

Memorandum

TO: ALL DEPARTMENT PERSONNEL **FROM:** Anthony Mata
Chief of Police

SUBJECT: DUTY MANUAL ADDITIONS: **DATE:** March 15, 2024
BODY WORN CAMERA
COMPLIANCE AUDITING

APPROVED

Memo# 2024-005

BACKGROUND

On December 6, 2022, a side letter agreement was signed between the San Jose Police Officers' Association (POA) and the City of San José which mandated the implementation of a process for random audits of body worn camera footage. This auditing program is for compliance with body worn camera policies only. The Department does not have a required performance auditing program.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are show in *italics and underlined*. Deletions are shown in ~~strike through~~ form.

L 4444 ADMINISTRATIVE REVIEW OF BODY WORN CAMERA FILES:

Revised 03-15-24

It is not the intent of the Department to review body worn camera files, without cause, for the purpose of general performance review of individual officers or to proactively discover policy violations.

Supervisors and Internal Affairs personnel may, however, access body worn camera files for administrative investigations limited to the specific complaint against the officer.

Supervisors should, on a reasonable basis, review body worn camera files to ensure that body worn camera equipment is functioning properly and officers are adhering to the requirements of this policy. Inadvertent discovery of evidence of policy violations during this review shall require the supervisor or Internal Affairs personnel to articulate the reason for expanding the scope of the original audit or investigation.

Supervisors who inadvertently discover policy violations will continue to have discretion to resolve the violation with training or informal counseling. Should the policy violation rise to the level of more formal discipline, the supervisor will adhere to policies set forth in the Duty Manual C 1700 (Allegations, Complaints and Non-Misconduct Concerns Internal Affairs Unit).

Exception: Field Training Officers, Sergeants and the FTO Commander may view body worn camera files to evaluate the performance of recruit officer in the Field Training Program.

Compliance Auditing, as defined in Duty Manual section L 4444.1, is a form of administrative review of body worn camera files and shall be conducted in accordance with Duty Manual section L 4444.2.

L 4444.1 **BODY WORN CAMERA AUDITING DEFINED:**

Added 03-15-24

There are two types of auditing body worn camera footage: compliance and performance.

Compliance auditing determines whether the body worn cameras are being activated in accordance with policy, whether the files are associated with the correct event numbers, and whether the files are tagged with the correct event type.

Performance auditing involves an evaluation of what is shown on the body worn camera footage. The Department does not have a required performance auditing program.

L 4444.2 **COMPLIANCE AUDITING:**

Added 03-15-24

It is not the intent of the Department to review body worn camera compliance to discover policy violations. Rather, the purpose is to provide training where appropriate and ensure the highest levels of evidence tracking and file association. Only egregious and/or repetitive violations should be handled in accordance with Duty Manual chapter C 1700 INTERNAL AFFAIRS UNIT - GENERAL PROVISIONS.

The Body Worn Camera Unit will produce a compliance reports of metrics on body worn camera usage for supervisor review. These reports will include, at minimum, the following metrics:

- Activations / deactivations
- Event number association
- Event type tagging

All supervisors shall review the compliance reports of their subordinates and ensure the body worn cameras are being used in accordance with policy.

Any files with no or incorrect event numbers shall be corrected by the Department member who made the recording within seven (7) days of notification of the error. Any files with no or incorrect event type tagging shall be corrected by the Department member who made the recording within seven (7) days of notification of the error.

ALL DEPARTMENT PERSONNEL

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March 15, 2024

Page 3

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata
Chief of Police

AM:PH:SD