

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

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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