



# Surveillance Use Policy

## Body Worn Camera System San Diego Police Department

### PURPOSE

Law enforcement's use of Body Worn Cameras (BWCs) has proven effective in reducing violent confrontations and complaints against officers. Cameras provide additional documentation of police/public encounters and are an important tool for collecting evidence and maintaining public trust. Body Worn Cameras shall be used to capture audio and visual evidence for investigations and enforcement encounters. The current BWC vendor is Axon.

### USE

Sworn personnel who are issued a BWC shall use the Event Mode to record enforcement-related contacts. Enforcement-related contacts include the following: traffic stops, field interviews, detentions, arrests, persons present at radio calls who are accused of crimes, and consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter. Consensual searches are also recorded in accordance with DP 4.01 – Stop/Detention and Pat Down Procedures.

Sworn personnel shall use the Event Mode to record enforcement-related contacts. The Event Mode shall be activated prior to actual contact with the citizen or as soon as safely possible thereafter and continue recording until the contact is concluded or the contact transitions from an enforcement contact to intelligence gathering.

Sworn personnel shall begin recording in the Event Mode while driving to a call that has the potential to involve an enforcement contact. Sworn personnel shall begin recording in the Event Mode while covering another City employee or law enforcement officer during an enforcement contact, including, but not limited to, PISOs, Parking Controllers, etc.

Department Policies associated with the use of Body Worn Cameras are:

- DP 1.49 –Body Worn Camera  
(This Department Procedure title is being updated to reflect Body Worn Camera.)

Officers “shall” comply with DP 1.49 as we are already bound to comply with Department Policies and Procedures.

### DATA COLLECTION

The body worn camera system incorporating an audio and video recording device. This camera is designed for use in harsh environmental conditions encountered in law enforcement, corrections, military, and security activities. The body worn camera system camera is designed to record events for secure storage, retrieval, and analysis to the Axon Evidence.

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



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## DATA ACCESS

All personnel given permission associated with Evidence.com may review digital evidence while using a Department computer. Sworn personnel may review their own digital evidence. Detectives are responsible for reviewing, updating, and tracking digital evidence associated with their assigned cases.

All digital evidence collected using the BWC is considered an investigative record for the San Diego Police Department and is for official use only. 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 digital evidence is prohibited unless approved by the Chief of Police or designee.

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 is strictly prohibited.

## DATA PROTECTION

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. Access control to the system is limited to authorized users and uses multiple factors for authentication. Evidence 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 required individuals and require at least two factors for authentication. If a non-police officer / unauthorized user was to find a body worn camera 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 which can be used to charge the device and download 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. Given the encryption which exists on the device it is highly unlikely that an unauthorized user would be able to view the footage on the body worn camera. No such situation has happened in the 14 years the department has been using body worn cameras.

## DATA RETENTION

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



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## BWC Evidence Retention Schedule

Category	Retention	Restrictions
Uncategorized	Until manually deleted	None
148 PC or 69PC Charged	130 weeks	None
Admin Audit	2 years	None
Admin Review	Until manually deleted	Restricted category
Arrest - Felony - No Case	2 years	None
Arrest - Misdemeanor - No Case	2 years	None
BWC Training/Accidental	60 days	None
Child Abuse	Until manually deleted	Confidential
Citation - Infraction or Vehicle Impound	2 years	None
Civil Unrest	Until manually deleted	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	Until manually deleted	None
Contact - No Further Action	2 years	None

Crime Case - Felony	Until manually deleted	None
Crime Case - Misdemeanor	2 years	None
Detention - 5150 without Other Crime or Charge	2 years	None
Field Interviews	2 years	None
Hold Evidence Until Deleted by User	Until manually deleted	None
Homicide	Until manually deleted	Restricted category
Investigations-Search/Arrest Warrant	Until manually deleted	None
K9 Bite	Until manually deleted	None
K9 Radio Call	2 years	None
OFFICER INVOLVED SHOOTING	Until manually deleted	Restricted category
Pending Review	Until manually deleted	None
Preserve Evidence	Until manually deleted	None
Pursuit without Arrest	2 years	None
*Sealed per W&I 786	1 day	Restricted category
Sex Crimes	Until manually deleted	Confidential
Suspect Injured	130 weeks	None
Use of Force	130 weeks	None



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## PUBLIC ACCESS

Disclosure of Department records involves consideration of various state laws and the San Diego City Charter.

Videos, including body camera videos and third-party videos in the possession of the Department, are “records,” but they may not be “public records.” As an example, pursuant to a search warrant, the

Department may have seized and have in its possession personal records from a home or business. Depending on the circumstances, those records may not be public records subject to disclosure.

If a video is evidence in litigation, then the laws of discovery and evidentiary privilege govern requests and disputes related to disclosure.

## THIRD PARTY DATA SHARING

Detectives are responsible for reviewing, updating, and tracking digital evidence associated with their assigned cases.

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.

BWC video is shared with other law enforcement agencies regarding criminal investigations through Evidence.com. Internal investigations requests from other agencies require a subpoena.

## TRAINING

While attending the San Diego Regional Academy, recruits are given nonfunctional, training Body Worn Cameras. They are given training scenarios in the academy requiring them to replicate the operation of the cameras. This is to promote muscle memory.

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

## AUDITING AND OVERSIGHT

Sergeants and Detective Sergeants who have personnel assigned to them who wear a BWC are required to conduct monthly inspections. The inspections will ensure that the BWC is being used to record enforcement-related contacts and other incidents outlined in the BWC procedure. Inspection results will be entered and forwarded to the respective Lieutenant of the division for review and approval. Sergeants and detective sergeants will ensure all BWC videos are uploaded and categorized with the appropriate metadata. All uncategorized videos will be immediately corrected by the officer/detective. The supervisor will then re-inspect the BWC video to confirm the corrections were made.

Patrol Sergeants will select one video per day to inspect and verify the officer is in compliance with DP 1.49 (I)(1)(c) which states, “Officers shall begin recording in the Event Mode while driving to a call that has the potential to involve an enforcement contact.” While viewing the video, sergeants are reminded to



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use the “post a note” function located below the video. Under the “post a note” heading, sergeants should enter “monthly inspection.”

Lieutenants will complete a BWC Divisional Monthly Inspection. The inspection form will 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.

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.

The City of San Diego’s Audit Board can audit the SDPD’s Body Worn Camera program.

## 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 performing the following duties:

- Maintain and troubleshoot the BWC units.
- Maintain a record of assigned BWCs and related equipment.
- Be proactive and able to complete minor repairs.
- Arrange for the warranty and non-warranty repair of the BWC units.
- Repair or replace BWC components (cameras, docking stations, etc.)
- Maintain BWC equipment repair and maintenance records.
- Update software and system settings as necessary.
- Train sworn personnel on current policy and the proper use of BWC units.
- Provide official copies of any recording audit trail when properly requested.
- Provide official copies of digital media when properly subpoenaed.