

	POLICY & PROCEDURE	SERIES # 1137	PAGE 1 OF 8
	SUBJECT		EFFECTIVE DATE
	<b>AUDIO / VIDEO RECORDINGS</b>		<b>02/19/14</b>
ORIGINATOR			
DISTRIBUTION		AMENDS/SUPERSEDES/CANCELS	
ALL MANUALS		P&P #1137 dated 03/30/10,	

I. PURPOSE:

To provide police personnel with guidelines for the proper use of mobile audio/video recording equipment to ensure the following results:

- A. Increased officer safety.
- B. Produce more effective materials for the training of police officers.
- C. Provide officers additional methods of collecting evidence to prosecute those who violate the law.
- D. Promote highway safety within the city by utilizing court accepted video technology. (See Policy and Procedure #1139, Alcohol Enforcement Program).
- E. Used as a tool for investigative processes.
- F. Support Police accountability and transparency.

II. POLICY:

It shall be the policy of the Hampton Police Division to utilize digital mobile audio/video cameras to enhance the Division's mission. To ensure the efficient operation of the system and maintain evidentiary integrity, officers who are assigned as video camera operators will receive training in their use and capabilities.

All audio/video recordings are the property of the Hampton Police Division. Disclosure of the contents of videos to others shall be made in accordance with the provisions of the Virginia Freedom of Information Act, and/or the approval of the Chief of Police.

III. PROCEDURES:

A. Mobile Camera Operation

- 1. All non-casual interactions with the public in their duties as a police officer will be recorded.
- 2. All video recording will be done in accordance with current court guidelines.

APPROVED:  
CHIEF OF POLICE



3. All video equipment will be assigned to specifically trained officers. These officers assume responsibility for the care and maintenance of the equipment.
  - a. All video camera operators will be trained in how to use the equipment.
  - b. All video camera operators will be trained in proper legal procedure for recording incidents.
  - c. Upon beginning their tour of duty, officers will sign onto the camera system and will immediately inspect the equipment. Officers will notify a supervisor if there is any indication of a malfunction of the equipment at any time.
  - d. Officers will wear the DVR wireless microphone unit and ensure that it is switched to the “on” position at all times. Officers are required to wear the wired microphone when available and position it upon their person where as to obtain the best audio recording as possible.
  - e. Officers operating units with mobile camera equipment shall verify the following:
    - 1) The windshield and camera lens are free of debris
    - 2) Dashboards shall remain free of any paper or objects
    - 3) The camera is facing the intended direction, and
    - 4) Both audio and video recorders are working properly.
  - f. Officers will be required to sign off the camera system upon the completion of their tour of duty.
4. AM/FM radios will be turned off immediately when in-car video and audio equipment is activated. Officers are reminded that audio equipment records virtually all sounds within range, including conversation.
4. All video recording will be completed with the safety of both the officers and the suspects as a primary consideration. (See Policy and Procedure #1114, Traffic Stops).
5. Both video and audio recordings shall continue uninterrupted until the completion of the entire incident. The digital video system records a “pre-event” of thirty seconds prior to activation of the camera or a triggered event. The system triggers recording upon the activation of emergency equipment, activation of vehicle collision sensors or upon manual activation. The recording continues until the officer presses the stop button.

Video of the suspects driving prior to a traffic stop is desirable when possible. (See Policy and Procedure #1129, DUI Case Processing/Preparation).

If the officer's vehicle is not equipped with a camera when a DUI suspect is stopped, a video unit (if available) shall be called to respond to the location of the traffic stop for the purposes of filming. The arresting officer will administer the field sobriety tests to the suspect.

6. When an arrest is made, the arresting officer shall make note of the date, time, location, and IBR / tracking number of the incident for court purposes.

The individual officer will be responsible for maintaining a log of what incidents are recorded on each hard drive (referenced by police unit number). This log shall be maintained by the officer for later reference for court purposes.

7. Officers with DVR systems in their vehicles will contact their supervisor immediately to have their hard drive removed and replaced in the event an incident has been recorded and is for court purposes. Every two weeks or when there is less than two hours of recording time (which ever comes first), all hard drives will be removed and replaced whether they are of evidentiary value or not.
8. Road Corporals and Sergeants will be issued keys to the hard drive vault. A supervisor will be the only one permitted to unlock the vault to allow a hard drive to be removed and/or replaced.

Shift Supervisors will be responsible to maintain a sufficient number of hard drives to replace those utilized by patrol officers

9. Once removed the hard drive will be given to the officer whose car the hard drive was removed from. That officer will respond immediately to the Property and Evidence Locker area where they will place the hard drive in the Video Locker, and assure it is locked. They will log the hard drive into the Video Log Book, including the locker number, date secured, vehicle number, and their name/CAD #.
10. Special Projects will be responsible for checking the Video Lockers daily (Monday – Friday), removing the hard drive, and signing the video log with their name/CAD indicating they have taken custody of the hard drive.

The Special Project's Supervisor will assure that all hard drives are uploaded to the server as soon as they are received. All videos will be uploaded to the server whether they are of evidentiary value or not.

11. Once up loaded to the server, Officers will access and copy their videos for court purposes or their Case/DUI File.
  - a. Officers must download all videos related to a criminal incident.

- b. It is the responsibility of the officer to respond to the Special Projects Unit and fill out a “HPD video download” form. Upon completing the form, the officer will receive a blank DVD to be utilized in downloading the video.
  - c. For DUI Incidents, the Officer will download only a “DATA” disk, which will then be attached to the DUI Case File, prior to forwarding through their chain of command for approval.
  - d. For Criminal Case Files, the downloaded video shall be immediately be placed into Property and Evidence by the assigned officer. Officers must complete a supplement for their Criminal Case File indicating that the DVD has been tagged into Property and Evidence.
  - e. Supervisors shall have access to all videos, and the authority to review and copy videos as needed.
12. If a Criminal Case DVD is needed for court purposes, the officer will sign out the DVD from P&E in the same manner as current evidence procedures. After the final court disposition is complete, the arresting officer will return the DVD to Property and Evidence notifying them that the court process is completed.
13. Video camera operators will review all returned DVD’s after the courts have cleared them. If the officer believes the taped incident serves as a valuable training tool, the officer will advise the Training Unit of the IBR / tracking number assigned to the video. The Training Unit will be responsible for submitting a request to the Special Projects Sergeant to obtain a copy for training purposes.

B. Criminal Investigations Interview Rooms - Investigative Services

1. Unless otherwise approved by the Chief of Police or his designee, all interviews related to a criminal investigation conducted in Investigative Services interview rooms are to be recorded.
- a. This includes but not limited to:
    - 1) Victims
    - 2) Suspects
    - 3) Witnesses
  - b. Each of the four (4) interview rooms is equipped with a video/audio recording system. Additionally, the main lobby to Investigative Services is also recorded.

- c. When activated, the interview will be recorded to a standalone computer system, centrally located on the Property Squad side of Investigative Services.
  - d. Any malfunctioning equipment shall be immediately reported to a supervisor.
  - e. Each interview room has a toggle switch to activate the system. Flip the toggle switch to the “on” position. The toggle switch has a red indicator light that indicates the room is being recorded. Ensure that the light is on as the suspect/witness/victim is placed in the room. When the subject is no longer in the room, ensure the system is turned off by using the toggle switch.
  - f. Only trained officers shall be allowed to burn the interview to a DVD or CD.
    - 1) Each burned interview should contain the minimum information:
      - a) Officer’s name
      - b) Victim/Witness/Suspect name
      - c) Case number or Tracking number
      - d) Date of Interview
    - 2) This information should be written clearly on the CD with a permanent marker.
  - g. Once the interview is burned to a CD, a notation of its existence should be made in the case file.
  - h. The burned CD should be tagged into property and evidence under current established Policies and Procedures.
- 2. No attorney – client conferences or discussions shall be recorded.
  - 3. When outside agencies (FBI, ATF, etc.) utilize one of HPD’s Interview rooms, a video/audio recording will be made only upon their request.

### C. Body Worn Cameras

A body worn camera is an “on-the-body” video and audio recording system assigned to an officer as an additional means of documenting specific incidents in the field.

1. All non-casual interactions with the public in the performance of their duties shall be recorded using Division assigned body camera equipment and following the procedures prescribed within this policy.
2. Body worn camera recording equipment shall only be utilized by officers who have received the Division's training in its use.
3. In general, officers should not activate the body worn camera device or shall use caution when entering a public locker room, changing room, restroom, doctor's office or other place(s) where an individual - unrelated to the investigation - would have a reasonable expectation of privacy.
  - a. Use of the body worn camera device in a hospital setting shall be limited to investigative use only.
  - b. Officers will not record a patient's medical interaction and procedures with hospital personnel unless it directly relates to the investigation and hospital staff is made aware prior to the recording taking place. Officers will remain cognizant of HIPAA laws and guidelines.
4. Officers shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically for the purpose of documenting a sting, drug purchase/sale or other undercover operation in furtherance of a criminal investigation.
5. Officers will not make surreptitious recordings of conversations with other Division members except when necessary in the course of a criminal investigation and/or for Division administrative investigations without the express consent of the Chief of Police.
6. Body worn cameras shall not be used to record personal activities.
7. Wearing body worn cameras into any courtroom is PROHIBITED.
8. Officers are responsible for the proper care of body worn camera equipment assigned to them and will immediately report any loss of, or damage to, any part of the body worn camera equipment to their immediate supervisor.
9. Officers will take the camera to Special Projects for them to download the footage weekly or as the body worn camera reaches its recording capacity.
10. No officer shall attempt to erase, edit or otherwise alter any data captured by the body worn camera.
11. All body worn camera recordings are only for official law enforcement purposes and shall be considered property of the Hampton Police

Division. Accessing, copying or uploading to personal computers or other media storage devices is strictly **prohibited**.

12. Procedures to be followed while utilizing body worn cameras:
- a. The assigned body worn camera shall be worn at all times by the officer on duty.
  - b. At the beginning of each shift, the officer shall determine whether his recording equipment is working satisfactorily. If a problem is found, the officer shall arrange for repair or adjustment and immediately report this to his supervisor.

NOTE: If the body worn camera malfunctions or becomes inoperable, the officer shall report to a supervisor immediately and document the issue in a special report.

- c. The body worn camera shall be utilized during **all citizen contacts** to include investigative or enforcement functions (e.g., pedestrian and vehicle stops, consensual encounters, calls for service,).
  - 1) Officers shall activate the body worn camera as soon as practical at the onset of a given situation.
  - 2) Once the body worn camera is activated, officers shall continue to record until the completion of the event or until they have left the scene. This is to include the recording of any statements made by witnesses and suspects at the scene.
- d. Nothing in this policy shall prohibit an officer from activating their body worn camera whenever they deem the use of the camera appropriate.

C. Legal Process

1. The Commonwealth Attorney reviews all drunk driving arrest forms. A "Data Disk" of every recorded DUI will be attached to the DUI Packet. If the Commonwealth Attorney determines that a DVD Player compatible disk is needed for court, they will notify the Special Projects Supervisor of this request. At that time Special Projects will arrange for the downloading of the DVD compatible disk.
2. A pre-trial viewing of the video recorded evidence will be available to defense attorneys. The defense attorney must make an appointment through the Commonwealth Attorney's Office. The Commonwealth Attorney will arrange for the defense attorney to view their copy of the recording.

2. The videotaped evidence discussed in this policy is in addition to existing legal procedures and will not replace the need for any of those procedures.
3. Recordings shall be used for evidentiary documentation or training purposes only, except as permitted by prior written approval by the Chief of Police or designee. Only those employees acting under their official duties will be permitted access to recordings and/or images.
4. Any on-scene images and or any other images taken by employees in the course and scope of their duties are the sole property of the Department. This includes any images taken intentionally or inadvertently with a member personally owned camera, cell phone camera, or any other digital imaging device.
5. No images taken by any employees in the course and scope of their duties may be used, printed, copied, scanned, e-mailed, posted, shared, reproduced or distributed in any manner. This prohibition includes the posting of any Department photographs on personal web sites such as: Facebook, MySpace, YouTube, other public safety agency websites, or e-mailing to friends, relatives or colleagues without prior approval of the Chief of Police.
6. The Operations Branch Commander will be notified of any incident that has been video recorded and results in litigation against the City of Hampton. The Operations Branch Commander will make the City Attorney's Office aware of the taped evidence.

D. Audio/Video Retention

DVD evidence will be destroyed in accordance with all guidelines pertaining to evidence destruction. The original is maintained by the Special Projects Unit and retention of all video / audio recordings will be in adherence to the "Retention and Disposition Schedule" as set forth by the Library of Virginia

E. Care and Maintenance of Equipment

1. The officer will prepare a report describing the problem with the camera and identify the date the camera became inoperative.
2. The report will be submitted to the Unit Commander who will forward through their chain of command to the Special Projects Supervisor.
3. For mobile camera problems, the assigned officer will continue to drive the vehicle with the camera until notification that the unit is scheduled for repair.