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POLICY

It is the policy of the Douglas County Sheriff's Office (DCSO) that Deputies assigned the use of In-Car Video Systems will adhere to DCSO training, operational objectives, and protocols in order to maximize the effectiveness of the In-Car Video System and to ensure the integrity of evidence and related video documentation. (41.3.8a)

DEFINITIONS

Commander: For the purposes of this policy, a Commander refers to Bureau Captains within the Operations Corps, and the Administration Chief Deputy within the Administration Corps.

PROCEDURE

I. In-Car Video System Use (41.3.8a)

- A. In-Car Video Systems will be used for the following purposes: (41.3.8c)
 - 1. Accurately capturing statements and events during the course of an incident.
 - 2. Improving Deputies' ability to document and review statements and actions for internal reporting requirements and courtroom presentation.
 - 3. Training.
 - 4. Capturing visual and audio information for use in investigations (both criminal and administrative).
 - 5. Assessing the quality of member/citizen contacts through administrative reviews.

II. Training (41.3.8f)

- A. All members assigned to functions utilizing DCSO vehicles equipped with in-car audio/video will receive training in the use and operation of the in-car camera system prior to utilizing the system.
- B. Supervisors will receive training on supervisory responsibilities in regards to in-car video upon promotion.
- C. All members assigned to functions utilizing DCSO vehicles equipped with in-car audio/video will receive refresher training at least once every four years. Training will be provided sooner if changes to the equipment/technology are made by the manufacturer.

III. Equipment Maintenance and Inspection (41.3.8e)

- A. The operation of the equipment and the user-prescribed maintenance will be the responsibility of the member operating the vehicle.
- B. Members operating vehicles equipped with audio/video recording equipment will inspect the equipment prior to the beginning of each shift.
 - 1. This inspection will be documented in CAD.
 - 2. Any malfunction or damage to the equipment will be reported to the on-duty Supervisor immediately and will be noted in CAD.
- C. Malfunctioning equipment will be taken out of service immediately with the exception of Fugitive Warrants Team vehicles. No USB cruiser will be operated on-duty with a malfunctioning camera without permission of the Bureau Captain or designee.
- D. The Technical Operations Division (TOD) will be notified of the malfunctioning equipment.
 - 1. The Deputy will notify his/her Supervisor who will send a request to the Help Desk noting the problem and equipment to be fixed.
- E. Users will ensure that video recording units are set with the current date and time at all times of operation.
- F. Supervisors or Acting Supervisors are responsible for replacing flash cards as needed.
 - 1. Deputies will notify the Supervisor if a flash card needs to be replaced (e.g., the flash card is not uploading).
 - 2. The Supervisor will contact TOD for flash cards.
 - 3. The Supervisor will unlock the flash card access door in the cruiser, remove the flash card, and replace it with a new flash card.
 - 4. The Supervisor will then lock the flash card access door.
 - 5. Supervisors will ensure that if any recording(s) on the flash card is removed, it is uploaded to the secure server.
 - a. In such cases the Supervisor will send the flash card to TOD for video uploading.

IV. In-Car Video Procedures

- A. USB Deputies utilizing vehicles equipped with an in-car audio/video system will record (audio and video) the following incidents: **(41.3.8b)**
 - 1. All vehicle stops.
 - a. Whenever possible, members will manually operate the audio/video equipment to record the driving performance of a motorist that may provide probable cause for a traffic stop or arrest (e.g., DWI, reckless driving, etc.).
 - 2. All arrests when feasible.
 - 3. Field sobriety tests.

4. Pursuits/forcible stopping.
 5. Deputy-Involved Use of Force Incidents when feasible.
 6. Prisoner transports whenever feasible (e.g., transport of opposite sex, etc.).
 7. Deputies may also record other events at their discretion based on their experience and training (e.g., accident scenes, incidents that may result in a complaint, etc.).
- B. Fugitive Warrants Team Deputies utilizing vehicles equipped with an in-car audio/video system will record prisoner transports whenever feasible in accordance with the DCSO “Prisoner Transport – General Procedures” and “Prisoner Transport – ITI Transport Orders” policies. (41.3.8b)
- C. Whenever the recording equipment is activated, the Deputy will ensure the wireless microphone is activated when out of range of the in-car microphone unless there is a legitimate reason for not doing so (e.g., suspects are secured in the back seat of the patrol vehicle and the Deputy wishes to record their conversation while he/she is out of the vehicle).
- D. Deputies may use the audio component of the system when they are out of their patrol unit or on an assignment to substantiate or assist with documentation of their law enforcement duties (e.g., domestic disturbances).
- E. While recording, Deputies will narrate events as they occur.
- F. Deactivating the Camera (41.3.8b)
1. Deputies may deactivate the In-Car Camera System in the following situations:
 - a. At the conclusion of an incident, vehicle stop, or prisoner transport with the following exception:
 - (1) Deputies will not deactivate their In-Car Camera System at the scene of a Deputy-Involved use of force incident or pursuit unless directed by a Supervisor (see the “Use of Force – Deputy-Involved Incident” and “Pursuits” policy).
 - b. At the direction of a Supervisor.
 - c. Traffic control situations (e.g., funeral escorts, directing traffic, or at emergency scenes where the recording equipment is not otherwise being used, etc.) when the patrol unit’s emergency lights may be in operation.
 2. Prior to turning off the video recorder, the Deputy will make an audio notation to explain why the recorder is being turned off.

NOTE: This includes traffic stops.
- G. Deputies will document the video as follows:
1. Deputies will note in the appropriate report when the in-car video equipment was utilized.

2. The following videos will be treated as evidence and users will assign a case number in the video management system:
 - a. Fresh felony arrests.
 - b. Assaults.
 - c. Physical confrontations.
 - d. Pursuits.
 - e. Deputy-involved use of force incidents.
 - f. Incidents related to a complaint or internal investigation.
 - g. Anything else of an evidentiary nature.

NOTE: The members will use the Case Report Number from RMS as the Case Number in the secure video management system.

H. Whenever a Deputy records an event or portion of an event that they reasonably believe will lead to a citizen complaint, the Deputy will immediately bring it to the attention of his/her Supervisor.

I. Users will not attempt to erase or alter the video recordings in any manner.

J. Members will not play back any portion of the recorded event to an arrestee or violator.

K. F. Deputies may view their own audio/video data for the following purposes: (41.3.8c)

1. To assist in completing a criminal investigation. (41.3.10b)

2. Preparing official reports. (41.3.10a)

NOTE: In-car video recordings are not a replacement for written reports.

3. Prior to courtroom testimony or for courtroom presentation. (41.3.10b)

4. Providing a statement pursuant to an administrative inquiry, including Deputy involved incident investigations. (41.3.10b)

5. Training purposes.

a. Recorded audio/visual digital media files that contain material which is believed beneficial for the training of agency members, including recruit trainees may, with the Sheriff's or Sheriff's designee's approval, be utilized for training purposes.

L. Deputies who need to view other Deputies' videos as part of an investigation or to complete reports must receive documented approval via email or Inter-Bureau Communication as follows: (41.3.10c)

1. Deputies will receive approval from the Sergeant, Lieutenant, or Commander of the Deputy who recorded the video prior to viewing the video if it was recorded during routine operations.

2. If the video was generated as part of a cross-bureau/division enforcement activity, approval will be received from the Sergeant, Lieutenant, or Commander who was responsible for special enforcement activity.

EXCEPTION: Investigators do not need to receive approval to view video that is related to an assigned ongoing criminal or administrative investigation. (41.3.10d)

3. If the video is related to a Deputy-Involved Incident, the Deputy may view the recording in accordance with the DCSO "Use of Force – Deputy-Involved Incident Investigations" policy.
4. The Deputy will document the day, date, time, and individual who authorized access to the video in their report.

V. Data Storage and Retention (41.3.8d)

A. Data Security

1. The digital video that is recorded/stored on the flash card throughout the Deputy's shift is automatically uploaded to the secure server when the cruiser is parked in the member lot at the end of shift. The server is secured in the Douglas County 911 Center.
 - a. The DCSO utilizes a secure system that maintains an audit system to identify any persons accessing video, when that access occurred, and any actions taken.
2. No one other than Bureau Supervisors/Command or TOD will have access to the video flash card that is in each cruiser.
3. The flash card access door will be locked/secured at all times.
4. Keys to the flash card access door will be locked in the key cabinet in the USB Supervisor's office and only USB Supervisors/Command or their designee will have access to the keys.
 - a. The key to the lock box will be secured in the Sergeant's storage room and will only be accessed by Supervisors or acting Sergeants.
 - b. Anytime an acting Sergeant accesses the flash card they will notify their Sergeant that they accessed the keys and why the access was necessary.

B. Data Access

1. Access to the videos on the server will be available to affected members (see Section IV, K & L above).
2. Each member has a username and password and may access the video on the video management system and assign case numbers. However, only supervisors, command staff, video examiners, Interdiction Unit Deputies, or TOD may export and make a copy of the video.
3. All videos generated by the audio/video recording equipment are the property of and under the control of the DCSO except when control is otherwise dictated by the judiciary system.

4. Requests for copies of or the viewing of any video recording from anyone outside the DCSO, the court system, or authorized task force partners will be directed to the Sheriff or respective Chief Deputy.
 - a. Authorized task force partners will only be provided with video recordings of task force operations unless otherwise approved by the Sheriff or respective Chief Deputy.

C. Data Storage and Retention Schedule

1. Video will be stored in the video management system in accordance with the retention schedule in section 2 below.
 - a. If a Supervisor needs to export a video to DVD, s/he will export the video and will contact PED, which is where the video DVD will be collected. Requesting Supervisors will ensure that the requested video has been picked up from PED.
2. Retention
 - a. Video recordings uploaded to the server that have not been assigned to a case will be purged after 180 days in accordance with Nebraska Records Retention and Disposition Schedule 15.
 - b. Videos that have been assigned to a case will be backed-up on a certified Blu-Ray disc and maintained in accordance with Property and Evidence procedures (see the DCSO "Property and Evidence" policy).
 - (1) The certified Blu-Ray back-up discs will be securely stored in PED.
 - (2) Members may send a request to TOD to have video that has been backed-up reactivated and burned onto a DVD as needed. Requesting members will ensure that the requested video has been picked up after it is burned.

VI. Administrative Use of In-Car Video Data (41.3.8c)

A. Administrative Investigations

1. Whenever a complaint alleging member misconduct is received involving members assigned an in-car video system, the affected member's Commander or assigned investigator will assign the video to a case and request/make a copy of the video documenting the incident.
2. The assigned investigator will review the portion of the video containing the incident.
3. Should an Internal Investigation be initiated, the video will become a permanent part of the Internal Affairs file related to the specific incident.

B. Training

1. In instances where a recorded audio/video contains material that is deemed beneficial for training purposes, the video may be utilized after receiving documented approval in

accordance with Section IV, K above. Deputies are encouraged to recommend video for this purpose.

C. Administrative Review (41.3.10e)

1. Administrative reviews of captured camera data will be conducted to:
 - a. Ensure equipment is functioning properly.
 - b. Ensure the equipment is being properly utilized.
 - c. Ensure satisfactory Deputy performance including compliance with DCSO, legal, and constitutional requirements.
 - d. Identify material that may be appropriate for training.
 - e. Assist Supervisors with performance evaluations.
2. Supervisors with directly reporting members who utilize DCSO vehicles with in-car video are required to:
 - a. Conduct documented reviews of camera data as follows:
 - (1) USB Supervisors will review a minimum of two recorded events per assigned Deputy each semi-annual period. (41.3.10e)
 - (2) Fugitive Warrants Team (FWT) Supervisors will review a minimum of one recorded event per Deputy transport team each semi-annual period. (41.3.10e)
 - (3) If a Deputy has been assigned to a Supervisor for 90 days or less during the semi-annual period, that Deputy will have their review completed during the next semi-annual period.
 - b. Compare the selected recorded events with the corresponding reports for accuracy.
 - c. Ensure that the Deputy uses good officer safety techniques and complies with all DCSO rules and regulations.
 - d. Document the reviews on the Audio/Video Data Review Report (SF-244).
3. If issues or concerns regarding the use of the equipment or adherence to DCSO policies or procedures are identified, such concerns will be documented on the Audio/Video Data Review Report.
 - a. Supervisors will ensure corrective action/remedial training is conducted in a timely manner for identified in-car video operational issues.
 - b. Supervisors will take immediate measures to address officer safety concerns and/or policy violations in accordance with DCSO policies and procedures.
4. Once completed, the form will be submitted up to the Commander via chain of command for review and signature.

- a. Supervisors reviewing the completed report will review the report for accuracy and ensure that appropriate follow-up action has been taken to address any identified issues.

VIII. Annual Administrative Review (41.3.10f)

- A. The following members will conduct an annual administrative review of the In Car Video System program:
 1. Operations Chief Deputy.
 2. DCSO Captains.
 3. Policy Coordinator.
- B. The administrative review will be based on in-car video data available in the system, feedback from TOD, and Supervisors. The review will determine if any changes need to be made to training, policy, or operational practices.
- C. The written review with any recommendations will be forwarded to the Sheriff for review.

REFERENCES

I. Previous DCSO Orders

- A. Previous General Orders include: #78-2023, #37-2023, #49-2021, #69-2020, #3-2020, #8-2019, #80-2018, #7-2017, #1-2017, #33-2016, #25-2016, #18-2016, #11-2015, and #24-2008.

II. CALEA Accreditation Standards

- A. Relevant CALEA standards include: 41.3.8 and 41.3.10.

III. Review Schedule

- A. Quadrennial.