

# RANCHO MURIETA COMMUNITY SERVICES DISTRICT

<b>Category:</b>	Security	<b>Policy #</b> 2015-07
<b>Title:</b>	Body-Worn Cameras and Video System	

## PURPOSE

To provide Rancho Murieta Community Services District's (District) Security Patrol Officers (Patrol Officers) and Security Department with the necessary procedures, policies and responsibilities for use of the body-worn video systems as well as the management, storage and retrieval of audio/video material recorded by body-worn video. Recorded data serves a dual purpose to the District by protecting both Patrol Officers and citizens.

## POLICY STATEMENT

Patrol Officers assigned the use of body-worn camera and video systems will adhere to the operational objectives, policies, responsibilities and procedures outlined in this policy so as to maximize the effectiveness and utility for the body-worn video system and the integrity of evidence and related video documentation. District employees who violate this policy will be subject to disciplinary action, up to and including termination.

## OBJECTIVES

The District's Security Department has adopted the use of body-worn video systems to accomplish the following objectives:

1. To enhance Patrol Officer safety and accountability.
2. To accurately capture statements and events during the course of an incident.
3. To enhance the Patrol Officer's ability to document and review statements and actions for both internal reporting requirements and for investigations.
4. To provide an impartial measurement for self-critique, evaluation, performance, and professionalism.
5. To capture visual and audio evidence/information for use in current and future investigations and proceedings to protect against false accusations.

## DISTRICT RESPONSIBILITIES

1. The District shall provide one personal body-worn camera for each Patrol Officer. Patrol Officers will use only District owned and issued body-worn camera systems.

2. The District will provide Patrol Officers and Sergeants with training on use of body-worn cameras and video systems.
3. The District will approve media viewing and duplication devices.

## **OFFICER RESPONSIBILITIES**

1. Patrol Officers will wear the body-worn camera when on patrol. The camera shall be worn and used in the manner specified in training.

Unless it is unsafe or impractical to do so, or mechanical issues impede the use of the camera, Patrol Officers shall activate the camera prior to making contact in any of the following incidents: (a) enforcement encounter when there is a reasonable suspicion that the person is or was involved in criminal activity, a violation of law, or other misconduct; (b) when responding to a dispatched call; (c) when investigating any incident, claim, violation or wrongdoing; (d) when responding to a traffic collision; and (e) when contact with a person becomes adversarial after the initial contact (not covered by the above categories) is made. Patrol Officers will not record anything relating to an HOA covenants, conditions and restrictions (CCRs) violation, unless the situation becomes adversarial.

However, the camera should not be activated (a) in private places such as a restroom, locker room, dressing room, or hospital room, and (b) when the individual is partially or completely unclothed. A Patrol Officer may choose not to activate the camera when interviewing witnesses and members of the community who wish to anonymously report or discuss criminal activity or other wrongdoing in their neighborhood, or when having a casual non-enforcement conversation with a member of the public..

If a Patrol Officer is in doubt about whether to activate the camera, the officer should record the incident.

2. Unless the Patrol Officer is in a public gathering or in other circumstances where there clearly is no expectation that the communication could be considered private, the Patrol Officer shall inform the other individual or individuals that they are being recorded. The notice should be given when the camera is first activated so that there is a recording of it. If the other party on camera expressly declines or refuses to consent to be recorded, then the Patrol Officer shall deactivate the camera.
3. When the body-worn video system is activated to document an incident, it will not be deactivated until the incident or encounter has been concluded, the officer has left the scene, or a supervisor has authorized (on camera) that a recording may cease.
4. If a Patrol Officer fails to activate the camera when he or she should have, fails to record the entire incident, or interrupts the recording, the officer

shall document why a recording was not made, was interrupted, or was terminated. Submitting a report and explanation will not necessarily avoid discipline if it appears that the officer violated this policy.

5. Body-worn video system recordings shall be noted on the Dispatch Card that is generated for all calls for service.
6. When necessary to help ensure accuracy and consistency of accounts for written reports, Patrol Officers should contact the Patrol Sergeant or the Security Chief and request to review the recording.
7. Patrol Officers will not erase, alter, reuse, modify, edit, duplicate, share, distribute, or tamper with any body-worn video system recording or storage device without prior written authorization of the Patrol Sergeant or Security Chief.
8. Patrol Officers will notify the Patrol Sergeant or Security Chief when the body-worn video system has captured a felony, DUI, any event requested as evidence by a peace officer, or any other significant incident.
9. Patrol Officers shall operate the body-worn cameras and video systems in accordance with the manufacturer's guidelines, departmental policy and training.
10. Patrol Officers shall inspect the body-worn camera and video system at the beginning of each shift to ensure that the equipment is functioning according to manufacturer's guidelines. The equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning.
11. Patrol Officers shall immediately report any malfunction, damage or theft of the body-worn video system to the Patrol Sergeant or Security Chief so that a repair or replacement unit may be provided.
12. To reduce the risk of damage, original recordings shall not be viewed in any equipment other than the equipment authorized by the Security Chief.
13. Body-worn cameras and systems will be stored in the designated area, and will not be left inside an unattended patrol vehicle.
14. Each Patrol Officer is responsible for his/her District assigned body-work video system. There shall be no borrowing of equipment between Patrol Officers.
15. Body-worn cameras shall be used only in conjunction with patrol-related duties, and they shall not be used to record communications with other Security Department personnel (except with the permission of the Patrol

Sergeant or Security Chief) or when on break or otherwise engaged in personal activities.

## **SERGEANT RESPONSIBILITIES**

1. Sergeant shall be responsible for installing unrecorded media (memory cards), when applicable, into all District body-worn video systems in accordance with number 2 below and removing all recorded media from District body-worn video systems.
2. Sergeant shall assign identification numbers to all unrecorded media (memory cards), when applicable. The Sergeant shall record the identification number, along with the date issued; the Officer issued to, date submitted, officer submitting the media, and any evidence for which the media is held in the Chain of Custody Log.
3. When an incident arises that requires the immediate retrieval of the recording, the Patrol Sergeant, Security Chief or designee shall remove the memory card when applicable. The Security Chief shall transfer the recording to the Security Chief's computer video storage file on the District's Security Server and make an appropriate notation in the Chain of Custody Log.
  - a. Upon downloading, the Security Chief or designee shall flag the entry as evidence to ensure that it will not be inadvertently deleted after the one year retention period (per Government Code, Section 53160) for unnecessary video.
4. Security Chief or Sergeant shall conduct periodic reviews to:
  - a. Ensure the equipment is being used in accordance with policy and procedures.
  - b. Report and correct any Patrol Officer discrepancies in the use of the body-worn video system.
  - c. Make recommendations for revision to the policy, procedures, officer training or equipment needed.
  - d. Inspect for equipment damage, loss or misuse and to report and investigate the cause.
  - e. Assess Patrol Officer performance.
5. Minor Patrol Officer misconduct or infraction (non-criminal) discovered during a routine review of recorded material generally should be viewed as training and counseling opportunities and not as a cause for a disciplinary action. However, should the behavior or action be serious or become habitual after being previously addressed, the appropriate disciplinary or corrective action shall be implemented and documented against the appropriate personnel.

## **MEDIA DUPLICATION**

1. All cameras, equipment, recorded media, recorded images and audio/video recordings are the property of the District. Accessing, copying, distributing, using or releasing video or audio files outside of the District or for non-Security Department purposes is strictly prohibited without specific written authorization from the Security Chief or General Manager.
2. Requests to review or copy video/audio recordings made under the Public Records Act shall be made through the Security Chief. Each request will be evaluated and responded to on a case-by-case basis. If a recording is to be released, only the incident or incidents specifically requested shall be duplicated. The District reserves the right to decline a request for the following records: investigatory or security files compiled by the District for law enforcement or licensing purposes; any record where, on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record; records concerning confidential crime victim, sexual assault or child abuse images or recordings; and, any other record exempt from disclosure under the Public Records Act.
3. To prevent damage to or the alteration of the original recorded media, it shall not be moved or copied to, viewed in, or otherwise inserted into any non-District approved computer or other device.
4. When possible and practical, a second copy of the original recorded media stored in evidence shall be used for viewing by investigators, staff, training personnel, etc., to preserve the original media in pristine condition.
5. At the conclusion of court proceedings or investigations or as otherwise authorized, all copies shall be submitted back to the Security Chief for retention.
6. A Patrol Officer may review video footage of an incident in which he or she was involved prior to making a statement or being interviewed or examined about the incident.

## **MEDIA STORAGE, RETENTION AND DESTRUCTION**

1. Recorded data from the in-car and body-worn video systems shall be retained in the Security Chief's office for a minimum of one year (as required by Government Code section 53160).
2. After one year, if the data is not evidence in or otherwise needed for training, a pending disciplinary matter, pending criminal, law enforcement, or civil lawsuit, claim or other proceeding, other investigative or law enforcement purpose, or pending citizen complaint, the General Manager, with the District General Counsel's written consent, is authorized to destroy and erase the data within the computer system.

3. Recorded data from /body-worn video system shall not be destroyed or erased without the General Manager's approval.

<b>Approved by Rancho Murieta Community Services District's Board of Directors</b>
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Adopted May 20, 2015
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