

ORANGE COUNTY SHERIFF'S OFFICE



GENERAL ORDER

Effective Date: May 20, 2016	<input checked="" type="checkbox"/> Rescinds – G.O. 9.1.9 (December 4, 2015) <input type="checkbox"/> Amends	Number: 9.1.9
SUBJECT: BODY WORN CAMERAS		Reviewing Authority: UPD/Division Commander
Distribution: ALL SWORN PERSONNEL	CALEA Standards: <u>41.3.8</u> CFA Standards: <u>17.13</u>	

This order consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

1. Purpose

The purpose of this policy is to establish guidelines and procedures for using body worn camera (BWC) equipment.

2. Policy

It is the policy of the agency that deputies shall activate the body worn camera when such use is appropriate to the proper performance of his or her official duties and when the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

3. Definitions

- A. Evidentiary Recordings – recordings generated by body worn camera equipment that contain evidence of a crime or infraction for use in court, civil litigation or resolution of a citizen complaint.
- B. Non-Evidentiary Recordings – recordings generated by body worn camera equipment that do not contain any evidence of a crime or infraction.
- C. Body Worn Camera (BWC) – an agency issued video and audio recording system worn on a deputy's person.
- D. Mobile Video System Coordinator (MVSC) – agency member responsible for the coordination of body worn and in-car camera systems.

4. Procedures

- A. General Body Worn Camera Equipment Procedures
 1. Activation Criteria
 - a. Deputies shall only wear agency issued BWC's.

- b. BWC's shall be used for official purposes only.
- c. BWC's shall only be used by deputies after they have received agency approved training.
- d. Deputies are required to activate their body-worn cameras when arriving on scene or self-initiating law enforcement-related encounters and activities. Examples of law enforcement related encounters include but are not limited to, traffic stops, detentions, consensual encounters of suspicious persons, arrests, searches, interrogations or interviews, and pursuits. Exceptions to the activation of the camera are noted below.
- e. Deputies may inform subjects when they are being recorded, if they believe it would help to diffuse a situation. The subject's consent is not required to continue the recording.
- f. Deputies are not required to activate the BWC during interactions with crime victims, witnesses and members of the community who wish to report or discuss criminal activity. Deputies should balance the value of obtaining a recording with the possible reluctance of a victim or witness to provide information while being recorded. Deputies shall not use a recorded statement on the BWC in lieu of a written statement required by policy.
- g. When deputies are interacting with a crime victim and the BWC is activated, they shall inform the victim they are being recorded and obtain consent to continue the recording. If a suspect is present, e.g. domestic violence investigation, the deputy shall not turn off the BWC.
- h. If the BWC is not activated and an encounter with a person starts to become adversarial, the deputy shall attempt to activate the camera.

2. Prohibitions

- a. Deputies shall not record other agency personnel during routine, non-enforcement-related activities unless recording is required by a court order or is authorized as part of an administrative or criminal investigation.
- b. To protect their identities, deputies shall not record conversations with undercover personnel, if avoidable.
- c. Deputies should avoid recording when tactics or strategy is being discussed.
- d. Deputies shall not record in any place that a person will have a reasonable expectation of privacy, e.g. bathrooms, lockers rooms, medical facilities when confidential patient information may be recorded.
- e. Deputies shall not use non-agency equipment or devices to record or download video from BWC's. Deputies may use non-agency equipment to view, tag or display BWC video to further operational or investigative efforts.

3. Downloading and Storage

- a. Deputies shall download their assigned cameras prior to the camera reaching its maximum storage capacity. At a minimum, deputies are required to download the camera every other shift and prior to

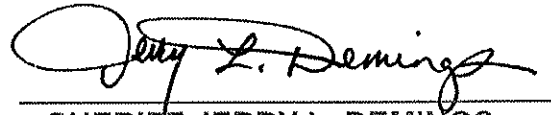
beginning their scheduled days off, e.g. RDO's, vacation. Deputies shall properly categorize and tag body-worn camera videos at the completion of each event. Videos shall be classified according to the type of event or incident captured in the footage to include whether it is evidentiary or non-evidentiary.

- b. Deputies shall only use agency owned equipment and approved methods to download BWC's.
 - c. When a deputy is involved in a deputy involved shooting, in-custody death, a pursuit that results in serious bodily injury or death, or a use of force incident that results in serious bodily injury or death, the investigating authority or the Shoot Team shall be responsible for taking custody of the camera and performing the download.
 - d. Agency personnel shall not copy, share, distribute, publish or delete a video recording except as authorized by agency policy for official purposes.
 - e. Videos copied for training purposes require the approval of a Section/Sector Commander.
 - f. Videos from BWC's shall be stored on an agency approved video management system.
 - g. Videos shall be retained in accordance with applicable law and agency policy.
 - h. Public record requests will be handled in accordance with agency policy.
4. Documentation
- a. Deputies shall document in charging affidavits and incident reports that a video was recorded from a BWC and is evidence.
 - b. Deputies are permitted and encouraged to review the video recording as part of a thorough investigation when writing a report.
 - c. If a deputy fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the deputy shall document the reason in the incident report.
5. Audit Requirements
- a. Quarterly, the MVSC shall randomly select 5% of deputies assigned a BWC to be audited. The coordinator shall send a notice to the appropriate supervisor to review a minimum of three videos for the selected deputies. The supervisor shall take appropriate action for any videos that contain misconduct or training issues. The supervisor shall complete the review within 15 days of receiving the notification. Upon completion of the review, the supervisor will forward the completed BWC/MVR Audit Response Form to the MVSC for retention.
 - b. Supervisors shall review the video of any use of force incident.

B. Maintenance

- 1. The MVSC shall coordinate servicing, and repairing BWC systems.
- 2. The MVSC shall maintain a maintenance log of all BWC systems.

3. Deputies shall report all malfunctions of, or damage to, a BWC system to their immediate supervisor and the MVSC.
4. Unauthorized personnel shall not attempt to service or make repairs to BWC systems.
5. Deputies assigned a BWC are responsible for the proper use, care and storage of the device.


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