

## Body Worn Cameras

### 10.11.01 PURPOSE

The purpose of this General Order is to establish the policies and procedures governing the San Francisco Police Department's ("Department's") Body Worn Camera ("BWC") program. The use of Body Worn Cameras (BWC) is an effective tool the Department a law enforcement agency can uses to demonstrate its commitment to transparency, to ensure the accountability of its members, increase the public's trust in officers, and fairly and objectively adjudicate complaints protect its members from unjustified complaints of misconduct. As such, the San Francisco Police The Department is also committed to using establishing a BWC because the footage is important in investigations, litigation, and for training purposes. program that reinforces its responsibility for protecting public and officer safety. The purpose of this Department General Order is to establish the policies and procedures governing the Department's BWC program and to ensure members' effective and rigorous use of BWC and adherence to the program.

The BWC is a small audio video recorder with the singular purpose of recording audio/visual files, specifically designed to be mounted on a person. The BWC is designed to record audio and video activity to preserve evidence for use in criminal and administrative investigations (including disciplinary cases), civil litigation, officer performance evaluations, and to review police procedures and tactics, as appropriate. While recordings obtained from a BWC provide an objective record of the recorded events, it is understood that video recordings captured by a BWC (or any other recording device) provide a limited perspective and do not necessarily reflect the experience or state of mind of the individual member wearing the BWC in a given incident.

### 10.11.02 POLICY

Department members and PSAs assigned a body worn camera (BWC) are required to wear and utilize the BWC consistent with this policy. Members and PSAs will, prior to the assignment of and deployment with a BWC, be trained on the use of the BWC equipment and this policy.

- A. **Use of Equipment**—The Department issued BWC is authorized for use in the course and scope of official police duties as set forth in this Order. Only members authorized by the Chief of Police and trained in the use of BWCs are allowed to wear Department-issued BWCs. The BWC and all recorded data from the BWC are the property of the Department. The use of non-Department issued BWCs while on-duty is prohibited.
- B. **Training**—Prior to the issuance of BWCs, officers will be trained on the operation and care of the BWCs. This training will include mandatory, permissible and prohibited uses, significant legal developments, and use of BWCs in medical facilities.
- C. **Program Administrator**—The Risk Management Office (RMO) is the BWC's program administrator. The duties of the RMO include, but are not limited to:
  1. Tracking and maintaining BWC inventory
  2. Issuing and replacing BWCs to authorized members
  3. Granting security access to the computer server

4. ~~Monitoring retention timeframes as required by policy and law~~
5. ~~Complying with Public Record Act (PRA) requests and all court record requests~~
6. ~~Conducting periodic and random audits of BWC equipment and the computer server~~
7. ~~Conducting periodic and random audits of BWC recordings for members' compliance with the policy~~

### **10.11.03 DEFINITIONS**

- A. Buffering Mode** - When in the On Position, but not activated. In Buffering Mode, the BWC captures video but not audio. The video is not stored in permanent memory until BWC activation.
- B. Off Position** - When the on/off button of the camera has been pressed to stop Buffering Mode. When off, the BWC cannot record audio or video.
- C. Activate** - Triggering the BWC by touch or any other method, which initiates the audio and video recording functions.
- D. De-Activate** - Discontinuing audio and video recording and returning the camera to buffering mode.
- E. Incident** - Any activity that is in furtherance of a law enforcement goal or investigation. These include, but are not limited to, traffic stops, pedestrian stops, calls for service, follow-up investigations, interviews, searches, crowd control incidents, protests, and arrests.
- F. Member** - A sworn employee of the San Francisco Police Department.
- G. Police Services Aide (PSA)** - A non-sworn employee who, under general supervision, performs a variety of police related duties for the San Francisco Police Department.

### **10.11.034 PROCEDURES MEMBER AND PSA RESPONSIBILITIES**

- A.** All members and PSAs shall be issued a BWC. All members and PSAs are required to wear and use their BWCs while in uniform, except as described below in section F.2.
- B.** Members and PSAs shall ensure their assigned BWC properly functions at the beginning of each shift.
- C.** The BWC shall be secured to the member's or PSA's uniform, above the beltline, on the front of the member's or PSA's chest, and to the outermost garment (such as an external jacket, an external vest carrier, or exterior armor) to promote the camera's ability to clearly record video and audio.
1. The BWC may be temporarily moved from the mounted position to facilitate recording in furtherance of a police objective.
  2. Exemptions to the positioning of the BWC may only be authorized by a Commander or above.
- D.** Members assigned to "front desk", or station keeper duties are required to wear a BWC and are required to activate in accordance with section 10.11.05(B).

E. PSAs are required to wear a BWC and are required to activate in accordance with section 10.11.05(B).

F. Members and PSAs are responsible for the reasonable care and maintenance of the BWC they are issued.

1. When a member or PSA discovers their BWC is broken, damaged, lost, or otherwise unavailable for use, the member or PSA shall notify their supervisor.

a. As soon as practical, the supervisor shall issue a replacement BWC, which are available at each station.

b. The member or PSA shall submit a memorandum documenting the need for a replacement.

2. Exceptions to wearing a BWC:

a. When in Class "A" or "AA" uniform attending a formal event unless a supervisor otherwise directs.

b. When engaged in Explosive Ordnance Disposal (EOD) duties.

c. When engaged in training conducted within the Training Division.

d. When assigned to units whose primary duties are administrative and where they are required to wear a uniform, unless outside in public.

3. Non-Uniformed officers' use of BWC shall be governed by Department General Order 5.08 *Non-Uniformed Officers*.

## 10.11.05 ACTIVATION OF BODY WORN CAMERAS

A. Members and PSAs must ensure the BWC is in the On Position and in Buffering Mode after leaving a police, detention, or medical facility.

~~A. **Set Up and Maintenance.** Members shall be responsible for the proper care and use of their assigned BWC and associated equipment.~~

~~1. Members shall test the equipment at the beginning of their shift and prior to deploying the BWC equipment to ensure it is working properly and is fully charged.~~

~~2. Activate(s) or activated, means to initiate both the audio and visual recording function of the BWC. Operating the BWC in buffering mode or with the mute function is not activating the BWC. Members shall not utilize the BWC mute function. The Department reserves the right to disable the BWC mute function.~~

~~3. Deactivate, deactivated, or deactivation means to disable the audio or visual function of the BWC. Turning off the lights/LEDs display on the BWC or adjusting the volume on the audio prompts is not considered a deactivation.~~

~~4. If the member discovers a defect or that the equipment is malfunctioning, the member shall cease its use and shall promptly report the problem to their Platoon Commander or Officer in Charge.~~

~~5. If the member discovers that the BWC is lost or stolen, the member shall submit a memorandum through the chain of command memorializing the circumstances, in accordance with Department General Order 2.01, Rule 24, Loss or Damage to Department Property.~~

~~6. If the member's BWC is damaged, defective, lost or stolen, the member's supervisor shall facilitate a replacement BWC as soon as practical.~~

~~7. Members shall attach the BWC in such a way to provide an unobstructed view of officer/members of the public contact. The BWCs shall be considered mounted correctly if it is mounted in one of the Department approved mounting positions.~~

~~**B. Notification and Consent.** When feasible, members should inform individuals that they are being recorded.~~

~~However, state law allows members to record communications that the member could lawfully hear or record. Penal Code § 633 *see also People v. Lucero 190 Cal. App. 3d 1065, 1069.* Members are not required to obtain consent from members of the public prior to recording when the member is lawfully in the area where the recording takes place.~~

~~Members are not required to activate or deactivate a BWC upon the request of a member of the public. In addition, members are not required to play back BWC recordings to allow members of the public to review the video footage.~~

**B. C.** Except as described in subsection 10.11.05 C, all members, and PSAs (not just the primary unit) dispatched, present, or otherwise participating in any of the below listed incidents must activate their BWC. Unless exigent circumstances exist, activation must occur when the member or PSA acknowledges the dispatched call and goes enroute or immediately before making contact on traffic/pedestrian stops or detention/arrests. **Authorized Use.** All on scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances:

- ~~1. Detentions and arrests~~ A response to any call for service, or activity with a potential to require law enforcement action.
2. **During any C**onsensual encounters where the member **has reason to believe that a** suspects that the member of the public may have knowledge of criminal activity as a suspect, witness, or victim, ~~except as noted in Section 10.11.03, D.~~
3. **Making or attempting to make a traffic or pedestrian stop.**
4. **Making or attempting to make a detention or arrest**
5. ~~3.~~ **During 5150 Evaluations**
  - ~~4. Traffic and pedestrian stops~~
6. **During all V**ehicle pursuits
6. ~~Foot pursuits~~
7. **During all U**ses of force
8. **When operating a vehicle in a Code 3 (emergency lights and siren activated) capacity as defined in DGO 5.05 *Emergency Response and Pursuit Driving.***
8. ~~When serving a search or arrest warrant~~
9. ~~Conducting any of the following searches on one's person and/or property:~~
  - a. ~~Incident to an arrest~~
  - b. ~~Cursory~~
  - c. ~~Probable cause~~
  - d. ~~Probation/parole~~
  - e. ~~Consent~~
  - f. ~~Vehicles~~
9. **10. Transportation of detainee/arrestees and detainees**
10. **Searches of persons, structures, or vehicles, including warrant services.**

11. At the direction of the Event Commander during a public assembly. Nothing precludes members from activating their BWC if any other incident on this list occurs during a public assembly.
12. Issuing on-scene traffic or parking citations when the driver is not present.
- 13~~1~~. During any encounter with a member of the public that becomes hostile.
- 14~~2~~. In any situation when the recording would **likely** be valuable for evidentiary purposes.
13. ~~Only in situations that serve a law enforcement purpose~~

~~Failure to activate a BWC as outlined in this order shall subject a member to an administrative investigation and, if warranted, appropriate discipline.~~

- C. There may be instances when a member or PSA is required to take immediate action in response to an event which may not allow time to activate their BWC. In those situations, it may be impractical or unreasonable for members or PSAs to activate their BWC before taking police action. It is expected that once the immediacy of the situation is over, members or PSAs will activate their BWC system to record the remainder of the incident. Members or PSAs shall articulate the reasoning for the delayed activation of their BWC in a report, statement, or other form of Department approved documentation.
- D. Members or PSAs do not need consent from members of the public prior to recording when the member is lawfully in the area where the recording takes place nor are they required to activate or deactivate a BWC upon the request of a member of the public. Members or PSAs shall not play back BWC recordings for members of the public.

- ~~**D. Prohibited Recordings.** Members shall not activate the BWC 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 2.01, General Rules of Conduct, Rule 56—Surreptitious Recordings—and DGO 8.10, Guidelines for First Amendment Activities.~~

- E. If the BWC is accidentally activated or inadvertently captures an unintended recording, a member or PSA may submit a memorandum through the chain of command with the date, time, and summary of the accidental/unintended recording. The memorandum will be forwarded to the Commanding Officer of the Risk Management Office (RMO) for evaluation and appropriate action.

## 10.11.06 DEACTIVATION AND EXCEPTIONS

- A. The BWC may be deactivated in the following circumstances:
  1. Upon the member's or PSA's completion of an incident.

2. When on a perimeter post or static post where they are not in contact with members of the public, involved in the initial incident, or actively part of the investigation. The BWC will be reactivated if a mandated recording circumstance occurs.
3. While the member or PSA is on break or is otherwise not actively performing law enforcement functions (e.g., while eating meals, restroom breaks, when in service, but not on a call, etc.)
4. Routine contact with a member of the public (e.g., a person asking for directions)
5. Members on a guard assignment at a police, medical, psychiatric, jail or detention facility unless a mandatory recording circumstance occurs.
6. When respect for an individual's privacy or dignity outweighs the need to record an incident. Such circumstances may include natural death scenes, child, or sexual assault victim interviews, and when the use of BWC would impede or limit the cooperation of a victim or witness.
7. When discussing sensitive tactical or law enforcement information away from members of the public during Major and Critical incidents, including but not limited to, active explosive device investigations, active attacker incidents, barricaded suspects/hostage incidents, and terrorist incidents. Members are reminded that deactivation under this section is temporary and only allowed during the sensitive discussion unless other exceptions apply.

**B.** The BWC shall not be activated, unless a mandatory event spontaneously occurs:

1. During department briefings, meetings, roll calls, command briefings, including at command posts.
2. During compelled statements such as public safety statements, and administrative interviews (e.g. Internal Affairs (IA) or Department of Police Accountability (DPA) related interviews)
3. While in any magistrate's or judge's office, any courtroom, or correctional facility.
4. When directed by a supervisor, members or PSAs shall document the supervisor's order and reason in an incident report and/or CAD update.
5. During strip searches.
6. In private areas of police facilities (e.g. locker rooms) and areas of police facilities that would compromise security and confidentiality.
  - i. Holding cells/Booking areas are not considered "private areas" for purposes of this policy.
7. While in a medical facility, during medical or psychological evaluations or treatment by a clinician or similar professional, unless a mandatory recording circumstance occurs, or the safety of the patient is deemed to be at risk.
8. While asking screening questions of drivers at a sobriety checkpoint. However, if the screening questions result in further investigation, the member shall activate their BWC.

**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~~

~~In cases when a member deactivates a BWC, the member shall document the reason(s) for deactivation as outlined in Section 10.11.03, G, Documentation.~~

~~F. Viewing BWC Recordings. Members may not review a BWC recording unless one of two following situations applies:~~

- ~~1. Legitimate Investigatory Purpose. A member may review a BWC recording on their assigned device or on an authorized computer for any legitimate criminal or administrative investigatory purpose, including but not limited to, preparing an incident report, preparing statements, conducting a follow-up investigation, or providing testimony. Members shall not access or view a BWC unless doing so involves a legitimate law enforcement purpose~~
- ~~2. Officer Involved Shooting and In-Custody Death. Following any (1) officer-involved shooting; or (2) in-custody death; any subject officer shall be required to provide an initial statement before the member reviews their own BWC recording(s). Officers may not view any other member's BWC recording(s) or any other video(s) that may capture an officer-involved shooting or in-custody death.
  - ~~a) Initial Statement. The initial statement by the subject officer shall briefly summarize the actions that the officer was engaged in, the actions that required the use of force, and the officer's response. The statement shall be distinct from the "public safety statement."~~
  - ~~b) Viewing the BWC after the Initial Statement. After providing an initial statement, the subject officer shall have an opportunity to review their own BWC recording(s) depicting the incident (with their representative or attorney) prior to being subject to an interview.~~~~
- ~~3. Nothing in this section is intended to limit the Department of Police Accountability's (DPA) role in these investigations.~~

## **10.11.07 USE OF BWC TO COMPLY WITH RECORDKEEPING/REPORTING REQUIREMENTS**

San Francisco Administrative Code section 96I.2 states: "Officers shall be authorized to comply with recordkeeping and reporting requirements through the use of technologies such as body-worn cameras." Instances where members or PSAs may use body-worn cameras as an alternative to written documentation will be identified in applicable Departmental policies.

## **10.11.08 UPLOADING AND DOCUMENTATION**

**A.** Members and PSAs shall begin downloading all media prior to the end of their shift unless a supervisor approves an alternative schedule.

1. Members and PSAs on an outside assignment (e.g., 10B, squad deployment) are permitted to download all recorded evidence no later than during their next regularly assigned on-duty shift unless involved in a use of force, an arrest, or directed by a supervisor.

**B.** Members and PSAs shall ensure the data is categorized and titled with the following information:

1. The title of the video shall contain either the incident report number, CAD number, or citation number in addition to a brief description for the incident.
2. The category of the video shall indicate the type of incident.

**C.** Entering the information specified above in 10.11.08(B) shall be completed daily. Should conditions exist that prohibit completion during the member's or PSA's shift, it shall be completed by the end of the member's or PSA's next regularly scheduled shift.

During incidents that require a large-scale activation of the Department's members and PSAs, (such as large protests, natural disasters, mutual aide, etc.), the incident commander may approve delayed information entry. Such approval shall be documented in the Incident Commander's After-Action Report.

**D.** Members and PSAs authoring incident reports or statements shall document their use of the BWC or ensure that it is documented by another member or PSA. Members or PSAs who are aware that there is no recording or a delay in recording are required to explain the reason for the delay or non-activation in their report or statement.

**E.** If during an investigative detention, the member is aware that there is no recording, a delay in recording, or deactivates the recording in accordance with Deactivation and Exceptions, the member shall document the reason(s) for delay in activation, non-activation or deactivation in the incident report, statement, memorandum, or CAD.

**F.** For incidents that do not result in incident reports, members and PSAs will document the reasons for the delay or non-activation in a memorandum or in CAD.

**G.** Members or PSAs not assigned to a call for service or incident but who capture video of the incident will attach themselves to the call and note that the incident was recorded in a CAD update.

~~**G. Documentation.** Members submitting an incident report or completing a written statement shall indicate whether the BWC was activated and whether it captured footage related to the incident.~~

~~If a member deactivates a BWC recording prior to the conclusion of an event, the member shall document the reason(s) for terminating the recording in CAD, an incident report, a written statement or a memorandum.~~

~~If a higher ranking member orders a subordinate member to deactivate the BWC, the higher ranking officer shall document the reason(s) for the order in CAD, an incident report, a written statement or a memorandum.~~

~~If a member reactivates the BWC after turning the equipment off, the member shall document the reason(s) for restarting the recording in CAD, an incident report, a written statement or a memorandum.~~

~~If a member determines that officer or public safety would be compromised if a BWC were activated during an incident requiring its use, the member shall document in CAD, an incident report, a written statement or a memorandum the reason(s) for not using the BWC.~~

#### ~~**H. Storage and Use of Recordings**~~

- ~~1. A member who has recorded an event shall upload the footage prior to the end of their watch unless instructed to do so sooner by an assigned investigator or a superior officer. If the member is 1) the subject of the investigation in an officer involved~~



~~shooting or in-custody death; 2) the subject of a criminal investigation; or 3) at the discretion of the Chief of Police or the Chief's designee, the senior ranking on-scene supervisor shall take immediate physical custody of the camera and take responsibility for uploading the data.~~

- ~~2. When uploading recordings to the computer server, members shall identify each BWC recording with the incident report number, CAD number or citation number and the appropriate incident category title to ensure the recording is accurately retained and to comply with local, state and federal laws.~~
- ~~3. Members are prohibited from tampering with BWC recordings, accessing BWC recordings for personal use, and from uploading BWC recordings onto public or social media internet websites without written approval from the commanding officer of the RMO.~~

### 10.11.09 REVIEW OF BWC RECORDINGS

- A. Members and PSAs are authorized to review BWC recordings for legitimate investigatory or administrative purposes, such as preparing an incident report, conducting follow-up investigations, testifying in court or other proceeding, or for any other official law enforcement use, or as directed by the Chief of Police, except for Covered Incident investigations as described below.
- B. Covered Incident Investigations – Certain incidents, including any (1) officer-involved shooting; (2) in-custody death; or (3) serious bodily injury use of force investigation (“Covered Incident Investigation”), are criminally investigated by outside agencies, such as the San Francisco District Attorney’s Office or the California Department of Justice. Special restrictions regarding viewing BWC recordings following a Covered Incident apply as described below.

1. Criminal Investigations – No member or PSA involved in or witness to a Covered Incident may view any BWC recording unless first authorized by the assigned criminal investigator. This restriction does not apply to recordings that have been publicly released.

2. Administrative Investigations – Administrative investigators shall not show BWC recordings to involved or witness members or PSAs unless (1) the criminal investigation has concluded; or (2) the criminal investigator has consented to sharing the footage.

Involved members who have not already seen their BWC recording during the criminal investigation shall be required to give an initial statement prior to viewing their recording in the administrative investigation.

- a. Initial Statement. *The initial statement by the involved member shall briefly summarize the actions that the member was engaged in, the actions that required the use of force if the member used force, and the member’s response.*
- b. Viewing the BWC after the initial statement. *After providing an initial statement to the satisfaction of the assigned administrative investigator, the member shall have an opportunity to view their own BWC recording(s) depicting the incident (with their representative or attorney) prior to being interviewed.*

### 10.11.10 OWNERSHIP AND DISTRIBUTION

- A. All recordings made using BWCs are the property of SFPD and are subject to Departmental policies and applicable laws regarding viewing, release, retention, and destruction. Recordings will not be released or disseminated to the public without the express written consent of the Chief of Police or their authorized designee or unless otherwise expressly required by federal, state, or local law. Members and PSAs shall not:
1. Edit, alter, erase, duplicate, copy, record on a device such as a cell phone camera or secondary video camera.
  2. Distribute in any manner body worn camera recordings without proper authorization, including posting recordings on social media for personal use.
  3. Access, copy, release, or share BWC data on any computer or device not controlled or provided by the SFPD.
  4. Convert for their personal use or for the unauthorized use of another person, any information from Department video files or the confidential files of any other agency.
- B. Nothing in this section herein is intended to limit the DPA's role in critical incident investigations.
- C. This section does not apply to sharing BWC footage for law enforcement purposes.

### 10.11.11 SUPERVISOR RESPONSIBILITIES

- A. Supervisors will ensure that members and PSAs assigned a BWC utilize them in accordance with policy and procedure. When a supervisor recognizes that a member or PSA is utilizing a BWC outside of policy, the supervisor shall take corrective action.
- B. Supervisors will ensure member and PSA videos related to critical incidents are uploaded and tagged for retention as soon as practical.
- C. A supervisor at a critical incident shall take possession of a member's or PSA's BWC under the following circumstances:
1. The member or PSA is the subject or witness to a Covered Incident.
  2. The member or PSA is the subject of a criminal investigation.
- D. When a supervisor seizes a member's or PSA's BWC, the investigative unit assigned to the above incidents shall be responsible for uploading and titling relevant recordings on the seized BWC.
- E. Supervisors may not review a member's or PSA's BWC footage for the purpose of retaliation or unfair targeting.
- F. Supervisors may review a member's or PSA's BWC recordings under the following circumstances:
1. When conducting an administrative or criminal investigation or performing supervisory duties.
  2. To ensure that a member's or PSA's BWC functions properly.
  3. Training (e.g., FTO, Return to Duty) Supervisors may select portions of relevant BWC recordings to train members and PSAs in safety, de-escalation, empathy, proper police procedures, and legal doctrines.

4. To evaluate professional conduct or performance.

## 10.11.12 ADMINISTRATIVE INFORMATION

- A. The Department's goal is to publicly release BWC recordings to the greatest extent permitted by law unless disclosure would:
  1. Endanger the safety of a witness or another person involved in the investigation.
  2. Jeopardize the successful completion of an investigation, or
  3. Violate local, state and/or federal laws, including but not limited to, the right of privacy.
- B. The Risk Management Office (RMO) is the BWC program administrator. The duties of the RMO include, but are not limited to:
  1. Granting security access to the computer server
  2. Monitoring retention timeframes as required by policy and law.
  3. Complying with Public Record Act (PRA) requests and all court record requests
  4. Conducting periodic and random audits of BWC equipment and the computer server
  5. Conducting periodic and random audits of BWC recordings for members' or PSAs' compliance with the policy
  6. Maintaining a log of access, duplication, distribution, and deletion.
- C. Tracking, maintenance, issuance, and replacement of BWC is the responsibility of the Technology Division.
- D. When requested by the DPA, members of the Legal Division shall provide the BWC recordings consistent with applicable laws, Department policies, and MOUs.
- E. Consistent with state law, the Department shall retain all BWC recordings for a minimum of sixty (60) days, after which recordings may be erased, destroyed, or recycled.
  1. The Department shall retain BWC recordings for a minimum of two (2-3) years if:
    - a. The recording is of an incident involving a member's use of force (including reportable and non-reportable uses of force) or officer-involved shooting; or
    - b. The recording is of an incident that leads to the detention or arrest of an individual; or
    - c. The recording is relevant to a formal or informal complaint against a member or PSA of the Department.
  2. A BWC recording may be saved for an indefinite period of time indefinitely as part of a specific case if deemed relevant to a criminal, civil, or administrative matter.
  3. Members of the RMO are authorized to delete BWC recordings in accordance with the Department's established retention policies.

### ~~I. Duplication and Distribution~~

- ~~1. The San Francisco Police Department's goal is to release BWC recordings to the greatest extent possible unless disclosure would:~~
  - ~~a. endanger the safety of a witness or another person involved in the investigation,~~
  - ~~b. jeopardize the successful completion of an investigation, or~~
  - ~~c. violate local, state and/or federal laws, including but not limited to, the right of privacy.~~
- ~~2. Departmental Requests~~

- a. ~~The officer in charge or commanding officer of the investigative unit assigned the incident recorded by the BWC, or the commanding officer of the RMO shall have the authority to permit the duplication and distribution of the BWC files.~~
  - b. ~~Any member requesting to duplicate or distribute a BWC recording shall obtain prior written approval from the officer in charge or the commanding officer of the unit assigned the investigation, or the commanding officer of the RMO.~~
  - c. ~~Duplication and distribution of BWC recordings are limited to those who have a “need to know” and a “right to know” and are for law enforcement purposes only. The Department shall maintain a log of access, duplication and distribution.~~
  - d. ~~When releasing BWC recordings, members shall comply with federal, state and local statutes and Department policy.~~
3. ~~Non Departmental Requests:~~
- a. ~~The Department shall accept and process PRA requests in accordance with the provisions of federal, state and local statutes and Department policy.~~
  - b. ~~Members shall provide discovery requests related to the rebooking process or other court proceedings by transferring the BWC recording to the requesting agency by using the computer server where the BWC recording is stored.~~
  - c. ~~When requested by the DPA, members of the Legal Division shall provide the BWC recordings consistent with the Police Commission’s document protocol policy on DPA routine requests.~~

## **J. Retention**

1. ~~Consistent with state law, the Department shall retain all BWC recordings for a minimum of sixty (60) days, after which recordings may be erased, destroyed or recycled.~~

~~Notwithstanding any other provision of this policy, the Department shall retain BWC recordings for a minimum of two (2) years if:~~

- a. ~~The recording is of an incident involving a member’s use of force or officer-involved shooting; or~~
  - b. ~~The recording is of an incident that leads to the detention or arrest of an individual; or~~
  - c. ~~The recording is relevant to a formal or informal complaint against a member or the Department.~~
2. ~~Notwithstanding any other provision of this policy, a BWC recording may be saved for a longer or indefinite period of time as part of a specific case if deemed relevant to a criminal, civil or administrative matter.~~
  3. ~~A member may not delete any BWC recording without prior authorization. The member seeking to delete a recording shall submit a memorandum to their Commanding Officer requesting to delete footage from a BWC file and shall make an entry of the request in the appropriate case file, if applicable. The Commanding Officer shall then forward the memorandum to the Commanding Officer of the RMO for evaluation and appropriate action.~~
  4. ~~Subject to the above limitations, members of the RMO are authorized to delete BWC recordings in accordance with the Department’s established retention policies on BWC recordings or when directed by the Commanding Officer of the RMO.~~
  5. ~~The Department shall retain permanently all records of logs of access as set forth in I.2.C and deletion of data including memorandums as set forth in J.3 and J.4 from the BWC.~~

**~~K.— Accidental or Unintentional Recordings.~~** If a BWC accidentally or inadvertently captures an unintended recording, the member may submit a memorandum through the chain of command specifying the date, time, location and a summary of the unintentionally recorded event. This memorandum shall be forwarded to the Commanding Officer of the RMO for evaluation and appropriate action.

**~~L.— Discovery of Potential Misconduct during Authorized Review.~~** Members reviewing recordings should remain focused on the incident captured in the BWC and should review only those recordings relevant to the investigative scope. If a member discovers potential misconduct during any review of the BWC, the member shall report the potential misconduct to a superior officer. The superior officer shall adhere to the provisions of Department General Order 1.06, Duties of Superior Officers, Section 10.11.03.I.A.4. Nothing in this procedure prohibits addressing Department policy violations.

**~~M.— Targeting Prohibited.~~** Department supervisors may access BWC footage for purposes consistent with the policy. Supervisors may not review an officer's BWC footage to search for violations of Department policy without cause.

#### References

DGO 1.06, Duties of Superior Officers

DGO 2.01, Rules 23 and 24, Use of Department Property and Loss or Damage to Department Property

*DGO 2.01, Rule 23, Department Property*

*DGO 2.01, Rule 29, Surreptitious Recordings*

DGO 2.01, Rule 56, Surreptitious Recordings

DGO 8.01, Major and Critical Incident Evaluation and Notification

DGO 8.10, Guidelines for First Amendment Activities

San Francisco Administrative Code 96I.2(b)