

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject REQUEST TO PHOTOGRAPH/ DIGITALLY RECORD AN INMATE	Policy Number DJ-5 Effective Date 09-24-24
Related Information DH-1, <i>Office Jail Access</i> GH-2, <i>Internal Investigations</i> GJ-11, <i>Serious Diagnosed Illness, Serious Physical Injury or Death of a Prisoner</i> GJ-28, <i>Prison Rape Elimination Act (PREA)</i>	Supersedes DJ-5 (06-11-20)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures to be used when a request is made by an inmate's immediate family member or Officers of the Court to photograph and/or digitally record an inmate because of allegations of physical injuries or abuse sustained while in Office custody.

POLICY

It is the policy of the Office to thoroughly investigate any allegation of physical injuries or abuse made by an inmate, which may include requests to photograph and/or digitally record an inmate. Office personnel shall thoroughly investigate any allegations, injuries, or abuse made by an inmate and treat each investigation confidentially, as specified in GH-2, *Internal Investigations* and GJ-11, *Serious Diagnosed Illness, Serious Physical Injury or Death of a Prisoner*.

DEFINITIONS

Digital Recording Device: A device designed to record, transmit, or receive voice communications, sound, video, or photographic images, including, but not limited to, cellular telephones, digital audio recorders, digital video recorders, and body-worn cameras. Personally owned digital recording devices are not authorized, unless exigent circumstances exist and with prior approval of a supervisor. Exigent circumstances include the sum of the conditions and information available in any event which, taken in totality, dictates a need for immediate action.

Employee: A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

Immediate Family: A spouse, mother, father, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, child, or person serving *In Loco Parentis* of the inmate.

Jail File: The file containing the inmate's custodial records pertaining only to jail-related information, exclusive of any judicial records, with the exception of any protective orders.

Letter of Introduction for Legal Privileged Visitor Status: A formal letter which, when presented with an acceptable identification, qualifies legal personnel for a **Privileged Visit**.

- A. Each formal letter shall be an original and signed by the attorney of record at the time of the visit.
- B. The visitor shall present a signed original letter on official letterhead, which includes a business address and business phone number of the legal organization sponsoring the visitor.

- C. The letter shall state the name of the visitor, the name of the inmate, the inmate’s booking number, the purpose of the visit, and the court case number.
- D. A separate letter is required for each inmate to be visited and shall be presented for each visit. Each letter is valid for 30 calendar days after the date of issuance.
- E. The letter of introduction shall not be handwritten.

Officers of the Court: Professionals who are authorized to have Privileged Visits with inmates and may include, but are not limited to, attorneys, probations officers, legal assistants, paralegals, and investigators recognized by the court. Officers of the court may also include professionals issued Letters of Introductions such as licensed private investigators, doctors, psychiatrists, psychologists, interpreters, and court reporters. The visit shall be treated as a **Privileged Visit**.

Sheriff’s Inmate Electronic Data (SHIELD): An Office jail management system containing information about individuals who are, or have been, incarcerated or booked into an MCSO jail facility. Information is entered in this database when an individual is booked and updated throughout the term of incarceration. This includes but is not limited to: inmate charges; holds; court dispositions; bond and fine amounts; inmate listed booked in personal property; locker assignments; housing locations; restrictions; emergency medical information; scheduled inmate appointments; and the day-to-day operations of jail facility housing unit Shift Logs.

PROCEDURES

- 1. **Request to Photograph and/or Digitally Record an Inmate:** An inmate’s immediate family member, an inmate’s legal representative or designee, or an Officer of the Court may request to photograph and/or digitally record an inmate in relation to allegations of physical injuries or abuse sustained while in Office custody. This request must be made by submitting a *Request to Photograph/Digitally Record an Inmate* form. Digital recording devices may be used to capture the requested images, audio, or video recordings. Upon receipt of the *Request to Photograph/Digitally Record an Inmate* form, detention personnel shall forward the form for review and approval to the jail facility commander or designee. The *Request to Photograph/Digitally Record an Inmate* form is available in the Office’s shared drive Official MCSO Forms folder, SharePoint, and the Office’s Public Information Office (PIO).
 - A. All requests for photographs and/or digital recordings must contain the following information:
 - 1. The inmate’s full name and booking number;
 - 2. The full name, address, and phone number of the requester or legal representative making the request, and their relationship to the inmate;
 - 3. The full name, address, and phone number of the person taking the photographs and/or the digital recordings of the inmate; and
 - 4. The nature of the allegation and justification for the photographs and/or digital recordings request.
 - B. The inmate shall be required to sign the *Request to Photograph/Digitally Record an Inmate* form authorizing a specific individual to take the photographs and/or digital recordings of the inmate. Their refusal to sign the *Request to Photograph/Digitally Record an Inmate* form automatically voids the request.

- C. If the requester refuses to sign the *Request to Photograph/Digitally Record an Inmate* form, they shall be prohibited from obtaining photographs and/or digital recordings of the inmate, and the jail facility commander or designee shall be advised.

2. Rules for Requesting to Photograph and/or Digitally Record an Inmate:

- A. A request to photograph and/or digitally record an inmate requires approval by the jail facility commander or designee.
 - 1. The Office may allow an inmate's approved legal representative or designee, or Officers of the Court to take photographs and/or digital recordings of an inmate as jail facility safety and operational concerns allow.
 - 2. Immediate family members are prohibited to enter the secure area of a jail facility to take photographs and/or digitally record an inmate.
- B. Crime Lab Unit personnel shall be present during the taking of all photographs and/or digital recordings of an inmate's suspected injuries, or signs of alleged abuse sustained while in Office custody.
 - 1. Only the photographs and/or digital recordings specific to the request shall be obtained, any other activity is prohibited. Crime Lab Unit personnel shall take similar photographs and/or digital recordings to the ones taken by the requester or legal representative.
 - 2. If a requester or legal representative uses a digital recording device to take photographs and/or digital recordings, Crime Lab Unit personnel are authorized to use an Office issued cell phone to capture similar recordings.
- C. The requester or legal representative taking the photographs and/or digital recordings on behalf of the requester shall be required to submit to a search of their person and equipment prior to entering a jail facility, as specified in Office Policy DH-1, *Office Jail Access*.
- D. Crime Lab Unit personnel and their equipment are subject to search prior to entering a jail facility, as specified in Office Policy DH-1, *Office Jail Access*. Crime Lab Unit personnel are permitted to carry their Office assigned cellular phones within a jail facility when responding to a request to photograph and/or digitally record an inmate.
- E. The requester or legal representative obtaining the photographs and/or digital recordings and Crime Lab Unit personnel shall be escorted by detention officers. A jail facility supervisor shall be present when photographs and/or digital recordings are taken of an inmate.
- F. The requester or legal representative, Crime Lab Unit personnel, and individuals taking photographs shall never be left unescorted in a jail facility with inmates.
- G. Crime Lab Unit personnel shall not take photographs and/or digital recordings for other law enforcement agencies.
- H. Crime Lab Unit personnel shall not take photographs and/or digital recordings for inmate evaluations by medical or non-medical personnel.
- I. Crime Lab Unit personnel shall not take photographs and/or digital recordings of inmates for attorneys referencing investigations not related to the Office.

- J. The photographing and/or digital recording of an inmate shall be documented in the Shift Log in SHIELD by the end of the shift.
3. **Location and Privacy for Photographs/and or Digital Recordings of an Inmate:** Photographs and/or digital recordings shall be done in a secured area away from other inmates, preferably in a visiting room in a visitation area, or as determined by the jail facility commander or designee.
- A. The jail facility commander or designee may require a court order be obtained or medical staff be present, or both, for photographs and/or digital recording requests requiring the inmate to remove any article of clothing that exposes any genitals, buttocks, or female breasts. A jail facility supervisor shall request a same gender Crime Lab Unit analyst if there is a need to photograph the inmate nude or partially nude.
 - B. The Crime Lab Unit supervisor shall attempt to accommodate the request for the same gender Crime Lab Unit analyst in these circumstances; however, if there is not a Crime Lab Unit analyst of the same gender available, the Crime Lab Unit may not be able to accommodate the request. Unless exigent circumstances exist, the request to photograph and/or digitally record an inmate shall be rescheduled through the Crime Lab Unit supervisor, to accommodate the same gender requirement.
 - C. A jail facility supervisor or designee shall be the same gender if there is a need to photograph and/or digitally record the inmate nude or partially nude.
 - D. Whenever possible, a request to photograph and/or digitally record a transgender, intersex, or gender-nonconforming inmate nude or partially nude should be of the gender requested by the inmate. The jail facility commander or designee shall be advised prior to the removal of any article of clothing that would present an inmate nude or partially nude.
4. **Crime Lab Unit Notification:** A jail facility supervisor should contact the Crime Lab supervisor to schedule an approved request to photograph and/or digitally record an inmate. In exigent circumstances, a jail facility supervisor may contact the Communication Division to request the immediate response of Crime Lab personnel to obtain photographs and/or digital recordings of an inmate.
- A. Requests made to the Crime Lab Unit to photograph and/or digitally record an inmate shall take place during business hours, Monday through Friday from 0700 hours to 1700 hours. The Crime Lab Unit response time is approximately one to two hours during business hours.
 - B. All photographs and/or digital recordings taken by Crime Lab Unit personnel are stored, by the related Incident Report (IR) number at the Crime Lab Unit. If there is no related IR, Crime Lab Unit personnel shall obtain an IR for informational purposes.
5. **Allegation of Abuse of an Inmate:** If the request to photograph and/or digital record an inmate is based on an allegation of abuse by Office personnel or by another law enforcement agency, the jail facility shift commander or designee on duty shall ensure the following:
- A. Notify their chain of command of the allegations.
 - B. If the inmate's allegations of abuse are directed towards an employee, initiate a Preliminary Inquiry Report (PIR) concerning the alleged abuse.
 - 1. The jail facility commander or designee shall interview the inmate.
 - 2. All inquiries and investigations shall be conducted, as specified in Office Policies GJ-28, *Prison Rape Elimination Act (PREA)* and GH-2, *Internal Investigations*.

- C. If an inmate's allegations of abuse are, or may be directed toward another law enforcement agency, promptly notify the agency identified.
6. **Documentation:** After photographs and/or digital recordings of an inmate are obtained, the original copy of the completed *Request to Photograph and/or Digitally Record an Inmate* form shall be given to the inmate and a copy of the completed request form shall be placed in the inmate's jail file.