

The Sheriff's Department utilizes personal video recording devices (PVRD) in Custody Division to enhance safety and effectiveness for personnel in the performance of their duties, and to provide a reviewable electronic record of incidents.

Regardless of the method of recording, use of video equipment at a Sheriff's Department facility by personnel shall be restricted to law enforcement functions, and is subject to all applicable laws, policies and procedures.

### Personal Video Recording Devices

Personal video recording devices are on-officer body devices used to record incidents, interviews, crime scenes, and any other situation requiring an audio/visual accounting. The personal video recording device shall be affixed to the assigned personnel, be readily accessible for activation, and provide a clear and unobstructed field of view. The assigned personnel shall be responsible for proper and professional usage of the device, throughout the duration of their shift.

### Recording Incidents with a Personal Video Recording Device

Reasonable attempts should be made to record significant incidents with personal video recording devices including, but not limited to, the following:

- Inmate disturbances, Cell extractions,
- Recalcitrant inmates, Application of restraints,
- Medical removals which pose a significant risk or have the potential to become violent,
- Use of force by Department personnel,
- Housing area or facility searches,
- Any incident/event which may pose risk management and/or liability issues,
- All Emergency Response Team (ERT) activations, except for training exercise.

PVRD equipment should normally only be used by trained personnel who have successfully completed the "Personal Video Recording Device Operator Course" presented by the Custody Training Bureau. The training sergeant at each unit shall maintain a list of trained personnel.

Personnel assigned personal video recording devices shall begin recording while any of the above incidents/events occurs, when feasible, or in anticipation of one occurring. The PVRD operator shall state the date, time, their name, rank, employee number, location, and provide factual narration during the incident, i.e., "watch commander is on scene," "Emergency Response Team is on scene," name civilians on scene such as a nurse or mental health clinician evaluating the inmate, "facility is on lock down," and any

necessary details about the incident. Only factual information shall be narrated while recording on video.

Generally, once recording has begun, it should not be paused or stopped until the entire incident has been brought to completion in order to establish a time line for the incident. If a battery or memory storage issue occurs, the operator shall make every effort to secure an operational device or take the necessary steps to make the device ready to record. The operator will then, re-introduce his/her name, rank, employee number, time and state the reason for the interruption. The recording should include documenting injuries, evidence, emergency medical treatment, and statements by all concerned parties.

In the case of emergency medical treatment, recording on video should generally continue after medical staff arrives and during the course of medical treatment, until the inmate is completely stable, no longer resisting, and the medical staff has completed their tasks. Outside medical personnel, rendering aid while inside a County jail facility shall also be recorded on video until they leave the facility.

When documenting inmate injuries, all inmates in or near the incident should be recorded. When documenting a large inmate disturbance, the incident commander should be recorded, directing inmates with injuries to come forward.

Personnel should state the inmate's name, booking number, and housing location. The inmate should describe his/her injury(s) and how it occurred. The injury(s) should be thoroughly recorded on video.

Because the dynamics of an incident are constantly changing, the PVRD operator should periodically pan around the entire area to show as much of the surroundings as possible, personnel present, and conversations between the inmate(s) and personnel. Whenever possible, only the on-scene supervisor should make the decision when to stop recording. Personnel shall not intentionally terminate the recording of an incident, before its conclusion, unless ordered to do so by the on-scene supervisor.

### Restrictive Recordings

Department members **shall not** make surreptitious recordings of conversations with other Department members except:

- When necessary in a criminal investigation; or unless approved by the Division Chief,
- The on-officer body camera will not be intentionally activated to record conversation(s) of fellow employees with or without their knowledge during routine, non-enforcement related activities,
- Members will advise other Department members and/or other criminal justice personnel (prosecutors, judges, or other law enforcement personnel) when an on-officer body camera is recording.

The camera will not be activated in places where a reasonable expectation of privacy exists, such as dressing rooms or restrooms. Furthermore, department members **shall not** record:

- A conversation that is protected by pastor penitent privilege,
- A medical discussion that would violate the Health Information Portability and Accountability Act (HIPAA),
- Situations involving attorney client privilege,
- While on employee breaks,
- While writing reports,
- Administrative discussions with supervisors,
- During other administrative functions,
- During general discussions with employees,
- Interactions with confidential informants or undercover officers.

The Sheriff's Department's primary objectives with PVRDs are to:

- Record/document events as they occur,
- Provide real-time intelligence for Department personnel,
- Provide video evidence of actions by inmates and staff,
- Produce a deterrent effect against inmate violence,
- Provide for post-incident analysis.

#### Retention of Recordings

Supervisors shall review all available video recordings, to include personal recording devices, as soon as reasonably possible following any force incident, or any significant facility incident. If a supervisor determines a recording may have evidentiary value, or should be preserved by the Department for official use, the recording shall be saved on the server and to a video medium, such as a CD or DVD. A copy of the video shall be retained in accordance with applicable laws, Department policies, and procedures regarding handling of video and/or evidence.

Video copied to CD, DVD, or other memory storage device should be properly labeled with the following:

- Inmate's name and booking number,
- URN number, Reference number, and/or Administrative Case Number,
- Date, time, and location of incident,
- Brief description of incident,
- Name, rank, and employee number of video operator, or person who created the copy.

Incidents not associated with an URN or Reference Number, recorded on video, shall be held at the discretion of the watch commander, but no less than 25 months. Fixed video surveillance cameras will record continuously and the contents shall be retained in electronic storage devices for no less than 25 months, unless otherwise directed in writing by the Custody Division Chief.

If there are no video trained personnel on-duty to retrieve a recording, the supervisor shall notify the unit commander and the video manager of the following:

- Request to save potentially recorded video footage onto a DVD or CD, date, time, URN/Administrative Case Number,
- Description of the incident,
- Description of what may have been recorded on the surveillance system,
- Location of the incident and specific surveillance cameras which may have recorded the incident.

The requesting supervisor shall follow up to ensure the requested surveillance recording is saved and retained in accordance with established procedures as described above. Supervisors shall ensure that all reportable incidents clearly document whether or not an incident was captured.

#### Deleting, Tampering with, Altering, and /or Removing Software, Hardware or Data

The recording or copy shall not be altered or deleted, as to omit any portion of a recording that may have evidentiary value, unless approved by the Division Chief. Personnel shall not remove, dismantle, or tamper with any hardware/software component or part of the PVRD, at any time.

Members accessing, copying or releasing of body camera recordings for other than official law enforcement purposes are prohibited and subject to discipline. Department members shall not allow citizens to review the recordings, unless authorized by a supervisor. Members shall not make copies of any on-officer body camera recording for their personal use, to include posting on social media. Dissemination of information will be:

- For criminal justice purposes only,
- For release only when approved by a Division Chief
- For training purposes when approved by the unit commander.

#### Unit Commander Responsibilities

Unit commanders shall develop and implement procedures for video recording significant incidents occurring in their facility, and ensuring proper handling and preservation of video, as prescribed by Department policy. The unit commander shall

designate a supervisor to be the Video Manager, who is responsible for ensuring video equipment and storage is properly maintained, regular tests and audits are being completed, and proper video evidence retention procedures are in place.

### Auditing

Personal video recording devices shall be audited once a year, to ensure proper usage and functionality of the equipment. Each facility shall establish a quarterly schedule to randomly select two recordings within the period and observe the recordings to ensure compliance with policy and procedure. The audit shall be logged and be made available during command and security inspections of each facility.

### General Video Equipment Inspection

Watch Commanders shall ensure all PVRD equipment is inventoried once per shift. This requires that deputies inspect their devices at the beginning of each shift to confirm the following:

- All video recording equipment is accounted for,
- All equipment is working properly,
  - Any necessary repairs are documented and the proper paperwork completed and forwarded to the designated person.

### PVRD Equipment Inspection

- Ensure that sufficient batteries are charged,
- The recording device should be pre-set to record in a high quality mode, and should be pre-set not to record the internal time and/or date, as that information can be erroneously programmed,
- When applicable, there should be a blank tape or memory storage device in the recording device and at least two additional blank tapes or memory storage devices available at the beginning of each shift,
- The portable video equipment inspection shall be documented on the Uniform Daily Activity Log.

NOTE: Data Systems Bureau (DSB) is responsible for establishing protocols governing the security and remote monitoring of server rooms at each facility. The rooms shall remain locked and shall not be accessed by unit personnel, except in case of emergency, or at the immediate direction of DSB.

Questions regarding video operator procedures, training, video recording equipment, and requests for video editing or copies may be directed to the Custody Division Headquarters Training Video Unit.