12-01 CCTV / FORCE / RETENTION

Number 12-01

Effective: December 16, 2011 (Updated 10/03/12)

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PURPOSE

The purpose of this Directive is to establish procedures for the recovery of recorded footage from closed circuit television monitoring systems (CCTV) within Court Services Division during the course of a supervisory inquiry, administrative or criminal investigation.

REASON

CCTV monitoring systems are in place to enhance the security of the court and record critical information related to any incident. This Directive will establish areas of responsibilities for ensuring that all CCTV equipment is properly functioning, to ensure that all angles of the recorded footage is appropriately reviewed and retrieved, as well as the retention of CCTV captured footage.

PROCEDURE

It is the Branch Supervisors responsibility to ensure that all CCTV equipment is functioning and is recording on a daily basis. If the equipment is not recording, a notification by the Branch Supervisor shall be made to their Bureau Operations via email to include the date, times, and reason the CCTV monitoring equipment was not recording and the action taken. If repairs were needed, a copy of the repair order shall be attached. The Branch Supervisor will also ensure to document the dates and times the equipment was not recording in the log book, as well as, a detailed description of the problem and the action taken to have the equipment repaired.

It is the Branch Supervisors' responsibility to ensure that a sufficient number of personnel

are properly trained in operating and retrieving data from the CCTV monitoring system. Whenever possible, non-involved employees trained in the system's retrieval function shall be directed to retrieve the footage.

During the course of any inquiry, the Branch Supervisor shall review all available CCTV footage and advise the Area Lieutenant that an inquiry has been made. The Branch Supervisor will review each of the CCTV's camera angles to determine which camera(s)

captured the incident and then advise the Area Lieutenant of their findings. It is the Area Lieutenant's responsibility to ensure that all footage of the incident is recovered from the server and stored to a DVD, flash drive, or other retrievable medium as soon as possible. The decision as to the relevance of a particular view will not be made at the Branch level. In an effort to reduce the question of possible concealment of evidence: if a CCTV device should have recorded the incident, but for some reason did not, the lack of recorded data will be explained in the course of the investigation by the handling supervisor.

Any review or request to review and retrieve CCTV footage shall be authorized by the Branch Supervisor Area Lieutenant. The Branch Supervisor will notify the Area Lieutenant that a review of CCTV footage is occurring and provide an explanation of the events leading to the review.

Procedures for viewing of video following Use of Force Incidents are as follows:

Ensure that Department members who used force or witnessed force prepare required reports in a timely manner,

Review first reports and separate supplemental reports to ensure that, consistent with this section, they describe in detail the actions of the suspect necessitating the use of force and the specific force used in response to the suspect's actions,

In cases where a recording has been secured, if the supervisor determines, after their initial review of the video and incident reports, that there is evidence of apparent misconduct, or it appears that a Department member failed to make proper notifications of the incident, the supervisor should consult with the Watch Commander before proceeding further,

After first reports and separate supplemental reports have been reviewed by the supervisor and Area Lieutenant, and where there is no such evidence of apparent misconduct, or a failure to properly notify, afford Department members an opportunity to review the recording of the force incident to facilitate recollection of additional details,

Ensure that any initial review of a recording by a Department member for this purpose be undertaken individually and documented in their reports. This review should not be undertaken in the presence of another Department member who was either involved in, or a witness to, the force incident,

Should the review enable a Department member to provide greater clarity to any incident based upon additional recollection, perception of specific actions, etc., afford the Department member the opportunity to either continue their initial report, or to prepare a separate supplemental report. Any additional information should be added with transitional language such as, “After reviewing video of the incident, additional details are noted as follows:”,

NOTE: The Sheriff’s Department and its personnel have a duty to accurately account for the facts of every incident through normal reporting procedures. This includes amendments and supplemental reports when additional information or clarification is available. Since the Department is requiring personnel to provide a written account of their actions prior to viewing video recordings, the Department shall not be unduly

prejudiced, nor assume any adverse inference, when personnel amend or supplement their reports if a video review prompts further recollection of incident details.

Prior to reviewing the video recording, Department members shall read the following admonition:

VIDEO ADMONISHMENT

You are about to viewa video recording. It is important to understand that while this recording depicts visual information from the scene, the human eye and brain could perceive some things in stressful situations differently than a camera records them, so this photographic record may not reflect howthe involved personnel actually perceived the event.

The recording may depict things that personnel did not see or hear. Personnel may have seen or heard things that were not recorded by the camera. Depending on the speed of the camera, some action elements may not have been recorded or may have happened faster than personnel could perceive and absorb them. The camera has captured a 2-dimensional image, which may be different from a person's 3-dimensional observations. Lighting and angles may also have contributed to different perceptions.

This recording is being shown in order to facilitate recollection of the incident. Video images are only one piece of evidence to be considered in reconstructing and evaluating the totality of the circumstances. Some elements may require further exploration and explanation before the investigation is concluded.

Additional admonishment to personnel involved in recorded incident:

If the video appears to showsome details of the incident differently from what you recall, you should note those differences in your report.

All force and service comment form investigations retention periods will be followed per Department policy. The investigation shall include a complete recorded history of the event, as available. If an inquiry is conducted where recorded data is part of the investigation, a copy of all recorded data and documentation will be retained at the Branch for a period of two (2) years. If the person is in custody an additional two (2) years retention will be added on by federal regulation standards making it a total of four (4) years retention.

APPROVED: **Original Signed**

RICHARD J. BARRANTES, CHIEF

COURT SERVICES DIVISION