

## Field-Based Video Policy

### 446.1 PURPOSE AND SCOPE

The Palo Alto Police Department has equipped officers with body-worn cameras to work in conjunction with the in-car camera recording system in patrol vehicles to provide a record of events and assist officers in the performance of their duties. The body-worn cameras and the in-car camera system will work as one integrated field-based video system that captures the same event and automatically links it to the Department's evidence library. The body-worn cameras may also be independently deployed for various non-patrol related assignments or when a police vehicle is not available to use as an integrated field-based video solution.

This policy provides guidance on the use of these systems.

#### 446.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the body-worn camera or the in-car camera recording system to transmit or store video or audio data in an active mode.

**Field-based video** – The recorded audio, images, and media collected from the body-worn camera and the in-car camera systems.

**Body-worn camera** – A wearable camera acting as a digital video recording system that captures, processes, and stores video and audio evidence that can be uploaded to an evidence library for evidence management. The body-worn camera is a component of the Department's field-based video system.

**In-car camera system and Mobile Audio/Video (MAV) system**- Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor. The in-car camera system is a component of the Department's field-based video system.

**Field-based video technician** - Personnel certified or trained in the operational use and repair of the Vista body-worn camera or MAV system, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage medium or portable media.

### 446.2 POLICY

It is the policy of the Palo Alto Police Department to use the body-worn camera in conjunction with the in-car camera system to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

## 446.3 OFFICER RESPONSIBILITIES

The body-worn camera and the in-car camera system are different components of the field-based video system and each must be logged onto separately in order for the media from an event to be linked to the Department's evidence library. The use of these systems is mandatory for sworn Field Services Division personnel as outlined in this policy.

### 446.3.1 REQUIRED PROCEDURES FOR LOGGING ON AND SYNCHING THE FIELD-BASED VIDEO SYSTEMS

#### Body-worn camera:

- a. Officers will log onto a designated computer and complete the checkout process for being assigned a body-worn camera unit.
- b. Officers will sync their assigned body-worn camera unit to their police vehicle by placing it in the vehicle's docking station and allowing the sync process to be completed. This should take between 15-20 seconds and officers should see the LED lights on the cradle and body-worn camera unit flash several times during the process.
- c. If an officer is not synching a body-worn camera unit to a police vehicle, the officer will verify that the recording, stop, and classification functions are working properly.
- d. Officers will not be able to review audio/video from the body-worn camera unit, but should ensure the unit's red LED light is illuminated once activated to confirm the unit is recording.
- e. The supervisor will ensure Technical Services Division staff is notified of any system malfunction that requires repair or maintenance.

#### In-car camera system:

- a. When using a police vehicle equipped with the in-car camera system, each officer shall sign onto the in-car camera system by selecting their name from the drop down menu on the system. Prior to going into service, each officer will ensure that the equipment is functioning properly.
- b. Required procedures include checking the power source, checking connections to the recording equipment AND checking that the system is recording both audio and visual information (including a remote activation test).
- c. Any malfunction of the in-car camera system shall be reported immediately to a supervisor. If a vehicle is kept in service without an operational in-car camera system, a notation shall be made to Dispatch via radio transmission.
- d. The supervisor will ensure that Technical Services Division staff is notified of any system malfunction that requires repair or maintenance.
- e. The officer may view in-car camera recordings in the field during their shift in accordance with section 446.5 of this policy.
- f. In cases where the officer desires to have a particular recording flagged with a case number, after it has been uploaded, the officer shall notify the authorized Department personnel to mark the video recording for retention, and authorized Department personnel will mark the recording to be held.
- g. In-car camera recordings containing arrests, assaults, physical or verbal confrontations, vehicle pursuits, vehicle searches in which contraband is recovered, driving while intoxicated or under the influence arrests, or any prisoner transport shall be treated as evidence and held for use in criminal prosecution.

Officers shall utilize these procedures for signing onto the in-car camera system whether or not they are utilizing the body-worn camera unit since each component of the field-based system must be logged onto independently. Once the body-worn camera unit has been synched with the in-car camera system, officers will ensure both systems are synched by initiating a test recording on either the in-car camera system or from the body-worn camera unit.

**DRAFT DOCUMENT**

## 446.4 ACTIVATION OF THE FIELD-BASED VIDEO SYSTEMS

(a) The in-car camera system remains on until turned off manually while the ignition is on. Turning off the ignition will initiate the system's shutdown 30 minute timer which will have to be bypassed if a longer recording is desired with the ignition off. The body-worn cameras are on from the time the device is checked out, maintaining a 30 second recording loop, unless manually turned off by the officer.

(b) Events are recorded on the body-worn camera and the in-car camera system automatically under the following circumstances:

- Manual activation of the body-worn camera by the officer.
- Manual activation of the in-car system from the vehicle's console.
- The patrol vehicle's emergency lights (position #2 or #3), siren, or PA (public address system) are activated.
- The rear door of a K9 vehicle is opened.
- The rear door of a patrol vehicle is opened.
- The crash indicator is activated.
- The patrol vehicle attains a speed of 80 MPH.

(c) Unless otherwise required, the body-worn camera unit will act as the field-based video system's microphone.

(d) The body-worn camera and in-car camera system have pre-event recording capabilities and will record events prior to manual or automatic activation into a memory buffer. 30 seconds of video only pre-event recording is saved upon activation of either of the systems. Additional "after the fact" video only is available from the in-car system's hard drive. It is available for retrieval until overwritten.

(e) The in-car microphone is automatically activated when a recording is activated.

### 446.4.1 REQUIRED ACTIVATION OF THE FIELD-BASED VIDEO SYSTEMS

This policy is not intended to describe every possible situation in which the body-worn camera and the in-car camera system may be used, although there are many situations where their use is appropriate. The safety of officers and members of the public is the highest priority, and the Department acknowledges there may be situations in which the operation of the field-based video system is impractical or may be an impediment to public and officer safety. Additionally, the Department recognizes human performance limitations during particularly stressful, critical situations. Generally, officers are not required to advise or obtain consent to utilize the field-based video system from a private person when in a public place or in a location where there is an expectation of privacy, but the officer is lawfully present.

Officers shall make every reasonable effort to activate the field-based video system during all contacts. Contacts may include, but are not limited to, any enforcement or investigative activity, vehicle or pedestrian stops, consensual encounters, citizen flag downs, searches, taking or attempting to take a person into custody, use of force incidents, citation issuance, and any dispatched or self-initiated call for service. An officer may also activate the field-based video system anytime the officer believes it would be appropriate or valuable to document an incident.

In instances when the field-based video system is not automatically activated, officers shall activate their body-worn camera and/or the in-car camera system prior to arriving to a call for service, or as soon as possible if the officer has self-initiated the call, to preclude arriving on scene and being unable to activate the system.

**DRAFT DOCUMENT**

In circumstances in which the officer is only utilizing the in-car camera system, it may not be possible to capture images of the incident due to conditions or the location of the vehicle's camera. However, the audio portion of an event can be valuable evidence and is subject to the same activation requirements as the field-based video system. Officers shall ensure they are utilizing the audio mic specifically synched to the in-car camera system to capture any audio in this circumstance.

#### 446.4.2 CESSATION OF RECORDING

Once activated, the body-worn camera and in-car camera system should remain on until the incident no longer holds evidentiary or investigative value. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Once the officer determines an incident no longer holds evidentiary or investigative value, the officer shall make a verbal announcement indicating the incident has concluded prior to deactivating the body-worn camera and/or the in car camera system.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

If the in-car camera system is activated, it must be stopped from the vehicle's console. Once the recording is stopped, the officer is required to select the appropriate classification for the event. If the incident or Designated Report (DR) number is known at this time, the officer is required to enter that number. If the vehicle is synched with a body-worn camera and the unit is in range, the body-worn camera video will be stopped when the in-car camera is stopped. If the body-worn camera unit is out of range or is not synched with the in-car camera system, the completed recording must be stopped and classified using the body-worn camera unit.

#### 446.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the body-worn camera and in-car camera system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

#### 446.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if officers with non-functioning body-worn cameras or vehicles with non-functioning in-car camera systems should go into service or switch to an alternate vehicle or body-worn camera. If the non-functioning cameras are placed into service, the appropriate documentation should be made, including notification of the Communications Center and the field-based video technician

At reasonable intervals, supervisors should validate that:

- a. Beginning and end-of-shift recording procedures are followed.
- b. Videos are marked as required.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, field-based video technician or crime scene

**DRAFT DOCUMENT**

investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the in-car camera system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the in-car camera system for the purpose of monitoring the conversations or actions of an officer. Any time remote viewing is activated, a visual indicator will appear on the in-car video screen and the supervisor who initiated the activation will direct dispatch to notify all units that remote viewing is in progress.

#### **446.5 REVIEW OF FIELD-BASED RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Department. Unauthorized review and/or dissemination are strictly prohibited.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department field-based video technician or forensic media staff. A copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media. The original media is stored and maintained on the Department's server.

Recordings may be reviewed in any of the following situations:

- a. By the officer in preparation of a written report or a follow-up investigation
- b. By a supervisor or manager investigating a specific act of officer conduct or to mitigate a potential citizen complaint
- c. By a supervisor or manager for purposes of improving officer performance
- d. By a Department employee after approval of a manager who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- e. By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment or court purposes
- f. By authorized personnel (e.g. District Attorney, supervisor, manager) during discovery/court process. Recordings must be accessed through the proper process (Penal Code 1054.5 - discovery or court order)
- g. Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Chief of Police to determine if the training value outweighs the officer's objection for not showing the recording. Recordings shown for training purposes will be presented in a fair and unbiased manner.
- h. In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.
- i. In the event of an Officer-Involved Incident as defined in the Santa Clara County Chiefs' Officer-Involved Incident Guidelines, officers will only review the associated audio and video recordings in accordance with the Santa Clara County Chiefs' Association Officer-Involved Incident Guidelines.

The field-based video systems are configured with high quality audio and have the capability to capture a significant amount of video and audio when in operation. An individual officer's experience may not include everything captured by the system.

#### **446.6 DOCUMENTING FIELD-BASED VIDEO USE**

**DRAFT DOCUMENT**

- a. If any incident is recorded with either the body-worn camera or the in-car camera system, the existence of that recording shall be documented in the officer's report.
- b. If a citation is issued, the officer shall make a notation on the back of the officer's copy of the citation, indicating that the incident was recorded.
- c. In the event of accidental recording, the officer shall submit a request to the field-based video technician for the deletion of the accidentally recorded data.

## **446.7 RECORDING MEDIA STORAGE AND INTEGRITY**

All field-based recordings will be retained in accordance with the established records retention schedule. (Government Code § 34090.6).

Only the field-based video technician or authorized designee may erase video or reissue media that has been previously recorded. Officers shall not erase, alter, reuse, modify or tamper with video from any of the field-based video recording systems, including, but not limited to the in-car camera system and the body-worn camera unit.

### **446.7.1 COPIES OF ORIGINAL RECORDING MEDIA**

A copy of the original recording media will be made available for use as authorized in this policy.

### **446.7.2 FIELD-BASED VIDEO RECORDINGS AS EVIDENCE**

Officers who reasonably believe that a field-based video recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Palo Alto Police Department should indicate this in an appropriate report. Officers shall ensure relevant recordings are preserved.

## **446.8 SYSTEM OPERATIONAL STANDARDS**

- a. The in-car camera system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- b. The body-worn camera and the in-car camera system shall be configured to minimally record for 30 seconds prior to an event.
- c. The body-worn camera and the in-car camera system shall not be configured to record audio data occurring prior to activation.

## **446.9 FIELD-BASED VIDEO CUSTODIAN RESPONSIBILITIES**

- a. The Technical Services Division (TSD) has overall responsibility for the field-based video system and shall serve as custodian of these records.
- b. All Police field-based video recordings, excepting test recordings or accidental activations, shall be retained in accordance with California Government Code (CGC) §34090 and CGC §34090.6 for a period of not less than one year.
- c. Release of field-based video recordings shall be conducted in accordance with Penal Code §1054.5 (discovery requests for criminal prosecution), CGC §6250 (California Public Records Act) and in accordance with Policy Manual §810 (Release of Records and Information).
- d. All retrieved field-based video recordings will be uploaded into the field-based video server within the same day as the recording unless hindered by equipment or network malfunction or availability.
- e. Routine and evidentiary field-based video recordings on the server are backed up daily on a redundant server so that recordings are accessible online by officers for a period of not less than 365 days from the date of recording.

**DRAFT DOCUMENT**

- f. All routine requests by authorized department personnel for online access to field-based video recordings for court preparation or other official business, outside of the normal online access period will be handled within 2-3 business days of the request.
- g. If an emergency need to access these recordings is required, the Technical Services Division on-call Technician can be contacted for immediate restoration and access.
- h. The field-based video custodian or their designee shall be responsible for the retrieval, storage, backup and duplication of all field-based video recordings in addition to the ongoing maintenance of the systems and association components.
- i. All field-based video recordings will be retained in accordance with the established records retention schedule (Government Code 34090.6).
- j. Field-based video recordings will be stored on a separate and secure server.

#### **446.10 TRAINING**

All members who are authorized to use the body-worn camera or the in-car camera system shall successfully complete an approved course of instruction prior to its use.

#### **446.11 POLICY ISSUE DATE**

Updated: TBD

**DRAFT DOCUMENT**