
Body-Worn Camera System

433.1 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.

433.2 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.
- (d) SPECIALIZED UNIT / NON-UNIFORMED PERSONNEL - Sworn personnel assigned to a unit or group that does not routinely dress in full police uniform due to the requirements and needs of their particular assignment.

433.3 RESPONSIBILITIES

System Administrators - City of Fremont Information Technology Systems (ITS) personnel are designated Systems Administrators. Their duties include:

- (a) Operation and user administration of the system including software upgrades and system
- (b) System evaluation and quality control

Department Administrators - Department Administrators are designated by the Chief of Police. Their duties include:

- (a) Oversight of the Body Worn Camera System
- (b) Establish policy and procedure for the use of body-worn cameras
- (c) Establish a system for downloading, storing and security of recordings
- (d) Designating persons responsible for downloading recorded data
- (e) Establishing maintenance system to ensure availability of operable body-worn camera and in-car cameras
- (f) Establishing a system for tagging and categorizing data according to the type of incident captured

Fremont Police Department

Fremont PD CA Policy Manual

Body-Worn Camera System

- (g) Establishing a system to prevent tampering, deleting, and copying recordings and ensure chain of custody integrity
- (h) Maintaining logs of access and deletions of recordings.
- (i) Training and user administration
- (j) Coordination with ITS regarding system related issues.
- (k) Categories and retention schedule:
 - 1. Non-Criminal Evidence - 1 year
 - 2. Traffic Stop - 1 year
 - 3. Criminal - Misdemeanor - 3 years
 - 4. Criminal - Felony - 6 years
 - 5. Test - 10 days
 - 6. Property (IA Use Only) - 4 days
 - 7. 10 year category - 10 years
 - 8. Indefinite - indefinite
 - 9. Unknown - indefinite
- (l) Ensuring body-worn camera system files are reviewed and released in accordance with Federal, State, and local statutes and the City of Fremont Police Department retention policy.

Supervisors:

- (a) Supervisors shall ensure personnel utilize the body-worn camera system according to these policy guidelines.
- (b) Supervisors may verify compliance by conducting periodic and random audits of the body-worn activity of personnel whom they supervise.
- (c) 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.
- (d) 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.
- (e) When reviewing the video files, supervisors who find conduct 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. The intent of showing video files is for training purposes only. Sergeants should work with the training sergeant to look for opportunities to use video files for departmental training purposes.

Fremont Police Department

Fremont PD CA Policy Manual

Body-Worn Camera System

- (f) Supervisors should take custody of a body-worn camera device as soon as practical when the device may have captured an officer-involved shooting or other serious incidents to ensure the data is uploaded.

Personnel assigned a body-worn camera:

- (a) Only trained personnel shall operate the body-worn camera system.
- (b) Personnel shall obtain a functioning body-worn camera prior to the start of their shift.
- (c) Personnel shall secure their body-worn camera on their person for immediate deployment except when entering restrooms, locker rooms, and the station.
- (d) Personnel shall position the camera on the front of their uniform to facilitate optimum recording field of view.
- (e) Personnel shall 'Power on' the body-worn camera and ensure the battery is fully charged and operating properly before going into service.
- (f) Personnel may turn off their body-worn camera when entering the police facility. Personnel shall "power on" their body-worn camera when leaving the police facility and should remain powered on while on patrol.
- (g) Personnel shall wear their body-worn camera while on-duty, with the exception of officers assigned to specialized units and non-uniformed personnel as described in section 5 (Specialized Units/Non-Uniformed Personnel) of this policy. 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.
- (h) Personnel shall 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.
- (i) When a body-worn camera malfunctions or is inoperable during his/her shift, personnel shall obtain a functioning body-worn camera when practicable.
- (j) Personnel shall not remove, dismantle, or tamper with any hardware and/or software component of the body-worn camera system.
- (k) If a police report, field interrogation card, or citation is used to document an incident, the use of the body-worn camera system should be noted in the ARS report or CAD history.
- (l) Once video is captured, officers should identify body-worn camera system files as follows:
 1. By the end of each shift, personnel will initiate the upload process. Officers assigned to a specialized unit shall upload videos as soon as practical. Personnel will review new video, classify their files appropriately with the assigned case number, citation number, or incident history number. The review and tagging will be completed prior to the end of shift unless otherwise approved by a sergeant.
 2. Enter a title which includes information to identify the file, such as criminal code, suspect name, location, event, etc.

Fremont Police Department

Fremont PD CA Policy Manual

Body-Worn Camera System

3. Select the appropriate category.
4. Personnel should mark the body-worn camera box in ARS.
5. In the event of an equipment malfunction in the field resulting in no video files being captured, personnel will notify a 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.

Property Officer's Responsibilities

- (a) Property Officers will be responsible for handling, evidence requests for DVD or digital copies of files produced by the body-worn camera system for evidence in court proceedings and other requests approved by the Chief of Police.
- (b) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (c) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the property officer:
 1. Ensures that the recordings are stored in a secure location with authorized controlled access.
 2. Makes the appropriate entries in the chain of custody log
- (d) Media shall only be erased according to the following:
 1. Pursuant to a court order
 2. In accordance with established retention policies.
 3. Pursuant to a request from a Division Commander as outlined in section 8(d)(1) (BODY-WORN CAMERA SYSTEM FILE REQUESTS) in this policy.
- (e) Ensure an adequate supply of recording media is available.
- (f) Manage the long-term storage of recordings that have been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

Records Unit Responsibilities

- (a) The Records Unit will be responsible for processing all Public Records Act requests, subpoenas and District Attorney's Office requests for recordings produced by the body-worn camera system.
- (b) The Records Unit will be responsible for the receipt and processing of court-ordered record seals in accordance with Penal Code §851.8 - Adult Seal; Welfare and Institutions Code sections 389(c) and 781(d) - Juvenile Seal; for recordings produced by the body-worn camera system to include retrieval and erasing of media.

Body-Worn Camera System

433.4 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 shall 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, with exception of those described in section 5 (SPECIALIZED UNITS / NON-UNIFORMED PERSONNEL) of this policy:
1. Prior to arrival to a call for service when practicable.
 2. All enforcement and investigative contacts including, but not limited to:
 - (a) Detentions and field interview (FI) situations, probation and parole searches, search warrants, etc.
 - (b) All arrests and/or citations
 - (c) Suspect statements
 - (d) All incidents involving the use of force
 - (e) Canine officers shall record the audible warning of a canine deployment
 - (f) Traffic stops, including, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops
 - (g) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
 - (h) Code 3 responses
 - (i) Vehicle pursuits
 - (j) Transports involving prisoners, suspects, victims, witnesses or any person involved in the investigation.
 - (k) Any other situation where personnel determines 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 shall not be activated in restrooms/locker rooms unless a specific business purpose requires its use.
- (d) The body-worn camera system shall 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 shall not activate their body-worn camera system to record privileged communication such as: doctor/patient; and attorney/client.

Fremont Police Department

Fremont PD CA Policy Manual

Body-Worn Camera System

- (g) Personnel should not ordinarily activate the body-worn camera system when meeting with confidential informants unless surreptitious recording is in compliance with section (h).
- (h) Sworn personnel are not required to obtain consent to record a private person when:
 - 1. The officer is investigating a crime.
 - 2. The officer or the person being recorded is in a location where there is no reasonable expectation of privacy (e.g. inside a building or dwelling where police personnel are lawfully present and engaged in the performance of official duties);
or
 - 3. The person being recorded is in a public place. A recording is not surreptitious when the device is in plain view.
- (i) Under sensitive circumstances, personnel should consider whether to advise private persons they are recording such as in a residence, place of business, or during the rendering of medical care.
- (j) Personnel should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect the privacy by discontinuing recording whenever it reasonably appears to the officer that such privacy may outweigh any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

433.4.1 CESSATION OF RECORDING

- (a) During an officer involved shooting or other serious incident, personnel shall continue recording until directed by a supervisor to stop recording.
- (b) In other incidents, the recording should continue until the officer reasonably believes the encounter has concluded or the situation has stabilized. The officer may halt the recording in accordance with this policy, in between interviews, or when directed by a supervisor.
- (c) Officers may cease recording when encountering or interviewing a victim who is in a vulnerable position or who asks not to be video-recorded.
- (d) 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.
- (e) In all cases above, the officer or supervisor 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 activating another type of recording device, such as an audio recorder, if appropriate for memorializing the interaction.

433.5 SPECIALIZED UNITS / NON-UNIFORMED PERSONNEL

- (a) It is recognized that employees assigned to a specialized unit or a task force could face several practical and operational challenges that may on occasion prevent the use of body-worn cameras while performing their duties. Employees issued a body-worn

Fremont Police Department

Fremont PD CA Policy Manual

Body-Worn Camera System

camera system, and who are assigned to specialized units (non-uniformed positions), should have their body-worn camera available to be used if needed. Such non-uniformed employees are responsible for ensuring the recording devices are in good working order prior to going on duty and shall use the device in accordance with this policy whenever they are involved in pre-planned events or pre-planned enforcement as outlined in section 4 (ACTIVATION OF THE BODY-WORN CAMERA SYSTEM) of this policy.

- (b) Supervisors or managers of specialized units may temporarily suspend an employee's requirement to carry or use a body-worn camera device when the circumstances dictate that carrying the device would jeopardize officer safety or the investigation. These circumstances include but are not limited to contact with confidential informants, special investigations, intelligence gathering missions and certain undercover operations. Supervisors should be able to explain the circumstances of the police operation or conditions that would be jeopardized or inhibited by the employee carrying or activating the recorder. If an officer is presented with a situation that would prohibit activation of the body-worn camera system, the employee shall notify their supervisor as soon as practical of the circumstances preventing the use of the equipment.
- (c) Person assigned to specialized units or task force shall record interviews with either their body-worn camera, digital audio recorder, interview room recording system, or other like manner of recording.

433.6 TACTICAL OPERATIONS RECORDING

Intelligence briefings and tactical planning as part of the planning process should not be recorded.

Whenever reasonably possible, each officer directly deployed at a point of contact during a tactical event shall activate his or her body-worn camera prior to the beginning of any of the following situations:

- (a) Dynamic, tactical, and/or forcible entries to structures
- (b) Contiguous with a tactical entry, the clearing of a structure to determine the presence of a threat or persons
- (c) Coordinated tactical takedowns or interventions of suspects in vehicles
- (d) Area searches for hidden or barricaded suspects

If an officer is on a perimeter post or assigned to a static post where he/she is not in contact with citizens, involved in an enforcement action or actively part of the investigation, he/she may deactivate their body-worn camera.

433.7 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.

Fremont Police Department

Fremont PD CA Policy Manual

Body-Worn Camera System

Personnel 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 files. Personnel may view audio/video data files from another employee's body-worn camera only when they are involved in the incident and with supervisor approval. Personnel may only view audio/video data associated to their investigation on a right to know, need to know basis. Access is automatically time/date stamped and records each access by name.
- (c) Personnel may review 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.
 - 4. All personnel shall only review recorded body-worn camera system files on a right to know, need to know basis.
- (d) Supervisors may review all video files when there is a legitimate business purpose.

433.8 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.
 - 2. Media and/or Public Records Act requests shall be received and processed in accordance with Federal, State, Local laws and departmental policy.
 - 3. When practical, involved 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

Fremont Police Department

Fremont PD CA Policy Manual

Body-Worn Camera System

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 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 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 and WatchGuard systems.
- (f) Investigators conducting criminal or internal investigations shall advise the System Administrator to restrict access/public disclosure of the body-worn camera system file, 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 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 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).

433.9 AUDIT RESPONSIBILITIES

The Division Commander or designee will conduct periodic, random audits to ensure the body-worn camera system is operating properly and the camera is being utilized in accordance with policy.