

BODY CAMERA SUBCOMMITTEE

Making Recommendations for Body Camera Protocols

Sharon Woo

The Body Camera Subcommittee discussed the potential policies and protocols that should be included in a Body Camera policy for the San Francisco Police Department (SFPD). The subcommittee included Teresa Caffese (private criminal defense), Paul Henderson (San Francisco Mayor's Office), Judge Christopher Hite (San Francisco Superior Court), Erin Katayama (Justice & Diversity Center), Freya Horne (San Francisco Sheriff's Department), Sharon Woo (San Francisco District Attorney's Office), and Judge Laurel Beeler (U.S. Magistrate Judge).

In April 2015, San Francisco Mayor Ed Lee announced that SFPD officers would be equipped with body cameras in 2016. San Francisco Police Commission President Suzy Loftus headed the Police Commission's Working Group on Body Cameras and invited a diverse group to the table to discuss policies and the implementation of a body camera protocol. The Police Commission's Working Group on Body Cameras included members of the SFPD, police officer affinity groups, community members, the ACLU of Northern California, the San Francisco Public Defender's Office, and the Office of Citizen Complaints. Teresa Caffese was The Bar Association of San Francisco (BASF) representative on the Police Commission's Working Group.

While there was consensus on many issues, there were several issues for which divergent positions were taken. The two main issues on which the Criminal Justice Task Force subcommittee focused included (1) whether body cameras should be operating at all times or should the camera be initiated under specific circumstances, and (2) whether officers may review body camera footage prior to authoring police reports.

The Criminal Justice Task Force recommended addressing one particular issue—namely whether officers may review footage prior to authoring reports. Even within the subcommittee there was lively debate. Following a vote, the task force recommended that officers not be allowed to review footage prior to writing a report in two specific circumstances: (1) in any case where there is any use of force by the officer, and (2) when the officer is the subject or any criminal or administrative investigation. Members of the BASF Board of Directors approved sending a letter urging the Police Commission to adopt this position. BASF then held a press conference to announce its position.

On December 2, the Police Commission voted and passed a tentative body camera protocol. The protocol contained language, some of which BASF supported. The passed protocol is that an officer may not review footage in specific circumstances: (1) in an officer involved shooting or in-custody death, (2) when an officer is the subject of a criminal investigation, and (3) at the discretion of the chief of police. This language limits the officer's ability to review footage in certain circumstances, a major point for BASF, as the Police Commission began its discussions by leaning toward "review in all circumstances."

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