

DEPARTMENT GENERAL ORDER 09-10

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 06-03/06-03A
SOP 501.32.00

DATE: May 29, 2009

DIGITAL VIDEO/AUDIO RECORDING EQUIPMENT

I. PURPOSE.

Digital video/audio equipment has demonstrated its value in the evaluation and management of officer performance, the prosecution of illegal activities, and as a technical shield against unsubstantiated complaints and civil claims. As such, the following guidelines have been developed to govern the use of mobile video and audio recording equipment by officers of this command.

II. DEFINITIONS.

- A. Digital Video/Audio Equipment - A commercially produced in-car video/audio system
- B. Record - Any recording medium used for retention and playback of recorded video and audio.
- C. File - Any video/audio incident recorded on the in-car camera
- D. Case – A computerized record created under the associated report number of a particular incident. A case contains a collection of identifying information and video files.

III. OBJECTIVES.

This agency has adopted the use of mobile video/audio recording equipment to accomplish the following objectives:

- 1) Enhance officer safety.
- 2) Increase the department's ability to review probable cause for arrests, arrest procedures, officer and suspect interaction, training needs, and for officer evaluation purposes.
- 3) Provide a means to review the effectiveness of department policies and procedures, while concurrently protecting the department and its officers from unfounded or malicious complaints.
- 4) Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, the collection of evidence and investigative information, and subsequent court testimony.

IV. OPERATIONAL PROCEDURES.

Officers shall adhere to the following procedures when utilizing mobile video equipment:

- 1) Digital video/audio equipment installed in department vehicles is the responsibility of the officer assigned to that vehicle and will be operated in accordance with manufacturer's specifications and department policy.
- 2) Prior to each shift, officers shall determine if their digital video and audio system is working satisfactorily, and will notify their supervisor of equipment malfunctions or other problems prior to commencing patrol duty. This may be accomplished by utilizing the notification form. Once it is determined the equipment is in proper working order, the officer shall log on to the system with a department-provided USB key which will embed the officer's identifying information onto the video.
- 3) At the end of the shift, officers shall log out of the system and ensure the remote transmitter/Mike (VLP) is returned to the docking station. These transmitters must be left in the "ON" position at all times.

- 4) Digital Video Recorders (DVR) will automatically record when the vehicle's emergency visibar is activated, or when the vehicle exceeds 75 MPH. In addition, the system can be activated by pressing the record button on the interior unit or by using the external microphone. **Once the record function is triggered, the equipment will continue in record mode until the stop button is pushed, triggering manual deactivation.**
- 5) Officers will use their DVR equipment to record the actions of suspects during arrests and investigative stops, interaction with violators during traffic stops, the circumstances at crime and serious accident scenes, and all other pertinent events or circumstances during citizen contacts or criminal law enforcement actions. This includes primary and assist units. **Recording should be stopped only at the conclusion of such an incident, and an officer shall not interrupt this recording process.**
- 6) It will be left to the officer's discretion to record "routine" calls for service (e.g. larcenies, barking dog, etc.) and should the officer recognize a need, he/she can activate the system to record the situation.
- 7) Officers will ensure the remote transmitter (VLP) is activated when they exit the police vehicle during traffic or investigative stops. The equipment will run uninterrupted until such time as the stop is complete or the suspect is returned to the department. Since the primary purpose of the cameras is to provide for officer safety, legal status, e.g. adult/juvenile, will not be a consideration regarding the continuous recording of such an event.
- 8) The priority marking of video files will be accomplished on a scale of 1-5, with 1 being the default setting for files that will be automatically deleted from the server after 30 days. Any file marked priority 2 will also be deleted after 30 days, but it will signify an incident that the officer believes may result in a complaint. Files marked priority 3-5 will be for DWI offenses, Misdemeanors, and Felonies, respectively. Any other video an officer captures that would be considered important, such as serious/fatal auto accidents or pursuits, should be classified as a priority 5 event.
- 9) Officers will notify their supervisor as soon as practical of any recorded sequences that may be of value in criminal or complaint investigations, for future training sessions, or in conjunction with other enforcement activities. This shall be accomplished via the use of a notification form, attached hereto, which shall be submitted through the chain-of-command to the proper authority.

In arrest cases, where the file may be of value in a criminal proceeding, the supervisor will ensure the file has been assigned the proper priority level.

- 10) Officers should note in incident, arrest, and/or other related reports that video recordings were made during the event in question, or that an equipment malfunction prevented such recordings.
- 11) Officers will not use the MVR to record any situation that is not considered a legitimate law enforcement function. Any improper use of the equipment including, but not limited to, the recording of inappropriate matters, attempted deletion of files, or any other alteration, attempted alteration or other misuse of the equipment in the vehicle, or in the police building, shall subject the offender to disciplinary action consistent with current policy and procedures.
- 12) Officers need to be aware that files required for court will be copied onto a CD containing archived material which may include numerous files not related to the actual case set for court. Therefore, all officer interactions during the recording period may come under court scrutiny. As such, officers are expected to conduct themselves in a professional manner.

V. SUPERVISORY RESPONSIBILITIES.

Supervisory personnel responsible for the activities of officers assigned to vehicles equipped with in-car video/audio recording equipment shall ensure that:

- 1) Officers follow established policy and procedures for the use and operation of MVR equipment.
- 2) Officers use appropriate log in/log out procedures at the beginning of the assigned shift. Should a USB key remain lost or damaged, the officer shall notify the supervisor on duty. This will entail proper file corrections and allow for a replacement USB key.
- 3) Officers notify any available supervisor/commander if any equipment is determined to be defective.
- 4) Proper notifications are made regarding archived/retained video files, and that such files are properly marked according to the priority system identified in Section 4-8 above. The notification is to be made to their platoon or bureau commander regarding the review of a file for any reason other than a routine arrest or traffic stop (e.g. complaint against an officer, pursuit, etc.).

- 5) Ensure that a notification form is completed and left for the Field Operations Bureau Platoon Commander assigned to oversee the use of this equipment. A copy of the notification sheet should be left for the Investigations and Support Bureau Commander. This form is to be used to communicate issues arising from numbers 2, 3, or 4 above.
- 6) The rooms housing the work station and the server are properly secured to protect the integrity of the media files.

VI. VIDEO DATA CONTROL AND MANAGEMENT.

- A. All video data files shall be maintained in a computerized storage mode that allows for efficient identification and retrieval. This is accomplished via the management software, proprietary to the system.
- B. Video data files will upload, via wireless transmission, to a secure server within the police building. In the event there is a failure of the wireless transmission, a video flashcard housed in the DVR can be conveyed to the work station and uploaded to the system.
- C. Any record file of value for case prosecution or in any adversarial proceeding shall be retained. Examples of such records include DWIs, arrests, uses of force and resisting arrest cases. Any file marked at priority levels 3-5, as previously explained, and tagged case files will remain on the server for a period of ninety (90) days, at which time they will be auto archived to a DVD so long as the server has hit the established memory limit triggering the auto archive function. Any files marked priority level 1 (default priority) or 2 will automatically purge from the system after thirty (30) days.
- D. Officer requesting a file be retained, copied, reclassified or deleted shall do so by filling out the "In-Car Video/Audio Request for Disposition of Record" form and submitting the form to a supervisor.
- E. When a prosecutor requests a record for a court proceeding, the officer shall make a request utilizing the "In-Car Video/Audio Request for Disposition of Record" form. This request will be forwarded to the Field Operations Bureau platoon commander assigned to oversee the use of this equipment. A DVD will then be made for the prosecutor. At the completion of the case, the DVD will be returned to the proper authority to be retained or disposed of as is warranted by the circumstances.

- F. In those instances where the request is from someone other than a prosecutor for purposes of criminal prosecution or civil litigation, or for another purpose, such requests shall be directed to the Commander of the Administrative and Technology Division, Investigations and Support Bureau, to ensure compliance with department policy and procedures and Missouri Open Records Law (Missouri Sunshine Law), respectively. Additionally, requests made by a defense attorney will be at the advice of the prosecutor when a discovery has been made.
- G. The server and work station shall remain secure at all times. No record is to be uploaded/downloaded and no maintenance shall be performed on video/audio recording equipment by anyone other than authorized personnel. Personnel will be authorized according to specific levels of security that are password protected.
- H. In order to maintain record security, access levels will be identified as follows:
 - 1) Main System Administrators-access to all system functions.
 - 2) Supervisors-ability to view any record as well as the ability to create, edit, and dispose of cases, to include the authority to pull the flashcard from a vehicle's DVR to download records.
 - 3) Officers-ability to view records.
- I. It will also be the system administrator's responsibility to confirm that the video data is successfully uploading from the police vehicles to the server.
- J. DVR files will be stored on the server, which shall remain secured at all times. Access to the system will be gained according to the levels of security established in this Order, via the work station, and file retention/ deletion will occur based on the priority level given to each file and/or at the discretion and direction of the system administrator.

K. Command and supervisory personnel will review DVR files as follows:

- 1) To assess officer performance, via the periodic review of files selected at random.
- 2) To identify material that may be useful in training.
- 3) In regard to a complaint against an officer.
- 4) Following a vehicular pursuit.
- 5) For evidentiary purposes.

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

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