
**NEWTON COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

Subject: Body Worn Camera

Policy # 4.63

General Order

Rev. Date: 03/30/2016

Date Issued:

Review Date:

GA Standard:

Distribution: All Divisions

CALEA Standard:

PURPOSE

This directive establishes policy regarding department-issued body worn cameras, and establishes a policy regarding the storage, release, and retention of information.

SCOPE:

This directive applies to all personnel of the Newton County Sheriff's Office.

POLICY:

It is the policy of the Newton County Sheriff's Office to utilize the Body-Worn Camera (BWC) equipment to document by video and audio recordings law enforcement interaction with the public. Through mobile recording systems, this agency will better protect the rights of citizens and deputies while balancing citizen's privacy interests. Division Commanders will determine which deputies are assigned BWC equipment.

DEFINITIONS:

Body-Worn Camera (BWC): A recording system that captures audio and video individually worn by officers and includes, at a minimum, a camera and recorder.

Buffering: The thirty seconds or more of video prior to activation of the BWC event mode and held in temporary storage.

Video Description: This information is typed in by the deputy to identify each recording, and, at a minimum, includes the case number, title and category.

Mobile Video System Administrator(s): Department member(s) with full administrator rights and who assigns and tracks equipment, controls passwords, acts as liaison with representatives, and is the department's subject-matter expert on body-worn devices.

I. PROCEDURE:

A. Deputy Responsibilities

1. A deputy assigned a BWC shall fully-charge his BWC system prior to the end of each tour of duty.
2. Inspections and maintenance of a BWC system is the responsibility of each deputy assigned a BWC system.
3. Only authorized personnel to whom a recording system is assigned may use, touch or handle that recording system.
4. Exchanging BWC system parts with another user is prohibited, unless authorized by the System Administrator(s).
5. Unauthorized personnel will not use, touch or handle any recording system.
6. If any part of the BWC is lost, broken or becomes non-functional it will be immediately reported to an officer's supervisor and to the Mobile Video System Administrator(s) for repair.
7. To best capture that which is observed by an officer using a BWC, the camera should be located using a mounting option approved for the Axon Body Camera or Axon Flex Point of View Camera, both distributed by TASER International, Inc.
8. The recording system will automatically be uploaded wirelessly when a deputy enters one of two uploading areas; Westside Precinct or the Sheriff's Office. Each deputy will ensure uploading occurs on at least one occasion during each shift.
9. Functionality or serviceability problems will be reported to the Mobile Video System Administrator.
10. Usage of BWC equipment assigned to a deputy is mandatory and the equipment will be used strictly with this policy.
11. No personally-owned BWC equipment will be used without proper authorization. (Reference S.O.P 4.10 Section III A 5)
12. When a deputy records an incident, or any portion of an incident, which he reasonably believes will likely result in a citizen complaint, the deputy will immediately bring it to the supervisor's attention.

B. Activation

1. This policy is not intended to describe every possible situation in which a BWC should be used. A deputy should exercise sound judgment and discretion to determine when a body-worn camera is activated; however, where practical a deputy should activate a body-worn camera to record these events:

- Vehicle and pedestrian investigative detentions and stops;
- Observed unlawful conduct;
- Use of force;
- High-risk situations;
- Advising an individual of Miranda rights;
- Statements made by suspects, victims, or witnesses;
- Vehicle searches;
- K-9 deployments;
- Physical arrest of persons;
- Observed items in a criminal investigation of evidentiary value;
- Service of a search warrant;
- An encounter initiated by a private person (flagged down);
- Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording;
- Other circumstances where the officer believes recording an incident would be appropriate, or when directed by a supervisor;
- When an individual under surveillance is observed.

1. A recording should customarily be made during any incident where a law enforcement officer reasonably believes a crime has been committed, is being committed, or will be committed in the future.
2. A deputy, who fails to activate his body-worn cameras in situations described above, is subject to disciplinary action.
3. Once a body-worn camera is activated, usually it will not be intentionally turned off until the incident has concluded. Where it becomes necessary to discuss issues surrounding an investigation with a supervisor or another officer in private, an officer may turn off their BWC; to prevent recording the private conversation. Prior to turning his camera off, a deputy will state why the camera is intentionally being turned off and the reason for turning the camera off.
4. Unless articulable, exigent circumstances exist, and such circumstances are later documented, a deputy will use best efforts to avoid recording a person who is nude or where sensitive areas of the human anatomy are exposed. Prior to turning his camera off, a deputy will state why the camera is intentionally being turned off and the reason for turning the camera off. Once a sensitive situation has concluded, the deputy shall turn the camera back on.

5. A citizen's request for a deputy to turn off a BWC does not authorize the deputy to do so. (See Section I B 5, and G for specifics)

C. Citizen Notification

O.C.G.A. 16-11-62(d) provides "It shall not be unlawful for a law enforcement officer, or his or her agent, to use a device in the lawful performance of his or her official duties to observe, photograph, videotape, or record the activities of persons in the presence of such officer or his or her agent."

While it is unnecessary to advise a citizen that a BWC is in use per O.C.G.A. 16-11-62(d), if asked, the deputy will be truthful about its use.

D. Supervisory Responsibilities

1. Supervisory personnel will ensure that deputies equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. At least monthly, supervisors will randomly review BWC recordings to ensure that deputies are using the devices properly and under policy in order to identify any areas in which additional training or guidance is required.

E. Documentation

1. Immediately after each call or criminal investigation, a deputy will input the Video Description to identify each recording. All recorded evidence must have the Video Description added prior to upload. The Video Description includes at a minimum:
 - a. ID Number = Case number (when available) in this manner: a four digit year followed by a hyphen then the five digit case number. Ex: 2016-12345.

And/or

Citation number = Enter the word "Citation" then the citation number issued. Ex: Citation 90694
 - b. Title (Same as the Incident Report "Nature of Call") (Example: Theft by Taking).
2. The use of a body-worn camera does not replace the need for required documentation. All incident/supplemental reports will be completed, regardless of the video that is captured. This also includes the continued need for evidentiary photos.

3. Chain of custody will be followed and documented. If BWC video is obtained, it will be entered into evidence and chain of custody module in EAGLE upon request or subpoena. Non-sensitive video will be downloaded onto the secure J Drive and sensitive video will be downloaded onto a CD and placed into evidence.
4. In situations requiring a report and/or citation, officers will document the use of a body-worn camera in this manner:
 - Within the narrative of an incident report.
 - Within a supplemental report.
 - As a notation on a citation.
5. A deputy wearing a body-worn camera may use the system to capture statements from victims, witnesses, and suspects in place of utilizing a digital recorder. Using a body-worn camera for such purposes will be documented as described above.

F. Fourth Amendment Notice

1. An officer lawfully present in an area protected by the Fourth Amendment will activate the BWC when there is reasonable suspicion a crime is being committed, has been committed, or is about to be committed, or that evidence of a crime is present.
 - a. As a reminder, entry into a Fourth Amendment protected area requires probable cause and a warrant or warrant exception.

G. Victim Privacy

The Newton County Sheriff's Office is committed to protecting and safeguarding a victim's privacy in sensitive situations such as rape and sexual assault. A deputy may use discretion in deactivating the BWC during these encounters. Prior to turning the camera off, a deputy will state that the camera is intentionally being turned off and the reason for turning the camera off. When an encounter has concluded, the camera must be turned back on.

H. Strip Searches

The use of strip searches is highly intrusive and therefore closely regulated and monitored. To preserve the dignity of persons subjected to a strip search, a deputy will comply with all search preparation requirements. Prior to the search, the searching deputy will record a 360-degree view of the subject and location where the strip search is being conducted. All deputies present will then place their BWC in a direction facing away from the subject immediately prior to the search itself, so the subject will not be visually recorded during the strip search, but will continue recording to ensure the existence of an audio recording of the search.

I. Restrictions

A deputy will not:

1. Use a mobile video recording system to take a statement in lieu of a sworn written statement, unless approved by a supervisor.
2. Video-record an undercover officer or confidential informant.
3. Duplicate, copy or distribute recordings for other than official law enforcement purposes.
4. Alter, tamper with, or delete captured data.
5. Access recordings for other than case-related purposes, responses to resistance, formal or informal complaints, legal review, under established policy, or as directed by the Sheriff or his designee.
6. Make or create, by separate device or otherwise, a copy of any recording except as directed by the Sheriff or his designee.
7. Post to social media sites without approval by the Sheriff.
8. Monitor deputy performance through random review.
9. Unless authorized by the Sheriff or his designee, employees will not record other employees performing administrative or non-enforcement activities/actions without their knowledge.

Examples of such administrative or non-enforcement activities/actions include, but are not limited to:

- a. Meetings/roll calls where strategy, tactics, supervisor directives, supervisor/deputy conversations, disciplinary actions or confidential topics are discussed.
 - b. Any violation of this section will cause disciplinary action by the Sheriff or his designee.
10. Restrooms, locker rooms or other locations where there is an expectation of privacy.

J. Dissemination

1. Digital records are accessible only to authorized personnel and are property of the Newton County Sheriff's Office.
 - a. The system maintains an audit of user activity.
2. All digital media collected using the mobile video recording systems is a public record as defined in O.C.G.A. 50-18-70 thru 50-18-76.

- a. Public records requests will be handled under the Georgia Open Records Act and submitted through the Office of Professional Standards Unit. Open Records Requests will be reviewed and redacted by Mobile Video System Administrator(s) at the request of Office of Professional Standards Unit.
3. Except as required by law, a deputy is prohibited from accessing, copying, or releasing recordings.
4. These personnel may be granted duplication rights, if authorized by the Sheriff or his designee:
 - a. Mobile Video System Administrator(s) and Training Coordinator - for training purposes as deemed necessary for the needs of the agency by the Training Division.
 - b. Specific personnel within the Criminal Investigation Division (CID), to be identified by the CID Commander.
 - c. Specific personnel within the Internal Affairs Unit, to be identified by the Office of Professional Standards Commander, for an investigation or review (Ex: pursuit, use of force, etc.) as noted by policy.
 - d. Specific personnel within the District Attorney's Office, to be authorized by the Sheriff or his designee, which authorization allows access to a joint shared secure drive. Also, with a request or subpoena.
 - e. Critical Incident Review- a critical incident review will also include review of all BWCs used in connection with the incident. During the review, any changes or violation of policy will be documented and addressed through the chain of command.
5. Prior to release and dissemination of a BWC recording, it will be reviewed by the Sheriff or his designee.

K. Viewing Authority

1. A deputy authorized under this policy may review his own video in review-only mode as it relates to:
 - a. His involvement in an incident to complete a criminal investigation and prepare official reports.
 - b. Prior to courtroom testimony, or for courtroom presentation.
 - c. Providing a statement under an administrative inquiry⁷ or investigation.
 - d. For training purposes.

- e. Field training and using the captured video to provide immediate training to recruits and to assist with the Daily Observation Report.
2. A deputy will not allow a citizen or another deputy to review recordings for other than official law enforcement purposes.

L. Retention

1. Recordings will be retained as established in Georgia public records retention laws, and federal, state or local laws regarding criminal cases. BWC recordings associated with an investigation will be purged with other evidence associated with that case as permitted by law.
2. Retention lengths will be displayed in the drop down menu of Category section of the Video Description.
3. Georgia Secretary of State Retention Schedule states retention for BWC video is:

Video Tapes, Mobile, Body Cameras:

Description: Video tapes taken from patrol car video cameras of police actions

Retention: Retain tapes containing arrests for 5 years; retain all other tapes until no longer useful.

Classification: Temporary-Short-Term

M. Deletion of Unintentional Recordings

If an unintentional activation of the body-worn camera occurs during non-enforcement or non-investigative activities, e.g. restroom or meal break, other areas where reasonable expectation of privacy exists: a deputy may request recording deletion. A report detailing the circumstances of the unintentional recording will be forwarded via the chain of command. If approved, the actual deletion requires a two-party authorization. The parties will be the Division Commander; and a Body-Worn Camera Administrator. The requested deletion will only occur after approval by the Division Commander and a Body-Worn Camera Administrator.

N. Mobile Video System Administrator(s)

1. The Mobile Video System Administrator(s) handles overall maintenance, data download/transfer, management, training and retention, and acts as a liaison to CID/Evidence Unit and associated vendors.

O. Data Storage

BWC will utilize secure cloud storage for video.

P. Training

A deputy will be trained and instructed prior to being assigned a body-worn camera system.

Q. Policy Review

Prior to promulgation, changes and updates to this policy will be reviewed by the Commander of the Office of Professional Standards to ensure it contains accurate information, has continuity in form and format, and does not conflict with the Newton County Personnel Policy, and federal and state laws, to ensure the policy follows existing agency directives and applicable law. Further review by the County Attorney or the Newton County Human Resource Office may be required prior to implementation. This review will occur at least annually.

BY ORDER OF THE SHERIFF OF NEWTON COUNTY

Ezell Brown

**Ezell Brown
Sheriff**

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