


CITY OF CATHEDRAL CITY ADMINISTRATIVE POLICY		HR-AP 13	
Approved by:  <small>Charles McClendon (May 12, 2022 15:08 PDT)</small> Charles McClendon, City Manager	Distributed by Human Resources	Original Date 05/12/22	Revised

SUBJECT

BODY WORN CAMERA (BWC)

PURPOSE AND SCOPE

The Cathedral City Code Compliance Division has equipped code compliance officers with portable Body Worn Camera (BWC) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

The use of the portable camera recording system provides documentary evidence for internal or administrative investigations and civil litigation. Code compliance officers shall utilize this device in accordance with the provisions in this policy to maximize the effectiveness of the audio/ video documentation to achieve operational objectives and to ensure evidence integrity.

POLICY

It is the policy of the Cathedral City Code Compliance Division to use portable body worn camera technology to more effectively fulfill the department’s mission and to ensure these systems are used securely and efficiently.

All Non-Represented code compliance officers shall use the Department provided Body Worn Camera System in accordance with this policy.

A. OFFICER RESPONSIBILITIES

- (a) Code compliance officers shall test BWC equipment prior to going into service.
- (b) Ensure the battery on the controller and in the Camera is fully charged and operating properly prior to going in service.
- (c) Code compliance officers shall position the camera on their clothing or uniform to facilitate optimum recording field of view.
- (d) Code compliance officers shall dock their issued camera for automated upload of BWC data files at the police department, at least daily at the end of their shift at the docking station, to ensure storage capacity is not exceeded and/or to view uploaded audio/video. This does not prohibit code compliance officers from uploading video more frequently if needed or desired.

- (e) Any code compliance officer who is provided a city vehicle that is driven to and from home shall download their body camera data each day at the start of their shift.
- (f) Code compliance officer shall immediately report unresolved equipment malfunctions and/or problems to their supervisor and the BWC Administrator.
- (g) Code compliance officers shall monitor system effectiveness and make recommendations for operational improvement and policy revision.
- (h) Code compliance officers should be aware of surroundings when operating the BWC, such as in situations where privacy should be considered when operating the BWC.
- (i) Code compliance officers will use only the BWC system issued and approved by the Department and only for official code compliance duties. The wearing of any other personal video recorders for the same purpose is not authorized.
- (j) Personnel shall not remove, dismantle, or tamper with any hardware and/or software component or part of the BWC.

B. ACTIVATION OF BWC

This policy is not intended to describe every possible situation in which the BWC system may be used, although there are many situations where its use is appropriate. A code compliance officer may activate the system any time the code compliance officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portions can be valuable evidence and is subject to the same activation requirements as the BWC.

Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, officers should attempt to activate their BWC prior to making contact in any of the following incidents:

- (a) All health and safety inspections
- (b) All self-initiated field investigations where Municipal Code violations are alleged to exist
- (c) Any call for service involving a violation of the Municipal Code
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any other circumstances where the code compliance officer believes that a recording of an incident would be appropriate
- (f) As stated in section (e), if the code compliance officer determines it is necessary to activate their BWC, then it should be done as soon as practicable. Code compliance officers should activate the BWC before or during any other incident at their

discretion and are encouraged to use the camera during all contacts (this includes recording of statements).

- (g) Officers shall not use the BWC recording functions to record any personal conversation of or between another department member or other City employee without the recorded members/employee's knowledge or permission.
- (h) Officers are not required to obtain consent from a private person when:
 - 1. In a public place
 - 2. In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where the officer is lawfully present and engaged in the performance of official duties).

C. TIMING OF RECORDING

Code compliance officers shall turn the BWC ON as soon as practical at the onset of a given situation. Once ON, officers shall continue to record until the completion of the event, or they have left the scene (this includes recording of statement).

D. WHEN ACTIVATION IS NOT REQUIRED

Activation of the body camera is not required when exchanging information with other code compliance officers, when not in the immediate presence of a potential public contact, or during breaks, lunch periods, when not in service, or when in service but not in contact with other people. As an example, there is no expectation of activation where the officer is approached by a citizen requesting directions, etc.

There may be times when code compliance officers should be sensitive to a situation and use discretion on their decision to record contacts while handling certain calls for service. Some examples would include but are not limited to:

- (a) Officer safety would be compromised due to unexpected or sudden altercation.
- (b) A citizen informant or community member requests the BWC be turned off before giving information.
- (c) A health care provider is discussing medical issues with a patient.

No member of this department may surreptitiously record a conversation of any City employee.

The BWC shall not be used to record non-work-related activity and shall not be activated in places where a reasonable expectation of privacy exist, such as locker rooms, dressing rooms or restrooms.

449.6.1 Routine Inspections

A code compliance officer should not activate their BWC during routine inspections of short-term vacation rentals.

E. SUPERVISOR RESPONSIBILITIES

- (a) Supervisors will ensure code compliance officers utilize the BWC according to policy guidelines.
- (b) Supervisors are to review recordings as directed by the Director of Planning/Building and/or his designee.
- (c) Supervisors shall ensure videos are uploaded to Storage at the police department.
- (d) When safe and practical, an on-scene supervisor may retrieve the BWC camera from the involved code compliance officer(s) at the scene. In this situation, the supervisor will be responsible for assuring the camera is docked and uploaded into Storage.
- (e) Supervisors may have the ability to immediately resolve citizen complaints by reviewing video captured by the BWC. In those circumstances where a complaint is resolved with no further actions needed, supervisors shall add an additional category of citizen complaint to the video and make appropriate notes in the notes section of Storage. This will allow the capture of incidents that are resolved by this camera system.

F. REVIEW OF BWC RECORDINGS

All recorded media, images and audio from the BWC are property of the City of Cathedral City and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the City Manager or his/her designee. Additionally, access to data or recordings from the storage system is only permitted on a right to know, need to know basis.

Access

Once uploaded to Storage, the system automatically time/date stamps and records each access by code compliance officer name.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

Recordings may be reviewed by code compliance officers in any of the following situations:

- (a) For use when preparing reports or statements.
- (b) Prior to courtroom testimony or for courtroom presentation.
- (c) Providing a statement pursuant to an administrative inquiry or investigation.
- (d) Code compliance officers will be permitted to view other code compliance officer's recordings with the approval of a supervisor.
- (e) To assess proper functioning of BWC systems (department-wide audit, or after specific reporting of mechanical issues).

- (f) By a code compliance officer who is captured or referenced in the video or audio data and uses such data for any purpose relating to his/her employment, with the approval of a supervisor
- (g) For training purposes.

G. ACCESS TO REVIEW BWC RECORDINGS

For official use, the Storage System shall only be accessed from Police Department authorized computers, workstations, mobile devices or MDC's.

H. COPIES OF ORIGINAL RECORDING MEDIA

Unauthorized use, duplication, and/or distribution of BWC files are prohibited. Personnel shall not make copies of any BWC for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWC files. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

- (a) Departmental Request- Any request shall be completed by the system administrator or designee with the approval of the City Manager or his/her designee. All requests shall be documented.
- (b) Non-Department Request
 - 1. Media inquiries and/or request shall be received and processed in accordance with the direction of the City Manager and his/her designee and/or applicable law.
- (c) Requests for Deletion of Accidental Recording- In the event of an accidental activation of the BWC where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the BWC file be deleted by submitting an email request with sufficient information to locate the file. The Director of Building/Planning or his/her designee shall review the file, approve or deny the request, and forward to the System Administrator for action.
- (d) Copying Procedures
 - 1. A copy of a BWC file may be made by the involved officer in accordance with the provisions of this policy for evidence, city or district attorney request, in response to a subpoena or warrant, or by order of the City Manager or his/her designee.
 - 2. Other than as provided in this Policy, no member of this Department shall download any video from the Storage System onto any local computer, device, CD, DVD, or any other format without the express consent of the City Manager or his/her designee.

I. BWC RECORDINGS AS EVIDENCE

Code compliance officers who reasonably believe that a BWC recording is likely to contain evidence relevant to a criminal offense, potential claim against the code compliance officer or against the City should indicate this in an appropriate report.

Once a video of evidentiary value is captured, code compliance officers shall identify BWC files by:

- (a) Noting the case number.
- (b) Entering a title. The title should include sufficient information to identify the file
- (c) Selecting the appropriate category(s).

The information may be entered via hand held device, MDC, or PD computer work station via the Storage System's website.

J. REPAIR PROCEDURE

- (a) Personnel shall immediately report any recognized problems with the BWC to their immediate supervisor.
- (b) Upon notification, the supervisor shall contact the appropriate City official stating the problem or malfunction.

K. PSB SERGEANT/BWC ADMINISTRATOR RESPONSIBILITIES

The BWC Administrator is the PSB sergeant at the Police Department and has oversight responsibilities to include, but are not limited to, the following:

- (a) Operation and user administration of the system.
- (b) System evaluation.
- (c) Training.
- (d) Coordination with IT regarding system related issues.
- (e) Ensure BWC files of evidentiary value are secure and retained per this policy.
- (f) Ensure BWC files are reviewed and released in accordance with federal, state, local statutes and City retention policies.

L. TRAINING

All members who are authorized to use the BWC system shall successfully complete an approved course of instruction to its use.