

	<b>LANE COUNTY SHERIFF'S OFFICE POLICY</b>	Number: <b>G.O. 12.09</b>
		Issue Date: March 2, 2016
		Revision Date: October 18, 2017; September 10, 2018; September 11, 2019; January 31, 2023
<b>CHAPTER:</b> Corrections		Related Policy: G.O. 11.03 Public Records; G.O. 4.01 General Responsibilities of Employees; G.O. 4.02 Code of Conduct
<b>SUBJECT: Recorded Data Originating from Correction Facilities</b>		Related Laws:

**POLICY:** The use of any county owned, leased, or contracted equipment, facility video/audio recording system to include Adult in Custody audio/video/electronic communications, vendor equipment or portable video/audio recording devices, can provide valuable documentation of staff interactions with Adults in Custody as well as Adult in Custody interactions with other Adults in Custody. The Recorded Data can provide objective evidence to document criminal and facility violations, enhance officer safety, and assist in the timely resolution of inquiries and complaints.

**DEFINITIONS:**

1. Involved Employee: For purposes of this policy, means an employee, contract staff or volunteer who is individually identifiable on video or audio recordings.
2. Recorded Data: For purposes of this policy, means all video/audio recordings to include Adult in Custody audio/video/electronic communications from facility video/audio recording systems, vendor equipment or portable video/audio recording devices.

**RULE:**

1. Staff will not release Recorded Data to any entity outside the Corrections Division, except as authorized by law (e.g., Oregon Public Records Law), required by court order, otherwise provided for in this policy, or authorized by County Counsel, the Sheriff or designee.
2. A copy of all audio or video recordings reviewed, released, copied or distributed for use outside of the Corrections Division will be retained in the Corrections Division.
3. The Lane County Sheriff's Office retain all rights to Recorded Data made by county owned, leased, or contracted equipment either within the facility or on the facility grounds.

4. When staff is involved in an interaction that they reasonably believe could result in a tort, use of force, or misconduct claim or be used as evidence to a crime, they will report it to a supervisor to ensure that the Recorded Data is preserved.
5. **Body Worn Cameras:** We understand the need and usefulness of Body Worn Cameras to outside Law Enforcement Officers and will allow their use in Secure Parking, the Intoxilyzer Room and Pre-Book. It is the Sheriff's Office expectations that Arresting Officers will advise LCSO staff when they are recording in these areas. Only cameras worn and operated by LCSO staff will be allowed inside the secure perimeter of the jail, to include Book-In. Outside Law Enforcement Officers will either secure their cameras or disable them prior to entering the secure perimeter.
6. If an outside agency requests to video/audio record an interview inside the facility with their equipment, they must contact a security supervisor and request permission. If the supervisor approves the request, then the supervisor will coordinate the time. Outside agencies will only be allowed to video/audio record in one of the "dry cells" in Book-in or in a contact attorney room in visiting. Agencies will not start recording prior to being in the "dry cell" or contact attorney room and will stop recording prior to exiting the cell or room. There may be times when LCAC is unable to accommodate such requests due to workload, but supervisors should work with outside agencies if possible.

## **PROCEDURE:**

- I. Program Objectives – The Lane County Sheriff's Office has adopted the use of Facility Video/Audio Recordings to accomplish the following objectives:
  - A. To enhance officer safety.
  - B. To accurately capture statements and events during the course of an incident.
  - C. To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
  - D. To provide an impartial measurement for self-critique and field evaluation during new deputy training.
  - E. To capture visual and audio information for use in current and future investigations or litigations.
  - F. To provide video for future training purposes.
- II. Recorded Data

- A. A deputy may review recordings when that review will assist him/her in preparing a written report or for court/litigation proceedings.
- B. Staff may be permitted to review use of force recordings with their union representative prior to an Allegation of Misconduct interview.

III. Use and Release of Recorded Data

- A. Requests for review/copies of recorded data by any entity outside of the Corrections Division will be forwarded to the Security Lieutenant or designee.
  - 1. Any request made by a person/entity not representing a Law Enforcement Agency or the District Attorney's Office must go through the public records request process.
  - 2. The individual representing a Law Enforcement Agency or District Attorney must submit the request in writing via the Release of Facility Recorded Data request form.
    - a. District Attorneys have direct access to the Recorded Data of the intoxilyzer room and do not have to send requests for that footage.
  - 3. Security Lieutenant or designee will review Recorded Data requests and may release the requested recorded data to Law Enforcement or District Attorney personnel after identification has been verified.
    - a. Prior to releasing Recorded Data files outside the Corrections Division, the Security Lieutenant or designee may consult with County Counsel and may provide County Counsel a copy of the recorded data and the documentation for review if warranted. County Counsel may request redaction, editing, distribute with a signed stipulated protective order or advise against release.
  - 4. The Security Lieutenant or designee will provide a copy of the request form with the released recorded data.
  - 5. The Security Lieutenant or designee will ensure the Recorded Data Stat form is completed and a copy of the recording is retained in the Corrections Division.
- B. Jail Recorded Data files of crimes that occur within a corrections facility and are being investigated by Correction Division Deputies may be released by the Security Supervisor to be submitted as evidence for the

purpose of prosecution. The Recorded Data file submitted will be that directly relative to the crime and shall not contain pre or post crime data.

1. Jail Recorded Data files of crimes that occur within a corrections facility and are being investigated by LCSO investigators at the request of Corrections Command Staff may be released by the Security Supervisor to the District Attorney' office for determination of crime or prosecution.
  2. The Security Supervisor will ensure the Jail Incident Statistics form is completed and an exact copy of the recording released to the District Attorney's Office is retained in the Corrections Division for future reference.
  3. The Security Supervisor will ensure a copy of the police report is retained in the Corrections Division.
- C. If public records request for recorded data is received, the Support Services Manager or designee will follow release guidelines in the Oregon Public Records Law and General Orders. The Sheriff or designee and County Counsel will review the request prior to the release of information. If deemed appropriate a reasonable attempt will be made by the releasing person or designee to notify any involved employee prior to the release of information.
- D. The Corrections Division Captain will approve any Recorded Data to be used for training purposes. If recorded data are to be used for training purposes beyond the view by the involved employee(s), the person intending to use the data will ensure that any involved employee is notified of the intent to use the data for that purpose and given the opportunity to raise an objection to such use. If an objection is raised by the involved employee(s), the ultimate decision as to whether or not to use the involved data will rest with the Sheriff or designee.
- E. Request for copies of recorded data by LCPOA will be handled and processed per the collective bargaining agreement.

#### IV. Data Management

- A. Recorded Data made will be safeguarded to ensure their integrity.
- B. Data from certain types of incidents will be retained for the time periods listed below. Files may be retained for a longer period of time when needed for possible litigation purposes or as required by Oregon Public Records Retention laws.

1. Data which is evidence of a crime will be retained until the case reaches final disposition or through the appeal/post conviction relief period.
2. Data which contains information relevant to an allegation of misconduct will normally be retained for the same length of time as the associated investigative file.
3. Data involving any use of force reportable under our General Orders, and which does not involve an allegation of misconduct, will be retained for 36 months.
4. Data used in Adult in Custody discipline will be retained through the appeals process. If the incident is assaultive in nature, the data will be kept for 36 months.
5. A recording which is the subject of a denied public records request will be maintained until the disagreement about the release of the recording is resolved.
6. Data regarding an incident which is the subject of a tort claim notice or other legal action will be retained until that action is resolved.
7. Recorded data upon which a performance evaluation is based will be retained at least until the evaluation is given to the employee.
8. All other data will be retained for a minimum of thirty days.

V. Responsibilities and Procedures for Supervisors

- A. Supervisors are responsible to ensure that
  1. Data is initially preserved.
  2. Jail Incident Statistics form and Release of Facility Recorded Data request form are completed.
  3. Release of the Facility Recorded Data request form shall be forwarded to the Security Lieutenant or designee.
- B. A supervisor has the authority to review recorded video of an incident involving an employee in his/her chain of command, or of an incident that he/she supervised, for purposes outlined in this policy.
- C. A Field Training Officer may review recordings of contacts involving his/her assigned recruit officer.

VI. Location of Forms

- A. Jail Incident Statistics form and Release of Facility Recorded Data request form are located on the intranet at Department<Sheriff's Office<General Orders Manual<Orders Manual-Other Documents.