
**NEVADA COUNTY
SHERIFF'S OFFICE**



DIVISION DIRECTIVE

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Effective Date
~~March 17, 2010~~
December 30, 2017

- SUBJECT** In-Car Camera System Use Policy
- POLICY** To establish procedures for the use, maintenance and control of the department's In-Car Camera Systems.
- PURPOSE** The Nevada County Sheriff's Office has equipped marked patrol vehicles with In-Car Camera Systems. The system is designed to assist and compliment patrol deputies in the performance of their duties. The system is used to record certain activities by providing a visual and/or audio record. Recordings are intended to provide an unbiased visual/audio record of the incident and to supplement deputies' reports.
- Activities can include, but are not limited to, traffic stops, routine patrol activities, domestic violence investigations and other types of disturbances and arrests. Use of the cameras is intended to provide an accurate record of an incident for criminal, investigative and administrative purposes.
- Audio/Video recordings will be used to accomplish legitimate law enforcement objectives, including, but not limited to:
- a. Accurately document events, actions, conditions and statements made during investigative stops, field interviews, arrests and critical incidents.
 - b. To enhance officer reports, collection of evidence and courtroom testimony.
 - c. Reviewing probable cause for arrest, custody procedures, officer and suspect interaction and evidence for investigative purposes.
 - d. Evaluation of officer tactics, field performance and training.

CODE REFERENCE

CASE LAW

DEFINITIONS

In-Car Camera System - Audio/video recording equipment designed for fixed installation in patrol vehicles. This operating procedure does not apply to the use of hand held camcorders or audio/video surveillance devices.

Wireless transmitter- A device worn by the deputy to transmit audio from the deputy's location to the recording location.

Cabin Microphone- Microphone installed in the passenger compartment of the vehicle to record conversations within the vehicle.

Wireless Microphone- Microphone within the Wireless Transmitter to record the deputy's conversation from his/her location.

RESPONSIBILITIES

A. Department Administration

Sheriff's Office Administration shall:

1. Assure all patrol personnel are trained in the use of the In-Car Camera equipment. Assure all patrol personnel have reviewed the In-Car Camera System Use Policy.
2. Serve as custodian of all training records (Administrative Sergeant).
3. Administer the preferences on in-car configuration.
4. In the event any vehicle is unable to be transported or driven to either the Nevada City or Truckee Sheriff's Office for automatic download, the Administrative Sergeant will retrieve the data via USB drive.
5. Maintain the Deputy list in the configuration settings.

B. Patrol Supervisors

Sheriff's Office Supervisors shall:

1. Assure all patrol deputies are trained in the In-Car Camera equipment. Assure all patrol deputies have reviewed the In-Car Camera System Use Policy.
2. Assure all patrol deputies wear their wireless transmitter when on duty, powered on, and assure the transmitter is synchronized with the recording equipment in their vehicle.

3. At the conclusion of the shift, assure all wireless transmitters are secured in the docking/charging stations inside the vehicles.
4. Periodically review selected video of their staff, placing special emphasis on reviewing the recordings of pursuits, use of force incidents, consent searches, and complaints for the purpose of:
 - Assessing deputies' performance and safety.
 - Determining if the recording system is functioning and being properly used.
5. Once advised of malfunctioning equipment, decide whether to take the vehicle out of service based on the availability of other vehicles. Unless there are no other available vehicles, sergeants and corporals should assure their deputies go in service in vehicles with functioning cameras.
6. Report all equipment failures to the Administrative Sergeant immediately. Supervisors shall not make any attempt to make any repairs to the recording equipment.
7. Adhere to the same requirements as deputies while assigned to a vehicle with recording equipment.

C. Deputies

Recording equipment installed in patrol vehicles is the responsibility of the patrol deputy for the duration of his/her shift. Anytime the vehicle is in use the video system shall be powered on. Deputies shall log into the system by selecting their name in the drop down menu at the beginning of their shift. For double units, the driver logs on by selecting their name.

Sheriff's Office deputies shall:

1. Ensure proper care and maintenance of the recording equipment.
2. Wear the wireless transmitter, powered on, and assure the transmitter is synchronized with the recording equipment in their vehicle.

3. Check the recording equipment in their assigned vehicle at the beginning and end of their shift to ensure that the unit is functioning properly, including the accuracy of the date/time displayed on the screen. If the system is malfunctioning, the deputy shall notify a supervisor so the unit may be repaired as soon as practical. The decision to take the vehicle out of service shall be made by the supervisor.
4. Ensure that any failure of the equipment is immediately reported to his/her immediate supervisor. Deputies shall not make any attempt to make any repairs to the recording equipment.
5. Position patrol vehicles with the highest regard for the safety of the deputy, the general public, and the violator at all times. Deputies shall attempt to position the camera in such a way as to best capture the incident. However, deputies should never compromise their safety in order to obtain video.
6. Once a recording has stopped, the system will prompt to tag the type of event. Staff must choose from the drop down list, selecting the appropriate reason for the recording.
7. At the conclusion of their shift, assure the wireless-transmitter is secured in the docking/charging station inside the vehicle.
8. Document in their reports whether or not the incident was audio/video recorded. Document any instance of audio/video deactivation, either intentionally or due to a malfunction.

PROCEDURE:

A. Video/Audio Recording

1. Activation/Deactivation

The In-Car Camera System recording equipment is designed to activate automatically or manually. Deputies may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera; however the audio portion can be valuable evidence and is subject to the same activation requirements.

- a. Deputies shall activate the recording equipment in the following circumstances:
 - Pursuits
 - All traffic stops
 - All transports (courtesy or arrest)
 - DUI investigations
 - High Risk stops
 - Any incident or situation where a deputy's safety may be placed in jeopardy
 - Incidents involving potential citizen's complaints
- b. Deputies shall not deactivate the audio and video recording until the vehicle stop or other enforcement action has concluded. For the purpose of this policy, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses, victims, etc. have been interviewed.
- c. Upon deactivation of the recording equipment, the deputy may reactivate the equipment either manually or by using the remote wireless transmitter if the situation changes and potential evidence might be captured.
- d. During transports (courtesy or arrest) deputies shall activate both the front and rear cameras and both the cabin and wireless microphone. If there were no transports or subjects placed in the rear seat, the Deputy will exclude the rear camera from downloading.
- e. Deputies shall make every effort to record the degree of impairment of the driver or subject during DUI (and Under the Influence investigations). This can be accomplished by the use of both audio and video recordings of the driving violations committed, and the field sobriety tests conducted. Always consider the audio/video as an addition to and not in lieu of other documentation.
- f. Notify personnel assisting from outside agencies whenever either audio or video recording is in use.
- g. Activation of the recording system is not required when exchanging information with other officers,

during breaks, when not in service, or when not actively on patrol.

2. Restrictions

Sheriff's Office staff are not authorized to erase or alter in any manner, any recorded media. Sheriff's Office staff are not authorized to take snapshots or video of recorded data for personal use.

Any operator who intentionally disables or damages any part of the video recording or transmitting equipment or fails to activate the system as required by this policy will be held accountable and subject to criminal and/or internal disciplinary action.

B. Post-Recording Activity

Deputies may review their activity to aid in report writing and further investigation of criminal activity.

All audio and video recordings generated are the property of the Nevada County Sheriff's Office. The policies and procedures relating to disclosure of public records and rights of privacy shall be followed. (General Order #52).

Employees shall not copy, possess, transfer, make changes to, or delete any audio or video recordings without prior authorization from the Sheriff or his/her designee.

Recordings normally may only be duplicated in the following situations without prior approval of the Sheriff or his/her designee:

1. For the Sheriff at anytime and for reasons entirely within the Sheriff's discretion.
2. For a Supervisor investigating a specific act of officer conduct.
3. For staff conducting a criminal investigation.
4. Upon court order, proper discovery process or subpoena.
5. For media personnel with the permission of the Sheriff or his/her designee.

6. For an incident that is deemed appropriate for training purposes.

If an involved deputy objects to the showing of the recording, his/her objection shall be submitted to the Patrol Lieutenant to determine if the training value outweighs the deputy's objection for not showing the recording.