

**SAN BERNARDINO COUNTY  
PROBATION DEPARTMENT PROCEDURE**

**ELECTRONIC RECORDINGS**

**Authority:**

Michelle Scray Brown, Chief Probation Officer

**Purpose:**

Establish a protocol for electronic recordings gathered during the course of a probation officer's duties. This supersedes all references to recordings in existing procedures.

**Definitions:**

Preload: To load in advance, with basic information such as type of call, date, time, location and name of individual (if available).

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

**Responsibilities:**

**I. Probation Officers (POI/II/III/SPO):**

- A. Only utilize recording devices issued by the Department.
- B. Ensure the recording device is fully functional prior to conducting fieldwork. If inoperable, the recorder must be switched out prior to conducting fieldwork.
- C. Do not tamper with the recording device.
- D. Electronic recording devices shall be worn in a manner that is open and visible.
- E. Preload the recorder, when reasonably possible, prior to arriving on a call.
- F. Record all field contacts and/or enforcement activities.
- G. Officers have the discretion to record other types of duty related activities such as: office visits, incidents in the reception area, etc.
- H. At the conclusion of the call/contact, provide a disposition prior to stopping the recording.
  - I. Download recordings by the end of the next business day in the following format:
    1. Onto the employee's network "U drive" in a folder entitled "Field Recordings".
    2. Rename your recordings by using the following format:
      - a. Employee ID.
      - b. Subject's name.
      - c. CE PIN (if available).
      - d. Recording date.
- Example: "A1234-johnjones-12-01-2016" or "A1234-123456-12-01-2016" if PIN or name is not available.
- J. Recordings will not be downloaded by the officer if the incident involves the following, but is not limited to:
  1. Use of Force (UOF).
  2. Officer Involved Shooting (OIS).
  3. Bodily injury or death.
- K. If an Incident Report (IR) is generated, document that a recording was obtained. If a recording was not obtained, articulate the reasons why within the IR.

**II. Supervising Probation Officer (SPO):**

- A. Shall download an officer's recordings in incidents where the officer is involved in the following:

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1. UOF.
  2. OIS.
  3. Results in a person's bodily injury or death.
- B. Download the officer's recordings on the SPO's network "U drive" in a folder entitled "Critical Incident Recordings".
1. Rename the recording by using the following format:
    - a. Involved officer's employee ID number.
    - b. Subject's name
    - c. CE PIN (if available).
    - d. Recording date.
- C. Review all recordings and required documentation prior to submitting them to the Division Director.
- D. When involved in an incident, as previously described, the Division Director (DDI/II) or their designee will be responsible for downloading the SPO's recordings.

### III. Division Director (DDI/II):

- A. Shall download an SPO's recordings in incidents where the SPO is directly involved, as outlined in section II. A. of this procedure.
- B. Review all recordings and required documentation prior to submitting them to the Deputy Chief Probation Officer (DCPO).
- C. Ensure compliance with all relevant procedures.
- D. When involved in an incident, as previously described, the DCPO or their designee will be responsible for downloading the Director's recordings.

### **Guidelines:**

- A. All electronic recordings are the property of the San Bernardino County Probation Department. Accessing, copying, forwarding or releasing any electronic recordings for other than official use and contrary to this procedure is strictly prohibited.
- B. All recordings shall be stored for a minimum of thirteen (13) months.
- C. Release of electronic recordings to the public is prohibited without the express written authorization by the Chief Probation Officer or their designee.
- D. The use of personal computer equipment, software programs or recording devices shall not be used to make copies of electronic recordings.
- E. Damaged or inoperable recorders will be exchanged with the Department's Equipment and Uniform Coordinator.
- F. 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.
- G. Electronic recorders are not to be used in areas where a person(s) has a reasonable expectation of privacy.
- H. Officers shall be aware of patients' rights to privacy when in hospital settings.
- I. Generally, officers should not record informal or casual encounters with members of the public.
- J. All recordings related to any criminal proceeding, claim filed, pending litigation, or a personnel complaint shall be preserved until that matter is resolved and/or in accordance with the law.
- K. When situations arise where officer safety would be compromised due to unexpected or a sudden change in circumstances, the electronic recorder shall be activated as soon as the situation safely permits. If an IR is required, the reasons for the delay in activating the recorder will be documented in the IR.

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- L. Generally, if an IR is required, the officer shall be permitted to review the electronic recording prior to writing the IR.
- M. Supervisors and above may request copies of an officer's recordings at any time.
- N. All recordings that are copied should be reviewed by officers to ensure the copy was completed properly.

**Inspections:**

Refer to the Policy and Procedure Inspection Matrix.

**Foundation:**

California Government Code Section 26202.6

**Replaces:**

Temporary Department Order (TDO):

#46 – Community Corrections Bureau - Recordings

**References:**

California Penal Code Section: 632 and 633

Policy:

Employee Responsibility

Safety

Training

Use of Force Guidelines

Procedure:

Incident Reports

Force Options: Use of Force and Reporting Requirements

Arming

Expandable Batons

Use of Force Administrative Review

OC Spray (Oleoresin Capsicum)

Officer Involved Shooting & Discharge of a Firearm

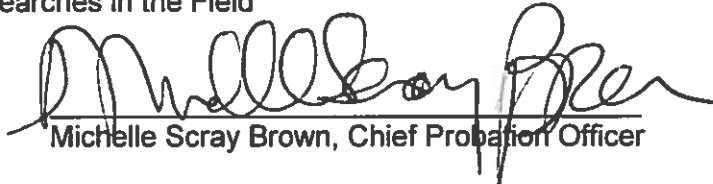
Critical Incident Notification

Taser/Conducted Electrical Weapon (CEW)

Internal Investigations Critical Incident Reviews

Home Calls and Searches in the Field

Issued by:

  
Michelle Scray Brown, Chief Probation Officer

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