

7.8 LONG BEACH POLICE DEPARTMENT BODY WORN CAMERA (BWC)

7.8.1 PURPOSE

Revised July 20, 2018

The Administration Bureau has audit responsibility.

This document establishes policy for employees using Body Worn Cameras (BWCs) and for preserving and reviewing digital media obtained from BWCs during the deployment plan.

As part of the BWC deployment plan, Department stakeholders and the Long Beach Police Officers Association will meet no less than one time per quarter. At the conclusion of the deployment plan, a debriefing with these same groups will be conducted to evaluate program effectiveness.

7.8.2 OBJECTIVES

Revised July 20, 2018

Cameras provide additional documentation of police encounters with the public and may be an important tool for collecting evidence and maintaining the public's trust. However, video cannot always show the full story nor does it capture an entire scene. Digital evidence may capture a less broad and less detailed image than the totality of the human senses. An officer's recollection and perception of specific details may differ from what is captured in digital evidence. The use of cameras does not replace or reduce the requirement to provide thorough written documentation. Persons reviewing recordings must also be cautious before reaching conclusions about what the video appears to show.

7.8.3 DEFINITIONS

Revised July 20, 2018

Activate – Manually switch the BWC device from buffering mode to event mode by double pressing the event button in order to start permanently recording audio and digital media.

Automatic Activation Triggers – A feature that initiates a BWC recording through Bluetooth technology.

Body Worn Camera (BWC) – A camera worn by an individual employee that records and stores audio and video.

Buffering Mode – The BWC continuously loops a video recording for up to 60 seconds before the recording is started by the officer. While buffering, video only (no audio) is being recorded.

Deactivate – Manually stop the BWC device by pressing and holding the event button, which halts recording of audio and digital media and returns the device to buffering mode.

Digital Evidence – Photographs, audio records and video footage captured by a BWC device and stored digitally.

Digital Evidence Management System – A technological solution (i.e. Evidence.com), which stores digitally encrypted data accessible to personnel based on security clearance.

Docking – The process by which an employee places a BWC into a network attached data transfer device, which causes videos recorded onto the BWC to be uploaded to the Digital Evidence Management System, the BWC battery to charge and the firmware to update.

Evidence.com – An online, cloud-based digital media storage repository. All media is stored in a highly secure environment, accessible only by authorized personnel.

Metadata – DR numbers, CAD call numbers, GPS, and other descriptors used to identify digital evidence.

7.8.4 BWC USAGE

Revised July 20, 2018

- 1) Officer safety takes precedence over camera activation.
- 2) Only personnel trained by the Long Beach Police Department shall receive a BWC device.
- 3) Phase-two training probationary officers will not wear a BWC.
- 4) Every officer issued a BWC shall take the device into the field during each work shift, absent the exceptions listed in Item #11.
- 5) BWC equipment is for official use only and shall not be utilized for personal use.
- 6) Personally purchased or aquired BWC devices are not authorized.
- 7) All digital evidence collected using the BWC is considered property of the Long Beach Police Department and for official use only.
- 8) All requests for digital evidence by the public will be handled in accordance with Public Records Act laws. This does not preclude supervisors and detectives from showing digital evidence to the public to further an investigation or investigate a personnel complaint in accordance with applicable law.
- 9) Accessing, copying, forwarding, or releasing any digital evidence for other than official Police Department use is prohibited. Personal computer equipment and software programs shall not be used to make copies of digital

evidence. Exceptions may be made when done for training purposes and with appropriate Divisional Commander's approval.

- 10) All officers wearing BWCs shall understand there is normally no expectation of privacy on information obtained through proper use of the BWC, and that the digital evidence is subject to inspection at any time and without prior permission of the officer. However, some circumstances may involve an inherent expectation of privacy, such as those situations listed in [§ 7.8.4.3 WHEN NOT TO RECORD](#).
- 11) If a BWC device or component is damaged, defective, lost or stolen, the user shall contact a supervisor as soon as possible and note the malfunction in their unit history. The officer's supervisor shall facilitate a replacement BWC as soon as practical.
- 12) Officers shall note in any associated police report(s) whether a recordable incident was or was not recorded on their BWC device and if the recording was reviewed prior to writing the report.

7.8.4.1 NORMAL BWC FIELD USE

Revised July 20, 2018

- A) **Camera position** – Officers shall wear the BWC according to manufacturer recommendations. Officers shall attach the BWC in a manner approved by the Department.
- B) **Citizen advisement** – If asked, officers should advise citizens they are being recorded. Exceptions may be made for investigative reasons.
- C) **Citizen demands** – Officers shall not initiate or cease recording an event, situation, or circumstance solely at the demand of a citizen.
- D) **Camera set-up and maintenance** – Officers shall complete the following equipment test at the start of each shift and prior to deploying the BWC:
 - Confirm they are using their assigned BWC;
 - Visually and physically inspect the device to ensure it is fully charged and operational.
- E) **Conclusion of shift** – Each officer should place their assigned BWC in the docking station at the end of each shift.

7.8.4.2 BWC RECORDING

Revised July 11, 2018

Officers equipped with a BWC shall activate their camera during enforcement related contacts whether self-initiated or in response to a dispatch call. If immediate activation of the BWC is not feasible, officers shall activate the BWC as soon as safe to do so. The BWC shall remain activated until the contact has reasonably concluded or the activity moves into an area restricted by [§ 7.8.4.3 WHEN NOT TO RECORD](#). If the enforcement contact resumes, the officer shall re-activate the BWC and continue recording.

Should it become necessary to stop recording during any enforcement related contact, officers should verbally articulate on the recording the reasons for turning off the camera before discontinuing the video.

- A) **Enforcement related contacts** – Unless mitigating circumstances are present, officers shall record enforcement related contacts including but not limited to the following:
- Traffic stops
 - Traffic collisions
 - Subject stops
 - Detentions
 - Arrests – Officers may stop recording when the arrestee is cooperative and safely secured inside a police car or law enforcement facility. If an arrestee becomes uncooperative, or if there is some evidentiary purpose, officers shall resume recording.
 - Searches – Officers shall record their actions during the execution of a search warrant, an arrest, a consent search, or other lawful search (excluding strip searches – refer to LBPD Manual [§ 7.8.4.3 \(7\) WHEN NOT TO RECORD](#)) in which the officer is looking for evidence or contraband. When the scene is secured, the recording may be stopped. A supervisor may use discretion when determining whether or not BWC equipped officers shall record the service of a warrant.
 - Crimes in progress – Officers actively engaged in the apprehension of a suspect during an incident shall activate their BWC. Officers should begin recording prior to arrival on scene.
 - Demonstrations, protests, unlawful assemblies.
 - Consensual encounters – Recording shall begin at the point when the officer believes the encounter may transition into a detention.
 - Other – Officers shall record incidents where they are assisting other City employees or law enforcement officers engaged in an enforcement related contact. If a dispute arises related to filming, the involved officer shall notify a supervisor.
- B) **Interviews** – Victim and witness interviews may be recorded. Suspect interviews shall be recorded absent extenuating circumstances. If a situation exists where a suspect interview cannot be recorded, a supervisor will be notified and the circumstances will be documented in accordance with LBPD Manual § [7.8.4.12 BWC REPORTING REQUIREMENTS](#).
- C) **Personnel complaints** – Supervisors handling personnel complaints should record interviews with the public. Interviews involving Department personnel shall follow Internal Affairs protocol.
- D) **Other circumstances** – Officers may record any other legitimate law enforcement contact where he or she believes that a recording would be appropriate.

7.8.4.3 WHEN NOT TO RECORD

Revised July 20, 2018

Unless there is a clear and valid law enforcement purpose, BWCs shall not be used:

- 1) To record non-work related activity.
- 2) In areas where there is a reasonable expectation of privacy, such as private discussions or conversations, locker rooms, restrooms, or breakrooms.
- 3) Within police facilities.
- 4) During Internal Affairs interviews.
- 5) To record persons who have exposed areas of the body that could cause embarrassment or humiliation to those being recorded, such as an exposed breast, groin, etc.
- 6) Where an officer believes that the use of a BWC would impede or limit the cooperation of a victim, witness or suspect during an investigative contact. If a situation exists where a suspect interview cannot be recorded, a supervisor will be notified and the circumstances will be documented, per LBPD Manual [§ 7.8.4.12 BWC REPORTING REQUIREMENTS](#).
- 7) BWCs shall not be used during strip searches under any circumstances.

7.8.4.4 AUTOMATIC ACTIVATION FEATURES

Revised July 20, 2018

Automatic activation, also known as automatic activation triggers or signals, is a feature that initiates a BWC recording through Bluetooth technology. Automatic video activation features shall be employed to automate BWC recording at the direction of the Chief of Police or his or her designee.

Axon offers the following automatic activation features:

- 1) **Axon Signal Vehicle** – An in-vehicle product that activates the BWC by certain in-vehicle events, such as turning on the light bar, opening a door, or releasing the shotgun/rifle lock.
- 2) **Signal Performance Power Magazine** – An accessory for the TASER X26P that can activate a BWC when the X26P is armed.
- 3) **Axon Signal Sidearm** – A duty-gun holster accessory that can activate a BWC when an officer's weapon is drawn.

NOTE: These features are not currently deployed at the time of publishing this policy, the Department anticipates enabling these features within 12 months.

7.8.4.5 MOBILE DEVICE APPLICATIONS AND COMPUTER SOFTWARE

Revised July 20, 2018

- 1) **Axon Capture** – A mobile device application that sends digital evidence to Evidence.com from the field. Axon Capture uses smartphone capabilities to import photo, video, and audio recordings directly into Evidence.com.

- 2) **Axon View** – Allows officers to view a list of all videos stored on the device in order to review and add associated metadata. Axon View also allows for in-field viewing of recorded videos, and live-stream viewing from the device.
- 3) **Evidence Sync** – Computer software that allows an officer to view video and priority upload a single incident to Evidence.com. It also allows for adding associated metadata.

7.8.4.6 ENTERING METADATA

Revised July 20, 2018

Each recorded segment requires the entry of metadata, even if the segments are of the same event. Metadata should normally be added by CAD integration. In cases of a technology malfunction, metadata should be added as soon as possible by the officer wearing the BWC.

7.8.4.7 RETENTION OF DIGITAL EVIDENCE

Revised July 20, 2018

All recordings related to a criminal proceeding, filed claim, pending litigation or personnel complaint shall be preserved in accordance with the law. All recordings not governed by legal statute shall be retained for one year.

7.8.4.8 REVIEWING IMPOUNDED DIGITAL EVIDENCE

Revised July 20, 2018

- 1) Officers may review their own recordings and recordings of other employees in which they appear or could have been heard.
- 2) Personnel may review recordings when relevant to their investigation.
- 3) Officers may review digital evidence prior to completing reports to ensure accuracy.
 - a) Digital evidence capturing an officer-involved shooting or in-custody death may be reviewed by involved employees prior to the initial investigation at the scene and after obtaining approval from the Homicide Detail. Exceptions to this include situations with exigent circumstances (e.g. to help identify a suspect involved in an officer-involved shooting who has fled the scene).
- 4) Officers should review digital evidence prior to providing testimony at hearings, trial, or depositions.
- 5) Supervisors and management may review and use digital evidence for administrative purposes limited to the following:
 - a) Death or injury of a Department employee,
 - b) Use of force,
 - c) In-custody death,
 - d) Police pursuit,
 - e) Officer-involved shooting,
 - f) Personnel investigations,

- g) Prior to the release of a recording in response to a proper legal request (e.g., in response to a subpoena, court order, or Public Records Act Request).
- h) Field Training Officers and program administrators shall have full access to the recordings of their trainees during the period of their assignment to the FTO program, and may use that information to correct field practices.

When an incident is recorded which may be of value as a training aide for the Department, the appropriate Divisional Commander will approve the use of the video.

- i) It is not the intent of the Department to review BWC footage for the sole purpose of discovering general policy violations. However, if an employee believes they have identified potential misconduct during the normal course of an investigative or supervisory review of video, that employee shall report the perceived misconduct to the observed employee's supervisor.

Supervisors should handle minor infractions of policy or procedure as a training issue and should use the opportunity to counsel employees to ensure no future violations occur. Serious offenses that could result in formal discipline, or repeated violations should be handled in accordance with existing Department policy addressing misconduct.

- j) Other situations where there is a need to review digital evidence not covered by this procedure, the officer's Divisional Commander must approve the request. Each situation will be evaluated on a case by case basis.

7.8.4.9 DELETION OF RECORDINGS

Revised July 20, 2018

- 1) A Department employee may request a recording deletion for the following reasons:
 - Unintentional activation,
 - Tactically sensitive recording,
 - Medically sensitive recording,
 - Recordings of undercover officers or confidential informants,
 - Other recordings that are not within the objectives of the BWC program, and are not governed by legal statute.
- 2) A memorandum detailing the circumstances of the recording will be forwarded via the chain of command to the officer's Divisional Commander. The approved memorandum will be forwarded to the BWC Program Administrator. The BWC Program Administrator shall facilitate the actual removal of any record approved for deletion. The BWC Program Administrator shall maintain a record of the approved request.

- 3) Deletion of video recordings of sensitive content (full or partial nudity) unrelated to a law enforcement contact may be expedited under the following protocol:
- An email requesting deletion is sent to PD-BWCHelp@longbeach.gov providing details of the incident, including who recorded the video, as well as the time and date of the recording.
 - The video is confirmed to contain employee sensitive content.
 - A record of the deletion is appropriately logged by the BWC office.

Video requested for deletion that also contains footage believed to have investigative or administrative value will not be deleted, but will be marked “restricted” to prevent unnecessary viewing.

Restricted video requested for disclosure through litigation or PRA requests will be appropriately redacted of all sensitive content before release.

7.8.4.10 BWC PROGRAM ADMINISTRATOR RESPONSIBILITIES

Revised July 20, 2018

The BWC Administrator is the Information Technology Lieutenant. The BWC Administrator is responsible for training as required, maintaining records, ensuring proper performance of equipment, and overseeing program performance reviews.

The BWC Administrator is responsible for adding triggers for deployment in the field at the direction of the Chief of Police or his or her designee. The BWC Administrator shall advise all BWC officers prior to incorporating new automatic features.

7.8.4.11 SUPERVISOR RESPONSIBILITIES

Revised July 20, 2018

Supervisors of BWC personnel shall conduct at least one random supervisor review per week. Supervisor review results will be completed on a BWC Review Form provided by the Records Division. Each Division will submit their performance review forms to the Patrol and Administration Bureaus for review.

7.8.4.12 BWC REPORTING REQUIREMENTS

Revised July 20, 2018

All BWC recordings shall be identified in a Department report or in the recording officer’s call history. The phrase “PD#BWC” shall be typed on the first line of an ARS narrative if a report is taken, or as a miscellaneous note in the call history if no report is taken. If the contact results in a citation only, with no narrative, then the officer shall write “PD#BWC” in the notes section on the rear of the citation.

If a recording is not made or is initiated late during an enforcement related contact, officers shall notify a supervisor and document in a police report why the recording was not made or late. The first line of the officer's report narrative shall include the phrase "PD#LateBWC." If no police report is required, officers shall notify a supervisor, and note in their call history the phrase "PD#LateBWC" along with an explanation as to why the recording was not made or late.