

DATE SUBMITTED 03/26/2025
 SUBMITTED BY Human Resources
 DATE ACTION REQUIRED 04/02/2025

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: 1. Approval and adoption of the Body Worn Cameras Policy.	
DEPARTMENT INVOLVED: Human Resources	
BACKGROUND/SUMMARY: The City of Imperial is requesting the Council's consideration in the adoption of the Body Worn Cameras Policy. The City has decided it is necessary to equip its Community Development staff with body worn cameras in order to promote transparency and protect the city from both false accusations and claims. This policy will provide directions to Community Development staff on when and how to use body worn cameras so contact with the public can be recorded reliably and in accordance with the law. The policy provisions apply to Community Development employees.	
FISCAL IMPACT: NOT TO EXCEED There is no fiscal impact associated with the adoption of the policy.	FINANCE INITIALS <u>JMS</u>
STAFF RECOMMENDATION: Recommendation to approve and adopt the Body Worn Camera policy.	DEPT. INITIALS <u>KWS</u>
MANAGER'S RECOMMENDATION: Approve Staff Recommendation	CITY MANAGER'S INITIALS <u>OHM</u>
MOTION:	
SECONDED: AYES: NAYES: ABSENT:	APPROVED () REJECTED () DISAPPROVED () DEFERRED () REFERRED TO:

<p>POLICY NAME:</p> <p>Body Worn Cameras Policy</p>	<p>AUTHORITY:</p> <p>City of Imperial</p>
<p>APPLICATION:</p> <p>Community Development Employees</p>	<p>DATE APPROVED:</p> <p>Pending CC Approval City Council Agenda Item – April 2, 2025</p>



**CITY OF IMPERIAL
BODY WORN CAMERAS
POLICY
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I. PURPOSE AND SCOPE

- A. The City of Imperial ("City") has identified a need to equip its Community Development Staff with body-worn cameras ("BWC") as part of its continuing effort to promote transparency, protect its members from frivolous claims and increase efficiency. This policy is intended to provide Community Development Staff with instructions and guidelines on when and how to use BWCs so contacts with the public can be recorded reliably and in accordance with the law. In the event of a conflict between any provision of this policy and a mandatory provision of any applicable law, the mandatory provision of the applicable law shall apply.

The Use of a recording system complements Community Development Staff in the performance of their duties by providing a digital record of enforcement and investigative field contacts. A recording of an event or contact also enables the delivery of timely, relevant and appropriate training to maximize safety for Community Development Staff and improve the provision of services to the community. These recordings will also protect Community Development Staff from false accusations and can be instrumental in resolving public complaints.

The video recordings captured by recording devices do not necessarily reflect the experience or state of mind of an individual Community Development Staff in a given incident. Moreover, video recordings have limitations and may depict events differently than the events recalled by the involved employees. Specifically, it is understood the BWC may capture information that may not have been heard and/or observed by the involved Community Development Staff.

II. DEFINITIONS

- A. BWC - An acronym for body-worn camera, which is a camera worn on an individual member's person that records and stores audio and video.
- B. Digital record - BWC files, including photographs, audio recordings and video footage, captured by a BWC and stored digitally.
- C. Docking station - A multi-ported docking station installed in the Community Development Office. The docking station simultaneously recharges the BWC while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to the department's video storage system.



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D. Metadata - complaint report numbers, employee information and other descriptors used to identify digital records.

E. Evidentiary Data - Data of an incident or encounter that could prove useful for investigative purposes including, but not limited to, citations, inspections, or a confrontational encounter with a citizen(s).

F. System Administrator - An employee designated by the Community Development Director or, as applicable, responsible for the BWC system and the Video Storage System with full access to user rights, who also sets user access parameters.

G. Supervisor - Employee at the City with a Supervisor rank within the Community Development Department.

H. . Community Development Staff – An employee with the Community Development Department.

I. Video Storage System (VSS) - A digital record storage system that stores digitally encrypted data.

III. GENERAL GUIDELINES

A. All recorded media, images and audio from the BWC are property of City and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy or without the expressed written consent of the Community Development Director, or his or her designee.

B. Community Development Staff shall be aware of his or her surroundings when operating the BWC, and shall take privacy concerns into consideration. Community Development Staff shall also demonstrate caution with regard to what the BWC video optic/lens is actively recording to ensure non-involved persons and documents that are confidential remain uncompromised. Recording should resume when privacy is no longer at issue unless circumstances no longer fit the criteria for recording.

C. Community Development Staff must be authorized by the City to wear and/or use the BWC system.

D. Community Development Staff shall position the camera on their uniform or approved vest for body-worn camera mounting approved by the Community Development Director to facilitate optimum recording field of view. Community Development Staff should wear the BWC in a conspicuous manner or otherwise notify persons that they are being recorded. Community Development Staff will use only the BWC system issued and approved by the City for official code enforcement and inspection duties. Without permission



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from the Community Development Director, staff may not wear any other personal video recorder for the same purpose.

E. Community Development Staff are not required to obtain consent from a private person when:

1. They are in a public place; and/or

IV. They are in a location where there is no reasonable expectation of privacy (e.g.) inside a building or dwelling where the Community Development Staff is lawfully present and engaged in the performance of official duties.

ACTIVATION GUIDELINES

A. Unless a specific exception applies, Community Development Staff are required to activate the BWC prior to or in any of the following:

1. All enforcement and investigative contacts.
2. All contacts specifically related to inspections.
3. Any contact that becomes adversarial in nature.

B. Unless a specific exception applies, Community Development Staff are required to activate the BWC prior to or in any of the following:

C. All pre-planned enforcement activity

D. In addition to the required conditions, Community Development Staff may activate the system any time they feel its use would be appropriate and/or valuable to document an incident.

E. Community Development Staff may terminate the recording after an encounter is completed.

F. Community Development Staff are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and not interfere with the investigation or Community Development safety.

IV-I EXCEPTIONS TO REQUIRED ACTIVATION OF THE BWC

Community Development Staff are not required to activate and record encounters with the public when:



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- A. Activation of the BWC is unsafe or impractical in that it jeopardizes the safety of an individual.
- B. Mechanical issues impede the activation of the BWC.
- C. A citizen refuses to provide a statement if recorded and the encounter is non-confrontational.
- D. Recording would jeopardize confidential discussions.
- E. Recording would jeopardize the tactics of the Community Development Department.

IV-II DEACTIVATION OF THE BWC

Once activated, the BWC shall remain on continuously unless deactivated for one of the following reasons:

- A. The Community Development Staff direct participation in the incident is complete, or the situation no longer fits the criteria for activation.
- B. The Community Development staff is exchanging or discussing administrative, or sensitive information.
- C. The use of the BWC causes emotional distress to homeowner or contractor, resulting in the refusal to provide a statement.
- D. Upon the lawful and proper order of a supervisor.

When a deactivation occurs prior to the event having been concluded, Community Development Staff shall orally document the reason(s) for deactivating while the BWC is still recording. If a Community Development Staff is unable to orally document the reason(s) for deactivation when deactivation occurs because such action would be unsafe or impractical, then the Community Development Staff may document the reason(s) for deactivation in their report.

V. PRIVACY EXPECTATIONS

- A. All recordings made by Community Development Staff acting in their official capacity shall remain the property of City regardless of whether those recordings were made with department-issued or personally owned recorders. Community Development Staff shall have no expectation of privacy or ownership interest in the content of any BWC recording.



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VI. RESPONSIBILITIES

The following covers the responsibilities of Community Development Staff in regards to BWC:

VI-I SYSTEM ADMINISTRATOR

- A. The System Administrator is designated by the Community Development Director, as applicable.

Oversight responsibilities include, but are not limited to, the following:

- (a) Operation and user administration of the system.
- (b) System evaluation.
- (c) Training.
- (d) Policy and procedure review and evaluation.
- (e) Coordination with Information Technology regarding system-related issues.
- (f) Securing and retaining files of evidentiary value.
- (g) Documenting system malfunctions and/or failures related to the BWC.

VI-II SUPERVISORS

Supervisors overseeing the use of BWCs shall be responsible for the following:

- (a) Ensure Community Development Staff utilize the BWC according to policy guidelines.
- (b) Ensure videos related to critical incidents are uploaded.
- (c) Review recordings in order to develop intelligence and resolve public complaints or as directed by the Community Development Director and/or his designee, as applicable.
- (d) Monitor system effectiveness and make recommendations for operational improvements and policy revision.
- (e) Report unresolved reported problems to the system Administrator in a timely manner.



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VII. COMMUNITY DEVELOPMENT MEMBERS

- A. Community Development Staff utilizing BWCs shall be responsible for the following:
- (a) Ensure BWCs are fully functional and operating properly prior to going into service.
 - (b) Immediately report unresolved equipment malfunctions and/or problems to their supervisor.
 - (c) Document the use of a BWC on one of the following:
 - 1. On the investigative report/mobile digital computer entry.
 - 2. As a notation on a citation.
 - 3. On a field interview card.
 - (d) Properly store and secure the BWC when it is not in use.

VIII. VIOLATIONS

A. Community Development Staff shall not intentionally use the BWC recording functions to record any personal conversation of or between another department member or Community Development Staff without the recorded members/Community Development Staff knowledge or permission. Penal Code section 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential.

It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of policy or law where there is no prior indication, suspicion or notice of a complaint or incident that warrants such review. Community Development Staff reviewing recordings should remain focused on the incident or incidents in question and review only those recordings relevant to their investigative scope. If improper conduct is discovered during any review of digital records, the person who discovered the conduct in question shall notify a supervisor as soon as practicable.

B. Minor infractions discovered during routine review of the recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action be repetitive after being addressed by a supervisor, the appropriate disciplinary or corrective action should be pursued. Notwithstanding the forgoing, failure to activate the device when



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required under this policy or the intentional termination of a recording in violation of this policy may be subject to disciplinary actions.

C. The City of Imperial affirms that routine reviews of body-worn camera footage will not, in and of themselves, be used as grounds for disciplinary action. The purpose of these routine reviews is to ensure policy compliance and identify areas for training improvement. However, should a routine review reveal a significant infraction, rule violation, or potential law violation, a formal internal investigation will be initiated. Following the conclusion of any such investigation, if the allegations are substantiated, disciplinary action will be taken in accordance with the relevant Memorandum of Understanding (MOU) and all applicable City policies and procedures.

IX. UNAUTHORIZED USE OF EQUIPMENT

- A. Unauthorized use, duplication, and/or distribution of video files for any purpose is prohibited
- B. Providing or receiving unauthorized access to video files, either through the provision of passwords or viewing video files in person, is prohibited.
- C. Community Development Staff are prohibited from using a recording device such as a phone camera or secondary video camera as an alternative to the BWC equipment provided by City. However, this does not preclude the use of other City-issued equipment, with the prior approval of a Supervisor, for specific investigation purposes.
- D. The BWC shall not be used to record non-work-related activity.
- E. Community Development Staff shall not remove, dismantle or tamper with any hardware and/or software component or part of the BWC.

X. FILE MAINTENANCE

- A. Once video of evidentiary value is captured, Community Development Staff shall identify files by:
 - a. When assigned, noting the complaint report number in the video file.
 - b. Entering a title. The title should include sufficient information to identify the file, such as staff name, department/division, location, event, date, etc.
 - c. Selecting the appropriate category(ies).



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- d. The information may be entered via hand held device, MDC, or City computer work station.
- e. All Community Development Staff shall dock the BWC for automated upload of data files 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.
- f. Community Development Staff should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Community Development Staff should include the reason for deactivation.

X-I REVIEW OF FILES

(a) All access to the video management system is logged and subject to the audit provisions of section 10.3 of this policy at any time. Access to data from the system is permitted on a right to know/need to know basis. Employees authorized under this policy may review video according to the provisions of this policy.

(b) Recordings may be reviewed in any of the following situations:

- 1. By a Community Development Staff, of their own video, for use when preparing reports or statements, and prior to courtroom testimony or for courtroom presentation, subject to the limitations set forth in this policy.
- 2. By a supervisor investigating a specific act of conduct.
- 3. By a supervisor to assess Community Development Staff performance (videos shall not be intentionally reviewed solely for the purpose of seeking discipline).
- 4. By the System Administrator, or his or her designee, to assess proper functioning of the BWC system.
- 5. By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
- 6. By a Community Development Staff, of another Community Development Staff's recording, upon approval by a Supervisor, who requests to review recordings for a legitimate purpose.



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7. By court personnel through proper process or with permission of the Community Development Director, or their designee.
8. By the Community Development Director, or their designee, to assess possible training value.
9. By a Community Development Staff for training purposes.
10. Pursuant to lawful process by those who are authorized to review evidence in a related case.
11. By field training personnel for the purpose of reviewing a Community Development Staff's performance while their employment is classified as probationary.

(c) It is NOT the intent of City to review digital records for the purpose of general performance review, for routine preparation of performance reports, or to discover policy violations. However, City has discretion to reference and/or utilize BWC recordings within performance reports or as a basis for corroborating policy violations.

XI. ACCESS OF FILES

For official use, the centralized server shall only be accessed from City-authorized computers.

- (a) Exception: Administrative users of BWC system software are allowed access to files from a computer or device outside of the Community Development Department for the purpose of completing administrative tasks, such as locking or unlocking users, etc.

XII. SUBSECTION TITLE

A. For the purpose of ensuring incidents are being recorded per this policy, a Supervisor or administrator has the ability to periodically audit the system to determine usage. Access to BWC files, deletion of files, sharing and redactions of files will be documented via an audit trail. The audit trail shall be maintained permanently.

B. Departmental Requests- Any request shall be completed by the System Administrator with the approval of the Community Development Director, or his or her designee, as applicable.

C. Non-Department Requests- All other requests for BWC file shall be processed in accordance with Federal, State and local statutes and any departmental policies. If a recording is to be released to a member of the



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public as required by law, County shall give the Community Development Staff whose recording is being produced seventy-two hours notice of the release of the recording.

D. Request for Deletion of Accidental Recording— An “accidental recording” is any recording that 1) contains video of events not required to be recorded pursuant to this policy and 2) is made either by unintentionally activating the BWC or by failing to correctly deactivate the BWC. The following steps shall be followed for making a request for deletion of an accidental recording:

1. In the event of an accidental recording where the resulting recording is of no investigative or evidentiary value, the recording staff may request the file be deleted by submitting a written request via their chain of command. The request must contain sufficient information to locate the file.
2. The Community Development Director or their designee, shall consider the written request. Consideration of the request for deletion shall include a review the recording, file, and written request. Unless staff is unavailable, the individual performing the review shall be of the same gender as the recording officer.
3. The Community Development Director or their designee may approve or deny the request and such determination is non-appealable.
 - (a) If the request is denied the recording employee shall be informed of the decision.
 - (b) If the request is approved, it shall be forwarded to the System Administrator for action.
 - (c) A written record of the person authorizing each deletion shall be maintained.

E. Copying Procedures

1. A copy of the file may be made shared by the involved Community Development Staff by the involved Community Development Staff in accordance with the provisions of this order for evidence, etc. Copies should only be made shared by a Community Development Staff upon express consent by the Community Development Director, or his or her designee.
2. Other than as provided in this policy, no member of City shall download any video from the Video Surveillance System onto any



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computer, device, drive, CD, DVD or any other format without the express consent of the Community Development Director.

F. Investigators conducting disciplinary or internal investigations shall:

1. Review the file to determine whether the file is of evidentiary value and process in accordance with established procedures.
2. Investigators shall notify the System Administrator to remove the access restriction when the investigation is closed.

G. BWC files may be utilized as a training tool for individuals, specific units, and Community Development Department as a whole. A recommendation to utilize a file for such purpose may come from any source. A person recommending utilization of BWC files for training purposes shall submit the recommendation through the chain of command to the Community Development Director, or his or her designee. The Community Development Director shall make the final determination regarding the utilization of BWC for training purposes. If a file is to be used for training purposes, the involved Community Development Staff shall be notified at least five (5) days prior to the use of any video for training. If the involved Community Development Staff objects to the showing of a recording, the objection shall be submitted to the Community Development Director, to determine if the training value outweighs the Community Development Staff's objection for not showing the recording. The Community Development Staff's decision is final. In no event shall any recording be used for the purpose of ridicule or embarrassing a Community Development Staff.

XIII. RETENTION REQUIREMENTS

- A. All data shall be retained for a minimum of two years, after which time it may be erased. All non-evidentiary data, except that data governed by this policy, shall be retained for a minimum of one year, after which time it may be erased. City may, in its discretion, retain any video media for any period of time exceeding the minimum periods. All policies utilized by City shall be in accordance with Penal Code section 832.18. Any video media booked as evidence shall be labeled and stored per policy guidelines and/or applicable law or regulation. Records or logs of access and deletion of data from BWCs shall be retained permanently.

XIV. MAINTENANCE PROCEDURE

- (a) Community Development Staff shall immediately report any recognized problems with the BWC to their immediate supervisor.



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(b) Upon notification, the immediate supervisor shall contact the System Administrator or designee via the help desk stating the problem or malfunction.

(c) The System Administrator or designee shall report unresolved deficiencies to the Taser International/Axon customer service team.

(d) No maintenance other than charging, switching of body mounts, downloading/ uploading, routine wiping or dusting of debris from the BWC shall be performed by Community Development Staff unless authorized by the Systems Administrator or designee.

XV. SECTION TITLE

A. Community Development Staff shall immediately report a lost BWC to their supervisor and to the BWC System Administrator.

B. Community Development Staff shall complete a lost property report and contact the BWC System Administrator to obtain a replacement BWC.



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**APPENDIX A
EMPLOYEE ACKNOWLEDGMENT OF
RECEIPT OF BODY WORN CAMERAS POLICY**

My signature below acknowledges that I have received my copy of the City of Imperial's Body Worn Cameras Policy ("Policy") and that I have read the Policy and understand my rights and obligations under the same.

I understand that this Policy only represents the City of Imperial's current policies, procedures, rights, and obligations. Regardless of what the Policy states or provides, the City of Imperial retains the right to add, change, or delete provisions of the Policy at any time and in its sole discretion.

By signing below, I agree to abide by all provisions of the Policy. I understand that failure to fully comply with all provisions of the Policy may lead to disciplinary action, up to and including termination.

PRINT FULL NAME: _____

SIGNATURE: _____

DATE: _____

(RETAIN IN EMPLOYEE PERSONNEL FILE)