
PERFORMANCE AUDIT OF SDPD'S USE AND MANAGEMENT OF BODY CAMERAS

Finding 1: Officers likely did not record many enforcement encounters, as required.

Finding 2: In many cases, officers did not appear to record the entire incident, as required.

Finding 3: Officers generally categorized videos correctly, but some changes would minimize the risk of deleting videos too soon.

Finding 4: SDPD does not have a detailed policy on when it releases body camera video, creating confusion among the public and City Council.

**Office of the
City Auditor**

City of San Diego



Performance Audit of SDPD’s Use and Management of Body Cameras

Why OCA Did This Study

SDPD officers can face dangerous situations while on duty, and public interactions with officers can result in the injury or even death of a member of the public or an officer. As a result, body cameras are used to improve officer and public safety, providing additional documentation of police encounters with the public and functioning as important evidence collection and accountability tools. We conducted a performance audit with two objectives:

- (1) Determine if SDPD’s policies and procedures regarding body worn camera usage, management, and video release are in line with best practices and local, state, and federal regulations.
- (2) Determine if internal controls are in place to ensure policies and procedures are followed and body worn camera footage is properly collected, maintained, monitored, and released by appropriate personnel.



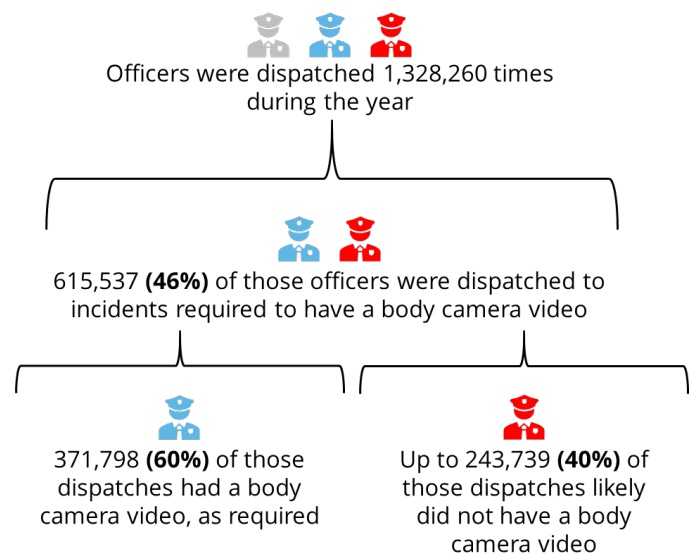
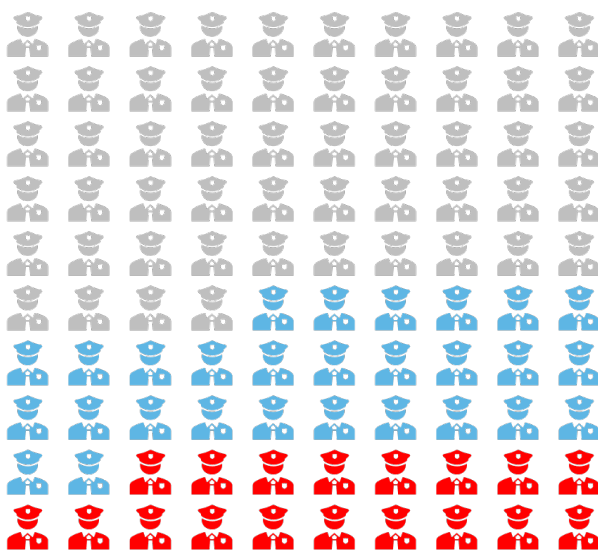
Source: OCA photograph taken at SDPD facility.

What OCA Found

Finding 1: Officers likely did not record many enforcement encounters, as required.

- SDPD procedure requires officers to record incidents that have “the potential to involve an enforcement contact.”
- 15 to 40 percent of officers dispatched to potential enforcement encounters from October 2020 through September 2021 did not record a video as required.

- For example, 29 percent of officers dispatched to incidents that ended in arrest did not have record of a body camera video.
- 42 percent of officers dispatched to calls relating to an assault with a deadly weapon did not have a record of a video.
- 41 percent of officers dispatched to calls of battery did not have a record of a video.








Source: OCA generated based on dispatch data and body camera video data provided by SDPD.

Finding 1 (continued):

- 4 percent of enforcement encounters likely had no body camera video recorded by any officer dispatched.
- Many other major cities simply require officers to begin recording while on the way to all calls for service, making it easier for officers to comply and ensure videos are captured when required.

Finding 2: In many cases, officers did not appear to record the entire incident, as required.

- Officers did not begin recording on the way to an incident, as required, in 30 percent of the body camera videos we reviewed.
- Officers stopped recording before the incident appeared to conclude in 38 percent of the videos we reviewed.
- SDPD procedure does not clarify when officers can stop recording.

-  91% of videos reviewed included the full 2 minutes of buffering
-  30% of videos reviewed started recording after the officer was already on scene
-  38% of videos reviewed stopped recording before the incident appeared to conclude
-  Only 4% of videos reviewed were categorized incorrectly
-  0% of videos reviewed had officers who appeared to intentionally cover the camera or angled away from the scene

Source: OCA generated based on our review of body camera videos and video data provided by SDPD.

Finding 3: Officers generally categorized videos correctly.

- Just 4 percent of the videos we reviewed were categorized incorrectly.
- 98 percent of videos were kept as long as required and not deleted too soon.
- SDPD procedure keeps videos categorized as accidentally recorded for just one week but should keep them for a minimum of 60 days and should have supervisors review them to ensure they are accurately categorized as accidental.

Finding 4: SDPD does not have a detailed, public-facing policy on when it releases body camera video, creating confusion amongst stakeholders such as the City Council and the public.

- For the officer involved shootings in our scope, SDPD released the critical incident videos within 10 days and the videos included the most pertinent body camera video footage.
- We did not find any additional video footage in the underlying body camera video footage that would have substantially changed the impact or conclusions of the critical incident videos we reviewed.
- We did find that the underlying body camera footage in some situations held additional context that was not included in the critical incident video, such as the events that led up to the officer involved shooting or additional angles of the incident.
- For the California law that requires SDPD release body camera videos for officer involved shootings and uses of force that result in great bodily injury or death, we found SDPD releases the videos it determines are the most relevant.

What OCA Recommends

We made seven recommendations and SDPD agreed to all seven. Key recommendations include:

- Requiring officers to record all dispatched calls and calls for service, rather than just enforcement encounters.
- Clarifying in procedure when officers can stop recording because an incident has finished.
- Requiring existing supervisor reviews of body camera videos to ensure officers recorded a video for all dispatched calls and ensure officers turned the camera on and off in line with procedure.
- Requiring SDPD to keep accidentally recorded videos for 60 days and requiring supervisors to review them to ensure the videos are accidental recordings.
- Detailing in policy what body camera videos SDPD releases and when, including critical incident videos, and making the policy public to reduce stakeholder confusion.

For more information, contact Andy Hanau, City Auditor at (619) 533-3165 or CityAuditor@sandiego.gov



THE CITY OF SAN DIEGO

July 20, 2022

Honorable Mayor, City Council, and Audit Committee Members
City of San Diego, California

Transmitted herewith is a performance audit report of the San Diego Police Department's use and management of body cameras. This report was conducted in accordance with the City Auditor's Fiscal Year 2022 Audit Work Plan, and the report is presented in accordance with City Charter Section 39.2. Audit Objectives, Scope, and Methodology are presented in Appendix B. Management's responses to our audit recommendations are presented starting on page 52 of this report.

We would like to thank staff from the San Diego Police Department for their assistance and cooperation during this audit. All of their valuable time and efforts spent on providing us information is greatly appreciated. The audit staff members responsible for this audit report are Danielle Kish, Carissa Nash, Chris Kime, and Matthew Helm.

Respectfully submitted,

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Background

In accordance with the Office of the City Auditor's Fiscal Year (FY) 2022 Audit Work Plan, we conducted a performance audit of the San Diego Police Department's (SDPD) use of body cameras and management of body camera videos.

Law enforcement officers face many dangerous and stressful situations while on duty. Law enforcement interactions with the public can result in the arrest, injury, or even death of a member of the public or officer. To that end, body cameras have become commonly used to provide a video record of these interactions, capturing evidence in the event of a crime or situations such as use-of-force incidents.

Body cameras are widely used by state and local enforcement agencies in the United States, including SDPD. These law enforcement agencies intend for cameras to improve officer safety, increase evidence quality, reduce civilian complaints, and reduce agency liability. According to SDPD, body cameras benefit both SDPD officers and the San Diego community. Body cameras help remove ambiguity, which helps maintain and build public trust. Body cameras provide additional documentation of police encounters with the public, functioning as important evidence collection and accountability tools.

What is a body camera? SDPD officers¹ wear body worn cameras, which we will refer to as body cameras, that make and store audio and video recordings. The audio and video recordings body cameras capture are digital evidence for investigations and enforcement encounters by SDPD and are treated as an investigative record.

Exhibit 1 shows the main components of an SDPD body camera. Once an officer turns on the body camera using the power button, the camera records in buffering mode. In buffering mode, the camera records video in two-minute loops, but does not record audio. When an officer presses the event button twice, the camera records both audio and video until the officer presses and holds the event button to stop recording. Video captured during buffering mode attaches to the event mode video, so most body camera videos start with two minutes of video recording without audio. **Exhibit 2** illustrates the timeline and what would be included in the body camera video.

¹ This report uses the terminology "officers" to encompass terminology such as "peace officers," "sworn personnel," and "sergeants."

Exhibit 1

SDPD Body Camera Components



Source: OCA photograph taken at SDPD facility.

At the conclusion of each incident, officers add the incident's record number, the appropriate incident category, and a title to the video in the field using an app on a viewer.² According to SDPD, within the camera or viewer, officers cannot delete or edit body camera videos.

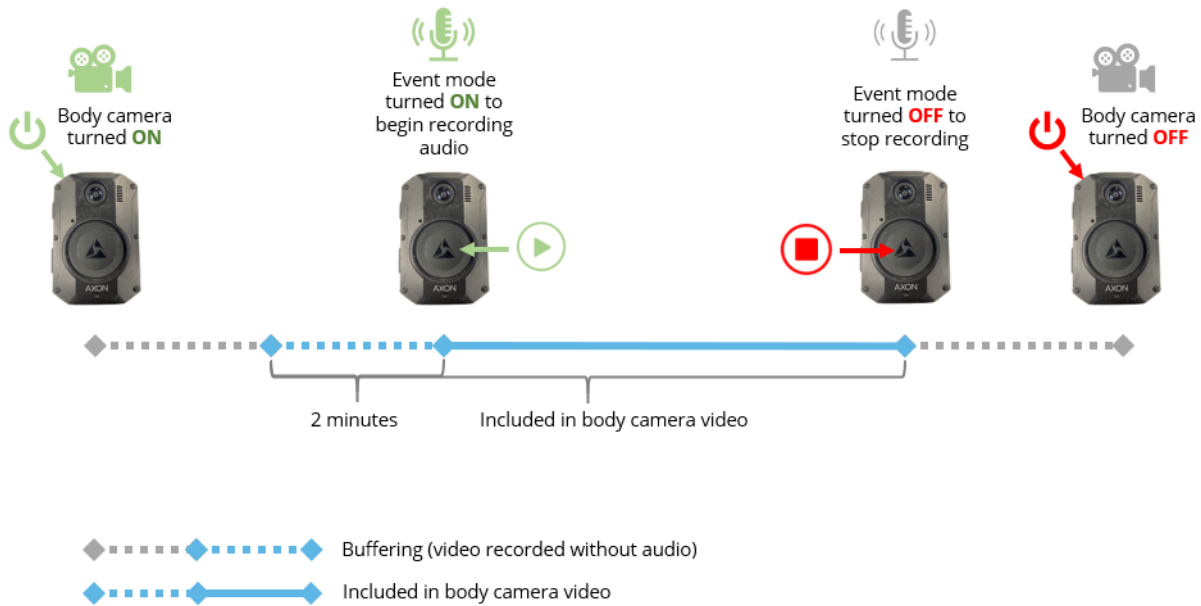
At the end of the shift, officers place the body cameras in docking stations. While docked, the video, audio, and associated information transfer to Evidence.com, which stores the videos. Evidence.com stores videos for specific periods of time based on the assigned incident category (also known as a retention category).³

² A viewer is a smartphone without a data plan.

³ Finding 3 of this report discusses retaining and deleting body camera videos in more detail.

Exhibit 2

Body Cameras Record Video Without Audio When in Buffering Mode



Source: OCA generated based on Axon Body 3 Camera User Manual and SDPD Procedure 1.49.

Use of Body Cameras in SDPD

SDPD procedure requires officers to keep their body cameras on and buffering while on duty.⁴ The procedure requires officers to begin recording by activating event mode while driving to a call that has the potential to involve an enforcement contact and prior to contact with a member of the public, or as soon as possible thereafter. The procedure requires officers to record the events included in **Exhibit 3**.⁵

SDPD began deployment of body cameras to uniformed patrol officers in July 2014. SDPD requires all peace officers below the rank of lieutenant to wear body cameras while working in any uniformed assignment.

⁴ SDPD Procedure 1.49: Axon Body Worn Cameras <https://www.sandiego.gov/sites/default/files/149-axonbodyworncameras.pdf>. This link could be updated after the publication of this audit. We used the procedure in place as of June 2022 (last updated September 2, 2021) and the procedure in place during the scope of our audit, from October 2020 through September 2021.

⁵ Parole searches can be defined as warrantless, no suspicion searches of a person on parole. Fourth Amendment waiver searches can be defined as warrantless searches of an offender who has waived their Fourth Amendment rights. Knock and talk searches can be defined as when a resident provides consent for officers to enter and search a residence without a warrant where there is a suspicion of illegal activity. Consent searches can be defined as warrantless searches in which the offender has voluntarily consented to a search.

As of October 14, 2021, SDPD had 2,575 active employees. Of those, 1,946 were sworn officers. Of the 1,946 sworn officers, 1,765 had a body camera, as only sworn officers in the field wear body cameras.

Exhibit 3

SDPD Procedure Requires Officers to Record the Following Incidents:

- traffic stops
- traffic collisions
- field interviews
- detentions
- arrests
- persons present at radio calls who are accused of crimes
- consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter
- the execution of search warrants
- the execution of arrest warrants
- parole searches
- Fourth Amendment waiver searches
- knock and talks
- all prisoner or passenger transports
- consent searches in which the officer is looking for a suspect, evidence, or contraband
- while covering another City employee or law enforcement officer during an enforcement contact

Source: OCA generated from SDPD Procedure 1.49.

SDPD Budget Related to Body Cameras

In FY2022, the City budgeted \$601 million for SDPD. The City contracts with Axon Enterprise, Inc. to supply body cameras and to manage Evidence.com, where the videos are stored. In 2020, City Council approved a contract with Axon for \$8.4 million over 3 years, which included both the body cameras and unlimited storage. The funding for the contract is provided by California's Citizens' Option for Public Safety Program. The City also contracts with Critical Incident Videos LLC for the creation of the critical incident videos. SDPD has a contract with Critical Incident Video for 18 months for \$88,000.

**Public Access to Body
Camera Footage**

Exhibit 4 is a still taken from a publicly available SDPD body camera video. As you can see in the top right corner of the exhibit, the video includes the date and time the video was recorded, as well as the device that recorded the video.

Exhibit 4

A Still Image Taken from a Publicly Available SDPD Body Camera Video



Source: <https://www.sandiego.gov/police/data-transparency/mandated-disclosures/case?id=04-23-2021%202300%208th%20Avenue&cat=Use%20of%20Force>

For specific incidents, California law requires SDPD to release body camera footage related to the incident to the public, upon request. Unless there is a specific lawsuit requiring Council to review body camera videos, SDPD considers City Councilmembers part of the public. Specific incidents California law requires SDPD to release body camera footage for include an officer discharging a firearm at a person, an officer using force that resulted in death or great bodily injury, a law enforcement agency or oversight body having a sustained finding that an officer engaged in sexual assault against a member of the public, and others listed in **Exhibit 5**.

Exhibit 5**Governing Laws and Regulations that Require SDPD to Release Body Camera Footage, Effective January 1, 2022**

Type of Incident	Records to be Released	Release Timeframe	When Video Release May Be Delayed	Regulation
Officer involved shooting or officer discharging a firearm at a person	Incident related video or audio recordings (critical incident video)	Within 45 days of the incident	<ul style="list-style-type: none"> If release interferes with an investigation or endangers a witness or source If release violates the reasonable expectation of privacy, although SDPD can blur or redact part of the video or audio to address privacy issues 	CA Gov Code 6254 (f)(4)
Use of force resulting in death or great bodily injury	Audio and video evidence	Within 60 days of the incident	<ul style="list-style-type: none"> During a criminal investigation—up to 60 days or until the District Attorney determines whether to file charges, whichever occurs first If the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding—up to 18 months If criminal charges are filed—until a verdict is returned or if a plea is entered During an administrative investigation—up to 180 days 	CA Penal Code 832.7
Sustained finding of sexual assault involving a member of the public	Audio and video evidence	Within 60 days of the finding	<ul style="list-style-type: none"> During a criminal investigation—up to 60 days or until the District Attorney determines whether to file charges, whichever occurs first If the disclosure could reasonably be expected to interfere with a criminal enforcement 	CA Penal Code 832.7
Sustained finding of dishonesty directly related to reporting or investigating a				

Performance Audit of SDPD’s Use and Management of Body Cameras

<p>crime or officer misconduct</p> <p>Sustained finding of unreasonable or excessive force*</p> <p>Sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive*</p> <p>Sustained finding that an officer engaged in conduct involving prejudice or discrimination against specified protected classes*</p> <p>Sustained finding that an officer made an unlawful arrest or unlawful search*</p>			<p>proceeding—up to 18 months</p> <ul style="list-style-type: none"> • If criminal charges are filed—until a verdict is returned or if a plea is entered • During an administrative investigation—up to 180 days 	
<p>All other complaints, enforcement encounters, and law enforcement interactions</p>	<p>Body camera video</p>		<ul style="list-style-type: none"> • Body camera video may not be released unless approved by the Chief of Police 	<p>SDPD Procedure 1.49 V.D.7.</p>

*Records relating to these incident types, if the incident occurred before January 1, 2022, are not required to be released until January 1, 2023.

Source: OCA generated based on review of California Senate Bill 1421, California Assembly Bill 748, California Senate Bill 16, California Penal Code 832, California Government Code 6254, and SDPD Procedure 1.49.

For all other incidents, SDPD procedure states that it is up to the Chief of Police to decide what body camera videos to make public. Beyond the incidents listed, generally California law does not require police departments to release law enforcement records to the public, including body camera videos.

When a critical incident⁶ occurs, SDPD's Media Unit obtains the underlying body camera video footage and works with the vendor, Critical Incident Videos LLC, to create the video for the public, known as a critical incident video. According to SDPD, the Chief of Police has an informal, internal goal to release these videos in 7 to 10 days. The critical incident video often contains photos, parts of radio calls, and surveillance video to help provide context for the incident. The Chief of Police provides final approval of video released to the public.⁷

**City of San Diego's
Surveillance Ordinance**

As of the publication of this report, the City Council is considering Ordinance O-2021-69 that would regulate the City's use of surveillance technology, which currently includes body cameras. Under this ordinance as drafted, SDPD would need to present annual data on the use and impact of body cameras and seek approval from the Privacy Advisory Board and City Council to continue using the body camera technology.

**Commission on Police
Practices**

The Commission on Police Practices' purpose is to provide an independent investigation of significant incidents, such as officer involved shootings and in-custody deaths, and to provide an unbiased evaluation of all complaints against SDPD.⁸ The Commission on Police Practices also evaluates and reviews SDPD policies, practices, training, and protocols, and makes recommendations for changes. For its investigations, the Commission on Police Practices receives body camera footage from SDPD's Internal Affairs Unit's case files. **Exhibit 6** provides more detail on the Commission on Police Practices.

⁶ A critical incident is defined in state law as an incident of an officer discharging a firearm at a person or an officer's use of force resulting in death or great bodily harm.

⁷ Finding 4 in this report discusses critical incident videos and body camera videos released to the public in more detail.

⁸ San Diego 2022 Fiscal Year Budget, Office of the Commission on Police Practices:
https://www.sandiego.gov/sites/default/files/fy22ab_v2copp.pdf

Exhibit 6

Previous Community Review Board on Police Practices

On November 3, 2020, voters approved Measure B creating a new independent Commission on Police Practices replacing the Community Review Board on Police Practices. The City is currently drafting the implementation ordinance for the Commission, which will establish the number, term length, and method for appointing Commission members. The members of the former Community Review Board on Police Practices currently make up the Commission, until City Council has formally appointed members to the new Commission.

Source: OCA generated based on interviews with Commission members and review of relevant documents.

The Commission on Police Practices has made recommendations to improve SDPD body camera procedure based on its review of body camera footage for investigations. In its April 2022 meeting, the Commission recommended that the two-minute buffering recording at the beginning of each body camera video include audio.⁹

The Commission also made recommendations in June 2021, when it observed officers frequently did not have their body cameras turned on as they began their shifts.¹⁰ The Commission recommended increased training and enhanced supervisory review of body camera videos. SDPD agreed to implement three of the five recommendations.¹¹

⁹ <https://www.sandiego.gov/sites/default/files/cppmemo220505.pdf>

¹⁰ <https://www.sandiego.gov/sites/default/files/cppmemo210624.pdf>

¹¹ <https://www.sandiego.gov/sites/default/files/cpp-sddpd-response-to-bwc-recommendations.pdf>

Audit Results

Finding 1: Officers likely did not record many enforcement encounters, as required.

Finding Summary Police body cameras and body camera videos can be useful tools to increase public trust, enhance officer safety, and can provide critical evidence of police encounters with the public. The San Diego Police Department (SDPD) procedure requires officers to record enforcement related contacts with their body cameras. The procedure details specific incidents for which officers should record body camera videos, listed in **Exhibit 7**. Additionally, SDPD has programmed alerts in the officers' laptops that pop up with a reminder to officers to turn on their body cameras when they are dispatched to enforcement related contacts.

Exhibit 7

SDPD Procedure Requires Officers to Record the Following Incidents:

- traffic stops
- traffic collisions
- field interviews
- detentions
- arrests
- persons present at radio calls who are accused of crimes
- consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter
- the execution of search warrants
- the execution of arrest warrants
- parole searches
- Fourth Amendment waiver searches
- knock and talks
- all prisoner or passenger transports
- consent searches in which the officer is looking for a suspect, evidence, or contraband
- while covering another City employee or law enforcement officer during an enforcement contact

Source: OCA generated from SDPD Procedure 1.49.

During this audit, we used SDPD data and body camera footage extensively. We analyzed the body camera and police dispatch data in several ways to determine if we could find a record of a body camera video for each time an officer was dispatched to an enforcement encounter.

Our analysis indicated that body camera videos did not exist for all officers dispatched to enforcement encounters. We were unable to find a record of a body camera video for 15 to 40 percent of officers dispatched to enforcement encounters.

We also analyzed specific call types where one would expect body camera video footage and found, again, there were not videos for all officers dispatched. For example, between 19 percent and 42 percent of officers dispatched to 'assault with a deadly weapon' incidents did not record a video.

Finally, we looked at if any incidents had no body camera video at all—meaning no officers dispatched to the incident recorded any body camera video of the incident, or even any video within the three hours of the incident. Again, we still found enforcement incidents without body camera videos.

SDPD described legitimate situations when an officer dispatched to an enforcement encounter may not have recorded a body camera video, detailed in **Exhibit 9**. We broadly agree with SDPD's explanations—the data cannot account for the specific circumstances of each enforcement encounter. However, while it is difficult to determine the exact percentage of the time videos were not recorded as required, our analysis indicates that failing to record a video is more common than necessary.

SDPD's current procedure requires officers to make quick decisions about whether to record an incident they are dispatched to, often with events rapidly changing. In contrast, many other large law enforcement agencies have simpler policies that require officers to record all incidents they are dispatched to. This makes it easier for officers to comply with policy and supervisors to verify compliance. Therefore, we recommend amending SDPD procedure to require body camera

videos for all dispatched incidents to remove complexity in the current procedure and help ensure video is captured as required.

Up to 40 percent of dispatched officers likely did not record enforcement incidents.

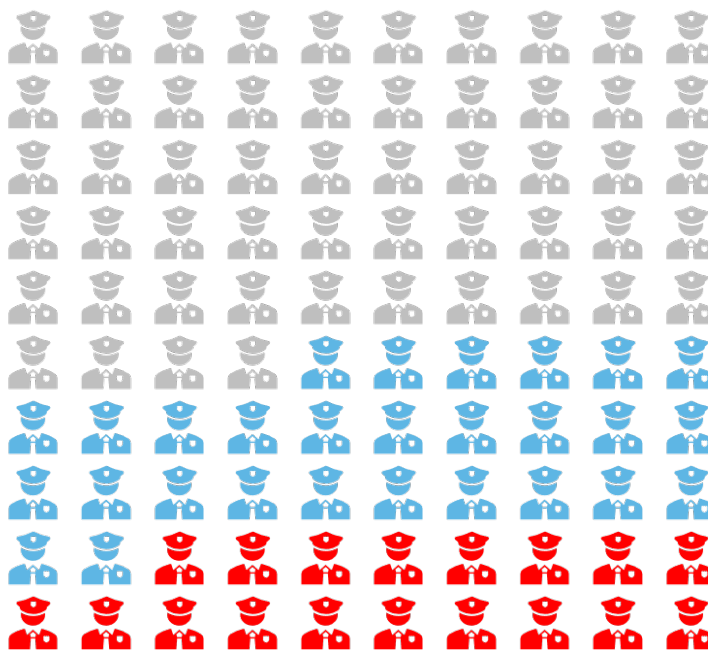
From October 1, 2020 to September 30, 2021, officers were dispatched 615,537 times to incidents when SDPD procedure would require officers to record a body camera video, shown in blue and red in **Exhibit 8**.¹² We found that 40 percent of officers listed as dispatched to those calls (243,739) did not have a corresponding body camera video, as shown in red in **Exhibit 8**.

To conduct this analysis, we reviewed the list of officers dispatched to every enforcement incident over the year period. We compared the list of officers dispatched to the complete list of videos recorded in that year to see if there was a video listed for that incident number and officer. As detailed in **Exhibit 9**, there are some valid reasons why officers dispatched may not have a video or the video may not have been captured under our analysis.

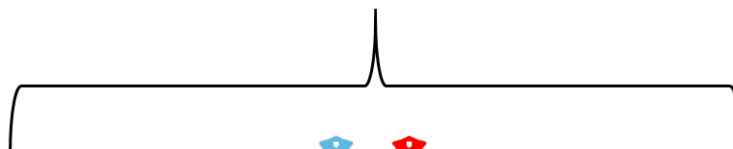
¹² "Incidents where SDPD procedure would require officers to record a body camera video" includes incident call types SDPD specifically listed in procedure as requiring a body camera video, any incident where the disposition is an arrest, and any incident where SDPD has programmed a reminder into the computer-aided dispatch (CAD) system to tell officers to turn on their body camera. The dispatches count each officer dispatched individually and do not include dispatches where the disposition indicates the call was canceled, the incident was a duplicate, or there was no dispatch.

Exhibit 8

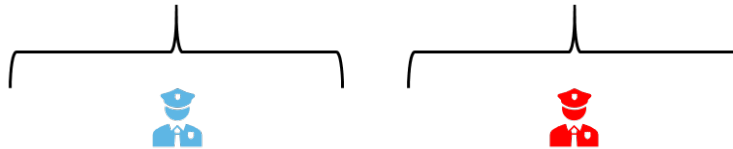
Up to 40% of Officers Dispatched to Calls Requiring a Body Camera Video Did Not Have a Video



Officers were dispatched 1,328,260 times during the year



615,537 (**46%**) of those officers were dispatched to incidents required to have a body camera video



371,798 (**60%**) of those dispatches had a body camera video, as required

243,739 (**40%**) of those dispatches likely did not have a body camera video

Source: OCA generated based on dispatch data and body camera video data provided by SDPD.

Exhibit 9

There are some valid reasons why officers dispatched may not have recorded a video or the video may not have been captured by our analysis.

Reasons the video may not have been captured by our analysis:

Incident number typos or unlabeled videos. An officer may have recorded a body camera video for an incident, but the officer would show as missing a video in this analysis because the officer had made a typo when entering the incident number. Only 0.6 percent of videos had no information in the incident number field. However, there may be some videos officers recorded that did not have a corresponding video in this analysis because of typos in the end of the incident number. As described further in the finding, this is why we also conducted a supplemental analysis to see if that officer recorded any video within the hour before, the hour of, and the hour after the dispatched incident.

Reasons officers dispatched may not have recorded a video, but still may have been in compliance with policy:

Investigators and lieutenants. Investigators may be dispatched to some incidents and may not record a video because, during the time of our review, SDPD had provided investigators with body cameras but had not written in policy that they were required to use them. SDPD does not require lieutenants and other sworn personnel above the rank of lieutenant to wear body cameras, and they may be dispatched to the incidents on occasion as well. Both groups make up approximately 0.3 percent of personnel dispatched to incidents where procedure would require a video and therefore do not account for the missing videos, but it should be noted they are included in the count.

Dispatched but not on scene or on scene after. The count of missing videos would also include officers who were dispatched to the incident but did not actually arrive at the incident, or arrived after the incident had been resolved by other officers. SDPD's policy is not clear whether officers are required to record when they will arrive after a scene has concluded, but officers are required to turn cameras on while driving to an enforcement encounter.

Officer and public safety. Officer and public safety is paramount to SDPD. If an officer cannot safely turn on their body camera while at an enforcement encounter, that video would be counted as missing in our analysis but would not constitute a violation of SDPD policy. For example, if an officer is dispatched to an incident they do not believe will be an enforcement encounter, current SDPD policy does not require them to activate their camera. However, if the incident escalates into an enforcement encounter, the officer may not be able to safely activate their camera at that time because they need to focus on officer and public safety, such as by pursuing a suspect.

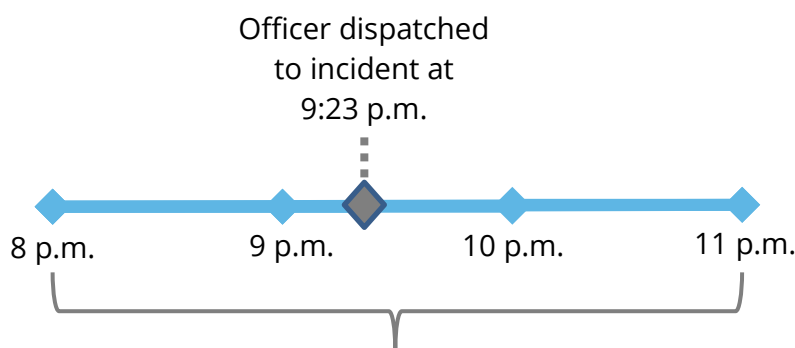
Source: OCA generated based on review of dispatch data and list of body camera videos recorded provided by SDPD.

15 percent of dispatched officers were missing videos, even after our analysis overcorrected for incident number typos.

Given the concerns about typos or unlabeled videos, we performed a supplemental analysis to see if the 40 percent of officers who were missing videos for enforcement-related incidents had recorded any video within the hour before, the hour of, and the hour after the dispatched incident, as illustrated in **Exhibit 10**. The purpose of this analysis was to identify videos that the officer may have recorded during an incident but were not counted in our original analysis above because the officer entered the incident number for the video incorrectly or did not enter an incident number at all.

Exhibit 10

An Illustration of How Our Analysis in This Section Understates the Number of Missing Videos



Our supplemental analysis would have counted any body camera video from the officer recorded in this time period as a video of the incident, regardless of the incident

Source: OCA generated based on analysis of dispatch data and body camera video data provided by SDPD.

This way of looking at the data understates the number of missing videos, as any video the officer recorded within a three-hour timeframe would count as a video for the incident. For example, if the incident itself was a traffic stop at 9:23 p.m. and the officer did not record a video, but then recorded a video in response to a different incident at 10:45 p.m. that night, this analysis would count the 10:45 p.m. video for both the 9:23 p.m. incident and the 10:45 p.m. incident, regardless of the incident numbers.

However, even with the analysis counting every video in the time around the incident, 15 percent of officers dispatched to enforcement encounters did not have videos for those enforcement encounters or any incident within the three hours of the enforcement encounter. Again, the other reasons why the officers may not have recorded a video listed in **Exhibit 9** still apply in this analysis.

A significant percentage of officers did not appear to record videos at clear enforcement encounters, such as arrests and assaults with a deadly weapon.

Exhibit 11 shows examples of enforcement encounters when officers should have recorded a body camera video. Although there are valid reasons why the percent of officers without video may never be 0 percent, as detailed in **Exhibit 9** above, the exceptions to recording a video are likely not so common as to justify a likely missing video in 41,388 arrests (29 percent) in one year, for example.

Exhibit 11

Examples of Enforcement Encounters Officers Appear to Have Not Recorded

Call Type or Disposition	Total Officers Dispatched to Incidents	Officers Likely Without Body Camera Video	Percent of Officers Likely Without Video	Percent of Officers Likely Without Video, Even After Overcorrecting for Typos
Arrests	141,138	41,388	29%	14%
Domestic Violence – Occurring Now	52,676	16,529	31%	12%
Assault with a Deadly Weapon	20,580	8,586	42%	19%
Battery	15,328	6,251	41%	14%
Assault with a Deadly Weapon – Suspect There Now	873	414	47%	21%

Source: OCA generated from dispatch data and body camera video lists provided by SDPD, as well as SDPD Procedure 1.49.

4 percent of police incidents that required a video likely had no body camera videos recorded at all, even after our analysis overcorrected for incident number typos.

In a separate analysis, we reviewed the 175,127 individual incidents officers were dispatched to during the year where the call type or disposition indicated policy would require a body camera video. We found that 6,720 of those incidents (4 percent) had no body camera videos recorded at all from any officer dispatched to the incident, or even a video from those officers within three hours of the event.¹³ The more individual officers do not record required videos, the greater the risk that entire incidents will not be captured on video by any of the officers dispatched.

For example, 24,531 incidents resulted in arrests that year and 111 of those arrests (0.5 percent) had no record of a body camera video from any of the officers dispatched. Officers conducted 41,217 traffic stops in the same year and 742 of those traffic stops (2 percent) had no record of a body camera video from any of the officers dispatched. There were 1,215 recorded reckless driving incidents during the year and 172 of those incidents (14 percent) had no body camera video from the officers dispatched.

34 percent of selective enforcement incidents likely had no body camera video at all, even after our analysis overcorrected for incident number typos.

Some call types do not explicitly require officers to record a video, but it would be beneficial to have evidence recorded. For example, SDPD has no definition of selective enforcement, and instead allows officer discretion on when to use selective enforcement. However, SDPD's procedure requires officers to record encounters "in which the officer is attempting to develop reasonable suspicion on the subject of the encounter," suggesting selective enforcement could fall under this category. Additionally, selective enforcement likely falls under the broad category of enforcement encounters that SDPD procedure requires officers to record, as the title of the call type itself includes the word "enforcement." Of the 1,716 officers

¹³ When we say "no body camera videos recorded from any officer" we mean that no officers dispatched to the incident recorded a video with the last five digits of the incident number at any time and that the officers dispatched to the incident did not record any body camera video in the hour before the dispatch occurred, the hour of the dispatch, and the hour after the dispatch. There is a chance a body camera video of the incident was captured if an officer who was dispatched went to the incident and recorded it more than two hours after the event began *and* did not enter the incident number. Also, there is a chance an officer who was not dispatched to the incident could have recorded the incident and input the incident number. However, both of these cases are unlikely. If any officer dispatched to the incident recorded any video around the time of the dispatch, it was captured in our analysis.

dispatched to selective enforcement incidents resulting in an arrest, 272 of those officers dispatched (16 percent) did not record the incident.

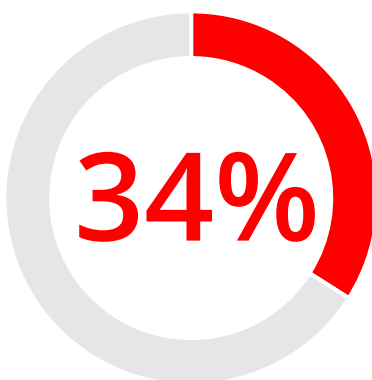
For the year we reviewed, officers were dispatched or dispatched themselves 54,346 times to selective enforcement calls. In 77 percent (41,604) of those calls, an officer dispatched did not record a video of the incident.¹⁴

We also looked at the 36,618 individual selective enforcement incidents from the year, which may have had one or more officers dispatched. As shown in **Exhibit 12**, in 34 percent (12,348) of selective enforcement incidents, none of the officers dispatched recorded a video or recorded a video within the three hours of the incident.

Regardless of if selective enforcement encounters should or should not have been considered an enforcement encounter, our recommendation to record all dispatched incidents would ensure these dispatched incidents as well as others are recorded, benefitting both officers and the public.

Exhibit 12

34% of Selective Enforcement Incidents Had No Record of a Body Camera Video from Any Officer Dispatched



- No body camera video from any officer dispatched
- At least one body camera video from an officer dispatched

Source: OCA generated based on dispatch data and body camera video data provided by SDPD.

¹⁴This analysis does not overcorrect for typos.

SDPD's procedure dictating which incidents require officers to record body camera video is more complicated than other cities' policies, increasing the risk that officers do not capture video when required.

Failing to record enforcement encounters with the public can erode public trust, as video evidence would then not be available as documentation of the encounter. If members of the public complained about the interaction, officers would not have body camera video evidence to allow investigators to determine what happened and evaluate whether the complaint is substantiated. Further, SDPD procedure requires officers to record enforcement encounters in most cases, so failing to record an encounter would violate procedure and could leave SDPD open to questions as to why an officer may have chosen not to record an incident.

SDPD's body camera procedure requires officers and sergeants to determine which events are, or are likely to become, enforcement encounters. This likely contributes to the number of enforcement encounters that are not recorded, because officers may come to different conclusions on what events constitute an enforcement encounter or not. Further, officer safety may be impinged in the cases where officers respond to a call they determine is not an enforcement encounter and something happens when the officers are on scene that makes the incident an enforcement encounter. For example, SDPD procedure does not require officers to record while on scene for a burglary report. However, should the officer discover the burglar near the scene of the burglary, the body camera would not capture the initial sighting of the burglar, thereby reducing the amount of video evidence available. In addition, sighting the burglar may make it difficult or unsafe for the officer to begin recording at that point.¹⁵ SDPD body cameras do record two minutes of video without audio before recording full audio and video, which could have captured the scene, but only if the officer was able to activate their camera in the middle of the incident.

Other cities, such as those listed in **Exhibit 13**, require officers to record a body camera video for all dispatched calls or calls for service. This policy creates a clear expectation of what incidents officers should plan to record. Having a policy that requires

¹⁵ The current policy also creates the risk that officers will not capture an entire enforcement encounter, as they may not realize enforcement needs to occur until the incident escalates. This risk is discussed in Finding 2.

officers to record body camera video for all dispatched calls or calls for service also standardizes when officers should begin recording. SDPD's current policy requires officers to begin recording while driving to events that are likely to be enforcement encounters. As a result, officers may begin recording in the middle of an encounter that initially was not an enforcement encounter and then developed into one—as illustrated in the example above.

Exhibit 13

Cities that require officers to record a body camera video for all dispatched calls or calls for service:

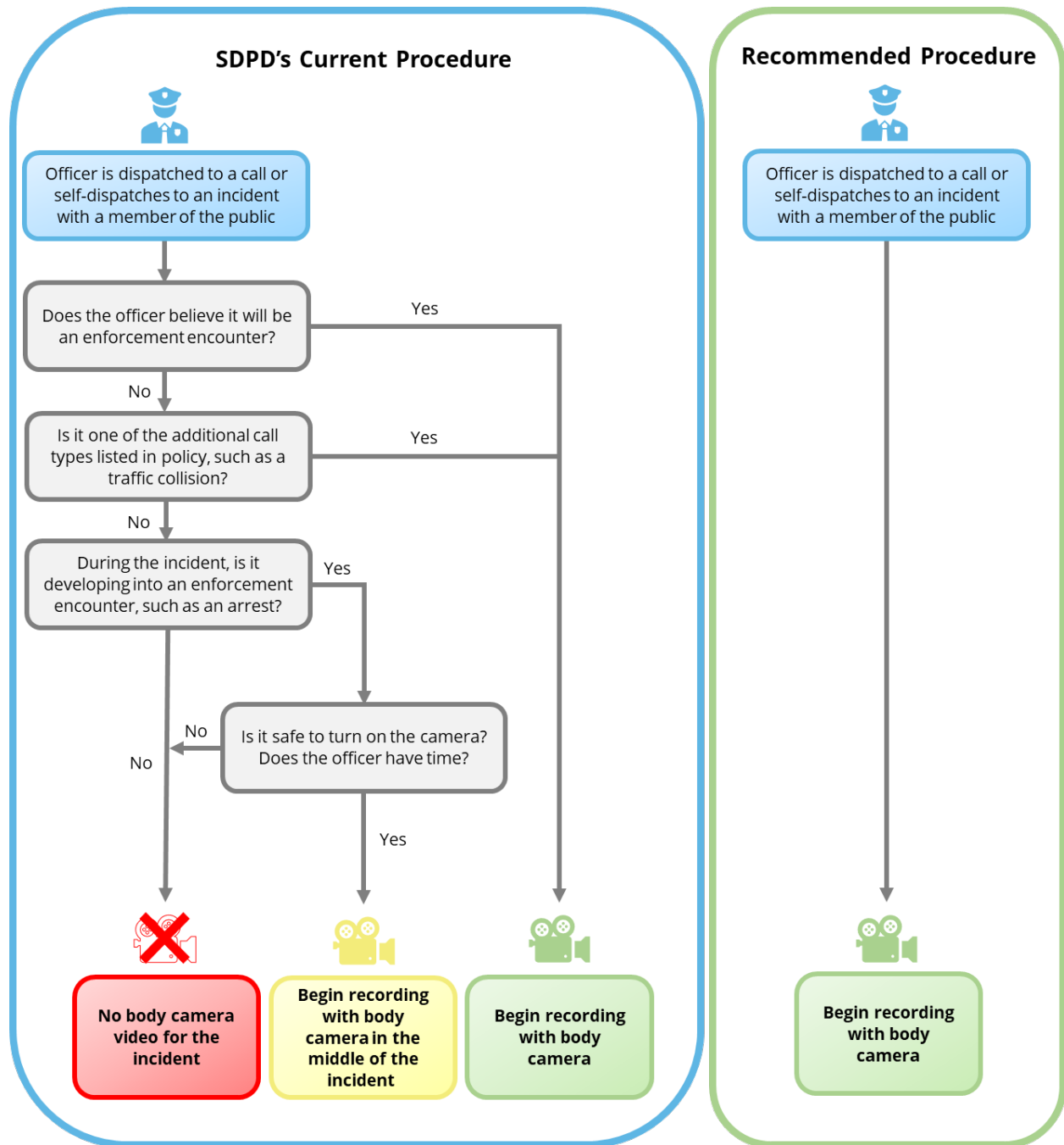
- San Jose
- Los Angeles
- Chicago
- Houston
- Phoenix
- Philadelphia
- San Antonio
- Dallas
- Seattle

Source: OCA generated based on reviewing each city's body camera policies.

A clear policy would establish that officers should begin recording on the way to all calls, eliminating the incidents when officers must begin recording in the middle of the encounter as it develops, as well as the incidents in which the officer is unable to safely activate their camera at all. **Exhibit 14** illustrates a summary of questions SDPD officers may have to ask before recording a body camera video under the current procedure compared to the recommended procedure.

Exhibit 14

Our Recommended Body Camera Procedure Creates a Clear Expectation of What Incidents Officers Should Plan to Record



Source: OCA generated based on interviews with SDPD, SDPD Procedure 1.49, and reviews of other cities' policies.

Sergeants' ability to review and confirm that officers record enforcement encounters may be limited by the ambiguity and complexity in the SDPD procedure.

We also found that simplifying SDPD's body camera procedure would better enable sergeants to review officers' compliance. SDPD's current procedure requires sergeants to review body camera videos every month to ensure their officers recorded enforcement related contacts. The sergeant must review the officer's dispatched encounters for at least two days during the month. Because the current procedure complicates which incidents officers should capture video for, sergeants must review and determine for themselves which encounters that day were likely to have been enforcement-related contacts, and then compare that number to the number of videos the officer had from that day. If the officer had fewer videos than likely enforcement encounters, the sergeant must follow up with the officer to understand why.

If the supervisor feels a violation of procedure has occurred, such as the officer not recording an enforcement contact, the supervisor will take appropriate action. SDPD's Discipline Manual for Sworn Personnel states that a first violation of body camera procedure results in a written warning up to termination.¹⁶ According to SDPD, the department documented 37 violations of the body worn camera procedure for the year we reviewed. However, our review found there were likely many more. As described above, we estimate there could have been more than 200,000 occasions when officers did not record videos during an enforcement encounter over that same time period.

Rather than relying on officers and sergeants to determine what events are likely to become an enforcement encounter, SDPD should have a policy that simply requires body camera videos of all dispatched incidents. This would make sergeant reviews more straightforward and may eliminate discrepancies between what sergeants would expect to be an enforcement encounter and what officers may expect to be an enforcement encounter.

¹⁶ San Diego Police Department Discipline Manual, p. 45

SDPD raised important considerations regarding our recommendation to record all dispatched calls, but we believe the benefits outweigh the costs.

Officer morale. SDPD raised the concern that officer morale may suffer if officers are required to record their whole shift. However, our recommendation would only require officers to record each call for service, which we maintain provides several safety, evidentiary, and transparency benefits to officers and the public. Our recommendation would not require officers to record the entirety of their workday, which includes other activities such as line-ups, briefings, or time on patrol when not on the way to an incident. According to the Executive Director of the Commission on Police Practices, having body camera video for interactions with the public has been beneficial. For example, it has meant that when members of the public make complaints against officers, there is video evidence of what occurred and the complaints are more likely to be clearly resolved, rather than resolved with a “not-sustained” finding where oversight bodies indicate it is unclear what happened. Further, although we did not survey the whole SDPD police force, several of the officers we met with during the course of our audit emphasized that they record all calls for service anyway, as an officer never knows if a call for service may turn into an enforcement encounter. The officers we met with discussed recording all interactions as a “better safe than sorry” practice.

Battery life. SDPD indicated that recording all dispatches would result in officers recording more interactions, using the battery of the body camera more quickly. Axon's body camera user manual states that each body camera has 12 hours of battery life for normal operation and most SDPD officers' shifts are 10 hours.

Budget to store videos. SDPD indicated concern that it could cost more to store additional videos if officers record all incidents. Currently SDPD's contract with AXON allows SDPD to store an unlimited number of videos. When the contract ends in over a year, SDPD will have to negotiate a new contract and unlimited storage should be a consideration.

Increased time and bandwidth to download videos. SDPD said recording more videos may mean it takes longer for the cameras to upload the videos at the end of each shift. We acknowledge that may be a concern, but SDPD procedure

already requires officers to plug in their cameras to upload videos at the end of each shift so the camera is ready by the following shift.

Meeting and conferring with San Diego Police Officers

Association. According to SDPD, if any of our recommendations create a change in working conditions for officers, SDPD could not implement the related recommendations without labor negotiations with the San Diego Police Officers Association per the Meyers-Milias-Brown Act. We acknowledge this may impact the timeline for implementing recommendations.

City of San Diego Surveillance Ordinance and Privacy

Advisory Board. According to SDPD, our recommendations may be impacted by decisions made by the City's potential new Privacy Advisory Board and City Council, as City Council is considering adopting a Surveillance Ordinance that includes body cameras in its definition of surveillance technology. Under the current version of the Surveillance Ordinance proposal, the Privacy Advisory Board would need to review and approve SDPD's body camera policy. City Council is the final decisionmaker and could overrule the Privacy Advisory Board's decision. In any case, we agree that if City Council adopts a body camera policy pursuant to the Surveillance Ordinance that contradicts our recommendations, it could impact SDPD's ability to fully implement some our recommendations. In that case, we would note the impact during the recommendation follow-up process.

Recommendation 1

The San Diego Police Department (SDPD) should amend its body camera procedure to require officers to turn on event mode to record body camera videos for all dispatched events and calls for service, including all incidents directed or self-initiated. SDPD should train all body camera users and supervisors on the new requirement. This recommendation would not impact SDPD's current procedure that requires officers to begin recording while driving to a call and prior to actual contact with a member of the public. Additionally, this recommendation should only impact calls for service and dispatched calls. Therefore, SDPD could keep its current procedure that allows officers to not record suspect interviews if the suspect declines to make a statement due to the body camera being activated and the SDPD procedure that prohibits recordings during contact with confidential informants. (Priority 2)

Recommendation 2

The San Diego Police Department (SDPD) should update the section in Procedure 1.49 related to supervisor reviews of officer videos to ensure supervisors confirm there is a body camera video for all dispatched events for each officer for days selected in the monthly review. SDPD should train all supervisors on the new requirement. This recommendation would not require supervisors to watch additional videos. (Priority 2)

Finding 2: In many cases, officers did not appear to record the entire incident, as required.

Law enforcement agencies use body cameras to improve evidence collection, to enhance agency transparency, and to investigate and resolve complaints. The San Diego Police Department (SDPD) states that the use of body cameras maintains public trust and captures important video evidence from the scene of a call. Therefore, recording the complete interaction between an officer and members of the public increases the amount of video evidence, ensuring the whole interaction can be reviewed and used for investigations, if necessary. SDPD should simplify and clarify the body camera policy and improve the supervisory review process to help ensure that the complete interaction between SDPD officers and members of the public are recorded.

Officers began recording on the way to an incident, as required, in 70 percent of the body camera videos we reviewed.

To review officers' compliance with SDPD body camera policy regarding the starting and stopping of videos, we reviewed a random sample of body camera videos, which included all video categories. This was a separate analysis from our review of all body camera records discussed in Finding 1.

We reviewed a random sample of all body camera videos recorded between October 1, 2020 and September 30, 2021, stratified by the type of incident in the video.¹⁷ We watched and analyzed a total of 288 videos and found that the officer did not begin recording while driving to the call in 30 percent of videos in our sample, as shown in **Exhibit 15**.¹⁸

SDPD procedure requires officers to begin recording while driving to a call that has the potential to involve an enforcement contact and before contact with the public. Starting the recording before arriving to a scene ensures officers capture the entire encounter with the public, including unexpected events

¹⁷ We reviewed a random sample of 288 body camera videos, stratified by video retention category, to achieve a statistical significance of $\pm 5\%$ at a 90% confidence level. This means we reviewed a statistically significant sample of the body camera videos recorded and retained in that year and made sure we watched at least one video of each body camera video category, such as traffic stops, use of force incidents, and contacts with no further action needed.

¹⁸ Per SDPD Procedure 1.49, officers may stop recording while on scene for intelligence gathering or at the request of a supervisor. Officers are required to start recording again if enforcement activity resumes. Therefore, for some videos in our sample, an officer might have recorded a video before the video captured in our sample and the officer could have been compliant with Procedure 1.49. While we do not expect the activation compliance rate to be 100, we anticipate it can be higher than 70 percent.

that may impact officers' actions. Furthermore, during enforcement contacts, officer safety is a key SDPD priority. Beginning the recording on the way to the incident allows officers to focus on the scene at hand as soon as they arrive.

Exhibit 15

SDPD Officers Did Not Start Recording on the Way to the Incident in About 30% of Body Camera Videos Reviewed



- Officer did not start recording on the way to the incident
- Officer started recording on the way to the incident

Source: OCA generated based on results of our stratified random sample testing of SDPD videos and SDPD Procedure 1.49.

Using other major cities' audits of body camera programs, we compared the rate officers started recording on time according to their department policies to SDPD's rate. These other cities do not reflect perfect comparisons because they looked at fewer videos or only one call type compared to our sample, which looked at all video categories across a year-long period. However, they illustrate that we could reasonably expect SDPD officers to begin recording on time, in line with policy, more often. In Austin, 3 percent of officers did not start recording on time, compared to 30 percent of officers who did not start recording on time at SDPD. In San Antonio, 10 percent of officers did not start recording on time. In the Los Angeles Police Department, 22 percent of officers did not start recording on time. In Atlanta, 39 percent of officers did not start recording on time.

The ambiguity in the current SDPD body camera procedure may result in officers beginning to record when an incident turns into an enforcement encounter, rather than recording from the beginning.

SDPD's procedure specifies that recording should begin on the way to potential enforcement contacts. Therefore, not all calls will require a body camera recording. However, non-enforcement related calls can escalate into enforcement contacts.

As illustrated in the example in Finding 1, SDPD procedure does not require officers to record while on scene for a burglary report. However, should the officer discover the burglar near the scene of the burglary, the body camera would not capture the initial sighting of the burglar, thereby reducing the amount of video evidence available. In addition, sighting the burglar may make it difficult or unsafe for the officer to activate event mode to begin recording at that point. The officer would likely need to focus on pursuing the suspect. SDPD body cameras do record two minutes of video without audio before an officer begins recording in event mode, which could have captured the scene, but only if the officer was able to activate event mode on their camera in the middle of the incident.

Amending SDPD's body camera procedure to require officers to turn on event mode to record body camera footage for all dispatched incidents (as recommended in Finding 1) would increase the amount of evidence available for enforcement contacts and increase the likelihood that the beginning of all encounters with the public are captured.

Officers stopped recording before the incident appeared to conclude in more than one-third of the videos we reviewed.

In our review of the sampled 288 body camera videos, as shown in **Exhibit 16**, we found in 38 percent of videos the officer stopped recording before the incident concluded, which we defined as while the officer was still on scene with either the suspect or potential witnesses in close proximity.¹⁹ Furthermore, our review found that in 13 percent of sampled videos, the

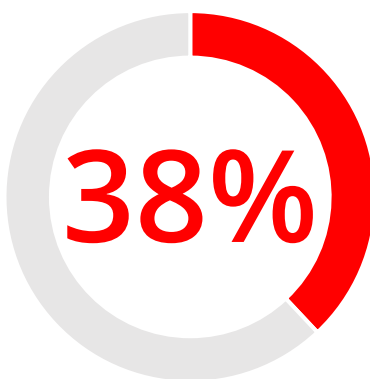
¹⁹ Per SDPD Procedure 1.49, officers may stop recording while on scene for intelligence gathering or at the request of a supervisor. Therefore, for some videos in our sample, an officer might have recorded a video after the video captured in our sample and therefore the officer could have been compliant with Procedure 1.49. While we do not expect the deactivation compliance rate to be 100 percent, but we anticipate it can be higher than 62 percent.

officer stopped recording while interacting with a member of the public.²⁰

Due to the unpredictable nature of enforcement encounters, capturing the entire incident on video ensures all conversations with the suspect or possible witnesses are recorded, which provides a greater amount of video evidence that can be used for investigations. Additionally, capturing the full encounter can be used to determine what did or did not occur in the interaction if a complaint arises.

Exhibit 16

SDPD Officers Stopped Recording Before an Incident Appeared to Conclude in About 38% of Body Camera Videos Reviewed



- Officer stopped recording before incident
- Officer stopped recording after incident concluded

Source: OCA generated based on results of our stratified random sample testing of SDPD videos.

Using other major cities' audits of body camera programs, we compared the rate officers stopped recordings before an incident concluded in SDPD to other cities' officers. Again, these other cities do not reflect perfect comparisons because they looked at fewer videos or only one call type compared to our sample. In Austin, 4 percent of officers stopped recording before the end of the incident, compared to 38 percent of SDPD officers. In San Antonio, 9 percent of officers stopped recording

²⁰ For the purposes of our review, we defined interacting with a member of the public as an officer talking to, touching, or pointing an object at a member of the public.

before the end. In Atlanta, 53 percent of officers stopped recording before the end.

SDPD should clarify in its body camera procedure when officers can stop recording.

SDPD procedure is vague regarding when officers can stop recordings, which likely causes the discrepancy of when officers stop recording. For arrests, procedure states officers may stop recording when the arrestee is cooperative and safely secured inside a law enforcement facility. However, for incidents that do not result in an arrest, the appropriate time to stop recording is vague. Procedure states officers shall continue recording until the contact concludes or the contact transitions from an enforcement contact to intelligence gathering. The procedure does not define an incident conclusion or provide examples of when an enforcement contact switches to intelligence gathering. In the majority of the 38 percent of videos in which officers stopped recording before the incident concluded, there was no clear indication that the enforcement contact had concluded as either the suspect or potential witnesses were still in close proximity. Although the procedure cannot provide examples for every situation, other cities' policies provide more clarity.

For example, the Houston Police Department Body Camera General Order states officers may only deactivate the camera when all contact with the public on the scene is completed, when all arrests have been made and arrestees have been transported, when conferring with an undercover officer about tactical information, or when approved by a supervisor.²¹ Clarifying in procedure when officers should stop recording would help SDPD ensure officers record an entire incident.

SDPD procedure should require supervisors to review if officers turned off cameras before an incident concluded.

SDPD procedure requires sergeants to review body camera videos to ensure officers recorded enforcement-related contacts and started recording while driving to the call. However, the procedure does not require sergeants to ensure officers ended the video in line with procedure. Requiring sergeants to verify officers ended the recordings in compliance with procedure during their regular video reviews would help ensure officers capture all video evidence of the incident.

²¹ Houston Police Department General Order 400-28, issued 01/20/2021, p. 6, https://www.houstontx.gov/police/general_orders/400/400-28%20Body%20Worn%20Cameras.pdf

In the videos we reviewed, officers kept their body cameras on in buffering mode and did not intentionally cover up the camera.

From our sample review, we found that officers largely kept their body cameras on and in buffering mode as required. Specifically, 91 percent of videos had the full 2 minutes of buffering time. This indicator would likely never reach 100 percent because of valid reasons a camera recording may not have the full buffering period, such as recording back-to-back incidents. For example, during an encounter an officer may stop recording to step away from the scene to call their supervisor. However, they may quickly start recording again when walking back to interact with the suspect again. Therefore, in these situations, the video would not have the full two minutes of buffering time.

Additionally, in our review, officers never appeared to intentionally angle away from a scene or intentionally cover the body camera. Therefore, in 100 percent of the videos we reviewed, officers complied with SDPD's procedure that states officers should not intentionally obscure the view of their body camera.

Recommendation 3

The San Diego Police Department (SDPD) should clarify in Procedure 1.49 specifically when officers can stop recording an incident with their body camera. The procedure should clarify the definition of the conclusion of an incident and include examples. SDPD should communicate this procedural update in a department-wide training. (Priority 2)

Recommendation 4

The San Diego Police Department (SDPD) should add to the sergeant reviews section of Procedure 1.49 to require that supervisor reviews include reviewing the end of body camera videos to confirm compliance with procedure. This recommendation would not require supervisors to review additional videos beyond the monthly review process already in place. SDPD should communicate this procedural update in a department-wide training. (Priority 2)

Finding 3: Officers generally categorized videos correctly, but some changes would minimize the risk of deleting videos too soon.

Officers generally categorized videos correctly.

After recording an incident on their body camera, officers assign the video from the incident a category based on what happened. Assigning body camera videos the right incident category ensures that the San Diego Police Department (SDPD) saves body camera video evidence for the required time. Based on the video category, SDPD retains body camera videos for 1 week, 2 years, 130 weeks, 10 years, or permanently retains the videos. For example, as illustrated in **Exhibit 17**, SDPD saves Citation – Infraction or Vehicle Impound body camera videos for 2 years while SDPD saves videos categorized as Collision – Major Injury, Non-Fatal for 10 years.

In our stratified random sample of body camera videos from October 1, 2020 to September 30, 2021, we analyzed 288 videos to see if the officer categorized the video correctly.²² We found officers categorized videos incorrectly only 4 percent of the time. Furthermore, in just 1 percent of cases, the incorrectly categorized video needed a different category to be kept for the right timeframe according to SDPD's retention schedule.

²² We reviewed a random sample of 288 body camera videos, stratified by video retention category, to achieve a statistical significance of $\pm 5\%$ at a 90% confidence level.

Exhibit 17

Examples of Retention Periods for Body Camera Videos

Video Category	Retention Period
BWC Training/Accidental	1 Week
Citation – Infraction or Vehicle Impound	2 Years
Crime Case – Misdemeanor	2 Years
Use of Force	130 weeks
Collision – Major Injury, Non-Fatal	10 Years
Crime Case – Felony	Retained Permanently
Officer Involved Shooting	Retained Permanently

Source: OCA generated based on SDPD's body camera video retention schedule effective September 15, 2021.

Officers labeled videos as required.

Out of the 733,161 videos recorded from October 1, 2020 to September 30, 2021, 99.6 percent of videos were categorized. Just 2,662 videos (0.4 percent) did not have an assigned incident category. Based on the retention schedule, SDPD retains the uncategorized videos permanently or until assigned a different category, so there is little risk the video would be deleted too soon if uncategorized.

The vast majority of videos were kept as long as required.

We reviewed a list of all videos deleted over a 16-month period from October 1, 2020 to December 31, 2021. We found 98 percent of videos were deleted in compliance with SDPD's retention schedule. The only exceptions we identified were during a policy transition period when, for two weeks, videos were deleted in compliance with the historical retention schedule rather than the updated retention schedule. This issue was resolved in September 2021; SDPD has set the system to automatically delete videos according to the updated retention schedule, so no videos should be deleted manually or ahead of schedule.

Videos recorded accidentally should be saved longer.

SDPD's retention schedule requires SDPD to keep videos categorized as Body Worn Camera (BWC) Training/Accidental for one week. A one-week retention schedule creates a risk that videos categorized as BWC Training/Accidental could quickly be deleted by the system without anyone confirming they were actually accidental videos not containing evidence or related to an incident. Deleting videos after a week makes it unlikely the supervisors' monthly review of body camera videos will capture these BWC Training/Accidental videos. Therefore, we recommend sergeant and lieutenant reviews of body camera videos include review of all videos categorized as BWC Training/Accidental, to ensure video evidence is not deleted.

We reviewed all videos categorized as BWC Training/Accidental from two dates in 2022. Of the 19 videos we reviewed, 1 was a video of a traffic stop and should not have been categorized as accidental or training. None of the videos were marked as having been reviewed by supervisors.

Additionally, deleting accidental or training videos after one week runs contradictory to state law that recommends cities keep non-evidentiary recorded data for a minimum of 60 days and keep evidentiary data for a minimum of 2 years.²³ Therefore, expanding the retention period of BWC Training/Accidental videos to 60 days would help ensure compliance with state law.

²³ California Penal Code 832.18:
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=832.18.&nodeTreePath=5.5.6&lawCode=PEN

Recommendation 5

The San Diego Police Department (SDPD) should require in Procedure 1.49 that supervisor reviews of body camera videos include watching all videos categorized as BWC Training/Accidental to help ensure they are categorized and retained correctly. SDPD should include this procedural update in a department-wide training. (Priority 2)

Recommendation 6

The San Diego Police Department should amend its body camera video retention schedule to keep videos categorized as BWC Training/Accidental for at least 60 days to align with state law recommendations. (Priority 2)

Finding 4: SDPD does not have a detailed policy on when it releases body camera video, creating confusion among the public and City Council.

The San Diego Police Department's (SDPD) current procedure on releasing body camera video footage states that public release is determined by the Chief of Police or their designee. The policy does not list the types of videos state law requires SDPD to release upon request, nor does it explain the exceptions to those requirements.

We interviewed three councilmembers and one councilmember's staff from the Public Safety and Livable Neighborhoods Committee and each highlighted that it is unclear when body camera videos will be released and why videos are released or not released. Unless there is a relevant lawsuit, councilmembers get access to body camera videos when the public does. The laws setting forth what videos the City is required to release continue to change and have so far trended toward increasing public access to this footage. This changing environment and the complexity of the laws creates confusion for the City's elected officials and the public. For example, the public regularly requests access to body camera videos from SDPD for incidents with the police that California law does not require SDPD to release. Creating a clear, detailed policy that summarizes the procedure for most instances would alleviate some of the confusion and make the process more transparent for City stakeholders and those interacting with SDPD. SDPD would also likely benefit from the public having a better understanding of the laws and procedures dictating when body camera videos are released.

For officer involved shootings in our scope, SDPD released critical incident videos that contained the most pertinent body camera video footage.

With some exceptions, California law requires SDPD to release video recordings depicting critical incidents, which are incidents in which an officer discharged a firearm at a person and uses of force that resulted in death or great bodily injury, within 45 days of the date SDPD knew about or reasonably should have known about the incident.²⁴ For officer involved shootings, SDPD stated it had an unwritten goal of releasing a compilation of body camera footage and additional information in a critical incident video within 10 days. SDPD has now published this goal on their website.²⁵ For other critical incidents, such as use of force incidents that resulted in great bodily injury, SDPD posts the relevant body camera videos on its website.²⁶

²⁴ California Government Code Section 6254 (f)(4).

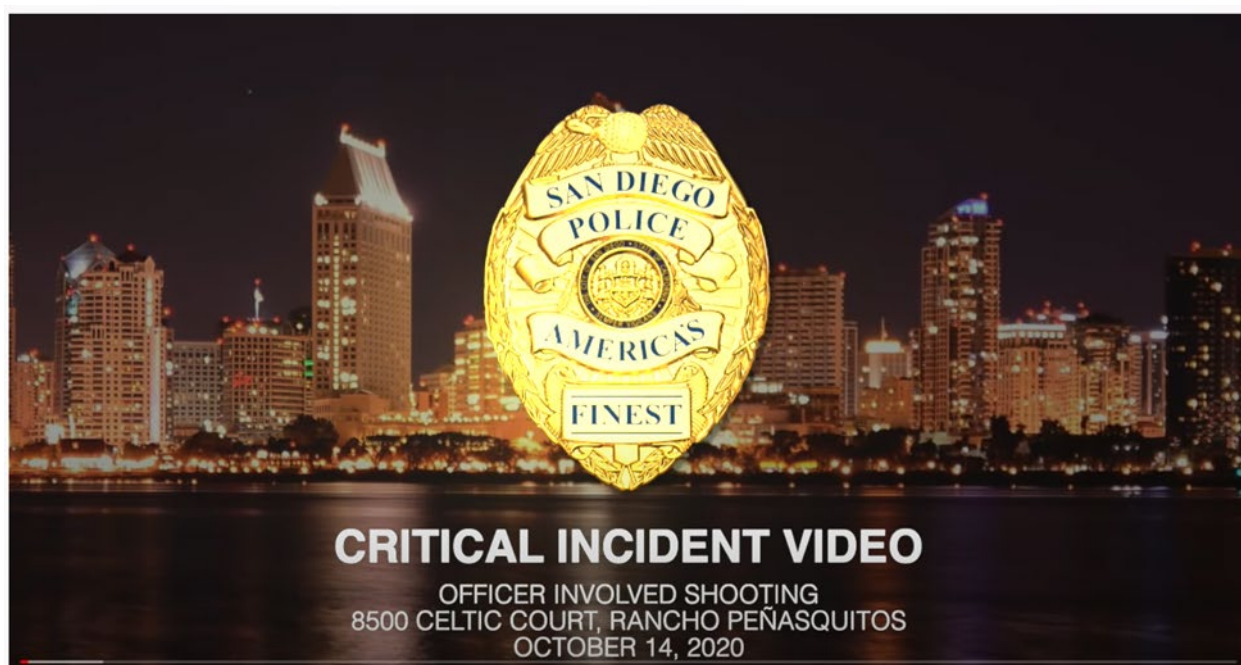
²⁵ <https://www.sandiego.gov/police/data-transparency/critical-incident-videos>

²⁶ <https://www.sandiego.gov/police/data-transparency/mandated-disclosures/sb16-sb1421-ab748>

As listed in **Exhibit 19**, we reviewed five of the six officer involved shootings SDPD officers were involved in from October 1, 2020 to September 30, 2021 for which SDPD released the critical incident video.²⁷ SDPD released each critical incident video in our scope within 10 days of the officer involved shooting.²⁸ The released critical incident videos are generally a composite of multiple, underlying raw videos. **Exhibit 18** is a screenshot that illustrates what the beginning of most critical incident videos looks like.

Exhibit 18

Still Image Taken from the Beginning of a Critical Incident Video Released by SDPD



Source: <https://www.youtube.com/watch?app=desktop&v=IhFEfENZnKY>

²⁷ We did not review the April 13, 2021 San Diego High School standoff incident because we excluded officer involved shootings where the shooter was far removed from the person shot. In the body camera videos of this shooting, because it is an officer looking through a window of a building above the scene, the body camera video does not allow the viewer to see the activity on the ground or the events leading up to the shooting from the officer's perspective. Therefore, we determined the body camera video analysis was not as useful on this type of shooting and excluded it from our review. Follow the link to view the critical incident video of this excluded incident. <https://www.youtube.com/watch?v=YMIA65BeBrA>

²⁸ We did not review whether or not SDPD released critical incident videos for officer involved shootings that took place outside of our audit scope (October 2020 through September 2021).

We reviewed the critical incident video SDPD released and compared it to underlying raw body camera video footage from each incident. In total for this analysis, we reviewed 84 raw body camera videos in addition to the 5 critical incident videos.

Exhibit 19

We Reviewed Five of the Six Officer Involved Shootings from October 1, 2020 to September 30, 2021

Incident Date	Incident Location	Incident Type	Link to the Critical Incident Video SDPD Released	Critical Incident Video Release Date
October 14, 2020	Celtic Court	Officer Involved Shooting	Northeastern Division 10/14/20 - YouTube	October 22, 2020
October 19, 2020	South Pardee Street	Officer Involved Shooting	Southeastern Division 10/19/2020 - YouTube	October 28, 2020
February 25, 2021	G Street	Officer Involved Shooting	Central Division 2/25/2021 - YouTube	March 3, 2021
July 23, 2021	El Cajon Boulevard	Officer Involved Shooting	Mid-City Division 7/23/21 - YouTube	August 2, 2021
September 28, 2021	Rex Avenue	Officer Involved Shooting	Mid-City Division 09/28/21 - YouTube	October 7, 2021

Note: The critical incident videos linked contain graphic and disturbing images.

Source: OCA generated based on incidents provided by SDPD verified by a review of body camera videos and a review of the videos linked.

We found that SDPD's critical incident video in all five cases we reviewed included pertinent information from the body camera videos and did not edit or redact any information in the videos that would have interfered with the viewer's ability to comprehend the incident. We did not find any additional video footage in the raw body camera video footage that would have substantially changed the impact or conclusions of the critical incident video. However, we did find that the raw body camera video footage in some situations held additional context, such as the events that led up to the officer involved shooting from the officers' perspective and additional angles of the incident. This footage was not included but could have added context for the public and stakeholders to review.

Beyond critical incident videos, California law requires SDPD to release videos related to certain incidents when requested and SDPD releases videos that it determines are most relevant.

Beyond critical incident videos discussed in the section above, California law requires SDPD to release videos related to incidents listed in **Exhibit 20**, including, for example, incidents in which an officer discharged a firearm at a person, an officer used force that resulted in death or great bodily injury, there was a sustained finding that an officer had sexually assaulted a member of the public, or there was a sustained finding that an officer had engaged in dishonesty directly relating to the reporting, investigation, or prosecution of a crime.

Exhibit 20

Summary of Videos SDPD Must Release Upon Request

Incidents of Officer Actions State Law Required SDPD to Release Video for During Our Review:

- **Discharge of a firearm** at a person
- **Uses of force** that resulted in death or great bodily injury
- Sustained finding of **sexual assault**
- Sustained finding of **dishonesty**

Incidents of Officer Actions State Law Requires SDPD to Release Video for Starting January 2022:

- All of the above, plus:
- Sustained finding of **unreasonable or excessive force**
- Sustained finding that an officer **failed to intervene** against an officer using clearly unreasonable or excessive force
- Sustained finding of conduct involving **prejudice or discrimination** against certain protected classes
- Sustained finding of **unlawful arrest or unlawful search**

Source: OCA generated based on California Penal Code Section 832.7.

For the year we reviewed, October 2020 through September 2021, California law required SDPD to release videos related to an incident, upon public information request and with specific exceptions. Current law, as of January 2022, now requires these records to be released within 45 days of the incident. SDPD stated that it is not required to release *all* body camera videos related to an incident. SDPD stated this position is based on its interpretation of the plain language of the disclosure statute. SDPD said it continuously works with the City Attorney's Office to determine what videos it is required to disclose.

According to SDPD, the department releases video recordings once investigations or criminal proceedings are concluded, which are exceptions California law allows. However, SDPD does not release all body camera video records related to the incident. Instead, SDPD releases the body camera videos SDPD determines are the most relevant and pertinent to the incident. According to SDPD, its determination is informed by the videos

Performance Audit of SDPD's Use and Management of Body Cameras

SDPD uses to build a case to be tried in court and the videos detectives determine are most relevant, if applicable. The above determination, according to SDPD, is "shaped by adherence to the wording of the disclosure statute." For example, during the year we reviewed, SDPD released body camera footage for the five incidents in **Exhibit 21**. In most cases, SDPD released fewer body camera videos than it had records of.

Exhibit 21

Body Camera Videos Released to Comply with State Law Requiring SDPD to Release Records Upon Request

Incident Date	Incident Type	Number of SDPD Videos	Number of Body Camera Videos SDPD Released
October 4, 2020	Officer Involved Shooting	7	7
October 24, 2020	Use of Force that Resulted in Great Bodily Injury	12	6
December 31, 2020	Use of Force that Resulted in Great Bodily Injury	9	3*
April 23, 2021	Use of Force that Resulted in Great Bodily Injury	17	2
September 8, 2021	Use of Force that Resulted in Great Bodily Injury	20	2

*SDPD initially released one body camera video for this event, but after we provided the above list, SDPD released two additional body camera videos for the event.

Note: According to SDPD, during the course of this audit, SDPD reviewed each of the examples we listed above and found that in most cases it had released all the body camera footage that was relevant for the incident. Further, the requester in each case may have requested footage only of the incident, rather than all footage related to the incident.

Source: OCA generated based on information provided by SDPD and information on SDPD's list of videos and records it released, available at <https://www.sandiego.gov/police/data-transparency/mandated-disclosures/sb16-sb1421-ab748>

SDPD requires considerable resources to make body camera videos public.

SDPD redacts the video before it releases it publicly to protect the identity of witnesses, protect other personally identifying information, and redact gore that may shock the conscience of a reasonable citizen. Redacting videos takes considerable resources—SDPD estimates it takes its staff one to two hours to redact each minute of a video. Due to these resource constraints, SDPD does not release all videos related to the incident. As mentioned above, SDPD releases the body camera videos that SDPD determines are the most relevant and pertinent to the incident. Some of the additional videos not released may not contain the incident itself or may contain angles of the incident very similar to footage already released.

There may be valid legal and operational reasons not to disclose all video records. For example, the public records request might request footage only of the incident and not all footage related to the incident. However, if SDPD has chosen not to disclose all video records due to operational constraints when the requester asks for all video records, SDPD should disclose that it is only providing the most relevant video footage.

San Diego's policy on releasing body camera video aligns with most other cities, with the exception of San Jose's more detailed policy.

Other large cities generally have policies on body camera video release that are similar to SDPD's—namely that releasing body camera video is up to the Chief of Police. However, San Jose, California adopted a policy on video release that allows a majority vote of city council to direct the chief of police to release body camera video footage for incidents of extraordinary public interest. The policy also details that when multiple sources of video exist and production of all sources would unduly consume the time and labor of staff, the city shall identify the three videos that most clearly and fully capture the event. Further, the policy stipulates that the city must provide at least 10 minutes of footage prior to the actual interaction or event, if available, to ensure the viewer has the benefit of the full context of the incident.

Current Commission on Police Practices leaders reported having access to the body camera videos they needed.

We interviewed the Chair, First Vice Chair, and Executive Director of the Commission on Police Practices for this audit. They stated they had access to the body camera videos necessary to fulfill their duties, which are usually the body camera videos included in the Internal Affairs file for the case.

Recommendation 7

The San Diego Police Department (SDPD) should write and implement a policy or procedure detailing what body camera videos it releases and when, including critical incident videos.

- a. The policy should, at minimum, ensure compliance with state law and be easily understood by the public. The policy should list the types of incidents it is required to release body camera video for and list the reasons there may be exceptions to releasing a video. **Exhibit 5** in the Background section of this report provides an example. To clarify that this policy is meant to mirror state law and not contradict state law, SDPD could state that this list is a summary of state law and that state law and subsequent court proceedings supersede the City policy.
- b. The policy should include SDPD's goal of releasing critical incident videos within 10 days of an officer involved shooting.
- c. The policy should require SDPD to disclose when it is only providing the requester a selection of body camera videos related to the incident that it has determined are most relevant, if the requester has asked for all videos related to the incident.
- d. The policy should detail the factors that go into weighing the interest in delaying disclosure against the public interest in disclosure of body camera videos required to be released under California Penal Code Section 832.
- e. SDPD should present the policy to the relevant City Council committee to educate the public on what body camera videos are available for public inspection, what body camera videos are left to the discretion of the Chief of Police, reasons for delay of disclosure of body camera videos, and the process

for requesting body camera videos. The presentation should also explain the timeline for critical incident videos compared to the release of all body camera videos and records requested under California Penal Code Section 832.

- f. SDPD should post the policy on its public website. (Priority 2)

Appendix A: Definition of Audit Recommendation Priorities

DEFINITIONS OF PRIORITY 1, 2, AND 3

AUDIT RECOMMENDATIONS

The Office of the City Auditor maintains a priority classification scheme for audit recommendations based on the importance of each recommendation to the City, as described in the table below. While the City Auditor is responsible for providing a priority classification for recommendations, it is the City Administration's responsibility to establish a target date to implement each recommendation taking into consideration its priority. The City Auditor requests that target dates be included in the Administration's official response to the audit findings and recommendations.

Priority Class ²⁹	Description
1	<p>Fraud or serious violations are being committed.</p> <p>Significant fiscal and/or equivalent non-fiscal losses are occurring.</p> <p>Costly and/or detrimental operational inefficiencies are taking place.</p> <p>A significant internal control weakness has been identified.</p>
2	<p>The potential for incurring significant fiscal and/or equivalent non-fiscal losses exists.</p> <p>The potential for costly and/or detrimental operational inefficiencies exists.</p> <p>The potential for strengthening or improving internal controls exists.</p>
3	<p>Operation or administrative process will be improved.</p>

²⁹ The City Auditor is responsible for assigning audit recommendation priority class numbers. A recommendation which clearly fits the description for more than one priority class shall be assigned the higher priority.

Appendix B: Objectives, Scope, and Methodology

Objectives In accordance with the Office of the City Auditor's approved Fiscal Year 2022 Audit Work Plan, we conducted a Performance Audit of the San Diego Police Department's (SDPD) Use and Management of Body Worn Cameras. Our audit included the following objectives:

1. Determine if SDPD's policies and procedures regarding body worn camera usage, management, and video release are in line with best practices and local, state, and federal regulations.
2. Determine if internal controls are in place to ensure policies and procedures are followed and body worn camera footage is properly collected, maintained, monitored, and released by appropriate personnel.

Scope For most of the analysis, we examined a year's worth of data from October 1, 2020 to September 30, 2021. We started fieldwork on the audit in October 2021, so this was the most recent 12 months of data at the time.

Our audit scope did not include a separate legal analysis of SDPD's legal compliance with each specific California Public Records Act request, nor legal compliance with disclosure requirements under other California laws.

Objective	Methodology
Determine if SDPD's policies and procedures regarding body worn camera usage, management, and release are in line with best practices and local, state, and federal regulations.	<ul style="list-style-type: none">• Reviewed body camera best practices from the Department of Justice, the Department of Justice's Office of Community Oriented Policing Services, the Police Executive Research Forum, the International Association of Police Chiefs, the American Civil Liberties Union, the Commission on Accreditation for Law Enforcement Agencies, and the Leadership Conference on Civil and Human Rights• Benchmarked body camera policies against cities with more than 1 million people, as well as major California and west coast cities, including: New York, Los Angeles, Chicago, Houston, Dallas, Phoenix, Philadelphia, San Antonio, San Jose, San Francisco, Sacramento, Seattle, Portland, and Miami• Reviewed previous body camera audits and reviews conducted by: San Diego County and the cities of Atlanta, Georgia; Aurora, Colorado; Austin, Texas; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Ohio; Los Angeles, California; Phoenix, Arizona; San Antonio, Texas; and Virginia Beach, Virginia• Reviewed the current and previous versions of the SDPD body camera procedure• Reviewed the current SDPD video retention schedule, as well as the SDPD video retention schedule effective during our scoping period• Reviewed SDPD's Release of Information Unit's Operation Manual• Researched for federal regulations governing body cameras and video footage• Reviewed California State regulations on body cameras and video release• Researched for local regulations on body cameras

Determine if internal controls are in place to ensure policies and procedures are followed and body worn camera footage is properly collected, maintained, monitored, and released by appropriate personnel.

- Interviewed the Executive Director, Chair, and First Vice Chair of the Commission on Police Practices
- Interviewed the councilmembers or staff of four City of San Diego Councilmember Offices
- Researched other law enforcement agencies that use automated body camera activation features for body cameras
- Reviewed City of San Diego's contracts with the vendor, Axon Enterprise, Inc.
- Reviewed City of San Diego's contract with the vendor, Critical Incident Videos, LLC
- Viewed and analyzed a random sample of videos stratified by video category, totaling 288 videos, selected from all SDPD body camera videos recorded and retained in a 1-year period from October 1, 2020 to September 30, 2021, and compared the actions in the video to SDPD body camera procedure
- Viewed and analyzed body camera videos that started recording before or within 2 minutes of 5 officer involved shootings SDPD officers were involved from October 1, 2020 to September 30, 2021, totaling 84 videos
- Viewed and analyzed five critical incident videos released by SDPD for officer involved shootings during the one-year period and compared the content of the video to the body camera footage from the incident
- Reviewed the list of all SDPD officer involved shooting incidents and use of force resulting in great bodily injury incidents that occurred within the one-year period
- Compared the list of all SDPD officer involved shootings from the one-year period to all body camera videos categorized as officer involved shootings from the same time period to confirm we had a record of all officer involved shootings

- Viewed and analyzed videos categorized as an officer involved shooting that were not recorded on the same date as the list of SDPD officer involved shootings, totaling 33 videos
- Viewed and analyzed all videos recorded and categorized as "BWC Training/Accidental" for 2 dates, totaling 19 videos
- Compared the dataset of all dispatched SDPD incidents from October 1, 2020 to September 30, 2021 to the list of all body camera videos recorded within the same period to analyze what dispatched incidents did and did not have body camera videos
- Assessed the dispatched incidents that did not have body camera video to determine if there was a pattern for what incidents did not have a video by call type, how the call ended, SDPD division, SDPD beat, officer involved, time of day, and month of the year
- Reviewed and analyzed the list of all body camera videos deleted within a 16-month period to ensure the videos were deleted in line with the retention schedule
- Conducted two ride-alongs with SDPD patrol officers
- Interviewed sergeants on their body camera review procedures
- Interviewed SDPD's Operational Support Unit, the Release of Information Unit, and the Media Unit
- Interviewed SDPD Information Services and City of San Diego Department of IT
- Interviewed an SDPD Dispatch Supervisor
- Interviewed a Deputy District Attorney with the San Diego District Attorney's Office
- Interviewed representatives from Axon Enterprise, Inc.

- Reviewed the Axon Cloud Services Criminal Justice Information Services Compliance Guide
- Reviewed Axon Enterprise, Inc.'s statement on Axon Body Worn Video: Data Integrity and Authenticity
- Reviewed the 2020 Axon Cloud Services Service Organization Controls (SOC) 2 Type 2 Report
- Reviewed SDPD personnel numbers and body camera inventory numbers
- Reviewed SDPD's body camera training for new hires and other body camera trainings SDPD has rolled out
- Reviewed the number of disciplinary actions in SDPD for body camera policy violations from October 1, 2020 to September 30, 2021
- Reviewed SDPD's public website that stores the publicly released body camera videos
- Examined Axon body cameras and viewers

Confidential Findings

During the audit, we analyzed SDPD's compliance with information security standards as it related to body camera videos. Our findings and recommendations related to information security include detailed, sensitive security information and therefore are not included in this report. Those findings and recommendations will be published confidentially in accordance with Government Auditing Standard 6.63.

Data Reliability

We primarily worked with two data sets provided by SDPD: the list of all body camera videos recorded and the list of all dispatches during our scope. We assessed the reliability of both data sets by (1) performing electronic testing, (2) reviewing existing information about the data and the system that produced them, and (3) interviewing SDPD staff knowledgeable about the data. In addition, we traced a statistically random stratified sample of the body camera videos listed to the source documents (see Finding 2). We electronically matched records of body camera videos to the dispatch data (see Finding 1); however, we were not able to test this dispatch dataset against other source documents as this is the original source for SDPD

dispatch data. We determined that the data were sufficiently reliable for the purposes of responding to our objectives, and any issues with the data reliability are described in the applicable findings.

**Internal Controls
Statement**

We limited our internal controls testing to specific controls relevant to our audit objectives, described above. Specifically, we reviewed controls to ensure adherence to San Diego Police Department body camera procedures and policies and controls for internal data reporting methodologies.

Compliance Statement

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: July 18, 2022

TO: Andy Hanau, City Auditor
via Jay Goldstone, Chief Operating Officer

FROM: David Nisleit, Chief of Police

SUBJECT: Management Response to Performance Audit of SDPD Use and Management of Body Worn Cameras

The purpose of this memorandum is to provide the Police Department's response to recommendations made by the Office of the City Auditor (OCA) in their Performance Audit of the San Diego Police Department's (SDPD) Use and Management of Body Cameras.

Summary:

The San Diego Police Department agrees with the Office of City Auditor's finding summary that "Police body cameras and body worn camera videos can be useful tools to increase public trust, enhance officer safety, and can provide critical evidence of police encounters with the public."

SDPD began outfitting its officers with body-worn cameras (BWC) in 2014. At one point, the Department had more body-worn cameras being used by officers than any other major city in the nation. Additionally, over the past 8 years the San Diego Police Department has not only been recognized as an agency that adopted this technology early, and in large numbers, but as a Department committed to developing and continually updating its procedures governing their use while employing documented best practices.

As the Commission on Police Practices noted in its recent memorandum to Chief David Nisleit, dated May 5, 2022, "SDPD has been a nationwide leader in formulating its BWC procedures." Being an acknowledged leader in policy development requires the Department to not only remain open to criticism and recommendations, but to continuously assess proposals as they relate to impacts on the following: costs, personnel, community relations, legal considerations and existing agreements, as well as continuity of Department operations.

The Office of the City Auditor made seven recommendations within this performance audit. The proposals outline having officers turn on BWCs for all dispatched events, incorporate additional language describing when officers can stop recording, mandate additional training

and review of recorded BWC video, expand the retention schedule to achieve compliance with the penal code and ensure its procedures explain what BWC videos are publicly released pursuant to state law and the time requirements associated with their public disclosure.

SDPD has expressed apprehension about some of the findings and conclusions made within the audit and described factors that may impact implementation of the recommendations. The OCA included many of these issues in its performance audit and expressed their belief the "benefits outweigh the costs" of adopting each of their recommendations.

The recommendations made by the OCA are not new to law enforcement. Many agencies have already implemented their key recommendation, which requires officers to "record body camera videos for all dispatched events and calls for service, including all incidents directed or self-initiated." These agencies, along with groups like the American Civil Liberties Union (ACLU), stress that simple language that largely removes officer discretion and decision making related to activating body-worn cameras is the best way to standardize their activation, obtain procedural compliance, and ensure that essential video evidence is recorded.

Other agencies, like the San Diego Police Department, developed their current procedure to provide officers some discretion to activate cameras. SDPD also has strong concerns the OCA's recommendations could infringe on privacy rights, produce negative impacts on community relationships, signal a lack of trust to officers, introduce working conditions not found in the region that will impact recruitment and retention, and substantially increase the fiscal costs of the BWC program. Implementing the OCA's recommendations will require the Department to also draft language that continues to address these issues.

The Department's current procedures are informed by the considerations outlined in the Police Executive Research Forum's (PERF) [Implementing a Body-Worn Camera Program: Lessons Learned](#).

PERF believes that requiring officers to record every encounter with the public would sometimes undermine community members' privacy rights and damage important police-community relationships. There are certain situations, such as interviews with crime victims and witnesses and informal, non-law enforcement interactions with members of the community, that call for affording officers some measure of discretion in determining whether to activate their cameras. There are situations in which not recording is a reasonable decision. An agency's body-worn camera policy should expressly describe these situations and provide solid guidance for officers when they exercise discretion not to record.

While understanding there are differing views on the OCA's recommendations, the Department acknowledges the OCA recommendation have merits and must be thoroughly explored to determine if they fit SDPD's current operational needs and working environment. This includes whether the recommendations increase out of service time for officers and supervisors to achieve compliance, since this directly impacts their availability to address calls for service and this is the Department's highest priority.

Additionally, the recommendations must be measured against the benefits of standardization, streamlining decision-making related to activation, and the increased capture of video evidence that may prove later to be invaluable. This determination by the Department must also include the San Diego Police Officers Association (SDPOA), since

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almost all the recommendations will alter the working conditions of Department members that are represented by this labor association.

The Department values its relationship with the SDPOA. SDPD leadership believes the successful implementation and modification of procedures related to its body-worn cameras have been enhanced during the meet and confer process in the past and looks forward to meeting with the Association to discuss the OCA's recommendations.

The San Diego Police Department's responses are as follows:

Recommendation #1:

The San Diego Police Department (SDPD) should amend its body camera procedure to require officers to turn on event mode to record body camera videos for all dispatched events and calls for service, including all incidents directed or self-initiated. SDPD should train all body camera users and supervisors on the new requirement. This recommendation would not impact SDPD's current procedure that requires officers to begin recording while driving to a call and prior to actual contact with a member of the public. Additionally, this recommendation should only impact calls for service and dispatched calls. Therefore, SDPD could keep its current procedure that allows officers to not record suspect interviews if the suspect declines to make a statement due to the body camera being activated and the SDPD procedure that prohibits recordings during contact with confidential informants. (Priority 2)

Management Response: Agree

SDPD will add draft language to its existing BWC procedure from this recommendation and present it to the SDPOA in the meet and confer process. If agreement is reached, all Department members would be trained in accordance with the updated procedure.

Target Implementation Date: July 2023

Recommendation #2:

The San Diego Police Department (SDPD) should update the section in Procedure 1.49 related to supervisor reviews of officer videos to ensure supervisors confirm there is a body camera video for all dispatched events for each officer for days selected in the monthly review. SDPD should train all supervisors on the new requirement. This recommendation would not require supervisors to watch additional videos. (Priority 2)

Management Response: Agree

SDPD will add draft language to its existing BWC procedure from this recommendation and present it to the SDPOA in the meet and confer process. If agreement is reached, all Department members would be trained in accordance with the updated procedure.

Target Implementation Date: July 2023

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Recommendation #3:

The San Diego Police Department should clarify in Procedure 1.49 specifically when officers can stop recording an incident with their body camera. The procedure should clarify the definition of the conclusion of an incident and include examples. SDPD should communicate this procedural update in a department-wide training. (Priority 2)

Management Response: Agree

SDPD will add draft language to its existing BWC procedure from this recommendation and present it to the SDPOA in the meet and confer process. If agreement is reached, all Department members would be trained in accordance with the updated procedure.

Target Implementation Date: July 2023

Recommendation #4:

The San Diego Police Department (SDPD) should add to the sergeant reviews section of Procedure 1.49 to require that supervisor reviews include reviewing the end of body camera videos to confirm compliance with procedure. This recommendation would not require supervisors to review additional videos beyond the monthly review process already in place. SDPD should communicate this procedural update in a department-wide training. (Priority 2)

Management Response: Agree

SDPD will add draft language to its existing BWC procedure from this recommendation and present it to the SDPOA in the meet and confer process. If agreement is reached, all Department members would be trained in accordance with the updated procedure.

Target Implementation Date: July 2023

Recommendation #5:

The San Diego Police Department (SDPD) should require in Procedure 1.49 that supervisor reviews of body camera videos include watching all videos categorized as BWC Training/Accidental to help ensure they are categorized and retained correctly. SDPD should include this procedural update in a department-wide training. (Priority 2)

Management Response: Agree

SDPD will add draft language to its existing BWC procedure from this recommendation and present it to the SDPOA in the meet and confer process. If agreement is reached, all Department members would be trained in accordance with the updated procedure.

Target Implementation Date: July 2023

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Recommendation #6:

The San Diego Police Department should amend its body camera video retention schedule to keep videos categorized as BWC Training/Accidental for at least 60 days to align with state law recommendations. (Priority 2)

Management Response: Implemented

This recommendation is not subject to mandatory bargaining and was already implemented to comply with state law.

Implementation Date: June 2022

Recommendation #7:

The San Diego Police Department (SDPD) should write and implement a policy or procedure detailing what body camera videos it releases and when, including critical incident videos.

The policy should, at minimum, ensure compliance with state law and be easily understood by the public. The policy should list the types of incidents it is

- a. required to release body camera video for and list the reasons there may be exceptions to releasing a video. Exhibit 5 in the Background section of this report provides an example. To clarify that this policy is meant to mirror state law and not contradict state law, SDPD could state that this list is a summary of state law and that state law and subsequent court proceedings supersede the City policy.
- b. The policy should include SDPD's goal of releasing critical incident videos within 10 days of an officer involved shooting.
- c. The policy should require SDPD to disclose when it is only providing the requester a selection of body camera videos related to the incident that it has determined are most relevant, if the requester has asked for all videos related to the incident.
- d. The policy should detail the factors that go into weighing the interest in delaying disclosure against the public interest in disclosure of body camera videos required to be released under California Penal Code Section 832.
- e. SDPD should present the policy to the relevant City Council committee to educate the public on what body camera videos are available for public inspection, what body camera videos are left to the discretion of the Chief of Police, reasons for delay of disclosure of body camera videos, and the process for requesting body camera videos. The presentation should also explain the timeline for critical incident videos compared to the release of all body camera videos and records requested under California Penal Code Section 832.
- f. SDPD should post the policy on its public website. (Priority 2)

Management Response: Agree

SDPD will add draft language to its existing BWC procedure from this recommendation and present it to the SDPOA in the meet and confer process. If agreement is reached, all Department members would be trained in accordance with the updated procedure.

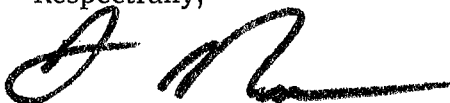
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Language agreed upon will also be posted publicly on the website and presented to the Public Safety and Livable Neighborhoods Committee to enhance transparency and understanding of the laws governing the release of body-worn camera videos.

Target Implementation Date: July 2023

I appreciate the opportunity to provide feedback on this performance audit.

Respectfully,



David Nisleit
Chief of Police

DN/jj