

REQUEST FOR COUNCIL ACTION				CERTIFICATE NUMBER (FOR COMPTROLLER'S USE ONLY)	
CITY OF SAN DIEGO					
TO: CITY COUNCIL		FROM (ORIGINATING DEPARTMENT): Police Department		DATE: 5/1/2014	
SUBJECT: San Diego Police Department Policy and Procedure regarding the use of Body Worn Cameras					
PRIMARY CONTACT (NAME, PHONE): Captain Dan Christman, 531-2407 MS 776			SECONDARY CONTACT (NAME, PHONE): ,		
COMPLETE FOR ACCOUNTING PURPOSES					
FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00
FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00
COST SUMMARY (IF APPLICABLE):					
ROUTING AND APPROVALS					
CONTRIBUTORS/REVIEWERS:		APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
Liaison Office		ORIG DEPT.	Ramirez, David	05/01/2014	
		CFO			
		DEPUTY CHIEF			
		COO			
		CITY ATTORNEY	Peter, Linda		
		COUNCIL PRESIDENTS OFFICE			
PREPARATION OF:	<input type="checkbox"/> RESOLUTIONS	<input type="checkbox"/> ORDINANCE(S)	<input type="checkbox"/> AGREEMENT(S)	<input type="checkbox"/> DEED(S)	
Accept the Police Department's report. This is an information item only.					
STAFF RECOMMENDATIONS: Accept the Police Department's report. This is an information item only.					
SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)					
COUNCIL DISTRICT(S):	All				
COMMUNITY AREA(S):	All				
ENVIRONMENTAL IMPACT:					
CITY CLERK					

INSTRUCTIONS:	
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COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE: 5/1/2014

ORIGINATING DEPARTMENT: Police Department

SUBJECT: San Diego Police Department Policy and Procedure regarding the use of Body Worn Cameras

COUNCIL DISTRICT(S): All

CONTACT/PHONE NUMBER: Captain Dan Christman/531-2407 MS 776

DESCRIPTIVE SUMMARY OF ITEM:

This is an information only item regarding a Police Department procedure for the use of body worn cameras. The purpose of this procedure is to establish guidelines for Department members using body worn cameras, and procedures for preserving the digital media.

STAFF RECOMMENDATION:

Accept the Police Department's report. This is an information item only.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

The Department conducted trial uses for the body worn camera system several years ago. At the time, the costs of the equipment and the performance level of the technology prevented us from investing in this program.

We are currently field testing ten (10) body worn camera systems at our Central Division. The uniformed officers assigned to this test are operating under the guidance of a trial policy. The procedures summarized in this report are intended to replace the existing trial policy and act as the official guiding document for San Diego Police Department. Please note that the Department is currently in negotiations with the San Diego Police Officers Association concerning the policy and implementation of the Body Worn Cameras.

Law Enforcement's use of body worn cameras has proven effective in reducing violent confrontations and complaints against officers. Cameras offer additional documentation of police/public encounters and may be an important tool for collecting evidence and maintaining public trust. There is also a learning curve that comes with using body worn cameras. Video cannot always show the full story nor does it capture an entire scene. The use of cameras does not reduce the requirement to provide thorough written documentation. Persons reviewing recordings must also be cautious before conclusions are reached about what the video shows.

The proposed procedure clarifies when and where the video cameras will be recording, how the video evidence will be stored, how it is accessed and what circumstances the recordings can be released. Following are the main points contained in this procedure:

- Officer Safety takes precedence over recording events. Officer safety shall be the primary consideration when contacting citizens or conducting traffic stops, not the ability to record an event.

- Officers are advised to tell citizens they are recording when asked. Private Citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. An exception to this guideline is during citizen complaint investigations. Officers and supervisors must inform complainants and witnesses they are being recorded.
- Unless unable, Officers shall record enforcement related contacts which include: traffic stops, pedestrian stops, detentions and radio calls.
- Body worn cameras shall only be used for work related activity. Officers shall not record in areas where there is an expectation of privacy including: locker rooms, restrooms, briefing rooms and break rooms. Additionally, officers should avoid recording exposed areas of a citizen's body.
- Officers will avoid, when possible, recording people who are unrelated to the police purpose. Additionally, Officers will take into account HIPAA considerations when dealing with medical and psychiatric patients. Officers should normally turn their camera off when at a medical facility and when a clinician is interviewing a subject.
- Victim and witness interviews will generally not be recorded. Body worn cameras will not be used during Sex Crime and Child Abuse Investigations.
- Exception: Domestic Violence victims often recant their statements as early as the following morning after a crime. Victims may also make their children unavailable for investigations or court to avoid their providing statements. For these reasons, domestic violence victims with serious injuries, such as strangulation injuries are exceptions and their statements should be recorded if the victim is willing. Officers should also record the statements of children of domestic violence victims who are witnesses in these types of cases if the children are willing.
- Metadata should be entered at the conclusion of any event or as soon as possible thereafter.
- It is not the intent of the Department to review digital evidence for the purpose of general performance review or policy violations. Administrative review is limited to the following: Officer injury or death, Use of force by a member of the department, In-custody deaths, Police pursuits, Intentional and Unintentional discharges of a firearm, Officer involved traffic collisions, Preparation for trial proceedings, Internal Affairs investigations relating to a citizen complaint.
- Discovery of police misconduct during a review shall be reported to a supervisor by any Department member who views an event in question.
- Copying and releasing digital evidence to the public shall be treated like any other official record and handled accordingly pursuant to existing Department policies and procedures. All requests for video will be approved by the Chief of Police or her designee.

In conclusion, the San Diego Police Department has conducted a comprehensive analysis of the best practices used with body cameras. Careful consideration has been given to all the circumstances considered possible with the use of body cameras. This procedure reflects the Department's proposed use of the body camera system. The scope of this project requires a "meet and confer" with the San Diego Police Officers Association. The Department is still working with the POA on this project therefore; the body worn camera procedure is not final nor is the implementation date set.

FISCAL CONSIDERATIONS:None.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION (describe any changes made to the item from what was presented at committee): On January 29, 2014, former Police Chief William Lansdowne made a presentation on this item as requested by the Committee. On March 3, 2014, Council allocated \$1,000,000 to implement the project in Fiscal Year 2014. On March 19, 2014, Chief Shelley Zimmerman made a presentation to PS&LN about the body worn cameras and the digital evidence storage system. A companion item requesting authorization of a contract with TASER for the purchase of Body Worn Cameras is being heard at PS&LN on May 14, 2014.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:The cameras will provide the community a higher level of confidence in the Police Department. Additionally, the City Attorney and District Attorney are key stakeholders as video provides additional evidence. San Diego Police Officers Association.

Ramirez, David
Originating Department

Deputy Chief/Chief Operating Officer