

Use of Force

300.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that officers shall use only that amount of force that appears reasonable to effectively bring an incident under control while protecting the lives of the officer and others.

Use of Force Policy 300 adopted 8-20-10 by Chief Thomas E. Schwedhelm.

Carotid Restraint Policy 305 adopted 8-20-10 by Chief Thomas E. Schwedhelm.

Policies combined and revised, adopted 2-26-16 by Chief Robert L. Schreeder.

Revised 1-31-17 by Chief Robert L. Schreeder.

Revised 6-16-20 by Chief Rainer J. Navarro.

300.2 POLICY

- (a) The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. Officers must have an understanding of, and true appreciation for, their authority and limitations.
- (b) This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.
- (c) The department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.
- (d) Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.
- (e) It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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300.3 DEFINITION OF REASONABLE FORCE USE OF FORCE

California Penal Code § 835a states:

~~"Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance."~~

~~"A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."~~

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

Under federal law (Graham v. Conner), the right to make an arrest carries with it the right to use objectively reasonable force. In determining whether force used by an officer is objectively reasonable, all of the facts and circumstances with which the officer was confronted are considered, including:

- (a) The information available to the officer at the time of the incident;
- (b) The acts of the suspect;
- (c) Whether the suspect reasonably appeared to be a threat to the officer or to other persons;
- (d) The severity of the crime of which the individual was suspected.

300.4 USE OF FORCE EFFECTIVE JANUARY 1, 2020, PENAL CODE 835a STATES:

- ~~(a) Police Officers may use force in the performance of their duties consistent with the California Penal Code:~~
 - ~~1. To prevent the commission of a public offense;~~
 - ~~2. To prevent a person from injury;~~

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- ~~3. To effect the lawful arrest or detention of persons resisting or attempting to evade that arrest or detention;~~
- ~~4. In self-defense or in the defense of another person.~~
- ~~(b) Justification for the use of force is limited to what is reasonably known or perceived by the officer at the time the force is used.~~
- (a)
 - 1. That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.
 - 2. As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.
 - 3. That the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.
 - 4. That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
 - 5. That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.
- (b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.

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- (c)
 - 1. Notwithstanding subdivision (b), a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:
 - (A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
 - (B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.
 - 2. A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.
- (d) A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape or to overcome resistance. For the purposes of this subdivision, “retreat” does not mean tactical repositioning or other de-escalation tactics.
- (e) For purposes of this section, the following definitions shall apply:
 - 1. “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.
 - 2. A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

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3. **“Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.**

300.5 ESCALATION/DE-ESCALATION OF FORCE

- (a) Various degrees or levels of force are commonly recognized and practiced by law enforcement officers. Sometimes called Force Options, they range from the lowest level to the highest level and are generally grouped in order of the probability of injury or death to the suspect.
 1. Low level: uniform presence, verbal commands, demeanor, firm grip or gesture, physical control, control holds, deployment of K9 for visual or audible display, and pain compliance.
 2. Medium level: personal body weapons (PBWs), **carotid restraint**, control and impact devices, deployment of K9 for apprehension of a suspect, chemical agent, and electronic control device.
 3. High level: Lethal force/firearms.
- (b) Officers are not required to progress through the levels of force one level at a time. An assessment of the specifics of each situation may indicate to the officer that a particular level of force may be ineffective or inappropriate and another level of force would be more effective or appropriate.
- (c) Officers shall assess the incident in order to determine which option will best de-escalate the incident and bring it under control in a safe manner.

300.6 **CAROTID RESTRAINT** CHOKE HOLDS

The Police Department does not authorize the use of the Carotid Restraint, choke holds, or bar arm restraints.

- ~~(d) The Carotid Restraint may be used as a defensive or control technique in those instances that threaten the safety of an officer or other persons, or to subdue and arrest an uncooperative and/or combative person when other control techniques have failed, are inappropriate, or impractical.~~
- ~~(e) Only the Carotid Restraint, in which pressure is applied to the sides of a person's neck compressing the carotid arteries, is authorized. A Bar Arm Restraint in which pressure is applied to the front of a person's throat is to be avoided.~~
- ~~(f) After resistance is overcome with the Carotid Restraint, the person shall be handcuffed to prevent future violence.~~

300.6.1 ~~PROVIDING FIRST AID AFTER USE~~

- ~~(a) If a person is rendered unconscious with the Carotid Restraint, the following steps shall be taken to ensure the safety of the person.~~
 - ~~1. Check breathing and heart beat at the scene.~~

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~~2. Administer first aid if required.~~

- ~~(b) A medical clearance shall be obtained for an arrestee who has had the Carotid Restraint applied, whether or not the person became unconscious.~~

~~300.6.2 NOTICE AND RECORD OF USE~~

- ~~(a) When the Carotid Restraint is used to subdue a person, the circumstances and details shall be documented in the appropriate written reports, and only be referred to by its proper terminology, the Carotid Restraint.~~
- ~~(b) The transporting officer shall verbally and, whenever possible in writing, advise the receiving custodial officer, doctor, clerk, etc., of any facility that the Carotid Restraint was used to restrain the suspect. Written notification of the use of Carotid Restraint shall be included in the incident report.~~
- ~~(c) If the person is booked into a correctional facility, the transporting officer shall note on the booking sheet the fact the Carotid Restraint was used on the person.~~

300.7 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.8 REPORTING THE USE OF FORCE

Officers in the performance of any police duty shall report to a supervisor as soon as possible the following uses of force:

- (a) Physical contact when the suspect is injured or alleges injury;
- (b) A use of force to overcome aggressive, assaultive, violent, or potentially violent resistance;
- (c) Chemical agents;
- (d) Personal body weapons
- (e) Impact weapons to include less lethal devices;
- (f) Discharge of an electronic control device;
- (g) ~~Carotid restraint;~~
- (g) Deployment of a K9 for apprehension;
- (h) Firearms discharge other than training at a range.

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Any reportable use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the department may require the completion of additional report forms, as specified in department policy, procedure or law.

300.8.1 INCIDENTS REQUIRING A SUPERVISOR'S REPORT

Use of force incidents that meet any of the below listed criteria require a supervisory investigation and report.

- (a) An officer strikes a subject with an object or personal body weapon;
- (b) An officer uses force which causes any visible or apparent physical injury, or which results in the subject claiming he or she was injured;
- (c) An officer uses chemical agents on a subject;
- (d) An officer uses an electronic control device on a subject;
- (e) An officer uses a less lethal projectile on a subject;
- (f) A police canine bites or injures a subject;
- (g) ~~An officer uses a carotid restraint on a subject;~~
- (g) Any use of force which renders a subject unconscious;
- (h) Any other incident the Sergeant or Watch Commander deems a use of force report is necessary.

300.8.2 SUPERVISOR RESPONSIBILITY

A supervisor shall respond to a use of force incident which requires a supervisor's report as noted in this policy. The supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, ~~separately~~ obtain a recorded interview with the subject upon whom force was applied. **Miranda rights shall be given prior to a use of force interview. All statements and body-worn camera footage shall be included in the crime report.** ~~If this interview is conducted without the person having voluntarily waived his/her Miranda rights, the following shall apply:~~
 - 1. ~~The content of the interview should not be summarized or included in any related criminal charges.~~

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- ~~2. The fact that a recorded interview was conducted should be documented in the supervisor's report.~~
 - ~~3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.~~
- (d) ~~If the interview with the suspect~~ **If any aspect of the use of force investigation** reveals exculpatory information, the supervisor shall complete a supplemental report noting that information.
 - (e) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
 - (f) Identify any witnesses not already included in related reports.
 - (g) Review and approve all related reports.
 - (h) Determine if there is any indication that the subject may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
 - (i) Evaluate the circumstances surrounding the incident and notify a Watch Commander if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.
 - (j) In the event a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.8.3 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

Taser Guidelines

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Taser™ devices.

Adopted 8-20-10 by Chief Thomas E. Schwedhelm.

Revised 2-15-11 by Chief Thomas E. Schwedhelm.

Revised 5-16-12 by Chief Thomas E. Schwedhelm.

Revised 1-31-17 by Chief Robert L. Schreeder.

Revised June 18, 2020 by Chief Rainer J. Navarro

309.2 POLICY

The Taser™ ~~device~~ **conducted energy weapon (CEW)** is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

Personnel who have completed department approved training are authorized to use and may be issued a Taser for use during their current assignment.

The Santa Rosa Police Department encourages de-escalation tactics including the use of less lethal weapons when applicable, and generally some form of less lethal weapon should be available to officers during all operations. Holsters will be approved by the Chief of Police, the Training Sergeant, or his/her designee.

~~Officers shall only use a Taser™ and cartridges issued by the department. The device may be carried as part of a uniformed officer's equipment in an approved holster or secured inside the passenger compartment of the officer's vehicle, in a location readily accessible to the officer.~~

~~(a) The Taser™ shall not be carried by an officer on the same side as the duty weapon.~~

~~(b) All Tasers™ shall be clearly and distinctly marked to distinguish them from the duty weapon.~~

~~(c) Officers shall be responsible for insuring their issued Taser™ is properly maintained and in good working order at all times.~~

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309.3 EMPLOYEE RESPONSIBILITIES

Each employee issued a Taser™ CEW shall be responsible for maintaining the device in good working order. If the employee becomes aware that a Taser™ is not in working order or malfunctions at any time, the employee shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable.

All uniformed personnel, who have been issued a Taser™ CEW, shall carry the device as part of a uniformed officer's equipment in an approved holster on his/her person attached to his/her duty belt, or in a drop holster, or attached to his/her external patrol vest.

A "uniform" is to be considered the standard uniform of the day based on assignment. This would include, but is not limited to, any apparel (e.g., tactical/raid vests, visible badge and firearm) that identifies the wearer as a department employee.

(a) **Exceptions:**

1. Uniformed personnel attending a formal event or funeral and wearing a Class A uniform.
2. Personnel in department callout gear consisting of a polo shirt and callout pants.
3. Personnel working in an undercover capacity or while conducting plain clothes surveillance where the intent is not to be identified as a police officer and no enforcement action is planned.
4. Personnel working in an administrative assignment. However, they shall always have their equipment readily available to use in accordance with this policy.
5. Personnel with express managerial approval under special circumstances.

Personnel shall only use a Taser™ CEW and cartridges issued by the department. The Taser™ shall not be carried on the same side as the duty weapon. All Tasers™ shall be clearly and distinctly marked to distinguish them from the duty weapon.

309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the Taser™ ~~device~~ CEW should precede its application, unless it would otherwise jeopardize the safety of officers or others, or when it is not practical due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply;

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(b) Provide other officers and individuals with a warning that the Taser™ may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, **the Taser™ CEW may be activated and the laser displayed in an attempt to gain compliance.** The aiming laser should never be intentionally directed into the eyes of another as it **can cause permanent damage.** **Additionally,** the officer may **opt for**, but is not required to display the electrical arc ~~(provided that a cartridge has not been loaded into the device)~~, **when the officer has insured that a live cartridge is not loaded into the device, or if the officer is utilizing a Taser™ CEW model that contains an ARC button which permits the device to display the arc without firing live cartridges loaded into the CEW or the laser** in a further attempt to gain compliance prior to the application of the Taser™ ~~device CEW.~~ **The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.**

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the Taser™ ~~device~~ **CEW** in the related report.

309.5 USE OF THE TASER ~~DEVICE~~ CONDUCTED ENERGY WEAPON (CEW)

The Taser™ ~~device~~ **CEW** has limitations and restrictions requiring consideration before its use. The Taser™ device should only be used when its operator can safely approach the subject within the operational range of the device. Although the Taser™ is generally effective in subduing most individuals, officers should be aware that the device may not achieve the intended results and be prepared to use other force options, if necessary.

The Taser™ 7 two cartridge system is intended to give officers a secondary shot in the event of an ineffective deployment. It is not intended for use on two different subjects at the same time.

The Taser™ may be used when circumstances known to the individual officer at the time indicate the application of the Taser™ is reasonable to subdue or control:

~~(a) — A physically resisting, violent or potentially violent subject.~~

- (a) **An actively physically resisting, violent or a potentially violent subject who presents an immediate safety risk or a threat to officers and/or public safety.**
- (b) **A subject who is fleeing to avoid arrest of a serious or violent crime or presents an immediate threat of danger to the public safety.**
- (c) **Subjects who by virtue of their actions justify a “strong government interest” in using a “significant intermediate level of force” in order to warrant a 4th Amendment seizure. Three non-exclusive factors must be evaluated: the severity of the crime; whether the suspect posed an immediate threat to the safety of officers or others; and whether the suspect was actively resisting or fleeing.**

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(Bryan v. McPherson, 630 F.3d 805, United States Court of Appeals for the Ninth Circuit.)

- (d) Although its use is not absolutely prohibited, officers should give additional consideration to the unique circumstances involved in applying the Taser™ to any of the following individuals:
1. Female subjects who are obviously pregnant.
 2. Elderly individuals or children.
 3. Individuals who are handcuffed or otherwise restrained.
 4. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles).

309.5.1 MULTIPLE APPLICATIONS OF THE DEVICE

If, after a single application of the Taser™ the subject is still non-compliant, an officer may consider multiple reasonable applications of the Taser™. However, an officer should consider other options or tactics that may be more effective if the officer is still unable to gain compliance.

The use of a Taser™ in “drive stun” mode is a pain compliance technique which by itself without probe penetration induces pain, but does not generally induce Neuromuscular Incapacitation (NMI) or what is commonly referred to as “muscular lock up”. Multiple repeated applications of the Taser™ in drive stun mode are strongly discouraged if the subject continues to be resistive or non-compliant and alternative means should then be used to gain control of and take the subject into custody.

309.5.2 REPORT OF USE

The use of a Taser™ shall be documented in the related police report. Supervisors shall document any use of a Taser™ in the IAPro system.

309.5.3 REPORT WRITING

When officers deploy the Taser™ CEW they should reference it in their police report as a “Conducted Energy Weapon.”

309.5.4 EVIDENCE COLLECTION AND BOOKING PROCEDURE

After the deployment of a Taser™ CEW, officers shall attempt to collect and book the CEW cartridge, wires and probes into a protected container. Officers should mark the container with a bio-hazard label when applicable.

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309.6 MEDICAL TREATMENT

Individuals who have been subjected to the electric discharge of a Taser™ and/or struck by Taser™ darts and who are also suspected of being under the influence of controlled substances and/or alcohol should be examined by paramedics or other medical personnel as soon as practical. Any person who has sustained an electric discharge of a Taser™ and/or struck by Taser™ darts shall be medically cleared prior to booking. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be recorded with a body-worn camera and/or witnessed by another officer and/or medical personnel.

Body-Worn Cameras

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body-worn cameras (“BWCs”) by employees of the Santa Rosa Police Department while in the performance of their duties.

The use of body-worn cameras by law enforcement personnel serves a number of purposes, including but not limited to: assisting law enforcement personnel in the performance of their duties by obtaining documentary evidence for criminal investigations; providing enhanced accountability for employees and protecting employees from unjustified or frivolous complaints of misconduct. BWC recordings may prove valuable in related civil litigation, citizen complaints and administrative matters arising from police activity.

While BWCs can provide an objective record of events, it is understood that video/audio recordings may not necessarily reflect the entire experience or state of mind of the individual employee(s) in a given incident. In some circumstances, the BWC could capture information that may not have been heard or observed by the involved employee(s). Similarly, there could be situations where the BWC will not capture information that was heard and/or observed by the involved employee(s).

This policy applies only to body-worn cameras and their recordings. Digital audio recorders and mobile audio/video recording systems are regulated by separate policies.

Adopted 11-18-15 by Chief Robert L. Schreeder.

Revised 3-24-16 by Chief Robert L. Schreeder.

Revised 10-1-18 by Chief Robert L. Schreeder.

Revised 6-16-20 by Chief Rainer J. Navarro

450.2 POLICY

The use of BWCs is intended to enhance the mission of the department by recording contacts between members of the public and sworn employees of the department who are acting in their official capacity. The department will provide sworn officers and supervisors BWCs for use during the performance of their official duties. Employees are prohibited from using personally owned audio/video recording devices in place of or in addition to their department-issued BWC. Employees trained on the BWC and Digital Evidence Management System shall use the equipment in a manner consistent with department training.

Body-Worn Cameras

Personnel shall utilize BWCs in accordance with the provisions in this policy to maximize effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

All recorded media, images and audio from the BWC are property of the department and shall not be copied, released, or disseminated in any form outside the parameters of this policy without the expressed written consent of the Chief of Police.

450.3 DEFINITIONS

- (a) **Activate** – Any process that causes the body worn camera system to record and store video and/or audio data.
- (b) **Body Worn Camera (BWC)** – An audio and video recording device worn on an individual officer's person.
- (c) **Critical Incident** – An incident involving a law enforcement employee where a use of lethal force or fatal injury occurs. For the purposes of this policy, a critical incident may cause, but does not require, the invocation of the countywide Law Enforcement Employee Involved Fatal Incident Protocol.
- (d) **Digital Evidence Management System** – Software and hardware used to store, catalog, view, and otherwise manage digital evidence to include audio and video files recorded on body worn cameras.
- (e) **Muting – A function of the BWC that allows for video recording while audio recording is disabled. The mute function on department issued cameras is disabled.**
- (f) **System Administrator** – A sworn or civilian manager tasked with the maintenance, auditing, configuration, and reliable operation of the BWC and digital evidence management systems.

450.4 EMPLOYEE RESPONSIBILITIES

- (a) Each employee issued a BWC shall be responsible for maintaining the recorder in good working order. If the employee becomes aware that a recorder is not in working order or malfunctions at any time, the employee shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable. Uniformed employees shall wear the BWC on the front of their uniform in a manner allowing it to function properly. Non-uniformed employees should wear the recorder in a manner allowing it to function properly.
- (b) **All employees issued a BWC are required to wear and use their BWCs while working in uniform. A “uniform” is to be considered the standard uniform of the day based on assignment. This would include, but is not limited to, any apparel (e.g., tactical/raid vests, visible badge and firearm) that identifies the wearer as a**

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department employee.

1. Exceptions:

- A. Uniformed personnel attending a formal event or funeral and wearing a Class A uniform.
 - B. Personnel in department callout gear consisting of a polo shirt and callout pants.
 - C. Personnel working in an undercover capacity or while conducting plain clothes surveillance where the intent is not to be identified as a police officer and no enforcement action is planned.
 - D. Personnel working in an administrative assignment. However, they shall always have the BWC readily available to use in accordance with this policy.
 - E. Personnel with express managerial approval under special circumstances.
- (c) Employees shall document the existence of a recording in any report or other official record of the contact, including any instance where the BWC malfunctioned or was prematurely deactivated. Employees ~~should~~ shall also document the reason for any premature deactivation of the BWC **in a police report or in CAD if no report is written.**

450.5 ACTIVATION OF THE BODY WORN CAMERA

- (a) This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate. Officers ~~are expected to~~ shall activate their BWC prior to, or upon, arrival at any call for service, including self-initiated activity.
- (b) At no time is an employee expected to jeopardize his/her safety in order to activate a BWC.
- (c) Employees should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect the interests of witnesses, informants, and victims by discontinuing recording whenever it reasonably appears to the employee that such personal interests may outweigh any legitimate law enforcement interest in recording. Recording should resume when the employee believes the law enforcement purpose supersedes any competing interest.
- (d) **Employees working special events such as the Sonoma County Fair, Wednesday Night Market, etc. are not required to activate their BWC unless engaging in enforcement activity during the special event.**

Body-Worn Cameras

450.5.1 SURREPTITIOUS USE OF THE BODY WORN CAMERA

- (a) Sworn personnel are not required to obtain consent to record 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 SRPD personnel are lawfully present and engaged in the performance of official duties).
- (b) However, employees are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and will not interfere with the investigation or officer safety.
- (c) Employees are prohibited from using the BWCs to surreptitiously record any conversation of or between department employees without the individuals' knowledge and express consent to record the conversation.

450.5.2 CESSATION OF RECORDING

Once activated, the BWC shall remain on continuously until the employee's direct participation in the incident is complete, or in circumstances outlined in section 450.5(c) above. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

450.5.3 EXPLOSIVE DEVICE

Many portable recorders, including BWCs and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

450.6 PROHIBITED/RESTRICTED USE OF BODY WORN CAMERAS

- (a) Employees are prohibited from using BWCs for personal use, and are prohibited from making personal copies of recorded events except as provided in this policy.
- (b) Employees shall not duplicate or distribute BWC recordings except for legitimate department purposes. All such recordings shall be retained at the department.
- (c) Recordings shall not be used for the purpose of harassment, embarrassment, intimidation or ridicule.
- (d) No BWC will be intentionally activated to record department personnel during briefings, meetings, roll calls, or while in private spaces such as locker rooms, restrooms, or any other place where a reasonable expectation of privacy exists.**
- (e) The BWC shall not intentionally be activated to record confidential informants or undercover employees.**

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- (f) Prior to conducting a strip search, the employee shall record a 360-degree video of where the strip search will be conducted. During the strip search, the BWC will be activated to capture only audio of the event by positioning the camera away from the individual to be searched.
- (g) Employees should not normally record patients during medical or psychological evaluation by a clinician or similar professional or during treatment, unless necessitated by investigatory or safety concerns. Employees shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, employees should be careful to avoid recording persons other than those who are the focus of the investigation.

450.7 RETENTION OF RECORDINGS

All recordings made by employees shall be uploaded to the appropriate department server periodically, but no later than the end of the employee's shift. Employees shall not delete any recordings. A Lieutenant or Captain may authorize the deletion of accidental BWC recordings after reviewing the recording to ensure that it has no evidentiary or administrative value.

Any time an employee records any portion of a contact that the employee reasonably believes constitutes evidence in a criminal case, the employee shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report.

450.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the City's records retention schedule (unless deletion is otherwise authorized pursuant to section 450.7, above). Recordings showing a use of force, subject to civil litigation or personnel complaints shall be maintained for a period not less than 27 months. Recordings constituting evidence in a criminal or civil proceeding shall be retained pursuant to the Evidence retention procedures of the department.

450.8 REVIEW OF RECORDINGS

All access to the BWC recordings is logged and subject to audit at any time. Personnel may only review BWC recordings according to the provisions of this policy.

450.8.1 EMPLOYEE ACCESS TO BWC RECORDINGS

- (a) Generally, personnel will not have access to other employees' BWC recordings unless access is approved by a supervisor for purposes of conducting a criminal or administrative investigation.

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1. Personnel actively assigned to conduct a criminal or administrative investigation (such as the case detective) may review the involved personnel's relevant BWC recordings as part of the ongoing investigation.
- (b) Employees may review relevant BWC recordings when completing official reports and investigations or to prepare for court testimony.
- (c) Officers may view relevant video they recorded prior to submitting to an interview as part of an administrative investigation or personnel inquiry. Officers being interviewed during an administrative investigation may view relevant recordings made by other employees only with the approval of the Lieutenant or Captain managing the administrative investigation.
- (d) In the event of a critical incident, BWC recordings shall be uploaded as soon as practical.
 1. Depending on the circumstances, it may be necessary for personnel other than the involved employee to upload the BWC recording. This will be determined by the supervising officer on scene.
 2. The review of recordings by officers following their involvement in a critical incident shall be governed by the countywide Law Enforcement Employee- Involved Fatal Incident Protocol.

450.8.2 SUPERVISOR ACCESS TO BWC RECORDINGS

Supervisors shall not review BWC recordings arbitrarily, but are authorized to review relevant recordings any time they are investigating alleged misconduct, **uses of force**, or reports of meritorious conduct or whenever such recordings would be beneficial in assisting in an ongoing investigation. With approval of a Lieutenant, a supervisor may also view recordings to determine training needs or review an employee's performance. If improper conduct is discovered during any such review of BWC recordings, minor infractions (not criminal in nature) discovered during such review should be viewed as training opportunities, and not subject personnel to disciplinary action. Should the behavior or action be repetitive after being addressed by a supervisor, the appropriate disciplinary or corrective action should be pursued.

450.8.3 USE OF BWC RECORDINGS FOR TRAINING PURPOSES

BWC recordings may be used to train department employees with the approval of the Support Bureau Manager and only after notification of the employees involved in the recorded incident.

450.9 REQUESTS TO PRODUCE BWC RECORDINGS

- (a) Sonoma County District Attorney, Santa Rosa City Attorney, and/or Court Requests
 1. Requests for copies of BWC recordings shall be in writing and forwarded to the custodian of records. BWC recordings may be released by the custodian of records pursuant to lawful court processes. Copies may be provided to the Santa Rosa City Attorney to aid in any defense or inquiry into the conduct of employees of the

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department or to assist in determination of whether records should be released in response to requests from third parties.

(b) Other Requests

1. All other requests for BWC recordings shall be accepted and processed by the department custodian of records in accordance with federal, state, and local statutes and department policy related to the release of public information.
2. The Chief of Police may consult with the City Attorney and City Manager, but shall have the final authority to approve/deny requests to release audio/video files consistent with state and federal law.
3. The Chief of Police shall make all reasonable/lawful efforts to preserve the privacy of community members and employees of the department in the event it is determined that such information must be released.