

Portable Audio/Video Recorders

424.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this Office while in the performance of their duties, including body-worn cameras.. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment (Utah Code 77-7a-102).

This policy does not apply to interviews or interrogations conducted at the Davis County Sheriff's Office, undercover operations or wiretaps.

Additional guidance regarding the use of body-worn cameras during the execution of a warrant is found in the Warrant Service Policy.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Audio Video policies).

424.1.1 DEFINITIONS

Body-worn camera-A video recording device that is carried by, or worn on the body of, a law enforcement officer and that is capable of recording the operations of the officer (Utah Code 77-7a-103(1)(a)). Body-worn cameras do not include dashboard mounted cameras or cameras intended to record clandestine investigation activities (Utah Code 77-7a-103(1)(b)).

424.2 POLICY

The Davis County Sheriff's Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public.

424.3 BODY-WORN CAMERAS

424.3.1 BODY-WORN CAMERA COORDINATOR

The sheriff or the authorized designee should designate a body-worn camera coordinator responsible for establishing procedures for (Utah Code 77-7a-102):

- (a) The security, storage and maintenance of data and recordings.
- (b) Accessing data and recordings.
- (c) Logging or auditing access.
- (d) Transferring, downloading, tagging or marking events.
- (e) Initial and ongoing training for officers and supervisors in the use of body-worn cameras.

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- i. Any member assigned a body-worn camera should receive this policy and associated procedure, as well as training on how to operate a body-worn camera, before utilization.

424.3.2 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member who has been issued a body-worn camera will be responsible for making sure that the camera is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever possible. (Utah Code 77-7a-104; Utah Code 77-7a-105).

If a body-worn camera was present during a law enforcement encounter, the deputy shall document the presence of the body-worn camera in any report or other official record of a contact, including any instance where the deputy failed to record an incident, a camera malfunctioned, or the officer deactivated the camera. Deputies should include the reason for the failure or deactivation, if applicable (77-7a-104 (7)).

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever possible.

When using a portable recorder, the assigned member shall record his/her name, DCSO identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

All body-worn camera recordings must be downloaded by the member at the end of his or her assigned shift unless an exception is authorized by a supervisor.

424.3.3 ACTIVATION OF THE BODY-WORN CAMERA

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

State law requires that a body-worn camera be activated in any of the following situations (Utah Code 77-7a-103; Utah Code 77-7a-104):

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

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- (c) Self-initiated activity in which a member would normally notify the Communications Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any use of force
- (f) Dispatched calls for service
- (g) Execution of a warrant

State law prohibits the activation of a body-worn camera inside a hospital, health care facility, human service program, or the clinic of a health care provider except during one of the situations outlined above and the officer wears the camera in a clearly visible manner or otherwise makes notification of the use of the body-worn camera (77-7a-104(11)(b)).

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media (Utah Code 77-7a-102). However, the recorder should be activated in situations described above as soon as practicable (Utah Code 77-7a-104).

424.3.4 CESSATION OF RECORDING

Once activated, the camera should remain on continuously until the member reasonable believes his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident, including consultation with a supervisor or other officer (Utah Code 77-7a0104).

A member may deactivate a camera when speaking with a victim, witness, or person wishing to report or discuss criminal activity if the subject of the recording requests deactivation and the member believes the value of the information outweighs the value of the potential recording. The member should record the request to deactivate the camera (Utah Code 77-7a-104).

424.4 MEMBER PRIVACY EXPECTATION

Members shall not surreptitiously record another department member with a portable audio/video recorder without a court order.

All recordings made by members on any Office-issued device at any time, and any recording made while acting in an official capacity of this Office, regardless of ownership of the device it was made on, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

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424.5 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

424.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity. Members may not alter or delete a recording captured on a portable recorder (Utah Code 77-7a-106).

Members are also prohibited from retaining recordings of activities or information obtained while on-duty whether the recording was created with a office-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office (Utah Code 77-7a-106).

Members are prohibited from using personally owned recording devices while on-duty.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

424.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

If a member has made recordings on their recording device, they will properly tag each recording before the end of their shift. There are three fields available to be filled when tagging a video, two of which are mandatory.

- (a) The "case number" field: This field is mandatory and shall be filled in by the recording member with the case number that is associated with the recording. The correct format is the letter D followed by the last two numbers of the year and then the case number. For example: D19-01234. If no case number exists, the member will enter the CAD Call ID number in this field. The CAD Call ID number is the letter C followed by the six-digit number assigned by dispatch.
- (b) The "event category" field: This field is mandatory and shall be completed by the recording member. The recording member will pick the appropriate option available in this field; preloaded options appear with this field is selected.
- (c) The "event notes" field: This field is optional. The recording member can label it as they see fit with titles such as "interview," "arrest," "victim statement," "sensitive content," etc., or leave it blank.

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424.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Critical Incident Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Sheriff or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

424.9 PUBLIC ACCESS

The Records Manager should ensure that this policy is available to the public in written format as well as published to the agency website (Utah Code 77-7a-105).

424.10 RETENTION OF RECORDS

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule and as required by any applicable federal, State, and local law (Utah Code 77-7a-107).

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Media captured by portable audio/video devices will be retained according to the following retention schedule:

- Arrests - 90 days- unless categorized as evidence
- Contacts and detentions - 60 days
- Critical incidents (non-arrest) - 548 days
- Evidence - until adjudication of final disposition

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- Pursuits (non-arrest) - 548 days
- Traffic stops - 90 days
- Use of force - 548 days
- Miscellaneous/unknown - 1 year
- Video footage of interactions only - 1 year
- Accidental activations - 10 days

The recording member is responsible for correctly tagging their videos in the "category" field to ensure the proper retention of their videos. When a case leads to a video being assigned to a follow-up detective as part of that case, it is the responsibility of the follow-up detective to ensure the video is categorized correctly to ensure proper retention.

When an internal affairs complaint or notice of claim against the office is received by the internal affairs unit, the investigations division lieutenant is responsible for ensuring that any associated videos are categorized correctly for proper retention.

424.11 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance in with the Records Maintenance and Release Policy.