

**WINSTON COUNTY SHERIFF'S OFFICE**  
**Law Enforcement**  
**Policies and Procedures**

<b>Subject:</b> Overt Electronic Recording	<b>Policy Number:</b> 7.9
<b>Issue Date:</b>	<b>Revision Date:</b>
<b>Approval Authority Title and Signature:</b> <i>Remondel D. Holmes</i>	

**POLICY:**

The WINSTON COUNTY SHERIFF'S OFFICE will use overt electronic surveillance techniques and equipment whenever reasonably necessary to deter crime and provide a record of events that might be used as evidence in a criminal case.

**DEFINITIONS:**

*Covert:* An electronic device is *covert*, when it is hidden from normal view or otherwise secreted away, and at least one of the individuals to be recorded has a reasonable expectation of privacy. Examples of covert recording devices are body recorders or transmitters, miniature closed circuit television [CCTV], or parabolic microphones. For department guidelines on covert surveillance see our policy on Covert Electronic Recording.

*Overt* surveillance: Is the use of electronic or photographic equipment that is not hidden from general view, regardless of whether or not the suspect actually sees the monitoring device or knows of its' existence. Examples of overt surveillance devices include:

1. CCTV mounted in hallways, parking lots, waiting rooms, etc;
2. Officers carrying a tape recorder in their hand or placing it on a table;
3. CCTV equipment mounted in a patrol car, or
4. Use of handheld video camera.

*No or low expectation of privacy* – In some instances residents have no or low expectation of privacy to include:

1. Officers recording telephone conversations where they are a party to the conversation;
2. Officers recording face-to-face conversations where they are a party to the conversation;

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3. Recording information at a crime scene;
4. Monitoring and recording public hall ways, elevators, rooms [less restrooms], of a public building, including department facilities;
5. Monitoring and recording sobriety tests;
6. Recording of voluntary statements made by victims, witnesses, or suspects; and
7. Recording routine traffic stops with portable or fixed recording equipment.

#### **PROCEDURES:**

##### **Use of Recording Equipment:**

Officers may utilize during both routine and special investigation *overt recording equipment* when the recording equipment is generally in view or when there is *no or low expectation of privacy*.

*Overt recording equipment utilized by officers may be issued by the department or carried as personal equipment. Such overt recording equipment may include:*

1. *Personal hand held tape recorders;*
2. *Personal handheld CCTV recorders;*
3. *CCTV mounted in department hallways, interview rooms, and assembly areas;*
4. *CCTV or audio recording equipment installed in patrol cars; and*
5. *CCTV equipment installed in sobriety test rooms.*

##### **Personal tape Recorders:**

Officers may carry and use personal tape recorders or portable video cameras. These devices have many administrative uses including note taking, dictating reports, or recording accident details. When using these devices officers may use their own discretion regarding retaining video or audiotape. If the tape can be used as criminal evidence the tape will be saved and secured as any other evidence. Otherwise the tape may be used again after one week.

##### **Evidence and Recording Tape Rotation:**

Surveillance tapes from patrol units, department CCTV installations, and other similar devices will be maintained for thirty days, before they are reused. Only tapes that lack evidentiary value will be placed back in inventory and reused. Recordings that have evidentiary value will be tagged and stored as any other evidence until the case is closed.

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### **General Order for Body Worn Cameras**

- A. The Winston County Sheriff's Department is now issuing its deputies Body Worn Cameras
- B. Each deputy that has been issued a Body Worn Camera will, at the beginning of his/her shift, make sure that their camera is fully charged and in good working condition
- C. Each deputy will wear and use the Body Worn Camera provided by the department
- D. Each time a deputy makes a traffic stop, an investigative stop, or has any contact with the public, the deputy will activate the Body Worn Camera
- E. If a deputy has an malfunction(s) with either camera, he/she will notify dispatch and their supervisor
- F. Any deputy who fails to comply with this General Order will face disciplinary action

**Approved/Added to Department Policy and Procedures on August 18, 2016**