

HUMBOLDT COUNTY CORRECTIONAL FACILITY

POLICIES AND PROCEDURES

SUBJECT: BODY WORN CAMERAS

APPROVED BY: Captain Duane Christian, Facility Manager

DATE: October 1, 2018

No. F-025

REVISED:

REFERENCES:

PC 633
PC 636
PC 832.18

FORMS:

POLICY:

In order to maintain a safe environment for inmates and staff, the Humboldt County Correctional Facility utilizes Body Worn Cameras (BWC). These are used with clearly established guidelines for the use and activation of the Body Worn Cameras and the preservation of related digital evidence.

DEFINITIONS:

Body Worn Camera (BWC) – A mobile audio and video capture device capable of being attached or mounted on the uniform, thereby allowing the deputy wearing the device to record activities in the course of their assigned duties.

Custodian of Records - The Custodian of Records shall be the Legal Officer Services Supervisor. Assigned to the Management Services Division.

Evidentiary – Evidentiary recordings refer to recordings of an incident or encounter that could prove useful for investigative purposes, including but not limited to, a crime, a search, a use of force incident, or a confrontational encounter with an inmate or member of the public.

Non-evidentiary – Non-evidentiary recordings refer to recordings that do not necessarily have value to aid in an investigation, such as routine cell checks, tier times, and any other routine activities conduct by the deputy wearing the camera.

GENERAL INFORMATION:

1. Body Worn Cameras will be assigned to specific posts as designated by the Facility Manager or their designee.
2. The proper operation of the BWC recording equipment is the responsibility of the deputy assigned to the equipment and will be operated and maintained according to the manufacturer's instructions. Each deputy will receive training prior to their initial use of the BWC.
3. The BWC shall be activated anytime the deputy assigned one is on the tier/floor of their housing units.
4. If an incident occurs that requires either an incident or criminal report it shall be documented in the report that there is imagery evidence.
5. It shall be a violation of this policy to fail to activate a BWC or intentionally terminate a recording in a manner inconsistent with this Policy.
6. Deputies shall not remove, dismantle, or tamper with any hardware and/or software component of the BWC.
7. The BWC shall not be used to record non work related activity and shall not be activated in places where a reasonable expectation of privacy exists such as locker rooms, public restrooms, and dressing rooms.
8. Deputies are prohibited from making personal copies of recordings, including utilizing secondary/personal recording devices to create a duplicate recording. Deputies shall not duplicate or distribute such recordings, except for authorized Sheriff's Office business purposes.
9. Deputies are prohibited from retaining recordings of activities or information obtained.
10. Recordings shall not be used by any deputy for the purpose of embarrassment, intimidation, or ridicule.
11. All recordings made by Correctional Deputies acting in their official capacity shall remain the property of the Humboldt County Sheriff's Office. Deputies shall have no expectation of privacy or ownership interest in the content of these recordings.
12. While the department has policy allowing for the recording of incidents with a personal communication device under certain circumstances, staff shall not use personal recording devices while wearing a BWC under any circumstances.
13. Deputies shall not surreptitiously record another department member without a court order unless lawfully authorized by the Sheriff or their designee.

14. Many portable recorders, including Body Worn Cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used under any circumstance where there is a threat of an explosive device being present.
15. Deputies shall cease recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, or where inmate privacy supersedes the need for recording, such as when the inmate is undressed or partially dressed, unless there is explicit consent from all parties to the conversation, or an emergent situation where the deputy determines the recording of the incident is necessary.
16. Deputies should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the deputy that such privacy may outweigh any legitimate law enforcement interest in recording. In these circumstances the deputy will state the reason for stopping the recording prior to terminating it.
17. All recordings shall be retained for a period of two and a half years. Recordings associated with potential criminal activity will be downloaded and provided to the District Attorney's Office with the criminal report. Prior to destruction of recordings, recordings will be reviewed to ensure that no pending litigation, claim, grievance, or disciplinary action related to the recording is ongoing, and, if such any such action is ongoing, the recording shall not be destroyed.
18. Supervisors shall take custody of the Body Worn Camera as soon as practical when the device may have captured an incident involving force options, an officer involved death or other serious incident, and ensure the data is downloaded.
19. A recording that is released to the public may be edited to release only that portion of the video that is responsive to the request, and may have additional editing such as concealing identity when the release of identity is not essential or necessary for the request.
20. The Sheriff or designee shall appoint a member of the Correctional Facility to coordinate the use and maintenance of Body Worn Cameras and the storage of recordings, including:
 - A. Establish a system for downloading, storing and security of recordings
 - B. Designation persons responsible for downloading recorded data, if necessary
 - C. Establish a maintenance system to ensure availability of operable Body Worn Cameras
 - D. Establish a system for tagging and categorizing data according to the type of incident captured
 - E. Establish a system to prevent tampering, deleting and copying recordings and ensure integrity of the chain of custody
 - F. Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation
 - G. Maintain logs of access and deletions of recordings

PROCEDURE: ACTIVATION/USE OF BODY WORN CAMERA

1. At the beginning of each shift, deputies assigned to areas with Body Worn Cameras shall secure the cameras from their docking station and place them on their persons in accordance with the manufacturer's specifications.
2. Deputies assigned Body Worn Cameras shall activate them anytime they are in an inmate area. **(Exceptions to this are outlined in General Information #14 and #15 above.)**
3. Anytime there is a significant event that may be captured on the digital recording the deputy involved will document the event according to the documentation/download procedure of the Body Worn Cameras. These events include but are not limited to:
 - A. Any criminal activity such as fights, assaults, destruction of jail property, drugs and/or weapons
 - B. Cell searches that result in the finding of contraband where an incident report is warranted
 - C. All contacts resulting in issues that would constitute the need for documentation in an incident report like aggressive behavior, disrespect, threats, etc...
4. Upon leaving the inmate housing area and returning to a non-inmate area the deputy shall turn the recording device off.
5. In the event an employee becomes aware of an accidental or inadvertent activation of the BWC the recording employee shall request that the BWC file be deleted by submitting an e-mail request with sufficient information to locate the BWC file to the Staff Lieutenant who shall review the file and approve or deny the request.
6. At the completion of each shift the deputy shall dock the Body Worn Camera to be downloaded.

PROCEDURE: RETENTION/REVIEW OF RECORDINGS

1. All recordings will be automatically downloaded to cloud based storage provided by the Body Worn Camera Company upon placement in the docking station. The manufacturer shall ensure the data is secure and properly backed up.
2. Any recordings related to a criminal report shall be downloaded, booked into evidence, and provided to the District Attorney's Office with the associated criminal report.
3. Access to the recordings is managed on a need to know, right to know basis. All access to the system at Evidence.com is logged and available for audit purposes.

4. Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct. This includes the review of BWC recordings for the purpose of answering inmate grievances.
5. Generally, non-supervisory personnel will not have access to other employees' BWC recordings unless requested for a legitimate law enforcement investigation purpose.
6. Deputies may only view recorded data on Sheriff's Office authorized computers. Deputies shall document the reason for accessing the video.
7. Deputies may review recorded files related to:
 - A. Their involvement in an incident for the purposes of completing official reports. Deputies should not use the fact that a recording was made as a reason to write a less detailed report.
 - B. Prior to courtroom testimony or for courtroom presentations.
 - C. Providing a statement during an administrative inquiry.
 - D. For training purposes as directed by a supervisor.
 - G. In response to court orders, subpoenas, public records act (PRA) requests, etc. a deputies BWC recording(s) may be reviewed by Sheriff's Office members who have a legitimate law enforcement reason to view the recording (Custodian of Records, Compliance Officer, Supervisory Staff, Command Staff, etc.)

PROCEDURE: RELEASE OF RECORDINGS

1. All law enforcement requests for BWC recordings shall be in writing to the Compliance Officer with sufficient information to locate the BWC recording.
2. Media requests, as well as all other requests for a BWC recording (subpoenas, Public Records Act, etc.) shall be processed in accordance with applicable federal, state, and local laws and regulations and office policy. Any recording that is released to the media or other external source, shall require the approval of the Sheriff or their designee.
3. When practical, personnel involved in the recording will be notified prior to release.
4. A BWC recording may be utilized as a training tool for individuals, specific units, and the office as a whole.

5. If an involved member objects to the showing of a recording for training purposes, his/her objection will be submitted to the Sheriff or designee to determine if the employee's objections outweigh the training value. The employee will be notified of the decision prior to any showing of the video.

Approved by: Duane Christian, Captain
Facility Manager

Signature: _____

Date Signed:

Reviewed by CC: _____