

<p style="text-align: center;"> Contra Costa County Office of the Sheriff General Policy and Procedure </p>	<p style="text-align: center;">CCCSO</p>	<p style="text-align: center;">NUMBER: 1.06.82</p>
	<p>RELATED ORDERS: Office of the Sheriff Policy Sections: 1.06.71, 1.06.73, 1.06.74, 1.06.77, 1.06.78, 1.07.53, 1.07.58. AB 459 (eff. 1-1-2018) adding Gov. Code §6254.4.5.</p>	
<p>ISSUE DATE: 11-20-2014 REVISION DATE: 10-30-2018</p>	<p>CLEARANCE: <p style="text-align: center;">Office of the Sheriff</p> </p>	
<p>CHAPTER: <p style="text-align: center;">Office of the Sheriff Operations</p> </p>	<p>SUBJECT: <p style="text-align: center;">Mobile Audio Video & Body-Worn Camera</p> </p>	

I. POLICY

- A. This policy is applicable to personnel operating Mobile Audio Video (MAV) or Body-Worn Camera (BWC) recording systems. Such systems are used to record Deputies in the performance of their duties by providing a visual and/or audio record of their activities, as outlined in this policy. Video recordings are intended to provide an objective visual/audio record of the incident and to augment the Deputy's report.
- B. The purpose of this equipment is to accurately document the events, actions, conditions and statements made during vehicle stops, pedestrian stops, arrests, disruptive inmate confrontations, medical responses and other critical incidents in order to verify the accuracy of crime reports, jail incident reports, collection of evidence, and testimony in court. Recordings also enhance the ability to review procedures for the purpose of employee evaluation and training.
- C. Deputies will make every reasonable effort to record such contacts and incidents listed in section B above. If circumstances prevent a Deputy from recording such a contact, then this must be documented with the explanation in any subsequent report.

II. DEFINITIONS

- A. **MOBILE AUDIO VIDEO (MAV) & BODY WORN CAMERA (BWC) RECORDING SYSTEMS.** For purposes of this policy, these systems refer to equipment mounted on a movable object, such as a dashboard camera in a vehicle, or mounted to an aircraft, or may also refer to video equipment affixed to a person, such as body-worn or lapel cameras. References in this policy to video recording systems are in regards to all types of mobile systems, including vehicle and body-worn cameras.

III. LEGAL ISSUES

- A. Body-worn camera equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the property of the Sheriff's Office. Use of body-worn cameras for any purpose other than in accordance with this policy is prohibited.
 - 1. BWC equipment purchased and maintained by Sheriff's Office Contract Cities shall remain the property of the city; however, the equipment shall be operated in accordance with this policy.
- B. Employees shall not **surreptitiously** record department personnel without their expressed permission.

IV. TRAINING & ASSIGNMENT

- A. Deputies shall not use a recording system until they have been trained in its proper use and care.
- B. Training will be provided by a qualified trainer, will be documented, and will consist of a review of the recording system, its functions, usage, and recommended activation.
- C. Deputies who have been assigned to a vehicle equipped with a MAV recording system shall use it and the portable audio transmitters pursuant to the provisions outlined in this policy.
- D. Deputies who have been assigned a BWC recording system and deployed with it during the course of their respective shift shall wear and use it pursuant to the provisions outlined in this policy.
- E. BWC recording systems shall be assigned to the following Deputies in Detention Facilities:
 - 1. Intake Deputies working in booking facilities.
 - 2. Escort Deputies.
 - 3. SERT supervisors during cell extractions and other disturbances.
 - 4. Other Deputy assignments as determined by the Facility Commander.

V. DEPUTY RESPONSIBILITIES

- A. Employees are responsible for the reasonable care and maintenance of recording equipment issued or assigned for their use.
- B. The systems will be operated according to the manufacturer instructions and recommendations.
- C. Deputies shall be certain that their MAV/BWC recording system is fully charged at

the start of his or her shift. At the conclusion of their shift, Deputies shall ensure their MAV/BWC system is powered down and no longer recording.

- D. At the beginning of each shift, Deputies shall determine whether their recording equipment is working satisfactorily. If a MAV/BWC system malfunctions or becomes inoperable during the Deputy's shift, this shall be noted in all written reports in which a recordable incident occurs. The Deputy shall immediately report the malfunctioning equipment to his/her supervisor. The Deputy will make every reasonable effort to acquire a replacement BWC once it is discovered to be inoperable.
- E. Deputies shall only use those devices issued by the Office of the Sheriff or designee (i.e. Contract City). All devices must be approved by the Division Commander or Facility/Station Commander.
- F. Officers shall wear body-worn cameras above the midline of their torso and in position designed to produce an effective recording.

VI. SUPERVISOR RESPONSIBILITIES

- A. Patrol vehicles with MAV recording systems shall be deployed whenever possible and should be utilized prior to a vehicle without a video camera system.
- B. The shift supervisor is responsible for issuing BWC recording equipment and logging the assignments during lineup or at the beginning of the shift.
- C. The shift supervisor shall ensure issued BWC equipment is returned at the end of the shift.
- D. Supervisors are responsible for ensuring Deputies download video files and recharge the equipment from the previous shift as early in their shift as practical, to ensure it will be ready for the following shift.
- E. Supervisors shall, upon learning a MAV/BWC is inoperable, make arrangements to have the device fixed or replaced.
- F. Supervisors who are made aware a Deputy's BWC has become inoperable during the Deputy's shift will make a reasonable effort to provide a working device to the Deputy, if one is available.
- G. Supervisors may review video recordings at any time for approved purposes, such as training, reviewing a Deputy's performance, resolving citizen complaints, or during any necessary administrative inquiry. If, after reviewing a recording, a supervisor has developed cause for further inquiry (officer safety, use of proper procedures, or other administrative or operational issues), the recording may be used for such authorized inquiries or investigations.

VII. ACTIVATION

- A. MAV recording systems can be activated either automatically (depending on the device specifications and settings) or manually. BWCs can only be activated

manually. The systems need not be recording during normal shift activity. However, if either system (BWC or MAV) is intentionally activated (either automatically or manually) to record an incident, it shall remain on until the incident has reached a conclusion.

1. For a primary Patrol unit, the term “conclusion” in this context means when the Deputy places the arrestee into the Patrol vehicle, releases an involved subject, or turns the subject over to a third party.
2. For assisting Patrol units, the term “conclusion” in this context means the assisting Deputy has left the scene.
3. In a Detention Facility, the term “conclusion” in this context means when the combative or resistive inmate(s) has been secured inside a housing unit cell, holding cell or safety cell, the inmate(s) has been medically cleared (if applicable), and Central Control has acknowledged the situation is “Code Four.”

B. The MAV/BWC recording systems shall be activated as soon as practical and safe to record the following incidents:

1. All vehicle stops, including DUI’s.
2. All pursuits, or suspects attempting to evade arrest.
3. Major incidents (fires, explosions, protests, rescues via helicopter, critical incidents, etc.), any Code 3 response or when responding to an emergency or “in progress” type of crime or incident (Felony or Misdemeanor).
4. Suspect(s) held or transported in the rear of the patrol car. The recording of suspects shall continue through the pre-booking process, or until the suspect is turned-over to custody staff. Additionally, all transports or courtesy transports shall be recorded.
5. Major traffic accident investigations. (Deputies may use discretion during lengthy accident investigations and turn off the camera once the scene has been stabilized).
6. Investigative contacts such as Field Interviews, In-Field show-ups, and suspicious subject contacts.
7. Detention Deputies should activate BWC equipment before dealing with hostile inmates, before any anticipated use of force, and as soon as they realize a situation is escalating. The equipment shall be activated before responding to notice of a combative arrestee being brought into the jail for booking. BWC equipment shall be activated before escorting inmates who are known to be hostile, combative, or who routinely make allegations of excessive use of force. BWC equipment shall be activated when responding to any code called in the facility.

8. Any other incident where the Deputy deems it necessary to gather and retain evidence.
 9. Deputies should make every reasonable effort to record non-enforcement contacts should they become confrontational, assaultive, or enforcement-oriented.
- C. Deputies are not required to advise or obtain consent from a citizen when:
1. In a public place; or
 2. In a detention facility or temporary holding facility;
 3. In a location where there may be an expectation of privacy but the Deputy is lawfully present.
- D. Deputies will notify the supervisor as soon as practical, of any recorded sequences that may represent significant evidence. The supervisor will determine if a copy of the recording should be made and placed into evidence.
- E. No employee shall modify, alter, erase or record over any portion of an audio/video recording.
- F. Deputies shall not be required to activate body-worn cameras when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative, minister, etc.).
- G. In general, Deputies should not activate BWC equipment and/or use caution when entering a public locker room, changing room, restroom, jail showers, doctor or lawyer offices or interviews, or other places where individuals unrelated to the law enforcement incident are present and would have a heightened expectation of privacy.
- H. BWC equipment shall not be activated during routine inmate strip searches, unless the situation becomes combative and/or violent.
- I. No recording or portion thereof may be copied or released without the approval of the Division or Facility Commander. Requests for copies made pursuant to the Public Records Act shall be handled in accordance with Section XI. C. and D. Copies may be made for court or at the request of the District Attorney's Office and County Counsel. Copies of recordings for training purposes require prior approval from the Division or Facility Commander.

VIII. REVIEW OF RECORDINGS

- A. Recordings may be reviewed in any of the following situations:
1. By a supervisor reviewing a Deputy's performance.
 2. By a department detective who is engaged in an official investigation.

3. By the recording Deputy who needs to review his or her own recordings for report preparation or sworn testimony.
4. Recordings may be shown for the purposes of training value with prior review and approval of the Division or Facility Commander. If an involved Deputy objects to the showing of a recording, his/her objection will be submitted through the Chain of Command to determine if the training value outweighs the Deputy's objection to showing the recording.
5. Deputies desiring to view any recording, not their own, shall submit a request in writing to the supervisor.
6. By authorized Departmental personnel for purposes of potential or actual litigation review and preparation, and by authorized personnel of the County's Risk Management Division and County Counsel.
7. In no event shall any recording be used or shown for the purpose of entertainment or ridicule.
8. Recordings will not be posted to any social media internet site without the approval of the Bureau Assistant Sheriff.

IX. DOCUMENTING USE

- A. Any incident recorded by a MAV or BWC system shall have a notation in the synopsis of the report indicating that there is video/audio evidence. If a citation is issued during a citizen contact of which a recording was made, the front of all copies shall have the notation, "VIDEO ON FILE" indicating there is video/audio evidence.
- B. The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The use of body-worn cameras does not reduce the requirement to provide thorough written documentation of an incident. Persons reviewing recordings must also be cautious before conclusions are reached about what the recordings show.

X. VIDEO MEDIA STORAGE AND INTEGRITY

- A. Evidence videos may be booked in hard copy formats (e.g., DVD, Thumb Drive) or "soft" copy format into a server solution (cloud or local) that is CJIS compliant and approved by the Division Commander or Contract City Chief. The method of booking the videos shall be documented in the incident or crime report.
- B. All video/audio recordings that are not booked into evidence in a "hard" copy format will be retained in approved storage for a period of two years, after which they will be deleted if no longer needed for an ongoing proceeding. Recordings relevant to on-going criminal or civil proceedings must be retained for so long as the proceedings are pending.

- C. The Station House, Facility Commander, or Technical Services designee shall maintain control of all media storage resources relating to equipment used at their respective work station.

XI. COPIES OF VIDEO/AUDIO RECORDINGS

- A. MAV/BWC recordings shall not be used for any purpose other than as outlined in this policy.
- B. Stored recording media copies may be released in response to:
 - 1. A Public Records Act Request (but see C and D, below);
 - 2. A valid court order or subpoena (see Section XIII, below);
 - 3. To the District Attorney's Office for purposes of prosecution;
 - 4. To authorized Departmental personnel for purposes of review, investigation, training, or potential or actual litigation defense;
 - 5. To County Counsel; or
 - 6. Upon approval by the Division or Facility Commander.
- C. MAV/BWC recordings are subject to the Public Records Act and shall be released except where an exemption, such as the "investigations" exemption (Govt. Code 6254(f)), applies. Generally, investigative video recordings shall not be released pursuant to a Public Records Act request, but a release may be authorized under the provisions set forth in "D" below.
- D. MAV/BWC recordings may be released to the public and to the media upon the specific approval of the Division or Facility Commander where such release will assist the interests of justice. However, a recording that was created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording, shall not be released except upon the approval of the FOB Assistant Sheriff. If a decision is made not to release such video, the denial letter provided to the requester shall justify withholding such a video or audio recording by demonstrating, pursuant to Section 6255, that on the facts of the particular case, the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosure of the recording.

XII. RECORDINGS AS EVIDENCE

- A. If a hard copy of a MAV/BWC recording is booked into evidence, it shall be packaged and labeled and a Chain of Custody Label is to be affixed to the outside of the packaging in the same manner as other property and the collection and disposition of such evidence shall be referenced in the crime report (see Section IX.A).
- B. If a soft copy of a MAV/BWC recording is booked into a digital evidence storage solution, it shall be identified by the case number and the retention status will be changed to an evidence category allowing for indefinite storage until the evidence is

no longer needed and manually deleted.

XIII. EXTERNAL REQUESTS - PROCEDURE FOR DISCOVERY OF EVIDENCE AND CITIZEN REVIEW

- A. Upon receipt of a subpoena, a supervisor or designated Custodian of Records will be responsible to make a copy of the requested recording or segment thereof as ordered by the court or other authorized party. The procedure to complete the discovery recording copy process will be as follows:
 - 1. A supervisor will make a copy of the identified video recording from video recording storage.
 - 2. The supervisor will forward the discovery copy of the recording to the court pursuant to established procedures.
 - 3. Recordings shall not be released under informal discovery requests, i.e. without a subpoena.

XIV. INTERNAL REQUESTS - PROCEDURES FOR DISCOVERY OF EVIDENCE

- A. Upon written or email request by a Deputy or other staff member who requires a copy for court or administrative purposes (other than an Departmental Personnel specifically authorized to view the video pursuant to Sections VIII and XI), a supervisor or designated Custodian of Records will be responsible to make a copy of the requested recording. The procedure to complete the recording copy process will be as follows:
 - 1. A supervisor will make a copy of the identified video recording(s) from video recording storage.
 - 2. The supervisor will then forward the copy of the original recording(s) to the Deputy or staff member.

XV. REQUEST FOR DELETION OF ACCIDENTAL RECORDINGS

- A. In the event of an activation of a BWC where the resulting recording contains personal and/or private conversations of a Deputy unrelated to any ongoing criminal or Internal Affairs investigation, or otherwise has no valid official purpose, and which has no apparent evidentiary or investigatory value, a Deputy may request the deletion of he accidentally recorded BWC video file by submitting a written request to the Division or Facility Commander. If the Commander determines the BWC recording meets the above criteria, the video file may be deleted after 30 days.
- B. In the event of an accidental activation of a BWC where the Division or Facility Commander determines a BWC recording contains the personal and/or private conversations or images of any other individual unrelated to an ongoing criminal or Internal Affairs investigation, or otherwise has no valid purpose, and which has no apparent evidentiary or investigatory value, it may be deleted after 30 days by direction of the Commander.