



**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  
2nd Working Group Meeting  
Body Camera Policy  
June 16, 2015  
12:30 p.m.

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Roll Call

Item 1. Adoption of Minutes from June 2, 2015 Meeting (ACTION ITEM)

Item 2. Discussion of Follow-up Items from June 2, 2015 Meeting

Item 3. Discussion of 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).

Item 7. Adjournment (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR BODY CAMERA POLICY WORKING GROUP AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE WORKING GROUP AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, 1245 3<sup>RD</sup> STREET, 6<sup>TH</sup> FLOOR, SAN FRANCISCO, CA 94158, DURING NORMAL BUSINESS HOURS.

\*\*\*END OF AGENDA\*\*\*

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San Francisco Police Department  
Body Camera Policy Working Group  
June 2, 2015 Meeting Minutes

The Body Camera Policy Working Group met at the Public Safety Building (PSB), 1245 3<sup>rd</sup> Street, Room 1025, San Francisco at 1:30 pm.

PRESENT: Teresa Caffese, Michael Nevin, Jamie Hyun, Yulanda Williams, Marquita Booth, Joyce Hicks, Leela Gill (arrived at 1:40 pm), Martin Gran, Deputy Chief Makail Ali, Commander Robert Moser – quorum.

Also present were Commissioners Petra DeJesus, Thomas Mazzucco, and Victor Hwang

**Introductions:**

Chief Gregory Suhr made a statement about the purpose of the working group and the desired outcome of developing body camera policy recommendations to present to the Police Commission in 90 days. Chief Suhr clarified that Public Defender's Office is a member of the working group.

Each member made brief introduction.

**Discussion Regarding Model Policies and Additional Reference Materials for Future Meetings:**

Discussion about researching if the PERF/DOJ report has been updated; SFPD will research to see if there have been any updates. SFPD asked other members to provide any other policies they may have from other law enforcement agencies. POA representative will send Orange County policy to members of the working group.

**Discussion of Working Document:**

Discussion of potential meeting times and days for future meetings; final decision is that future meetings will be held at the PSB, every other Tuesday from 12:30 pm to 2:30 pm.

Description of current document: currently eleven sections and will discuss each section with recommendations on each section.

Discussion involved listed specific training in the policy, and it was explained that specific training not listed in training; other documents are more appropriate – training manuals, Academy curriculum, etc.

Discussion about terms "investigation" and "administrative inquires." Suggestions for changes to the language in that section. Changes will be incorporated into the next draft.

Discussion about Oakland's policy having a section that PDRDs are used for developing tactics; suggestion that this policy include PDRDs being used for developing tactics in SFPD policy.



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Discussed that tactics is different than training. Discussion continued that training will be developed prior to implementation even it won't be in the actual policy. These item will be researched and discussed at the next meeting.

Discussion about adding a definitions section and include an improved definition of the portable digital recording devices (PDRD). Discussion of changing language to "non-department issued" in Use of Equipment Section. Agreed that members will bring examples of definitions they would like to see included in a POLICY section.

Discussion about structure of units, how to handle Public Records Act (PRA) requests, uploading files, how training will occur, etc.; Deputy Chief Ali suggested that working group focus on working on recommendations at this time.

Discussion on the use of Department issued smart phones instead of PDRDs; Recommendation there be a section that prohibits members from using Department-issued smart phones in lieu of PDRDs.

Discussion about including section that ensures members who continue to violate the policy are dealt with. Discussion continued regarding administrative investigations to address misconduct of not using equipment correctly. Discussion about adding not using PDRD as required as an EIS indicator point. Discussed that doing so would entail re-opening DGO 3.19 and require concurrence process, similar to this process. Discussion on revisiting that memorandum written to document the non-use of PDRDs get routed somewhere to ensure future compliance.

Discussion regarding the Program Administrator being in the Risk Management Division. Set up to handle legal issues, PRAs, Internal Affairs complaints, law suits, etc. The budget has been set to allow for the increase in personnel and additional resources.

**Future Agenda Items:**

Discuss the working document from where the group stopped today. Discussion about sending emails to each other about items. DCA Cabrera advised against doing that since the meetings need to be public, and private email conversations violate the requirement. No discussion going back and forth.

Discussion that future items will also include definitions and procedures and tactics.

**Future Meeting Dates:**

Next meeting on Tuesday, June 16, 2015 at 12:30 pm at 1245 3<sup>rd</sup> Street, San Francisco.

**General Public Comment:**

None

**Adjournment:**

Motion by Joyce Hicks, second by Leela Gill, approved 10-0

## Digital Recording Devices

DRAFT

06/15/15

### 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.

Commented [rk1]: Goals taken from PERF/US DOJ Report: Implementing a Body-Worn Camera Program

The PDRD is a small audio-video recorder with the singular purpose of recording audio/visual files, specifically designed to be mounted on a person. ~~The PDRD is designed to record audio and video activity to preserve evidence for use in criminal and administrative investigations (disciplinary cases), civil litigation, officer performance evaluations, administrative inquires and disciplinary cases and to review police procedures and tactics,~~ 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.

Commented [rk2]: Oakland PD

Commented [rk3]: Oakland PD

#### 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:

Commented [rk4]: Oakland PD

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~~

Commented [rk5]: DGO 2.01

Commented [rk6]: DGO 8.10

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.~~

Commented [rk7]: Oakland PD

Commented [rk8]: PERF

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.

Commented [rk9]: LAPD

#### 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.

Commented [rk10]: Similar to LAPD

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.

Commented [rk11]: Oakland PD

## 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:

Commented [rk12]: From San Diego PD

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**