

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

USE AND POSSESSION OF COMMERCIAL DVDS/VIDEOS IN JDAC OR TREATMENT FACILITIES (PERSONAL AND DEPARTMENT ISSUED)

Authority:

Michelle Scray Brown, Chief Probation Officer

Purpose:

To comply with Federal Copyright Act of 1976 and to prevent youth from coming into possession of electronic devices; which may endanger the safety and security of staff, other youth and/or the facility.

Definitions:

Electronic Devices: Devices that stores, generates, or transmits information in electronic form (i.e. cell phones/smart phones, phone watches, wearable technology, computers, tablets, cameras, video gaming systems, MP3 players, portable DVD players).

The Federal Copyright Act of 1976: Public Law 94-553, 90; Statute 2541: Section 110(i) governs how copyrighted materials may be utilized publicly. Neither the rental nor the purchase or lending of a videocassette or DVD carries with it the right to exhibit such a movie publicly outside the home, unless the site where the video is used is properly licensed for public exhibition. This legal copyright compliance requirement applies to schools, public libraries, daycare facilities, parks, recreation departments, summer camps, churches, private clubs, prisons, lodges, businesses, etc. This legal requirement applies regardless of whether an admission fee is charged, whether the institution or organization is commercial or non-profit, and whether a government agency is involved.

Responsibilities:

I. All Staff:

- A. Staff shall neither possess with the intent to display, nor display, any copyrighted DVD or Videotape/Digital recording to or in view of youth detained or placed in a JDAC or Treatment Facility.
 - 1. This prohibition applies to illegally produced ("bootlegged") material as well; and includes display of videos construed for "personal use" to individual or small groups of youth or staff.
 - 2. An exception shall be granted for video material intended for educational purposes, upon the prior approval of the Principal of the Facility County School, or Superintendent or Division Director I of the facility. In such instances, the Principal, Superintendent, or Division Director shall ensure compliance with the aforementioned provisions of federal law.

Guidelines:

- A. The safety and security of staff and youth are of paramount concern; therefore, staff that become aware of violations of this procedure should immediately address the situation and/or report it to a supervisor.
- B. Any violation of this procedure will result in immediate action, to include but not limited to informal discipline, formal discipline and/or immediate removal from the facility.

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Inspections:

Refer to the Policy and Procedure Inspection Matrix.

Replaces:

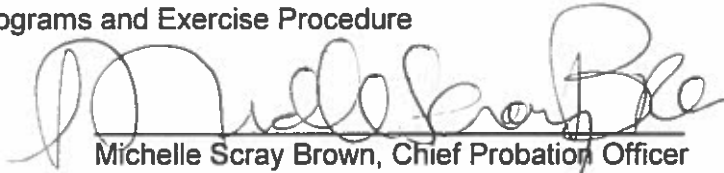
TDO #19: Use and Possession of Commercial DVDs/Videos in JDAC or Treatment Facilities

References:

Televised Programs Procedure

Recreation, Programs and Exercise Procedure

Issued by:

 9-29-17
Michelle Scray Brown, Chief Probation Officer Date

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Revised:

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