

CRISP COUNTY SHERIFF'S OFFICE

POLICY AND PROCEDURE

SUBJECT: BODY-WORN VIDEO CAMERA

POLICY: O-520

APPROVED: _____
H.W. Hancock, Sheriff

DATE: _____

LAST REVISED: _____

APPLICABLE STATE STANDARD: 5.14

I. PURPOSE:

The purpose of this policy is to establish procedures pertaining to the Crisp County Sheriff's Office's use of Motorola Si500 Video Cameras (BWCs).

II. POLICY

It is the policy of the Crisp County Sheriff's Office ("the Agency") to utilize body-worn camera (BWC) equipment to record and document specific categories of law enforcement interactions with the public, and to institute parameters governing the viewing, storage, and dissemination of the associated audio-visual recordings.

III. DISCUSSION:

- A. Numerous studies have shown that the use of BWCs by Sheriff's Offices has significantly contributed to officer safety; provided evidence for criminal prosecutions; assisted in resolving complaints made against personnel; and fostered positive relationships with the community. In light of these findings, and with the goal of garnering similar positive outcomes, the Agency is issuing BWCs to numerous sworn personnel for use in the field.
- B. All sworn personnel who are assigned to the Patrol Division, and any other employees so designated by the Sheriff, who are issued and/or authorized to use BWC equipment by the Agency (i.e. "BWC employees") shall wear and utilize the BWC equipment that has been issued to them and/or that they have been authorized to use whenever they are conducting "official activities" (i.e. regular tours of duty; detail assignments, with the exception of road construction detail assignments unless otherwise directed; special events; etc.). Under no circumstances shall any Agency personnel utilize a non-Agency issued or unauthorized BWC or any associated hardware devices, peripherals, or software, when conducting their official duties. Employees who are working extra duty details shall wear the BWC. Employees working off duty shall not wear the BWC.
- C. Notwithstanding software and devices that are deployed for use by all employees who have been authorized to use BWCs, said employees shall only utilize the BWC equipment that has been issued or assigned to them.

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- D. While on duty and engaged in interactions with the public, all employees - regardless of whether or not they have been issued, authorized to use, or are using a BWC -shall be prohibited from using personal audio or video recording devices.
- E. Agency members are reminded that at all times they shall comply with all applicable parameters of the Crisp County Sheriff's Office Policies & Procedures.

IV. MOTOROLA SI500 VIDEO CAMERAS, GENERALLY

A. BWC employees shall:

1. Report to their designated locations at the beginning of each tour of duty with the BWC that has been issued to them.
 - a. A BWC shall only be deployed by the Employee to whom it has been issued and/or its use has been authorized.
2. Inspect the BWC to ensure that the battery is fully charged and that the device is assembled correctly and is fully operational.
 - a. As soon as practicable, an employee shall report to his/her immediate supervisor, both verbally and by documenting the facts and circumstances in a letter of information, whenever a BWC is not functioning properly, damaged, or missing.
 - b. BWCs that are not functioning properly, are damaged, or that require maintenance, and copies of any associated documentation, shall be turned-over to a system administrator as soon as practicable for repair/replacement.
 - i. Missing or lost BWCs shall be replaced either from existing hardware reserves or via the manufacturer, as soon as practicable.
3. Position the BWC on the lapel portion of the work clothing, in the location and manner communicated and demonstrated through Agency-approved training or in an appropriate location if Bluetooth activation is authorized, so as to facilitate obtaining an appropriate and unobstructed recording field of view.
4. Report to their designated locations at the conclusion of each tour of duty/official activity and enter a Wi-Fi access point or insert the BWC into the provided docking station so as to initiate the uploading of video from and the recharging of the device.

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- a. All data recorded by BWCs shall be uploaded to and stored within the BWC vendor-related cloud storage service system commonly referred to as *CommandCentral Vault* software. External copies of BWC data extracted from this system may only be made in accordance with the restrictions delineated within this policy.
 - b. A 24-hour extension for the uploading of video, as measured from the conclusion of the Employee's tour of duty, may be granted by the Employee's immediate supervisor on a case-by- case basis, and must be documented by that supervisor in writing to the Employee and to the Employee's Division Major.
5. Use the storage software to mark for automatic archival any portion of a BWC recording that captures an arrest and any related footage.
- a. Tagging of videos shall be accomplished automatically via the proprietary Records Management System (RMS) Integration feature of the BWC manufacturer's software.
 - b. Employees shall categorize videos by selecting the appropriate options available to them, as per training. These categories can be added and edited through the *CommandCentral Vault*
6. Clearly state in writing within the following documents that a BWC activation occurred relative to an incident, arrest, or charge, whenever such documents are created in accordance with Agency policy:
- a. Within the narrative of the corresponding Interop RMS electronic report.
 - b. As a notation on any summonses/citations that are issued.
 - c. In a witness statement.
 - d. Within a Use of Force report.
7. Remove the BWC from the docking station once the upload procedure has completed, and securely retain it.
- a. Recharging of the BWC shall be completed with the issued charging devices, whenever necessary.
- B. Whenever the use of a body camera is deemed necessary during an official activity and is so ordered by the Sheriff (i.e. regular tours of duty, special events,

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certain detail assignments, etc.), an Employee who has not been issued a specific BWC for his/her exclusive use shall report to the Patrol Division Captain or the Patrol Division Captain's supervisor designee in Sheriff's Office prior to the commencement of the activity.

1. The Patrol Division Captain or his/her supervisor designee shall issue to the Employee a spare (i.e. unissued) BWC for the Employee's exclusive use during the duration of the official activity.
 2. The Employee to whom the BWC is issued, and any supervisor involved in the issuance/return processes, shall comply with all applicable procedures contained within this policy.
 3. The Employee shall respond to the assigned location to perform the BWC data upload procedure at the conclusion of the official activity.
 4. A log shall be kept by the Patrol Division Captain or his/her supervisor designee which documents the BWC issued; the employee to whom the BWC was issued; the date and time of issue; the supervisor issuer; the event for which the BWC was issued. This log shall also document the BWC that is returned to the Patrol Division Captain or his/her supervisor designee by the employee; the date and time that the BWC was returned; the supervisor to whom the BWC was returned, and the condition of the BWC at the time of return. Furthermore, the log shall also include the signatures of the BWC employee and supervisor issuer, to be affixed at the time of BWC issuance; as well as the signatures of the BWC employee and the supervisor to whom the BWC is returned, to be affixed at the time of the return of the BWC to the Patrol Division.
- C. Personnel who have not been issued a BWC but who wish to voluntarily utilize one shall follow the procedures set forth in "B", above. The Patrol Division Captain or his/her supervisor designee shall either approve or deny the request.
- D. Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the BWC system.
- E. Personnel shall not edit, erase, delete, or redact BWC recordings.
- F. BWC employees should continue to prepare reports in the same manner as prior to the implementation of this camera system. Employees should not substitute "refer to video" for a detailed and thorough report. Employees should avoid using exact quotes, but should represent statements in their reports as a summary of what is contained in the video, such as, "In summary the victim related ..."

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G. Generally, BWCs shall be turned off when entering the Crisp County Sheriff's Office (CCSO), and will be subsequently turned on again upon leaving the CCSO and returning to service. Exceptions include but are not limited to:

1. Transporting prisoners within the building.
2. Responding to an emergency situation within or near the CCSO.
3. Circumstances as they relate to Sections V (A)(1-9) and V (C)(1-10) of this directive, as applicable.

V. MOTOROLA SI500 VIDEO CAMERA ACTIVATION PARAMETERS

A. An authorized employee equipped with a BWC shall activate its recording functions as soon as practicable under the following circumstances:

1. All enforcement encounters where there is at least reasonable suspicion that a person has committed, is committing, or may be involved in criminal activity. This includes, but is not limited to, self-initiated stops and dispatched calls for service.
2. All enforcement encounters where there is reason to believe that the individual is committing a violation for which a summons may be issued.
3. When initiating and conducting all vehicle pursuits.
4. When conducting all vehicle and pedestrian stops. Failure to record such stops whenever practicable is strictly prohibited.
5. Taking or attempting to take an individual into custody (i.e. arrests, mentally ill persons/protective custody situations, etc.).
6. All incidents involving a reportable use of force, as soon as and whenever practicable.
7. Any public interaction, regardless of context, that escalates and becomes adversarial.
8. All building searches/entries made pursuant to criminal or investigatory purposes.
9. Whenever an employee judges that it would be beneficial to record an incident, but only when recording does not contradict Section "C", below.

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- B. An authorized employee equipped with a BWC shall, as soon as practicable, report to his/her immediate supervisor both verbally and by documenting the facts and circumstances in a letter of information whenever his/her BWC is not activated under the circumstances prescribed in 1 through 8 of Section "A" above, regardless of whether or not the activation of the BWC was deemed practicable by the employee during the incident.
- C. Unless circumstances 1 through 8 of Section "A" above are applicable, an authorized employee equipped with a BWC is prohibited from activating a BWC and/or continuing to record under the following circumstances:
1. During encounters not directly related to official activities in the proper performance of police duties.
 2. During the performance of non-enforcement functions or administrative duties within an Agency facility.
 3. In places where a reasonable expectation of privacy exists, such as, but not limited to, the interior portions of domiciles, hospital emergency rooms, locker rooms, and restrooms.
 4. Whenever dealing with victims of sex crimes or child abuse.
 5. To record any personal conversation of or between another Agency member or employee without the recorded member's/employee's knowledge and permission.
 6. Whenever the identities and/or investigative techniques of undercover employees would be compromised.
 7. Whenever performing or present during a strip search of a detainee.
 8. Whenever a potential witness requests to speak to an employee confidentially or desires anonymity.**
 9. Whenever a victim or witness requests that he or she not be recorded and the situation is not confrontational.**
 10. Whenever a victim requests that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation.**

**NOTE: Regarding the circumstances delineated in item #'s 8, 9, and 10 above, and whenever appropriate and practicable, any requests to have BWCs

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turned off that are made by members of the public should be captured by the BWC prior to deactivating the video recording function.

- D. Whenever a prohibited recording is made by an authorized BWC employee, he/she shall, as soon as practicable, make a request for deletion of the video file at issue by documenting the facts and circumstances in a letter of information and forwarding it to his/her immediate supervisor .
- E. An authorized employee equipped with a BWC shall, as soon as practicable and when consistent with ensuring employee safety, inform subjects that they are being recorded.
1. BWC employees shall use the following phrase: "I am advising you that our interaction is being recorded."
 2. It should be noted that this provision is not meant to imply that permission is required from a subject prior to initiating recording. Georgia law stipulates that consent to record is only required from one party in an interaction, and the BWC employee, acting as the consenting party, fulfills this requirement.
- F. Once a BWC has been activated the recording function shall not be terminated until all employee interactions have ceased or upon the determination that a prohibited recording is in progress. Discretionary deactivation of a recording requires authorization from a supervisor and should only be considered for such incidents when an officer may be standing by, taking no action for an undetermined length of time.
1. An authorized employee equipped with a BWC shall, as soon as practicable, report to his/her immediate supervisor both verbally and by documenting the facts and circumstances in a letter of information whenever a recording is interrupted and/or prematurely terminated.
- G. Whenever an employee equipped with a body camera conducts a custodial interrogation of a Limited English Proficiency individual (**LEP**) in the field, that interrogation shall be recorded. Recordings made pursuant to this subsection shall be made available to the interrogated individuals and/or their attorneys, unless doing so would impede an ongoing investigation. Release of these recordings to the LEPs and/or their attorneys shall be performed in accordance with Sections VII (B)(7) and VIII of this policy.

VI. MOTOROLA SI500 VIDEO CAMERA RECORDINGS/DATA

- A. All access to the system is logged and subject to audit by Vault Admin at any time. Employee access to audio/video/image/data files on the BWC or its related

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systems is permitted on a right to know/need to know basis. Furthermore, employees authorized to view BWC audio/video/image/data files may only do so in accordance with the provisions of this policy.

- B. In order to maintain the legal protections afforded to employees under *Graham v. Connor* {490 U.S 386 (1989)}, which established the "objective reasonableness" standard for police use of force; and, to ensure the integrity of pursuant investigations; all employees and their legal/other representatives or their designees shall be prohibited from accessing / viewing/ possessing/ disseminating/ listening to any BWC audio/video/image/data file of any kind that pertains to a known or alleged serious use of force incident prior to the submission of all properly completed verbal and/or written statements/reports/field reports/ documentation.
1. The **Chief Deputy Sheriff or his/her designee** shall determine compliance with these reporting/documentation requirements prior to issuing a written approval lifting said prohibition for each serious use of force incident.
 2. Conducted Electrical Weapon discharge incidents that either do not involve an Internal Investigation response or that do not appear to involve death/serious bodily injury are exempt from this prohibition, unless the incident was either reported or discovered in an untimely manner or as the result of an allegation of a serious use of force or a misuse of force.
 3. Barring either a potential conflict of interest or the direct participation in and/or the contemporaneous observation of a specific serious use of force incident, this prohibition shall not apply to the Sheriff, the Chief Deputy Sheriff, and/or their respective designees; the Division Major and/or his/her designees; and personnel of the County of Crisp Attorney.
- C. Unless any of the aforementioned prohibitions are applicable, an employee may be granted access to BWC recordings/data:
1. As they relate to the employee's personal involvement in an incident or the official investigation of an incident, for the purposes of furthering the investigation and/or preparing official reports.
 2. When the employee is notified that he/she has an impending court or hearing date, for the purposes of providing testimony.
 3. Prior to being interviewed in a criminal, civil or administrative case or matter and/or providing a statement either to an investigating body or pursuant to an administrative inquiry.

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- a. Under the circumstances delineated in (VI) (C)(3) above, an employee's legal/other representatives or their designees may also be granted access.
- D. The BWC is intended to record anything that the BWC Employee could have potentially heard and/or observed using his/her senses of hearing and sight. This does not mean that the BWC Employee is required or expected to have seen and/or heard everything documented in the footage. It is imperative for Agency members to clearly distinguish and delineate the following information in any reports that are required per Agency policy:
1. Facts that are recalled independent of a recording.
 2. Recollections that are refreshed by viewing a recording.
 3. Facts that were not previously known but that are learned by viewing a recording.
- E. In the event of a BWC employee being rendered incapacitated/unresponsive while on duty, other employees may connect that employee's BWC to a mobile terminal and view the BWC video in order to identify a possible suspect/aid in apprehension of a possible attacker.

VII. SUPERVISORY RESPONSIBILITIES

- A. Immediate supervisors shall:
1. Inspect uniformed members who are issued BWCs for their personally assigned BWCs and ensure that they are properly affixed to the uniform and functioning properly.
 2. Conduct an immediate investigation whenever notified that a BWC is not functioning properly, has become damaged, or is otherwise unaccounted for.
 3. Conduct an immediate investigation whenever notified that a recording was interrupted or an incident that is required to be recorded was not recorded.
 4. **Document in a letter of information** the facts and circumstances pertaining to any of the aforementioned BWC investigations, and forward that letter, the BWC employee's letter, and any investigatory documentation through the chain of command to the Sheriff.

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5. Forward all letters requesting the deletion of prohibited recordings through the chain of command to the Sheriff, who shall communicate his decision in writing back down the same chain of command as well as to the system administrators.
 6. Review pertinent BWC audio/video/image/data files and report his/her findings when completing a Supervisor review of Use of Force in accordance with Policy and Procedure O-101, "Use Of Force".
- B. BWC Vault admins are supervisory-level personnel who are designated by the Sheriff and have BWC oversight responsibilities which include but are not limited to the following:
1. Operation and user administration of the system.
 2. System evaluation.
 3. Training.
 4. Policy and procedure review and evaluation.
 5. Coordination with IT regarding system related issues.
 6. Ensuring that BWC files of evidentiary/investigative/probative value are securely archived.
 - a. Any time a video captures a reportable use of force, detention, or arrest; or anytime a video captures the topic of an internal affairs complaint and that complaint is known to police; that video will be flagged for archival automatically.
 7. Ensuring that requests for copies of any documents, data, records, files, or recordings relating to BWCs are reviewed and approved by the Sheriff and/or the Chief Deputy Sheriff, or their respective designees, in conjunction with the County Attorney, prior to release.
 - a. BWC recordings shall be included in the release of documentation to the District Attorney's Office by the Criminal Investigations Division for the purpose of prosecuting the case. Once a case has been cleared by arrest with all investigative actions documented, it shall be forwarded to the CID Captain for review prior to submitting the file to the District Attorney's Office for prosecution along with copies of all lab reports and audio or video recordings.

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8. Ensuring that written directives from the Sheriff and/or Chief Deputy Sheriff to edit, delete, or alter any BWC captured audio and/or video are carried out as stated and documented.
 9. Performing documented reviews of BWC images/audio/video/data on a monthly basis. Immediate supervisors (i.e. Patrol Sergeants, Detention Corporal, Investigative Lieutenant) shall perform a documented review of at least one BWC recording per BWC employee under their command, per month. Division Majors, shall randomly review the BWC recordings of BWC employees under their command each month. These reviews will focus on the following issues:
 - a. Customer service.
 - b. Adherence to directives and training pertaining to BWCs.
 - c. The functionality and effectiveness of BWCs.
 - d. Employee safety and related training.
 - e. Any other issues that could result in a citizen complaint; a hindrance to prosecution; or liability to Agency personnel, the Agency, or the County of Crisp.
- C. Any violations of law or Agency policy that are found during a review shall be reported in writing to the next supervisor in the reviewer's chain of command for remedial action. Violations of a serious nature shall be forwarded to the Chief Deputy Sheriff and to the Sheriff.

VIII. PROVISIONS

- A. BWCs, as well as any image, video , audio and/or data captured by or pertaining to BWCs, irrespective of the nature or content, are at all times the property of the Agency and the County of Crisp. Members of the Agency may not in any way copy, publish, share or disseminate any BWC audio/video/image/data files except as authorized by the Sheriff or the Chief Deputy Sheriff, or their respective designees. Furthermore, members of the Agency may not edit, delete or alter any audio/video/image/data files either captured by or pertaining to BWCs or stored on the cloud server or other storage media devices, except as authorized by the Sheriff or the Chief Deputy Sheriff. S
 1. The Sheriff, the Chief Deputy Sheriff and the personnel of the County of Crisp Attorney shall collaboratively ensure that BWC recordings are redacted as necessary prior to release so as to preserve any applicable

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privacy rights, and shall also ensure that such recordings are only released when in accordance with:

- a. The parameters set forth in any applicable bona fide legal process or federal law; and/or
 - b. The parameters set forth in **Georgia Open Records Act § 50.18.70 et seq**, commonly known as the Freedom of Information Act ("FOIA"), which pertains to public records requests and delineates the types of records that are exempt from public disclosure.
 - c. In keeping with the current process pertaining to FOIA requests, BWC-related records requests shall be forwarded to the Agency from the County of Crisp Attorney after being properly vetted.
 - d. All requests for BWC recordings must be in writing. No recordings shall be released without the expressed approval of the Sheriff and/or Chief Deputy Sheriff.
- B. Whenever applicable, the Agency's existing chain of custody procedures/ protocols will be followed in order to ensure the integrity of BWC audio/video/image/data files.
1. Unless otherwise prohibited by law, BWC recordings shall be retained, at a minimum, in accordance with records retention schedule as provided by the Georgia Office of the Secretary of State. Notwithstanding the above, entities who may order the archival of BWC recordings include the Sheriff, Chief Deputy Sheriff, members of the Agency Command Staff, and personnel of the County of Crisp Attorney.

Georgia Office of the Secretary of State Retention:

LG-19-068A and LG-19-068B | Video Footage from Body Cams/Dash Cam /Drone Cams

Description: Video recording from law enforcement drones or body-worn devices located on or inside of law enforcement vehicles

Retention: (LG-19-068A) 180 days except (LG-19-068B) if recording is part of a criminal investigation, shows a vehicle accident, shows the detainment or arrest of an individual, or shows a law enforcement employee's use of force, and then it shall be retained for 30 months.

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2. Recordings that are being stored for criminal, civil, evidentiary, or administrative purposes are to be tagged in *CommandCentral Vault software* with a permanent retention period and may be transferred to a DVD/CD and preserved as evidence. Transfer of BWC recordings to other media sources for these purposes shall be conducted by an **Agency or Vault Admin**. The **Agency or Vault Admin** is responsible for documenting the transfer and chain of custody within *CommandCentral Vault software* and in an incident report.
- C. Except as provided for in section VII (B)(9)(a-e), above, it shall be deemed a violation of this policy for recordings to be reviewed solely for the purpose of searching for instances of Agency members committing violations of law or Agency policy, unless such reviews are related to a specific complaint, allegation, or incident.
- D. All sworn Agency personnel, regardless of rank, shall receive documented initial and ongoing training in this policy and in the use of BWCs at a level commensurate with their actual or anticipated involvement in the use and/or supervision of those employees who use BWCs, both prior to and throughout the duration of time that this Agency may authorize their use and issue them, as deemed **appropriate by the Patrol Division Captain and/or Training Division**.
- E. **A documented review of the BWC program and this policy shall occur at least every six (6) months or sooner** should circumstances so dictate. This review shall include the participation of the following entities and/or their respective designees:
1. The Sheriff.
 2. The Chief Deputy Sheriff.
 3. The Field Operations Major.
 4. The Detention Major.
 5. The County of Crisp Attorney.
 6. The BWC Systems (Vault) Administrators.

IX. PUBLIC AVAILABILITY

- A. We value openness and honesty with regards to the public. Therefore, this policy is publically available upon request.