

GENERAL ORDER

4

EFFECTIVE: 1 March 2018

REVISED:

SUBJECT: Body Worn Camera Policy

ISSUED BY: Fernando Solorzano

I. PURPOSE

The purpose of this policy is to establish guidelines for the use of Body Worn Cameras (BWC) by officers working for the California State University, Long Beach Police Department while on-duty and during work related contacts with the public in accordance with the law.

II. OBJECTIVES

CSULB PD has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follow:

- a. Collect evidence for use in criminal investigations and prosecutions;
- b. Deterring criminal activity and uncooperative behavior during police-public interaction;
- c. Assist officers with completing reports and providing testimony in court;
- d. Promote accountability;
- e. Assist in resolving complaints against officers including false allegations by members of the public; and
- f. Provide additional information for officer evaluations, training and continuous improvement.

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

III. POLICY

The Body worn Camera, is an audio and video capturing system that is attached to the outside, upper body of an officer's uniform, facing forward to make video and audio

recordings. It shall be used to document incidents that occur in official duties of CSU peace officers.

The following shall be the policy when using the BCW:

- (a) On-duty uniformed officers responding to calls for service or taking enforcement action shall make every effort to activate the BWC to record contact with citizens in the performance of their official duties.
- (b) Peace officers shall make every effort to immediately activate their body camera upon being dispatched Code-3 or any call that may be perceived as a critical incident (Part 1 crime). The BWC shall remain activated until the contact, incident or event is completed to ensure the integrity of the recording. Except in situations that meet section IV.
- (c) The Chief of Police at each campus shall determine how the BWC shall be worn by the officers within their Department.
- (d) If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why the recording was not made, was interrupted or was terminated for reasons other than described in section IV, via a memo to the officer's watch commander. This memo will be accomplished by email.
- (e) Officers shall document in police reports whether a BWC was utilized. (e.g. "My Dept. issued BWC was activated during the contact, detention, arrest, etc.)
- (f) For the purposes of this policy, it shall be presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted body camera will have knowledge that such contact is being recorded. A uniformed officer shall give an affirmative answer if asked by a citizen if they are being recorded during the course of an official contact.
- (g) BWC equipment will be issued to all peace officers at the rank of sergeant and below. Uniformed officers who are assigned BWC equipment must use the equipment unless otherwise authorized by Command Staff. Officers shall use the BWC's issued or approved by their Department.
- (h) The BWC equipment and all data, images, video, and metadata captured, recorded or otherwise produced by the equipment is the sole property of the officer's home campus Police Department.
- (i) Police personnel who are assigned the BWC's shall complete a training program to ensure proper use and operations of the equipment prior to deployment in field operations. Future training may be periodically required to ensure the continued effective use and operation of the equipment, proper calibration, performance, and to incorporate changes, updates, or other revisions in policy and equipment.
- (j) Prior to going into service, uniformed officers shall confirm that the BWC is working and recording properly. If the BWC is not working or malfunctions at any time, the officer shall promptly notify his/her supervisor and obtain a functioning BWC.
- (k) On-duty uniformed officers shall not be financially responsible for damaged, broken or inoperable BWC equipment unless abuse or negligence of the equipment is found to be the cause. Any equipment malfunctions shall be brought

to the attention of the officer's on-duty supervisor via a memorandum outlining the circumstances that led to the affected BWC so a replacement unit may be procured. This memorandum will be accomplished by email.

- (l) Officers shall not edit, alter, erase, duplicate, copy, share or otherwise distribute BWC recordings in any matter without prior written authorization and approval from the Chief of Police or designee.
- (m) Requests for deletions of recordings or any portion thereof must be submitted in writing and approved by the Chief of Police or designee in accordance with CSU record retention policy.

IV. RESTRICTED USE OF BWC

- a. At no time should an officer jeopardize his or her safety in order to activate a BWC, recorder or change the recordings functions.
- b. No member of this Department may surreptitiously record a conversation of any other member of this Department with the BWC or any other recording device when a reasonable expectation of privacy exists and without the expressed written knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code 3303 (g).
- c. There may be times when officer's should be sensitive to a situation and use discretion on their decision to record contacts while handling certain calls for service. Some examples include but are not limited to: Interviewing of sexual assault victims, recording in Hospitals when other patients not related to a Police incident could be recorded or at the request of Hospital staff members.
- d. In certain situations, where police tactics or confidentiality may jeopardize officer safety or case sensitive information, activations of the BWC may not be warranted. These situations include but are not limited to: Detective Bureau investigations, Gang Intelligence operations, tactical operations, undercover operations, and interviews with criminal/confidential informants. The reason as to why a recording was paused or not made at all is to be documented in the police report.
- e. An officer, who is investigating a possible explosive device and is in close proximity of the device, shall turn off their camera.
- f. Officers are prohibited from utilizing department issued BWCs and recording media for personal use. Any unauthorized use of the BWCs by department personnel may result in disciplinary action.

V. STORAGE AND REVIEW OF MEDIA FILES

- a. All files should be securely downloaded periodically and no later than the end of each patrol shift. If an officer is unable to download at the end of his/her shift, the officer shall ask their on-duty supervisor if it is acceptable to download the files at the beginning of the officer's next shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.

- b. Files should be securely stored in accordance with CSU Records and Retention Policy. The files should be stored no longer than useful for the purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice system.
- c. Officers shall have the right to review their recordings and use the recordings as a resource for preparing to write police reports, to participate in an internal affairs interview and/or to provide a statement regarding a critical incident. The section does not apply to a public safety statement regarding a critical incident. Officers should not use the fact that a recording was made as a reason to write a less detailed report.
- d. All images and sounds recorded by the BWC are the exclusive property of the Department. Accessing, copying or releasing files for non-law enforcement purposes is strictly prohibited and may result in disciplinary action.
- e. Command staff retains authority to audit the storage at random in order to ensure authorized users are accessing the data for legitimate and authorized purposes.
- f. Command staff retains the authority to randomly view officer recordings for the purpose of validity testing. The random viewing will be conducted by the Operations Captain or Lieutenant. The method of random selection will be agreed upon by the SUPA Representative and the Chief of Police. One recording per officer may be selected each month and reviewed. Any performance issue will be discussed with the officer. Violations of policy will be reviewed using the campus' procedures for conducting Internal Affairs Violations.
- g. Specific and targeted audits for cause are not allowed unless well-founded suspicion that the officer has been violating policy or performance standards. Command Staff shall be notified and the campus' procedures for conducting Internal Affairs Investigations will guide the review.
- h. Video and/or audio recordings may be played for the purposes of training with written approval from the Chief of Police or his/her designee. If an involved officer objects to the playing of an audio/video recording, his or her objection will be submitted to the Chief of Police or his/her designee to determine if the training value outweighs the officer's objection to have others review the audio/video file.
- i. In no event shall any recording be used or reviewed for the purpose of officer ridicule or embarrassing an employee.
- j. In compliance with a public records act request no outside member of the department may review stored footage without the consent of the Chief of Police and after a reasonable attempt to notify the officer has been made.
- k. Upon Command Staff approval, recorded files may be reviewed by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- l. Pursuant to lawful process, recorded files may be reviewed or provided to court personnel who are authorized to review evidence in a related case.
- m. Media personnel with permission of the Chief of Police or the authorized designee may review or be provided recorded files.
- n. All recordings will be reviewed by a member of the Command Staff prior to public release. Recordings that unreasonably violate a person's privacy or sense

of dignity should not be publicly released unless disclosure is required by law or order of the court. Every effort to protect the identities of involved parties in the video will be conducted to the extent allowed by law.

APPROVED

