

SHERIFF OF GARFIELD COUNTY

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GARFIELD COUNTY SHERIFF'S OFFICE POLICY/PROCEDURE PATROL

SUBJECT: SMART PHONE USE AND VIDEO EVIDENCE COLLECTION

EFFECTIVE DATE: January 01, 2024

POLICY:

Garfield County Sheriff's Office Deputies shall use procedures that incorporate the effective application of scientific methods for the collection and preservation of digital photographic evidence.

PURPOSE:

To establish guidelines for the use of smart phones and communication devices as the primary tool for the collection and preservation of digital photographic/video evidence.

DEFINITIONS:

- Smart Phone: A generic reference to personal communication devices, (PCD), but is intended to include all mobile telephones, personal digital assistants, and similar wireless two-way communications and/or portable internet access devices.
- Personal smart phone: Any PCD owned by the deputy and not issued by the agency.
- Digital Evidence: All video, audio, still images, and recordings made during the course of, or in the furtherance of official duties.

METHOD:

Pictures and video are the only way to capture crime scenes or document scenes for later criminal or civil legal proceedings. At times, physical items will not be able to be collected and should not be collected. Instead, pictures will be used for the court process. This also allows investigators, who may be assigned to follow up on a case, the opportunity to see how the initial crime scene appeared upon a deputy's initial response. There is no limit to the amount of pictures that can be collected and submitted into evidence. Agency issued PCD should be with the deputy and can be quickly and easily utilized to capture photographic evidence as needed.

Deputies shall have no expectation of privacy with regard to any communication made with, stored in, or through the agency issued PCD. Further, the device shall be equipped with location detection capabilities that will remain equipped/running on the issued PCD. The use of any agency issued PCD while on duty is without any expectation of privacy that the deputy may otherwise have in any communication, including the content of any such communication. Communications or date of reception, password protected, web-based e-mail accounts, and any other services are subject to monitoring if being accessed by the agency issued smart phone.

COLLECTION OF PHOTOGRAPHIC EVIDENCE:

- Deputies shall use agency issued PCD's equipped with a digital camera for documenting crime scenes.
- Deputies shall not create, store or transfer photographic evidence for personal use.
- Deputies will upload photographic images to the agency evidence.com account through established procedure.
- Deputies may temporarily store photographic evidence on a Sheriff's Office computer or agency issued PCD after they have been exported if they meet an operational need. The photographic evidence should be removed from the Sheriff's Office computer or PCD as soon as practical, but no later than the end of the deputy's duty shift.
- The evidence custodian is responsible for the retention and disposition of digital photographs submitted into evidence.com.
- Deputies will not delete any evidentiary image from a device until all images have been uploaded to the agency evidence.com account.

PERSONALLY OWNED SMART PHONES AND DEVICES:

- The Garfield County Sheriff's Office accepts no responsibility for loss of or damage to a personally owned PCD.
- A personally owned PCD should not be utilized for any work related purpose except in exigent circumstances, (i.e. unavailability of radio communications). Personally owned PCDs may be utilized for routine administrative work as authorized by the Sheriff.
- A personal PCD **SHALL NOT** be utilized to record or disclose any business related information including but not necessarily limited to: digital photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Agency, without the express authorization of the Sheriff or authorized designee.
- All work related documents, e-mails, photographs, recordings or other public records created or received on a deputies personal PCD should be transferred, as soon as reasonably practical, to the Garfield County Sheriff's Office and deleted from the deputy's personal device as soon as reasonably practical but no later than the end of the deputy's duty shift.

USE WHILE DRIVING:

- Use of a PCD should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the deputy should only attempt to access the device for information that is required for immediate enforcement, investigative, or safety needs. At no time when the vehicle is in motion should the display be viewed by the deputy for entertainment including but not limited to: internet browsing, use of social media, texting, or e-mail.

MISCELLANEOUS:

- Deputies are reminded that PCD's are not secure devices and conversations and data transmissions could be intercepted. Caution should be exercised while utilizing PCD's to ensure that sensitive information is not inadvertently transmitted.
- PCD's may be used to transmit official messages. PCD's shall not be used to transmit any message of a defamatory, derogatory, inflammatory, racist, or sexual nature. All transmissions are subject to audit.
- If due to an exigent circumstance or equipment failure and personally owned PCD is utilized for evidence collection the deputy will take the device to evidence custodian to have the evidence items exported and stored as evidence.
- Deputies should be warned that non-issued PCD's used to capture evidence images may be subpoenaed into court.