
Body-Worn Camera System

447.1 PURPOSE

Purpose

- (a) To provide policy and procedures for the use of the body-worn camera system which includes video recording of field activity in the course of official police duties.
- (b) The use of the body-worn camera system provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Personnel shall utilize this device in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation, to achieve operational objectives, and to ensure evidence integrity.

447.2 DEFINITIONS

- (a) PERSONNEL - Personnel who are trained and assigned to use the body-worn camera system.
- (b) ROUTINE - During the regular course of one's duties.
- (c) BODY-WORN CAMERA SYSTEM DEVICE - The system is a body-worn, on-officer video camera.

447.3 RESPONSIBILITIES

- (a) System Administrators - City of Fremont Info Systems and ITS personnel are designated Systems Administrators. Their duties include:
 - 1. Operation and user administration of the system including software upgrades and system configuration changes
 - 2. System evaluation and quality control
- (b) Department Administrators - Department Administrators are designated by the Chief of Police. Their duties include:
 - 1. Training
 - 2. Policy and procedure review and evaluation
 - 3. Coordination with IT regarding system related issues
 - 4. Ensuring body-worn camera system files of evidentiary value are secured and maintained for a minimum of three (3) years. Ensure all other routine files are secured and maintained for three (3) years.
 - 5. Ensuring body-worn camera system files are reviewed and released in accordance with federal, state, local statutes and the City of Fremont Police Department retention policy.
- (c) Supervisors:

Fremont Police Department

Policy Manual

Body-Worn Camera System

1. Supervisors will ensure personnel utilize the body-worn camera system according to policy guidelines.
 2. Supervisors may review all video files when there is a legitimate business purpose. Supervisors should review all files capturing use-of-force incidents, pursuits, and significant events.
 3. Minor infractions (not criminal in nature) discovered during the routine review of recorded materials in accordance with departmental policy should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken.
 4. When reviewing the video files, supervisors who find an issue portrayed in the video that could be used for a training point will need the approval of the shift lieutenant and shall confer with the officer before showing the video file in briefing. The intent of showing the video files in the briefing setting is for training purposes only. Sergeants should work with the assigned training sergeant to look for opportunities to use the video files for departmental training purposes.
- (d) Personnel utilizing the body-worn camera system shall:
1. Wear the device during any primary regular duty shift, and primary duty overtime shift, and when the Chief of Police or designee deems it appropriate to wear. Personnel will use only the body-worn camera system issued and approved by the Department. The wearing of any other personal video recording device is not authorized.
 2. Ensure the battery is fully charged and operating properly.
 3. Immediately report malfunctioning, damaged, or missing equipment to their immediate supervisor and notify the System Administrator via HelpDesk email prior to the end of their shift.
 4. If a police report, field interrogation card, or citation is used to document an incident, use of the body-worn camera system should be noted.
 5. Once video is captured, officers should identify body-worn camera system files as follows:
 - (a) By the end of each shift, personnel will initiate the upload process. They will review new video, classify their files appropriately with the assigned case number, citation number, or incident history number, or leave it unassigned. The review and tagging will be completed prior to the end of shift unless a hold-over is approved by a sergeant.
 - (b) Enter a title which includes information to identify the file, such as crime code, suspect name, location, event, etc.
 - (c) Select the appropriate category or categories.

Body-Worn Camera System

- (d) The information may be entered via hand held device, mobile device, or FPD computer work station before the end of the shift.
- (e) If appropriate, personnel will mark the digital evidence box in ARS.
- (f) In the event of an equipment malfunction in the field resulting in no video files being captured, personnel will notify his/her supervisor. If a police report is written documenting the incident, personnel should note in the report the fact that a malfunction occurred. If no police report is written documenting the incident, personnel should note in the CAD incident history the fact that a malfunction occurred.

447.4 ACTIVATION OF THE BODY-WORN CAMERA SYSTEM

- (a) There are many situations where the use of the body-worn camera system is appropriate. This policy is not intended to describe every possible circumstance. At no time are personnel required to jeopardize their safety in order to activate a body-worn camera system. However, the body-worn camera system should be activated in required situations as soon as practicable. The activation of the body-worn camera system is required in any of the following incidents:
 - 1. All enforcement and investigative contacts including: detentions and field interview (FI) situations, probation and parole searches, search warrants, etc.
 - 2. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops.
 - 3. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
 - 4. Code 3 responses.
 - 5. Vehicle pursuits.
 - 6. Prisoner transports.
 - 7. Any other situation where audio and visual evidence would be of use.
- (b) The body-worn camera system shall not be used to record non-business related activity.
- (c) The body-worn camera system should not be activated in restrooms unless a specific business purpose requires its use.
- (d) The body-worn camera system should not be activated at the Fremont Police facility without a specific business purpose.
- (e) Personnel shall not activate the body-worn camera system device to record any personal conversation with or between other Department members or city employees.
- (f) Personnel should not ordinarily activate the body-worn camera system when meeting with confidential informants.
- (g) Sworn personnel are not required to obtain consent to record from a private person when:

Body-Worn Camera System

1. In a public place.
 2. In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where personnel are lawfully present and engaged in the performance of official duties).
- (h) Under sensitive circumstances, personnel should consider whether to advise private persons they are recording such as in a home, place of business, or during the rendering of medical care.

447.4.1 CESSATION OF RECORDING

- (a) Once activated, the recording should continue until the officer reasonably believes the encounter has concluded, the situation has stabilized, or further recording would not be of evidentiary value. The officer may halt the recording in accordance with this policy, in between interviews, or when directed by a supervisor.
- (b) Officers may cease recording when encountering or interviewing a victim who is in a vulnerable position or who asks not to be video-recorded.
- (c) Officers may cease recording when interviewing a subject who does not want to be video-recorded and the officer feels obtaining the information or statement exceeds the importance of video evidence.
- (d) In all cases above, the officer should verbally express the intent to stop recording prior to turning off the equipment, and should verbally express it has resumed if later reactivated. The officers should consider whether activating another type of recording device, such as audio recording would be appropriate for memorializing the interaction.

447.5 OPERATION

- (a) Only trained personnel shall operate the body-worn camera system.
- (b) Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the body-worn camera system.
- (c) Personnel shall position the camera on the front of their uniform to facilitate optimum recording field of view.
- (d) The body-worn camera system must be manually activated.
- (e) Personnel should dock their issued camera for automated upload of body-worn camera system data files daily at the end of their shift at the docking station to ensure storage capacity is not exceeded and/or to view uploaded audio/video.

Fremont Police Department

Policy Manual

Body-Worn Camera System

447.6 REVIEW OF BODY-WORN CAMERA SYSTEM FILES

- (a) Although the data captured by the body-worn camera system is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis. Employees authorized under this policy may review video according to the provisions of this policy.
- (b) Once uploaded to the server, personnel may view their own audio/video data at a department desktop computer and documenting the reason for access in the "NOTES" section prior to viewing any data. Access is automatically time/date stamped and records each access by name.
- (c) An employee may review their own recorded body-worn camera system files under the following circumstances:
 - 1. For the purpose of completing a criminal investigation and preparing official reports.
 - 2. To prepare for courtroom testimony or courtroom presentation.
 - 3. Following a critical incident: with supervisor approval, refer to Officer-Involved Shooting/Great Bodily Injury Incidents policy (310).
 - 4. For potential training purposes.
- (d) Supervisors may review all video files when there is a legitimate business purpose.

447.7 BODY-WORN CAMERA SYSTEM FILE REQUESTS

- (a) Unauthorized use, duplication, and/or distribution of body-worn camera system files are prohibited. Personnel shall not make copies of any body-worn camera system file for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to record body-worn camera system files. All recorded media, images and audio are property of the Fremont Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.
- (b) Departmental requests, including requests from the District Attorney's Office or City Attorney's Office, shall be forwarded as a written request via e-mail, to the Property Unit, with sufficient information to locate the body-worn camera system file.
- (c) Non-Department Requests
 - 1. All other requests for a body-worn camera system file shall be accepted and processed in accordance with federal, state and local statutes and departmental policy (court cases, subpoenas, Release of Records and Information requests, etc.).
 - 2. Media and/or Public Records Act requests shall be received and processed in accordance with federal, state, local laws and departmental policy.

Fremont Police Department

Policy Manual

Body-Worn Camera System

3. When practical, personnel will be advised prior to any release of video under the CPRA (California Public Records Act) and the guidelines consistent with departmental policy.
- (d) Request for Deletion of Accidental Recording
1. In the event of an accidental activation of the body-worn camera system, the recording employee may request that the body-worn camera system file be deleted by submitting an e-mail request with sufficient information to locate the body-worn camera system file to the Patrol Division Commander, who shall review the file, approve or deny the request, and forward to the System Administrator for action.
- (e) Copying Procedures
1. A copy of the body-worn camera system file can be requested in accordance with the provisions of this policy.
 2. Property Officers will be responsible for handling evidence requests for DVD copies and online sharing of files produced by the body-worn camera system system for court and other approved requests by the Chief of Police or his/her designee.
 3. Property Officers will make a notation of the requestor and reason for each download, in the Evidence.com system.
- (f) Investigators conducting criminal or internal investigations shall advise the System Administrator to restrict access/public disclosure of the body-worn camera system file in criminal or internal investigations, when necessary.
- (g) A body-worn camera system file may be utilized as a training tool for individuals, specific units, and the department as a whole. A recommendation to utilize a body-worn camera system file for such purpose may come from any source as outlined below:
1. A person recommending utilization of a body-worn camera system file for training purposes shall submit the recommendation through the chain of command to the Patrol Division Commander or designee.
 2. If an involved officer or employee objects to the showing of a recording, his/her objection will be submitted to staff to determine if the employee's objections outweigh the training value. The Patrol Division Commander or designee shall review the recommendation and determine how best to utilize the body-worn camera system file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g., department policy, Training Bulletin, Officer Safety Bulletin, briefing or other training).