

Kemper County Sheriff's Department  
Law Enforcement  
Policies and Procedures

<b>Subject:</b> Mobile Audio/Video Recording Systems	<b>Policy Number:</b> 4.29
<b>Issue Date:</b> April 10,2012	
<b>Approval Authority</b> <b>Title and Signature:</b> <i>Sheriff</i> James R. Moore	

**Policy:**

It is the policy of the Kemper County Sheriff's Department to make audio/video recording systems available to enforcement personnel and to provide for systematic protection and integrity of recorded video subsequent to the use of these recording systems.

**Definitions:**

Mobile Video Recorder (MVR): Any system that captures audio-visual signals that is capable or installation in a vehicle or worn by a deputy and that includes at minimum, a camera, microphone and recording capabilities.

**Procedure:**

Prior to using MVR technology, deputies shall receive training on its proper operation and care and the department's policy with respect to the use of the system. MVR equipment should be used with reasonable care to ensure proper functioning. If an operational defect is discovered the deputy shall attempt to correct the system following the received training on the device (i.e. reseating cables, cycling power, etc.). If the MVR is found to have a physical defect or malfunction, the deputy will notify their supervisor and a camera administrator as soon as possible (i.e. email, memo etc.).

Employees shall not attempt to bypass or override MVR equipment or erase, alter or delete any recording produced by the MVR.

MVR equipment and software is password protected. Individual deputies shall not share or reveal their password to other deputies unless requested to do so by a system administrator for maintenance or investigative purpose. If a deputy feels that their password has been

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compromised they notify a system administrator immediately so a new password can be set.

Deputies issued a body worn MVR shall wear the MVR as part of their uniform. The body worn MVR shall be worn along the midline of their torso and in a position designed to produce effective recording.

#### **Use of MVR:**

Except as otherwise provided in this policy, deputies shall activate their MVR to record all contacts with citizens in the performance of official duties. This section is not intended to describe every possible situation to be recorded:

- 1) Traffic Stops
- 2) Pursuits, until completion of enforcement action (vehicle mounted MVR minimum).
- 3) Travel while responding to emergency calls while using the vehicle's emergency equipment (vehicle mounted MVR minimum).
- 4) Searching of detained or arrested person(s).
- 5) Warrant service.
- 6) Any other call or situation where the MVR may be able to be used for evidentiary purposes (i.e. department motor vehicle crash).
- 7) Any contact that becomes adversarial in an incident that would not otherwise require recording. In those situations, it may be impractical or unreasonable for employees to activate their MVR system before taking enforcement action. It is expected that once the immediacy of the situation is over, deputies will activate their MVR to record the remainder of the incident.
- 8) There may be instances in which a deputy is required to take immediate action to an event that occurs directly in front of them which may not allow time to activate their MVR. In these circumstances the officer shall activate their MVR as soon as practical that allows the officers to safely contain the situation.

MVR systems shall not be used to record:

- 1) Communication with other agency personnel unless involved in official business.
- 2) When a deputy is engaged in personal activities.
- 3) In any location where individuals have a reasonable expectation of privacy, such as restrooms, locker rooms etc.

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- 4) A compliant suspect/patient during a medical or psychological evaluation by a clinician or similar professional, or during treatment. When recording in hospitals or other medical facilities, deputies shall be careful to avoid recording persons other than the suspect. Deputies 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.

**Authorized Deactivation:**

Once the MVR system is activated it shall remain on until the incident has concluded or no further law enforcement action is likely occur (i.e. waiting for a tow truck or family member to arrive.)

**Integrity of Video Evidence:**

All MVR systems will be set so that the system will not overwrite any recorded media. All recorded video shall be kept for a minimum of one (1) year. Upon download, Deputies shall tag each video by category to ensure the uploaded video is retained for the period of time established by the Sheriff. In the event of an accidental recording of no investigative or evidentiary value, the deputy may request the file be deleted by submitting an email request with sufficient information to locate the file to a system administrator.

Recordings that are determined to be of felonious evidentiary value will be secured on an external storage medium and turned in as evidence, and a chain-of-custody will be kept of the item.

Recorded media that is/are evidence shall be kept for as long as is practical to the case as is any other evidence. Each should be disposed of in the same manner as with other evidence.

**Review of MVR System Recordings:**

Recordings may be reviewed:

- 1) By a deputy to make sure the system is working.
- 2) By a deputy to assist with the writing of a report, supplement or memo.
- 3) By authorized persons for the purposes of reviewing evidence.
- 4) By a supervisor investigating a specific act employee conduct.
- 5) By authorized department personnel participating in any official investigation, such as a personnel complaint, administrative inquiry, or criminal investigation.

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Non-Supervisory personnel should not be present during the review of video involved in an official investigation.

- 6) It shall be deemed a violation of this policy for a deputy to review recordings of other deputies for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.

Recordings may be shown for the purposes of training. If an involved deputy objects to showing a recording, their objection will be submitted to their supervisor to determine if the training value outweighs the deputy's objection. In no event shall any recording be used or shown to ridicule or embarrass any deputy.

No employee shall obtain, or attempt to obtain or convert for their personal use or for the unauthorized use of another person, any information obtained by a MVR system. No employee shall make personal copies or attempt to upload recordings to any social networking site (i.e. YouTube, Facebook).

**Release of Recorded Media:**

All recorded media made by an MVR owned by the department, or made with any video recording system of duty related situations by any employee of the department, become the property of the department, regardless of the owner of the individual media to which the recording is made.

The release of any such recorded media will be solely at the discretion of the Sheriff or subsequent to any legal court order or pursuant to law. In any event the Sheriff shall be notified before any recorded media is released.

A copy of any request or order to release any recorded media of a case will be kept on file with the case relating to the recorded event.

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