



**General Order: 5.31
IN-CAR VIDEO SYSTEM &
BODY WORN CAMERAS**

Effective: September 23, 2004
Last Revised: September 1, 2018

Purpose

The purpose of the In-car Video System (IVS) and the Body-Worn Camera system (BWCs) is to provide an accurate, unbiased audiovisual record of enforcement related and non-criminal incidents that will enhance criminal prosecutions and limit civil liabilities. The police department recognizes that audio and video recording of contacts between Departmental personnel and the public provides an objective record of these events, and the use of a recording system complements field personnel in the performance of their duties by providing a digital record of enforcement and investigative field contacts.

While recordings obtained from a BWC/IVS provide an objective record of these events, it is understood video recordings captured by a BWC/IVS provide a limited perspective and do not necessarily reflect the experience or state of mind of the individual employee(s) in a given incident. Moreover, the video recording has limitations and may depict events differently than the events recalled by the involved employee(s). Specifically, it is understood the BWC/IVS may capture information that may have not been heard/or observed by the involved employee and may not capture information observed by the employee. Accordingly, BWC/IVS video should be considered with all other available evidence, including witness statements, officer interviews, and forensic analysis.

POLICY

It is the policy of this Department to install, use, and maintain an In-car Video System (IVS) in designated enforcement vehicles. The Department will maintain and issue body-worn cameras (BWC) for use by designated employees. Use of the IVS/BWC equipment is mandatory as outlined in this policy. It is recognized that it may not always be practical to activate the IVS/BWC; however, those occurrences should be the exception rather than the rule.

PROCEDURE

Training - Department personnel will not use the IVS/BWC until they have completed training in the proper use of the system. The training will be provided by the Professional Standards Division and will consist of the following:

1. A review of the Department policy on the use of the IVS/BWC equipment.
2. A video review of the IVS/BWC, its functions and recommended activations.
3. An orientation and hands-on review of the IVS/BWC and its associated components.
4. An in-field presentation followed by practical application by the trainee to demonstrate competency of use. A written record of the training provided will be completed by the trainer and maintained in the employee's training file.

Components of the In-car Video System - The in-car video systems consists of:

1. In Car Camera, front (panoramic and standard) and rear-facing camera
2. Monitor/ Control panel
3. Digital Video Recorder (DVR)
4. Integrated microphone with BWC

Components of the Body-Worn Camera System – The BWCs consists of:

1. Body-Worn Camera with integrated microphone
2. Body-Worn Digital Video Recorder (DVR)
3. Charging unit for BWC

Officers assigned to the Traffic Unit will be issued a Body-Worn Camera system to use in lieu of the IVS system while operating their police issued motorcycle. Police motorcycles are not equipped with an IVS. If a motor officer uses a marked police vehicle, the IVS in that patrol vehicle will be utilized in conjunction with their BWC.

Activation and Use of the In-Car Video System and the Body Worn Camera

1. The IVS/BWC is automatically activated with pre-set triggers. Both systems work together when the BWC is linked to an IVS. The pre-set triggers activate both systems when the overhead lights are turned on, when the crash sensor senses G forces over a certain threshold and when the vehicle exceeds 80 miles per hour. Officers may manually activate the system by pressing the "record" button on either the IVS control console or their BWC.
2. The IVS/BWC is equipped with a "pre-event record feature," which will allow for thirty seconds of video to be captured prior to the system being activated by the Department member. This portion of the video will have video, but no audio recording. This allows the Department member to record information that may be pertinent to an enforcement incident in which they subsequently become involved.
3. The IVS is equipped with a "crash record activation kit," which will activate the IVS system in the event of a traffic collision. If an IVS equipped unit is involved in a traffic collision and is disabled, the scene supervisor will request the in-car video system personnel download the video manually from the unit as soon as practicable. If the vehicle is drivable, the scene supervisor should return the car to the PD to allow the video to download over the wireless system, prior to the car being sent for service.
4. The IVS is equipped with a GPS sensor which reports the vehicle's identity, speed and location to the video recorder and over the air back to the PD network. The speed indications will cause the IVS system to activate whenever the vehicle's speed exceeds 80 miles per hour. The unit identifier and GPS coordinates will also be wirelessly transmitted real-time to the PD network and will be utilized to show GGPD Dispatch, the Watch Commander and any authorized supervisor logged into the system a live

representation of where all police units are at any given time. This feature is known as an Automatic Vehicle Locator (AVL). The AVL will also interface with our CAD system to recommend the closest unit available for a particular call for service. This functionality, like all others of the IVS, is not intended to be used as a disciplinary tool. It is intended to be used to improve officer safety, response time to calls and to allow dispatch to send the closest units to a call for service or request for help, as required by this manual. Minor policy violations inadvertently observed on the AVL should first be handled by advising personnel to correct the violation. Repeated or persistent violations observed on the AVL may result in disciplinary action.

Requirements and Restrictions for Activating and Deactivating IVS/ BWC Devices

Department Personnel Responsibilities:

1. Prior to going into service, each employee issued a BWC and utilizing the IVS is responsible for making sure both systems are in proper working order. The BWC should be fully charged. Uniformed personnel assigned to field and enforcement duties during regular and extra duty assignments shall use the IVS and wear the BWC on their person, in accordance with the training the employee received. Absent exigent circumstances, the BWC/IVS user shall record a test sample at the beginning of his or her shift to ensure both BWC/IVS is recording properly.
2. Each employee will be responsible for the use and care of the BWC he or she is assigned. When an employee determines their BWC or IVS is not operating properly, the employee shall notify a supervisor at the earliest practicable time. A notation should also be noted on the officer's call history of the inoperable IVS or BWC.
3. Department personnel **shall** activate the IVS/BWC during the following:
 - a) During all pursuits and "Code-3" Driving.
 - b) While responding to any call for service.
 - c) While present at any call for service, whether dispatched or self-initiated.
 - d) While present at any vehicle stop, whether dispatched or self-initiated.
 - e) During all citizen contacts, whether dispatched, self-initiated, or citizen initiated.
 - f) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
 - g) Anytime an officer transports anyone other than a citizen 'ride-along' or a City employee who is not part of an active ongoing police investigation.
 - h) Any other circumstances where the employee believes that a recording of an incident would be appropriate.
4. At no time is a Department member expected to jeopardize his/her safety in order to activate their IVS/BWC. If an employee is faced with an unexpected event that prevents activation of the IVS/BWC, the reason should be documented in any related report. However, the IVS/BWC should be activated in situations described above as soon as practicable.

5. Once the IVS/BWC is activated, it shall remain activated and recording until the incident has reached a conclusion for the Department member and the Department member leaves the scene:
 - a) Once an event has been stabilized, if it is necessary to discuss issues surrounding the investigation with a supervisor or another officer in private, officers may mute their IVS/BWC thereby preventing their private audio conversation from being recorded. The video recording shall not be stopped until the incident has reached a conclusion and the Department member leaves the scene.
 - b) An on-scene supervisor can authorize Department members to turn off their IVS/ BWCs audio and video recording.
 - c) The IVS/BWC shall be turned off once the officer arrives at the station after relinquishing custody of an arrestee to a jailer or other officer. When transporting a person related to an investigation, but not in custody, the officers shall turn off the IVS/BWC prior to entering the station.
 - d) While inside the station, situations may arise where recording a suspect's conduct or actions would be beneficial to the investigation. Officers may continue to record using their IVS/BWC and this would require the officer to inform affected employees or jail staff that an IVS/BWC is actively recording.
 - e) If a taped interview is going to be conducted, employees should utilize an interview room with recording capabilities. If a room to record interviews is not available, the BWC may be used.

6. Circumstances when a IVS/BWC may not be activated or may be interrupted or terminated include, but are not limited to:
 - a) Officer safety would be compromised due to unexpected or sudden altercation.
 - b) The recording would potentially endanger a confidential informant or an undercover officer.
 - c) While in a patient care area of a hospital or other health care facility. However, a BWC recording should be initiated in the hospital if a situation arises which requires police action, but employees should consider medical privacy and other sensitive information in determining the duration and scope of the recording.
 - d) A health care provider is discussing medical issues with a patient.
 - e) An informant or community member requests the BWC be turned off before giving confidential or sensitive information and the encounter is non-confrontational.

- f) When interviewing victims of sexual assault or child abuse. The value of the video recorded statement versus the privacy and dignity concerns for the victim should be taken into consideration.
 - g) While conferring with other employees regarding the specifics or tactics of a call.
 - h) During calls where explosive devices may be present. Many portable recorders, including BWC's and audio/visual transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.
7. The IVS/BWC has a mute function, which disables audio recording when the function is enabled. Under the circumstances described in sections (a) through (g) listed above, employees should consider utilizing the Mute function as an alternative to not activating or terminating a recording with the IVS/BWC.
8. If the employee decides to stop recording, the employee should verbally advise the reason he/she is turning off the recording prior to doing so. The advisement should be clear enough so the audio is captured on the digital media device. If not practical and recording resumes, the employee should indicate verbally why the recording was turned off.
9. Unless impracticable, employees using the IVS/BWC should classify the nature of the recorded event so it can be retained according to the appropriate retention schedule for recorded incidents.
10. If an employee records an incident that is later classified as privileged or confidential under the Evidence Code, it is the responsibility of the officer or investigator to ensure the recorded incident is properly tagged as confidential/restricted to prevent erroneous release during court proceedings or discovery request.

Prohibited Uses:

- 1. Employees shall not in any manner attempt to modify, alter, erase, or tamper with any portion of the BWC/IVS or any recorded incident.
- 2. Employees are prohibited from utilizing a department issued BWC/IVS for personal use or non-related work activities. Employees are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.
- 3. Employees are prohibited of posting official video recordings to any non-department sponsored social media networking or website. All video recordings should be released according to Department procedures.
- 4. Employees are prohibited from using the IVS/BWC in places where a reasonable expectation of privacy exists, such as employee locker rooms, dressing rooms, or restrooms.
- 5. No member of this Department may surreptitiously record a conversation of any other member of this Department without the express knowledge and consent of all parties.

Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code § 3303(g).

- a) Penal Code § 632 prohibits an individual from surreptitiously recording a conversation in which any party to the conversation has a reasonable belief the conversation is private or confidential; however, Penal Code § 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.
- b) Any member of this department may surreptitiously record any conversation during the course of a criminal investigation if the officer reasonably believes that such a recording will be beneficial to the investigation.

Recorded Incident Review, Documentation & Release

1. All recordings made by employees acting in their official capacity shall remain the property of the Garden Grove Police Department, for investigative and potential evidentiary purposes. Employees shall have no expectation of privacy or ownership interest in the content of these recordings.
2. IVS/BWCs recordings ***shall not*** be randomly reviewed to monitor officer performance. The exception is for an officer who has been placed on a Personal Improvement Plan in order to address identified behavior.
3. A supervisor or an investigator participating in an official Department investigation, such as a personnel complaint, a civil claims investigation, an administrative inquiry or criminal investigation may review a specific recorded incident. Any other review not listed below will require the express approval of the Chief of Police or his/her designee.
4. Department personnel should review their recorded incidents, including critical incidents, for training and/or report writing purposes. This review should be done;
 - a. because the video recording is an extension of the officer's own personal knowledge of the events surrounding the incident;
 - b. because video recordings are a form of "video notebook" that the officer should use to prepare their reports, just as they would from a written notebook, and;
 - c. because we advise officers to review all evidence before testifying in court. As officers are allowed to review written notes, even on the witness stand, to refresh their recollection, it would be advisable to review the video also.
5. If an employee needs to be interviewed about a critical incident, the employee shall be given the opportunity to review his/her own recorded incident, or any other related recorded incidents in which they appear or could have been heard. The review may be conducted with their attorney or representative prior to making any statements to investigators. The Chief of Police or his/her designee has the discretion to prohibit the review of the recorded incident if the recording is related to serious misconduct or criminal allegations.

6. A supervisor may review a specific recorded incident for the purpose of training, critique or addressing a personnel complaint.
7. A Field Training Officer (FTO) may review a specific recorded incident for the purposes of training, evaluation or remediation of the performance of any trainee.
8. In no event shall any recorded incident be used or shown for the purpose of officer ridicule or embarrassment.
9. No video or portion of a video recording from this system may be released to a media organization, unless previously authorized by the Chief of Police or his/her designee.
10. IVS/BWC recordings may be released by official discovery or through a lawful process by authorized court personnel, or in accordance with the California Public Records Act, or with permission of the Chief of Police or his/her designee. (*Note: Nothing in this policy shall be construed as a waiver of any lawful exemption to disclosure under the Public Records Act.*)
11. IVS/BWC recordings may be reviewed or released to the City Attorney's office or Risk Management in connection with pending legal action.
12. The Chief of Police or his/her designee has the discretion to allow viewing or release of recorded incidents if the viewing or release is in the best interest of the Police Department or the City of Garden Grove. When appropriate, every effort will be made to notify involved employees prior to release.
13. Subject to the provisions of this policy, the Chief of Police or his/her designee has the discretion to prohibit the review of any recordings by Department employees if the recordings are related to serious misconduct or criminal allegations and it is determined it is in the best interest of the Police Department or the City of Garden Grove.
14. Department personnel shall be notified as soon as practicable whenever one of their video recorded incidents is being reviewed. This notification may occur after review of the incident. This notification shall be documented on the Garden Grove Police Department **VIDEO STORAGE WORK REQUEST** form. The only exception to this notification requirement is if it would compromise an official investigation and the Chief of Police or his/her designee has approved such action.
15. All reviews shall be logged unless the review is done with the Department member's knowledge during or immediately following their shift during which the recording occurred. The only exceptions to this requirement are described in sections 2, 3 and 6 of **Recorded Incident Review, Documentation & Release**.

Record-After-the-Fact

The IVS and BWC devices have the ability to record after an event happened, even when an incident was not recorded by manual activation or by a "triggered" event. This gives personnel an opportunity to capture "buffered" videos that are recorded on the hard drive

of an IVS or BWC. This option is called "Record -after- the- Fact" (RATF) and has limitations;

- The created "RATF" event, captures a moment in time which may assist with investigations by providing video that was not captured during a "triggered" event.
- The IVS in the patrol units can "RATF" up to 80 hours, and is looped and recorded over every 80-hours.
- The BWC has the ability to "RATF" for up to 12 hours or depending on the battery charge on the BWC unit. It is also recorded on a looped-basis.
- "RATF" is device specific and only authorized employees with administrative rights have the ability to create an incident from the "buffered" recordings on the devices.
- Time-frames to create an incident must be followed according to the specific device limitations. The "buffered" recording does not upload to a server and remains on the hard-drive of the specific units. The event is not uploaded to the server until it is created by an administrator.

Procedure to request a "RATF" incident:

1. If an incident from "buffered" video is needed for an official Department investigation, such as a personnel complaint, a civil claims investigation, a criminal investigation, or another critical need, the request shall come from the officer directly involved. The officer must complete a Video Storage Work Request form and shall state the need. The request must be approved by the Chief of Police or his/her designee.
2. The Video Custodian will check to see if the "buffered" video for the incident was captured on the specific device and if the incident happened during the time-frame limitations.
3. If the "buffered" video incident was captured, the video custodian will create an event and upload it to the server for review. The review of the incident shall include the employee who was responsible for the creation of the "buffered" video incident. An assigned investigator or a supervisor may also be present during the review process. The employee may also request a board member be present during the review process.
4. "RATF" incidents should only be requested during limited investigations related to personnel complaints, civil claims investigations, criminal investigations, or for a critical need. The written request must be approved by the Chief of Police or his/her designee before any action can take place.
5. Notification and review with the involved employee does not have to take place when the "RATF" incident involves allegations of serious misconduct or criminal behavior.
6. Other exceptions to the above "RATF" provisions would be in the event of serious injury/death to an employee, where the IVS/BWC was not triggered, and the recorded "buffered" incident would aid in the investigation.

NON-UNIFORMED PERSONNEL RESPONSIBILITIES

Field Training Officer

1. *Field Training Officers (FTO) who are wearing civilian clothing during the "shadow phase" are required to wear a BWC. FTO's are responsible for ensuring their assigned trainee is following the IVS/BWC policy.*

IVS/BWC Video Custodian Responsibilities

An employee will be assigned to handle the daily responsibilities of the IVS and BWC systems. The employee will handle the below duties:

1. Update and keep current a list of authorized users of the IVS/BWC systems.
2. Process all requests for copies of recorded incidents.
3. Maintain all wirelessly uploaded files in the manner and for a period of time as prescribed by this policy. Update file incident types/file preservation times as necessary according to record retention guidelines.
4. Provide inspection of IVS/BWC equipment and provide minor maintenance. Equipment failure and other larger maintenance issues will be referred to product manufacturer.

Recorded Incidents Integrity

1. **Recorded Incidents** shall be uploaded automatically via secure wireless/wired access points at the police department. The downloaded video files will be retained on the secure server for 3 years and 1 day. If a video file needs to be retained according to the Orange County District Attorney's Office recommended retention schedule, the officer/investigator assigned to the incident will be required to download the video and book it as evidence or attach it to the CAD RMS incident. Certain incidents may be re-classified after the initial classification for appropriate retention.

Orange County DA's Office-Recommended Retention Schedule:

| Type of Incident | Retention Period |
|---------------------------------------|-----------------------|
| Uncategorized | 3 Years |
| Citizen Contact-No Enforcement | 3 Years |
| Arrest-Felony | 10 Years |
| Arrest-Misdemeanor | 3 Years |
| Citation-Infraction/Misdemeanor | 3 Years |
| DVR | Indefinitely |
| DUI | Indefinitely |
| Gang FI/STEP/186.22 | Indefinitely |
| Homicide/Sexual Assault/ 245 | Indefinitely |
| Pursuit | 3 Years |
| Critical Incident-OIS or Use of Force | Indefinitely |
| Filed Case-Statute of Limitations | 10 years-Indefinitely |
| Formal Complaint | 5 years |
| Restricted/Confidential | Indefinitely |

*Indefinitely can be defined as long as possible or according to relevant statute of limitations.

2. All copies of recorded incidents that have been retained for evidentiary purposes in a criminal investigation may be released pursuant to a criminal filing and pre-trial discovery by the Custodian of Records or his/her designee. A written record of the request will be recorded on the **VIDEO STORAGE WORK REQUEST** form.

3. If a member of the Department needs a copy of a specific incident the request shall be made using the **VIDEO STORAGE WORK REQUEST**. The request should include as much pertinent information as possible to assist the Custodian in locating the incident. Absent extenuating circumstances, the request shall be made at least three court days in advance. A Lieutenant or above may authorize the immediate duplication of an incident, if circumstances require. If this is authorized, the work request shall be completed and the immediate duplication need shall be noted in the additional information portion of the work request. The request will then be turned into the **Video Custodian**.

4. All recorded incidents are the property of the City of Garden Grove and shall be stored in a secure location with limited access.

**GARDEN GROVE POLICE DEPARTMENT
 VIDEO STORAGE WORK REQUEST**

| | | | | |
|---|------------------|--|--|-----------------|
| Employee Requesting | | Employee # | | Date of Request |
| Name and Address of Other Person/Agency Requesting | | | | Date Required |
| Incident/Cite/IA number | Type of Incident | Date/Time of Incident | Location of Incident | |
| Source of Video <input type="checkbox"/> In-car Video System/Body Worn Camera <input type="checkbox"/> Interview <input type="checkbox"/> Jail <input type="checkbox"/> RATF Incident | | | Type of Request <input type="checkbox"/> Copy <input type="checkbox"/> Review | |
| Department Personnel Involved with the Incident (Names and Employee #'s) | | | | |
| 1. | 2. | 3. | | |
| 4. | 5. | 6. | | |
| Notification of Involved Employees | | | | |
| Employee(s) Notified of the Request for Copy/Review | | Notified By | Date/Time | |
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |
| Additional Information | | | | |
| _____ | | | | |
| _____ | | | | |
| _____ | | | | |
| Date/Time of Approval | | Supervisor Approving Request: Employee Number: | | |
| Disposition | | <input type="checkbox"/> Completed as follows: | | |
| <input type="checkbox"/> Completed and forwarded to the requester | | _____ | | |
| <input type="checkbox"/> Unable to locate the incident | | <input type="checkbox"/> Other: | | |
| | | _____ | | |
| Date Completed | Completed by | | Approved for Release by | |