

Body-Worn and In-Car Camera Systems

422.1 PURPOSE, SCOPE, AND AUTHORITY

This policy is intended to provide guidelines for usage of body worn cameras (BWC) and in-car video systems. This policy and its prescribed procedures apply to any department employee assigned a BWC or who operates a department vehicle equipped with an in-car camera system. The provisions of this policy are subject to all applicable federal, state, local laws and ordinances.

Marked patrol cars will be equipped with video recording systems. The BWC and in-car camera systems are integrated with each other and have the ability to activate each other. This policy will provide guidance on the use of both of these systems.

Where applicable, the procedures related to one system will apply to the other.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Body Worn Camera: A body worn camera is a small body worn device with an integrated camera and audio system. BWC files, including photographs, audio recordings and video footage are stored digitally on the device until the device connects to the server.

In-Car Camera System: Any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, recorder and monitor.

422.2 PURPOSES & OBJECTIVES OF THE BWC AND IN-CAR CAMERA PROGRAM

The department recognizes that audio and video recording of contacts between department personnel and the public provides an objective record of these events. The BWC and in-car camera systems complement field personnel in the performance of their duties by providing a digital record of enforcement and investigative field contacts. A recording of an event or contact also enables the delivery of timely, relevant, and appropriate training to maximize safety for our employees and improve the provision of services to the community.

While recordings obtained from a BWC and/or in-car camera provide an objective record of these events, it is understood that captured video recordings do not necessarily reflect the experience or state of mind of the individual employee(s) in a given incident. Moreover, the video recording has limitations and may depict events differently than the events recalled by the involved employee. Specifically, it is understood that the video systems may capture information that may not have been heard and/or observed by the involved employee(s), and may not capture information heard and/or observed by the employee(s). In addition, video captures two-dimensional images, which may be different from a person's three-dimensional observations about depth, distance, and positional location. Lighting as seen in a video may be different than what is seen by the human eye, and different angles of view may contribute to different perceptions. In addition, human visual acuity and perception are inferior to a camera's, and human perception can be skewed or distorted by the presence of high stress.

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BWC and in-car camera recording perspectives must be considered with all other available evidence, such as officer statements, witness and suspect statements, involved party statements, forensic analysis, and all other documentary evidence when evaluating the recorded incident.

As used in this Policy, the terms “data” and /or “recording(s)” shall both mean and include all video content, data, and metadata recorded using any BWC or in-car camera, as applicable.

The purposes and objectives of the department's BWC and in-car camera programs are as follows:

- Collect evidence for use in criminal investigations.
- Enhance the quality of cases submitted and evidence collected by the department for prosecution.
- Reduce officer case preparation and court time.
- Provide a resource to employees in completing reports and testifying in criminal proceedings.
- Enhance officer safety by reducing the incidents of criminal activity, violent public interactions, and interference with employees in the performance of their duties.
- Promote accountability and enhance public trust and confidence in the performance of employees.
- Deter and minimize the incidents of false complaints and false allegations of misconduct by members of the public against the department.
- Provide data to assist the department in evaluating and improving department practices, tactics, strategy, officer training and safety practices, and police-community relations.

422.3 RIGHTS OF THE DEPARTMENT

The rights of the department include:

- Except as otherwise provided by law, including the California Public Records Act (“CPRA”), subpoenas, and/or other civil and criminal discovery process, BWC and in-car camera equipment and all data collected using these systems is considered property of the department and a confidential investigative record.
- BWC and in-car camera equipment and all data files and recordings are for official use only and shall not be utilized for personal use.
- Data shall not be copied, released, or disseminated in any form or manner outside the requirements of this policy.
- Only authorized employees shall use or be in possession of a BWC device, data, or files.
- Employees have no expectation of privacy or ownership interest related to any BWC or in-car camera recordings.

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422.4 GENERAL PROCEDURES

Employee and citizen safety shall be an employee's primary consideration. Safety should not be compromised for the sake of being able to record events.

The following general procedures shall apply to use of the BWC and in-car camera systems:

- These systems are to be used for official law enforcement purposes.
- Other than System Administrators, employees shall not copy, edit, alter, erase or otherwise modify in any manner BWC or in-car camera data, except as authorized by law or department policy. System Administrators have the authority to do this, but only in compliance with law and department policy. Any alteration shall be documented.
- Employees shall not remove, dismantle or tamper with any hardware or software components of the system unless specifically directed to do so by a System Administrator.
- Accessing, copying, forwarding or releasing any data for any purpose other than for release to the District Attorney's Office or official law enforcement use, or in response to a CPRA request, subpoena, and/or other civil or criminal discovery process is strictly prohibited.
- Release of data to any person outside the department by any means or public release by any means is prohibited, unless prior written approval is given by the Chief of Police or a designee, except as stated otherwise in department policy.
- Personal computer equipment and software programs shall not be utilized when making copies of BWC or in-car camera data or recordings. Using a secondary recording device such as video camera, cell phone or any other electronic device to record or capture BWC or in-car camera data or files is strictly prohibited, except for authorized work-related purposes.
- The use of any personal recording device for the same purpose as a BWC or in-car camera is prohibited.

422.5 SYSTEM ADMINISTRATION

System Administrators shall be sworn members of the department, and nonsworn members of the department working in Property and Evidence and Police Administration. System Administrations may also be members of the Information Technology Department approved by the Chief of Police, but only for purposes of providing technical expertise related to the operation and maintenance of BWCs and in-car camera equipment. System Administrators are responsible for performing the following duties:

- Maintain, troubleshoot, and conduct minor repairs on the BWC and in-car camera units.
- Conduct system evaluations.
- Maintain a record of assigned BWC and related equipment and maintenance records.
- Arrange the warranty and non-warranty repair for the BWC and in-car camera units.

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- Repair and replace BWC and in-car camera components.
- Ensure the software and system settings are updated as necessary.
- Train officers on current policy and proper use of the BWC units.
- Provide technical assistance and subject matter expertise related to investigations.
- Non-sworn members in the Information Technology Department may assist the System Administrator with technical issues as it relates to the BWCs and in-car cameras and applicable hardware.

422.6 TRAINING

The department shall ensure personnel assigned a BWC, in-car cameras, and related equipment are trained before use in the field. The training shall include:

- Policy overview
- Operation, placement, activation, deactivation, maintenance, and care of devices
- Mandatory, discretionary, and non-permissible uses of BWC devices
- Current laws and significant changes in the law pertaining to BWC usage
- GPS function incorporated in each BWC and in-car camera device
- Reviewing BWC and in-car camera footage for purposes of report writing
- Procedures for marking, categorizing, and tagging video recordings
- Additional training at periodic intervals to ensure continued effective use of the BWC equipment, performance, and to incorporate change, updates, or other revisions in policies and equipment.

422.7 PERSONNEL AND ASSIGNMENTS REQUIRED TO DEPLOY BWCS

The following department personnel are required to deploy the BWC system daily:

- All uniformed personnel of lieutenant rank and below who deploy in the field shall wear a BWC, unless otherwise directed by a supervisor.
- Uniformed personnel of captain rank and above will have access to BWC devices.
- Officers actively engaged in an undercover operation are exempt from deploying a BWC unless otherwise directed by a supervisor.
- Non-uniformed officers (i.e., Detectives, CSU) are not required to wear their assigned BWC while in a non-uniform capacity, however they shall wear and activate their BWC to record specified high-risk enforcement-related activity, such as the execution of a search warrant and arrest warrants, or when directed by a supervisor.
 - Non-uniformed officers are encouraged to wear and activate their BWC during planned operations which, by design, will lead to the arrest or detention of a suspect.

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- Detectives assigned to a non-uniform assignment should consider carrying and activating the BWC in the field when the recording would be required under policy or would be beneficial.
- Police Service Officers, Parking Control Officers, Jailers, and any other employee who is issued a BWC shall wear and activate the BWC in the field when the activation would be required under this policy or would be beneficial.

422.8 OPERATIONAL PROCEDURES

422.8.1 BWC DEVICE STORAGE AND CARE

When not in use, the BWC and related equipment shall be kept in a secure area. It is the employee's responsibility to ensure the BWC is kept in an area which will prevent the items from being damaged, lost, stolen, or accessed without authorization.

BWC devices are water resistant, but employees shall use care to protect the BWC device during inclement weather. Employees shall ensure BWC devices are not left in a hot vehicle for an extended period of time.

Employees shall ensure that BWC batteries are fully charged prior to each shift. It is the employee's responsibility to ensure their supply of BWC batteries are capable of lasting an entire shift.

422.8.2 BWC PRE-SHIFT INSPECTION

BWC equipment is the responsibility of the assigned officer and will be used with reasonable care to ensure proper functioning and reliability. Employees shall inspect their assigned BWC devices daily to ensure there is no visible damage and the device is in working order. Visual damage shall immediately be reported to a supervisor upon discovery.

Prior to going into service, the assigned employee shall inspect and test their BWC device and in-car camera system to assure they are in working order. Any malfunction shall be reported to a supervisor upon discovery.

422.8.3 IN-CAR CAMERA PRE-SHIFT PROCEDURES

Employees shall inspect the in-car camera system daily to ensure there is no visible damage. Visual damage shall immediately be reported to a supervisor upon discovery.

Prior to going into service, the assigned employee shall test their in-car camera system to assure it is in working order. Any malfunction shall be reported to a supervisor upon discovery.

Employees shall log into the in-car camera system and sync their BWC to their in-car camera system prior to the start of each shift.

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422.8.4 CAMERA POSITION

Employees shall wear the BWC in a conspicuous, visible location. The BWC shall be worn on or above the belt line of the torso, facing forward, on the outermost garment, and in a location that will facilitate an optimum recording field of view.

In-car cameras shall remain forward-facing, but may be turned and adjusted to record field activity as needed. If adjusted, the in-car camera shall be turned back to a forward-facing position at the conclusion of the call.

422.8.5 EQUIPMENT REPAIR, REPLACEMENT, AND MAINTENANCE

An employee with a BWC device in need of repair, replacement or maintenance will turn the device into their immediate supervisor or a System Administrator. If turned into a supervisor, the supervisor will send the System Administrators an email explaining the malfunction. The employee will obtain a spare BWC from their supervisor before going into service and conduct a pre-shift inspection of the device as outlined above. Employees shall notify a System Administrators if an in-car camera device is not working properly.

422.9 ADVISEMENT WHEN RECORDING

In a residence, there is a heightened degree and expectation of privacy. If an officer has authority to enter a dwelling without the consent of the resident, such as when serving a warrant, or when the officer is there based on an exception to the warrant requirement, recordings should be made of the incident until its conclusion.

Employees are not required to give notice that they are recording. However, if asked, employees shall advise citizens they are being recorded.

As a general rule, if the officer must legally ask permission to enter a premise, they should consider asking if the resident will allow recording. If a resident objects to the recording by the BWC inside of a private residence entered based only on consent, the officer shall turn off the device unless recording is otherwise expressly permitted under this Policy.

Before terminating a recording for reasons of privacy or other concerns, the officer shall document audibly on camera that they are turning off the camera, and then document this later in writing in a police report, where applicable.

If otherwise authorized under this Policy to record, officers are not required to cease lawful recording of an event, situation, or circumstances solely at the demand of a citizen or when the officer is lawfully in the area where the recording takes place.

422.10 WHEN TO ACTIVATE

This policy is not intended to describe every possible situation in which a BWC should or should not be used. Officers should follow the below guidelines, but activate the BWC anytime the officer believes it would be legal, appropriate, and valuable to record an incident. The activation shall be prior to contact, or as soon as safely possible to do so, and continue until the contact or event is concluded. If a contact resumes, so shall the BWC recording.

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Officers shall not turn the BWC on and off during a single incident as it will create an incomplete or edited recording of the incident, except as stated otherwise in this policy. Officers may mute BWC sound recordings where permitted by policy.

The safety of employees and members of the public is the highest priority, and the department acknowledges there may be situations in which operation of the device is impractical or may be an impediment to public or employee safety.

As a general rule, BWC and in-car camera systems should be turned on and left on from the start of an event or contact until its conclusion.

422.10.1 INVESTIGATIVE OR ENFORCEMENT RELATED CONTACTS

Employees shall activate the BWC to record any investigative or enforcement related contacts. Some examples are below, although the below list is not all-inclusive:

- All enforcement encounters where there is at least reasonable suspicion the persons(s) has committed, is committing or may be involved in criminal activity or any enforcement encounter where there is reason to believe that the individual is committing a violation for which a citation may be issued.
- Traffic or vehicle stops, stranded motorists, crime interdiction stops.
- Pedestrian stops, field contacts/interviews, consensual encounters, and detentions.
- Calls for service, complaints, and self-initiated activity.
- Backing up another city employee or law enforcement officer during any investigative enforcement related contact or any other situation where activation is required.
- Code 3 responses, vehicle pursuits, and foot pursuits.
- Uses of force
- SWAT operators shall deploy and activate BWCs in accordance with North County SWAT policies and directives.
- During the execution of a search warrant, an arrest warrant, a Fourth Amendment waiver search, or consent search while the employee is looking for evidence or contraband.
- Detentions and arrests
- Probation, parole, post-release community supervision, mandatory supervision or consent searches.
- Suspect, victim and witness statements unless otherwise stated under this policy.
- While transporting and booking prisoners.
 - Officers should abide by policies of other jail facilities, such as Orange County Jail, related to video recordings and use of BWC devices.
- Special events
 - As a general policy, employees should not record peaceful demonstrations.

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- Employee use of a BWC to record a special event, such as a political event, demonstration, or protest is at the discretion of the supervisor in charge of the event given no other requirements to record with a BWC have attached.
- During demonstrations, officers should record if the officer witnesses a crime occurring among demonstrators and/or believes enforcement action will be necessary and /or an arrest is likely.
- Pre-planned police actions where an Event Action Plan is generated, shall stipulate when BWC recordings should be initiated. This should be documented in the Event Action Plan. BWC recordings shall commence prior to the initiation of the police action and in the same manner as described above.
- Employees shall record all public interactions, regardless of context, that escalate and become adversarial.

422.10.2 LAWFUL SURREPTITIOUS RECORDING

An officer may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be for a lawful investigative purpose.

422.11 CESSATION OF RECORDING

Employees will use reasonable judgment in determining when to deactivate the body worn camera or mute audio recording (record video only), such as when the purpose for activation is no longer present. Examples include:

- An officer is assigned to an outer perimeter position for an extended period of time and has no verbal or visual contact with involved parties.
- An officer or jailer has secured a prisoner and are completing paperwork outside the presence of the prisoner, unless the prisoner is combative, agitated or otherwise uncooperative.
- An employee has a private conversation with a supervisor or fellow employee outside the presence of the involved parties.

If otherwise authorized under this Policy to record, employees are not required to cease lawful recordings of an event, situation or circumstances solely at the demand of a citizen.

Any permitted starts and stops should be documented on camera, audibly stating the reason why the recording is being stopped. Where applicable, the permitted start and stop reason should be documented in writing in a police report.

422.12 ACTIVATION NOT REQUIRED OR NOT PERMISSIBLE

Activation is not required or recording is not permitted under the following circumstances:

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- Employees are not required to activate the BWC or in-car camera systems during routine, incidental contact with a citizen, to include but not limited to, giving directions, casual conversation during lunch breaks, etc.
- Employees shall not record audio while they are conferring on a call, during tactical briefing and debriefings of events requiring BWC activation, or during safety and security procedures. Employees should consider muting audio recordings or deactivating the BWC during these interactions.
- BWCs shall not be activated anywhere within the department where a reasonable expectation of privacy exists, including, but not limited to, locker rooms, dressing rooms, sleep room, restrooms, briefings, lunchrooms, etc. unless such presence is directly relevant to a criminal investigation.
- BWCs shall not be activated during non-work-related activity.
- BWCs shall not be activated to surreptitiously record any department member without their consent, a court order, a reasonable belief that a crime is in progress, or unless lawfully authorized by the Chief of Police or designee for the purposes of an investigation.

422.13 DISCRETIONARY VIDEO RECORDING

Employees shall remain sensitive to the dignity of all individuals being video recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the employee that such privacy outweighs any legitimate law enforcement interest in recording. Employees should also be mindful of Health Insurance Portability and Accountability Act of 1996 (HIPAA) laws related to privacy of medical information. Requests to stop recording by the public should be considered using the same criterion. Recording should start or resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

422.13.1 DISCRETIONARY RECORDING IS AUTHORIZED WHEN:

- A witness or victim verbally or in any manner unequivocally refuses to provide a statement if recorded with the BWC or requests confidentiality and the encounter is a non-confrontational one.
- Being a victim of a domestic violence or sexual assault or similar act does not alone exempt an employee from being required to activate a BWC. In general, these cases should be recorded and an exigency must be present and memorialized if the BWC is not activated.
- Recording is found to be inappropriate because of a victim or witness age, physical condition, emotional state, or other sensitive circumstances.
- Recording would risk the safety of a confidential informant, citizen informant, or an undercover officer.
- Recording would violate federal HIPAA laws, such as when the recording would occur at an in-patient care area of a hospital, mental health facility, emergency rooms or other health care facility, or medical or psychological evaluations are taking place, unless an enforcement action is taking place simultaneously.

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- If a BWC is activated, care should be taken to record only the person to whom the officer is speaking
- Avoid recording exposed areas of the body that could cause embarrassment or humiliation unless such condition is relevant to the criminal investigation.

422.14 DOCUMENTATION OF RECORDED EVENTS

BWC and in-car camera recordings are not a substitute for a detailed report, and a report shall not list "refer to video" in lieu of writing a detailed report.

Employees will document the existence of BWC and in-car camera recordings in police reports, field interview cards, and citations. Employees should also document any instances where a recording was not initiated or was deactivated during an incident.

A BWC recording is not a substitute for taking evidentiary crime scene photos.

422.15 UPLOADING & STORAGE OF RECORDINGS

All BWC data shall be uploaded to a storage server. Employees are required to upload their BWC files at the end of each work shift, unless otherwise approved by a supervisor. Motor officers, canine officers, and non-uniform employees may, at minimum, intermittently upload their BWC footage once per on-duty work week, or as their respective workloads permit during any given shift.

In-car camera recordings should automatically upload to a storage server with no action needed from the employee.

Employees shall make their immediate supervisor or a System Administrator aware of data uploading problems as soon as possible.

In the event an employee is involved in an incident where the employee is incapacitated for any reason, the officer's supervisor shall take control of the BWC as soon as possible and assume all responsibility for storage and safekeeping.

The department's BWC and in-car camera storage systems shall have a built-in audit trail and a reliable method for back-up data storage. Where applicable, the storage system shall comply with current CJIS Security Policy of the U.S. Department of Justice and all legal retention requirements.

All recordings related to criminal proceedings, claims filed, pending litigation, or personnel complaints, shall be preserved in accordance with the law. All other recordings not governed by legal statute shall be retained in accordance with agency's record retention schedule. At all times the chain of custody of BWC and in-car camera recordings shall be maintained.

422.16 LINKING RECORDINGS TO INCIDENTS

Recordings may be automatically tagged and connected to incidents based on officer status and GPS proximity to an incident location. It is the employee's responsibility to verify the accuracy of these tags, removing unneeded tags and adding tags that were not automatically added. Employees are also responsible for assigning the most appropriate retention category to each recording.

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422.17 ACCESSING, REVIEWING & RELEASING BWC AND IN-CAR CAMERA RECORDINGS

Employees authorized by this policy may review BWC and in-car camera recordings on authorized equipment. All access to the system is automatically logged, subject to an audit, and is for official use only.

Authorization levels vary dependent upon rank/assignment and are assigned by the System Administrator.

422.17.1 EMPLOYEE REVIEW

An employee may review his or her own BWC recordings at any time, including in connection with an administrative inquiry. In addition:

- An employee may review recordings with other employees as it relates to their involvement in an incident or to continue the investigation.
- Review may be permitted in other situations not addressed by this policy, but approved by the Chief of Police or his designee. In each such situation, the reason shall be documented.
- Employees involved in a critical incident are permitted to review their own BWC and in-car camera footage, and all other relevant footage. This review should occur prior to any investigative interviews.
- In preparation for a civil deposition or responding to an interrogatory where the incident arises from an employee's official duties.
- When preparing to testify in a criminal, civil, or administrative proceeding arising from employee's official duties.

422.17.2 SUPERVISOR REVIEW

BWC recordings may be viewed by a supervisor at the rank of sergeant and above or an employee designated by the Chief of Police and working in Professional Standards for the following limited administration purposes:

- Any incident in which a member of the department is injured or killed during the performance of their duties.
- Any incident involving the use of force by a member of the department
- Any in-custody death
- Any police pursuit
- When any member of the department, not involved in training, intentionally or unintentionally discharges a firearm.
- When any member of the department, not involved in training, intentionally or unintentionally discharges a Conductive Energy Weapon.
- Employee-involved traffic collisions

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- Prior to the release of recordings in response to a proper legal request (e.g., in response to a subpoena or other court order).
- In preparation for a civil deposition or responding to an interrogatory where the incident arises from an employee's official duties.
- When preparing to testify in a criminal, civil, or administrative proceeding arising from employee's official duties.
- For investigations undertaken by the department, for the purpose of proving or disproving specific allegations of misconduct.
 - For administrative proceedings, when digital evidence is used by the department for the purpose of proving or disproving allegations of misconduct, only recordings relevant to the particular incident shall be reviewed and retained by investigators.
 - Information relevant to the recordings viewed and seized as evidence by the investigators shall be documented as part of the chronological summary of any investigation undertaken by the department.

422.17.3 REVIEWS FOR EMPLOYEE PERFORMANCE EVALUATION

BWC recordings may be audited at various points during the employee's annual evaluation period by their direct supervisor. These audits shall occur at intervals and frequencies as specified in the Evaluation of Employees policy. Each performance review audit will consist of random samplings to ensure compliance with the purpose, scope, and adherence to this policy. Additional audits may occur if a policy violation is noted.

422.17.4 REVIEWING PROHIBITED

Review by non-department personnel is prohibited unless at the direction of the Chief of Police or the Chief's designee, with the exception of the District Attorney's Office, City Attorney's Office, or City Risk Manager regarding civil or criminal court proceedings, and/or CPRA requests. Confidentiality shall be considered when an employee is reviewing digital files.

422.17.5 RELEASE OUTSIDE THE DEPARTMENT

BWC and in-car camera data shall be treated as official records and handled pursuant to existing department policies and procedures for release.

Except as otherwise provided by law, including the California Public Records Act (CPRA), subpoenas, and/or other civil and criminal discovery process, BWC and in-car camera recordings will be considered investigative records, exempt from disclosure per Government Code Section 6254(f). The department will comply fully with the Public Records Act as it applies to BWC and in-car camera footage, but considers all footage exempt from disclosure, except as is determined otherwise by department officials or a court of law. All Public Records Act requests will be processed pursuant to Department Policy pertaining to Records Maintenance and Release. Any release of recordings is at the discretion of the Chief of Police and must be authorized by the Chief of Police prior to release.

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In the interest of transparency, the Chief of Police may, at his or her discretion, proactively release portions of BWC and in-car recordings and other pertinent incident details related to critical incidents that generate significant community interest, significant media interest, have the potential to create controversy, or may have impact police-community relations. In such cases, the Chief of Police or his or her designee shall redact images of uninvolved individuals prior to release.

Prior to release, notification shall be made to the family of the involved citizens and to the involved officers. It is the intention of the Chief of Police to release this information within sixty days of such incidents.

422.17.6 USE OF DATA FOR TRAINING PURPOSES

Officers and supervisors may find it useful and are encouraged to review recordings of incidents when beneficial to assist the department in evaluating and improving department practices, tactics, strategy, for officer training and safety practices, for the purposes of conducting a tactical debrief, and/or other training. When a recorded incident is found to be of value as a training aid for employees of the department, the recording officer's supervisor may view or allow viewing by the involved officers or other department employees who may benefit. Employees depicted in these recordings shall be notified prior to the recordings being used for training purposes.

Supervisors may review BWC and in-car camera footage at any time to monitor the performance of probationary police officers.

Reviews may be conducted on BWC footage of officers who are on a Performance Improvement Plan (PIP), although the review shall be limited to only the specific performance issues outlined in the PIP.

422.17.7 DISCOVERY OF MISCONDUCT DURING REVIEW

Employees reviewing event recordings should remain focused on the incidents in question and review only recordings relevant to their investigative scope. If improper conduct is discovered during any review of digital data, the person who discovered the conduct in question shall notify a supervisor immediately.

Supervisors who discover misconduct while reviewing event recordings related to training, debriefing, performance evaluations, monitoring of probationary employees, or reviewing footage related to a PIP shall report and/or investigate the discovered misconduct pursuant to the Personnel Complaints policy.

422.18 REDACTION AND DELETION OF RECORDINGS

In the event of an accidental activation of a BWC or in-car camera where the resulting recording is of no investigative or evidentiary value, the recording employee may request that a portion of the recordings be redacted or the entire recording be deleted by contacting their direct supervisor and then requesting this action through the System Administrator.

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The supervisor will submit a request in writing to their Division Commander via the chain of command requesting the deletion/redaction of the video. If approved, the Division Commander will forward the request to a System Administrator requesting the deletion/redaction.

Final authority on deletion or redaction of videos rests with the Chief of Police.

422.19 BUFFERING PERIODS AND PASSIVE RECORDING

BWC and in-car camera systems have an optional pre-recording buffering function, where a specified period of time preceding the activation of the systems will automatically get added to each recording. The purpose is to capture events that preceded and led up to the activation. The buffering period shall be set to one minute. In general, this buffering period will contain video only and no sound.

Both BWC and in-car cameras systems have a passive recording feature. The devices record video constantly and store video recordings until the device memories becomes full, at which time the recordings are written over. The feature allows creation of videos from these passive recordings. In general, the passive recording will contain video only and no sound. Re-creation of videos shall not be used on a routine basis, and are only to be used for specific incidents or significant investigations, such as critical incidents or allegations of misconduct.

Requests for creation of video from passive recordings shall be made in writing to the Division Commander. The request shall contain the specific date and time, identity of the BWC device, and specific justification for creating the video. Requests may be made by employees or supervisors. Upon approval, the Division Commander will direct a System Administrator to create the video.

To avoid having the passive recordings overwritten, the device containing the footage should be taken out of service until the requested video has been preserved and re-created.

422.20 FACIAL RECOGNITION

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with body worn cameras is prohibited by California law.

422.21 SYSTEM AUDIT

The BWC and in-car camera programs, in their entirety, shall be audited annually to ensure fulfillment of the purpose and objectives of the program, compliance with operational procedures, retention policy, storage, data security, access, use, and release of recordings, data and files specified in this policy and applicable laws and ordinances.

The System Administrator will consult with the Information Technology Department for equipment and hardware functionality.

An audit report shall be made to the Chief of Police regarding the system's functionality and usage statistics.