

**Biloxi Department of Police  
Law Enforcement  
Policies and Procedures**

<b>Subject:</b> Audio/Video Recording Systems	<b>Policy Number:</b> 2.12
<b>Issue Date:</b> 01 Nov 2016	<b>Last Review:</b> <b>Latest Revision:</b> 01 Nov 2016
<b>Approval Authority</b> <b>Title and Signature:</b> Director John B. Miller	

**POLICY**

It is the policy of the Biloxi Police Department to use audio/video recording systems whenever possible to record encounters between department personnel and the public. However, not every encounter or situation could, or should, be recorded. This policy is designed to provide department personnel with guidelines on the implementation, use, storage and maintenance of such systems, as well as the storage and dissemination of saved data.

**DEFINITIONS**

**Mobile Video Recorder (MVR):** Any body worn or vehicle mounted system capable of capturing audio-visual signals that include, at a minimum, a camera, microphone and recording capabilities.

**Digital Multimedia Evidence or DME:** All digital recordings, including but not limited to, audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers captured as part of the actual recording; e.g., date/time stamps, GPS coordinates, labeling.

**System Administrator:** Information Technology or Police Department personnel with full access to user rights who serves as a liaison to manufacturer's representatives on operational equipment matters and subject matter experts on purchased equipment. A System Administrator is the only authorized person to delete recorded data from the storage medium.

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## PROCEDURES

The Biloxi Police Department employs Body Worn Camera Systems, Vehicle Mounted Camera Systems, and permanently installed recording systems in the Public Safety Building and Communications Center to audio and/or video record employee interactions with the public and provide for secure facilities. Each system has unique operational requirements that will be addressed separately in this policy.

### Mobile Video Records (MVR)

#### General Guidelines

1. Employees shall receive training on proper Mobile Video Recorder (MVR) operation and care and the department's policy with respect to the use of the system prior to using any assigned equipment. MVR equipment should be used with reasonable care to ensure proper functioning. Operational defects affecting recording capabilities will be reported by the employee at the earliest opportunity to a supervisor and a system administrator, preferably via email, before placing the MVR into service.
2. Employees will ensure MVR's are charged and ready for use at the beginning of each shift.
3. MVR equipment and software is password protected. Employees shall not share or reveal their password to other employees unless requested to do so by a supervisor or System Administrator for maintenance or investigative purposes. Employees shall notify a System Administrator immediately if they feel their password has been compromised so a new password can be set.
4. Officers shall wear issued body worn MVR systems as part of their uniform when performing patrol duties, special details and off-duty employment functions; however, such equipment shall not be required when participating in activities where enforcement actions are not normally required (e.g., Court, ceremonies, training).
5. Plain clothed officers shall utilize a department issued MVR when engaged in pro-active law enforcement efforts.
6. MVRs shall be placed in the "RECORD" mode as soon as practical after arriving on a scene or when engaged in the performance of official duties; however, such actions shall not override or take precedence over the employee's safety. Failure to initiate a recording system may be considered grounds for disciplinary action.
7. Once activated, the MVR system shall remain on until the incident concludes or no further law enforcement action is likely to occur; e.g., waiting for a tow truck or family member to arrive. Officers may turn off the MVR system at an earlier

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point in time only if it is in the obvious best interests of the department, and they are able to justify such a deviation in writing; e.g., recording the identity of a confidential informant, investigative techniques or special tactics.

8. Employees shall not, without supervisory authorization, attempt to bypass or override MVR equipment or erase, alter or delete any mandatory recording produced by the MVR.
9. Any deviations in policy or equipment failure should be annotated in the officer's narrative or in the CAD notes if a report is not generated. A supplemental narrative will be added to a report if the officer is not the primary.
10. No employee shall obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information captured or recorded by an MVR system. Further, no employee shall make personal copies of any information captured or recorded by an MVR system or attempt to upload such data to any social networking site; e.g., YouTube, Facebook.
11. Employees are prohibited from reviewing recordings of other employees unless authorized by a supervisor to do so for official departmental reasons; e.g., training, accreditation.
12. Employees shall use discretion when deciding whether or not to advise a person they are being recorded. Employees are encouraged to advise persons they are being recorded **if the advisement might gain compliance, deescalate a situation, or assist in the investigation and would not interfere with the investigation or the officer's safety.** Employees are not required to cease or initiate recording an event, situation, or circumstance solely at the demand of a citizen, involved party, or suspect.

### Use of MVR

Except as otherwise provided in this policy, officers shall activate their MVR to record all contacts made in the performance of official duties. This requirement applies equally to primary and back-up officers. Officers may deviate from this directive if it is in the obvious best interests of the department and they are able to justify, in writing, such a deviation; e.g., officer safety issues, protecting the identity of a confidential informant, investigative techniques, special tactics, environmental conditions or the location.

1. Optional Activation/Deactivation: Employees may record the following types of incidents at their discretion:
  - a. Employee counseling sessions when both parties are aware of the recording;

- b. When a victim or witness requests not to be recorded and the employee agrees, the employee may turn the recording off after recording the request. However, employees are not required to either cease or initiate recording of an event, situation or circumstance solely at the demand of a citizen, involved party or suspect. Employees may resume recording at any time if circumstances change.
2. Restricted Activation: Employees are restricted from activating their MVR as follows:
- a. During conversations or interactions with other employees while not in an enforcement capacity (e.g., during breaks, roll-call briefings, locker rooms, while discussing administrative matters, tactical information or when otherwise not in service);
  - b. In a residence, restroom or any other setting where there is a reasonable expectation of privacy, unless entering such locations in response to a call for service, emergency, exigent circumstance or other situation requiring immediate attention;
  - c. During a medical or psychological evaluation or treatment by a clinician or similar professional. Officers should avoid recording uninvolved persons in hospitals or other medical facilities whenever possible; however, officers may record any interaction in any type of medical facility while responding to a call if the suspect is thought to be present in the facility, or during an emergency, exigent circumstance or other situation requiring immediate attention;
  - d. MVRs shall **NOT** be remotely activated unless there is some exigent circumstance, emergency or other situation justifying such an action.
  - e. Employees shall not record interactions with supervisory personnel unless engaged in official investigative or enforcement duties. This applies to both department issued and personal devices.

### Personal Recording Devices

Officers may carry and use personal recording devices, provided it does not replace or hinder the operation of department issued equipment. Any recordings on personal equipment resulting from an employee's official duties become the property of the Biloxi Police Department and shall comply with all storage and disclosure requirements of this policy, including but not limited to paragraphs 1a, 2a and 2e. Recordings shall be downloaded to a CD and/or upload into RMS at the earliest opportunity and deleted from the personal device.

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## **Integrity of Video Evidence**

Officers shall tag each recording by category in accordance with the training provided on the specific system to ensure retention of the uploaded data. Employees unsure of how to categorize recorded data shall seek guidance from a supervisor before tagging the media for upload. Employees are highly encouraged to document the classification code of each recording in their supplemental narrative for future reference. Accidental recordings of no investigative or evidentiary value may be deleted by submitting an email request to the System Administrator with sufficient information to locate the file and a reason for the deletion.

## **Review of MVR System Recordings**

Recordings may be reviewed by:

1. Employees or supervisors to ensure the system is working properly,
2. Employees for use in writing a report or supplement, except where a Response to Resistance measure is involved. Officer perception at the time of an RTR incident is what forms the basis for the officer's actions in response to the perceived threat; therefore, officers shall not review their MVR prior to preparing their initial narrative in RTR situations. However, the officer, preferably along with his/her supervisor, may review the recording(s) afterwards and supplement the report with any observations or recollections noted;
3. Employees or supervisors reviewing evidence;
4. Supervisors or authorized persons investigating specific employee conduct;
5. Employee recordings may be used for official, organized training purposes provided the faces of employees and suspects are redacted, and all legal proceedings have been concluded.

## **Supervisory Responsibilities**

MVR systems provide supervisors and their subordinates with a valuable tool to evaluate officer safety skills, identify training deficiencies and assess officer/citizen contacts. Therefore, supervisors shall ensure:

1. Established policies/procedures for the use and maintenance of MVR equipment are being followed.
2. Repair and replacement of damaged or nonfunctional MVR equipment is coordinated through the System Administrator.
3. All assigned personnel are adequately trained on the proper use of assigned MVR equipment.
4. A sufficient review of each subordinate's recordings at least twice a year, preferably with the subordinate, to evaluate the above actions. The review will be documented in the "Supervisory Notes" section of the officer's shift level personnel file for future reference.

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**Retention and Release of Recorded Media**

All recordings from department owned equipment, as well as any recordings on personal equipment resulting from an employee's official duties, are the property of the Biloxi Police Department and are not subject to release without official authorization.

Persons not pre-authorized to access department recordings may request to obtain the recorded data by submitting a Public Records Request to the Municipal Clerk. Requests shall be processed in accordance with legal requirements and sent to the Records Unit for release. Appropriate records fees shall be obtained before requested images/data are released and all Public Records Requests shall be retained by the Records Unit.

Release of recorded media to outside law enforcement agencies, the District Attorney's Office or any legal entity representing the Biloxi Police Department must be approved by the Director of Police prior to the release.

Biloxi Police Department employees shall follow the State of MS Local Government Records Retention Schedule dated Oct, 2016 for all audio/video recordings (see table below).

<b>Records Retention Schedule for Audio/Video Materials</b>		
<b>Title</b>	<b>Description</b>	<b>Retention</b>
Video/Audio recordings from mobile units, non-evidentiary	Non-evidentiary recordings created by mobile units, including both in-car and body-worn cameras.	Thirty (30) Days
Video/Audio recordings from mobile units, evidentiary	Evidentiary recordings created by mobile units, including both in-car and body-worn cameras.	One (1) year after final disposition of case and completion of sentence.
Video/Audio recordings from stationary cameras, non-evidentiary	Non-evidentiary recordings created by fixed, stationary cameras used for surveillance purposes in public buildings.	Thirty (30) Days
Video/Audio recordings from stationary cameras, evidentiary	Evidentiary recordings created by fixed, stationary cameras used for surveillance purposes in public buildings.	One (1) year after final disposition of case and completion of sentence.

### **Public Safety Building Camera System**

The Community Services Supervisor or his/her designated representative is responsible for the permanently installed camera system in the Public Safety Building, which is located at the Front Desk of the Police Department. The system includes multiple DVRs and a monitor located at the Front Desk and multiple cameras located throughout the building.

The Community Services Supervisor shall inspect, or cause to be inspected, the camera system on a weekly basis to ensure proper operation and back-up of the recordings, as well as retention in accordance with MS State Records Retention Requirements.

### **Communication Center Camera System**

The Communication Center supervisor, or his/her designated representative, is responsible for the permanently installed camera system in the Communications Center. The system includes the audio and video capabilities.

The Communications Center Supervisor shall inspect, or cause to be inspected, the camera system on a weekly basis to ensure proper operation and back-up of the recordings, as well as retention in accordance with MS State Records Retention Requirements.

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