

Surveillance Use Policy for LensLock In-car, Body Worn, Interview Room, and Digital Evidence Management Technology

In accordance with Palo Alto Municipal Code Section PAMC 2.30.680(d), the Surveillance Use Policy for the Police Department's use of LensLock in-car cameras, body worn cameras, interview room cameras, and digital evidence management system technology is as follows:

1. **Intended Purpose.** The department has equipped officers with body-worn cameras to work in conjunction with the in-car camera recording system in patrol vehicles to provide a record of events and assist officers in the performance of their duties. The body worn cameras and the in-car camera system will work as one integrated system that captures the same event and automatically links it to the department's digital evidence management system. The body worn cameras may also be independently deployed for various non-patrol related assignments or when a police vehicle is not available to use as an integrated in-car and body worn solution. The interview room cameras will be used to allow for discreet recordings in interview rooms as well as holding cells.
2. **Authorized Uses.** Department personnel may only access and use the in-car, body worn, and interview room camera systems for official and legitimate law enforcement purposes consistent with this Policy.

The following uses of the in-car, body worn, and interview room camera systems are specifically prohibited:

- a. **Personal Use:** It is a violation of this Policy to use the systems or data for any personal purpose.
- b. **First Amendment Rights:** It is a violation of this policy to use the systems or associated data for the purpose or known effect of infringing upon First Amendment rights of any person.
- c. **Recording privileged and confidential communications:** It is a violation of this policy to use the systems or associated data to record conversations between supervisor and subordinates, or conversations relating to personnel matters including but not limited to performance evaluations, discipline, or counseling, recording certain subjects, such as undercover police officers and conversations with confidential informants or other police officers.
- d. **Sensitive Locations:** It is a violation of this Policy to use the systems or associated data in an area where an individual would have a reasonable expectation of privacy.
- e. **Meetings or Briefings:** It is a violation of this Policy to use the systems or associated data while attending internal department meetings, other law enforcement meetings, meetings with prosecutors, operational briefings or other meetings or discussing investigations, tactics, or procedures.

3. **Information Collected.** The LensLock system will be used to accurately document public contacts, to include, but not limited to traffic stops, parking enforcement, suspect interviews, witness interviews, victim interviews, and any other citizen contact in response to a call for service or when investigating criminal activity through audio and video recordings.

4. **Safeguards.** All data will be closely safeguarded and protected by both procedural and technological means. The Palo Alto Police Department will observe the following safeguards regarding access to and use of stored data:
 - a. All in-car and body worn camera use and data is subject to PAPD Policy 446 (“Field-Based Video Policy”) .
 - b. All in-car, body worn, and interview room data shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.
 - c. Persons approved to access in-car, body worn, and interview room data under this policy are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation.
 - d. Such in-car, body worn, and interview room data may only be released to other authorized and verified local enforcement officials and agencies for legitimate law enforcement purposes.
 - e. In-car, body worn, and interview recordings shall be retained and disseminated in accordance with all applicable federal and state laws, policies, and procedures including the California Public Records Act and POBOR.
 - f. Recordings shall be treated as law enforcement sensitive information, the premature disclosure of which could reasonably be expected to interfere with enforcement proceedings, and as potential evidence in an investigation subject to applicable federal and state laws, rules, and policy concerning disclosure or dissemination and therefore, deemed privileged absent appropriate redaction prior to disclosure or dissemination.
 - g. Recordings will be redacted in accordance with state law and department policy prior to public release or other dissemination outside the department.
 - h. The department is authorized to use recordings for internal investigations of its personnel consistent with the department’s policies and procedures, including providing such recordings to authorized investigative, review, or disciplinary components in accordance with the departments standard procedures.
 - i. LensLock will host the department’s data on Microsoft’s Azure Government Cloud. The data will be provisioned as multi-cluster, redundant region (Arizona and Virginia), with continuous synchronization features, allowing for disaster recovery, in addition to backup procedures used automatically and locally in Azure Government Cloud.
 - j. Data hosted in the Azure Government Cloud is Criminal Justice Information Services (CJIS) compliant and follows (Federal Information Processing Standards (FIPS) 140-2 and 3.

5. **Retention.** The City’s vendor, LensLock, will store the data (data hosting) and ensure proper maintenance and security of data stored in their data centers. LensLock’s digital evidence management system provides a configurable and easy-to-use structure for automatically managing digital evidence based on the type of event and retention period. Once digital evidence is tagged, the system can be configured to automatically trigger a workflow process based on the department’s retention and storage policy. The video management must be automated with rules and associations based on the department’s digital evidence retention policy. The retention period below may be extended based on the requirements of a given investigation.

Classification	Retention Period
Routine Stop	2 years, 1 month
Routine CFS – No DR	2 years, 1 month
Case Number Issued	2 years, 1 month
Custodial Arrest	2 years, 1 month
Potential Complaint	3 years
Search	2 years, 1 month
DUI	2 years, 1 month
Evading/Pursuit	2 years, 1 month
Use of Force	5 years
Test Recording	60 days
Training	60 days
Homicide	Indefinite
Sex Crime	Indefinite
Interview	2 years, 1 month
Holding	2 years, 1 month

6. **Compliance Procedures.** The Technical Services Division Director (or other police administrator as designated by the Police Chief) shall be responsible for ensuring compliance with procedures, including, but not limited to:
- a. The Technical Services Division (TSD) has overall responsibility for the in-car, body worn, and interview room video system and shall serve as custodian of these records.
 - b. All Police in-car, body worn, and interview room video recordings, excepting test recordings or accidental activations, shall be retained in accordance with California Government Code (CGC) §34090.6.
 - c. Release of in-car, body worn, and interview room video recordings shall be conducted in accordance with Penal Code §1054.5 (discovery requests for criminal prosecution), CGC §7920.000 et seq. (California Public Records Act) and in accordance with Policy Manual §810 (Release of Records and Information).
 - d. All retrieved in-car, body worn, and interview room video recordings will be uploaded into the digital evidence management system within the same day as

the recording unless hindered by equipment or network malfunction or availability.

- e. Routine and evidentiary in-car, body worn, and interview room video recordings on the server are backed up daily on a redundant server so that recordings are accessible online by users for a period of not less than 365 days from the date of recording.
- f. All routine requests by authorized department personnel for online access to in-car, body worn, and interview room video recordings for court preparation or other official business, outside of the normal online access period will be handled within 2-3 business days of the request.
- g. If an emergency need to access these recordings is required, the Technical Services Division on-call Technician can be contacted for immediate restoration and access.
- h. The in-car, body worn, and interview room video custodian or their designee shall be responsible for the retrieval, storage, backup and duplication of all in-car, body worn, and interview room video recordings in addition to the ongoing maintenance of the systems and association components.
- i. All in-car, body worn, and interview room video recordings will be retained in accordance with the established records retention schedule (including Government Code section 34090.6).
- j. In-car, body worn, and interview room video recordings will be stored on a separate and secure server.

This Policy shall be read together with all applicable Police Department policies, including Policy 446 (“Field-Based Video Policy”)