

DPA Recommendation and Department Response (Stage I)

#	DPA Recommendations for DGO 10.11 BWC	Date received	SFPD response	SFPD explanation	Open/Closed
R1	<p>DPA recommends adding the below section: “The use of Body Worn Cameras (BWC) for Plainclothes Members:</p> <p>Members in plainclothes shall have their BWC with them at all times and shall wear their BWC under their outermost garment. The outermost garment should be a zip-up or button up jacket or shirt (including their Department issued "Police Tactical Response Jacket") that can be opened quickly to activate the BWC. Members are encouraged NOT to wear hooded sweatshirts or jackets that do not zip and/or button open.</p> <p>Members shall place their BWC in "buffering mode" when initiating surveillance or for any police action.</p> <p>Members shall expose and activate their BWC when taking police action under the circumstances listed in 10.11.III. C except when doing so would compromise the identity of undercover operatives or confidential informants. Plainclothes members shall obtain a supervisors approval before taking a police action without a BWC so as not to compromise undercover operatives and confidential informants and should document the reasons why and the name of the approving supervisor in an incident report."</p>	11/8/22	2) Recommendation has been partially included in the draft DGO	Language will be included directing members to 5.08 (Non-Uniformed Officers). This issue is being addressed in that DGO and language regarding activation and wearing of BWC will be included. Clothing should not be restricted by by DGO as a variety of mounts are available allow to accomodate different clothing options.	

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R2	The “prohibited recording” list should be consistent with the “termination of recording” list. For example, 10.11 states that officers should not activate BWC when encountering sexual assault or child abuse victims. But it doesn’t say that officers should deactivate when they encounter a victim of sexual assault or child abuse while dealing with an unrelated incident.	11/8/22	2) Recommendation has been partially included in the draft DGO	When encountering a prohibited recording situation as defined in Section D D. Prohibited Recordings. Members shall not activate the BWC or shall terminate the BWC recording when encountering: 1. Sexual assault and child abuse victims during a preliminary investigation 2. Situations that could compromise the identity of confidential informants and undercover operatives 3. Strip searches However, a member may record in these circumstances if the member can articulate an exigent circumstance that required deviation from the normal rule in these situations. Members shall not activate the BWC in a manner that is specifically prohibited by DGO 2.0 1, General Rules of Conduct, Rule 56— Surreptitious Recordings - and DGO 8. 10, Guidelines for First Amendment Activities. E. Terminations of Recordings. Once the BWC has been activated, members shall continue using the BWC until their involvement in the event has concluded to ensure the integrity of the recording, unless the contact moves into an area restricted by this policy. Members shall deactivate the BWC in the following circumstances: 1. When discussing sensitive tactical or law enforcement information away from the member of the public 2. After receiving an order from a higher ranking member 3. When recording at a hospital would compromise patient confidentiality 4. When gathering information from witnesses or community members, and the officer has a reasonable and articulable concern that a BWC would inhibit information gathering efforts 5. When encountering a prohibited recording situation as defined in Section D	
R3	DB 21-175 requires members to activate BWC “while enroute and prior to arriving on scene.” Based on our disciplinary investigations, officers need clarity on what “en route” means. DPA recommends that instead of “en route” officers be directed to activate their BWC before they exit their vehicle.	11/8/22	2) Recommendation has been partially included in the draft DGO	Suggest adding following language to C. Authorized Use: "Members shall activate their BWC prior to initiating or upon arrival at any mandated recording circumstance." Langage regarding vehicle should be avoided because officers do not always respond via vehicle.	
R4	Officers need guidance on whether they need to activate BWC when issuing parking tickets under the below circumstances: a. <input type="checkbox"/> noccupied vehicles where there is no interaction with anyone b. <input type="checkbox"/> hen they interact with a person	11/8/22	3) Recommendation will not be included in draft DGO	Already included in DGO; should and will be addressed in training. C. 12."In any situation when the recording would be valuable for evidentiary purposes"	
R5	Officers need guidance whether to activate BWC when serving EPOs	11/8/22	3) Recommendation will not be included in draft DGO	Already included in DGO; should and will be addressed in training. C. 12."In any situation when the recording would be valuable for evidentiary purposes"	

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R6	10.11 should clarify whether Station Keepers are required to activate their BWC	11/8/22	3) Recommendation will not be included in draft DGO	Already included in DGO; should and will be addressed in training. C. 12."In any situation when the recording would be valuable for evidentiary purposes"	
R7	10.11 should clarify whether officers should activate BWC when serving EPOs and Civil Standbys	11/8/22	3) Recommendation will not be included in draft DGO	Refer back to R5	
R8	10.11 should clarify when BWC should be activated inside police stations	11/8/22	3) Recommendation will not be included in draft DGO	Already included in DGO; should and will be addressed in training. C. 12."In any situation when the recording would be valuable for evidentiary purposes"	
R9	10.11.III.M "Targeting Prohibited" section should be deleted as outdated. The Department should be reviewing BWC and conducting audits to ensure member compliance with laws/policy. This practice would have a deterrent effect on misconduct.	11/8/22	2) Recommendation has been partially included in the draft DGO	Will add: "The Department may conduct generalized audits of BWC footage for administrative purposes."	
R10	Based on DPA's disciplinary investigations, officers need guidance/clarity regarding when to activate, or not activate, BWC in hospital settings	11/8/22	3) Recommendation will not be included in draft DGO	Already included in DGO; should and will be addressed in training.	