

# Chickasaw County Sheriff's Department

## Policies and Procedures

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| <b>Subject:</b> Body Worn Video System | <b>Policy Number:</b> 5.0   |
| <b>Issue Date:</b> 07/01/17            | <b>Revision Date:</b>       |
| <b>Approval Authority</b>              | <b>Sheriff James Meyers</b> |
| <b>Title and Signature:</b>            |                             |

### POLICY

The Chickasaw County Sheriff Department has chosen to implement the use of body worn video recording systems as a means to obtain the goal of recording interactions between deputies and the public during certain situations. We have, therefore, chosen the FirstVu body worn video recording system to equip officers with technology that is most capable of fulfilling this obligation and securing the public trust. The use of body worn video recording systems is expected to result in greater transparency, more effective prosecution, and improved protection against false allegations.

### DISCUSSION

The Chickasaw County Sheriff Department is committed to protecting the constitutional rights of all people while enhancing our own abilities to collect evidence and solve crimes. We recognize the need to continuously improve our knowledge and application of the law as it pertains to our members in their capacities as law enforcement officers and collectively, as a law enforcement agency. We further recognize the benefit of employing equipment and technology that will assist us in our ethical, legal, and moral obligation to identify, collect, and preserve the best evidence of encounters between our officers and the public. This is especially true where the possibility exists that our officers may determine it necessary to exercise their legal discretion, power, and authority, in concert with a police intervention, under the color of law.

### DEFINITIONS

**Body worn video recording systems (BVRS):** A device worn by individual deputies that can capture audio and video when activated by the officer, including the FirstVu Body Worn Video Recording System.

**FirstVu Body Worn Video Recording Systems:** A BVRS audio/video recording system developed by Digital Ally which is currently authorized as the sole means of overt on- deputies video recording.

**Media or Data:** For the purpose of this policy, includes photographs, audio recording,

and video footage captured by the BVRS.

## **PROCEDURES**

### **I. Deputy Responsibilities**

- A. Prior to going into service, each uniformed deputy will be responsible for making sure that he/she is equipped with a departmentally issued BVRS in good working order and wearing as part of the uniform.
- B. Personnel utilizing the BVRS will be responsible for the following:
  - i. Ensuring at the beginning of each shift that the battery is fully charged daily and operating properly;
  - ii. Immediately reporting unresolved equipment malfunctions or problems to their supervisor;
  - iii. Monitoring system effectiveness and making recommendations for operational improvement and policy revision;
  - iv. Reporting the use of the BVRS on one of the following:
    - a. On the police report/computer entry;
    - b. As a notation on a citation; or
    - c. On a Field Contact card
  - v. Successful completion of training on the proper operation and application of the BVRS.
- C. Deputies are prohibited from utilizing BVRS for personal use. Video/audio data captured by the BVRS is considered the property of the Chickasaw County Sheriff Department. There is no expectation of privacy by the deputy in regards to data resultant of BVRS use.

### **II. Supervisor Responsibilities.**

- A. It shall be the responsibility of the supervisor to report malfunctions or issues with the BVRS device to Digital Ally for repair or resolution.

### **III. FirstVu BVRS Use**

- A. The BVRS shall be worn at all times that the deputy may become involved in an enforcement situation.
- B. The approved placement of the BVRS is on the chest area of the deputy, with the lens facing forward and utilizing the provided mounting clip to stabilize the device.
- C. Deputies shall place the BVRS in the Record Mode as soon as practical at the onset of a given situation.
- D. Once in Record Mode, deputies shall continue to record until the completion of the event, or they have left the scene.

- E. Additional units arriving to a scene shall place their BVRS in the record mode as soon as practical, and continue to record until the completion of the event, or they have left the scene.

#### **IV. BVRS Data Storage**

- A. The FirstVu BVRS will allow an deputy to record audio/video data without the ability to alter or delete the data. Once the Event Mode is started, resultant data is permanently recorded within the device and unalterable by the deputy.
- B. The media captured via the BVRS will be uploaded by Supervisor at the end or beginning of each shift.
- C. Video/audio captured via the BVRS will be used for official purposes only.
- D. Deputies may view media from BVRS but will not be able to permanently alter or delete any data.
- E. Deputies may use captured media to assist with investigations or complete reports.
- F. Deputies involved in any significant use of force incident or accident causing injury will be permitted, but not required, to review their own BVRS data related to the incident, prior to providing a recorded statement or completing reports.
- G. Deputies may use media capture via BVRS for training purposes, with proper authorization from the Sheriff and the investigative unit assigned to the case.

#### **V. Required BVRS Use Events**

This policy is not intended to describe every possible situation where the BVRS may be used. However, there are many situations where the use of the BVRS is appropriate. In addition to these required situations, deputies may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. In some circumstances it is not possible to capture images of an incident due to conditions or location of the camera, however, the audio portion can be valuable evidence and is subject to the same activation requirement as the video data. At no time should the use of the BVRS supersede the deputy's safety. It is understood that situations could arise spontaneously and without warning. In the event that this occurs an explanation will be submitted in writing/typed detailing the event. This documentation will be submitted to the deputy's supervisor prior to end of shift or workday. In the event that BVRS was not used and there is no justifiable reason, the supervisor will submit the employee report. The Sheriff will then determine what discipline might be required based upon the facts and circumstances and past compliance or non-compliance with the SOP by the deputy in question.

- A. The BVRS shall be activated during the following events as soon as possible without endangering the life of the officer.

- i. Responding to calls for service in an emergency situation;
- ii. All traffic and foot pursuit;
- iii. All traffic stops, including the investigation of a vehicle and occupants already stopped or parked;
- iv. All searches including, but not limited to, people, vehicle, buildings, and places;
- v. All request for consent to search without a warrant. This is intended to enhance consent documentation not replace current consent forms;
- vi. All request for searches and deployments of drug-detection canines, when practical;
- vii. All arrests and/or citations;
- viii. Any incident in which an deputy is acting under color of law and it may become necessary for the deputy to invoke his/her authority as a law enforcement officer;
- ix. Any incident upon direction from a supervisor, at the request of another deputy or any time an deputy deems it appropriate to active a BVRS unit;
- x. All domestic violence calls including suspect/victim interviews.

## **VI. Deactivation of BVRS**

A. Other than at the conclusion of the contact or investigation or when searching pursuant to a search or arrest warrant or with probable cause to search under exigent circumstances, personnel may deactivate in places where there is reasonable expectation of privacy or in circumstances where the BVRS may prevent them from obtaining information in relation to an investigation. Instance where personnel may deactivate include, but are not limited to:

- i. During interviews involving sexual assault victims;
- ii. Respecting the dignity of others (individuals who are nude or when sensitive human areas are exposed);
- iii. In the presence of an explosive device;
- iv. Inside hospital emergency rooms and other medical facilities;
- v. In tactical situations;
- vi. While in a police facility;
- vii. During personal times (breaks, meals, restroom break).

## **VII. Restricted BVRS Use**

- A. Except as authorized or required by this SOP BVRS units shall not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms.
- B. BVRS units shall not be activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.

### **VIII. Video Data Management and Control**

- A. Only the BVRS System Administrator, Chief Deputy, and the Sheriff have the ability to “log in” and view or copy a data file. No permanent alteration or deletion is allowed to the original data file. Any of the individuals listed in this Paragraph VIII (A) may create a copy of the video file for court or other Department purposes, subject to the following requirements:
  - i. This should be done at the request of the investigating officer;
  - ii. All copies of such files will be placed on a CD and given to the deputy on the day of his/her court date;
  - iii. Upon completion of the court appearance the deputy will return the CD to his/her supervisor (if the CD was not appropriated by the court);
  - iv. The supervisor will destroy the CD upon receipt.
- B. The data file will be maintained in the Chief Deputy’s office for a period of ninety (90) days.
- C. Only the BVRS System Administrator has the ability to delete a file and can only do so through written authorization by the Sheriff.
- D. Deletion of unintentional recording:
  - i. In the event of unintentional activation of a BVRS, a memorandum detailing the circumstances of the unintentional recording will be prepared by the deputy and forwarded to their supervisor, requesting a deletion. Once the memorandum has been finalized and delivered, the following guidelines must be followed before deletion:
    - a. The supervisor will review the file in its entirety;
    - b. If approved, the supervisor will sign off on the request and forward the request to the Sheriff, who may review the video file;
    - c. If approved, the Sheriff (or appointee) will sign the request to initiate the deletion of the file;
    - d. The signed narrative/deletion request will be maintained by Sheriff’s office.

### **IX. Defense Request for Video**

- A. Production of copies of a BVRS recording must be done under the following conditions;
- i. Must be done through a court order or subpoena;
  - ii. If no court order or subpoena, must be submitted in writing and approved through the prosecuting attorney;
  - iii. Released video/audio footage will not contain any confidential information such as social security numbers, personal information about sheriff deputies, etc. unless expressly requested and approved by the Sheriff and the prosecuting attorney.