



SHERIFF STEVEN S. SMITH
GREENE COUNTY SHERIFF

"PUTTING CITIZEN'S FIRST"

June 23, 2015

Frank Knaack
ACLU of Virginia
701 F Franklin St, Suite 1412
Richmond, Va. 23219

In Re: FOIA Request

Dear Mr. Knaack:

Enclosed you will find a copy of the requested information pertaining to your request dated 6/16/2015.

Sincerely,

Michelle Wyant

Michelle Wyant
Records Specialist

Enclosures: (Policy: Purpose: Procedures: Mobile Vehicle Video Recorder (MVR)/Wearable Video Recorder (WVR)

Greene County Sheriff's Office	GENERAL ORDERS
SUBJECT: SUBJECT: MOBILE VEHICLE VIDEO RECORDER (MVR)/WEARABLE VIDEO RECORDER (WVR)	NUMBER: 8-13
EFFECTIVE DATE: 4/6/15	REVIEW DATE:
AMENDS/SUPERSEDES:	APPROVED: <u>Signature of file</u> Sheriff
VLEPSC STANDARD: OPR.0.11	

NOTE:

This rule or regulation is for internal use only, and does not enlarge a deputies civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations 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.

I. POLICY:

Mobile video/audio recording (MVR) and Wearable Video Recording (WVR) equipment has been demonstrated to be of value in the prosecution of traffic violations and related offenses, in evaluation of deputies performance and as well as for training. It has also proven invaluable in refuting claims of deputy misconduct. In order to maximize the usefulness of the equipment in these and related areas, deputies shall follow the procedures for MVR and WVR equipment set forth in this policy. All recording media, images, and audio are property of the Greene County Sheriff's Office and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Sheriff. Under no circumstances will any member of the Greene County Sheriff's Office make a personal copy of any recorded event without prior written permission of the Sheriff.

II. PURPOSE:

The purpose of this policy is to provide deputies with guidelines for the use of mobile and wearable video and audio recording equipment.

III. PROCEDURES:

A. Equipment Operation Mobile Video Recorder (MVR):

1. The deputies who are assigned digital mobile video recorder equipped vehicles will be responsible for the proper use and care of the equipment. The current system being used is the Digital Ally DVM-500 or 800 digital recorders. Video is recorded by way of a 32GB Secure Digital (SD) card, secured in the recorder by way of a security bolt. It will be operated and maintained according to manufacturer's instructions and recommendations. The wireless body mics will be kept on the chargers to ensure that they are being charged properly. Deputies must ensure that they are using the correct mic for their assigned vehicle.
2. No alterations will be made to the video equipment settings with the exception to set the proper date, time and/or the night mode. Deputies are responsible for notifying their Sergeant if there is an issue with the mic holster or wired microphone.
3. Deputies will determine if the video recorder is working properly at the beginning of their shift. Any malfunctions will be reported to a supervisor as soon as possible.
4. The recorder is activated by:
 - a. Manually pressing the record button
 - b. Activating the siren
5. The Deputy will be recording audio and video contacts involving traffic infractions or criminal activity, it will not be turned off until the contact has ended and the citizen or deputy has left the scene. If an arrest occurs, the internal recorder will stay activated until the deputy arrives at his/her destination and has removed the suspect from the vehicle. Deputies may stop recording during non-enforcement activities or when there is no citizen contact, but should realize that the MVR is a powerful tool to refute claims of police misconduct. Deputies shall not attempt to bypass the video/audio recorder by using alternative means of lighting (i.e., using vehicle hazard flashers when the vehicle emergency lights would be required for safety), or purposely leaving the body mic turned off so it does not record the officer's voice even if the video recorder is activated.
6. Deputies will ensure that the video/audio recorder is properly recording traffic stops and enforcement actions. Note- the video system has a self time-out feature that will turn the unit off if the vehicle has been sitting without running for a period of time. The lighted red LED indicates that the unit is powered on and recording when activated. Deputies will ensure that the unit is on and ready to be used when they get back into their assigned vehicle if it has been parked and not running for a period of time.
7. Deputies are prohibited from tampering with the recording device.

8. Deputies will not attempt to delete or alter the video recordings. Attempting to do so may be construed as attempting to falsify or destroy work related materials, which could lead to dismissal or criminal prosecution, depending on the circumstances.

B. Retrieval and Storage of Recordable Media

1. The mobile video recorder system and recorded media is the property of the Greene County Sheriff's Office and are not to be copied without the permission of the Sheriff.
2. Recorded incidents that are **not** of evidentiary value will be kept for a period of at least 90 days before being purged. The deputy shall be responsible for checking the SD/CF card memory status of each unit, and downloading the SD/CF cards to the proper storage device at a minimum of every two weeks.
3. Deputies will notify the shift supervisor as soon as practical of a recorded incident that has evidentiary value. The shift supervisor will determine if the recorded incident should be removed immediately to preserve evidence, and will access the SD/CF card to make a copy of the incident.
4. Recorded incidents that are determined to be of evidentiary value will be treated as evidence. Refer to 3-05 Property and Evidence for evidence procedures.
5. Deputies are encouraged to inform a supervisor of any recorded incidents that may be of value for training purposes.
6. If an incident report is completed for a recorded event, officers will document that fact in the narrative of the IBR.

C. Use of Media in Court

1. When a recorded incident is required for prosecution, a duplicate in DVD format will be provided.
2. The requesting officer will place the duplicate copy in Property & Evidence. It will remain there until the legal process is complete.

Deputies will notify the courts and Commonwealth's Attorney before trial date that a video will be presented as evidence to ensure that a video player and monitor are available.

D. Equipment Operation- Wearable Video Recorder (WVR):

1. Department issued WVR's are intended for official Departmental use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
2. Uniformed deputies will use only those WVR's issued and approved by the Department. The wearing of personal video recorders is not authorized. The Greene County Sheriff's Office currently uses the Digital Ally First VuHD to view or upload videos by way of the issued USB cable.
3. WVR's will be assigned to individual deputies.
 - a. Uniformed officers shall wear the WVR while on duty.
 - b. WVR's will not be rotated at shift change and will remain the responsibility of each assigned officer.
4. Deputy Responsibility
 - a. Prior to beginning a shift, deputies assigned a WVR will ensure its readiness by conducting an operational inspection. When not in use during working hours, the unit shall be turned off and kept plugged in to charge. Willful failure to properly maintain battery life by not keeping the unit plugged in when not in use may result in disciplinary action.
 - b. Any problems preventing the use of the unit during the shift will be reported to the immediate supervisor.
 - c. Problems that cannot be remedied will be reported to the lieutenant.
 - d. Deputies shall activate their body cameras on all calls for service and self-initiated enforcement activities.
 - e. The Deputies will download video to the appropriate server upon indication that the device is nearing capacity, or if needed for an incident that has evidentiary value, as well as an incident that the officer believes may generate a complaint. The officer should flag or bookmark any video related to a criminal or traffic case belonging to another officer or that may be useful to the Department for training purposes.
5. Supervisor Responsibility
 - a. It is incumbent on supervisors to ensure officers utilize WVR's according to policy guidelines.

b. Supervisors will conduct random reviews of recordings in order to assess officer performance as well as flag videos that may be appropriate for training purposes.

c. If a complaint is associated with a recorded event, or if a deputy believes an incident may generate a complaint, the supervisor will flag the video for indefinite retention.

d. Video Evidence

See Section C and refer to 3-05 Property and Evidence for evidence procedures.

e. Video Purge

Recorded incidents will be kept for a period of at least **90** days before being purged

This policy does not apply to Tactical or Swat operations.