

## **DRAFT II**

# **GUAM ADMINISTRATIVE RULES AND REGULATIONS**

## **TITLE 17 – PUBLIC SAFETY CHAPTER 1 – GUAM POLICE DEPARTMENT ARTICLE 8 – BODY-WORN CAMERAS**

### **§1100 Authority**

This Article is promulgated pursuant to **5 GCA Ch. 9, 10 GCA §77404**, and the **Records Management Act**.

### **§1101 Purpose**

Establish rules for proper use, management, storage, and retrieval of BWC recordings, enhancing transparency, accountability, and public trust.

### **§1102 Definitions**

- (a) **Body-Worn Camera (BWC)**: Department-issued recording device worn on an officer's uniform.
- (b) **Activation**: Turning on a BWC to begin recording.
- (c) **Deactivation**: Stopping a BWC recording.
- (d) **Officer-Involved Incident**: Includes officer-involved shootings, in-custody deaths, and acts causing serious bodily injury or death.

### **§1103 Department Responsibilities**

- (a) Train all personnel on BWC use prior to deployment.
- (b) Training includes operation, maintenance, mandatory/discretionary/prohibited uses, law updates, and annual refresher training.

### **§1104 Officer Responsibilities**

- (a) Ensure BWCs are charged and functional.
- (b) Wear BWCs securely on chest/torso.
- (c) Report malfunctions and submit devices for repair.
- (d) Upload recordings to secure department storage.
- (e) Refrain from unauthorized access or copying.

### **§1105 Supervisor Responsibilities**

- (a) Ensure officers comply with BWC policies.
- (b) Ensure prompt uploading of footage from officer-involved incidents.

## **§1106 Activation of BWCs**

- (a) Activate BWCs for: stops, arrests, searches, pursuits, warrants, use of force, escalated interactions, and victim/witness/suspect statements (when practical).

## **§1107 Deactivation of BWCs**

- (a) Remain active until conclusion unless tactical/safety reasons or evidentiary value ceases.
- (b) Verbally state reason for deactivation and document it.
- (c) Deactivate during privileged communications.

## **§1108 Advisement and Consent**

- (a) Consent not required in public or lawful presence.
- (b) Advise individuals when safe.
- (c) Consent required when entering a residence solely on consent.

## **§1109 Restrictions**

Do not record: strip searches, private areas, privileged communications, administrative duties not enforcement-related.

## **§1110 Victim and Witness Statements**

- (a) Attempt to record statements unless privacy requested.
- (b) Document reasons for non-recording in the narrative.

## **§1111 Unauthorized Access**

- (a) BWCs are GPD property and official records.
- (b) Unauthorized access, duplication, or dissemination may result in administrative action.

## **§1112 Accidental Recordings**

Report accidental activations to supervisors; deletions must comply with **Records Management Act** procedures.

## **§1113 Documentation**

- (a) BWCs do not replace written reports.
- (b) Note BWC use in all reports, contacts, or citations.

## **§1114 Storage and Retention**

- (a) Store recordings in GPD-approved secure systems.
- (b) Retention periods comply with Guam law.
- (c) All access must be auditable.

## **§1115 Retrieval and Copying**

- (a) Retrieve footage only upon written authorization by the Chief of Police for internal investigations or by official subpoena.
- (b) Public releases comply with **10 GCA §77404**.
- (c) Document chain of custody.

## **§1116 Review of Files**

- (a) Officers may review for report preparation except in officer-involved incidents.
- (b) Supervisors may review for investigations or administrative purposes.

## **§1117 Administrative Review**

- (a) BWCs are not for general performance monitoring.
- (b) Supervisors may review files related to complaints, use of force, pursuits, or critical incidents.

## **§1118 Training Use**

BWCs may be used for training with Chief approval, not part of active cases.

## **§1119 Officer-Involved Incidents**

- (a) Officers shall not review prior to initial interview unless authorized.
- (b) Secure footage immediately.
- (c) Violations subject to administrative action.

## **§1120 Program Evaluation**

Annual review by BWC Program Manager to ensure compliance with **5 GCA Ch. 9, 10 GCA Ch. 77**, and applicable law.

## **§1121 Training**

Only trained officers may operate BWCs; refresher training conducted as needed.

## **§1122 Requests to View or Obtain Footage**

- (a) Written requests require Chief approval, except subpoenas.
- (b) Release complies with **10 GCA §77404** and **5 GCA Ch. 10**.

## **DRAFT III**

# **GUAM ADMINISTRATIVE RULES AND REGULATIONS**

## **TITLE 17 – PUBLIC SAFETY** **CHAPTER 1 – GUAM POLICE DEPARTMENT** **ARTICLE 8 – BODY-WORN CAMERAS**

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#### **§1103 Department Responsibilities**

- (a) Training prior to deployment
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#### **§1104 Officer Responsibilities**

- (a) Ensure BWC is charged and functional
- (b) Proper wear and placement
- (c) Report malfunctions
- (d) Upload to secure storage
- (e) No unauthorized access

#### **§1105 Supervisor Responsibilities**

- (a) Ensure compliance
- (b) Upload officer-involved incident footage

#### **§1106 Activation of BWCs**

- (a) Required circumstances: stops, arrests, searches, pursuits, warrants, use of force, escalated interactions, victim/witness/suspect statements

#### **§1107 Deactivation of BWCs**

- (a) End after encounter, unless tactical/safety reasons
- (b) Document reason for deactivation
- (c) Privileged communications

**§1108 Advisement and Consent**

- (a) Consent not required in public or lawful presence
- (b) Advise individuals when safe
- (c) Consent required for residential searches based solely on consent

**§1109 Restrictions**

- (a) Do not record strip searches, private areas, privileged communications, or administrative duties unrelated to enforcement

**§1110 Victim and Witness Statements**

- (a) Attempt to record statements unless privacy requested
- (b) Document reasons for non-recording

**§1111 Unauthorized Access**

- (a) BWCs are GPD property and official records
- (b) Unauthorized access, duplication, or distribution prohibited

**§1112 Accidental Recordings**

- (a) Report accidental activations to supervisor
- (b) Deletion must comply with Records Management Act

**§1113 Documentation**

- (a) BWCs do not replace written reports
- (b) Note BWC use in reports, contacts, or citations

**§1114 Storage and Retention**

- (a) Store recordings in secure, approved systems
- (b) Retention in compliance with law
- (c) Access must be auditable

**§1115 Retrieval and Copying**

- (a) Retrieve footage only upon written authorization by the Chief of Police for internal investigations or by official subpoena.
- (b) Public releases comply with law
- (c) Document chain of custody

**§1116 Review of Files**

- (a) Officers may review for report preparation except officer-involved incidents
- (b) Supervisors may review for investigations or administrative purposes

**§1117 Administrative Review**

- (a) Not for general performance monitoring
- (b) Supervisors review for complaints, use of force, pursuits, or critical incidents

**§1118 Training Use**

- (a) BWCs may be used for training with Chief approval
- (b) Not part of active cases

**§1119 Officer-Involved Incidents**

- (a) Officers may not review footage prior to initial interview unless authorized
- (b) Secure footage immediately
- (c) Violations subject to administrative action

**§1120 Program Evaluation**

- (a) Annual review by BWC Program Manager to ensure compliance

**§1121 Training**

- (a) Only trained officers may operate BWCs
- (b) Refresher training as needed

**§1122 Requests to View or Obtain Footage**

- (a) Retrieve footage only upon written authorization by the Chief of Police for internal investigations or by official subpoena.
- (b) Release complies with applicable law