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Scope: This policy applies to all employees.

(A) Definitions.

- (1) **Body-Worn Camera ("BWC").** "BWC" means a wearable audio, video, or photographic recording device. Phones or other portable recording devices are not BWCs for purposes of this policy.
- (2) **Tag.** "Tag" means a descriptive classification attached to each BWC recording or the process of classifying a BWC recording. Deputies shall tag all recordings using the following classifications.
 - (a) **Evidence.** The "Evidence" tag means a recording which may be used as evidence to document a law enforcement activity as it pertains to an enforcement action/adversarial encounter.
 - (b) **Non-evidence.** The "Non-evidence" tag means a recording, whether accidental or intentional, which has no evidentiary or administrative value.
 - (c) **Permanent.** The "Permanent" tag means a recording to be kept indefinitely. Examples of "Permanent" recordings include any recordings that select Sheriff's Office employees (for example, a supervisor or detective) believe should be classified in a category that does not expire.
 - (d) **Civil Unrest.** The "Civil Unrest" tag means a recording which may be used as evidence to document an incident as it pertains to an enforcement action/adversarial encounter during demonstrations, protests, and/or riots.
- (3) **Significant event.** "Significant event" means an incident involving a deputy that would likely be the subject of heightened media attention or public interest, however nothing in this definition limits the ability of the Sheriff, a County Commissioner, the County Administrator, or the Prosecuting Attorney from designating an event as a significant event.

(B) Purpose.

- (1) A BWC shall be used in order to document the carrying out of any law enforcement duties by Sheriff's Office employees. A BWC shall be used in accordance with this policy to:

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- (a) Collect audio, video, or photographic evidence;
- (b) Document interactions with the public;
- (c) Document law enforcement activities as noted in section (F)(4)(B)(ii);
- (d) Assist in training and employee evaluation; and
- (e) Any other reason not expressly excluded by this policy.

(C) Authorization.

- (1) Each deputy certified as a peace officer by the Ohio Peace Officers Training Commission ("OPOTC") shall be issued a BWC and accompanying equipment.
- (2) Deputies shall wear and use only Franklin County Sheriff issued BWCs in accordance with this policy and division standard operating procedures.
- (3) Deputies are prohibited from using other portable recording devices such as mobile phones in place of or in addition to BWCs.
- (4) A deputy shall wear a BWC at all times while performing law enforcement activities unless specifically exempted by this policy.
- (5) Deputies are prohibited from using a BWC for personal use.

(D) User Responsibilities – Equipment Maintenance.

- (1) Deputies shall inspect the BWC and any accompanying equipment for damage and ensure that the equipment is charged and fully operational at the start of each shift and fully operational at the end of each shift, special duty assignment and overtime assignment that does not immediately follow a regular duty shift.
- (2) If a deputy determines that a BWC or accompanying equipment is defective or otherwise not operational, the deputy shall notify the deputy's supervisor as soon as practicable and obtain a replacement item from supervision.

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(3) A supervisor shall promptly address a deputy's report of a defective or otherwise inoperable BWC or any accompanying equipment.

(E) Content/Recordings - General.

(1) All recordings and content captured by a BWC may be public records and will be maintained in accordance with the records retention schedule and disclosed in accordance with Ohio public records laws.

(2) Deputies shall have no expectation of privacy in any content captured by a BWC.

(F) Operation – Uniformed Deputies.

(1) Wearing of the BWC.

(a) Except as provided in (F)(2), OPOTC certified deputies shall wear the issued BWC when dressed in any Franklin County Sheriff uniform. Non-certified deputies are prohibited from wearing a BWC.

(b) A deputy shall wear the BWC in conformity with manufacturer recommendations and office training, as applicable.

(c) A deputy shall only wear the BWC issued to that deputy.

(2) Exceptions.

(a) While performing Bomb Team and Dive Team responsibilities, deputies shall not wear a BWC.

(b) A deputy assigned to corrections shall not wear a BWC inside the secured perimeter of any Franklin County Corrections Center.

(c) A deputy assigned to the Support Services Division, Training Academy, shall wear a BWC any time the deputy leaves the training academy complex or engages in law enforcement activities.

(d) A deputy who is participating in office authorized training shall wear a BWC any time the training requires BWC use, or the deputy engages in law enforcement activities.

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(e) The Sheriff reserves the right to assign and order the wear and proper use of a BWC to any deputy at any time.

(3) Power on of BWCs.

(a) A deputy shall power on the BWC at the beginning of each shift, overtime, or special duty assignment. A deputy shall ensure the power light is illuminated. BWC footage that is captured while the BWC is powered on but not activated will not be routinely maintained beyond a 72 -hour period but may be retained at the request of the Sheriff, a County Commissioner, the County Administrator, or the Prosecuting Attorney.

(b) Except as provided in (F)(3)(c), a deputy shall keep the BWC powered on until the end of the deputy's shift or duty assignment.

(c) A deputy shall power the BWC off when:

- i. Engaging in confidential communications, to include communications with legal counsel and prosecuting attorneys;
- ii. When directed by a Franklin County Sheriff detective to protect the identity of a confidential informant or undercover deputy, or in furtherance of an undercover investigation; or
- iii. Engaging in non-work related activities implicating personal privacy interests such as in locker room or rest room. This prohibition does not apply to law enforcement activity occurring in these areas.

(4) Recording Activation.

(a) A deputy shall announce that the deputy has activated recording as soon as practicable. BWC footage recorded when the BWC is activated, and for five (5) minutes prior to BWC activation, shall be retained consistent with the record retention schedule and managed in accordance with applicable public records law.

(b) A deputy shall activate BWC recording when:

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- i. Ordered by a supervisor; or
- ii. Responding to or engaging in law enforcement activity at the start of the response or engagement or at the first reasonable opportunity. Law enforcement activity includes:
 - 1. Calls for service when arriving on scene and when citizen contact is made;
 - 2. Responding to alarms, alerts, security threats, medical emergencies, altercations, or disputes;
 - 3. Traffic and pedestrian stops;
 - 4. Investigatory stops;
 - 5. Arrests, transfers of custody, and arrestee or inmate transports;
 - 6. Vehicle and foot pursuits;
 - 7. Searches; and
 - 8. Any other interaction that may constitute a law enforcement activity.
- (c) A deputy may activate recording at any time not expressly prohibited by this policy.
- (d) A deputy shall deactivate recording when ordered to do so by a supervisor who has been trained in BWC use and this policy, provided the order is not inconsistent with this policy.
- (e) A deputy shall deactivate recording when directed by a Franklin County Sheriff detective to protect the identity of a confidential informant or undercover deputy, or in furtherance of an undercover investigation.
- (f) A deputy shall not deactivate the recording until the end of law enforcement activity, response, or engagement, or until the deputy is ordered/permitted to stop recording by a supervisor.
- (g) A deputy shall announce that the deputy is deactivating recording and the reason why prior to deactivating recording.

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(G) Operation- Non-uniformed Deputies.

- (1) A deputy assigned to a non-uniformed position (plain clothes) who is engaged in enforcement actions, shall conspicuously wear the issued BWC and comply with the provisions set forth in section (F) of this policy.
- (2) A deputy assigned to the Support Services Division, Warrants and Extradition Unit, is not required to wear a BWC while in an aircraft and must comply with all applicable federal regulations.

(H) Recordings.

- (1) **Uploading.** Deputies shall upload all recordings at the end of each shift, special duty assignment, and overtime assignment that does not immediately follow a regular duty shift assignment. If an overtime assignment immediately follows the deputy's regular duty shift and is performed in the same division, the deputy may upload all recordings at the end of overtime duty.
- (2) **Duplication/Dissemination.** No employee shall duplicate or disseminate any recording captured by a BWC unless the duplication or dissemination is:
 - (a) Approved by the Sheriff or designee;
 - (b) In accordance with the Ohio Public Records Act;
 - (c) In response to a lawful subpoena or court order;
 - (d) Required for a criminal or administrative investigation;
 - (e) For purposes related to pending or anticipated civil litigation; or
 - (f) Necessary for training or employee evaluation.
 - i. This prohibition includes capturing audio or video by playing the recording and rerecording with another device such as a mobile phone. The deputy is prohibited from using the recording for personal use irrespective of whether the recording is a public record, except as permitted by law.

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(3) Copy Requests/Release.

- (a) All requests for copies of BWC recordings, including subpoenas and public records requests shall be directed to the Risk Manager.
- (b) All recordings shall be timely reviewed by the applicable Division Chief Deputy or designee prior to public release.
- (c) Public record requests for BWC recordings shall be processed in accordance with Sheriff's policies and reviewed and released in accordance with and pursuant to Ohio law.
- (d) The Risk Manager shall consult with the Prosecuting Attorney regarding the release, redaction, or withholding of a recording associated with a significant event. The Prosecuting Attorney shall provide the Sheriff, or designee if the Sheriff is unavailable, with its legal advice for final determination of whether a recording should be released, redacted, or withheld pursuant to Ohio Public Records law. The Sheriff and Prosecuting Attorney shall agree if the record will be released, redacted, or withheld. If the Sheriff and Prosecuting Attorney cannot agree, there will be a meeting with the Board of Commissioners, Sheriff, and Prosecuting Attorney to determine if the record will be released, redacted, or withheld.

(4) Access.

- (a) Access to BWC uploaded recordings shall be restricted to Sheriff's Office employees, Franklin County Data Center employees for purposes limited to those necessary for the operation and maintenance of storage equipment and related software, and the Prosecuting Attorney for purposes of ensuring legal compliance.
- (b) Access to and review of BWC recordings by Sheriff's Office employees may be restricted by a Chief Deputy upon approval of the Sheriff if necessary to protect the integrity of an investigation, privacy, privilege, or confidentiality.
- (c) A deputy shall notify a supervisor in writing in the event of an unintentional or inadvertent recording implicating confidentiality or privacy or a recording otherwise prohibited by this policy. The supervisor shall email the Risk Manager of the details of the recording and copy the respective Chief Deputy and Major. Material privileged

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under the law will maintain its privileged status notwithstanding any internal or external disclosure.

(d) BWC footage may only be deleted consistent with the records retention schedule.

(5) Review.

- (a) A deputy shall be permitted to review his/her BWC recordings prior to completing an official report, making a statement, or answering questions pertaining to an event captured by the deputy's BWC. Such review shall not interfere with the timely response of public record requests.
- (b) A supervisor may review BWC recordings for investigative, quality assurance, training, or litigation purposes.

(6) Classification/Documentation.

- (a) Deputies shall tag all recordings using the following previously defined classifications:
 - i. Evidence;
 - ii. Non-evidence;
 - iii. Permanent; or
 - iv. Civil unrest.
- (b) If employees are unsure which classification to choose, the video should be classified as evidence.
- (c) A deputy shall not knowingly tag a recording inappropriately or otherwise take any action that frustrates the viewing or retention of a recording.
- (d) A deputy shall notify a supervisor if the deputy believes a recording may be of value in a non-criminal matter.
- (e) A deputy shall note the existence of a BWC recording in all required incident and investigative reports related to the recording.

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(I) Training.

- (1) The Chief Deputy of the Support Services Division shall ensure that a deputy is trained on the proper usage of the BWC, limitations regarding use of a BWC, and this policy prior to issuing the BWC.
- (2) A supervisor who is responsible for reviewing video must be trained on the use of the BWC software system prior to undertaking that responsibility.

(J) Procedures.

- (1) Any revisions to this policy shall be reviewed by the Prosecuting Attorney with notice to the Board of Commissioners. The Chief Deputy of each division shall promulgate standard operating procedures in conformity and in furtherance of this policy as necessary. Any newly promulgated SOP or any revision to an existing SOP shall be reviewed by the Prosecuting Attorney with notice to the Board of Commissioners. This policy and any associated SOPs shall be available electronically on the internet for public access.