

Body Worn Cameras: Draft Recommendations September 9, 2019

Overview:

In January of this year, the City Council directed the Sacramento Community Police Review Commission to evaluate the Sacramento Police Department's Police Body Worn Camera (BWC) program. The program was fully implemented in March 2017 and its policy, equipment, community concerns, and other feedback has not been evaluated to determine the program's effectiveness and any need for improvement.

The Commission created the Body Worn Camera Ad Hoc committee (Ad Hoc) to focus on the Council's directive and over the course of the year the Ad Hoc has reviewed similar policies in other cities, met with members of the public, the Sacramento Police Department (SacPD), and other interested stakeholders. The Commission held two community forums in July soliciting feedback from the community on three different policies, one of them being the BWC program. The comments received from the community were:

- BWC should always be on and recording to ensure transparency and accountability.
- Law enforcement officers should not have the discretion to turn the cameras off, unless authorized by a supervisor.
- Solidify the release of BWC footage, within 30 days of a critical incident.

The Ad Hoc committee is continuing to review the recommendations offered in those community forums.

Draft recommended changes to the Sac PD's Body Worn Camera General Order:

1. (B)(1) "All employees **shall be** issued a BWC **and** are required to wear and use their BWCs while working in uniform..."

The Ad Hoc's recommendation is to strengthen the BWC policy to ensure all officers are required to be issued and wear a BWC during their work shift. As currently written, the policy is not clear that all officers shall be issued a BWC; however, this appears to be the intent based on conversations with Sac PD.

2. In (D)(4), the policy states that: "Only a watch commander or higher can authorize an employee to go in service without a BWC due to an equipment shortage or malfunction." The Ad Hoc recommends creating a reporting requirement for instances when this occurs. Based on our meeting with Sac PD, this should be a rare occurrence, however, if it happens the incident should be documented.

3. (E)(5). "Employees are not required to give notice they are recording when speaking with ~~private citizens~~ **members of the public** during the course and scope of their official duties, even when the contact occurs in a private residence. If asked, employees shall advise ~~citizens~~ **members of the public** they are being recorded. Moreover, employees should strongly consider advising ~~citizens~~ **members of the public** that they are being recorded as a tool to de-escalate a situation, **maintain transparency, and build trust.**

The Ad Hoc recommends changing the words "private citizens" to "members of the public" throughout the General Order. Additionally, while the BWC program

can be a tool to de-escalate a situation, it is also a tool to maintain transparency and to build community trust.

4. In the policy, under G. RESTRICTED USE OF THE BODY-WORN CAMERA AND/OR STORED MEDIA or K. OUTSIDE LAW ENFORCEMENT AGENCY REQUESTS, the Ad Hoc recommends adding the following: **No BWC footage shall be shared with immigration enforcement officials, unless there is a court order.**

It is our understanding that this is current practice, therefore the BWC policy should be updated to reflect this process.

5. The Ad Hoc recommends adding a new language to the General Order outlining the process for members of the public to request and to view (but not record or keep) BWC footage.

It is our understanding that this is current practice, therefore the BWC policy should be updated to reflect this process.

6. The Ad Hoc recommends specifying in the BWC policy that Sac PD can provide an interpreter/translator to a non-English speaker that is reviewing BWC footage.

It is our understanding that this is current practice, therefore the BWC policy should be updated to reflect this process.

Need to review further:

- Should the General Order require consent from minors and victims?
Alternatively, require during the release of BWC footage that minor or victim be redacted or their identities maintain confidential.
- Include an additional sentence clarifying that an officer responding to a call should always turn the BWC on before any interaction with the public.