



MOTION SHEET

CITY COUNCIL *of* SALT LAKE CITY

TO: City Council Members

FROM: Kira Luke
Policy Analyst

DATE: December 1, 2020

RE: **MOTION SHEET** – Ordinance Enacting Chapter 2.10.200 Regulating the Police Department's Use of Body-Worn Cameras

MOTION 1 – ADOPT and initiate legislative intents

I move that the Council adopt an Ordinance Enacting Chapter 2.10.200 Regulating the Police Department's Use of Body-Worn Cameras.

I further move the Council adopt the following legislative intent:

It is the intent of the Council that the Administration explore additional mechanisms to increase transparency and accountability as it relates to the regular auditing of body camera footage and that future modifications may be made to the ordinance to codify these mechanisms.

MOTION 2 – ADOPT

I move that the Council adopt an Ordinance Enacting Chapter 2.10.200 Regulating the Police Department's Use of Body-Worn Cameras.

MOTION 3 – NOT ADOPT

I move that the Council not adopt the proposed ordinance and proceed to the next agenda item.





COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Kira Luke
Budget & Policy Analyst

DATE: December 1, 2020

RE: Ordinance: Body-worn Cameras

ISSUE AT-A-GLANCE

In July 2020, the Council began holding a standing “Racial Equity and Policing” item on Work Session agendas to listen, learn, and discuss solutions to disproportionate impacts City policies can have on Black, Latinx, Indigenous, and communities of color in Salt Lake City. Several topics have been raised and the Council has requested amendments to City code, including an ordinance governing the use of body-worn cameras in the Police Department.

Body-worn camera footage has been front and center in many discussions of Officer Involved Critical Incidents (OICIs) over the past several months due to several prominent police related incidents. That, combined with the Council’s annual budget decision to fund \$1.2 million for body-worn camera hardware and storage needs, prompted the requests for a review of policies and requirement for the cameras’ use and footage retention. The new ordinance is part of a multifaceted approach the City is taking to examine internal systems and identify paths toward better accountability and equity.

Goal of the briefing: Provide an opportunity for the Council to review and discuss whether the draft ordinance meets the Council’s policy goals and – if not – provide direction on changes needed prior to potential vote on **October 20**.

NEW INFORMATION

The latest draft of this ordinance:

1. Clarifies that the definition of “Officer-involved critical incident” (OICI), particularly regarding the addition of canines as a weapon, is only for the purposes of the ordinance governing body-worn cameras. This avoids the concern of unduly triggering outside agency responses when the ordinance’s intention is to define when incidents merit elected official awareness.
2. Acknowledges that there are positions within the Police Department that do not warrant body-worn camera use.
3. Identifies an acceptable end-of-recording timeframe: at the end of the encounter/upon returning to the officer’s vehicle.
4. Specifies timeline for sharing footage with the Council as “Not more than five days.”
5. Asks the Chief of Police to determine when footage release serves “valid law enforcement purposes.”



6. Delegates random monthly footage audits to the Mayor's designee of a qualified person outside the Police Department. At present, there is not a clearly identified body or person who can serve that role; staff is including a legislative intent in the motion sheet to confirm that it is the intent of the Council that the City explore additional mechanisms to increase transparency and accountability as it relates to the regular auditing of body camera footage and that future modifications may be made to the ordinance to codify these mechanisms.

POLICY QUESTIONS

- 1) **Timeline of footage release to the Council:** Drafts of this ordinance have included a range from two to five business days for footage to be provided to the Council, et al. The Police Department has expressed a preference for more time to download and review the footage, which would also enable them to provide context or answer any questions from elected officials (See Page 4, Item 5).
 - a) The Council may consider confirming that footage would be shared within two business days.
 - b) From a security standpoint, the more time footage is accessible before public release, the greater the possibility of it being viewed by someone outside the designated audience. Although the ordinance does not currently have any guidelines establishing that footage is considered attorney-client privileged information, the understanding is that material would be handled the same as confidential information shared in Closed Session.
- 2) **Random video audits:** The ordinance contemplates the director of Civilian Review Board (CRB) may be responsible for conducting random monthly audits, but the staff understands the director of that board's time is typically consumed by existing CRB business. Staff understands that the recently-funded cameras may have technology available for an additional cost that could facilitate random video audits.¹
 - a) The Council could either ask the Administration how they would recommend accomplishing this oversight task within the Administration but outside of the Police Department, or the Council could also consider an outside contract using the legislative body oversight/audit model.
 - b) The Council may also wish to discuss whether a follow-up briefing to learn more about the auditing and tracking technology would be helpful.
 - c) The ordinance expects that audits will review for compliance with State law. The Council may wish to discuss, are there local policies in addition to State law that the auditor should also consider when reviewing footage?
- 3) **Reasons for footage release:** Item 4e in the ordinance notes that footage may only be released for reasons outlined in the ordinance, or "valid law enforcement purposes."
 - a) The Council may wish to discuss what this is understood to include, such as whether it allows footage to be used for training, public relations, or other uses.

¹ With the Performance tool agencies have the ability to monitor and report on proper body camera usage per the agencies policy. This allows command to easily extract data on the departments overall success in utilizing the body cameras (ex. Data may show agency is 95% compliant per policy). Agencies using Performance typically have a Sgt. or Lt. that monitors their group to determine if there are any officers that are not utilizing the body camera when expected. This has helped agencies proactively address training issues early on to reduce the chances of a critical incident occurring and there is no video. Agencies also use the "randomizer" tool for doing quarterly audits of video per officer for training/performance review purposes.

Source: <https://www.axon.com/products/axon-performance>, as shared by Charlie Luke July 8, 2020

- 4) **Retention timeline:** Staff understands that the current retention schedule for body camera may not match the statute of limitations for each case / crime type. In the past, this was due to budget and space constraints for storage, but the funding provided in this fiscal year was understood to cover unlimited storage.
 - a) The Council may wish to recommend that the retention schedule for body-worn camera footage be updated to match the statute of limitations.
- 5) **Exceptions:** The draft ordinance will need modifications to allow for the Administration to identify those positions in the Department where body cameras are not warranted, such as administrative officials and undercover officers.
- 6) **Incidents involving canines - definitions:** The Council received feedback (Page 4, Item 2) about whether that the definition of "Officer Involved Critical Incidents" would or should include those involving canines.
 - a) The Council may wish to discuss with the Mayor's office whether the definition as written is consistent with the intent of the Mayor's Office and Administration, or if adjustment is merited. The Council may consider asking the Mayor's Office for their recommendation.

ADDITIONAL & BACKGROUND INFORMATION

Although the Salt Lake City Police Department has policies governing body-worn camera use² and there have been executive orders³ relating to footage release, there is not currently an ordinance in City code providing a standardized policy direction. The draft ordinance establishes new standards and formalizes some existing practices. This provides more continuity and certainty throughout changes in elected officials and personnel.

Below are some key points included in the draft ordinance.

Activation

- Requires all officers to wear a camera while on duty
- Requires officers to activate cameras and audio activate before any encounter with the public, or as quickly as possible (this is also required under State law)
 - Reason for disabling audio or video must be stated prior to turning either off
 - Quarterly reports to the Council of all circumstances where audio or video were disabled

City Review

- If an officer-involved critical incident occurs, the Council Chair, Mayor and Mayor's Chief of Staff, and City Attorney will be notified within 24 hours
 - Video/audio from all related cameras and 911 calls will be provided to the Council, Mayor, and City Attorney within two business days (see Policy Question 1)

Public Review

- Footage relating to an officer-involved critical incident will be released within ten business days
 - The ordinance preserves the ability to redact or exclude private, protected, or offensive images
- Prior to public release, the Police Department will:
 - Notify family of planned release
 - Consult with trauma-informed experts to provide a way for family of victims to view footage
- Body-worn camera footage will not be made public for any reason other than to satisfy obligations of transparency and accountability, or "valid law enforcement purposes" (Policy Question 4)

²

http://www.slcpd.com/ass3ts/uploads/2020/06/RELEASE_20200609_T174313_Salt_Lake_City_Police_Department_Policy_Manual.pdf#page=368

³ Executive Order 5, Section 3 August 3, 2020:

http://www.slcdocs.com/recorder/REPAgenda/SLCPD_Policies/Executive%20Order%202020-5.pdf

Audits

- At least five randomly-selected recordings a month should be reviewed for compliance with State Law (Policy Question 2)

Other

- Officers may not use personal cameras while on duty, nor can they use footage for personal reasons (like social media)
- Footage may not be altered or edited without permission from the Chief of Police **or** City Attorney

Some public comment and notable organizations⁴ question whether funds spent on body-worn cameras contribute to reductions in use-of-force or improvements in trust from the community. Other organizations like the National Association of Civil Defense Lawyers (NACDL)⁵ and American Civil Liberties Union (ACLU)⁶ strongly encourage that police be equipped with body-worn cameras. Both detractors and supporters stress the importance of policies governing use of cameras and how footage is used.

Ordinance Feedback from Salt Lake City Police Department and Staff Notes

1. Line 40: request to add “and audio recording” device to the definition of body-worn camera
 - a. *Staff note: This seems aligned with the Council’s goals*
2. Lines 49-50: by including canine bites in the definition of OICI, does this mean the City will be invoking the OICI protocol for all canine bites? The protocol includes bringing in an outside investigating agency and screening for charges. This is a policy discussion and would be a departure from how canine bites have been handled across the Valley by the DA and other agencies. Also consider adding “canines used for apprehension” in the definition to clarify that the City’s bloodhounds are not considered “dangerous weapons”.
 - a. *Staff note: see Policy Question 6*
3. Line 64: the ordinance requires all officers on duty to wear a body worn camera. This would include department officers who have administrative roles and plainclothes/undercover officers. The Council/Administration may want to discuss whether exceptions are necessary.
 - a. *Staff note: Perhaps language could be added to specify that the Chief determines categories exempt? One option to ensure accountability or clarity could be inclusion of language to say the Chief provides a list of categories annually to the Mayor. See Policy Question 5.*
4. Lines 70-75 (reporting de-activation/muting/not activating cameras): The Department currently tracks de-activation and muting body-worn cameras. It may need some time to build an audit system to track officers who do not activate their cameras (it would require review of other officers’ body-worn cameras to determine if an officer at a law enforcement encounter did not activate his/her camera).
 - a. The cameras are always recording in the background when they are being worn. When an officer engages in a law enforcement encounter, the officer activates the camera, which turns on the sound. The sound goes back to pick up 30 seconds prior to the activation. Axon (the camera maker) may be able to change that setting.
 - b. Axon also offers an audit system that can help the Department do more/different audits. The cost of the audit program is \$160,000 per year. The Chief may be able to explain the merits of that program and how it could help achieve the Council’s review/accountability goals.
5. Line 82—difference between 2 and 5 business days. The Department says that some of the incidents have hours of footage that make take time to download and review. The 2 business day deadline may

⁴ <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/01/14/body-cameras-may-not-be-the-easy-answer-everyone-was-looking-for>

⁵ <https://www.nacdl.org/getattachment/4163cc7b-1f4e-4e6c-9a60-a76794390d94/policing-body-cameras-policies-and-procedures-to-safeguard-the-rights-of-the-accused.pdf>

⁶ <https://www.aclu.org/issues/privacy-technology/surveillance-technologies/police-body-cameras>

be difficult to achieve and they would prefer 5 business days. In addition, this may give the department time to review all the footage to help provide context/answer questions the elected officials may have about the incident.

a. *Staff note: See Policy Question 1*

6. Lines 131-134: the requirement that the Chief consult with a grief/trauma expert could be “once a year” to clarify that this consultation does not need to occur after each incident (which could be onerous within the 10 day time period prior to making the recordings public).

a. *Staff note: the Administration’s recommendation would be helpful*

1 SALT LAKE CITY ORDINANCE

2 No. ____ of 2020

3 (An Ordinance Enacting Chapter 2.10.200 Regulating the Police Department's Use of
4 Body-Worn Cameras)

5 WHEREAS, Salt Lake City Corporation is prioritizing policy and ordinance
6 reforms so that the City will be as progressive and safe in its policing of all people within
7 its jurisdiction as possible.

8 WHEREAS, police body-worn camera recordings are important City records and
9 it is in the public interest to assure that they are managed transparently and consistently.

10 WHEREAS, body-worn cameras are fundamental, essential tools for the Salt
11 Lake City Police Department to do its job protecting and serving the community.

12 WHEREAS, body-worn camera recordings can be used to protect the rights of all
13 parties — community members who interact with police officers, the police officers
14 themselves, bystanders, and the City taxpayers.

15 WHEREAS, the City Council recognizes that police officers face unpredictable
16 circumstances and need to make immediate decisions. Body-worn camera recordings can
17 establish the sequence of events and enhance the level of accountability for all parties.

18 WHEREAS, Salt Lake City Corporation has made a significant investment in
19 body-worn camera technology, based upon the important role the recordings serve.

20 WHEREAS, the City Council has allocated the level of funding necessary for the
21 police department to furnish each officer with a body-worn camera and has funded the
22 necessary technology and electronic record storage capacity.

23 WHEREAS, the City Council seeks to emphasize the importance of the use of this
24 tool and considers it to be a mandatory component of policing. The Council seeks to
25 avoid any circumstance where an officer's interactions with the public are not recorded,
26 and seeks to avoid any circumstance wherein not all officers at an incident are recording
27 video.

28 WHEREAS, under Utah law, a police officer must activate a body-worn camera
29 prior to any law enforcement encounter, or as soon as reasonably possible. The City
30 Council desires to emphasize this Utah law requirement and supplement it with policy
31 direction.

32 WHEREAS, based on these policy objectives with respect to body-worn cameras,
33 the Council desires to enact the following regulations in order to create a safer city for all
34 people in Salt Lake City and to ensure that the Salt Lake City Police Department is a
35 trusted partner to all people.

36 NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

37 SECTION 1. Chapter 2.10.200 of the Salt Lake City Code shall be, and hereby is,
38 enacted to read as follows.

39 (1) Definitions.

40 a. "Body-worn camera" means a video recording device that is carried
41 by, or worn on the body of, a law enforcement officer and that is
42 capable of recording the operations of the officer.

43 "Body-worn camera" does not include a dashboard mounted camera or
44 a camera intended to record clandestine investigation activities.

b. “Officer involved critical incident” means any of the items enumerated in Utah Code 76-2-408 and its successor provisions, and only for the purposes of this ordinance (and not for any purposes related to activating an officer involved critical incident protocol with outside agencies) will, at a minimum, include the following:

- i. an officer's use of deadly force;
- ii. an officer's use of a dangerous weapon, which may include a police canine, against a person that causes injury to any person;
- iii. death or serious bodily injury to any person, other than the officer, resulting from an officer's:
 1. use of a motor vehicle while the officer is on duty; or
 2. use of a government vehicle while the officer is off duty;
- iv. the death of a person who is in custody, but excluding a death that is the result of disease, natural causes, or conditions that have been medically diagnosed prior to the person's death; or
- v. the death of or serious bodily injury to a person not in custody, other than an officer, resulting from an officer's attempt to prevent a person's escape from custody, to make an arrest, or otherwise to gain physical control of a person.

(2) Mandatory Use of Body-Worn Cameras.

- a. With the exception of the members of the Salt Lake City Police Department who have positions or job duties that do not warrant

68 wearing a body-worn camera, All officers shall wear a body-worn
69 camera when on duty. Under Utah law an officer must activate a body-
70 worn camera prior to any law enforcement encounter or as soon as
71 reasonably possible. An officer shall not de-activate a body-worn
72 camera or mute the sound recording without first stating, on the
73 camera recording, the reason for deactivating the body-worn camera or
74 muting the sound. An officer will not de-activate or mute a body-worn
75 camera until the end of the law enforcement encounter and upon
76 returning to the officer's vehicle, unless the officer provides a reason
77 on the camera recording for earlier de-activation or muting of the
78 body-worn camera.

- 79 b. The police department will keep a record of all instances in which a
80 body-worn camera is de-activated, the sound is muted, or when an
81 officer fails to activate a body-worn camera prior to a law enforcement
82 encounter, including the name of the officer and the reason for de-
83 activation, muting, or failing to activate and such record will be
84 provided to the Mayor and City Council on a quarterly basis.

85 (3) Internal City Review of Body-Worn Camera Protocol: Officer Involved
86 Critical Incident

- 87 a. Within 24 hours after the occurrence of any officer involved critical
88 incident, the Chief of Police shall notify the City Attorney, the Council
89 Chair, the Mayor, and the Mayor's Chief of Staff, of the facts of the
90 officer involved critical incident.

- 91 b. ~~Within two business~~Not more than five days after the officer involved
92 critical incident, the Mayor, City Council Members and City Attorney
93 will be provided links through secure file share to all unedited body-
94 worn camera footage from all officers at the incident and any 911 calls
95 related to the incident.
- 96 c. The Council may, at its discretion call for a closed session to be
97 briefed on the facts and legal issues surrounding the officer involved
98 critical incident.
- 99 d. For four years after the officer involved critical incident, the Police
100 Department and the City Recorder will, within five business days of
101 receipt of such a request, notify the City Attorney and Mayor's Office,
102 and City Council of any GRAMA request pertaining to body-worn
103 camera footage of an officer involved critical incident
- 104 e. For four years after the officer involved critical incident, the City
105 Attorney will, within five business days of receipt, notify the City
106 Council and Mayor's Office of any notice of claim received in
107 connection with an officer involved critical incident.

108 (4) Public Review of Body-Worn Camera Protocol: Officer Involved Critical
109 Incident

- 110 a. The public is presumed to have a strong interest in accessing body-
111 worn camera recordings of officer involved critical incidents. For this
112 reason, no later than ten business days after the officer involved
113 critical incident, subject to section 3(b) and (c) herein, the unedited

114 full-length body-worn camera recording will be classified as a public
115 record, barring any unusual or unforeseen circumstances, which may
116 include an inability to complete investigative interviews with key
117 witnesses.

118 b. Once the record has been classified as public, the City will release any
119 body-worn camera recordings of officer involved critical incidents
120 involving Salt Lake City Police Department officers. The recordings
121 may be subject to redaction or segregation of any private, controlled or
122 protected images or sounds contained on the recordings.

123 c. Some images from a body-worn camera might be offensive or violate
124 an individual's privacy and should not be disclosed, unless requested
125 by the family of the individual involved with the encounter with law
126 enforcement officers. These offensive/violative images include, but
127 are not limited to: images inside a private residence, medical and
128 mental health care treatment and facilities, intimate images, images of
129 minors, images showing the moment an individual deceases or the
130 individual's body the moment after deceasing, domestic violence or
131 sexual assault victims or witnesses, and domestic violence or sexual
132 assault facilities and shelters. Such images constitute an unwarranted
133 invasion on personal privacy. If a video containing those images is
134 requested, it will be disclosed only if the content is of legitimate
135 interest to the public, and content containing the specific images that
136 are presumed highly offensive will be redacted.

d. Before publicly releasing a body-worn camera recording of an officer-involved critical incident that results in the death of an individual, the Police Department will:

- i. Consult with an organization with expertise in trauma and grief on best practices for creating an opportunity for the victim or the decedent's next of kin to view the body-worn camera recording in advance of its release;
- ii. Notify the victim or the decedent's next of kin of its impending release, including the date when it will be released; and
- iii. Offer the victim or the decedent's next of kin the opportunity to view the body-worn camera recording in advance of its release, and if the next of kin wish to so view the body-worn camera recording, facilitate its viewing.

a. Body-worn camera footage will not be released to the public for any purpose other than to comply with this ordinance, unless pursuant to a valid GRAMA request, or for valid law enforcement purposes which must be approved by the Chief of Police.

(5) Audits. In order to ensure that members of the Salt Lake City Police Department are complying with state law, City Code, and Police Department policy, a qualified individual outside of the Salt Lake City Police Department designated by the Mayor ~~the Civilian Review Board Administrator~~ shall randomly review at least five body-worn camera recordings at least once a month. Any findings of material non-compliance

with state law, City Code and Police Department policy will be referred to the
Chief of Police-~~Chief~~, the City Attorney, the Council Chair, the Mayor and the
Mayor's Chief of Staff.

(6) Officer Use of Body-Worn Camera Recordings.

- a. Officers may not use personal recording cameras at any time while on
duty.
- b. Officers may not use recordings from body-worn cameras for personal
use, and may not upload recordings from body-worn cameras onto
public and social media websites.
- c. Officers may not alter or edit any body-worn camera footage without
express permission from either the Chief of Police or the City
Attorney.

SECTION 2. This ordinance shall become effective immediately upon
publication.

Passed by the City Council of Salt Lake City, Utah this ____ day
of _____ 2020.

Chris Wharton, Council Chair

ATTEST:

Cindy Lou Trishman
City Recorder

Transmitted to Mayor on _____.

189 Mayor's Action: _____ Approved. _____ Vetoed.

190

191

192

193

194

Mayor Erin Mendenhall

195

196 _____
CITY RECORDER

197

198

199 (SEAL)

200

201 Bill No. _____ of 2020.

202 Published: _____

203

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Katherine Lewis, City Attorney

1 SALT LAKE CITY ORDINANCE

2 No. ____ of 2020

3 (An Ordinance Enacting Chapter 2.10.200 Regulating the Police Department's Use of
4 Body-Worn Cameras)

5 WHEREAS, Salt Lake City Corporation is prioritizing policy and ordinance
6 reforms so that the City will be as progressive and safe in its policing of all people within
7 its jurisdiction as possible.

8 WHEREAS, police body-worn camera recordings are important City records and
9 it is in the public interest to assure that they are managed transparently and consistently.

10 WHEREAS, body-worn cameras are fundamental, essential tools for the Salt
11 Lake City Police Department to do its job protecting and serving the community.

12 WHEREAS, body-worn camera recordings can be used to protect the rights of all
13 parties — community members who interact with police officers, the police officers
14 themselves, bystanders, and the City taxpayers.

15 WHEREAS, the City Council recognizes that police officers face unpredictable
16 circumstances and need to make immediate decisions. Body-worn camera recordings can
17 establish the sequence of events and enhance the level of accountability for all parties.

18 WHEREAS, Salt Lake City Corporation has made a significant investment in
19 body-worn camera technology, based upon the important role the recordings serve.

20 WHEREAS, the City Council has allocated the level of funding necessary for the
21 police department to furnish each officer with a body-worn camera and has funded the
22 necessary technology and electronic record storage capacity.

23 WHEREAS, the City Council seeks to emphasize the importance of the use of this
24 tool and considers it to be a mandatory component of policing. The Council seeks to
25 avoid any circumstance where an officer's interactions with the public are not recorded,
26 and seeks to avoid any circumstance wherein not all officers at an incident are recording
27 video.

28 WHEREAS, under Utah law, a police officer must activate a body-worn camera
29 prior to any law enforcement encounter, or as soon as reasonably possible. The City
30 Council desires to emphasize this Utah law requirement and supplement it with policy
31 direction.

32 WHEREAS, based on these policy objectives with respect to body-worn cameras,
33 the Council desires to enact the following regulations in order to create a safer city for all
34 people in Salt Lake City and to ensure that the Salt Lake City Police Department is a
35 trusted partner to all people.

36 NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

37 SECTION 1. Chapter 2.10.200 of the Salt Lake City Code shall be, and hereby is,
38 enacted to read as follows.

39 (1) Definitions.

40 a. "Body-worn camera" means a video recording device that is carried
41 by, or worn on the body of, a law enforcement officer and that is
42 capable of recording the operations of the officer.

43 "Body-worn camera" does not include a dashboard mounted camera or
44 a camera intended to record clandestine investigation activities.

b. "Officer involved critical incident" means any of the items enumerated in Utah Code 76-2-408 and its successor provisions, and only for the purposes of this ordinance (and not for any purposes related to activating an officer involved critical incident protocol with outside agencies) will, at a minimum, include the following:

- i. an officer's use of deadly force;
- ii. an officer's use of a dangerous weapon, which may include a police canine, against a person that causes injury to any person;
- iii. death or serious bodily injury to any person, other than the officer, resulting from an officer's:
 - 1. use of a motor vehicle while the officer is on duty; or
 - 2. use of a government vehicle while the officer is off duty;
- iv. the death of a person who is in custody, but excluding a death that is the result of disease, natural causes, or conditions that have been medically diagnosed prior to the person's death; or
- v. the death of or serious bodily injury to a person not in custody, other than an officer, resulting from an officer's attempt to prevent a person's escape from custody, to make an arrest, or otherwise to gain physical control of a person.

(2) Mandatory Use of Body-Worn Cameras.

- a. With the exception of the members of the Salt Lake City Police Department who have positions or job duties that do not warrant

wearing a body-worn camera, all officers shall wear a body-worn camera when on duty. Under Utah law an officer must activate a body-worn camera prior to any law enforcement encounter or as soon as reasonably possible. An officer shall not de-activate a body-worn camera or mute the sound recording without first stating, on the camera recording, the reason for deactivating the body-worn camera or muting the sound. An officer will not de-activate or mute a body-worn camera until the end of the law enforcement encounter and upon returning to the officer's vehicle, unless the officer provides a reason on the camera recording for earlier de-activation or muting of the body-worn camera.

- b. The police department will keep a record of all instances in which a body-worn camera is de-activated, the sound is muted, or when an officer fails to activate a body-worn camera prior to a law enforcement encounter, including the name of the officer and the reason for de-activation, muting, or failing to activate and such record will be provided to the Mayor and City Council on a quarterly basis.

(3) Internal City Review of Body-Worn Camera Protocol: Officer Involved Critical Incident

- a. Within 24 hours after the occurrence of any officer involved critical incident, the Chief of Police shall notify the City Attorney, the Council Chair, the Mayor, and the Mayor's Chief of Staff, of the facts of the officer involved critical incident.

b. Not more than five days after the officer involved critical incident, the Mayor, City Council Members and City Attorney will be provided links through secure file share to all unedited body-worn camera footage from all officers at the incident and any 911 calls related to the incident.

c. The Council may, at its discretion call for a closed session to be briefed on the facts and legal issues surrounding the officer involved critical incident.

d. For four years after the officer involved critical incident, the Police Department and the City Recorder will, within five business days of receipt of such a request, notify the City Attorney and Mayor's Office, and City Council of any GRAMA request pertaining to body-worn camera footage of an officer involved critical incident

e. For four years after the officer involved critical incident, the City Attorney will, within five business days of receipt, notify the City Council and Mayor's Office of any notice of claim received in connection with an officer involved critical incident.

(4) Public Review of Body-Worn Camera Protocol: Officer Involved Critical Incident

a. The public is presumed to have a strong interest in accessing body-worn camera recordings of officer involved critical incidents. For this reason, no later than ten business days after the officer involved critical incident, subject to section 3(b) and (c) herein, the unedited

114 full-length body-worn camera recording will be classified as a public
115 record, barring any unusual or unforeseen circumstances, which may
116 include an inability to complete investigative interviews with key
117 witnesses.

118 b. Once the record has been classified as public, the City will release any
119 body-worn camera recordings of officer involved critical incidents
120 involving Salt Lake City Police Department officers. The recordings
121 may be subject to redaction or segregation of any private, controlled or
122 protected images or sounds contained on the recordings.

123 c. Some images from a body-worn camera might be offensive or violate
124 an individual's privacy and should not be disclosed, unless requested
125 by the family of the individual involved with the encounter with law
126 enforcement officers. These offensive/violative images include, but
127 are not limited to: images inside a private residence, medical and
128 mental health care treatment and facilities, intimate images, images of
129 minors, images showing the moment an individual deceases or the
130 individual's body the moment after deceasing, domestic violence or
131 sexual assault victims or witnesses, and domestic violence or sexual
132 assault facilities and shelters. Such images constitute an unwarranted
133 invasion on personal privacy. If a video containing those images is
134 requested, it will be disclosed only if the content is of legitimate
135 interest to the public, and content containing the specific images that
136 are presumed highly offensive will be redacted.

d. Before publicly releasing a body-worn camera recording of an officer-involved critical incident that results in the death of an individual, the Police Department will:

- i. Consult with an organization with expertise in trauma and grief on best practices for creating an opportunity for the victim or the decedent's next of kin to view the body-worn camera recording in advance of its release;
- ii. Notify the victim or the decedent's next of kin of its impending release, including the date when it will be released; and
- iii. Offer the victim or the decedent's next of kin the opportunity to view the body-worn camera recording in advance of its release, and if the next of kin wish to so view the body-worn camera recording, facilitate its viewing.

a. Body-worn camera footage will not be released to the public for any purpose other than to comply with this ordinance, unless pursuant to a valid GRAMA request, or for valid law enforcement purposes which must be approved by the Chief of Police.

(5) Audits. In order to ensure that members of the Salt Lake City Police Department are complying with state law, City Code, and Police Department policy, a qualified individual outside of the Salt Lake City Police Department designated by the Mayor shall randomly review at least five body-worn camera recordings at least once a month. Any findings of material non-compliance with state law, City Code and Police Department policy will

be referred to the Chief of Police, the City Attorney, the Council Chair, the Mayor and the Mayor's Chief of Staff.

(6) Officer Use of Body-Worn Camera Recordings.

- a. Officers may not use personal recording cameras at any time while on duty.
- b. Officers may not use recordings from body-worn cameras for personal use, and may not upload recordings from body-worn cameras onto public and social media websites.
- c. Officers may not alter or edit any body-worn camera footage without express permission from either the Chief of Police or the City Attorney.

SECTION 2. This ordinance shall become effective immediately upon publication.

Passed by the City Council of Salt Lake City, Utah this ____ day of _____ 2020.

Chris Wharton, Council Chair

ATTEST:

Cindy Lou Trishman
City Recorder

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

190
191
192
193
194
195
196
197
198
199
200
201
202

CITY RECORDER

(SEAL)

Bill No. _____ of 2020.

Published: _____

Mayor Erin Mendenhall

APPROVED AS TO FORM
Salt Lake City Attorney's Office



Katherine Lewis, City Attorney