

Electronic Recordings-Community Corrections

810.1 PURPOSE:

To establish guidelines regarding electronic recordings gathered in the course of probation officers' duties.

810.2 DEFINITIONS:

Electronic Recorder: A portable recorder, audio and/or video, worn on an officer's person that records and stores electronic recordings.

Preload: To state information in advance via the electronic recorder with pertinent information such as:

1. Date/Time
2. Officer's name(s)/Call sign(s)
3. Call type
4. Subject's full name, when possible, PIN, address, type of supervision, offense code, information of others residing in the home, information regarding dogs, etc.
5. Additional information pertinent to the intended contact such as criminal history, violence history, gang involvement, threat history (threats against officers, aggressive animals, etc.), weapons history, known mental health illness or disorders, drug use history, and any other information gathered which may impact officer safety.

Upload: To transfer a recording from the electronic recorder to the officer's network "U drive" and saved as:

1. Officer's ID number
2. Subject's name
3. CE PIN (if available)
4. Recording date
5. Type of contact/other information (e.g., home visit, school visit, arrest, evidence, complaint, etc.).

810.4 RESPONSIBILITIES:

- I. Probation Officers (POI/II/III)/Supervising Probation Officers (SPO):
 - A. Shall only use department-issued electronic recorders.
 - B. Shall wear electronic recorders in a manner that is open and visible.
 - C. Shall ensure the electronic recorder is fully functional before conducting fieldwork. If the recorder is not in working order or the officer becomes aware of a malfunction at any time, promptly obtain a functioning device.

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- D. Shall preload the electronic recorder before arriving for a home visit or planned contact.
- E. Shall, unless unsafe to do so, activate the electronic recorder in the following situations:
 - 1. Compliance checks/Field contacts
 - 2. Searches
 - 3. Arrests
 - 4. Vehicle Searches
 - 5. Physical or verbal confrontations
 - 6. When responding to hostile or confrontational subjects.
 - 7. Self-initiated activity in which the officer would normally notify the dispatcher.
 - 8. Contact that becomes adversarial after the initial interaction in a situation that would not otherwise require recording.
 - 9. Any time the officer believes it would be appropriate or valuable to document an incident.
- F. Generally, officers should not record informal or casual encounters with members of the public.
- G. Once activated, the electronic recorder shall not be stopped or paused during the contact or search. In certain circumstances a recording may be stopped when requested to preserve legal confidentiality (e.g. hospital settings, conversations between an individual and their attorney or religious advisor, etc.).
- H. Shall provide a disposition prior to stopping the recording at the conclusion of the contact.
- I. Shall upload all recordings to the officer's network "U drive" in a folder titled "Field Recordings" by the end of the next business day unless specifically directed by a Supervisor or above to preserve it in an alternate method.
- J. Shall review recordings to ensure copies are uploaded properly.
- K. Shall store all recordings for a minimum of thirteen (13) months.
- L. Recordings of incidents involving the use of force, an officer-involved shooting or death, incidents leading to the detention or arrest of an individual, recordings relevant to a formal, informal, or potential complaint against an officer or the Department, pending litigation, and/or other serious incidents shall be retained for a minimum of two (2) years.
- M. Recordings containing evidence that may be relevant to criminal prosecution shall be retained for the period that is required by law.
- N. When preparing an incident report shall include documentation that a recording was obtained.

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1. If a recording was not obtained, delayed, or stopped during a contact, articulate the reasons why in the incident report.
 - O. Shall not use personal computer equipment, software programs, or recording devices to make copies of electronic recordings.
 - P. Electronic recordings are the property of the San Bernardino County Probation Department. Accessing, copying, forwarding, or releasing any electronic recording other than for official use contrary to this procedure is strictly prohibited.
 1. Release of electronic recordings, unless provided as evidence at the time of a new crime filing, shall be handled through the Custodian of Records.
 - Q. When conducting undercover or discreet fieldwork, the use of electronic recorders may not be feasible. Authorization for these types of operations requires written approval from the Chief Probation Officer or their designee.
 - R. Shall provide copies of any recordings requested by Professional Standards within a timely manner.
 - S. Generally, officers are permitted to review the electronic recording when preparing reports or statements.
- II. Supervising Probation Officer (SPO):
- A. In an incident involving the use of force, an officer-involved shooting or death or other serious incident, and/or recordings relevant to a formal or informal complaint against an officer or the Department, supervisors should take custody of an officer's electronic recorder at the scene of the incident or as soon as practicable and upload the officer's recordings to the SPO's network "U drive" in a folder titled "Critical Incident Recordings" (if the recording was not already obtained by the investigating agency).
 - B. Review recordings and required documentation and before submission to the Division Director, when applicable.
 - C. When involved in an incident, the Division Director (DDI/II) or their designee will upload the SPO's recordings.
 - D. Supervisors and above may request copies of an officer's recordings at any time.
- III. Division Director (DDI/II)/Designee:
- A. Upload recordings of incidents where the SPO is directly involved, as listed in section II.A.
 - B. Upload the SPO's recordings to the DD's network "U drive" as soon as practicable in a folder titled "Critical Incident Recordings" (if the recording was not already obtained by the investigating agency).
 - C. Review recordings and required documentation before submission to the Deputy Chief Probation Officer (DCPO) when applicable.
 - D. When involved in an incident, the DCPO or their designee will upload the Division Director's recordings.

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