



I-15: BODY WORN CAMERA PROGRAM

Effective Date: XX MMM YY

Coordinator: Information Technology Unit

OPD strives to use technology that promotes accountability and transparency. OPD uses a Body Worn Camera (BWC) system to document the actions of sworn members during field operations. OPD seeks to balance the benefits provided by digital documentation with the privacy rights of individuals who may be recorded during the course of legal and procedurally just public interactions.

The intent of this policy is to set forth Departmental policy and procedures for the BWC system. OPD has adopted BWC technology because of its usefulness in capturing audio/video evidence and enhancing the Department's ability to conduct criminal investigations, administrative investigations, and review of police procedures and tactics.

A. GENERAL PROVISIONS

A - 1. Assignment of BWCs

All members in an assignment with primarily field-based responsibilities, as determined by the Chief of Police (COP), shall be assigned a BWC for the duration of the assignment. Other members, as determined by the COP, may also be assigned a BWC.

A - 2. General Provisions

The following provisions apply to the BWC program at all times:

1. All members assigned a BWC shall carry and use the BWC in accordance with the provisions of this order.
2. All BWC files are the property of the Oakland Police Department.
3. The OPD Information Technology Unit is designated as the Custodian of Record for all BWC data files.

A - 3. Specific Prohibitions

Members shall follow the expressed prohibitions regarding the BWC system:

1. Unauthorized use, duplication, editing, and/or distribution of BWC files is prohibited.
2. Members shall not delete any BWC file, except as specified in this policy.
3. Members shall not remove, dismantle or tamper with any hardware/software component or part of the BWC.
4. Members are prohibited from wearing or using personally owned video recording devices in place of or in conjunction with an assigned BWC.

5. 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.
6. Members shall not intentionally use the BWC to record at Department facilities where a reasonable expectation of privacy exists (e.g., bathrooms, locker rooms, showers) unless there is a legal right to record and a Departmental requirement to record.

B. USE OF BWC BY ASSIGNED USERS

B - 1. BWC Placement

The position of the BWC when activated by OPD members may impact the clarity and sound of video files and could limit the quality of video and audio collected. Members shall position and securely attach the BWC to the front of their uniform or uniform equipment, as the primary recording location, to facilitate recording.

The BWC may be temporarily moved from the primary location to facilitate recording in furtherance of a police objective. Upon completion of the objective, the BWC shall be returned to the primary recording location as soon as practical.

B - 2. Function Check and Standby Mode Prior to 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 prior to every shift.

If a member's camera is not functional, or breaks during the shift, members shall – absent exigent circumstances – turn in the non-functional camera, notify their supervisor, and be assigned a new camera by a supervisor or authorized user as soon as possible.

B - 3. Battery Maintenance

Members shall ensure their BWC battery is fully charged at the beginning of their shift.

B - 4. Required Activation

Activation is turning the audio and visual recording of the BWC on.

Activation saves a ~~120~~30 second audio and video-~~only~~ clip (~~no audio~~) of what the camera captured prior to activation.

Members assigned a BWC shall activate it prior to participating in any of the following circumstances:

1. Contacts with a person to confirm or dispel a suspicion that the person may be involved in criminal activity as a suspect
2. Detentions and arrests

3. Assessment or evaluation for a psychiatric detention pursuant to Welfare and Institutions Code § 5150
4. Engaging in or trailing a vehicle pursuit as defined in DGO J-04, *Pursuit Driving*
5. Serving a search or arrest warrant
6. Conducting any search of a person or property
7. Transporting any detained or arrested person (members working as the prisoner wagon transport officer may deactivate their BWC during transport if they are transporting persons in the separate prisoner wagon compartment).
8. 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.
- 8.9. Requesting that a person consent to a search.

B - 5. Deactivation of the BWC

Once activated pursuant to B-4, members shall not deactivate their BWC until one of the following occurs:

1. Their involvement in the contact, detention, search, or arrest has concluded
2. The contact, detention, or arrest becomes a hospital guard
3. They receive an order from a higher-ranking member
4. They are discussing administrative, tactical, or law enforcement sensitive information away from non-law enforcement personnel
5. They are at a location where they are not likely to have interaction or a chance encounter with the suspect (e.g. outer perimeter post, traffic control post, etc.)
6. They reasonably believe the recording at a hospital may compromise patient confidentiality
7. A pursuit has been terminated and the member performs the required terminating action as specified in DGO J-04 or notifies the Communications Division that they are back in service (909)
8. They are interviewing a prospective informant for the purpose of gathering intelligence. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy
9. They are meeting with an undercover officer. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy.

If circumstances arise requiring re-activation members shall re-activate pursuant to B-4, above.

B - 6. When BWC Activation is Not Required

BWC activation is not required under any of the following circumstances:

1. Members taking a report when available information indicates the suspect is not on scene
2. During any meetings with a Confidential Informant as defined in DGO O-04, *Informants*
3. Members on a guard assignment at a police, medical, psychiatric, jail, or detention facility. Members shall assess the circumstances (e.g. suspect's demeanor/actions, spontaneous statements, etc.) of each guard assignment, on a continuing basis, to determine whether to discretionarily activate or de-activate their BWC.

B - 7. Recording Statements with BWC

Members are authorized to use the BWC to record statements in lieu of a written statement. BWC statements shall not be used to record statements from child abuse or sexual assault victims.

Members taking BWC statements shall follow the BWC statement guide set forth in Report Writing Manual S-01.

Members shall request verbal consent to record statements with BWCs, and record the verbal request.

B - 8. BWC Use Documentation

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:

1. Crime Report
2. Consolidated Arrest Report or Juvenile Record
3. Field Interview Report
4. CAD notes, or
5. Use of Force Report.

Delayed 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.

B - 9. Data Upload

Members shall upload BWC data files (videos) at the end of and, if needed, during their shift to ensure storage capacity is not exceeded.

B - 10. Annotation of BWC Files

All members shall annotate BWC data files (videos) daily, or, if not feasible, by the end of the member's next regularly scheduled workday. The following information shall be annotated on every BWC data file:

1. Report number associated with the incident recorded; or
2. Incident number (if there is no report number associated with the incident being recorded)
3. The type of incident (e.g., car stop, use of force, arrest, etc.) using the appropriate drop-down or select field.

If neither report number nor incident number exists, members shall write a brief description of the incident in the "comments" field.

Members are authorized to view their video in order to identify the file for annotation unless otherwise prohibited by policy.

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.

B - 11. Discretionary Activation and De-Activation

Members may use their own discretion when deciding to activate or deactivate their BWC when not required to activate or prohibited from activation as described above.

C. VIEWING OF BWC FILES

C - 1. User Review of Their Own BWC Files

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 policy.

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 - 2. When Members are Prohibited from Reviewing BWC Files

1. Members designated as involved in a Level 1 Investigation.
Members who are involved in a Level 1 Investigation, as determined by the BOI Deputy Chief or designee, are prohibited from reviewing their

BWC files until the Level 1 investigator allows the review pursuant to section D-7.

2. Criminal Investigation of a Member.

Personnel who are the subject of a criminal investigation may not view any audio/video recordings related to the incident except upon approval, as specified below, by the CID or IAD Commander.

3. Administrative Investigation of a Member.

Personnel having received notification (Complaint Notification Report [CNR]) from the IAD 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, as specified below, by the IAD Commander.

C - 3. Supervisor and Command Viewing of Subordinate BWC Files

Supervisors and commanders are authorized to review their own BWC video files, all video files of their subordinates and, as necessary to complete required duties, any associated video files of non-subordinate members, unless otherwise prohibited by policy.

C - 4. Review of BWC Files by Criminal Investigation Personnel

Personnel assigned to CID or other investigatory units are authorized to view any BWC video file associated to their active investigations, unless otherwise prohibited by policy.

Investigators conducting criminal investigations shall:

1. Advise the Project Administrator (see **G-1**) or a System Administrator (see **G-2**) to restrict public disclosure of the BWC file in criminal investigations, as necessary;
2. Review the file to determine whether the BWC file is of evidentiary value and process it in accordance with established protocols; and
3. Notify the System Administrator to remove the access restriction when the criminal investigation is closed.

C - 5. Use of BWC Files for Training

Training staff is authorized to view BWC files regarding incidents which may serve as learning or teaching tool. A BWC file may be utilized as a training tool for individuals, specific units, or the Department as a whole. 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 Section Commander.

The Training Section Commander 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.

D. ACCOUNTABILITY AND INTERNAL INVESTIGATION REVIEWS

D - 1. Review Considerations for all Supervisor or Commander Reviews of BWC

As set forth in section D of this policy, supervisors and commanders have the ability to review their subordinates BWC recordings during the course of normal supervision, and have the obligation to review certain recordings pertaining to specific events. In addition to required assessments during other reviews, all BWC recording reviews by supervisors and commanders shall follow these guidelines:

1. Supervisor and command review of subordinate BWC recordings shall include an assessment of:
 - a. Officer performance and training needs;
 - b. Policy Compliance, including compliance with the provisions of this policy; and
 - c. Consistency between written reports and video files.
2. When a member does not activate or de-activate their BWC as required by policy, supervisors and commanders shall determine if the delayed or non-activation 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 an SNF for the officer. The supervisor's commander shall be advised, and their name noted in the SNF.

3. Supervisors, commanders, and managers who discover Class II misconduct during the review of BWC video, that does not indicate a pattern of misconduct, may address the Class II misconduct through non-disciplinary corrective action. Supervisors shall, at a minimum, document any Class II violation of this policy in an SNF for the officer.

D - 2. Supervisor Random Accountability Review

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 ten (10) minutes.

D - 3. Supervisor Specified Incident Review

In addition to other required video recording reviews, all supervisors shall:

1. Conduct a review of relevant BWC recordings of the arresting officer(s) involving:
 - a. 69 PC (Resist an Officer)
 - b. 148 PC (Resist, Delay, or Obstruct and Officer); and
 - c. 243(b) or (c) PC (Battery on a Peace/Police Officer)

For the above arrests/incidents, supervisors shall at minimum review the BWC recordings of the arresting officer(s), starting from the officer(s) initial interaction with the subject of the arrest.

During incidents involving multiple officers, and absent a reported Use of Force, supervisors are *not* required to view all of the involved officer's BWC recordings where doing so would be redundant.

D - 4. Force Investigation Review (Level 2-4 UOF)

When approving or investigating a Use of Force (UOF) categorized under Level 2 or Level 3, supervisors shall conduct a review of the pertinent section of BWC recordings for all members who are witnesses to or involved in the UOF.

When approving or investigating a UOF categorized under Level 4, 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.

BWC related to a documented Level 4 Type 32 Use of Force may require different review than other force types; such review shall be delineated by Special Order, with the specific order referenced below.

D - 5. 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 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.

D - 6. Division-Level Investigation Review

When completing a division-level investigation, the assigned investigator shall at minimum review BWC footage that is pertinent to the investigation and which provides evidentiary value or assists in completing the investigation.

D - 7. Level 1 Investigation Review

In the event of a Level 1 investigation, all BWC recordings shall be uploaded to the server as soon as practical.

An involved or witness member's BWC shall be taken from them and secured by a supervisor, commander or appropriate investigator, as necessary. The recordings shall be uploaded by personnel designated by the CID investigator.

After the recordings are uploaded, the CID investigator or designee shall turn the BWC in to property 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.

All personnel uploading secured BWCs shall document that fact in their report and the "Comment" field of each video file they uploaded.

Personnel uploading secured BWC video files shall not view the files unless authorized by the CID investigator.

No personnel involved in or a witness to the incident may view any audio/video recordings prior to being interviewed by the appropriate investigative unit and receiving command approval.

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 his/her audio/video. This will occur prior to the conclusion of the interview process.

Personnel will be given the opportunity to provide additional information to supplement their statement and may be asked additional questions by the investigators.

D - 8. Command Review

Following the investigation and approval of a Level 2 or Level 3 Use of Force by a supervisor, both the investigator's first level commander and the division commander shall conduct a review of the pertinent section of BWC recordings for all members who are witnesses to or involved in the UOF.

D - 9. Auditing and Other Review

OIG staff (when conducting audits), supervisors, commanders, active FTOs and the FTO Coordinator are authorized to view BWC files to assist with the conduct of audits and inspections (OIG) or evaluate the performance of members subordinate or trainee members, unless otherwise prohibited by policy.

E. COPYING OF BWC FILES

E - 1. Court and Judicial Proceeding BWC File Copies

Personnel requiring a copy of BWC audio/video file(s) for court (e.g. for Traffic court, or a proceeding in a different county) shall contact their first line supervisor or their designated System Administrator (for non-patrol assignments). If the first line supervisor is unavailable, personnel shall contact any System Administrator. Any BWC copies not entered into evidence shall be returned to the first line supervisor or a System Administrator for destruction.

CID and other investigative personnel taking a case to the District Attorney for charging are responsible for obtaining copies of, and/or using the File Management System's secure sharing capability to share, all applicable BWC files for presentation to the DA.

1. 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.
2. The person receiving the copy shall maintain the copy in a secure location until it is needed for court 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.
3. The documentation of the chain of custody and responsibility to secure the copy shall transfer to the person receiving the copy until:
 - a. The copy is received by non-Department personnel (e.g. District Attorney, City Attorney, Court Clerk, etc.);
 - b. The copy is admitted into evidence; or
 - c. The copy is returned to a system administrator for destruction.

E - 2. Public Records Requests for BWC File Copies

Public Records requests shall be accepted and processed, in accordance with the provisions of federal, state, local statutes and DGO M-09.1, Public Records Access, and forwarded to the Project Administrator.

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.

E - 3. Copying BWC Recordings for Reasons other than Court

Members may make copies of BWC recordings to facilitate their review and accountability authorities and responsibilities, as set forth in Sections C and D of this order.

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.

Copies of BWC video files for internal use shall be maintained in the appropriate case file or a secure location. When the copy is no longer needed, it shall be returned to a system administrator for destruction. The system administrator shall make an entry in the "Comments" field of the video file that the copy was destroyed.

E - 4. Prohibited Copies and File Sharing

All personnel are prohibited from the following:

1. Making unauthorized copies of an original or copied BWC video file;
2. 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
3. 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.

F. DELETION OF BWC FILES AND AUDIT LOGS

F - 1. Removal Requests for Accidental Recordings

In the event of an unintended or inappropriate activation of the BWC where the resulting recording is of no investigative or evidentiary value, the respective member may request that the BWC file be deleted by submitting an

email request to their first level commander with sufficient information to locate the BWC file. The first level commander shall approve or deny the request.

Approved requests shall be submitted to the Project Administrator at BWC@oaklandca.gov and the Project Administrator or designee will delete the accidental recordings.

F - 2. Data Retention and Scheduled Deletion of Files

BWC files shall be retained for a period of two years unless it is required for:

1. A criminal investigation;
2. An administrative investigation;
3. Research;
4. Civil litigation;
5. Training; and/or
6. Review and possible release pursuant to Public Records Request.

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 Project Administrator or designee.

F - 3. Access and Deletion Logs

Audit logs of access, review, copying, and deletion of BWC files shall be retained permanently.

G. ADMINISTRATIVE INFORMATION

G - 1. Project Administrator

The Project Administrator is the commander over the Information Technology unit unless otherwise designated by the Chief of Police. The Project Administrator has oversight responsibilities that include, but are not limited to, the following:

1. Document and track malfunctions and equipment failures;
2. Policy and procedure review and evaluation;
3. Ensure 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.

4. Ensure BWC files are reviewed and released in accordance with federal, state, local statutes, and Departmental General Order M-9.1, Public Records Access;
5. Train the System Administrators to ensure consistency; and
6. Establish policy and procedures for the replacement of non-functioning BWCs and the check-out of spare BWCs.
7. The BWC Program Administrator shall provide the Chief of Police, Privacy Advisory Commission, and Public Safety Committee with an annual report that contains all components required by the Surveillance Technology Ordinance, as enshrined in Oakland Municipal Code 9.64.

G - 2. System Administrators

1. System Administrators shall be designated by the Bureau Commander for non-patrol assignments or the CID Commander for CID personnel.
2. All Sergeants of Police assigned to the Bureau of Field Operations are System Administrators.
3. System Administrator responsibilities shall include, but are not limited to, the following:
 - a. Ensure officers are assigned a fully functional BWC. Malfunctioning BWCs shall be replaced as soon as practical, in the manner specified by the Project Administrator;
 - b. Refresher training for members as needed;
 - c. Ensuring the return of damaged equipment to the Project Administrator;
 - d. Making copies of BWC files for court or other authorized activities;
 - e. Destruction of copied BWC files not admitted as evidence in court or no longer needed internally. System Administrators 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.

G - 3. Training

The Training Section shall ensure that members receive department-approved training [on this Use Policy](#) as needed for those who are assigned a BWC, and training regarding the process for uploading and downloading BWC data.

G - 4. Description of the Technology BWCs

The BWC is a combination camera and microphone that collects audio and video in a digital format. The camera is worn on the user's body facing away from the user in order to get a first person view similar to what the user would see. 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 user then uploads the captured audio / video to a secure storage facility where it can be reviewed as needed.

G - 5. Description of the Technology BWC File Management System

The BWC system employed by OPD features BWC docking stations and an internet web interface for controlling how files are uploaded and archived. The interface 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 OPD personnel. Videos that are tagged for any reason as part of an investigation are not subject to the automatic deletion processes regardless of the retention schedule. 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.

By order of

LeRonne L. Armstrong
Chief of Police

Date Signed: _____