelines.
- C. The policies and procedures set forth in the memorandum on Informant Management and Control shall apply; except those exclusively applicable to narcotics informants.

VI. POLICE COMMISSION REVIEW

- A. The President of the Police Commission shall designate a member of the Commission to be responsible for monitoring compliance with these guidelines.
- B. Every month, the designated Police Commission member shall review the written requests and authorizations for the initiation or continuance of an investigation that is required by these guidelines.
- C. On an annual basis, the Director of the Office of Citizen Complaints or his/her designee shall conduct an audit of the Department's files, records and documents and shall prepare a report to the Commission regarding the Department's compliance with the guidelines. In addition, the Police Commission may conduct or direct the OCC to conduct such an audit unannounced at any time.
1. In conducting the yearly audit, the Office of Citizen Complaints shall review the following:
 - a. All current guidelines, regulations, rules and memoranda interpreting the guidelines;
 - b. All documents relating to investigations subject to Section III. and undercover techniques subject to Section IV.C. of these guidelines.
 - c. All Agency Assisted Forms or other documentation relating to the transmittal of documents to other criminal justice agencies as described in Section IX. B.
 2. The Office of Citizen Complaints shall prepare a written report to the Police Commission concerning its annual audit, which shall include but not be limited to:

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- a. The number of investigations authorized during the prior year.
- b. The number of authorizations sought, but denied.
- c. The number of times that undercover officers or infiltrators were approved.
- d. The number and types of unlawful activities investigated.
- e. The number and types of arrests and prosecutions that were the direct and proximate cause of investigations conducted under the guidelines.
- f. The number of requests by members of the public made expressly pursuant to these guidelines for access to records, including:
 - (i) The number of such requests where documents or information was produced,
 - (ii) The number of such requests where the documents or information did not exist,
 - (iii) The number of requests denied.
- g. The number of requests from outside agencies, as documented by an Agency Assist Form, for access to records of investigations conducted pursuant to these guidelines, including:
 - (i) The number of such requests granted and
 - (ii) The number of such requests denied.
- h. A complete description of violations of the guidelines, including information about:
 - (i) The nature and causes of the violation and the sections of the guidelines that were violated.
 - (ii) Actions taken as a result of discovery of the violations, including whether any officer has been disciplined as a result of the violation.
 - (iii) Recommendations of how to prevent recurrence of violations of the guidelines that were discovered during the prior year.
 - (iv) The report shall not contain data or information regarding investigations that are on-going at the time of the report's creation. The data and information, however, shall be included in the first report submitted after the completion of the investigation.

- i. A complete description of violations of the guidelines, including information about:
 - (i) The nature and causes of the violation and the sections of the guidelines that were violated.
 - (ii) Actions taken as a result of discovery of the violations, including whether any officer has been disciplined as a result of the violation.
 - (iii) Recommendations of how to prevent recurrence of violations of the guidelines that were discovered during the prior year.
 - (iv) The report shall not contain data or information regarding investigations that are on-going at the time of the report's creation. The data and information, however, shall be included in the first report submitted after the completion of the investigation.
- D. By the end of each calendar year, the Director of the Office of Citizen Complaints shall deliver to the Police Commission a report containing the information in Section C(2) (a) through (g).

VII. VIOLATIONS OF THE GUIDELINES

- A. If the Chief of Police, the designated Commission member or any member of the Department becomes aware of information that a possible violation of these guidelines has occurred, the Chief or designated member shall immediately inform the Police Commission and the member shall immediately inform his/her commanding officer who shall inform the Chief.
- B. If the Police Commission, determines that a possible violation of these guidelines has occurred, it shall:
 1. Commence an immediate investigation of the possible violation.
 2. Ensure that any activities in violation of these guidelines immediately cease.
- C. If the Police Commission determines that an actual violation of these guidelines and/or the First Amendment (as defined in Section IIA above) has occurred, the Commission shall:
 1. Notify the parties about whom information was gathered or maintained in violation of the guidelines pursuant to the following:
 - a. When information is released to individuals or organizations, the names and identifying information concerning private citizens other than the individual notified shall be excised to preserve their privacy.

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- b. There shall be no disclosure if the disclosure of the information is reasonably likely to endanger the life, property or physical safety of any particular person. However, unless the San Francisco Police Commission reasonably concludes that notice itself would be reasonably likely to endanger the life or physical safety of any particular person, the party about whom information was gathered in violation of these guidelines and/or First Amendment (as defined above) shall be notified that information regarding such person or their protected activities, expressions, associations and/or beliefs has been obtained in violation of these guidelines or First Amendment and that the information is not being disclosed because the Police Commission has concluded that such disclosure is reasonably likely to endanger the life or physical safety of a person. Furthermore, if the information may be segregated, such that a portion of the information can be disclosed without endangering the life or physical safety of one particular person, that portion of the information that the Police Commission concludes can be disclosed without endangering the life or physical safety of any particular person will be disclosed.
 - c. There shall be no disclosure if disclosure is prohibited by local, state, or federal law.
 - d. The Commission may deny disclosure if disclosure is exempt under San Francisco's Sunshine Ordinance, Chapter 67 Admin. Code, Section 67.24(d) (Law Enforcement Information), with the following exceptions:
 - (i) The Sunshine Ordinance Exemption for personal and otherwise private information shall not be applied unless that information would reveal the identity of an individual other than the requesting party.
 - (ii) The Sunshine Ordinance provision that exempts disclosure of "secret investigative techniques or procedures" shall not be applied to the fact that a particular procedure occurred, but only to a description of how that procedure was executed, and shall apply only if the information would jeopardize future law enforcement efforts by a local, state, or federal agency.
 - e. No disclosure is required if an investigation is ongoing, but disclosure may be made during an ongoing investigation within the discretion of the Commission.
2. Refer the violation to the Chief of Police for a recommendation concerning discipline of the members involved.
- D. The Commanding Officer of SID shall ensure that all members of the Department assigned to SID attend a training session of these guidelines before beginning work at SID. All members assigned to SID and members engaged in investigations involving the First Amendment activities of persons (as defined above) shall sign an acknowledgement that they have received, read, understand and will maintain a copy of these guidelines.
- E. All members of the Department shall be advised that a willful or negligent violation of these guidelines shall subject the offending member to disciplinary action which may include suspension or termination.

VIII. ACCESS BY CIVILIANS

- A. All requests for information by civilians shall specifically request information created pursuant to these guidelines and shall be governed by the criteria set forth in Section VII.C(1)(a) through (e) above, unless state or local law require greater disclosure. Any denial of access to information shall specifically state the reasons for the denial.
- B. If access is denied, an appeal may be made to the designated Police Commissioner (c/o Police Commission, Hall of Justice, Room 505, 850 Bryant St., San Francisco, CA 94103) and shall include copies of all written correspondence relating to the request.
- C. No right to a hearing on denial of access to information is created by these rules.

IX. FILES AND RECORDS

A. Information Quality Control

- 1. The collection, maintenance, and use of information pursuant to an authorization shall be limited to the scope stated in that investigative memorandum and authorization.
- 2. The Department shall not collect or maintain information of a personal nature that does not relate to a criminal investigation. In the absence of a specific investigation authorized under these guidelines, the Department shall not collect or maintain information such as names for political petitions, mailing lists, organizational memberships or writings espousing a particular view which is protected by the First Amendment.
- 3. Information to be retained in a criminal intelligence file shall be evaluated for source reliability and content validity prior to filing. The file shall state whether reliability or accuracy have been corroborated.

B. File Dissemination

- 1. Dissemination of intelligence information is limited to criminal justice agencies with a specific need-to-know as well as right to know.
- 2. All requests for information shall be evaluated and approved prior to dissemination by the Commanding Officer or designee for the Special Investigations Division. The commanding officer or designee shall determine whether the requesting agency is reliable in treating the information with the requisite care and sensitivity and shall deny the request if the requesting agency is not considered sufficiently reliable.
- 3. All dissemination of information shall be done by written transmittal or recorded on an Agency Assist Form that describes the documents or information transmitted. A copy of the transmittal letter or Agency Assist Form shall be kept in the file from which the information was disseminated.

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4. The first page of any information document transmitted to a recipient agency shall contain a notice limiting dissemination to the specific purpose for which the document was transmitted.
5. A master list of all written transmittals and Agency Assist Forms recording the dissemination of records governed by these guidelines to outside agencies shall be maintained in a binder by SID.

C. File Purge

1. Records shall be purged according to the current San Francisco Police Department Records Retention and Destruction Schedule which calls for destruction of intelligence files every two years from the last date of entry with the following exceptions:
 - a. Information may be maintained if it is part of an ongoing investigation.
 - b. All written memoranda requesting authorization to commence an investigation and subsequent authorizations shall be maintained for not less than five years after termination of the investigation.
 - c. Records showing violation of these guidelines shall not be destroyed or recollected for the purpose of avoiding disclosure.
2. The chain of custody for destroyed files shall be established and documented to provide a record establishing that the files have been destroyed.

D. File Security

1. A copy of the initiating memoranda and authorizations created pursuant to these guidelines shall be kept by the Commanding Officer of SID.
2. All documents created pursuant to these guidelines shall be locked and kept separate from other Department files. Access shall be limited to personnel working on an authorized investigation, command personnel, the Chief, the designated Commission member, and the OCC for the limited purpose of conducting the annual audit.
3. All files, whether kept in SID or another unit, shall be prominently marked with a notice that the material contained in the file is subject to these guidelines.

E. Use of Computers

The use of Department computers shall be governed by the San Francisco Police Department computer security policy.

X. FUNCTIONAL RESPONSIBILITY FOR EVENT PLANNING INVOLVING FIRST AMENDMENT ACTIVITIES

- A. Certain types of public gatherings require the Department to collect a limited amount of information in order to preserve the peace, assess the need to deploy members for crowd control purposes, facilitate traffic control, address public safety concerns at the event, and protect the rights of free expression and assembly. This information may only be collected openly and non-covertly as part of an Event Planning Inquiry.
- B. The responsibility for conducting Event Planning Inquiries shall rest solely with the Event Commander or his/her designee. The Permit Unit may collect information about public gatherings only to the extent legally required and necessary in processing permit applications designated by city ordinance.
- C. Unless invited, Departmental contacts with event organizers or participants should be made by telephone during normal business hours without officer(s) attending an organization's meetings. In the course of such contacts it should be made clear that communications are voluntary.
- D. See Field Operations Bureau General Order 91-01 for details.

XI. VIDEO OR PHOTOGRAPHIC RECORDING

A. Authorization.

It is the policy of the Department to videotape and photograph in a manner that minimizes interference with people lawfully participating in First Amendment events. Video or photographic equipment shall not be brought or used without the written authorization of the Event Commander.

B. Purpose

The Department shall videotape or photograph only for crowd control training or evidentiary purposes. Evidentiary purposes shall include only:

- 1. Evidence that is reasonably likely to be used in administrative, civil, or criminal proceeding or investigations.
- 2. Evidence related to allegations against members of the Department.

XII. GUIDELINES LIMITED TO PROMOTION OF GENERAL WELFARE

In undertaking the adoption and enforcement of these guidelines, the San Francisco Police Department is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on the City, Police Commission, Department officials, or employees, a duty or obligation to any person for equitable relief, money damages, or any other relief based on a claim that a breach will cause or has proximately caused injury.