Moss Point Police Department  
Policies and Procedures

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Revision Date: 2 Years

The purpose of this order is to set forth Departmental policy and procedures for the Portable Video Management System (PVMS), which includes a Portable Digital Recording Device (PDRD), designed to record both audio and video of field activity.

The Moss Point Police Department has adopted PDRD technology because of its flexibility to capture audio/video evidence and enhance the Department's ability to conduct criminal investigations, administrative investigations and review police procedures and tactics.

All videos are the property of the Moss Point Police Department. Any distribution of a video or portion of a video shall only be done with the authorization of the Chief of Police or his designee. The playing or copying of any unauthorized video is prohibited.

Employees who violate any portion of this policy are subject to disciplinary action up to and including termination.

1. POLICY

A. Officers shall utilize the PDRD in accordance with the provisions of this policy.

B. Unauthorized use, duplication, editing and/or distribution of PDRD files are prohibited.

C. Personnel shall not delete any PDRD file except as specified in Part 4 Section B subsection 5. (request for deletion of an accidental recording)

D. Personnel shall not remove, dismantle or tamper with any hardware/software component or part of the PDRD.

E. Members are prohibited from wearing or using personally owned video recording devices in place of or in conjunction with their issued PDRD without written consent of the Chief of Police.

F. The Deputy Chief is designated as the Custodian of Record for all PDRD data files.

2. PDRD ACTIVATION AND DE-ACTIVATION

Officer shall activate their PDRD prior to initiating the circumstances enumerated below.

A. All Patrol Officers shall activate their PDRD under the following circumstances:

1. Citizens contacts ("consensual encounters") to confirm or dispel a suspicion that the citizen may be involved in criminal activity as a suspect, victim or witness.

2. Detentions and Arrests;

3. Officer engaged in a foot pursuit.
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4. Assessment or evaluation for a psychiatric detention.

5. Serving a search warrant or arrest warrant;

6. Conducting any of the following searches on one’s person and/or property:
   a. Incident to arrest;
   b. Cursory
   c. Probable Cause;
   d. Probation/Parole
   e. Consent; or
   f. Inventory

7. Upon the order of a higher ranking member.

8. Investigation Divisions and Narcotics Divisions will record as necessary.

B. PDRD Activation is not required during the following circumstances:

1. Officers taking a report or conducting a preliminary investigation within MPPD who reasonably believe no criteria for a required activation is present:

2. Officers meeting with a Confidential Informant.

3. Officers on a guard assignment at a Police Department, Medical, Psychiatric, Jail or Detention facility. Officers shall assess the circumstances of each guard assignment, on a continuing basis, to determine whether to discretionarily activate or de-activate their PDRD.

4. Officers present at a crime scene, unless ordered by a higher ranking officer or detective.

C. De-activation of the PDRD

1. Officers shall not de-activate their PDRD when it was activated as required by this policy until:
   a. Their involvement in the citizen contact or detention of an arrestee has concluded; or
   b. They receive an order from a higher ranking officer; or
   c. They are discussing administrative, tactical or law enforcement sensitive information away from the citizen; or
   d. They are at a location where they are not likely to have interaction or a chance encounter with the suspect (e.g. outer perimeter post, traffic control, etc.); or
   e. The searches requiring activation as enumerated in Part 2. Officer has concluded and the Officer believes he/she will have no further interaction with the person; or
   f. They reasonably believe the recording at a hospital may compromise patient confidentiality; or
   g. A pursuit has been terminated and the Officer performs actions specified in the PURSUIT POLICY or notifies Dispatch they are in service; or
   h. They are interviewing an informant for the purpose of gathering intelligence. At the conclusion of the interview, the PDRD shall be reactivated until no longer required by policy.

After an Officer de-activates his/her PDRD, it is their responsibility to ensure they re-activate their PDRD should the circumstances require it.
2. When an Officer activates his/her PDRD, and such activation was not required by policy and the circumstances do not require continued recording, he/she may use his/her own discretion when deciding to de-activate the PDRD.

D. Personnel shall not intentionally use the PDRD recording functions to record any personal conversation of, or between another Officer/employee without the recorded Officer/employee’s knowledge. (See Moss Point Employee Policy)

E. Personnel are not required to advise or obtain consent from a person when:

1. In a public place; or

2. In a location where the Officer is lawfully present.

F. During crowd control, protest or mass arrest incidents Officers shall use their PDRD consistent with this policy unless otherwise directed by the Incident Commander. The Incident Commander shall document his/her orders in an appropriate report and provide the orders to all personnel.

3. OFFICER, SUPERVISORY AND INVESTIGATORY REVIEW OF PDRD

A. Response to Resistance – Pursuit or In-Custody Death

1. In the event of a Response to Resistance – pursuit by foot, bicycle, motorcycle or in-custody death, all PDRD recordings shall be uploaded as soon as possible. An Officer may view any audio/video recordings prior to completing and submitting the appropriate report(s) and being interviewed by the appropriate investigative unit.

B. Investigation of an Officer

1. Criminal – Officers who are the subject of a criminal investigation may only review their own audio/video recordings at the direction of the Chief/designee or Internal Affairs Investigator.

2. Administrative - Officers having received notification from Internal Affairs and who are considered to be a subject or witness Officer, may only review their own audio/video recordings at the direction of Internal Affairs.

C. Investigators conducting criminal or internal investigations shall:

1. Advise the Chief of Police or designee to restrict public disclosure of PDRD file in criminal or internal investigations, as necessary.

2. Review the file to determine whether the PDRD file is of evidentiary value and process it in accordance with established protocols.

3. Investigators shall notify the Chief of Police to remove access restriction when the criminal/internal investigation is closed.

D. Supervisor Review

1. Supervisors shall conduct a random review of the PDRD recordings of each of their shift subordinates on a monthly basis. It shall be documented via email to the Deputy Chief.

2. When a supervisor is approving or investigating a Response to Resistance or pursuit, bicycle or motorcycle pursuit they shall review PDRD recordings of Officers
who are witness to or involved in a Response to Resistance.

3. Supervisors review of subordinate PDRD recordings shall include:
   a. Officer performance and training needs;
   b. Policy compliance; and
   c. Consistency between written reports and video files.

E. When an Officer does not activate or deactivate his/her PDRD as required, supervisors and administrative staff shall determine if the delay or no-activation was reasonable, based upon the circumstances. If the supervisor determines that the delay or non-activation was reasonable they shall document their justification in a separate report in addition to the Officer’s initial report. If found that activation or deactivation was not justified, the Officer’s actions will be documented along with the appropriate redress and it will be placed in the Officer’s personnel file.

F. Supervisors and Administrative Staff who discover misconduct during the review of the PDRD video, that does not indicate a pattern of misconduct, may address the misconduct through non-disciplinary corrective action. Supervisors shall, at a minimum, document any violation of this policy in the Officer’s personnel file.

G. Supervisors and Administrative Staff may view PDRD files to investigate allegations of misconduct or evaluate the performance of Probationary Officers.

H. When an Officer is authorized to view a PDRD recording by this policy, the audio/video recording shall be reviewed at a Departmental desktop computer by logging onto the server.

4. RESPONSIBILITIES

A. The Deputy Chief is designated by the Chief of Police and has oversight responsibilities to include, but not limited to, the following:
   1. Document malfunctions and equipment failures;
   2. Policy and procedure review and evaluation;
   3. Ensure PDRD files are secured and correspond to the system’s following classifications. Otherwise downloaded Compact Disks will be retained for a minimum of five (5) years.
   4. Ensure PDRD files are reviewed and released in accordance with federal, state, and Departmental Policies.
   5. Train the appropriate personnel to ensure consistency across the department.
   6. Make copies of PDRD files for court or other authorized activities;
   7. Destruction of copied PDRD files not admitted as evidence in court;
   8. Approve/disapprove requests for deleting accidental recordings.

B. Roles of Patrol Supervisors

The shift supervisor’s responsibilities shall include, but not limited to, the following:
   1. Ensure Officers are assigned a fully functional PDRD. Malfunctioning PDRDs shall be replaced immediately pending the availability of a backup PDRD.
   2. User training;
3. Return damaged equipment to the Deputy Chief.

5. Operating the PDRD

A. Officers assigned a PDRD shall test the equipment, prior to every shift. If activation does not occur, immediately report the malfunction to a supervisor.

B. Officers shall position and securely attach the camera to the front of their uniform or uniform equipment, as the primary location, to facilitate recording. Officers shall not wear a PDRD that is damaged or not functioning properly due to low battery charge, damage, malfunction or memory exceeding capacity and shall notify their supervisor immediately.

C. Officers shall upload PDRD data files at the end of and, if needed, during their shift to ensure storage capacity is not exceeded.

D. Officers shall ensure the battery is fully charged and operating properly at the beginning of their shift. Officers shall place the cameras in the proper charging systems for their next shift.

F. Officers shall report unresolved equipment malfunctions/problems to their immediate Supervisor for a camera replacement immediately. Officers shall check out a backup camera, as soon as practical, and utilize it as required until such time as their original camera is operational.

Documentation shall be provided in at least one of the following reports, as appropriate:

1. An email to the immediate Supervisor, which will be forwarded through the chain-of-command to the Deputy Chief.

2. CAD notes.

6. PDRD File Requests

A. Department Requests

Officers requiring a copy of PDRD audio/video file(s) for court shall contact their first line supervisor. If the first line supervisor is unavailable, Officers shall contact the Deputy Chief. Documentation shall be accompanied via email.

1. In non-patrol assignments, request for PDRD audio/video file(s) shall be forwarded to the Deputy Chief.

2. Any PDRD copies not entered into evidence shall be returned to the Deputy Chief for destruction.

B. Non-Departmental Request.

Public Records requests shall be accepted and processed, in accordance with the provisions of federal, state, local statutes and MPPD Public Record Access, and forwarded to the Chief of Police or designee.

C. Request for deletion of an accidental recording.

In the event of an accidental activation of the PDRD and the resulting recording is of no investigative or evidentiary value, the respective personnel may request that the PDRD file be deleted by submitting an email request to their immediate supervisor with sufficient information to locate the PDRD file. Approved requests shall be submitted to the Deputy Chief via email. A record of deletions shall be maintained for five (5) years.

D. A PDRD file may be utilized as a training tool for individuals, specific units and the Department as a whole. A
recommendation to utilize a PDRD file for such purpose may come from any source.

1. A person recommending utilizing a PDRD file for training purposes shall submit the recommendation through the chain-of-command to the Chief of Police or designee.

2. The Chief of Police or designee shall review the recommendation and determine how best to utilize the PDRD file considering the identity of the person(s) involved, sensitivity of the incident and the benefit of utilizing the file versus other means.

7. Replacement Procedures

A. Officers shall immediately report any recognized problems with the PDRD as well as a lost, stolen or damaged PDRD to their immediate supervisor. Upon notification, the supervisor shall facilitate the replacement of the PDRD as soon as practical.

B. The Officers shall document a lost, stolen or damaged PDRD as specified in Memo titled LOST, STOLEN, DAMAGED CITY PROPERTY, unless the PDRD stops functioning properly, for no apparent reason and the supervisor does not observe any sign of damage.

8. Purging of Records

All videos classified as the following will be purged by the system after 365 days:

a) Arrest

Videos classified as the following will be purged by the system after 180 days:

a) Citation

b) No citation

c) Search

d) Other

All other listings such as but not limited to interrupted recording, power failure, corrupt system, etc., will be purged by the system after 90 days.

9. The attached documents supporting the accounting of PDRD records are as follow:

1. PDRD Download form

This form is an Officer’s request for a downloaded video for court purposes.

2. PDRD Equipment Report Form

This form is to report malfunctions and request a replacement camera.

3. Release of Record Form

The attached form is to document the release of PDRD records.