

Patrol Video System (PVS)

446.1 POLICY STATEMENT

The use of a Patrol Video System (PVS) can provide powerful evidence in support of public safety. Therefore, to assist with keeping the public trust and maximizing the effectiveness of this valuable tool, procedures for use of the PVS system are set forth below.

It is the policy of the Orange County Sheriff's Department for Sergeants, Deputy Sheriffs, Sheriff's Special Officers (SSO) and Community Service Officers (CSO) (hereinafter, collectively referred to as Members) to deploy the PVS every shift worked in a Department vehicle equipped with the PVS system.

446.2 PURPOSE

The primary purpose of the PVS system is documentation and preservation of video evidence. In addition, the recording of our Department's interactions with the citizens the Department serves, provides transparency and accountability for the citizens of Orange County. The PVS is designed to assist and compliment Members in the performance of their duties. Through proper utilization, the PVS can aid in the prosecution of criminal offenders, refute allegations of Departmental wrongdoing, assist and provide evidence during civil litigation, and provide video documentation for future training needs.

The PVS system is intended to support Members' actions during various citizen encounters by providing a visual and audio record of contacts. Video provides an one-dimensional, unbiased account of the incident being recorded and, as such, supplement the Member's report.

The Department permits and encourages Members to review available audio/video recordings as a means of reinsuring factual accuracy and enhancing recollection when documenting an event. For additional information, refer to sections 300.6 Post Use of Force Procedures and 424.8 Review of Recordings.

Additionally, PVS footage has been valuable in refuting false allegations against Department Members or assisting the Department to complete Internal Affairs investigations.

446.2.1 EXPLORATORY SEARCHES OF PVS FOOTAGE

Review of PVS footage by a supervisor without a specific reason is prohibited. Authorized reasons to review PVS footage may include but are not limited to commendations, training, the investigation of complaints, use of force reviews, an unambiguous and reasonable concern of unprofessional conduct, quality assurance and review of critical incidents.

446.3 TRAINING

It is the policy of the Department for all Members assigned to Patrol Operations to be properly trained in the use and operation of the PVS system. In those unique situations where a Member has not received PVS training, he/she shall secure supervisor approval prior to operating a PVS equipped vehicle. Please note when the vehicle is started, the PVS switches to an active record

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mode whenever the forward red light is turned on, all emergency lights are turned on, VLP microphone is activated, the operator manually depresses the red record button, when a vehicle reaches a predetermined speed, or the vehicle is involved in a collision, which activates the crash box sensors. Members not trained in the use of PVS system, should contact the PVS custodian or a field supervisor for guidance prior to operating a PVS equipped vehicle and/or when the PVS records information of evidentiary value or of interest to the Department.

In-service training shall be provided for Members newly assigned to PatrolOperations Command who are using the digital PVS for the first time. This training shall be provided by the Sheriff's Technology Division, or personnel trained in the use of PVS. The in-service training will consist of the following:

1. Instruction in the function and use of the PVS.
2. Use of the "DEP/L3/Flashback" software.
3. How to make a "case."
4. How to preserve a "case" as evidence.
5. How to report a PVS that is in need of repair.
6. When and when not to utilize the Nightwatch function.
 - (a) Note: To prevent overexposure of the video images, the Nightwatch function should only be used in very low light condition; i.e. a dark alley which has little to no ambient lighting.

Members assigned to the PatrolOperations Command shall be provided additional instruction on the PVS by their Field Training Officer during training. The additional instruction shall consist of the following:

7. Review of the function and use of the PVS.
8. Instruction in the proper times to activate or deactivate the PVS.
9. Review how to make a "case".
10. Review how to preserve a "case" as evidence.
11. How to request a digital copy of a recording for Court.
12. Review how to report a PVS that is in need of repair.
13. Review of when and when not to utilize the Nightwatch function.

The individual conducting the additional instruction shall ensure the Member receiving the instruction fully understands the PVS system and its proper operation.

Additional instruction shall be consistent with other patrol training a deputy receives during Field training and shall be recorded in the deputy's ADORE training file by the Field Training Officer. For

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Members, other than deputies, the additional training will be documented in the Members training file by the Field Training Officer and retained by the respective Training Sergeant.

446.3.1 PVS USAGE

At the start of a shift, the Member shall check to ensure the video files from the previous shift were successfully downloaded. Downloading is indicated at the top of the PVS screen as the available free memory on the system's memory card. A completely downloaded memory card is indicated as "29.7 GB". (Note: If a completely downloaded card reads "15.4 GB", notify your supervisor or PVS custodian so a 32 GB card can be installed. 16 GB cards are being taken out of service). When the PVS screen reads "29.7 GB", there are no video files left on the PVS and downloading is complete. Any malfunction or failures during the download must be immediately reported to the shift supervisor and a PVS Trouble Report shall be filled out and submitted to the PVS custodian by the reporting Member.

1. Any digital recordings on the PVS shall automatically begin to download wirelessly whenever the patrol car comes within a few hundred yards of designated stations if the unit is not in active record mode.
2. Any digital recordings from a prior shift which were not downloaded prior to returning the unit to service should be reported to a field supervisor.
3. Vehicles returning to service that have not fully downloaded previous recordings, may have their respective memory card changed by a field supervisor. Members should not utilize a memory card that does not have a minimum of approximately fifteen gigabytes (15 GB) of remaining memory. Available memory is indicated on the top of the PVS video screen as a numeric value; e.g.29.47 GB.
4. Field supervisors shall have extra memory cards for the PVS system for those times where a shift may run longer than normal or an extended shift is scheduled or anticipated and the vehicle cannot go to one of the download locations.
5. Field supervisors, who have changed out a memory card, as described above, shall turn the full or partially used memory card in to the appropriate PVS custodian, maintaining the chain of custody of evidence.
6. The PVS system records onto a memory card that has an approximate 24 - hour recording capacity. To ensure a memory card will last an entire tour of duty and to maximize system storage capacity, deputies should only record active "events" as described in paragraph "8" of this policy.
7. Once the power to the vehicle has been turned off, the system will shut-down approximately sixty minutes thereafter. The PVS will not record video footage during shut-down mode; however, it will continue to download video files to the server. If the vehicle is restarted while the PVS is in shutdown mode the PVS will take approximately one minute to reboot.
8. Each Member shall record, both visually and audibly, the following:
 - (a) All calls for service.

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1. This shall include all Member who arrive to a call for service whether or not he/she was assigned to the call.
2. PVS shall be activated prior to arriving to the call and remain on until the call is completed.
- (b) Pursuits.
 1. Audio and Video recording shall begin automatically with the activation of the overhead lights.
 2. Video recording shall continue until the unit is manually deactivated.
- (c) Car stops.
- (d) Arrests.
- (e) DUI observations and field balance and coordination tests.
- (f) Traffic enforcement and pedestrian stops.
- (g) Contacts with the public whenever possible.
9. Each unit is equipped with a rear seat camera and microphone, except for K-9 patrol cars.

The above list is not all-inclusive and each Member is encouraged to use his or her judgment regarding PVS usage. If a Member fails to record an incident, he/she must provide justification for the lack of a recording. The Member will document the justification in the incident report. If no report was taken, the Member will document the justification in the CAD Call Narrative. The Member shall notify their supervisor who shall also document the justification in the Supervisor's log. For example: A crime in progress happening unexpectedly without sufficient time to activate the PVS. During incidents as described, a deputy should activate their PVS as soon as practical and safe to do so. Then follow the documentation procedure outlined above.

Exemptions to the above PVS Usage Policy:

1. When a confidential informant's identity must be protected, or for other reasons authorized by California Evidence Code 1040, 1041, and 1042. Deputies shall be required to provide justification for not recording a particular incident or contact as described above. This justification should be documented in the incident report and should read similar to, "Unit XXXX's PVS recording was stopped at XXXX hours on XX/XX/XXXX (date) in accordance with Policy 446."
2. After a critical incident, the Incident Commander and Department Commander shall determine an appropriate time to deactivate or reactivate the PVS systems. This determination will be communicated on the primary channel.
3. When the PVS has been activated to document an event, it shall not be deactivated until the event had been concluded, except during an extended incident, e.g., traffic control or accident scene, the Member may deactivate the system to conserve recording time. In such cases, the Member shall document the reason for stopping the recording by verbally noting, on the recording, the intent to stop capturing a specific

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event or incident prior to stoppage as well as articulate the reason for making that decision.

When the PVS system is activated, the system will retain 60 seconds of recording prior to activation. This will allow traffic violations, erratic driving, suspicious activity and other unusual happenings to be captured.

Members should be aware of the additional applications or limitations of the PVS system, including the use of the audio recording capability when incidents occur outside the view of the camera. Such applications or limitations, may include but are not limited to, recording conversations during domestic disputes occurring inside a residence or recording statements made during a "keep the peace" call occurring behind an apartment complex. By being aware of the PVS capability and limitations, such as the distance from the vehicle and potential geographic obstacles, Members can determine its recording effectiveness.

446.3.2 MEMBERS' RESPONSIBILITIES

Prior to the beginning of each shift, each Member utilizing a PVS system shall verify the memory card has at least 15 GB of available memory. If the available memory is less than 15 GB, the Member shall notify their field supervisor, so the memory card may be replaced. The Member shall also log onto their respective PVS with their assigned USB key. If the PVS is utilized without a USB key, the Member shall notify the PVS custodian, so the PVS recording may be properly marked with the appropriate Member's information. After log-on is complete, Members shall perform the below pre-operational and operational inspection to ensure the PVS is functioning correctly.

Perform a Pre-operational Inspection Test:

1. VoiceLink Plus® (**VLP**), digital wireless microphone:
 - (a) Adequate power source (batteries).
 - (b) Connected to the recording equipment (remote links with onboard vehicle system).
 - (c) Remote activation of system via transmitter (microphone).
2. Camera Lens:
 - (a) Windshield and camera lens are free of debris.
 - (b) Camera facing intended direction.
3. PVS Recording mechanism:
 - (a) Powers up when car is turned on.

Perform an Operational Inspection Test:

- (a) Remove the microphone from the charger and place it in an accessible location on your belt, shirt pocket, etc. At the end of a patrol shift, microphones should be powered and kept in the vehicle charger or returned to the equipment room.

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- (b) Start recording for a short period, it is recommended that the recording be initiated by turning the microphone on, then walk in front of the vehicle (camera), state your name, date and unit number, then play it back to confirm the audio and video were recorded properly.
- (c) Unless authorized by a supervisor, vehicles shall not be utilized for patrol without a properly functioning PVS system, which includes video and audio capabilities. Sheriff's K-9 patrol vehicles shall be equipped with a power control switch to turn off the PVS. K-9 deputies shall only turn the power off to their PVS at the end of watch (EOW) and/or prior to driving their patrol car home. This provision is in place for officer safety reasons.
- (d) Any malfunctions of the PVS equipment shall be documented on a "PVS Trouble Report" which shall be given to the PVS custodian for processing. Additionally, the Member's immediate supervisor shall be informed verbally of the PVS malfunction prior to the unit being placed in service.
 - (a) When the PVS is not operating properly, the appropriate supervisor shall make the determination of whether or not the patrol vehicle shall be utilized. If the vehicle is placed in service without an operating PVS, a notation shall be entered into the Supervisor's log.
 - (b) Damage or theft of a PVS shall be documented on the appropriate Department form and reported to the Member's immediate supervisor. Lost or damaged PVS USB keys may be replaced by the PVS custodian.

446.4 VIDEO STORAGE

PVS video files shall not be duplicated and/or a copy of a video file released except by court order, District Attorney Discovery request, Risk Management Bureau request, Public Records Act request, or upon written authorization of a sergeant.

Each Division/Bureau that houses a download server shall designate a custodian of records to coordinate the production of copies to be released to authorized persons as described above.

Each Division/Bureau shall also house back-up storage devices for the PVS stored files. The back-up storage devices shall be removed by a communications technician who shall in turn release them to the respective authorized PVS custodian after the custodian completes a receipt for the device.

Each Division/Bureau shall also be responsible for the secure storage of the back-up storage devices. The storage devices shall be kept for a minimum of 2 years (per approved Board of Supervisors Retention Schedule) from the date of the last recording on the device. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.

446.5 PVS MALFUNCTIONS

For in-car PVS equipment repairs, the PVS Custodian who received a "PVS Trouble Report" shall notify their local fleet manager or call Sheriff's Technology Division at [REDACTED]

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Field supervisors shall report a complete system failure or malfunction to Sheriff's Technology Division at [REDACTED]. After normal support hours (M-F 07:00 - 16:30 PST), a supervisor should call Control One at [REDACTED]. Control One shall contact the Sheriff's Technology Division.

The Sheriff's Technology Division shall notify Sheriff Dispatch if they become aware of system failure or malfunction. Dispatch shall in turn notify the affected supervisors. In addition, Communications shall notify the Sheriff Dispatch when the system is repaired and fully functional.

446.6 EVIDENCE PRESERVATION

A PVS recording of evidentiary value shall be saved by creating a "case" for the digital recording and by checking the "do not dispose" box prior to the end of shift.

Evidentiary value means PVS recordings obtained in the course of an incident that can later serve a purpose in civil, criminal, or administrative proceedings.

Once a case has been created it shall be "named" or labeled by its assigned DR number, call number or citation number.

Cases saved by checking the "Do Not Dispose" box shall not be purged from the system until the case in question has been adjudicated. Once the case has been adjudicated, the Sheriff's Technology Division, will be responsible for purging the recording.

A case saved in the above manner shall be considered saved as evidence.

Any report related to a digital recording, which has been saved as described above, should indicate in the evidence section of the report that a digital recording of the incident was preserved and saved as evidence.

Only those digital files which have been saved as a "case" can be burned to a DVD, as authorized by Policy 446 Section 446.4.

Should questions arise, further guidance is available from Sheriff's Technology Division at [REDACTED].

446.7 MOTOR-DEPUTIES' AUDIO RECORDINGS

In lieu of a PVS, deputies who are assigned to motorcycle duty shall carry and utilize a digital audio recording device. The recording device shall be used in the same manner as the PVS system.

1. All digital recordings/audio files made during the course of a motor-deputy's duties should be downloaded to the Puma software application, which is a read-only system. No changes may be made to the audio file once the file has been downloaded.
2. Digital recordings/audio files should be downloaded daily, if possible, and no later than the first day the motor-deputy returns to work after any recording is made.
3. All digital/audio files recordings shall be retained pursuant to the Board of Supervisors Retention Schedule for a period of 2 years, unless the recordings are evidence in any claim or pending litigation.

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4. In addition to downloading digital recording/audio files to the Puma software application, digital recording/audio files of evidentiary value (civil, criminal, or administrative) should be burned to a digital media source, i.e., C.D./DVD/memory card, etc. and booked into evidence per policy 802.
5. Once downloaded to the Puma software application, recordings shall not be duplicated and/or a copy of a recording be released except by court order, District Attorney's discovery request, or upon written authorization of the motor supervisor, or his designee.
6. A digital recording/audio file needed for an official purpose, after having already been downloaded to the Puma software application, may be secured by submitting a request to the motor supervisor, or his designee.