

GENERAL ORDER XXXI

SUBJECT: MOBILE VIDEO.AUDIO RECORDING EQUIPMENT

EFFECTIVE DATE: 01-2007

REVIEW DATE: 01-13-12

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

I PURPOSE

The purpose of this policy is to provide officers with guidelines for the use of mobile/video wearable and audio recording equipment.

II. POLICY

Mobile/wearable video/audio recording (MWVR) equipment has been demonstrated to be of value in the prosecution of traffic violations and related offenses, in evaluation of officer performance as well as in training. In order to maximize the utility of this equipment in these related areas, officers shall follow the procedures for M/WVR equipment use as set forth in this policy.

III. PROCEDURES

A. Program Objectives

This agency has adopted the use of in-car or wearable video/audio recording systems in order to accomplish several objectives, including

1. Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and testimony in court; and
2. The enhancement of this agency's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigation purposes, as well as for officer evaluation and training.

B. Operating Procedures

Officers shall adhere to the following procedures when utilizing M/WVR equipment.

1. M/WVR equipment installed in vehicles or assigned wearable is the responsibility of the officer assigned to that vehicle or wearable and will be maintained according to manufacturer's recommendations.
2. Prior to each shift, officers shall determine whether their M/WVR equipment is working satisfactorily and shall bring any problems at this or other times to the attention of their immediate supervisor as soon as possible.
3. MVR equipment will automatically activate when the vehicle's emergency warning devices are in operation. The equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic.
 - a. Whenever equipment is manually deactivated, officers shall properly document the reasons for this action.
 - b. WVR shall be manually turned on at the start of each traffic stop or incident. Turned off when termination of contact is complete.
4. Where possible, officer should ensure that equipment is operating in order to record traffic stops or other enforcement actions. In so doing they will ensure that;
 - a. the video recorder is positioned and adjusted to record events;
 - b. the M/WVR is not deactivated until the enforcement is completed, and
 - c. their M/WVR microphone is activated in order to provide narration with the video recording to explain the reason for their current or planned enforcement action.
5. Where possible, officers shall also use their M/WVR equipment to record
 - a. the actions of suspects during interviews, when undergoing sobriety or when placed in custody if the recording would prove useful in later judicial proceedings; and
 - b. the circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.
6. Officers shall not erase, reuse or in any manner alter MVR tapes/CD Rom or other data storage device of permanent record.

7. Officers shall ensure that they are equipped with an adequate supply of videotapes/memory sticks/CD Rom.
8. All completed tapes/memory sticks/CD Rom shall be properly labeled and identified prior to being submitted with related documentation at the end of the officer's tour of duty.
9. Officers are encouraged to inform their supervisor of any video recorded sequences that may be of value for training purposes.
10. Officers will note in incident, arrest and related reports when video/audio recordings were made during the incident in question.
11. Officers shall only use videotapes/memory sticks/CD Rom as issued and approved by this agency.

C. Tape Control and Management

1. M/WVR tapes/memory sticks/CD Rom containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safe-guarded as other forms of evidence.

As such, these video tapes/memory sticks/CD Rom will

- a. be subject to the same security restrictions and chain of evidence safeguards as detailed in this agency's evidence control policy;
 - b. not be released to another criminal agency for trial or other reasons without having a duplicate copy made and returned to safe storage; and
 - c. will not be released to other than bona fide criminal justice agencies without prior approval of the designated command officer.
2. Tapes/memory sticks/CD Rom not scheduled for court proceedings or other adversarial or departmental uses shall be maintained for a minimum period authorized by law. All tapes/memory sticks/CD Rom shall be maintained in a manner that allows efficient identification and retrieval.
 3. No video tape/memory sticks/ CD Rom shall be reissued for operational use unless completely erased by designated personnel in this agency.

D. Supervisory Responsibilities

Supervisory personnel who manage officers equipped with M/WVR equipment shall ensure that

1. all officers follow established procedures for the use and maintenance of M/WVR equipment, handling of video/audio recordings and the completion of M/WVR documentation;
2. on at least a bimonthly basis, they randomly review videotapes and recordings to assist in periodic assessment of officer performance, determine whether M/WVR equipment is being fully and properly used and to identify material that may be appropriate for training;
3. repairs and replacement of damaged or non-functional M/WVR equipment is performed; and
4. all statistical reporting requirements are being completed as required to ensure adequate program evaluation

AUTHORITY

- A. This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By Authority of:

Charles Brotherton, Jr., Chief of Police