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SHERIFF

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Kent County Sheriff's Office
Policy and Procedure

Subject: Mobile Audio/Video Recording Systems	General Order: 3 . 5 . 4
Effective Date: 02/06/2023 Revision Date: 01/06/2026	Distribution: All Sworn Personnel

I. PURPOSE

The purpose of this policy is to establish guidelines for the operation of the in-car video system and body-worn camera.

II. POLICY

Audio and video recordings are intended to be used to increase officer safety, enhance training, assist in prosecutions, improve public relations, and facilitate the investigation of citizen complaints.

This policy will ensure the efficient operation of the mobile audio/visual systems and maintain evidential integrity and chain of custody.

III. PROCEDURES

A. Responsibilities

1. System Manager

a. The department will assign a Video System Manager. A second department member will be designated as a backup System Manager to ensure the system is supervised during any absence of the System Manager.

b. The System Manager will be responsible for the overall operation of the mobile audio/video systems. These duties shall include, but are not limited to, training, equipment inventory and ordering, procedural policy, maintaining supplies, video retrieval, reproduction, and scheduled maintenance.

2. Supervisor Responsibilities

   a. Shall ensure that all officers assigned a mobile recording device use the systems in a manner consistent with this policy and the manufacturer's recommendation.

   b. Shall immediately report any training, procedural, or maintenance problems to the System Manager or designated backup and take non-functioning devices out of service.

   c. After their shift, or as soon as practical based on assignment, ensure all data is transferred from the devices and saved according to department guidelines.

   d. When an incident requires immediate data retrieval for chain of custody purposes, a supervisor will immediately respond to the scene and ensure that data remains uncompromised. The supervisor is responsible for the care and custody of the data until it is downloaded.

3. Officer Responsibilities

   a. Body-worn cameras (BWCs) shall be worn by all uniformed officers and sergeants assigned to the enforcement and support services division.

   b. A BWC shall be worn by the field training officer and their trainee if assigned to the same patrol cruiser.

   c. BWCs shall be worn by all plainclothes officers and sergeants when they intend to take enforcement action, i.e., make an arrest, execute a search warrant, etc.

   d. BWCs shall be worn by undercover personnel if directed by the Office of the Sheriff and/or their designee.

   e. BWCs shall be worn by any personnel if directed by the Office of the Sheriff and/or their designee.

   f. Division commanders may exempt personnel from wearing a BWC during training, while performing a light-duty assignment, or any other task or assignment with limited interaction with the public.

g. Officers are only authorized to wear department-approved recording devices.

h. Officers and supervisors shall be trained in the operation and care of the system prior to its use, demonstrate proficiency, and operate the system as directed by policy.

i. At the beginning of their assigned duty, officers and supervisors shall be responsible for the proper setup/placement of the equipment and ensure the equipment is accurate and operational. The BWC should be forward-facing and worn above the midline of the officer's torso in a manner and location that is conducive to effective recording and evidence gathering, taking into consideration differences in body size and uniform of the day.

j. Each officer shall check the system's functionality at the beginning of their shift, including a short video and audio recording. The officer should record by voice their name, date, and assignment. If a problem in the system is noted, the officer shall notify their supervisor as soon as possible.

k. Officers shall activate all recording devices as soon as practical without jeopardizing the safety of those involved when on a call for service, a traffic stop, or contacting a citizen or inmate for law enforcement purposes, including self-initiated activity.

l. During initial contact, officers are not required to inform persons that video recording is in use. However, officers shall not conceal the fact that the incident is being recorded.

m. All officers shall notify a supervisor as soon as possible when failing to activate the device, failing to record the entire contact, or interrupting the recording (except to activate the "mute" function if they have an articulable reason for doing so and they are outside the audible range of any citizen). If any of these events occur, the officer shall notify their supervisor of the reason why it happened and document in their report the failure to record.

n. The video cannot always show the whole story, capture an entire scene, or accurately represent the officer's perspective. As such, it is essential to complete a thorough report.

o. Officers may view their recordings for reporting purposes unless otherwise restricted by a supervisor or policy.

p. When necessary, or upon completion of the shift, officers shall download the recording device.

q. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

r. Supervisors may review recordings at their discretion to ensure compliance with this policy.

s. After a recording is made, the officer shall appropriately tag the recording as determined by the incident type to ensure the recording is preserved for the proper retention period by the System Manager in accordance with the department's retention policy.

4. BWC Use by Federal Task Force Officers (TFOs)

a. TFOs Acting Under Federal Authority

- TFOs must adhere to the Memorandum of Understanding (MOU) between KCSO and their federal task force agency concerning BWC use.

i. **Communication:** TFOs are required to inform any KCSO personnel assisting in a federal investigation about any federal BWC restrictions or requirements.

ii. **Video Tagging:** All videos associated with a federal investigation should be tagged as "Federal TFO" in Axon to ensure they are handled according to the MOU.

iii. **Video Release:** Videos recorded by KCSO personnel during a federal investigation cannot be released without the Sheriff's or their designee's approval, aligning with the MOU.

- Any personnel notified of a request for video tagged as "Federal TFO" shall inform the TFO of the request.

- The TFO shall notify their supervisor and federal partner of the request.

- MOUs will be stored in PowerDMS for reference.

b. TFOs Not Acting Under Federal Authority

When TFOs are engaged in assignments, incidents, shifts, or investigations for the KCSO and not acting under federal authority, they shall adhere to the KCSO's BWC policy.

5. BWC Use by Corrections Division and Court Security

a. BWCs shall be worn by all uniformed UST, Transfer Crew, and Court Security officers assigned to inmate transfers.

b. Storage

- Transfer Crew and Court Security

  BWCs will be kept on docking stations in the courthouse assembly room and the KCCF armory when not in use.

- UST

  BWCs will be kept on docking stations in the KCCF armory when not in use.

c. BWCs will be assigned to each transfer fleet vehicle.

- At the beginning of the shift, deputies will take the BWCs that correspond to their assigned fleet vehicle for the day and return them for charging before going off duty.

d. Officers shall activate all recording devices whenever conducting an inmate transport.

- The recording devices shall remain on during the duration of the transport beginning with the point at which they take custody of the inmate and shall remain on until they are returned to the Correctional Facility or turned over to another agency.

e. Officers do not need to record with a BWC while the inmate is being

transported in a fleet vehicle equipped with recording equipment, and it is activated.

- BWCs shall be activated when the inmate is removed from the vehicle or the in-car recording equipment is not activated.

f. Activation of BWCs is not required in Kent County Courthouses during standard activities, inside or outside of the courtrooms.

g. Documentation and Storage of Recordings

- After a recording is made, the officer shall ensure that the videos are appropriately tagged as either “Transfer Crew / Court Security” or “Corrections – UST” to verify all recordings are preserved for the proper retention period by the System Manager in accordance with the department’s retention policy.

- If known evidence, or a significant incident, is recorded, the officer shall obtain a complaint number in the appropriate Report Management System (e.g., TIMS, JMS) and label the recording in Evidence.com accordingly.

- The officer shall then notify the sergeant, who will create a case for the incident in Evidence.com utilizing the officer-generated complaint number.

B. Restrictions

1. Unless otherwise authorized by the Office of the Sheriff or their designee, officers shall not activate a mobile audio/visual recording device when:

- On employee breaks or engaged in personal activities

- Encountering undercover officers or confidential informants.

- Attending court-related matters, including, but not limited to, hearings, trials, or meetings with prosecutors, attorneys, judges, or hearing officers.

- Not involved in law enforcement activity and in locations where others have an expectation of privacy, such as a locker room, restroom, break room, or private office.

- Meeting with other police personnel, including supervisory and/or

command staff.

- At the request of a person of authority when notice is posted in an area regulated by privacy statutes or security concerns, i.e., hospitals, schools, VIP security details, etc.

  i. If the request is made for a site-specific location on a routine basis, a supervisor shall be notified and approve the request.

- The purposes are contrary to or inconsistent with the department's mission and core values or contrary to local, state, and/or federal law.

- When an officer is interacting with a member of the public and/or other personnel in a matter of exceedingly sensitive or private nature, including, but not limited to, the following:

  - Death notifications
  - Interviewing victims of suspected criminal sexual assault at their request.
  - Strategic planning
  - Pre and post-incident briefings and debriefings
  - Privileged conversations; counsel, clergy, etc.

i. If an officer inadvertently records an exempted activity, they shall report the occurrence to command staff, who will review the recording to determine if it needs to be redacted and/or deleted based on the fact that the recording has no investigative or evidentiary value.

j. Personal use of the recording device on or off duty is prohibited.

C. Departmental Use and/or Release of Audio/Visual Recordings

1. Viewing videos is encouraged for officer safety, training, efficiency, and public relations purposes.

2. Prohibited Uses

a. Personnel are prohibited from accessing, viewing, or otherwise engaging with recorded or live recordings when such activity has no direct relevance to the performance of their official duties without first obtaining permission from the Office of the Sheriff or their designee.

- Accessing or viewing footage for purposes of personal curiosity, entertainment, gratification, or any reason unrelated to legitimate law enforcement functions is forbidden.

b. Live monitoring of KCSO audio and video recording devices is permitted for supervisors and personnel assigned to the RTIC as part of their official duties. Additionally, live stream monitoring may occur in exigent circumstances, or a preplanned event approved by KCSO command, where it is necessary for other personnel to observe live stream feeds for the enhanced safety of the community or to ensure officer safety.

3. All recordings shall remain in their original state and not be edited, erased, duplicated, shared, or otherwise distributed except as covered under this policy or with prior authorization from the Office of the Sheriff or their designee.

a. No screen recordings shall be made of any audio or video captured with KCSO devices with a third-party recording device, i.e., cellphone, video camera, etc.

4. The use of audio/visual recordings is intended for official departmental business only. Any other use is expressly prohibited without authorization from the office of the Sheriff or their designee.

5. The use of recordings or equipment to ridicule or embarrass anyone is strictly prohibited, including all members of the department and/or citizens.

6. Requests to view a recording by a defendant, defense attorney, suspect, or any member of the public shall be treated as a request for information under the Freedom of Information Act (FOIA).

7. A record shall be kept by the FOIA Coordinator documenting the release of the media. The record shall contain the following:

a. Identification of the recording released.

b. Name of the person authorizing the release.

c. Reason for the release.

d. Name of the person to whom the recording is released.

e. Date and time of the release.

f. Name of the person releasing the record.

8. Any media and/or segment released outside the department shall be appropriately identified as the department's property. The department retains all property rights, including copyright, to all images or recordings recorded by or on behalf of the department.

9. If a copy of a video is needed for court, the officer will request it through the System Manager or their backup. This should be done at least five days prior to court whenever possible. The copy will be placed in the incident file and/or in an Evidence.com case folder, if one exists, following the court date. If the incident type does not have a court file, such as a traffic ticket, the copy will be destroyed following the court date. If a copy of the video is needed for follow-up investigation, the investigator will make the request to the System Manager. This copy will be placed in the investigative file and retained in a manner consistent with the type of incident.

10. All videos will be maintained in accordance with the Kent County Document Retention Schedule.

D. Requirements for Compliance

1. Any abuse, misuse, alteration, sabotage, theft, intentional misplacement, erasing, or intentional destruction of any recording without prior approval from the Office of the Sheriff or their designee is prohibited. Any such violation will be viewed as falsification of an official report and/or evidence tampering and will be subject to disciplinary action up to and including termination.

E. Application

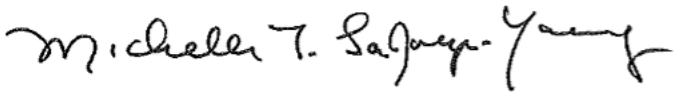
1. This policy constitutes department policy and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or

care in an evidentiary sense with respect to third-party claims insofar as the employer's or employee's legal duty as imposed by law.

IV. CANCELLATIONS

3.5.4 – Mobile Audio/Video Recording Systems (02/06/2023)
3.5.4 – Mobile Audio/Video Recording Systems (10/24/2023)

Authorized by:



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Michelle LaJoye-Young
Sheriff

Index as:

Standard 3.5.5

Application: This directive constitutes department policy and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims insofar as the employer's or employee's legal duty as imposed by law.

KENT COUNTY SHERIFF'S OFFICE