

Body Worn Camera Systems

451.1 PURPOSE AND SCOPE

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The Indio Police Department will provide each of its sworn and non-sworn field staff (based on assignment) with access to body worn video/audio recorders for use while on-duty. These recorders are intended to assist officers in the performance of their duties by providing an unbiased video/audio record of any citizen contact while in the performance of their duties. For the purpose of this policy the term “officers” refers to any IPD staff using a BWC in the performance of their duties. The use of personally owned body worn cameras is strictly prohibited.

The use of the video/audio device authorized by this policy, is in the form of the Watch Guard Vista™ body worn camera (BWC) system. The video footage captured by the BWC will be uploaded to a storage repository called Evidence Library™. If the captured video footage is evidentiary in nature the footage will be placed into evidence using the File On Q property/evidence management system. BWCs may provide documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Officers shall utilize these devices in accordance with the provisions in this general order to maximize the effectiveness of the BWC documentation to achieve operational objectives and to ensure evidence integrity.

451.2 UNIFORMED OFFICER RESPONSIBILITIES

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Prior to going into service, each uniformed officer will be responsible for making sure that they are equipped with a department issued BWC that is in good working order. If a BWC is not available, the officer shall notify the on-duty Watch Commander. Officers shall have the BWC on their person in a location with the ability to safely activate it prior to or during a contact.

- (a) Personnel utilizing a BWC shall be responsible for the following:
 1. Ensure the battery is fully charged and operating properly
 2. Immediately reporting unresolved equipment malfunctions/problems to their supervisor
 3. Monitoring system effectiveness and making recommendations for operational improvement and policy revision
 4. Documenting the use of the BWC on one of the following:
 - i. On the police report
 - ii. As a notation on a citation
 - iii. On a Field Interview card
 - iv. In the notes section of the Alliance event history if the contact did not result in one of the above

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- v. All reports forwarded for review by a district attorney's office or review for criminal/civil filing shall be documented if BWC footage is or is not available for review
- (b) Officers shall dock their issued camera for automated upload of BWC video footage daily at the end of their shift at the main docking station. If in the event the memory of the BWC is filled to capacity, officers shall return to the station to upload the video.
- (c) Officers are prohibited from utilizing department recorders and recording media for personal use. Employees shall not obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information obtained by a video/audio recording made on department owned equipment. Employees shall not make personal copies or attempt to upload recordings to social networking sites.

451.3 NON-UNIFORMED SWORN PERSONNEL RESPONSIBILITIES

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Any detective/officer/investigator assigned to a non-uniformed position may carry and activate a department BWC any time the employee believes such a device may be beneficial to the situation.

Non-uniformed personnel who are executing pre-planned enforcement activities such as serving a search/arrest warrant or parole/probation searches shall ensure that at least one or more BWCs shall be utilized during the initial phase of the arrest/search warrant or parole/probation search. Non-uniformed employees shall be responsible for uploading their BWC recordings in the same manner as described above for uniformed employees.

451.4 SUPERVISORY RESPONSIBILITIES

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Supervisors shall ensure officers utilize BWCs according to policy guidelines.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

Supervisors shall ensure all reports that will be sent to a district attorney's office will document if BWC footage is or is not available for review.

451.5 SYSTEM ADMINISTRATOR

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The System Administrator, Sgt. Lisa Corton, has oversight responsibilities to include, but not limited to, the following:

- (a) Operation and user administration of the system
- (b) System evaluation
- (c) Training
- (d) Policy and procedure review and evaluation

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- (e) Coordination with the Information Technology (IT) Unit regarding system related issues
- (f) Ensure that public records access requests have been routed through the Custodian of Records or his/her designee prior to the release of any BWC footage to anyone outside the agency without the expressed permission of the Chief of Police.

451.6 ACTIVATION OF BWCS

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This policy is not intended to describe every possible situation where the system may be used however; there are many situations where the use of the BWC system is appropriate. Officers may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. In some circumstances, it is not possible to capture images of the incident due to conditions or location of the camera however; the audio portion can be valuable evidence and is subject to the same activation requirements as the BWC.

Officers shall position their camera to facilitate optimum recording field of view. Officers should activate their camera system as soon as practical upon encountering the below types of events. However, at no time shall an officer jeopardize his/her safety, or the safety of any other officer, to activate a recording device. Officers are not required to advise or obtain consent to activate the BWC:

- (a) Search Warrants/Forced Entries/Warrantless Searches
 - (a) When entry is made with or without a warrant, all officers should activate their cameras prior to making entry and continue recording until the scene has been secured. Once the location is secure, and no other circumstances warrant recording, officers may deactivate their cameras.
- (b) Probation/Parole Searches
- (c) 11550/DUI investigations including field sobriety tests
- (d) Arrests
- (e) In-Field suspect interrogations (including Miranda advisement) and witness interviews
- (f) Interviews of victims and witnesses
- (g) Vehicle and foot pursuits
- (h) Pedestrian checks
- (i) Prisoner transports
- (j) Traffic stops
- (k) Any other enforcement contact or detention.
- (l) All self-initiated activity in which an officer would normally notify Dispatch
- (m) Any call for service involving a crime where the BWC may aid in the apprehension and/or prosecution of a suspect, such as:

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- (a) Domestic violence calls
- (b) Disturbance of peace calls
- (c) Offenses involving violence or weapons
- (n) Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Once the BWC system is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses, victims, etc. have been interviewed. Any time a BWC recording has been terminated prior to the end of the situation for whatever reason, that reasoning shall be documented in the applicable report. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or other similar situations.

451.7 WHEN ACTIVATION NOT REQUIRED

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Activation of the BWC system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service, or actively on patrol.

Penal Code § 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however, Penal Code § 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

No member of this department may surreptitiously record a conversation of any other member of this department without the expressed knowledge and consent of all parties.

When the incident or event is of such duration that deactivating the BWC is necessary to conserve available recording time.

A citizen has requested the BWC be turned off within their home. Officers have no obligation to stop recording in response to a citizen's request, but may evaluate the situation and when appropriate, honor the citizen's request. The request to turn the camera off should be recorded.

451.8 REVIEW OF BWC FILES

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Once uploaded to Evidence Library™, sworn and non-sworn personnel may view their own audio/video data (e.g. to verify an identification, a vehicle license number or to review an incident for statement accuracy) at a Department desktop computer by logging onto Evidence Library™. The video management software automatically time/date stamps and records each access by officer name.

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BWC recordings that have been placed into evidence may be viewed by those department members based on a need and right to know basis and when requested by a district attorney's office for prosecution purposes or by a properly served subpoena. Recordings not placed into evidence may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific formal complaint or for any official purpose. Videos will not be randomly viewed to search for unreported acts of misconduct.
 - 1. A supervisor's review of BWC recordings that identifies a minor performance deficiency should generally be viewed as an opportunity to provide counseling and/or additional training to correct that deficiency. If the performance deficiency is not corrected through training and/or counseling, the appropriate disciplinary and/or corrective action shall be taken.
- (b) By a department detective, after approval from a Division Chief or his/her designee, who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (c) By department personnel who request to review their own recordings
- (d) By court personnel through proper process or with permission from the Chief of Police or his/her designee
- (e) By media personnel with permission from the Chief of Police or his/her designee
- (f) Recordings may be shown for the purposes of training value. If an involved officer objects to the showing of recording, his/her objection will be submitted to staff to determine if the training value outweighs the officer's objection for not showing the recording
- (g) With prior approval from a Division Chief or his/her designee, an employee may review another employee's recording
- (h) By members of the City Attorney's office or Risk Management in connection with pending litigation
- (i) Upon approval by a supervisor/manager, by a Department employee who is conducting an official investigation such as a personnel, administrative or criminal investigation
- (j) Third party investigations: In the event a third party law enforcement agency (e.g. Riverside County District Attorney's Office) is conducting a criminal investigation related to an incident involving a Department employee, recordings may be made available to that agency
- (k) In the event that an employee is to be interviewed pursuant to an investigation related to an incident which results in injury, bodily harm, death or involves the use of force, the employee and/or his/her attorney will be afforded an opportunity to review his/her video of the incident prior to the interview or after they have been interviewed by the appropriate investigative personnel. It will be at the discretion of the employee if the video is to be viewed before or after the statement is or is not provided. If the employee elects to view the video after being interviewed, the employee shall be offered the opportunity to review the video immediately after providing his/her statement regarding

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the underlying incident and be given an opportunity to offer a supplemental statement. Prior to the employee offering an initial statement, the following admonishment shall be provided to the employee:

“In this case, there is video evidence that you have had (or will have) an opportunity to view before (after) giving your initial statement. Video evidence has limitations and may depict the events differently than you recall, and may not depict all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The “frame rate” of video may limit the camera’s ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are a two dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident.”

451.9 RECORD AFTER THE FACT

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The Watch Guard Vista™ camera system is equipped with a “record after the fact” feature. This feature allows the camera to buffer footage as long as the camera is in the “ON” position and there is adequate storage space on the device. This footage is retained on the camera until it is overwritten through time. Officers should be aware of this feature and physically turn the camera “OFF” when privacy is needed/required. The footage that is buffered on the camera must be specifically downloaded by the System Administrator in order for the footage to be saved or viewed.

451.9.1 ACCESSING AFTER THE FACT RECORDINGS

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The footage obtained through “record after the fact” shall be accessed only in any of the following situations:

- (a) At the request of the employee in a situation where the camera was not activated prior to an incident becoming evidentiary in nature
- (b) In the event of any officer involved shooting or other officer involved use of force where the officer could not/did not activate the camera prior to the incident
 1. All BWCs that were at the scene of any officer involved use of force shall have the “record after the fact” reviewed if the BWC was not activated
- (c) Upon approval of the Chief of Police or his/her designee, any member of the department who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation
- (d) The Indio Police Department shall notify or make every effort to make the officer or employee aware that the “record after the fact” buffered footage will be/was examined

The footage obtained and viewed through “record after the fact” shall be accessed by the following procedure:

- (a) With the expressed direction of the Chief of Police or his/her designee

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- (b) By an uninvolved Division Chief or his/her designee
- (c) Every effort will be made to limit the viewing of the buffered footage to a specific timeframe

451.9.2 VIEWING RECORD AFTER THE FACT FOOTAGE

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“Record after the fact” footage shall be viewed/saved by the following procedure:

- (a) With the expressed direction of the Chief of Police or his/her designee
- (b) An uninvolved Division Chief or his/her designee shall review the “record after the fact” footage during the period of the incident in question. The reviewing official will make a determination if any usable footage is available. In the case of an internal, administrative, and/or criminal investigation, any applicable video footage will be provided to the investigator for review, if available
- (c) Every effort will be made to limit the viewing of the buffered footage to a specific timeframe

The Indio Police Department shall notify or make every effort to make the officer or employee aware that the “record after the fact” buffered footage will be/was examined

451.10 VIDEO MEDIA STORAGE AND INTEGRITY

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Once uploaded to Evidence Library™, all video media will be labeled and placed in a designated secure storage area. All BWC footage that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed, or recycled in accordance with Government Code § 34090.6. If a recording is identified as evidence, the retention of the footage will follow the Evidence/Property File retention schedule. Recordings that become part of a citizen complaint or administrative/internal investigation will follow the retention time identified for the complaint/investigation. In the event that BWC footage is evidence in any claim filed or any pending litigation, the footage shall be preserved until the pending litigation is resolved.

Inadvertent/accidental recordings of personal events and conversations shall be purged as soon as possible upon the approval of the Chief of Police or his/her designee, or System Administrator.

451.11 COPIES OF VIDEO RECORDINGS

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Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in Policy Manual § 810.4