




Frederick County Sheriff's Office

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting



Series OPR	Number 326	Effective Date 8-1-2011	Review Date 1-1-2016	Reviewing Office Sheriff
Subject Mobile Video/Audio Recording Equipment				<input checked="" type="checkbox"/> New Order <input type="checkbox"/> Amends <input type="checkbox"/> Replaces
References OPR.01.01				
 Sheriff			06/05/2014 Date	

I. PURPOSE

The purpose of this policy is to establish guidelines for the use of in car video/audio recording systems and recording systems worn by the deputy on his uniform for the Frederick County Sheriff's Office.

II. POLICY

Mobile video/audio recording equipment has been demonstrated to be of value in collecting visual and audible evidence to expedite the prosecution and adjudication of criminal/traffic cases, as well as to promote deputy safety, provide corroboration of the deputy's testimony, and to be an eyewitness to events as they occur. In order to maximize the effectiveness of this equipment in these and related areas, it shall be the policy of the Frederick County Sheriff's Office to use mobile video/audio recording equipment to enforce criminal laws and traffic violations when possible.

III. PROCEDURE

A. Program Objectives

The Frederick County Sheriff's Office has adopted the use of in-car video/audio recording systems and video/audio recording systems worn by deputies (Body Cameras) in order to accomplish the following objectives:

- 1) Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance deputy reports, collection of evidence, and testimony in court.
- 2) The enhancement of this agency's ability to review probable cause for arrest, arrest procedures, deputy and suspect interaction, and evidence for investigative purposes, as well as for deputy evaluation and training.

IV. OPERATION: IN-CAR CAMERA

A. Equipment

1. Deputies are responsible for the recording equipment installed in their vehicles or issued to them. They will maintain the equipment according to the manufacturer's recommendations.
2. Deputies shall inspect their assigned equipment prior to beginning their tour of duty to ensure that the equipment is operational and that it has not been damaged.
3. Any deficiencies should immediately be reported to their supervisor so that necessary repairs may be made.
4. Deputies will not use the equipment if it is malfunctioning in any way.
5. Supervisors shall inspect the deputy's in-car systems bimonthly and document the results on the vehicle inspection form.
6. Deputies will exercise reasonable care when using this equipment.
7. In car cameras should be periodically checked to be sure they are securely mounted properly adjusted and all wires properly connected.
8. Deputies shall not perform operational adjustments or modifications to their assigned equipment. Authorized personnel will make all repairs, modifications, etc. to the equipment.
9. Microphones and cords are very fragile and should be protected as much as possible. It is recommended that they be concealed inside the uniform shirt, with the cord extended as far as possible

for maximum operating range. When zipping the shirt, be careful to avoid damaging the cord with the zipper.

10. Transmitters should be worn as designed by the manufacturer and placed on the duty belt in a comfortable and convenient location, and protected as much as possible. Transmitter frequencies are matched to those of their receivers, and the units are not interchangeable with other units. Transmitters should be recharged before each tour of duty.

B. Operating Procedures

1. The recorder may be activated in any one of three (3) ways:
 - a. Manually-by pressing the “Record” button;
 - b. Automatically-by turning on the emergency lights;
 - c. Remotely-by turning on the wireless microphone to the correct frequency if the “Remote” feature is activated. It is recommended that the “Remote” feature be activated routinely. NOTE: When power to the unit is turned off, the “Remote” feature will automatically deactivate. When power is restored, the “Remote” feature must again be activated.
2. Regardless of how the recording equipment is activated, it can only be turned off manually, by depressing the “Stop” button until the “Record” indicator light (LED) goes off. Remember to manually turn off the microphone at the same time.

C. Focus

Deputies should adjust the focus on the camera at a predetermined distance to make sure the camera accurately records the suspect vehicle’s registration.

D. Monitor/DVR

The monitor is to be used for adjustment of the camera view and review of recorder incidents. The monitor should be turned off while the vehicle is in motion. The DVR also has a screen that can be used the same as the monitor. The DVR will be locked in its in car docking station, unless it is removed for data downloading. The key should be removed from the docking station.

E. Body Microphone

The body microphone shall be worn on the gun belt at all times. The body microphone shall be activated at all times during traffic enforcement activities (primary unit only).

F. In Car Microphone (ICM)

The ICM shall be on anytime a prisoner is transported.

G. Guidelines for Recording

1. Anytime the emergency equipment is activated the system will begin recording the event; therefore, all emergency responses, traffic stops, pursuits, etc. shall be recorded until the end of that incident.
2. A deputy may self-initiate a recording of any event.
3. Once the recording of an incident has begun, the recording of both audio and video should be continued until the completion of the incident. If for any reason the recording is discontinued, the reason should be properly documented.
4. Deputies will inform any person who inquires that video-recording equipment is in use.
5. Deputies may inform subjects that recording equipment is in use, if they feel it will be beneficial in resolving an incident.
6. Deputies are not required to discontinue recording at the request of anyone other than a superior deputy.
7. Deputies will indicate in his/her IBR/DUI report that a recording was made of the incident.
8. Absent unusual circumstances, the camera will remain on at all times while the vehicle is in motion. The camera continuously records and erases data. When an incident occurs the deputy should immediately start recording. The system automatically saves the previous 30 seconds of video recording before the system was activated. Do not use the pause button to stop recording.
9. Anytime the camera is on the microphone shall also be on. The deputy may narrate things that are detected that the camera may

not be able to record (objects/evidence inside of a vehicle, smells, PBT readings, etc.).

10. The microphone may be turned off while a deputy is speaking with another deputy outside the presence of the citizen.
11. The recording equipment should not be used for non-official business.
12. Deputies may program the microphone frequencies into their scanners; however, anytime a suspect or arrested person is placed into the cruiser, the scanner must be turned off. This will prevent the suspect or arrested person from hearing conversations, which may be detrimental to further investigations.

V. OPERATION: BODY CAMERA

A. Equipment

1. Deputies are responsible for the body camera and micro SD card issued to them. They will maintain the equipment according to the manufacturer's recommendations.
2. Deputies shall inspect their assigned equipment prior to beginning their tour of duty to ensure that the equipment is operational and that it has not been damaged.
3. Any deficiencies should immediately be reported to their supervisor so that necessary repairs may be made.
4. Deputies will not use the equipment if it is malfunctioning in any way.
5. Supervisors shall inspect the deputy's body camera bimonthly and document the results on the vehicle inspection form.

B. Guidelines for Recording

1. A deputy may self-initiate a recording of any event.
2. Once the recording of an incident has begun, the recording should be continued until the completion of the incident. If for any reason the recording is discontinued, the reason should be properly documented.

3. Deputies will inform any person who inquires that video-recording equipment is in use.
4. Deputies may inform subjects that recording equipment is in use, if they feel it will be beneficial in resolving an incident.
5. Deputies are not required to discontinue recording at the request of anyone other than a superior deputy.
6. Deputies will indicate in his/her IBR report that a recording was made of the incident.

VI. DATA

A. Downloading/Storing Data

1. Depending on camera usage, it is recommended that every deputy assigned an in car camera shall remove the DVR at the beginning or ending of each tour of duty and download the data into the data storage system in the Sheriff's Office. Deputies should avoid waiting until the DVR is completely full of data before downloading the data.
2. Deputies assigned a body camera may download the data from the SD card at the beginning or ending of their shift.
3. Deputies shall use the assigned docking stations/computers in the Sheriff's Office for downloading the data from the DVR/body camera. Both docking stations/computers share a single stand-alone hard drive system for storing the data from all DVRs/body cameras.
4. Deputies will not download data from the DVR/body camera onto other computers unless authorized to do so by a supervisor.
5. The data downloaded from the DVR/body camera will be stored on the hard drive of the docking stations/computers for 60 days from the date the data was downloaded. After 60 days the data will be erased from the hard drive.
6. Deputies shall not erase or alter recordings from the DVRs or body cameras.

B. Ownership, Custody, and Control of Recorded Data

1. It is Frederick County Sheriff's Office policy that all recordings generated on Sheriff's Office equipment (DVRs/Body Cameras) are the property of the Sheriff's Office.
2. Each deputy is responsible for downloading the specific data from the docking stations/computers hard drive onto a CD/DVD for any incident(s) that is needed as evidence in court. The deputy will make one copy to be turned in as evidence and a second copy, which will be retained by the deputy to be taken to court.
3. CD/DVDs that are placed into the evidence/property room are evidence, and must be handled as such. For this reason, the chain of custody must be kept as short as possible and documented by all who handle the CD/DVD.
4. The evidence/property clerk shall store the CD/DVD in the property/evidence room. The evidence/property clerk shall maintain a record of all incoming CD/DVDs, which allows for the location and retrieval of specific CD/DVDs as needed for viewing, duplication, etc.
5. The Commonwealth's Attorney requires one incident per CD/DVD whenever they are prosecuting the case.
6. The CD/DVD recording placed into evidence will not be removed from the Sheriff's Office unless by court order. A copy of the evidential CD/DVD will be made for a requesting party after a member of the Administrative staff has approved the request.
7. CD/DVDs containing information that will be presented as evidence in the prosecution of criminal cases or in civil proceedings shall be safeguarded the same as other forms of evidence.
8. The CD/DVDs that deputies use as evidence may be recycled after the case is disposed of and all appeals are exhausted.
9. No Sheriff's Office CD/DVD recording of any incident shall be released to any news agency, person, or placed on a social network/Internet without the permission of the Sheriff. Furthermore, duplication of any recording or a segment of a recording generated by Sheriff's Office owned mobile audio/video recording equipment for other than a legitimate law enforcement purpose is prohibited.

C. Use of Data for Training Purposes

1. Periodically, video cameras or body camera's record events which may prove useful as training aids. Therefore, when these cameras record unusual, exceptional, or felony incidents and the incidents recorded are perceived to be of value as a training aid, the following procedure shall apply.
 - a. Deputies are encouraged to bring to the attention of their supervisors any recording(s) they feel may be useful as a training aid.
 - b. The supervisor will forward the information to a command staff member for possible use in future Sheriff's Office training.

D. Viewing of Recorded Data

1. The original CD/DVD recording should not be removed from evidence unless so ordered by a court. In this case, a duplicate CD/DVD will be made prior to releasing the original. In most cases the copy of the original CD/DVD should be viewed. If the original CD/DVD has to be removed from the property/evidence room it shall be treated the same as any other evidence/property removed from the room.
2. Deputies may view recorded data for the purpose of critiquing their own performance, as well as preparing themselves to testify in cases where such recordings may be used as evidence.
3. Supervisors should periodically view recorded data to
 - a. Determine if Sheriff's Office rules, regulations and procedures are being followed.
 - b. Investigate allegations of misconduct.
 - c. Determine training needs and the effectiveness of previous training.
4. Viewing by other people
 - a. The Command Staff may view recorded data at their discretion.

- b. Frederick County Sheriff's Office members and prosecutors may view recorded data as necessary to complete their investigations and/or prosecutions.
- c. CD/DVDs relevant to a pending or contemplated criminal action may not be viewed by others, including defendants and defense attorneys, without the written permission of the arresting deputy and the Commonwealth's Attorney. Dissemination of CD/DVD information is subject to the same laws and policy as other records material.
- d. Members of the press may view CD/DVDs only as specifically authorized by the Sheriff or Major.

E. Duplication of Recorded Data

- 1. The Evidence/Property Clerk or other designee shall make duplicates of CD/DVD's as requested in accordance with this policy or as specifically approved by the Sheriff.
- 2. Requests from other law enforcement agencies shall be made on official departmental letterhead and signed by the department head.
- 3. Requests from the media or other non-law enforcement agencies or individuals must be accompanied by a fee of a minimum of \$25.00 per event made payable to the Frederick County Sheriff's Office. All such requests must be in writing and from persons entitled to view such data in accordance with this policy and the law. Records will be kept of all requests and all duplicates made and the distribution of such duplicate CD/DVDs.