



Surveillance Use Policy

Axon Body Worn Camera
San Diego Police Department

I. PURPOSE

Body-Worn Cameras (BWCs) are used nationwide by law enforcement agencies to contemporaneously provide empirical evidence and create an objective audio and visual recording of a variety of encounters between the police and the public. BWCs are a vital tool in improving and enhancing the safety of officer and civilian interactions. BWC recordings facilitate review of events by supervisors, foster accountability, encourage lawful and respectful interactions between the public and the police, and may assist in de-escalation of possibly volatile encounters.

The purpose of this policy is to govern the proper use of BWCs to promote safety, professionalism, transparency, privacy, and accountability. SDPD seeks to balance the benefits provided by BWCs with the privacy rights of individuals who may be recorded during legal and procedurally just public interactions. Personnel who are issued a BWC shall use it in accordance with the provisions of this policy, and all local, state, and federal laws. Violation of this policy is cause for disciplinary action and may subject members to administrative and potentially criminal penalties.

This policy establishes a standardized system for creating, retaining, and viewing audio/video recordings made with BWCs during investigative or law enforcement activities and contact with members of the public while maintaining privacy and civil liberties protections.

II. CAPABILITIES OF THE TECHNOLOGY

The Axon Body 3 is a small battery-powered digital video camera officers attach to the exterior layer of their uniform facing away from the user to get a first person view similar to what the user would see. The BWC is a combination camera and microphone that collects audio and video in a digital format. The camera system is activated by either a user's touch or by other technological means and records audio/video for a time period as defined by the user. The Axon Body 3 camera is designed to record events for secure storage, retrieval, and analysis through the Axon Evidence. This camera is designed for use in harsh environmental conditions encountered in law enforcement, corrections, military, and security activities.

Once powered on, BWCs continuously record video; re-writing over captured video in two (2) minute intervals on Axon cameras unless the record switch is activated. This process is commonly referred to as "buffering." When an officer activates the record switch, the preceding two-minutes of video recording is automatically saved. The two-minute recorded video will not contain audio.

Once the record switch is activated to Event Mode, the BWC records all audio and video until the record switch is deactivated. Once deactivated, the BWC returns to the buffering state. This process is repeated until the officer docks the BWC at the end of their tour. The user can view recordings and add metadata from monitors, computers, and smartphones by downloading a specific software application.

All BWC-recorded videos are uploaded to an Axon cloud-based storage system through a web interface called Evidence.com, a digital evidence management service used to upload, manage, and archive footage. The service stores digitally encrypted data in a highly secure environment accessible to personnel based on security clearance. The interface also allows for Internet Protocol restriction features to control the locations where the system can be accessed. These restrictions limit BWC video file access to only authorized SDPD personnel.

The recorded events are transferred to a storage solution using the Axon Body 3 Dock. Additionally, the Axon View application enables playback of footage on a smart device for review prior to storing the data.



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

SDPD's BWC systems do not utilize any enhanced capabilities such as infrared, night vision, gunshot detection, varying degrees of view, or live streaming features. BWCs cannot be used to edit recorded videos. BWCs do not use facial recognition technologies and cannot conduct a facial recognition analysis, nor do they use video analytics or perform any kind of biometric measurement technologies. However, a still image can be created from a BWC video image and may be used to probe an image for facial recognition analysis.

Axon stores all BWC data in CJIS compliant cloud storage that utilizes redundancy and encryption to make sure evidence is not lost or compromised. The cloud-based server system has built-in redundancy with multiple servers to ensure data integrity and CJIS compliance.

III. GENERAL

- A. All members assigned a BWC shall carry and use the BWC in accordance with the provisions of this order.
- B. All members shall be trained on proper utilization of the BWC system and this use policy.
- C. Only authorized personnel shall use or be in possession of a BWC device.
- D. BWC data is subject to the rules of discovery, meaning BWC data may be disclosed and obtained as evidence in a trial. In addition, individuals may request copies of BWC data.
- E. All BWCs and images, sounds, records, and metadata recorded by the BWC are the property of the SDPD and are for official use only.
- F. Members may only utilize issued BWC devices while on-duty.
 1. The use of the BWC while off-duty is prohibited unless working approved SDPD outside employment that is conditioned on the actual or potential use of law enforcement powers by the member while in SDPD uniform (see, SDPD DP 5.12 – Outside Employment).
 2. Members are prohibited from wearing or using a non-issued BWC device or any other non-issued recording device in place of or in conjunction with an assigned BWC, without written permission of the Chief of Police or designee.
- G. Members shall not tamper with or dismantle, nor permit or enable anyone else to tamper with or dismantle, any hardware or software component of any BWC device.
- H. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this policy is strictly prohibited. Except as authorized in this policy, public release of digital evidence is prohibited unless approved by the Chief of Police or designee or required under mandated disclosure legislation.
- I. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a secondary recording device such as a video camera, cell phone or other device to record or capture digital evidence from Sdpd.evidence.com or the mobile interface is strictly prohibited.
- J. The SDPD Information Services Unit is designated as the Custodian of Record for all BWC data files.

IV. ISSUANCE AND WEARING

All members in an assignment with primarily field-based responsibilities, as determined by the Chief of Police, shall be assigned a BWC and a companion mobile application on their departmentally issued



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

mobile phones upon completion of BWC training for the duration of the assignment. Other members, as determined by the Chief of Police, may also be assigned a BWC.

A. Patrol, Enforcement, and Support Units

Members assigned to units whose primary duties involve interactions with citizens and/or enforcement related activities (*e.g.*, Patrol, SWAT, K-9) shall wear the BWC at all times while on duty.

Members performing tasks in which wearing the BWC would be impractical (*e.g.*, Dive Team, Physical Fitness Training, Aviation Unit, Facilities Maintenance) or unsafe (*e.g.*, Bomb Techs, HAZMAT responders) shall not wear the BWC while performing those tasks.

Members assigned to Undercover Squad and/or VICE Units are exempt from wearing a BWC while operating in an undercover capacity. Arrest team members assigned to Undercover and/or VICE Units shall wear their BWC in accordance with this policy.

B. Administrative/Investigative Units

Members assigned to units whose primary duties are administrative (*e.g.*, Employee Services, Internal Affairs) or investigative are not required to wear the BWC during the normal course of their duties, unless:

1. The member anticipates participating in enforcement activity (*e.g.*, serving an arrest warrant, executing a search warrant),
2. The member is detailed to work a uniformed assignment where citizen/police interaction is occurring, or is likely to occur (*e.g.*, patrol, parade, baseball game), or
3. The member is directed to wear the BWC by a permanent-rank supervisor.

C. Wearing BWCs

1. Members shall affix, by the BWC vendor-provided mounting device, the BWC on the frontmost portion of their torso, between the shoulders, below the collar, and above the waist. It shall be positioned on the outermost layer of clothing, such as the jacket, uniform shirt, or external vest cover, for maximum visual range and unobstructed view.

EXCEPTION: Members using a helmet-mounted BWC (*e.g.*, SWAT, mounted) may position the BWC on the front of the helmet.

2. Members shall not intentionally obscure the view of their body worn camera. It is their responsibility to ensure that the BWC is properly affixed to their uniform so that no obstructions interfere with proper recording.
3. The BWC shall be Powered On at all times while worn.
4. Members shall pair their BWC with the Axon mobile application downloaded on their departmental phone.

D. Pre-shift Checks

Prior to every shift, members utilizing a BWC shall test the equipment and place the BWC in stand-by mode so that the camera's buffer function is activated.

If a member's camera is not functional, or breaks or malfunctions during the shift, members shall – absent exigent circumstances – tag and return the BWC to Operational Support immediately. If Operational Support is closed, the equipment shall be returned to the Watch Commander's Office for an immediate replacement.



Surveillance Use Policy

Axon Body Worn Camera
San Diego Police Department

V. USE

Members who are issued a BWC shall use the Event Mode to record enforcement-related contacts. Members shall not provide narration or dictate their actions to the camera, unless to announce why the member is ending a recording before the end of the contact. If such a circumstance occurs, the member shall document the reason in a Case Report or Officer's Report. Detailed police reports are required and are the appropriate place to document the totality of the circumstances for the incident.

A. **Notice of BWC Recording**

Except as otherwise exempted by law, members shall notify, as soon as practicable, the recorded individual(s) that they are being recorded, unless it is unsafe, impractical, or impossible to do so. Members do not need a person's permission to start, or to continue, recording, except as stated below.

Prior to conducting a strip search or body cavity search, members issued a BWC shall advise the person being searched while the BWC is activated that the BWC is recording. The member shall then ask the individual to be searched if they want the search to be recorded on the BWC, or if the individual wishes the BWC to be deactivated during the search to respect privacy.

- a. If the person asks for the BWC to be deactivated, memorialize this request on the BWC, deactivate the BWC, and then conduct the search. If the person does not respond, maintain BWC Activation during the search.
- b. Once the strip search/body cavity search is complete and the person has dressed, activate the BWC immediately to record the rest of the encounter.

B. **Mandatory Recording**

The Event Mode shall be activated prior to taking any enforcement action, including vehicle and foot pursuits, and continue recording until the contact or event is concluded. BWCs shall be activated prior to turning on emergency (Code-3) equipment unless such use is purely for traffic control purposes. The supervisor at the scene is encouraged to give a verbal reminder to all personnel to begin recording.

Unless unsafe, impossible, or impractical to do so, all members (not just the primary unit) present, dispatched, or otherwise participating in any of the below listed activities must activate their BWC:

1. At the initiation of a call for service or other activity or encounter that is investigative or enforcement-related in nature.
 - a. The BWC must be activated immediately upon receipt of or in response to any in-progress call, or activity likely to require immediate enforcement action (*e.g.*, in progress or just occurred armed robbery, armed person, aggravated assault).
 - b. The BWC shall be activated immediately before arrival and prior to exiting the vehicle for routine, non-emergency calls for service (*e.g.*, larceny from auto report, destruction of property report).
2. In the event a voluntary encounter becomes a field interview or an investigative stop, members shall activate their BWC as soon as the member begins the field interview or develops reasonable suspicion for a stop.
3. During any encounter with the public that becomes confrontational.
4. When operating a vehicle in emergency response mode.



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

5. When attempting to conduct a stop (*e.g.*, traffic stop, bicycle stop), the BWC shall be activated immediately upon obtaining reasonable suspicion for the attempted stop or responding to provide back-up for another officer.
6. When present on the scene with prisoners, arrestees, suspects, or any other individuals who are stopped by police, whether primary unit or not.
7. During the clearing of any location where a search will take place and/or where a suspect may be found.
8. When transporting a detainee, regardless of whether the transport vehicle is equipped with a Transport Vehicle Camera (TVC) System.
9. When following a medic, tow truck, or other vehicle as part of a continuation for an investigation or call for service.
10. Searches:
 - a. When searching a prisoner and without sacrificing officer safety, members shall position the search so that it is captured on camera. This starts the chain of custody by allowing any contraband or weapons found to be documented on the BWC recording.
 - b. Members shall record during the execution of a search warrant, an arrest warrant, a Fourth Amendment waiver search, a parole search, a knock and talk, or a consent search in which the officer is looking for a suspect, evidence or contraband, or when the member is taking a perimeter position.
 - c. During searches of commercial buildings or residential dwellings, when there is a strong indication of encountering a suspect, while keeping officer safety as the primary concern, members shall activate their BWCs prior to making entry into the building. The recording of a suspect confrontation normally outweighs tactics potentially shown in the recording.
 - d. Consensual searches conducted in accordance with DP 4.01 – Stop/Detention and Pat Down Procedures.
11. Assessment or evaluation for a psychiatric detention.
12. Vehicle checkpoints.
13. Incidents where a department member is involved in a vehicle collision while utilizing a department vehicle, the member is wearing a BWC, and it is practical and safe to do so.

NOTE: If exigent circumstances prevent a member from activating the BWC prior to responding to a call for service or an encounter with the public, the member shall activate the BWC as soon as the exigency subsides.

There may be times when a member is interacting with the public on a matter not specifically addressed in this policy and the interaction becomes unexpectedly hostile or contentious. As soon as a member determines that this is likely to occur or is occurring, the member shall immediately activate the BWC.

C. Recommended Recording

Victim and witness interviews will generally not be recorded, subject to the exceptions below. Members shall record the following interactions unless the individual declines to make a statement due to the body worn camera being activated. When necessary to obtain cooperation, officers may



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

position the BWC so it captures only audio, and not video, of the person making a victim or witness statement. When possible, the individual's declination should be recorded before the BWC is deactivated.

1. All suspect interviews. Members shall not stop and start the recording during a suspect interview.
2. All domestic violence victims and witnesses. Officers shall also record the statements of children of domestic violence victims who are witnesses in these types of cases.
3. All victims and witnesses of sexual assault
4. All victims and witnesses of child abuse
5. All elder abuse victim and witness statements whenever possible.

OR BWC statements shall not be used to record statements from child abuse or sexual assault victims. OR Officers may not record certain sensitive encounters, such as speaking with a confidential informant, interviewing a sex crime victim, or conducting a strip search.

D. Discretionary Recording

1. As a general policy, members should not record informal or casual encounters with members of the public. It should be considered that recording people in some circumstances may inhibit sharing neighborhood information or developing strong ties between members of the community and law enforcement. During these contacts, the BWC should be kept in Buffering/Stand-by Mode.
2. A member is not required to activate the BWC during contacts with a confidential informant or undercover officer unless another member of the public is present.

E. Recording in Special Circumstances

1. Health Care Facilities: Patient Privacy

- a. Inside a medical facility, members shall not Activate the BWC until just prior to meeting with the complainant/victim on a call for service or when encountering an on-view incident that would require BWC activation under this policy.
- b. Members shall not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. This includes during PERT clinician interviews. Members shall be aware of patients' rights to privacy when in hospital settings.
- c. However, as in any setting, if confronting a violent or assaultive suspect, or in an anticipated use of force instance, the member shall activate the BWC in advance of the encounter or as soon as reasonably practicable.
- d. When recording in hospitals and other medical facilities, members shall be careful to avoid recording persons other than the suspect.
- e. Members shall not record while in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a radio call involving a suspect or taking a suspect statement.

2. Booking and Detention Facilities

Members shall not regularly record with their BWC while inside booking and jail facilities. However, in any setting, if confronting a violent or assaultive suspect, or in an anticipated use



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

of force, members shall, when reasonably able to do so, activate their BWCs to record the encounter. BWC should be kept in Buffering/Stand-by Mode prior to the event.

3. Court Proceedings

Members shall not activate the BWC to record any court proceedings unless confronting a violent or assaultive suspect, in an anticipated use of force instance, or when directed to take enforcement action by an agent of the court.

4. Demonstrations

- a. As a general policy, members should refrain from video recording or photographing peaceful demonstrations and other Constitutionally protected activities, per DP 3.26.
- b. When there is reason to believe that a planned event has the potential for unlawful activity, Commanding Officers should make the determination whether visual recording or photographing is appropriate.
- c. During demonstrations, members should operate BWCs in the buffering/Stand-by mode. If members witness crimes occurring among the demonstrators and/or believe an arrest is likely, they should begin recording in the Event mode. Refer to DP 4.17 for further details regarding First Amendment Activity and BWC usage.

BWC recordings of constitutionally protected activity may not be used to identify persons present at the activity who are not otherwise suspected of being engaged in illegal activity.

5. Bomb Threats

- a. Members may Power Off their BWC when investigating bomb threats or suspicious packages under the same circumstances where utilization of the SDPD radio is prohibited due to concerns that radio transmissions or BWC Bluetooth transmissions could potentially cause a detonation.
- b. Members must immediately Power On the BWC when safe to do so.

F. Prohibited Recording and Other Prohibitions

1. A member shall not activate the BWC to record:
 - a. SDPD personnel during routine administrative activities unless directed by a supervisor, or to memorialize required tasks (*e.g.*, training exercise, vehicle inspections),
 - b. Non-work-related personal activity,
 - c. In areas or activities such as pre-shift conferences, Department locker rooms, break rooms, restrooms, or other activities not related to an enforcement contact or a criminal investigation,
 - d. During line-ups or briefings,
 - e. During communications between a suspect and their legal representation that would have a reasonable expectation of privacy, unless activation is required under this policy,
 - f. During death notifications, or
 - g. During major crime briefings, homicide briefings, or during a homicide walk-through.
2. The BWC shall not be utilized off-body as a surveillance tool.
3. BWC data shall not be:



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

- a. Used to create a database or pool of mug shots,
 - b. Used as fillers in photo arrays, or
 - c. Searched using facial, voice, or gait recognition technology.
4. No member shall remotely activate another member's BWC, nor shall any member use live view or live stream features, if available.
 5. Unauthorized use, duplication, editing, and/or distribution of BWC files is prohibited.
 6. Members shall not delete any BWC file, except as specified in this policy.
 7. Members shall not intentionally use the BWC recording functions to record any personal conversation of, or between, another member without the recorded member's knowledge.

G. Use of BWC Files for Training

Training staff is authorized to view BWC files regarding incidents that may serve as learning or teaching tools. A BWC file may be utilized as a training tool for individuals, specific units, or the Department. A recommendation to utilize a BWC file for such purpose may come from any source.

A person recommending utilizing a BWC file for training purposes shall submit the recommendation through the chain-of-command to the Training Unit Captain.

The Training Unit Captain shall review the recommendation and determine how best to utilize the BWC file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means.

H. Ending a Recording

1. Once recording with a BWC has been initiated, members shall not end the recording unless:
 - a. The event or encounter has fully concluded meaning that no more investigative or enforcement action is anticipated,
 - b. The member leaves the scene and anticipates no further involvement in the event,
 - c. The contact, detention, or arrest becomes a hospital guard, or
 - d. The member is expressly authorized under this policy to deactivate or Power Off the BWC (e.g., healthcare setting).
2. When in doubt, members shall continue to record the interaction if it is reasonable to do so.
3. A member who does not activate the BWC as directed by this policy shall document the reason that the BWC was not activated in a Case Report as soon as possible after the incident concludes and submit the report to the member's first-line supervisor by the end of the member's shift.
4. A member who interrupts or terminates a BWC recording in progress shall document the reason that the BWC was interrupted or terminated in a Case Report as soon as possible after the incident concludes and submit the report to the member's first-line supervisor by the end of the member's shift.

I. Reporting Requirements; Uploading, Categorizing, and Titling BWC Data

1. Members must state if BWC data exists at the beginning of the narrative of any charging document, investigative report, or supplement.



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

2. Members are required to document all activations of their BWC, except for tests or accidental recordings. Documentation shall be made in at least one of the following reports, as appropriate:
 - a. Crime Report
 - b. Consolidated Arrest Report or Juvenile Record
 - c. Field Interview Report
 - d. CAD notes, or
 - e. Use of Force Report.

Delayed, interrupted, or non-activations of the BWC, when activation was required by policy, shall be documented in the appropriate report and reported to the member's supervisor.

3. The member is responsible for uploading all BWC data by the conclusion of the member's shift and, if needed, during their shift to ensure storage capacity is not exceeded. If a member is incapacitated, a supervisor shall upload the recordings from the member's BWC no later than the end of their shift.
4. Prior to the end of the member's shift, the member shall ensure the data are categorized and titled with the following information:
 - a. Each recorded segment requires metadata to be entered, even if the segments are of the same event. Metadata consists of an identification field, retention category, and recording title. If an event number exists, the complete event number shall be entered into the identification field. Absent an event number, a citation number, or field interview number may be used. Members shall select the retention category that most accurately fits the recording. Recording titles shall include the location, member's badge number and last name, and the suspect's name, if known. All sworn personnel are required to add metadata at the conclusion of the event with two exceptions:
 - i. For officer safety reasons, at which time metadata should be added as soon as possible.
 - ii. For investigative personnel, metadata may be added on their next scheduled workday, with approval of their supervisor.
 - b. All recordings shall be documented in a Case Report, Officer's Report, citation, Field Interview, Traffic Warning, CAD incident history, officer's daily journal, or in the Investigator's Follow-up Report and shall provide the following notations:
 - i. Case Reports – Officers shall document the existence of BWC evidence as well as a short description of what the recording depicts in the narrative of the report. Additionally, "BWC Recording" shall be recorded in the Evidence section of the report.
 - ii. Officer's Report – Officers shall document the existence of BWC evidence as well as a short description of what the recording depicts in the narrative of the report. Additionally, "BWC Recording" shall be recorded in the Property Tag section of the report.
 - iii. Field Interviews and Traffic Warnings – "BWC Recording" shall be recorded in the narrative.



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

- iv. Traffic Citations – Officers shall document that their BWC was recording by marking the BWC box on the reverse side of the pink copy of the citation.
 - v. Other Reports – “BWC Recording” shall be recorded in the narrative.
 - vi. Other Recordings – Non-evidentiary recordings, such as inadvertent recordings, recordings initiated for training, or recordings with no associated report shall be documented in the Officer’s Daily Journal.
5. If neither report number nor incident number exists, members shall write a brief description of the incident in the “comments” field.
 6. Members are authorized to view their video to identify the file for annotation unless otherwise prohibited by this policy.
 7. During incidents that require exceptional resources or large-scale activation of Department members (*e.g.*, natural disaster), the incident commander may approve delayed annotation of BWC files except in cases that require an investigative call-out. The incident commander shall document any such orders in the appropriate after-action report.
 8. A supervisor not involved in the incident shall take possession of the member’s BWC and be responsible for uploading and titling the data under the following circumstances:
 - a. Any time the Special Investigations Response Team (SIRT) responds to investigate an incident;
 - b. When completing a use of force review for all members present during an incident; and
 - c. Any other time at the discretion of a supervisor not involved in the incident.

VI. DATA COLLECTION

The Axon Body 3 can capture images of people, license plates, and any other visual or acoustic data within recording range of the cameras and share those recordings with SDPD personnel.

Although BWC recordings have evidentiary value, they may not capture the entirety of an incident or the actual vantage point of the Department member, and footage may not necessarily depict the entire scene, circumstance, or incident in the way that it may have been perceived or experienced by any person present. BWC recordings serve as additional evidence related to an incident, but the footage is only an individual piece of evidence and should not be used in lieu of a complete and thorough police report or a complete and thorough investigation of any incident. Persons reviewing BWC recordings must be cautious before reaching conclusions about what the recordings show.

VII. DATA ACCESS

All digital evidence collected using the BWC is considered an investigative record for the SDPD and is for official use only.

- A. Accessing, copying, forwarding, or releasing any digital evidence other than official law enforcement use and contrary to this procedure is strictly prohibited. Public release of BWC footage is prohibited, except as required or allowed by this policy.
- B. Members given permission associated with Evidence.com may review digital evidence while using a Department computer, subject to exceptions in this policy.
- C. Accessing or viewing BWC files or videos on any non-Departmental network (*e.g.*, home internet, public wi-fi) is strictly prohibited.



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

D. Personal or non-Departmental computer equipment and software programs shall not be utilized when viewing BWC videos, except where the BWC video has been released to the public and the individual is viewing the publicly released copy, or when making copies of digital evidence. Using a secondary recording device such as a video camera, cell phone or other device to record or capture digital evidence from Sdpd.evidence.com or the mobile interface is strictly prohibited.

E. **Authorized Purposes for Review of BWC Videos**

BWC videos may only be viewed for the following purposes:

1. Any incident in which a member of the Department is injured or killed during the performance of their duties.
2. Any incident involving the use of force by a member of the Department, including canines, which results in injury or death.
3. Any in-custody death.
4. Any police pursuit.
5. When any member of the Department intentionally or unintentionally discharges a firearm at a person regardless of whether an individual is struck.
6. When any member of the Department not involved in training intentionally or unintentionally discharges an Extended Range Impact Weapon (ERIW) at a person regardless of whether an individual is struck.
7. When any member of the Department not involved in training intentionally or unintentionally discharges a Conductive Energy Weapon at a person, including the application of a drive stun.
8. Traffic collisions involving department members.
9. Prior to the release of recordings in response to a proper legal request or legislative mandate (e.g., in response to a subpoena or other court order).
10. In preparation for a civil deposition or responding to an interrogatory where the incident arises from the employee's official duties.
11. When preparing to testify in a criminal, civil, or administrative proceeding arising from the employee's official duties, in accordance with the Specific Video Review Provisions of this policy.
12. For investigations undertaken by the Department, for the purpose of proving or disproving specific allegations of misconduct.
13. For administrative proceedings, when digital evidence is used by the Department for the purpose of proving or disproving allegations of misconduct, only digital evidence relevant to the investigative scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence by investigators shall be documented as part of the chronological summary of any investigation undertaken by the Department.
14. To assist in assessing citizen complaints.

Department shall not review digital evidence for the purpose of general performance review, for normal preparation of performance reports, or to discover policy violations except where there is a reasonable suspicion that a policy violation has occurred.

F. **Prohibited Review of BWC Videos**



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

BWC footage may not be reviewed to detect or identify unrelated crimes or activities without prior reasonable suspicion. Such suspicion shall be documented in the BWC file before review.

G. Specific Video Review Provisions

1. Member Review

Members shall review BWC footage only in accordance with this section.

- a. Members are authorized to review their own BWC recordings to properly identify the data files, refresh their memory regarding an incident, or any other work-related purpose, unless otherwise prohibited by this policy.
- b. Personnel viewing any video file shall document the reason for access in the “Comments” field of each video file viewed. The entry shall be made either prior to viewing the video or immediately after viewing the video.
- c. A member must document in their written reports whether they reviewed BWC data of the incident from their own BWC or the BWC of another member and the date and time that they reviewed each.
- d. Personnel who are the subject of a criminal investigation may not view any audio/video recordings related to the incident except upon approval by the Centralized Investigations or Internal Affairs Commander. The cross-review of additional members’ BWC data is prohibited even if said members are involved in the same incident.
- e. Personnel having received notification from the Internal Affairs Unit and who are considered to be a subject or witness officer, may not view any audio/video recordings related to the incident except upon approval by the Internal Affairs Commander.
- f. Following Category I force incidents:
 - i. If requested by a supervisor and prior to reviewing recordings, including those available via the mobile app. from any BWC, a witness officer or involved officer shall provide an on-scene, compelled Public Safety Statement.
 - ii. In the event of a Category 1 investigation, all BWC recordings shall be uploaded to the server as soon as practical.
 - iii. An involved or witness member’s BWC shall be taken from them and secured by a supervisor not involved in the incident, commander or appropriate investigator, as necessary. The recordings shall be uploaded by personnel designated by the CID investigator.
 - iv. After the recordings are uploaded, the CID investigator or designee shall turn the BWC in until the CID and IAD Commander determine it may be released back to the member. The CID investigator shall ensure the chain of custody is documented in their report.
 - v. Personnel uploading secured BWC video files shall not view the files unless authorized by the CID investigator.
 - vi. No personnel involved in or a witness to the incident may view any audio/video recordings, including those available via the mobile app. prior to being interviewed by the appropriate investigative unit and receiving command approval.



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

- vii. The involved officer shall first provide a perceptual statement to Internal Affairs investigators, which shall include what brought the officer to the scene and the officer's initial observations, the subject's demeanor, actions, and statements, the threat posed by the subject and/or the nature of their resistance, any warnings and/or de-escalation tactics used, the officer's force response, and any post-force medical aid. IA investigators may ask follow-up questions if the officer's response does not provide the information required by this paragraph to ensure investigators gained responsive information. The perceptual statement is intended to capture the involved officer's state of mind and perceptions at the time of the incident. Once a member's report(s) has been submitted and approved and/or the member has been interviewed by the appropriate investigator, the investigator may show the member their audio/video. This will occur prior to the conclusion of the interview process.
- viii. Within a reasonable time, the Internal Affairs investigators shall continue with the audio-recorded interview, which shall include an opportunity to clarify any discrepancies between the involved officer's perceptions and their BWC footage. Personnel will be given the opportunity to provide additional information to supplement their statement and may be asked additional questions by the investigators.
- g. Following Category II force incidents and prior to reviewing any BWC recordings, including those available via the mobile app, involved and witness officers shall provide a full and candid account of the facts and circumstances of the event, recorded on BWC, to the supervisor at the scene. The purpose of the full and candid account is to assist the supervisor in appropriately categorizing the use of force and gathering a description of the officer's perception of the event. Thereafter, the member shall have the opportunity to review their assigned BWC footage and prepare their reports. When approving or investigating a Category II incident, supervisors shall conduct a review of the pertinent section of BWC recordings for all members who are witnesses to or involved in the UOF.
- h. Following Category III and IV force incidents and prior to reviewing any BWC recordings, including those available via the mobile app, involved and witness officers shall provide a full and candid account of the facts and circumstances of the event, not required to be recorded on BWC, to the supervisor at the scene. The purpose of the full and candid account is to assist the supervisor in appropriately categorizing the use of force and gathering a description of the officer's perception of the event. Thereafter, the member shall have the opportunity to review their assigned BWC footage and prepare their reports. When approving or investigating a Category III or IV incident, supervisors shall conduct a review of the pertinent section of BWC recordings of the specific member(s) who used force, for the purpose of determining if the Use of Force was in compliance with department policy.

During this account, if the supervisor determines that the incident is a Category II incident, the supervisor shall notify the officer that it is a Category II force event and shall record the full and candid account on BWC.
- i. The Department acknowledges the limitations of officer perceptions and memory in stressful events, along with the limitations of video evidence.



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

- j. Members shall not view recordings that are unrelated to an incident in which they participated or were assigned, unless authorized to do so by the Chief, a designee, or this policy.

2. Supervisor Incident Review

- a. Supervisors may review BWC footage only in accordance with this Section.
- b. Supervisors shall review reporting members' BWC recordings as part of the incident review process.
- c. A supervisor must review the BWC data of a member(s) under their supervision when:
 - i. The member or another member is injured or killed during the performance of their duties;
 - ii. There is a reportable use of force by the recording member or another member;
 - iii. The member is involved in an incident that results in an injury requiring hospitalization or a fatality including, but not limited to, in-custody deaths, crashes, and/or vehicular pursuits;
 - iv. Resisting an Officer;
 - v. Resist, Delay, or Obstruct an Officer);
 - vi. Battery on a Peace/Police Officer; and
 - vii. The member has informed the supervisor they believe that the event may result in a complaint.
- d. Supervisors shall limit their initial review to footage of incidents or interactions that are the subject of the complaint or incident review. If, during this review, the supervisor determines that separate footage may be relevant to the incident, investigators may expand the scope of their review to include footage from those other incidents and shall document the basis for expanding the review.
- e. When reviewing a member's BWC footage, supervisors who discover conduct that they reasonably believe violates policy shall follow established corrective processes.
- f. Supervisors shall document the reason for their review in the Axon viewing system.
- g. Supervisors should review BWC recordings to assist citizen's complaints. Supervisors have discretion to show BWC recordings to a complainant when it relates to his or her complaint, to assist in clarifying the complaint, resolving the complaint, or having the complaint withdrawn.

3. Vehicle Pursuit Investigation Review

When approving or investigating a Vehicle Pursuit, Supervisors shall conduct a review of the pertinent section of BWC recordings for all members who were involved in the pursuit as the primary or secondary unit (at any point during the pursuit). This review shall include the BWC recordings of members from the beginning of their involvement in the pursuit until the termination of their involvement in the pursuit.

For involved members who were riding together in the same vehicle during the pursuit, the approving or investigating supervisor may review only one member's BWC footage if the footage is redundant.



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

4. Training Unit Review

- a. To assess training needs, the Training Division may review a BWC recording that is the subject of an incident review, following an incident in which a member is injured in the line of duty, or as determined appropriate by the Chief of Police or designee.
- b. Members may provide their BWC recording(s) to the Training Unit for instructional use. In addition, the Training Unit Captain or a designee, during an authorized review, may use recordings that are identified as having instructional value for training purposes.
- c. Prior to using a recording that has not been voluntarily offered by a member, the Training Unit Captain or designee shall notify the member of the intended use of footage that depicts the member's actions or response to a call.
 - i. If the member objects to the use of the recording for training purposes, the Training Unit Captain or designee shall notify the Chief's Office.
 - ii. The Chief or designee shall determine whether to authorize the use of the recording by the Training Unit.
- d. The Training Division shall not use the recording if it is related to a criminal or administrative investigation involving a member until the investigation is completed.

5. Administrative Investigator Review

- a. Investigators and/or supervisors who are investigating an administrative complaint may review BWC recordings that pertain to the investigation.
- b. Investigators shall limit their review to footage of incidents or interactions that is the subject of the review. If, during this review, investigators determine that separate footage may be relevant to the incident, investigators may expand the scope of their review to include footage from those other incidents and shall document the basis for expanding the review.

6. Criminal Investigator Review

- a. Investigators who are conducting a criminal investigation may review BWC recordings that pertain to the investigation.
- b. Investigators shall limit their review to footage of the specific date, time, and location of the incident or interaction that is the subject of the investigation. If, during this review, investigators determine that separate footage may be relevant to the incident, investigators may expand the scope of their review to include footage from those other incidents and shall document the basis for expanding the review.
- c. If there is a compelled statement of a Department member reflected in the footage, then Investigators shall not have access to the compelled statement.

7. Discovery of Misconduct During a Review

- a. If, during an authorized review, an investigator or Department member discovers a policy violation(s) or potential misconduct, they shall immediately notify the Internal Affairs Captain and document the reason for the review.
- b. The Internal Affairs Captain or designee shall act in accordance with Department policy when processing the new information or complaint.

8. Other Reviews



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

The following are authorized to review BWC videos in accordance with this policy:

- a. Members of the Office of the State's Attorney, United States' Attorney's Office, Attorney General's Office, or other prosecuting authority, for purposes of investigation leading to possible prosecution, may review relevant BWC footage;
- b. The City Attorney may review any BWC footage;
- c. A city agency investigating the welfare of a minor or an individual who is otherwise not legally competent may review relevant BWC footage;
- d. Commission on Police Practices may review any BWC footage; and
- e. Members of the public, after approval of a properly submitted California Public Records Act (CPRA) request, as specified in this policy.

Detectives and personnel assigned to investigative assignments are responsible for forwarding BWC video evidence to either the District Attorney or City Attorney Evidence.com accounts. Digital evidence will be submitted at the same time the case file is submitted for prosecutorial review.

9. Copying BWC video files

Members shall copy and share BWC video files only for the purposes defined in this policy and in accordance with the following:

- a. Prior to copying the BWC video file, members authorized to make copies shall document the reason for making the copy and the name of the person receiving the copy in the "Comments" field of each video file copied. If applicable, the name entry shall also include the person's rank and serial number.
- b. The person receiving the copy shall maintain the copy in a secure location until it is needed for the specified purpose or custody is transferred to another person. Additionally, they shall document, as soon as practical, the name and/or position of the person receiving the copy in the "Comments" field of each video file.
- c. The documentation of the chain of custody and responsibility to secure the copy shall transfer to the person receiving the copy until:
 - i. The copy is received by non-Department personnel (e.g., District Attorney, City Attorney, Court Clerk);
 - ii. The copy is admitted into evidence; or
 - iii. The copy is returned to a system administrator for destruction.
- d. All personnel are prohibited from the following:
 - i. Making unauthorized copies of an original or copied BWC video file;
 - ii. Giving or showing copies of BWC video files to anyone without a lawful right to know and need to know, unless authorized by the Chief of Police; and
 - iii. Posting or having another person post a copied BWC video file on any social media site or public site, unless authorized by the Chief of Police or designee.

10. Constitutional Rights - Nothing in this policy will be construed to limit a member's ability to assert their constitutional rights, except in those circumstances in which the member is compelled to provide information.



Surveillance Use Policy

Axon Body Worn Camera
San Diego Police Department

VIII. DATA PROTECTION

The Axon Cloud Services system is confidential-password-protected and access is restricted to only authorized users. Authorized users consist only of SDPD personnel in various commands. Authorized users may only access the BWC management system in order to execute their lawful duties relating only to official business of the SDPD.

Axon Cloud Services system access control mechanisms are maintained in compliance with the specific Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) security requirements. BWC data is encrypted at rest and in transit. Axon maintains key management practices for managing the encryption keys. Axon maintains policies and practices for Axon Cloud Services that limit remote access to only authorized individuals and require at least two factors for authentication. If a non-police officer/unauthorized user were to find a BWC in the field, the person would not be able to view the footage without Axon's proprietary viewer application, which has password protection.

The footage itself is encrypted on the device, providing an additional layer of security to prevent the footage from being viewed by an unauthorized user. There is a port on the base of the body worn camera that can be used to charge the device and download files from the camera when connected to a department charging dock in a secure police facility. The body cameras and the docking stations are both registered to the San Diego Police Department. The body worn camera videos cannot be uploaded using other agencies' docks or vice versa.

The following additional safeguards apply to all BWC files and the video management system:

- A. BWCs are securely stored in SDPD facilities when not in use, in a location that is inaccessible to the public.
- B. Access to case management and computer systems is limited to personnel who have an articulable need to access the system in furtherance of lawful duty.
- C. Members are prohibited from sharing any BWC log-in credentials with any other person.
- D. Accessing, copying, releasing, or sharing BWC data for non-law enforcement purposes is prohibited, unless directed by the Chief or designee.
- E. Accessing, copying, releasing, or sharing BWC data on any computer, device, or network not controlled or provided by the SDPD is strictly prohibited.
- F. The SDPD shall retain an unedited original version of BWC data, in accordance with the Data Retention section of this policy, and shall log any time data is viewed, for what length of time and by whom, and shall log any copying or editing of BWC data. SDPD personnel are strictly prohibited from tampering with or editing this original version.
- G. Access to BWC data shall be controlled securely through Evidence.com.
- H. Access to BWC data shall not be shared with any member of the media unless authorized by the Chief or designee.
- I. Access to BWCs is removed when the technology is no longer necessary for SDPD personnel to fulfill their duties (*e.g.*, when personnel are transferred to a command that does not use the technology).
- J. SDPD emphasizes the importance of and engages with vendors and contractors to maintain the security, confidentiality, availability, privacy, and integrity of SDPD technology systems and data.



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

- K. Vendors and contractors providing equipment and services to the SDPD undergo vendor responsibility determination and integrity reviews. Vendors and contractors providing sensitive equipment and services to the SDPD also undergo background checks.
- L. Vendors and contractors are legally obligated by contracts and/or agreements to maintain the confidentiality of SDPD data and information. Vendors and contractors are subject to criminal and civil penalties for unauthorized use or disclosure of SDPD data or information.

IX. DATA RETENTION

Members are required to ensure that the BWC evidence is properly categorized for the necessary retention period.

A. BWC Evidence Retention Schedule

Category	Retention	Restrictions
Uncategorized	2 years	None
148 PC or 69PC Charged	130 weeks	None
Admin Audit	2 years	None
Admin Review	Permanently	Restricted category
Arrest - Felony - No Case	2 years	None
Arrest - Misdemeanor - No Case	2 years	None
BWC Training/Accidental	60 days	None
Child Abuse	Permanently	Confidential
Citation - Infraction or Vehicle Impound	2 years	None
Civil Unrest	Permanently	None
Collision - Major Injury, NON-FATAL	10 years	None
Collision - Minor Injury or No Injury or Other	2 years	None
Collision - Police Equipment	130 weeks	None
Collision-11-80 FATAL	Permanently	None
Contact - No Further Action	2 years	None
Crime Case - Felony	Permanently	None
Crime Case - Misdemeanor	2 years	None



Surveillance Use Policy

Axon Body Worn Camera
San Diego Police Department

Detention - 5150 without Other Crime or Charge	2 years	None
Field Interviews	2 years	None
Hold Evidence Until Deleted by User	Permanently	None
Homicide	Permanently	Restricted category
Investigations-Search/Arrest Warrant	Permanently	None
K9 Bite	Permanently	None
K9 Radio Call	2 years	None
OFFICER INVOLVED SHOOTING	Permanently	Restricted category
Pending Review	Permanently	None
Preserve Evidence	Permanently	None
Pursuit without Arrest	2 years	None
*Sealed per W&I 786	1 day	Restricted category
Sex Crimes	Permanently	Confidential
Suspect Injured	130 weeks	None
Use of Force	130 weeks	None
Audit logs of access, review, copying, and deletion of BWC files	Permanently	None

All recordings related to any criminal proceeding, claim filed, pending litigation, or a personnel complaint shall be preserved until that matter is resolved and/or in accordance with the law, regardless of the retention schedule.

BWC files that are not flagged for retention for any of the above reasons will be deleted by the File Management System's data retention processes upon expiration of the set retention period, which are set and maintained by the BWC Program Administrator or designee.

B. Deletion of Accidental or Mistaken Recordings

1. In the event of an accidental or mistaken Activation of the BWC where the resulting recording has no investigative or evidentiary value, members may submit a deletion request to their immediate supervisor for approval/disapproval.
2. Approved requests shall be forwarded to the BWC Program Administrator. Upon receipt of an approved deletion request, the BWC Program Administrator shall review the recording and determine whether the recording had an official purpose or evidentiary value. If the BWC



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

Program Administrator concurs that the recording has no evidentiary value, the BWC Program Administrator shall forward the Recording Deletion Request to the Executive Assistant Chief for review.

NOTE: Deleting footage exposes the SDPD to accusations of tampering. Therefore, requests for deletion of BWC footage shall only be made in instances of unintentional activation of the BWC during non-enforcement or non-investigative activities (e.g., in the restroom or locker room). Footage that raises privacy concerns (e.g., undercover officer, or filming in a private home or in a hospital) shall be retained, tagged, and obscured should it need to be viewed.

3. Deletion requests of footage that depicts policy violations or misconduct shall not be approved.
4. If the Executive Assistant Chief concurs that the recording has no evidentiary value, the Executive Assistant Chief shall approve the request and forward it to the Commander, Information Services Section to delete the recording.
5. A copy of the deletion request and disposition shall be maintained by the BWC Program Administrator.

X. PUBLIC ACCESS

- A. Members of the public may request copies of BWC-recorded video through a public records request. SDPD will review and evaluate such requests in accordance with applicable provisions of law and SDPD policy. Copies of BWC video files for release pursuant to a public records request, or as authorized by the Chief of Police or designee, shall be redacted as required by prevailing law and Department procedures prior to release.
- B. If a video is evidence in litigation, then the laws of discovery and evidentiary privilege govern requests and disputes related to disclosure.
- C. In 2019, California Assembly Bill 748 amended the California Public Records Act and established a law requiring law enforcement agencies release relevant video (BWC) and audio recordings that relate to a critical incident **within 45 days** of a request.
 1. For purposes of this section, **critical incident** means:
 - a. The discharge of a firearm at a person.
 - b. Use of force resulting in great bodily injury or death.
 2. The Department shall release relevant critical incident audio and video as soon as possible, but no later than **45 days** after the incident, in accordance with federal and state laws. The Chief of Police strives to release relevant critical incident audio and video within 10 days, wherever possible.
 3. California Penal Code 832.7 requires that relevant BWC videos associated with various incidents are released to the public upon request **within 60 days** of an incident or sustained finding, or until the District Attorney's Office determines whether to file charges against an officer for misconduct or use of force, or against someone other than the officer who engaged in misconduct or use of force. Relevant BWC videos shall be disclosed when the specific basis for withholding is resolved, when the investigation or proceeding is no longer active, or by **no later than 18 months** after the date of the incident, whichever occurs first. If the incident involves an administrative investigation, the disclosure of BWC videos may be delayed **no longer than 180 days** after the date of a sustained finding and all appeals have been exhausted. These incidents include:



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

- a. Use of force resulting in great bodily injury or death.
 - b. The discharge of a firearm at a person.
 - c. Sustained finding of sexual assault involving a member of the public.
 - d. Sustained findings of dishonesty directly related to reporting or investigating a crime or officer misconduct.
 - e. Sustained finding of unreasonable or excessive force.
 - f. Sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
 - g. Sustained finding that an officer engaged in conduct involving prejudice or discrimination against specified protected classes.
 - h. Sustained finding that an officer made an unlawful arrest or unlawful search.
- D. All records qualifying under California Penal Code 832.7 the Department possesses are subject to release. The Department shall redact records pursuant to California Penal Code 832.7.
- E. Nothing above shall interfere with federal law, state law, or rulings by the courts.
- F. Cases may be withheld by demonstrating that on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. These would be cases such as those that would shock the conscience of the viewer (*e.g.*, extremely violent/depraved child abuse or sexual assault, violent traffic collisions, etc.)
- E. BWC footage will not be released for commercial, non-law enforcement, or non-journalistic purposes.

XI. THIRD PARTY DATA SHARING

- A. BWC data shall never be shared with Immigration and Customs Enforcement or Border Patrol for the purpose of enforcing immigration laws, in accordance with California Government Code 7284.6 – The California Values Act.
- B. BWC data shall never be released to aid in the prosecution of an individual for providing, obtaining, or assisting in the provision or obtention of an abortion or any reproductive care, in accordance with California Penal Code 423.2 – The California FACE Act, nor to aid in the prosecution of an individual for providing, obtaining, or assisting in the provision or obtention of gender affirming care.
- C. BWC data shall never be shared with any federal task forces that involve in any manner the investigation or prosecution of federal crimes, for conduct which is permitted under California law.
- D. Nothing in this Policy should be interpreted as limiting the use of collected data for legitimate purposes by prosecutors or others legally permitted to receive evidence under law.
- E. BWC video is shared with other law enforcement agencies regarding criminal investigations through Evidence.com. Internal investigations requests from other agencies require a subpoena.
- F. If a BWC captures evidence related to a criminal case, the SDPD will turn the video over to the prosecutor with jurisdiction over the matter. Prosecutors will provide video to the defendant(s) in accordance with criminal discovery laws.



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

- G. SDPD purchases BWCs and associated equipment or Software as a Service (SaaS)/software from the approved vendor Axon. Other vendors and contractors may have access to SDPD BWCs associated software or data in the performance of contractual duties to the SDPD. Such duties are typically technical or proprietary in nature (*e.g.*, maintenance or failure mitigation). In providing vendors and contractors access to equipment and computer systems, the SDPD follows the principle of least privilege. Vendors and contractors are only allowed access on a “need to know basis” to fulfill contractual obligations and/or agreements.

XII. TRAINING

All members with access to the BWC system, including to BWC files, Evidence.com, and Axon Cloud Services, shall be trained on:

- A. The proper operation and maintenance of the device and use of Evidence.com;
- B. This use policy; and
- C. Any relevant departmental policies and procedures

before access is granted and within ninety (90) calendar days of updates to any of the above.

While attending the San Diego Regional Academy, recruits are given nonfunctional, training BWCs. They are given training scenarios in the academy requiring them to replicate the operation of the cameras.

In addition to practical scenario operation, a four-hour class is given to recruits who have recently graduated from the San Diego Regional Academy. The recruits are then evaluated by their Field Training Officers in the proper use of their BWCs.

XIII. AUDITING AND OVERSIGHT

A. Departmental Inspections

1. Inspections of members’ compliance with BWC policies and procedures shall be performed by a person outside of the chain of command of the officer. Sergeants and Detective Sergeants are required to conduct monthly inspection of members outside their direct chain of command that wear a BWC. This inspection must be documented with enough specificity that it may be reperformed by an independent party.
2. The inspections shall ensure that the BWC is being used to record enforcement-related contacts and other incidents outlined in the BWC procedure. Inspection results shall be entered and forwarded to the respective Lieutenant of the division for review and approval. Sergeants and detective sergeants shall ensure all BWC videos are uploaded and categorized with the appropriate metadata. All uncategorized videos shall be immediately corrected by the officer/detective. The supervisor shall then re-inspect the BWC video to confirm the corrections were made. Sergeants and Detective Sergeants shall note the BWC identification number and the reviewed member’s last name and badge number in the audit log.
3. Patrol Sergeants shall select one video per day to inspect and verify the officer is in compliance with this policy. While viewing the video, sergeants are reminded to use the “post a note” function located below the video. Under the “post a note” heading, sergeants shall enter “monthly inspection.” Patrol Sergeants shall note the BWC identification number and the reviewed member’s last name and badge number in the audit log.
4. Inspection process by Sergeants shall include:
 - a. Activation compliance based on the requirements of this policy



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

- b. Physical and visual inspection of the BWC sheath and protective case
 - c. Physical and visual inspection of the BWC camera lens and surrounding focal equipment
 - d. BWC footage categorization and documentation completeness
 - e. Inspections of BWC footage logs for deletions, modifications, or edits made by any officers
 - f. Verification of the BWCs “In Service” date for each camera, to document service age of the device
5. Lieutenants will complete a BWC Divisional Monthly Inspection. The inspection form shall be filled out to include all the squads who work directly for the Lieutenant. Lieutenants will ensure the sergeant/detective sergeant’s inspection forms are completed correctly. If a supervisor identifies a discrepancy, the lieutenant will follow up with the supervisor to ensure the discrepancy is corrected.
 6. Captains will review their division’s BWC Monthly Inspection to ensure compliance with this policy. The captain will forward the BWC Inspection to their respective assistant chief.
 7. The number of BWC Inspections/Audits per month shall be 30% of the active patrol staffing of each command in that month. For example, if there are 40 Active Patrol Staffed Officers at a Division (Combining 1st, 2nd, and 3rd shift Patrol Staffing), collectively, the Patrol Sergeants’ Audit Sample should be of 12 Officers (1st, 2nd, and 3rd Shifts based on the Active Patrol Staffing) for that month.
 8. Findings of each inspection shall be maintained by the Operations Support Unit to ensure reasonable oversight and verification by the City of San Diego’s Audit Board or similar body. Audit results/findings should also be reported by SDPD Operational Support Unit to the Privacy Advisory Board (PAB) in the annual report to the PAB, and reported out by the PAB in their Annual Report to City Council.
 9. In addition to other required video recording reviews, all supervisors shall conduct a random review of at least one BWC recording for each of their subordinates on a monthly basis. Supervisors shall ensure that each selected recording has a minimum length of two (2) minutes.
 10. All BWC recording reviews by supervisors and commanders shall follow these guidelines:
 - a. Supervisor and command review of subordinate BWC recordings shall include an assessment of:
 - i. Officer performance and training needs;
 - ii. Policy Compliance, including compliance with the provisions of this policy; and
 - iii. Consistency between written reports and video files.
 - b. When a member does not activate or deactivate their BWC as required by policy, supervisors and commanders shall determine if the delayed or nonactivation was reasonable, based upon the circumstances. If the supervisor or commander determines that the delay or non-activation was reasonable, they shall document the justification in the appropriate report. If no report is generated, this shall be documented in the supervisor's file for the officer.
 - c. Captains, Lieutenants, and Sergeants who discover Class II misconduct during the review of BWC video, that does not indicate a pattern of misconduct, may address the Class II



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

misconduct through nondisciplinary corrective action. Supervisors shall, at a minimum, document any Class II violation of this policy in a supervisor's file for the officer.

H. Other Reviews and Audits

1. The Operational Support Unit shall conduct periodic, random reviews and audits of BWC video to assess whether the member's activity was conducted consistent with law and SDPD policy. The Operational Support Unit shall select 3 members from a shift within 3 districts at random. BWC video from those members are then matched with CAD and In Pursuit data to confirm whether the members responded to those calls. If there is no video from that member, the BWC Unit will investigate other videos associated with the incident to view the member's actions. Any violations (e.g., not activating camera, not titling video, late activation) shall be sent to Internal Affairs for review. The Operational Support Unit will perform at least 50 audits per month. Violations of SDPD policy, of law, and any activity that may bring discredit to the member or the SDPD shall be reported to the Chief, Internal Affairs, and Media Services as soon as practicable upon discovery.
2. The City of San Diego's Audit Board may audit the SDPD's Body Worn Camera program.
3. Regular aggregation of inspection findings shall be tracked and analyzed for trend and "root cause" considerations.

XIV. MAINTENANCE

Axon Cloud Services access control mechanisms are maintained in compliance with the specific CJIS security requirements and enforce user lockouts or deny attempts from malicious-appearing IPs.

In addition to CJIS, a bi-weekly audit is conducted regarding officers who have left the department. Personnel who have left their department have their former Evidence.com roles deactivated so they no longer have access to the department's files stored in Evidence.com.

The department also has assigned BWC Program Administrators who shall be sworn members assigned to Operational Support. BWC Program Administrators are responsible for maintenance as described in this policy.

A. BWC Maintenance and Battery Life

1. Members shall perform a function and battery test of the BWC to ensure the BWC is in working order and the battery is fully charged in accordance with training prior to beginning each shift.
2. Members shall routinely monitor the battery level and status of the BWC through the LCD display on the top of the camera during their shift. The battery level can also be viewed via the paired mobile device.
 - a. If the status bar indicates that a battery is below 33%, the member shall charge the BWC as soon as possible.
 - b. If the battery status bar is critically low, the members shall charge the BWC immediately, or inform the Operational Support Unit or Watch Commander and request to be issued a replacement.

NOTE: Members issued a BWC shall not perform enforcement related functions if their BWC is not functioning due to a critically low battery or any other malfunction. The member must immediately obtain a replacement unit, or shall perform non-enforcement related activity until the BWC is sufficiently charged to be functional for the remainder of the member's shift.

3. During extended periods where BWC activation is not anticipated (e.g., arrest processing, report writing), members may charge their BWC.



Surveillance Use Policy

Axon Body Worn Camera San Diego Police Department

B. Lost, Stolen, or Malfunctioning BWC

1. When a member learns that their BWC is lost, stolen, or malfunctioning, the member shall:
 - a. Immediately report the lost, stolen, or malfunctioning BWC to a supervisor and Operational Support in writing, and
 - b. Inform the Operational Support Unit to be issued a replacement BWC. If Operational Support is closed, the equipment shall be returned to the Watch Commander's Office for an immediate replacement.
 - c. Members shall not dismantle, tamper with, or attempt to repair any hardware/software component of the BWC.
2. Patrol personnel will note the nature of the malfunction in their journals. For all members, if a report is written for the incident during which the malfunction occurred, the malfunction will be documented in the report.

XV. RESPONSIBILITIES

The Operational Support Unit is designated as the BWC Program Administrator for Evidence.com and TASER Axon camera system with full access to user rights. the BWC Program Administrator sets user access and parameters. The BWC Program Administrator is responsible for:

1. Granting member access to Evidence.com,
2. Conducting policy and procedure review and evaluation,
3. Maintaining and troubleshooting the BWC units; be proactive and able to complete minor repairs; repair or replace BWC components (cameras, docking stations, etc.),
4. Arranging for the warranty and non-warranty repair of the BWC units;
5. Maintaining a record of assigned BWC and related equipment,
6. Maintaining BWC equipment malfunction, repair and maintenance records,
7. Updating software and system settings as necessary,
8. Training officers on current policy and the proper use of BWC units and Evidence.com,
9. Ensuring BWC files are secured and retained for the appropriate time period. Such security shall include FBI Criminal Justice Information Services (CJIS) compliant safeguards that protect information from unauthorized access, including encryption and access control mechanisms,
10. Ensuring BWC files are reviewed and released in accordance with federal, state, local statutes, and departmental procedures,
11. Making copies of BWC files for court or other authorized activities;
12. Destruction of copied BWC files not admitted as evidence in court or no longer needed internally. The BWC Program Administrator receiving a video file copy for destruction shall ensure the copy is destroyed and make an entry in the "Comments" field of the video file that the copy was destroyed.
13. Proactively grouping daily arrest videos together for electronic case files,
14. Conducting BWC audits,
15. Providing official copies of any recording audit trail when properly requested,



Surveillance Use Policy

Axon Body Worn Camera

San Diego Police Department

16. Daily reviews of BWC footage for violations (e.g., failure to record or late activations), and forward to the member's Supervisor,
17. Providing the Chief of Police, Privacy Advisory Board, and Public Safety Committee with an annual report that contains all components required by the TRUST Ordinance.

DRAFT