

SIDE LETTER AGREEMENT

BETWEEN
THE CITY OF SAN JOSE
AND
THE SAN JOSE POLICE OFFICERS' ASSOCIATION (SJPOA)

BODY WORN CAMERA POLICY

The City of San Jose ("City") and the San Jose Police Officers' Association (SJPOA) hereby agree to the following changes to the Body Worn Camera Policy.

L 4444 ADMINISTRATIVE REVIEW OF BODY WORN CAMERA FILES:

Revised **DATE**

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 **DATE**

There are two methods 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 **DATE**

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 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.

This Agreement is considered part of the tentative agreement for a successor MOA between the parties. This Agreement shall become effective only as part of the overall tentative agreement for a successor MOA, when signed by all parties below, ratified by SJPOA and approved by the City Council.

FOR THE CITY:




Jennifer Schembri
Director of Human Resources
Director of Employee Relations

12/6/2022

Date


FOR THE UNION:



Sean Pritchard
SJPOA President

12/6/22

Date



Anthony Mata
Chief of Police

12/6/22

Date