

City of Santa Monica

Inspector General  
Recommendation Regarding  
Muting Function of Body-Worn  
Cameras

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OIR  
GROUP

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In early 2024, the Inspector General conducted an analysis of the Santa Monica Police Department's traffic and pedestrian stops. As part of this review, we conducted a random "mini-audit" of stops that fell under the Racial and Identity Profiling Act (RIPA) collection criteria to examine if data collected by officers was accurate and to generally observe officer behavior and stop outcomes.

In two of these cases, we observed officers mute their body-worn camera officers when engaging in discussion with one another. While these two circumstances technically fit the criteria for use of the muting function as listed in the Department's body-worn camera policy, General Order 425.7.b. ("During discussions of administrative, tactical or law enforcement sensitive information which are away from the public"), it would be preferable to make less frequent use of the muting functionality.

The concern about muting is two-fold: first, officers often forget to *unmute* upon concluding their tactical conversations, which happened here; second, frequent muting gives the perception that officers are thwarting the goals of transparency by expressing problematic intentions or observations in unrecorded asides with their colleagues. SMPD command staff reported that they are in the process of updating policy and training to address these concerns.

SMPD's policy requires officers to document, "any instance where [...] the member deactivated the recording." Some departments have gone a step further to include a requirement to document the reason for muting specifically. For example, the Burbank Police Department requires:

*Members shall document [...] any instance where the recorder malfunctioned or the member deactivated or muted the recording, prior to the completion of the contact. Members should include in any report, the reason for deactivating or muting the recording. If a report is not completed, the member should record a statement at the conclusion of the contact explaining the reason for the deactivation or muting.*

We advise that SMPD consider adding an explicit requirement to document use of the muting function.

#### RECOMMENDATION 1

SMPD should add an explicit requirement to document use of the muting function to **General Order 425: Portable Audio Video Recorders**.