

10.3 Mobile Video/Audio Recording Policy & Operating Procedure

POLICY:

Mobile video / audio recording (MVR) tape or digital equipment has been proven to be a valuable law enforcement tool for collecting evidence to be used in prosecution of persons who violate the law. The Warren County Sheriff's Department has adopted the use of in-car video/audio recording systems in order to accomplish several objectives, including but not limited to; documentation of events and statements made during arrests, accidents, and other incidents to strengthen officer reports, collection of evidence and testimony in court; and the enhancement of this agency's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction and evidence for investigative purpose as well as for officer evaluation and training.

PURPOSE:

The purpose of this policy is to provide officers with guidelines for the utilization of the mobile video/audio recording (MVR) taped or digital video equipment.

PROCEDURE:

A. Equipment Operation

1. Deputies shall be responsible for the operation and care of their assigned MVR equipment. Lost or misused equipment shall be replaced at the Deputies expense.
2. Prior to the start of each shift, Deputies shall determine whether their MVR 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. Deputies shall only use video equipment or tapes issued or authorized by the department. No alterations or additions to

the existing MVR equipment shall be permitted without written authorization.

4. Deputies will ensure proper alignment, focusing and positioning of MVR equipment to facilitate quality documentation of:
 - a. Each traffic stop, pedestrian stop, or other law enforcement actions;
 - b. The actions of suspects during interviews, when undergoing sobriety checks or when placed in custody;
 - c. The circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.
5. Deputies shall use the MVR system to record the entire traffic stop, pedestrian stop, pursuits, responding to emergency calls, and other events including, but not limited to, armed encounters, acts of physical violence and/or felonious conduct.
6. The video/audio recording unit's operating selector switch should be in the "Automatic Mode" to ensure that as the patrol vehicles emergency lighting equipment is activated, the video/audio recording unit will automatically activate to begin recording the entire traffic stop or other action.
7. The term "entire traffic stop" refers to the time any contact or action is initiated and continues for as long as the Deputy has any interaction with the parties being stopped. If a prisoner/subject being detained in the vehicle or transported becomes combative or attempts to damage the vehicle the Deputy shall reactivate the MVR system and position the camera to capture the prisoner/subject's actions until the destination is reached and the prisoner/subject is moved from the vehicle.

8. Deputies may manually activate the MVR system prior to initiating the traffic or pedestrian stop, for the purpose of recording suspect and/or vehicle actions to facilitate the establishment of probable cause of persons suspected of Public Intoxication, or D.U.I.
9. The video/audio recording system, including the audio recording from the wireless microphone carried by the Deputy, will not be stopped, paused, or otherwise interfered with anytime during the stop or incident.
10. At the scenes of extended incidents (other than traffic contacts), the Deputy has discretion in terminating the video/audio taping when there is no other evidentiary value. Examples of these types of event include, but are not limited to: traffic accidents while waiting for clean up of the scene, or motorist assists and abandoned vehicles while waiting for wreckers to arrive.
11. Deputies shall provide the following information into the wireless microphone at the initiation of any of the following actions:
 - a. Vehicle license number and state of issuance
 - b. Location of Stop
 - c. Vehicle Make
 - d. Vehicle Color
12. If the MVR system is malfunctioning or otherwise not operable, the Deputy making the stop shall complete the field contact form that is in current use.
13. Deputies shall not erase, reuse (tape over) or in any manner alter the MVR tapes or video cards. Unauthorized altering, erasing, or destroying any portion of the video tape or video cards will be grounds for disciplinary action.

14. Deputies shall obtain a new recording tape at the beginning of their shift on the first shift of the workweek and submit the previous weeks recording tape to the on duty Supervisor or ensure the digital recording is manually (if remote system or the system is not operative) or remotely downloaded at WCSO. The Deputy shall label the new tape with the beginning date and the previous tape with an ending date. The Supervisor shall place the tape in the evidence drop box.
15. All fully used recording tapes, recording tapes that may be needed as evidence for criminal cases, or recording tapes of incidents which could lead to or have led to citizen complaint upon the Deputy, shall be given to their Patrol Supervisor or placed in the evidence drop box after writing the Deputy's name, the end date of the tape and any case numbers or the incident numbers as appropriate. A new tape shall be obtained, labeled with the new beginning date and placed in the MVR system.
16. A Supervisor may play back the tape or digital recording on the monitor in the patrol unit on the scene in the event of a critical incident (Deputy is disabled, etc.) to obtain any critical information.
17. Deputies shall note in their reports if MVR equipment was utilized.

B. Tape/Digital Card or Server Control and Storage

1. Control

- a. All MVR tapes, also referred to as recording tapes or tapes, and video data cards are the property of the Warren County Sheriff's Department.
- b. Incidents such as a D.U.I. case shall be copied upon request of the prosecutor. They may be copied so as to

have any booking video and/or intoxilizer video on the same tape or data video card. This will be done while ensuring that the original tapes stay intact and unaltered.

c. Request by other agencies for access to a MVR tape or digital recorded image(s) will be approved by the Sheriff, Undersheriff, or Lieutenants, and if approved a copy will be provided to the agency with the original being returned to safe storage.

d. MVR tapes or digital video card/sever that contain information that may be of evidentiary value or used in civil adversary proceedings shall be safeguarded and a chain of custody maintained as with other evidentiary items.

2. Storage

a. All fully used tapes will remain in the department safe storage for ninety (90) days. Digital recording is based on sever storage at time of recording

b. If a complaint is filed with this department alleging that a Deputy has engaged inappropriate behavior with respect to a traffic or pedestrian stop, the department shall retain the video and audiotapes, or the audiotapes of the stop until final disposition of the complaint.

c. The Deputy assigned to the property room shall remove all recording tapes from the evidence drop box; determine the appropriate storage requirement, and place the tape in either evidence property room or ninety (90) day storage cabinet.

d. If the tapes are not needed for evidence or review they may then be removed from the ninety (90) day tape storage

cabinet, erased and returned to inventory for reissue by the property room deputy.

C. Duplication of Tapes

1. All tape duplication shall be done at the direction of the Lieutenant (s) or above.
2. Requests for duplicated tapes will be submitted to the Lieutenant (s) in writing.
3. All duplicated tapes or video disks shall be labeled as follows:
 - a. Warren County Sheriff's Department
 - b. Date of Duplication
 - c. A statement prohibiting further duplication or distribution of the tape without express written consent of the Sheriff or his designee.
4. No employee of the Warren County Sheriff's Department will duplicate, or make available a duplicate tape or digital recording or any portion of a tape, to any other person without the consent of the Sheriff.
5. Unauthorized duplication or provision of department MVR tapes or digital recording or any portion of a MVR tape or digital card will be grounds for disciplinary action.

D. Supervisory Responsibilities

1. Supervisors shall review a recording of each Deputy at least once every ninety (90) days to ensure that Deputies utilizing MVR equipment adhere to established procedures, guidelines and policies.

2. At their discretion, supervisors may request MVR tapes or digital video from the Deputy at any time.

Nothing contained in this section shall be construed as prohibiting a supervisor from addressing with a Deputy an apparent violation of policy or procedures with regard to arrest, investigation, officer/suspect communications, or officer safety issues that are discovered during review of an MVR tape or digital recording.