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## Policies and Procedures (Draft)

No. 00

**SUBJECT:**

**Approval Date:** 00/00/0000

### MTS SECURITY BODY CAMERA RECORDER (BCR) POLICY

The use of a Body Camera Recorder (BCR) has been proven effective by reducing violent confrontations and complaints against officers. The use of a BCR can provide powerful evidence in support of public safety by an accurate documentation of officer/public encounters and may be an important tool for collecting evidence and maintaining public trust. Therefore, to assist with keeping the public trust and maximizing the effectiveness of this valuable tool, procedures for use of the BCR system are set forth below.

It is the policy of the MTS Security Department for Code Compliance Inspectors (CCI) and Code Compliance Inspector Supervisors to deploy the BCR every shift worked. Throughout the remainder of this policy, "Officer" will be synonymous for all of the aforementioned personnel.

### PURPOSE:

The primary purpose of the BCR system is documentation and preservation of contacts between MTS Transit Security personnel and the public. The recording of our security department's interactions with its citizens provides transparency and accountability for the citizens that use our transit system. The BCR is designed to assist and compliment officers in the performance of their duties. Through proper utilization, the BCR will aid in the prosecution of criminal offenders, refute allegations of departmental wrongdoing, assist and provide evidence during civil litigation, and provide video and audio documentation for future training needs.

The BCR system is intended to support officers' actions during various citizen encounters by providing a visual and audio record of contacts. The video and audio recording will provide an accurate, unbiased account of the incident being recorded and, as such, supplement the officer's report.

Nothing in this policy prevents the MTS Security Department from utilizing BCR video and audio footage during an internal affairs investigation; although, it should be noted in many instances BCR video and audio footage has been invaluable in refuting false allegations against MTS Security Department personnel.



## **POLICY:**

### **00.0 Training**

It is the policy of the MTS Security Department for all officers to be properly trained in the use and operation of the BCR system. In those unique situations where an officer has not received BCR training; the officer will secure supervisor approval prior to operating a BCR.

At a minimum, training shall consist of:

1. Instruction in the function and use of the BCR
2. Instruction in the proper times to activate or deactivate the BCR system according to this policy
3. How to make a "case"
4. How to preserve a "case" as evidence
5. How to request a digital copy of a recording for Court
6. How to report a BCR that is in need of repair

The individual conducting the training will assure the officer receiving the instruction fully understands the BCR system and its proper operation.

### **00.1 BCR Usage**

At the start of a shift, the officer will check to assure the video files from the previous shift were successfully downloaded. Any malfunction or failures during the download shall be immediately reported to the shift supervisor and a work order shall be submitted to the Technology Services Supervisor (TSS) by the reporting officer.

Each officer shall record, both visually and audibly, the following:

1. All calls for service
  - (a) This shall include all officers who arrive to a call for service whether or not he/she was assigned to the call.
  - (b) The BCR shall be activated while en route to the call and remain on until the call is completed.
2. Fare Enforcement and Pedestrian Stops
3. Arrests
4. Contacts with the public whenever possible
5. Accident Scenes
6. Suspect Interviews

Private citizens do not have a reasonable expectation of privacy when talking with officers during the scope of an officer's official duties. Therefore, officers are not required to give notice they are recording. However, if asked, officers shall advise citizens they are being recorded but are not required to cease recording an event, situation, or circumstance solely at the demand of a citizen. Advising a citizen they are being recorded during the contact may reduce a violent confrontation or prevent a complaint against an officer.

Exceptions to the BCR recording policy are permitted where a confidential informant's identity must be protected, or an investigative technique preserved as authorized by California Evidence Code 1040, 1041, and 1042. Officers will be required to provide justification for not recording a particular incident or contact as described above. All digital evidence collected using the BCR is considered a record of MTS and for official use only.

Review of BCR video and/or audio by a supervisor may include but are not limited to commendations, training, the investigation of complaints, an unambiguous and reasonable concern of unprofessional conduct or allegations of misconduct, quality assurance, officer involved traffic collisions, use of force investigations, prior to release of the recording in response to a proper legal request, and the review of critical incidents.

1. Officers shall not make surreptitious recordings of conversations with other Department members except when necessary in a criminal investigation.
2. The BCR shall not be intentionally activated to record conversation(s) of fellow employees with or without their knowledge during routine, non-work related activities.
3. The BCR shall not be activated in places where a reasonable expectation of privacy exists, such as locker rooms or restrooms.
4. Officer shall not record confidential informants or undercover officers.
5. Officers shall not allow citizens to review the recordings.
6. Officers shall not make copies of any BCR recording for their personal use.
7. Accessing, copying, forwarding, or releasing of any BCR recording for other than official work related purposes is strictly prohibited and subject to discipline. Public release of digital evidence is prohibited unless approved by the Chief of Police/Director of Transit Security or his/her designee.
8. Officers shall not record while on employee breaks, report writing, or during other administrative functions including discussing a case with other officers.
9. Officers may use media captured via the BCR, to review their own recordings, to assist with an investigation, completion of reports, and before any statements in an internal investigation. Officers should also document the presence of the BCR in a report.

- a. Digital evidence captured by the BCR is not all inclusive. The BCR captures a less broad and less detailed image than the totality of the human senses. An officer's recollection of specific details may be different than what is captured in digital evidence. Officers should review digital evidence prior to completing reports and prior to providing testimony at hearings, trial, or depositions.
10. Officers may use media captured via the BCR for training purposes, with proper authorization from management.
11. In situations where there is a need to review digital evidence not covered by this policy, it must be approved by the Chief of Police/Director of Transit Security or his/her designee. Each situation will be evaluated on a case by case basis.

The above list is not all-inclusive and each officer is encouraged to use his or her judgment regarding BCR usage. If an officer fails to record a disputed incident they should provide justification for the lack of a recording and should document this explanation in a comprehensive report. A crime in progress happening unexpectedly is an example where an officer may not have sufficient time to activate the BCR. During incidents as described, an officer should activate their BCR as soon as practical and safe to do so.

It is not the intent of MTS to review digital evidence for the purpose of a general performance review or to discover policy violations.

## **00.2 Officer's Responsibilities**

Prior to the beginning of each shift, each officer utilizing a BCR system shall perform the below pre-operational and operational inspection to ensure the BCR is functioning correctly:

1. Adequate power source (batteries)
2. Connected to the recording equipment
3. Activation of system via transmitter (microphone)
4. Camera Lens free of debris
5. Camera facing intended direction when clipped and placed in an accessible location on your uniform shirt
6. At the end of each shift, the BCR should be downloaded into a docking station and returned to the equipment room.
  - (a) Any malfunctions of the BCR shall be documented and given to the Technology Services Supervisor (TSS) for processing. Additionally, the officer's immediate supervisor will be informed verbally of the BCR malfunction.

- (b) Damage or theft of a BCR shall be documented on the appropriate forms and reported to the employee's immediate supervisor.

### **00.3 Video/Audio Storage**

All digital recordings made during the course of an officer's duties should be downloaded to the Media Storage Server which is a read-only system. No changes may be made to the audio file once the file has been downloaded to the share drive.

1. Digital recordings should be downloaded daily, at the docking station, no later than the end of the officer's shift.
  - (a) Do not remove the BCR from the docking station until all the data is uploaded and the battery is fully charged. This clears the BCR's memory from existing data.
2. All digital recordings will be retained for a period of sixty (60) days, unless the tapes are evidence in any criminal matter, claim or pending litigation. Any recording needed for a criminal proceeding, claim or lawsuit will be retrieved and booked into evidence and the supervisor will be notified.
3. Tapes of evidentiary value (civil or criminal) should be burned to an audio Compact Disc and booked as evidence, as well as being downloaded to the share drive.
4. Once downloaded to the share drive, audio files will not be duplicated and/or a copy of an audio file released except by court order, District Attorney's discovery request, or upon written authorization of a supervisor.

The Technology Services Supervisor (TSS) will coordinate the production of copies to be released to authorized persons as described above. The back-up server will also house back-up storage for BCR stored files. The back-up storage will be removed by an Information Technology (IT) technician who will in turn release them to the respective authorized Technology Services Supervisor (TSS) after the Technology Services Supervisor (TSS) completes a comprehensive report. The BCR data on the storage servers will be kept for sixty (60) days from the date of the last recording on the device.

### **00.4 BCR MALFUNCTIONS**

For BCR equipment repairs, supervisors may notify the Technology Services Supervisor (TSS) who will notify an IT Technician.

### **00.5 EVIDENCE PRESERVATION**

A BCR recording of evidentiary value will be saved by creating a "case" for the digital recording. Once a case has been created it shall be "named" or labeled by the incident number, call number, or citation number. The cases that are saved will not be purged from the system until the case in question has been adjudicated.

A case saved in the above manner will be considered saved as evidence.

Any report related to a digital recording, which has been saved as described above, should indicate in the evidence section of the report that a digital recording of the incident was preserved and saved as evidence.

Only those digital files which have been saved as a "case" can be burned to a DVD.

Should questions arise, further guidance is available from the Technology Services Supervisor (TSS).