

<b>DATE:</b>	NOVEMBER 9, 2022
<b>NUMBER:</b>	I.20
<b>SUBJECT:</b>	SUPPLEMENTAL GUIDELINES FOR DETENTIONS: BODY WORN CAMERAS (BWC)
<b>RELATED SECTIONS:</b>	SDSD P&P 6.131

PURPOSE

This policy provides guidelines for the use of body-worn camera (BWC) devices by Detention Services Bureau (DSB) employees. This policy establishes the usage and activation, management, and the preservation, storage and retrieval of data captured on DSB BWCs.

POLICY

DSB may provide deputies with BWCs for use during the performance of their duties. The use of BWCs is intended to enhance the mission of the Department by capturing contacts between members of the department and people in custody or members of the public.

BWC LIMITATIONS

Digital evidence captured by the BWC has limitations and is not all inclusive. The system captures a less broad and less detailed image than the totality of the human senses. A deputy's recollection of specific details may be different than what is captured in digital evidence.

DEPUTY SAFETY

Deputy/officer safety takes precedence over recording events. Deputies shall follow existing deputy/officer safety policies and training when conducting law enforcement related contacts as outlined in department policies and procedures. Deputy/officer safety shall be the primary consideration when contacting citizens or conducting law enforcement related contacts, not the ability to record an event.

There are multiple situations when activating a BWC is needed; however, this manual is not intended to describe every possible circumstance. The safety of deputies and members of the public is the highest priority, and the department acknowledges there may be situations in which operation of the BWC is impractical or may be an impediment to deputy and public safety. Additionally, the department recognizes human performance limitations during particularly stressful and critical situations.

DEFINITIONS

**Body-Worn Camera (BWC)** - A camera worn on an individual's person that records and stores audio and video.

**BWC Program Administrator** - San Diego Sheriff's Department program administrator for the BWC platform will have full access to the website to assign and track equipment; controls passwords; conduct quality checks of uploaded data; coordinate data retention/destruction; provide copies of requested data to requesting deputy. An end user cannot alter or delete video recordings.

**Evidentiary Data** - Data of an incident or encounter that could prove useful for investigative purposes including, but not limited to a crime, an arrest, a citation, a search, a use-of-force incident, or a confrontational encounter with an incarcerated person or member of the public.

**Non-Evidentiary Data** - Data that does not necessarily have value to aid in an investigation or prosecution, such as data of an incident or encounter that does not lead to an arrest or citation, or data of general activities deputies might perform while on duty.

**Evidence Transfer System (ETS)** - A portable multi-ported docking station installed at the county facilities. The ETS simultaneously recharges the BWC while uploading all digitally encrypted data from the device.

**Metadata** - Case numbers, event/incident numbers, and other descriptors used to identify digital evidence.

## PROCEDURE

### I. ASSIGNMENT/WEARING OF BWC

- A. AXON Body-Worn Cameras are equipped with pre-event recording, or buffering. These cameras record video in 30 second intervals and do not record audio during buffering.
- B. Only trained deputies shall operate and/or wear a BWC. Deputies assigned a BWC shall wear the BWC in accordance with policy at all times during on duty hours, unless directed by a supervisor. The on-duty watch commander shall be notified of any such supervisory approval.
- C. BWC equipped facilities/units shall designate and assign "pool" BWC's to out of facility deputies who have been trained by the Detentions Training Unit in BWC operations.
- D. Deputies will not be required to wear a BWC under the following circumstances:
  1. They have not attended the BWC training provided by the Detention Training Unit.
  2. The facility/unit in which the deputy is scheduled to work is not equipped with BWC's.
  3. The deputy is working in a non-uniformed "light duty" assignment and does not have direct physical contact with incarcerated persons.
  4. The deputy is engaged in a cell extraction event which is already being digitally recorded pursuant to DSB Policy and Procedures Section I.83 – Extraction Procedures.
- E. When wearing a BWC, deputies shall wear it on the front of their uniform, attached to the outermost layer of clothing, and positioned forward facing to facilitate an unobstructed field of view. The BWC will be positioned in such a manner as to capture the event from

the perspective of the deputy wearing it (e.g. as close to the center line of the chest and center line of uniform pockets). The BWC may be repositioned for additional uses as follows:

1. While conducting interviews, deputies may position their BWC to best capture the subject of the interview.
2. While transporting prisoners, deputies may place the camera in a position which captures the rear compartment.

## II. BEGINNING OF SHIFT BWC INSPECTION

- A. Deputies assigned a BWC will be responsible at the beginning of each shift for ensuring the BWC is functioning properly, and the battery is properly charged.
- B. Should adjustment or repair be needed to the BWC, the deputy will notify facility administrative staff through email and will include their immediate supervisor.
- C. The deputy's immediate supervisor should ensure a "pool" camera is properly enrolled for the deputy to utilize until the adjustment or repairs to the deputy's original BWC is completed, or until the deputy has a permanent replacement.
- D. The facility/unit administrative staff will promptly notify the appropriate data services/maintenance/facilities staff to schedule the adjustment, repair, or replacement.

## III. OPERATION AND ACTIVATION

- A. Deputies shall keep their BWCs in stand-by mode while on duty, unless they are in a confidential setting as identified by this policy, SDSD Policy and Procedure 6.131 or directed otherwise by a supervisor.
- B. Deputies shall activate their BWCs in accordance with San Diego Sheriff's Department Body Worn Camera Policy and Procedure 6.131, as well as whenever possible, prior to engaging in and for the entire duration of the performance of the following duties:
  1. Any movements or escorts of incarcerated persons from one area to another (cell movements, between housing modules, holding cells, visitation, courts, from intake or to final release, etc.)
  2. Entering a cell, dormitory housing, or holding area occupied by an incarcerated person. These situations include, but are not limited to:
    - a) Conducting a count
    - b) Serving meals
    - c) 11-53 Safety Checks
    - d) Enhanced Observation Housing, Safety Cell or Sobering Cell Checks

- e) Contacting an incarcerated person who is inside of their cell, including conversations through a window, door, or food flap.
  - f) Contacting an incarcerated person who is inside of a dayroom or recreation yard area, whether inside of the dayroom or through a module/recreation yard door (see the next section for exceptions related to direct supervision modules, or contacts made with an incarcerated person from inside of a deputy/control station).
  - g) Medical emergencies
3. During the intake/booking process.
  4. Searches of any housing areas, cells, dorms, etc.
  5. While supervising any incarcerated workers.
  6. While placing or removing an incarcerated person into or from a transport vehicle for any purpose including but not limited to movement between facilities, courts, or to the hospital. This includes incarcerated person transports performed by the Prisoner Transportation Unit if so equipped with BWC's.
- C. Deputies assigned to work in a position where "direct supervision" is employed, are not required to leave their BWC recording while at the deputy station. BWC activation is not required for incidental contact with incarcerated persons in the immediate area of the deputy station. Upon leaving the deputy station, the BWC should be activated in accordance with the rest of this policy.
  - D. Uniformed deputies working facility control positions, where no incarcerated person contact regularly takes place, are required to wear a BWC but are not required to activate it unless they enter an area where contact with an incarcerated person may occur or anticipate performing a task primarily involving the supervision of incarcerated persons. BWC activation is not required for incidental contacts made with incarcerated persons directly at the facility control position, such as those with access ports into the dayroom where incarcerated persons may be present.
  - E. Deputies providing security for medical staff during instances where medical or psychiatric services are being provided to incarcerated persons shall ensure their BWC's are activated in accordance with the rest of this policy. Deputies may record patients during medical and/or psychological evaluations by a clinician or similar professional during treatment, when necessary, by law or to preserve evidence. This includes during PERT clinician interviews. Deputies shall be sensitive to patients' rights to privacy when in a hospital or medical facility setting in the community and attempt to avoid recording persons other than a victim, witness, suspect or incarcerated person(s). HIPAA privacy rules apply to the **release** of medical information; they do not apply to recording within jail facilities.
  - F. Deputies shall not intentionally record incarcerated persons while the primary task they are performing involves conducting a strip search, standing by while an incarcerated person is speaking with their attorney, or standing by during an incarcerated person's use of a toilet or shower. These are confidential settings.

- G. Nothing within this policy is intended to prevent a deputy from activating their BWC any time circumstances arise which dictate the need for BWC activation, such as an incarcerated person becoming uncooperative and/or resistive during a contact, or other situations where recording a contact becomes reasonably necessary or the resulting recorded data is likely to hold evidentiary value.

#### IV. NOTIFICATION AND DEACTIVATION

- A. Deputies shall not use the BWC to record any activity or areas where prohibited by San Diego County Sheriff's Department Policy and Procedure 6.131.
- B. In addition, recording of department personnel during routine, non-incarcerated person contact activities is prohibited during meal breaks and in facility administrative areas where no incarcerated persons are typically present.
- C. Deputies are encouraged to notify other deputies wearing BWC's when their BWC appears to be recording in an area or during an activity in which the BWC should be deactivated. This helps to ensure the privacy of staff, incarcerated persons, and the security of the facility.
- D. The on-duty watch commander shall make note of any supervisory approvals to deactivate BWC's in the watch commander's log.

#### V. DOCUMENTATION AND VIDEO REVIEW

- A. Deputies shall be able to review BWC data under the circumstances set forth by SDCSD Policy 6.131.
- B. Use of the BWC shall be noted in all relevant NETRMS reports and/or related JIMS reports.
  - 1. NETRMS - "BWC Video" shall be recorded in the "Special Studies" tab and in the Evidence section
  - 2. Field Interviews - "BWC Recording" shall be recorded in the narrative.
  - 3. BWC recordings will be documented into NetRMS reports via the property section using #1306. The quantity is the total amount of BWC collected from all deputies on scene.
- C. Supplemental Documentation
  - 1. Injuries – BWCs may be used to document physical injuries to persons injured during an incident, however using a BWC to document an injury does not relieve any deputy of their responsibility to properly identify and describe the injury in a deputy's report. Deputies should still take digital photographs to document injuries.

*Scene Documentation – BWCs may be used to supplement the documentation of a crime scene. Using a BWC to document the scene of an incident does not relieve a deputy of the responsibility to properly identify and describe the scene in a deputy's report. In addition to collecting any digital photographs needed.*

## VI. ENTERING METADATA

- A. Each recording containing evidentiary data requires metadata be entered, even if the segments are of the same event. Metadata should be added at the conclusion of the event whenever possible, typically prior to downloading the evidence off of the camera. In case of a delay, metadata should be added as soon as possible, but no later than the deputy's regular or scheduled days off.
- B. Events requiring the entry of metadata include the following:
  - 1. Any recorded event which resulted in the creation of a CAD Event #.
  - 2. Any recorded event being documented in NETRMS with a case ID #.
  - 3. Any recorded event related to an incarcerated person grievance should contain the JIMS Grievance #.
  - 4. Any recorded event related to a JIMS Rule Violation Report should contain the JIMS Incident #. This includes rule violation hearings and follow-up interactions with the involved subjects.
  - 5. At deputy discretion, events where the deputy believes a BWC recorded interaction may be of evidentiary value to the department should contain a JIMS Incident # or an incarcerated person's Booking #.
  - 6. BWC recordings of routine operations such as safety checks, incarcerated person escorts, or contacts which do not contain events which hold evidentiary value are not required to be categorized or tagged.

## VII. DOWNLOADING/STORAGE AND DOCKING OF BWC'S

- A. After verifying the required metadata has been added to relevant recorded events, deputies shall place the BWC into a slot on the Evidence Transfer System at the end of their shift. This will allow for the battery to recharge. The data will automatically be transferred from the BWC through the Evidence Transfer System and/or Sheriff's Data Services dedicated server. The data is considered entered into evidence at this point. The only exception is deputies who did not return to the originating facility at the end of their shift, or any deputy with the approval of their supervisor. In these instances, the deputy is required to place the BWC into the slot on the Evidence Transfer System upon returning to the originating facility, but in no case more than seven (7) days later, unless approved in writing by a supervisor.
- B. When not in use, the BWC devices shall be stored in the designated docking module or in a secure storage location at each facility/unit, which may be further defined via the

facility/unit "green sheets". Deputies will ensure the BWC is properly seated into the docking station to allow for proper downloading and charging.

- C. Deputies may need to remove their BWC's from their person in order to place it into a docking station to recharge the battery so the BWC will remain operable for the remainder of their shift, or to expedite the upload of video data in some circumstances.
- D. Deputies should use the closest available docking station so they may continue to utilize their BWC's while carrying out routine operations. If the BWC is in the process of uploading data, it may be removed from the docking station and will resume uploading when returned to the dock.
- E. In the event a deputy must respond to a critical incident where an individual's safety is at stake, such as a call for cover or other exigent, articulable circumstance, the deputy shall respond without delay. There shall be no expectation of a deputy to first retrieve their BWC from the docking station and attach it to their clothing before responding to such an event.

In the event a deputy's involvement in an exigent event requires documentation in NETRMS or JIMS and they responded to the event without their BWC equipped because it was docked at the time, the circumstances shall be included, and the watch commander shall make note of it in the watch commander's log.

#### VIII. DELETION OF UNINTENTIONAL RECORDINGS

In the event of an unintentional activation of the BWC during non-enforcement or non-investigative activities, e.g. restroom or meal break, other areas where reasonable expectation of privacy exists, deputies may request the unintentional recording be deleted. A Body Worn Camera Video deletion form will be filled out and emailed to the Video Analysis Unit (VAU) sergeant. The form will include a gender sensitive review option to address any privacy concerns. Once the video has been reviewed and determined to be unintentional by the VAU sergeant or their designee, it will be forwarded to the VAU lieutenant. The VAU lieutenant or their designee will review the video and give the final approval for deletion.