

DENNIS CONARD, SHERIFF

Item 11
04-05-16



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Date: March 29, 2016

Memo To: Board of Supervisors

From: Sheriff Dennis Conard

REF: Purchasing New In-Car Video System and Body Camera System

The Sheriff's Office has completed a proposal for the purchase of a new in-car video system and new body camera system for the Sheriff's Office patrol division, bailiffs and the jail. We have prepared a power point presentation detailing these purchases that we will present to the Board at the Committee of the Whole meeting. The total cost of these projects is \$309,150. The in-car video system purchase total is \$199,376 and has been budgeted in the 2016 capital budget. The body camera system purchase total cost is \$109,774 with \$53,864 being paid for the jail and bailiff cameras from the Sheriff's Office jail commissary fund and the \$55,910 for the deputies and reserves being paid from the Sheriff's Office and County Attorney's Office forfeiture funds, each paying \$27,955. Currently the Sheriff's Office jail commissary fund has a \$257,888 balance and the Sheriff's Office forfeiture accounts have a balance of \$113,217.

Thank you.



SCOTT COUNTY SHERIFF'S OFFICE

TITLE/SUBJECT:
Body Worn Cameras (BWC)

IDENTIFIER:
6002.1
DISTRIBUTION:
All Sheriff's Office Personnel

RELATED DIRECTIVE/FORMS:

EFFECTIVE DATE: 06/01/2016

PAGES: 1 OF 6

APPLICABLE ACCREDITATION STANDARDS: IACP, PERF

INSTRUCTIONS:

- General Order
- Order
- SOP
- Memorandum

- Professionalism
- Responsiveness
- Involvement
- Dedication
- Excellence

I. PURPOSE

This policy is intended to provide Sheriff's Office Personnel with instructions on when and how to use body-worn cameras (BWCs) so that Sworn Personnel, Bailiffs, and Jail Supervisors may reliably record their contacts with the public and inmates in accordance with the law.

II. POLICY

It is the policy of this Sheriff's Office that Sworn Personnel, Bailiffs, and Jail Supervisors shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. PROCEDURES

A. Administration

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for accurate documentation of police-public/inmate contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer's report and testimony in court.
 - a. Body Worn Camera's Limitations: See Attachment A (10 limitations of body worn camera's (*Force Science Institute*))

2. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, personnel and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for personnel evaluation and training.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and How to Use the BWC

1. Sworn Personnel, Bailiffs, and Jail Supervisors that are issued a BWC are required to activate their camera when responding to all calls for service, during all law enforcement-related encounters, and activities that occur while the officer is on-duty or employed at an off-duty job. Personnel shall have the discretion whether to record informal, non-law enforcement interactions with the public.
 - a. Personnel will be given a clear guidance during training about which specific types of activities, events, and encounters they are required to record.
 - b. Personnel that are issued a BWC are required to activate the camera during the course of any encounter with the public or an inmate that becomes adversarial after the initial contact.
 - c. At no time is a deputy is expected to jeopardize their safety or the safety of another person in order to "immediately" activate their issued BWC into record mode. Any BWC not "immediately" activated into record mode due to the safety of the deputy or another person being presently jeopardized, shall be placed into record mode as soon as possible.
2. It is not necessary to advise a suspect, bystander, or inmate that the incident or call for service is being recorded; however, a confrontational subject may alter his or her demeanor when they learn they are being recorded.
 - a. In a residence, there is a heightened degree and expectation of privacy. If the resident wishes not to be recorded, this request will be documented by recording the request before the Body Worn Camera (BWC) is turned off. However, if a deputy enters a dwelling without the consent of the resident, such as when serving a warrant, or when the deputy is there based on an exception to the warrant requirement, recordings should be made of the incident until its conclusion.
3. If personnel fail to activate a body worn camera, fail to record the entire contact, or interrupts the recording, that personnel shall document or articulate in their incident notes, case report, or BWC why a recording was not made, interrupted, or was terminated.

4. Civilians, suspects, or inmates shall not be allowed to review the recordings of a BWC at the scene.

C. **Procedures for BWC Use**

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Deputies, Bailiffs, and Jail Supervisors who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Deputies, Bailiffs, and Jail Supervisors shall wear their issued BWC's above the midline of their torso and positioned on the right side of the body in a position designed to produce an effective recording.
3. Sheriff's Office personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Scott County Sheriff's Office.
4. Sheriff's Office personnel who are assigned BWCs must complete an agency approved training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
5. BWC equipment is the responsibility of the individual personnel and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of their supervisor as soon as possible so that a replacement unit may be procured.
6. Deputies, Bailiffs, and Jail Supervisors shall inspect and test their issued BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
7. Deputies, Bailiffs, and Jail Supervisors shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Sheriff or his or her designee.
8. Deputies, Bailiffs, and Jail Supervisors are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
9. The Sheriff's Office reserves the right to limit or restrict personnel from viewing the video files.
10. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Sheriff or his or her

designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.

11. Deputies, Bailiffs, and Jail Supervisors shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
12. Recordings from body worn cameras are considered evidence and will be treated as such.
13. Deputies and Bailiffs assigned a BWC shall use the camera at approved off-duty employment, but only in conjunction with their official duties. If used for this purpose, the deputy or bailiff shall download all video during their next regularly assigned on-duty shift.

D. **Restrictions on Using the BWC**

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other officers or staff without permission of the Division Commander or their designee;
2. Encounters or investigations with undercover officers/deputies or confidential informants;
3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

E. **Storage**

1. All video files shall be securely downloaded periodically and no later than the end of each shift unless permission is granted by the shift supervisor of their designee. Each video file shall contain information related to the date, BWC identifier, and assigned Deputy, Bailiff, or Jail Supervisor.
2. Deputies, Bailiffs, and Jail Supervisors will categorize their video on their BWC or in situation where the BWC was used with an In-Car Camera system. If the video is not categorized correctly the employee will need to log into the evidence library and categorize the incident to the correct category.
3. All calls for service of a more serious nature, i.e. O.W.I.s, domestics, assaults, arrests, and other incidents that are likely to go to court, the Deputy, Bailiff, or Jail Supervisor will log-in, enter case number, and verify that the BWC's video is

categorized into the correct retention period. At the request of a supervisor or the County Attorney's Office this video will be flagged to be held past its retention period.

4. All images and sounds recorded by the BWC are the exclusive property of the Scott County Sheriff's Office. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
5. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Sheriff or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
6. Deputies, Bailiffs, and Jail Supervisors will be authorized to have access to view their own video files, unless restricted by the Sheriff or their designee as stated in C-9 of this policy.
7. Authorized system administrators will have access to the BWC's video for the purpose of system maintenance and the production of DVD's or video files for evidentiary or training purposes.
 - a. Videos not being held as evidence may be used for training with the approval of the Sheriff or their designee.
 - b. Videos being held as evidence can only be used with approval from the Scott County Attorney's Office.
8. Digital video files will be retained on the Scott County server from 20 to 365 days based on the classification given to the video by Sheriff Personnel at the time of the recording or prior to the end of the retention period. If the digital video file is not flagged by the end of its retention time (stated below) the video file will be purged and no longer available on the server.
 - a. Traffic Stop – 120 days
 - b. Arrest - 180 days
 - c. Call for Service – Report – 120 days
 - d. Call for Service – Non-Report – 30 days
 - e. Non-Event – 20 days
 - f. Use of Force – 365 days

g. Jail Procedures – 120 days

F. **Supervisory Responsibilities**

1. Supervisory personnel shall ensure that Deputies, Bailiffs, and Jail Supervisors equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is operating properly and that the personnel are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

Sheriff Dennis Conard
Scott County, Iowa

cc: File
Major Gibbs
Division Commanders
Training Officer

Attachment A

10 limitations of body worn camera's (Force Science Institute)

1. A camera doesn't track as your eyes or see as they see.

At the current level of development, a body camera is not an eye-tracker. A body camera photographs a broad scene but it can't document where within that scene you are looking at any given instant. If you glance away from where the camera is concentrating, you may not see action within the camera frame that appears to be occurring 'right before your eyes.'

In short, there can be a huge disconnect between your field of view and your visual perception and the camera's. It must be recognized that someone reviewing what's caught on camera and judging the actions of the officer could have profoundly different sense of what happened.

2. Some important danger cues can't be recorded.

Tactile cues that are often important to officers in deciding to use force are difficult for cameras to capture. Resistive tension is a prime example.

You can usually tell when you touch a suspect whether he or she is going to resist. You may quickly apply force as a preemptive measure, but on camera it may look like you made an unprovoked attack, because the sensory cue you felt doesn't record visually.

It is imperative that proper explanations of the officer's action be documented on reports to include but not limited to Use of Force Reports.

3. Camera speed differs from the speed of life.

Because body cameras record at much higher speeds than typical convenience store or correctional facility security cameras, it's less likely that important details will be lost in the millisecond gaps between frames, as sometimes happens with those cruder devices.

But it's still theoretically possible that something as brief as a muzzle flash or the glint of a knife blade that may become a factor in a use-of-force case could still fail to be recorded.

Of greater consequence, he believes, is the body camera's depiction of action and reaction times.

People who don't understand this reactionary process won't factor it in when viewing the footage.

4. A camera may see better than you do in low light.

The high-tech imaging of body cameras allows them to record with clarity in many lowlight settings. When footage is screened later, it may actually be possible to see elements of the scene in sharper detail than you could at the time the camera was activated.

If you are receiving less visual information than the camera is recording under time pressured circumstances, you are going to be more dependent on context and movement in assessing and reacting to potential threats. In dim light, a suspect's posturing will likely mean more to you immediately than some object he's holding. When footage is reviewed later, it may be evident that the object in his hand was a cell phone, say, rather than a gun. If you're expected to have seen that as clearly as the camera did, your reaction might seem highly inappropriate.

Therefore, it is even important for an officer to articulate why they did what they did in writing and even when the camera is still filming. Documentation is always the key to our business.

5. Your body may block the view.

How much of a scene a camera captures is highly dependent on where it's positioned and where the action takes place. Depending on location and angle, a picture may be blocked by your own body parts, from your nose to your hands and arms.

If you're firing a gun or a Taser, for example, a camera on your chest may not record much more than your extended arms and hands. Or just blading your stance may obscure the camera's view. Critical moments within a scenario that you can see may be missed entirely by your body cam because of these dynamics, ultimately masking what a reviewer may need to see to make a fair judgment.

6. A camera only records in 2-D.

Because cameras don't record depth of field—the third dimension that's perceived by the human eye—accurately judging distances on their footage can be difficult.

Depending on the lens involved, cameras may compress distances between objects or make them appear closer than they really are. Without a proper sense of distance, a reviewer may misinterpret the level of threat an officer was facing.

7. The absence of sophisticated time-stamping may prove critical.

The time-stamping that is automatically imposed on camera footage down to the second. Generally, measuring the action in some high profile, controversial cases is not sophisticated enough. It may become difficult or near impossible to fully analyze and explain an officer's perceptions, reaction time, judgment, and decision-making it may be critical to break the action down to units of one-hundredths of a second or even less.

When reviewers see precisely how quickly suspects can move and how fast the various elements of a use-of-force event unfold, it can radically change their perception of what happened and the pressure involved officers were under to act.

8. One camera may not be enough.

The more cameras there are recording a force event, the more opportunities there are likely to be to clarify uncertainties. The angle, the ambient lighting, and other elements will almost certainly vary from

one officer's perspective to another's, and syncing the footage up will provide broader information for understanding the dynamics of what happened. What looks like an egregious action from one angle may seem perfectly justified from another.

9. A camera encourages second-guessing.

According to the U. S. Supreme Court in *Graham v. Connor*, an officer's decisions in tense, uncertain, and rapidly evolving situations are not to be judged with the '20/20 vision of hindsight. In the real-world aftermath of a shooting, camera footage provides an almost irresistible temptation for reviewers to play the coulda-shoulda game.

Therefore, as part of the incident investigation, we recommend that an officer be permitted to see what his body camera and other cameras recorded. He should be cautioned, however, to regard the footage only as informational. He should not allow it to supplant his first-hand memory of the incident. Justification for a shooting or other use of force will come from what an officer reasonably perceived, not necessarily from what a camera saw.

10. A camera can never replace a thorough investigation.

A BWC's recording should never be regarded solely as *the* Truth about a controversial incident. It needs to be weighed and tested against witness testimony, forensics, the involved officer's statement, and other elements of a fair, thorough, and impartial investigation that takes human factors into consideration.

This is in no way intended to belittle the merits of body cameras. Early testing has shown that they tend to reduce the frequency of force encounters as well as complaints against officers.

But a well-known police defense attorney is not far wrong when he calls cameras 'the best evidence and the worst evidence.' The limitations of body cams and others need to be fully understood and evaluated to maximize their effectiveness and to assure that they are not regarded as infallible 'magic bullets' by people who do not fully grasp the realities of force dynamics.

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES
THAT THIS RESOLUTION HAS BEEN FORMALLY
APPROVED BY THE BOARD OF SUPERVISORS ON

DATE

SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

April 7, 2016

APPROVAL OF THE PURCHASE OF THE WATCHGUARD IN-CAR VIDEO SYSTEM
FOR THE SHERIFF'S OFFICE IN THE AMOUNT OF \$309,150.

BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

Section 1. That the WatchGuard In-Car Video System for the Sheriff's Office is
hereby approved as presented in the amount of \$309,150.

Section 2. This resolution shall take effect immediately.