

Department Media

303.1 PURPOSE AND SCOPE

The Department recognizes the importance of capturing law enforcement contacts through the use of technology. The viewing of these recordings is necessary for the accurate documentation through written reports, courtroom testimony, and voluntary statements.

303.1.1 DEFINITIONS

For the purpose of this policy, Department media is defined as any form of video or audio recording, or photographs, captured by a Department owned recording device or a personal device, as authorized by policy 424.2. This includes, but is not limited to:

1. Fixed position cameras,
2. Handheld video cameras,
3. Patrol Video System (PVS),
4. Body Worn Cameras (BWC),
5. 911 recordings,
6. Dispatch recordings,
7. Audio recorders (digital recorders, PUMA, cell phone, etc.),
8. Aerial video,
9. A Member's personal device as authorized by policy 424.2.

303.2 POLICY

It is the policy of the Department to extend to its Members the ability to review all available Department media when writing reports, preparing for courtroom testimony and prior to making voluntary statements.

However, Members should not use the fact that a recording was made as a reason to write a less detailed report, or use the recording as a substitute for their own perceptions and observations. Whenever a Member reviews Department media recordings to refresh his or her recollection for the purpose of report writing, it shall be documented on the initial crime report or any supplemental reports that such Department media recording was reviewed.

It is the discretion of the Sheriff or his/her designee to prohibit the review of any Department media if it is determined to be in the best interest of the Department and/or County.

Members who are the subject of an administrative discipline investigation may be required to give a statement prior to reviewing any Department media.

Members shall not play back Department media recordings to allow members of the public to view them.

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303.3 ADDITIONAL VIEWER AUTHORIZATION

Recorded files may also be disclosed as follows:

1. To any Department Member who is conducting an official investigation such as a personnel complaint, administrative investigation, or criminal investigation;
2. To executive command, managers, and supervisors for a specific business purpose such as commendations, training, an official investigation (such as a personnel complaint, administrative investigation or criminal investigation), a clear and reasonable concern of unprofessional conduct, and the review of critical incidents. Audits of recordings will be documented utilizing available system functions;
3. To any Department Member prior to responding to a court process (e.g. discovery request, subpoenas duces tecum, court orders) or to those in a court proceeding who are otherwise authorized to review evidence in a related case;
4. To prosecuting agencies for the purpose of reviewing evidence;
5. Pursuant to a Risk Management Bureau request;
6. To the IT staff for the purpose of providing user support, infrastructure assistance, and quality assurance of recordings (clarity, lighting, video, audio, etc.).

303.4 CALIFORNIA PUBLIC RECORDS ACT (CPRA) AND/OR RELEASE TO MEDIA

Recorded files may be released to the public and/or media under the following circumstances:

1. Members responding to a Public Records Act are authorized to access and view media in response to the request;
2. Recordings may be released to the media with permission of the Sheriff or the Sheriff's authorized designee;
3. Prior to release of recordings under this section, the Sheriff or his/her designee shall make a reasonable attempt to provide advance notice to the Member who recorded the media as well as all other Members who are recognizable in the recording via chain of command by phone or email.

303.5 RECORD KEEPING REQUIREMENTS

Any access to Department media recordings and metadata will be documented within the system's internal audit trail to protect the integrity of the files.

Only authorized personnel will make redactions, when necessary, and retain the redacted copies within the system.

Files should be securely stored and managed in accordance with established procedures, policies and best practices, including the Department's Records Retention, and Disposition Schedule.