

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: JAIL VIDEO MONITORING SYSTEMS

A-500

EFFECTIVE:	REVIEWED:	REVISED:	UPDATED:
July 25, 2014	07-11-24	03-06-23	07-11-24

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REFERENCE: Government Code; section 6253.9

PURPOSE

Jail Video Monitoring Systems used in Sheriff's Office detention facilities are designed to enhance safety and security for the incarcerated people population, jail staff, and the general public. Video or audio data obtained from the Jail Video Monitoring Systems will be available on a need-to-know basis and will be used both in real time for security purposes, and to review previously recorded incidents for the purpose of assisting management in analyzing those incidents and ensuring compliance with rules, regulations, policies, and law.

POLICY

This policy applies to all types of camera systems, monitors, and recording devices used for security purposes at various Sheriff's Office detention facilities. This policy sets forth limited authorized use of video images and audio recordings obtained from these systems and mandates the required storage time.

Sheriff's employees, contractors, or vendors with access to the Jail Video Monitoring System are required to comply with this policy.

DIRECTIVE #1- PROHIBITED USES OF JAIL VIDEO MONITORING SYSTEM RECORDINGS

- Recordings may not be used for any personal use or uploading to any internet web site without the express written authorization of the Sheriff.
- In no event shall any recording be used or shown with the intent to ridicule or embarrass any employee or any member of the public.

- In no event shall video images reviewed on a system monitor be video recorded by another video recording device (cell phone, tablet computer, or other device).
- Recordings shall not be reviewed by any supervisor for the sole purpose of determining whether an employee (or employees) is engaged in misconduct without due cause. This does not preclude a supervisor from viewing recordings as part of normal, responsible, supervisory practices.

Audio and video from the Jail Video Monitoring System shall not be used in any manner in violation of the law or County rules, policies, or procedures. This data shall in no manner be used for any improper, illegal, offensive, or harassing purpose. Activities prohibited by this policy include, but are not necessarily limited to the following:

- Accessing or sending of any material or communication in violation of any federal, state, or local law, ordinance, or regulation.
- Unauthorized or improper downloading, accessing, viewing or sending of any audio or video images is prohibited

DIRECTIVE #2 - VIEWING JAIL VIDEO MONITORING SYSTEM RECORDINGS

Access to review video images or audio recordings on the Jail Video Monitoring System will be limited to the following members of the Sheriff's Office:

- Sheriff's Senior Deputies (Includes Detentions Senior Deputies);
- Sheriff's Sergeants (Includes Detentions Sergeants);
- Sheriff's Lieutenants (Includes Detentions Lieutenants);
- Commanders;
- Chief Deputies;
- Undersheriff;
- Sheriff;
- Internal Affairs Investigators;
- Professional Standards Unit Investigators.

Review of recordings is permitted for the following purposes:

- By Deputies, Senior Deputies, or Sergeants for the purpose of completing their reports;

Note: Review by line staff deputies will be under the supervision of those with “view” access as listed in Directive #2 above.

- By a Facility Manager or Supervisor as part of their normal, responsible supervisory practices;
- Any sworn personnel conducting an investigation of incidents captured by the Jail Video Monitoring System may review the video evidence prior to completing an investigative/supplemental report. Unforeseen circumstances may occur that prohibit involved personnel from viewing the video evidence prior to completing the investigative/supplemental report (i.e., emergency circumstances, maintenance issues, etc.). Under these circumstances, personnel will be required to complete their report with timelines prescribed in Department Policy. If there are any additional observations viewed by the reviewing personnel believed to be relevant, the sworn personnel shall document those observations in a supplemental report;
- By a Deputy or Senior Deputy, with supervisor approval, who is conducting follow-up on a specific case or incident and finds it necessary to review a video involving jail personnel;
- By the Sheriff, Undersheriff, Chief Deputy, Commander, Lieutenant, or Sergeant who is conducting a review of a critical incident, such as a use of force, citizen or incarcerated person complaint, or evaluation of Sheriff’s Office business practices;
- By Internal Affairs Investigators while conducting an administrative inquiry or as part of a personnel investigation;
- By the Professional Standards Unit as an inquiry or as part of an investigation;
- By the Compliance Section Sergeant while conducting various performance audits;
- As directed by the Sheriff.

DIRECTIVE #3 –PRIVACY

All Kern County employees, employees from other agencies and departments, and the general public, who enter Sheriff's Office detention grounds or facilities, shall be subject to video/audio recording. All County rules, regulations, and guidelines, as they presently exist and as they may be amended in the future, regarding ethical and appropriate behavior by County employees and the appropriate use of County resources, apply to the use of Jail Video Monitoring System. Criminal or Civil action brought against employees may be appropriate where laws or rights are violated.

Employees should have no expectation of privacy in any material generated by the Jail Video Monitoring System.

The contents of any video or audio data obtained by the Jail Video Monitoring System may be disclosed to authorized parties without the permission of those depicted in the recordings.

Employees must not assume their activities, or recordings of those activities, are confidential or private. Only authorized Sheriff's Office staff will have access to the entire network.

Data obtained from the Jail Video Monitoring System are "public records" under Government Code section 6253.9 (part of the Public Records Act) that provides that, although records are in electronic format, they are still subject to review and inspection by the public.

DIRECTIVE #4 – USE OF CAPTURED VIDEO & AUDIO

Video and audio data obtained from the Jail Video Monitoring System may be used to enhance the mission or work tasks of the County or the Sheriff's Office. Uses may include communication and exchanges for professional development, to maintain currency of training or education, as supplemental information to performance audits, or to discuss issues related to the employee's department activities.

The video and audio captured by the Jail Video Monitoring System is intended for use in carrying out government business. The Kern County Sheriff's Office retains all personal property rights in any matter created by the Jail Video Monitoring System. Such matter is not the property of the employee or incarcerated person.

Recordings may be used for the purposes of training with the approval of the appropriate Detentions Bureau Division Commander. The Division Commander will consider the training value of the recording and in no event shall any recording be used

or shown with the intent to ridicule or embarrass any employee or any member of the public.

Any audit utilizing video and/or audio captured by a jail video monitoring system shall be conducted by the Lerdo Compliance Section.

Notice of County's Rights:

This usage information is subject to Public Disclosure and/or subpoena by the Courts. All electronic media communications are considered at all times to be County records.

DIRECTIVE #5 – STORAGE

Video and audio recorded by the Jail Video Monitoring System will be stored electronically for a period of 13 months. The system will automatically write over data that has been stored longer than 13 months.

DIRECTIVE #6 - REQUEST FOR COPIES OF JAIL INCIDENT VIDEO/AUDIO

The operation of the Jail Video Monitoring System will create a demand for copies of individual video/audio data of incidents that occur in the jail. Requests for copies of video/audio may come from a variety of sources including KCSO Detectives, KCSO Internal Affairs, County Counsel, allied law enforcement agencies and the media. The following procedures shall be followed for the release of video/audio data.

Procedure A-1: Requests from authorized representative of the Kern County Sheriff's Office

- The request will be made directly to the affected facility Administrative Sergeant or, in their absence, the Lerdo Division Commander's designee. The request must include all pertinent information needed to be able to search for and identify the specific incident. This information may include:
 - Approximate date and time of incident;
 - Incarcerated person's name;
 - Officers involved;
 - Description and location of the incident;
 - JMS Incident number or MOBILE/LERMS case number if one is available.

Procedure A-2: Requests from an allied law enforcement agency or County Counsel

- The request will be directed to the affected facility Administrative Sergeant or, in their absence, the Lerdo Division Commander's designee. The Administrative Sergeant or designee will direct the requesting agency to send an email for tracking purposes. The email will contain the following:
 - Approximate date and time of incident;
 - Incarcerated person's name;
 - Officers involved;
 - Description and location of the incident;
 - Name of the person and Agency requesting the information.
- The facility Administrative Sergeant or designee will work with the requester to determine what video/audio data needs to be recorded.
- Upon approval by the appropriate Detentions Bureau Division Commander, the facility Administrative Sergeant will locate and download the requested information and make it available to the requester.
- All approved data requests/releases will be logged and maintained by the affected Administrative Sergeant.

Procedure A-3: Media / Press / Other requests

All requests for video/audio data by the media, resulting from a subpoena or other court order, or from any source not listed above will be directed to the KCSO Civil Litigation/Risk Management Unit Supervisor and the affected section manager (lieutenant).

Procedure B: Maintenance

Maintenance problems with the Jail Video Monitoring System shall be immediately brought to the attention of the applicable facility's Administrative Sergeant, as soon as possible, using the following procedure.

Staff discovering a maintenance problem will:

- Send an email to the facility Administrative Sergeant explaining the problem. Carbon copy (CC) a copy of the email to the applicable section manager and the Technology Services Section at TSS@kernsheriff.com.

The Administrative Sergeant will:

- Evaluate the problem and determine whether the problem is maintenance or technology related.
- If the issue is one of maintenance, such as a dirty lens, the Administrative Sergeant will complete a maintenance request using the online maintenance request system.
- If the issue is of a technical nature, arrangements will be made with Sheriff's Technology Services Section to have the problem repaired.