



Policy Statement

SUBJECT: Body Worn Camera Policy

This Policy and Procedure document is intended to be used as a guideline for all Oklahoma County Sheriff's Office Employees. Employees are given the discretion to deviate from these guidelines when reasonably necessary to mitigate loss of life, great bodily injury, or substantial property loss and the specific circumstances of the event negate the opportunity for the Employee to consult a higher authority. Any other deviation from Policy must be approved by the applicable Division Commander with a rank of Captain or higher and will only apply to the specific circumstance in question.

Violations of rules, regulations, policies, and procedures form the basis for disciplinary action within the Sheriff's Office. This policy is not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of law form the basis of civil and/or criminal sanctions to be determined in the proper judicial setting and not through the administrative procedures of the Sheriff's Office.

POLICY

It is the Policy of the Oklahoma County Sheriff's Office (OCSO) to field Body-Worn Cameras (BWC) in Divisions tasked with traditional Law Enforcement duties that involve a high frequency of enforcement contact with the public.

Body-worn cameras provide objective recordings of events Deputies encounter. These recordings provide valuable evidence for prosecution, assist Deputies with completing reports, protect Deputies from false allegations, and hold Deputies accountable for their actions.

This Policy governs all OCSO personnel issued Body-Worn Cameras.

PROCEDURE:

Use of Department Issued Body-Worn Cameras

- Deputies must be trained in the operation of the body-worn camera system and the applicable written directives prior to its use. Each Deputy assigned a body-worn camera is required to use it during his or her shift and shall operate the assigned body-worn camera in accordance with written directives. All OCSO issued body-worn cameras, associated equipment and recordings are the property of the Oklahoma County Sheriff's Office.
- Body-worn cameras contain configuration settings that are applied by a Body-Worn Camera Administrator and settings that are configurable by the Deputy. The Deputy will not intentionally change or modify any of the Body-Worn Camera Administrator's configuration settings.

Maintenance and Care

- Each Deputy is responsible for all issued body-worn camera equipment. Prior to each shift, the Deputy shall ensure the assigned body-worn camera is operating properly by performing a Function Test. A Deputy may perform a Function Test at any other time he or she believes it necessary. If at any time the Deputy discovers the body-worn camera is damaged or malfunctioning, the Deputy shall notify his or her supervisor as soon as practical. If the supervisor cannot resolve the issue, the supervisor will notify the Body-Worn Camera Administrator by email and make him or her aware of the issue. If the body-worn camera is physically damaged, the Deputy will also complete an incident report titled Damage to County Equipment. If a camera is damaged or malfunctioning, it shall not be used and will be returned to the Body-Worn Camera Administrator as soon as possible.

When a Body-Worn Camera Shall Be Activated

- Deputies shall activate his or her body-worn camera under the following circumstances:
 - Voluntary Contact/Consensual Encounter;
 - Prior to any investigative detention, mental health detention, traffic or vehicle stop, motorist assist, or custodial arrest;
 - Prior to a use of force;
 - Prior to initiating any Code 3 or Emergency Response;
 - Prior to exiting the OCSO vehicle on a call for service;
 - While involved in any vehicle or foot pursuit;
 - When conducting a Standardized Field Sobriety Test (SFST) or Drug Recognition Expert (DRE) evaluation, or while reading the Oklahoma Implied Consent Warning;
 - While transporting, guarding or coming into contact with any person who becomes uncooperative, agitated, combative, threatening or makes statements related to his or her arrest/protective custody;
 - For the purpose of documenting a dying declaration; or
 - When directed by a supervisor.

When a Body-Worn Camera May Be Activated

- A Deputy may activate his or her body-worn camera anytime the Deputy deems it appropriate to record for official purposes, except as prohibited by this policy.

When Body-Worn Cameras Shall Not Be Activated or Shall Be Deactivated

- A Deputy shall not activate or shall deactivate his or her body-worn camera:
 - During a conversation with any supervisor or investigator after an incident has been resolved;
 - During activities, conversations or meetings with law enforcement employees while not on a call or incident;
 - During planning or briefing with the Tactical Unit or Bomb Squad at any time;
 - At the conclusion of a call or incident; or
 - While maintaining a secured crime scene after an incident has been resolved, if approved by a supervisor.

Announcement Prior to Deactivation

- Prior to deactivating a body-worn camera and when safe to do so, the Deputy shall make a recorded announcement as to the reason the camera is being deactivated, such as:
 - Contact completed;
 - Incident concluded; or
 - Ordered by supervisor (name) to end recording.

Prohibited Use of Body-worn Cameras

- Body-worn cameras and/or body-worn camera recordings shall not be:
 - Used for personal gain or activities;
 - Copied, deleted, altered, uploaded, reviewed or released in any manner, except as authorized by written directives; or
 - Viewed by citizens, unless authorized by a supervisor.
- Body-worn cameras shall not be:
 - Used to record department employees, except as provided for by this procedure;
 - Removed from the Deputy's person and left unattended while recording; or
 - Used to record any court proceeding or administrative hearing.

Use of Body-Worn Cameras in Healthcare Facilities

- A Deputy shall activate his or her body-worn camera in a healthcare facility, only under the following circumstances:
 - When conducting a voluntary contact;
 - Prior to any investigative detention, mental health detention, custodial arrest or use of force;
 - When interviewing anyone detained or arrested. The interview should be conducted in a private room or area where recording would not knowingly capture any "Individually Identifiable Health Information" of another person;
 - While involved in a foot pursuit;
 - When conducting a Standardized Field Sobriety Test (SFST) or Drug Recognition Expert (DRE) evaluation;
 - While transporting/escorting an arrestee or guarding or coming into contact with any person who becomes uncooperative, agitated, combative, threatening or makes statements related to his or her arrest/protective custody;
 - For the purpose of documenting a dying declaration; or
 - When directed by a supervisor.

Notification

- Except as required by this policy, a Deputy is not required to advise a person he or she is recording their interaction unless the person specifically asks if they are being recorded, at which point the Deputy shall inform the person they are being recorded.

Incident Identification and Reporting

- Each recording will be tagged by the Deputy, and shall be completed no later than the end of the Deputy's shift.
- The Deputy shall make a notation, comment, or statement on all reports and citations if applicable, when a recording is made. The Deputy shall document the existence of a body-worn camera recording in all applicable reports and this documentation will take place in the first line of the narrative or immediately thereafter.
- If a Deputy does not make a complete recording as required or interrupts a recording, the Deputy will document the circumstances of such action in the appropriate report.
- The use of a body-worn camera does not alleviate the responsibility for a Deputy to complete a detailed report related to their involvement in an incident as required by written directives.
- If any Deputy, investigator, undercover Deputy, or supervisor is aware that an undercover Deputy or informant may have been captured in a body-worn camera recording, they will either notate this information in the body-worn camera database or ask a supervisor to do so.

Deputy Review of Body-Worn Camera Recordings

- Deputies will be allowed to review his or her body-worn camera recordings or the portion of another Deputy's recording where that Deputy is captured:
 - To assist with an investigation and completion of reports;
 - Before making any statement or being interviewed. If the Deputy is the subject of a criminal investigation for actions clearly outside the scope of his or her employment, the Sheriff or Undersheriff may restrict his or her ability to review any body-worn camera recordings. If the Deputy is the subject of an administrative investigation, he or she may have an employee representative/legal counsel present during the review. If the Deputy is the subject of a criminal investigation, he or she may have legal counsel present. If requested by the Deputy, employee representative or legal counsel the review of the recording shall be conducted privately so that the event may be discussed; or
 - Prior to testifying in court.

Requests for Redaction or Deletion

- A Deputy may request to redact or delete recordings (i.e. personal recordings unrelated to any law enforcement action) by submitting a written request. This request will be submitted directly to the Deputy's Division Commander. If the Division Commander is unavailable, the form will be submitted to the Deputy's Bureau Commander. The Division Commander or Bureau Commander will review the recording and the request to authorize or deny the redaction or deletion. The Division Commander or Bureau Commander will include an explanation for his or her decision and will immediately send the written request to the Administrator of the BWC program. The Deputy will be notified of the decision.
- The BWC Administrator will review the request as soon as practical, and may consult with General Counsel or The DA's Office prior to taking action on requests that involve redaction. All requests shall be stored electronically by the BWC Administrator.

- An original recording that may have evidentiary value will be maintained by the BWC Administrator. If a redaction is made, a copy of the original recording will be made and only the copy will be redacted. The original and the copy will be maintained by the BWC Administrator.
- An original recording that has no evidentiary value may be deleted as provided above.

Supervisor Responsibilities

- Supervisors shall ensure each Deputy who is assigned a body-worn camera uses the camera throughout each shift and in accordance with this procedure. To ensure compliance and effectively carryout this directive, Supervisors may review recordings of citizen encounters as needed to ensure policy compliance and appropriate usage of the Body Worn Camera.

Investigator Responsibilities

- An investigator shall review any body-worn camera recordings related to and in furtherance of his or her assigned investigation(s). When appropriate, the investigator will request a copy of the recording for their case file from the BWC Administrator.

Other Parties Requiring Access to Body-Worn Camera Recordings

- Body-worn camera recordings may contain evidence in criminal and/or civil proceedings. Appropriate prosecutors, General Counsel or The DA's Office and their staff will have access to body-worn camera recordings for official purposes.

Administrator Responsibilities

- Body-Worn Camera Administrators are responsible for:
 - Tracking and inventory of all body-worn cameras;
 - Maintaining all body-worn cameras and system components;
 - Repairing and replacing body-worn cameras and system components and/or sending them to the manufacturer for repair or replacement;
 - Ensuring Deputies are properly trained on body-worn camera use; and
 - Providing audit information.
 - Maintaining recordings in accordance with department retention procedures;
 - Processing requests for redaction or deletion and maintaining records of these requests;
 - Providing recordings pursuant to Open Records requests;
 - Processing subpoenas and court orders for recordings; and
 - Processing requests for review from authorized personnel.

Secondary Employment

- Deputy are not required to activate their body-worn camera during secondary employment unless the Deputy anticipates a use of force or intervening in a criminal matter.

Disciplinary Action

- Violation of any section of this procedure may result in disciplinary action.

Open Record Requests

- The Oklahoma County Sheriff's Office will provide copies of recordings from body-worn cameras in accordance with federal and state law, subpoenas, and court orders. The BWC Administrator will consult with the General Counsel or the DA's Office as needed.
- If an Open Records copy of an original recording is released, the retention period for the original recording and the Open Records copy will be three years from the date of the recording, unless a longer retention period already applies.

BWC Recordings Used for Training

- Body-worn camera recordings may be used as a training tool if the recording is not associated with an open investigation or pending civil litigation, but must be approved by the Undersheriff or the Sheriff.

Corrective Action/Discipline for Failure to Activate a Body-Worn Camera

- If an Deputy fails to activate a body-worn camera in accordance with the requirements of this procedure, the following corrective actions/discipline will apply:
 - First failure to activate - Counseling;
 - Second failure to activate within 365 days of the first failure to activate – Written Warning;
 - Third failure to activate within 365 days of the first failure to activate - Class I Reprimand;
 - Fourth failure to activate within 365 days of the first failure to activate - Class II Reprimand and other discipline; and the
 - Fifth failure to activate within 365 days of the first failure to activate will result in a Class III Reprimand and/or progressive discipline which may include termination.
- After 365 days from the first failure to activate the body-worn camera, the time period for new corrective action/discipline will start over.
- When there is clear evidence of an unexpected physical attack on the Deputy or another person and an immediate use of force is necessary to protect the Deputy or the other person, such evidence will be considered when evaluating the Deputy's failure to activate the body-worn camera.
- Any other violations of this procedure will be handled under the normal discipline process.

Retention

- All recordings will be categorized. If a recording is not categorized by the appropriate Deputy, the recording will remain in the "Unknown" file until it is properly categorized.

Category	Description
1	Function Tests Functions test conducted by a Deputy prior to beginning a shift or at any other time.
Videos classified as category 1 shall be maintained for 30 Days	
2	Investigative Detention (No Arrest or Citation) When a Deputy places a person under investigative detention for a short period of time, but ultimately releases the person and no citation is issued.
2	Protective Custody (Detox-PIA, ED, Juvenile Transport/Custody) When a Deputy transports an adult to PIA (Public Inebriate Alternative – Detox) or takes an adult/juvenile into protective custody under an ED or transports a juvenile to a shelter or responsible person for release.
2	Traffic Stop and/or Collision Investigation (No Arrest/No Citation/Minor or No Injury) When a Deputy conducts a traffic stop but no arrest is made, no citation is issued, or when a Deputy is working a motor vehicle collision involving no injury or minor injury and no custodial arrest is made and no citation is issued
2	Field Interview/Citizen's Assist/Voluntary Contacts, etc. When a Deputy initiates a field interview, voluntary contact or a citizen assist, where no force is used, no citation is issued and no arrest is made.
2	Calls for Service or Other Activity Not Identified Above-No Further Action When a recording does not fit under any of the above categories.

Videos classified as category 2 shall be maintained for 60 Days

3	Traffic Stop and/or Collision Investigation (Citation Issued/No Custodial Arrest/Minor or No Injury) When a Deputy conducts a traffic stop where a citation is issued with no custodial arrest, or when a Deputy is working a motor vehicle collision involving no injury or minor injury, and a citation is issued but no custodial arrest is made.
3	Misdemeanor Arrest or an Investigation Involving a Misdemeanor Crime When an Deputy makes a misdemeanor arrest, regardless if the person is booked into jail, field released, etc., or when an Deputy is assigned to or responds to a misdemeanor crime investigation and conducts an interview, inventory, search, prepares a crime scene log, crime incident/supplemental report etc.

Videos classified as category 3 shall be maintained for 1 Year

4	Administrative: Pursuits When a Deputy is assigned to, responds to or is involved in a motor vehicle pursuit.
4	Administrative: Use of Force (No Injury/Minor Injury with or Without Hospitalization) When a Deputy is involved in or witnesses a use of force involving no injury or minor injury with or without hospitalization. This includes use of less lethal devices.

4 **Administrative: Collisions Involving Department Vehicles (No Injury/ Minor Injury with or without Hospitalization)**
When a Deputy is involved in or witnesses a motor vehicle collision involving a department vehicle where no injury or minor injury occurs with or without hospitalization.

4 **Administrative: Formal Complaints/Internal Investigations (Non-Criminal)**
When a Deputy is involved in a formal complaint or an administrative investigation.

Videos classified as category 4 shall be maintained permanently

5 **Felony Arrest or an Investigation Involving a Felony Crime (Except Homicide)** When a Deputy makes a felony arrest, regardless if the person is booked into jail, hospitalized, etc., or when an Deputy is assigned to or responds to a felony crime investigation and conducts an interview, inventory, search, prepares a crime scene log, crime incident/supplemental report, etc.

5 **Collision Investigation Involving a Fatality or Great Bodily Harm**
When a Deputy is involved in investigating a fatality or great bodily injury collision regardless if a citation is issued or an arrest is made.

5 **Administrative: Open Records Release**
When an open records copy of an original recording is released, the retention period for the original recording will be changed to this category unless a longer retention period already applies.

Videos classified as category 5 shall be maintained for 3 Years

6 **Administrative: Warrant Arrest (Felony or Misdemeanor)**
When a warrant has been issued for a felony charge that was initially categorized under a shorter retention period.

6 **Administrative: Criminal Investigation of a Department Employee Not Involving a Death**
When a department employee is the subject of a criminal investigation not involving a death.

Videos classified as category 6 shall be maintained for 7 Years

7 **Pending Review by Supervisor**
When a Deputy needs to have a video reviewed by a supervisor prior to making a determination on how the video should be categorized.

Videos classified as Pending Review by Supervisor shall be maintained Until Reviewed

8 **Homicide Arrest, Field Investigation, Interview, Inventory or Search, Etc.**
When a Deputy makes a homicide arrest, regardless if the person is booked into jail, hospitalized, etc., or when an Deputy is assigned to or responds to a homicide

investigation and conducts an interview, inventory, search, prepares a crime scene log, crime incident/supplemental report etc.

- 8 **Administrative: Use of Force** (Death or Serious Bodily Injury)
When a Deputy is involved in or witnesses a use of force involving death or serious bodily injury with or without hospitalization. This includes use of less lethal devices.

- 8 **Administrative: Collisions Involving Department Vehicles** (Death or Serious Bodily Injury) When an employee is involved in or witnesses a motor vehicle collision involving a department vehicle where death or serious bodily injury occurs.

- 8 **Administrative: Criminal Investigation - Significant Event** When an investigator determines that a recording needs to be retained beyond the original retention period due to the incident being the focus of an investigation.

Videos classified as category 8 shall be maintained permanently

Approved by:

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Sheriff Tommie Johnson III 09/10/2021
Date