

CITY OF HAYWARD  
ADMINISTRATIVE RULE

A.R. NUMBER 1.XX

SUBJECT: GUIDELINES FOR RELEASE OF RECORDED VIDEO

- I. Purpose: This Administrative Rule is intended to provide guidance and direction in the appropriate storage and use of captured video data; ensure citywide compliance with federal, state, and local laws; and balance the public interests of government transparency and individual privacy.
- II. Application: This policy shall apply to all recorded video data captured by devices owned and/or operated by any and all departments within the City of Hayward.
- III. Policy: For the purposes of ensuring public safety, the City of Hayward owns and operates a number of video capture devices, including security cameras at City facilities and body-worn public safety cameras. The City is committed to transparency and disclosure, as well as full compliance with all local, state, and federal laws and regulations governing the release of public records and recorded video, including the Public Records Act. Recorded video may be released upon request, subject to the guidelines outlined below. These guidelines are to be applied to the content of the recorded video, independent of its source.

In the case of a conflict between the policy detailed below and federal, state, or local law, the law shall supersede this administrative rule. Department-specific written policies regarding the release of recorded video may elaborate on or extend this policy as applicable to their operations.

- a. No Release – Some recorded video will not be released to the public. Reasons for declining a request to release recorded video may include, but are not limited to:
  - i. Statute or Law – Recorded video will not be released if doing so would constitute a violation of federal, state, or local law.
  - ii. Sensitive or Vulnerable Subjects – Except in cases where it is required by law, recorded video depicting juveniles, victims of domestic violence, victims of sexual assault, and/or minor victims of crimes will not be released.
  - iii. Endangerment – Except in cases where it is required by law, recorded video will not be released in circumstances where the release of the recorded video would endanger the safety of any person involved.

- iv. Ongoing Investigations and Critical Incidents – Video that involves criminal investigations and/or critical incidents such as officer involved shootings or custody deaths will not be released until the investigation and any prosecution is complete.
- b. Video footage that contains sensitive information and/or information related to personal privacy or public safety will be only be released in edited or extracted form. A complete list of material exempt from the Public Records Act is available in California Government Code 6275-6276.48. Please note that original video recordings shall not be extracted, edited, or otherwise altered; only video files provided to the requestor will be edited or extracted.

Reasons for releasing edited or extracted video footage may include, but are not limited to:

- i. Personal Information – Recordings containing personal information, including social security or driver's license numbers, or other sensitive personal information will be edited and/or extracted to protect individual privacy of those depicted in the video.
- ii. Operational Integrity – Video recordings that depict public safety operations in such detail as to jeopardize the efficacy of those procedures and/or the safety of personnel are to be edited and/or extracted. Operational information that may warrant the extraction and/or editing of released video recordings may include, but is not limited to:
  - Tactics & maneuvers
  - Confidential informants
  - Intelligence information
  - Information that would endanger the successful completion of an investigation
- iii. Medical Information – Released video that documents or depicts documentation of a person's medical conditions or medical history will be edited and/or extracted to protect the privacy of that person.
- iv. Endangerment – Except in cases where it is required by law, released video will be edited and/or extracted in circumstances where the release of the unextracted or unedited recorded video would endanger the safety of any person involved.

- c. Unedited Release – Except in the circumstances where unedited release is not appropriate as defined by the above policies, departmental policies, or in cases where release is prohibited by law, recorded video will be made available to the requestor in its original, unedited form.