

Office of the Macomb County Sheriff



GENERAL ORDER		Number 4.23
Subject Mobile Video/Audio Recording Policy		
This Policy Supercedes All Previously Issued Correspondence Relative To This Topic		
Effective Date May 15, 2006	Approved <i>Captain Dave Teske</i>	Sheriff <i>Mike Althoff</i>
Review Date	Approved	
Distribution All Personnel		No. of Pages 5

POLICY

This policy will provide guidelines for the operation of Mobile Video/Audio Recording (MVAR) equipment, usage, cataloging, storing, rotating, distribution of evidentiary medium and MVAR equipment maintenance. These procedures are to ensure the efficient operation of the in-car system, maintain evidentiary integrity, and provide a chain of custody that will facilitate proper court presentation. In order to maximize the utilization of this equipment in these and related areas, officers shall follow the procedures for MVAR equipment use as set forth in this policy.

Recordings will be utilized in the interest of officer safety, to facilitate the conviction of an arrestee and/or violators, and to review situations that result in alleged personnel complaints. The recordings will not be routinely reviewed to monitor an officer's performance.

PROCEDURE:

A. TRAINING

Department personnel will specifically train officers in the operation of MVAR equipment.

B. SYSTEM USAGE

1. The system shall be checked for proper operation before the start of each shift and the date and time should correspond to the current shift of operation. If the information displayed (date, time, patrol vehicle) is not correct, the deputy shall correct the information displayed and note this adjustment in his/her log sheet. If the deputy is unable to correct the displayed information, Road Command must be notified and the procedures for "Maintenance of MVAR Equipment" (Section E.), including the "Work Order," shall be followed.
2. There are three methods of activating the recording system:
 - a. activating the patrol vehicle's overheads automatically activates the recording system.
 - b. manually pressing the record button on the systems control panel.
 - c. sliding the blue switch on the microphone. Deputies will feel the microphone vibrate indicating the system is recording.

3. Regardless of the method used to activate the recording system deputies must manually press the stop button on the systems control panel to stop the recording function.
4. The microphone must be placed in the charging cradle with the belt clip facing up.

C. RECORDING PROCEDURES

1. Incidents shall be recorded by engaging the MVAR at the commencement of an enforcement action. It shall continue uninterrupted, recording both video and audio until the completion of the entire incident. For incidents involving an arrest, deputies shall terminate the recording after the prisoner is out of the vehicle upon entry to the Booking Garage, where booking cameras are located. The audio/video recordings generated on department equipment are (and shall) remain the property of the Macomb County Sheriff's Office. These recordings shall not be duplicated or released outside of the department without proper authorization as set forth in this procedure.
2. Officers are encouraged to provide a narration with the video recording preparatory to each stop. The intent of this narration is to assist in the necessary written documentation and to assist the office in supporting probable cause for the stop.
3. Officers are encouraged to record:
 - a. the actions of subjects/vehicles prior to stops, during interviews, when undergoing sobriety checks or when a subject is placed in custody, since the recordings would prove useful in later judicial proceedings.
 - b. the actions of prisoners in the rear seat area during transportation in department cars equipped with MVAR systems.
 - c. the circumstances at crime and accident scenes, or other events such as the confiscation and documentation of evidence or contraband.
4. It shall be the duty and responsibility of the Shift Commander/Supervisor to review DVDs to investigate a citizen complaint.
5. The microphone is to be worn by the vehicle operator. The audio shall be used in conjunction with the camera, whenever the video equipment (MVAR) is being utilized. Additionally, the operator may activate the audio function (requiring the video to be on in the car) while taking a complaint in a residence or business. Audio transmitters are not to be on while in the substations, main jail & offices; nor are they to be activated when the deputy is exposed to explosive hazards or bomb threat calls.
6. Officers will note in incident, arrest and related reports when video/audio recordings were made during the incident in question as well as document any malfunctions or interruptions.

7. Officers are encouraged to inform their supervisors of any recorded sequences that may be of value for training purposes.
8. Officers will notify the Shift Supervisor (as soon as is practical) of any recorded sequences that have evidentiary value, diminish department liability, or that pose procedural concerns of a time sensitive nature. The Shift Supervisor shall determine at that time if a DVD should be removed immediately (to preserve evidence) or allow it to remain in normal rotation.
9. Officers using the MVAR equipment:
 - a. will not place any label over the department applied number on MVAR equipment or otherwise obscure or deface said number.
 - b. should be aware that when responding as a backup unit, cameras may be utilized as tools to assist in capturing the incident.

D. RECORDING MEDIUMS-CATALOGUING, USAGE, STORAGE

1. Cataloguing

- a. DVDs shall be obtained from storage at each Substation, Bureau or the Main Office. Only discs provided by the Department shall be used.
- b. DVDs shall be assigned and labeled corresponding to **shift, area and patrol vehicle** (i.e. 1HAR1, 1HAR2, 2HAR1, etc.)
- c. Upon putting a new/erased disc into service, deputies will ensure that it is labeled appropriately.
- d. Labels on discs shall also include **Beginning Date/Time** and **Ending Date/Time**.

2. Usage

- a. DVDs-Only new/prepped DVDs shall be put into service. All recycled DVDs must have any prior markings crossed-out and should be remarked according to shift, area and patrol vehicle as designated above.
- b. Load the MVAR with the correct disc. The system shall be checked for proper operation before the start of each shift and condition shall be noted on the officer's log sheet. The date and time should correspond to the current shift of operation.
- c. Officers shall activate the system and record by voice the Time, Date, Officer(s) Name(s), and "PAPF"/Employee Number. The officer shall then immediately playback that recorded portion to determine that a discernible audio and video image has been made.
- d. Deputies should follow "Recording Procedures" as outlined in this General Order for recording incidents.
- e. Should it become necessary to replace a disc during a deputy's shift, the deputy should:
 - notify the Shift Supervisor prior to the change and note on the log sheet.
 - remove the disc and record the ending Date/Time on the label.

- replace with a new/prepped disc that is appropriately labeled as described above (A.2.4.).
- use the same "Sign-On" procedure as outlined in B.4. above.
- forward the full disc to Uniform Services.

Note: Deputies should monitor the recording medium to ensure that there is ample recording time for any incident that may occur during the shift.

3. Rotation

- a. Once a disc is full of data, it should be forwarded to Uniform Services for storage until the rotation cycle is complete (31days).
- b. After 31 days (monthly cycle), if there is no evidentiary value, Uniform Services will erase the disc and return it to a designated area at the substation prepped for use again.

E. EVIDENCE

1. If the DVD needs to be taken out of rotation for evidentiary purposes, it shall be tagged as evidence at the end of that shift by the deputy; consistent with department rules on evidence handling. The deputy will place the tagged disc in the designated evidence locker, either at the Main Office or Substation maintained for such purposes.
2. Shift Supervisors, while making their daily rounds, will then transport tagged discs from the Substations to the Main Office evidence property lockers.
3. Each deputy shall indicate the status of the tagged DVD, "EVIDENCE" or "REMOVED FROM ROTATION" and the reason for the hold (e.g. OUIL arrest, DVA assault, etc.) This status shall be recorded on the property tag and signed by the submitting deputy.
4. The deputy shall be responsible for removing the disc from rotation, replacing it with a new DVD in the current date slot, properly tagging and submitting the removed disc for evidential storage.
5. Recordings containing information that may be of value for case prosecution or in any criminal or civil proceeding shall be safeguarded as other forms of evidence. As such, these discs will:
 - a. be subject to the same security restrictions and chain of evidence safeguards as detailed in this Department's evidence control policy.
 - b. not be made available under FOIA, until reviewed for release by Macomb County Corporation Counsel. Not be released or copied for release without approval of a Captain or his designee.
 - c. not be released to another criminal justice agency for trial until the actual trial date; and

- a true copy of the disc, marked as a copy, has been submitted to the criminal justice agency for any pre-trial purposes; and the true copy has been maintained by chain of evidence with this Department.
6. Normal procedures dictate that recordings will be kept for 31 days (a monthly cycle), or until a determination is made by the Sheriff or designee, Prosecutor, Corporation Counsel, or Risk Management as to whether the recording will need to be held for a longer duration.
 7. The property room Evidence Technician will maintain the original DVDs. The property officer will be responsible for logging in evidence, record keeping, issuing written notification to the OIC (Deputy or Detective) of intent to rollover or erase the disc issued to him or her by a specific date as determined. The Evidence Technician will then erase and return the rolled over discs to the Uniform Services Division Lieutenant or designee.
- E. MAINTENANCE OF MVAR EQUIPMENT
1. Officers shall be responsible for routinely inspecting the equipment and reporting any deviations in the operating condition, appearance, or suitability for continued service.
 2. Day Shift Operations
 - a. Deputies **shall** report to Technical Services (Radio Department) for any malfunctions in the MVAR. Technical Services will check the problem and determine the appropriate action to be taken to repair the problem.
 - b. If, due to the volume of calls, deputies are unable to bring the vehicle to Technical Services, the deputy must note this on his/her log sheet, complete a "**Work Order**" describing the problem and forward it to Uniform Services.
 3. Afternoon and Midnight Shift Operations
 - a. Deputies **shall** note any malfunctions of the MVAR device on their log sheet, complete a "**Work Order**" describing the problem and forward it to Uniform Services.
 4. Shift Supervisors who receive "Work Orders" for MVAR equipment, either at the Front Desk or any other source, **shall** ensure that these are forwarded to Uniform Services.
 5. Front Desk Command who review log sheets noting that there is a problem with MVAR equipment, **shall** ensure that either a "Work Order" or a copy of the log sheet is forwarded to Uniform Services.