

TOWN OF ORANGE POLICE DEPT.	GENERAL ORDER
SUBJECT: MOBILE VEHICLE VIDEO RECORDER (MVR)/WEARABLE VIDEO RECORDER (WVR)	NUMBER: 2-49
EFFECTIVE DATE: 23 JAN 2015	REVIEW DATE: 1 JAN 2016
AMENDS/SUPERSEDES: 16 SEP 2013	APPROVED: <i>James L. Fenwick</i> Chief of Police
VLEPSC STANDARDS: OPR.0.11	

NOTE:

This rule or regulation is for internal use only, and does not enlarge an officer's 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 officer performance and as well as for training. It has also proven invaluable in refuting claims of officer misconduct. In order to maximize the usefulness of the equipment in these and related areas, officers shall follow the procedures for MVR and WVR equipment set forth in this policy. All recording media, images, and audio are property of the Town of Orange Police Department 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 Chief of Police. Under no circumstances will any member of the Town of Orange Police Department make a personal copy of any recorded event without prior written permission of the Chief of Police.

II. PURPOSE:

It is the purpose of this policy to provide officers 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 officers 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-100 digital recorder. 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 in the police department building to ensure that they are being charged properly. Officers 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. Officers are responsible for notifying their Sergeant if there is an issue with the mic holster or wired microphone.
3. Officers 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. activating the emergency equipment
 - b. Manually pressing the record button
 - c. Turning on the wireless microphone
5. When the video and audio is recording a police contact involving a traffic infraction or criminal activity, it will not be turned off until the contact has ended and the citizen or officer has left the scene. If an arrest occurs, the internal recorder will stay activated until the officer arrives at his/her destination and has removed the suspect from the vehicle. Officers 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. Officers 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. Officers 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 blue LED below the display screen indicates that the unit is powered on and ready to record when activated. Officers 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. Officers are prohibited from tampering with or opening the recording device.
8. Officers 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 Town of Orange Police Department and are not to be copied without the permission of the Chief of Police.
2. The equipment is installed with a locking bolt to restrict access to the recorded media. Supervisors will have access to keys for retrieval of the recorded media that has reached its maximum capacity, or if there is a need to download a recorded event for evidentiary purposes. The original copy of the downloaded incident will be stored as evidence.
3. Recorded incidents that are **not** of evidentiary value will be kept indefinitely for now. A Supervisor shall be responsible for checking the SD card memory status of each unit, and downloading the SD cards to the proper storage device at a minimum of every two weeks.
4. Officers 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 card to make a copy of the incident.
5. Recorded incidents that are determined to be of evidentiary value will be treated as evidence. Refer to 2-19 Property and Evidence for evidence procedures.
6. Officers are encouraged to inform a supervisor of any recorded incidents that may be of value for training purposes.

7. 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. The original will be kept in storage until the legal process is complete, and as long as needed.
2. The requesting officer will place the duplicate copy in Property & Evidence. It will remain there until the legal process is complete.
3. Officers 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 Officers will use only those WVR's issued and approved by the Department. The wearing of personal video recorders is not authorized. The Department currently uses the TASER AXON BODY camera. The Axon body is automatically uploaded by use of the docking station to Evidence.com or by way of the issued USB cable with the TASER SYNC website.
3. WVR's will be assigned to individual officers.
 - a. The issuance of each WVR will be documented and maintained in the Department's RMS system. 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. Officer Responsibility

a. Prior to beginning a shift, officers 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 for failing to maintain assigned equipment.

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 Chief of Police.

e. Officers shall activate their body cameras on all calls for service and any self-initiated enforcement activities utilizing their police powers. Any other activation shall be at the discretion of the officer, and officers shall be prepared to justify why the camera was activated. Cameras will not be activated during any meetings between supervisors and officers, or any contacts with fellow officers outside of the mandatory use guidelines.

f. Individual officers are responsible for uploading video to the Evidence.com website. The officer will “tag” their own videos with the appropriate classifications and case number. At this time, only Sergeants and above may share the videos with entities outside of the Department. Officers shall notify their supervisor if a particular video needs to be sent to the Commonwealth’s Attorney or outside agency. Videos may be forwarded to other attorneys only after being cleared to do so through the Commonwealth’s Attorney. The Evidence.com Audit Trail feature tracks all activity involving the video. See Section E for further guidelines regarding viewing of videos.

5. Supervisor Responsibility

a. It is incumbent on supervisors to ensure officers utilize WVR's according to policy guidelines.

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

3. If a complaint is associated with a recorded event, or an officer believes an incident may generate a complaint, the officer or supervisor will flag the video.

D. Video Evidence

See Section C and refer to 2-19 Property and Evidence for evidence procedures.

E. Video Purge/Viewing of Video by Citizens

At this time, all video is being kept indefinitely. All video evidence shall be kept according to the recommendations of the Library of Virginia standards.

All requests by citizens to view video shall be forwarded to the Chief of Police.

F. Privacy

1. A **victim** of a crime shall have the right to request that the officer turn off the body camera. The request shall be documented on the recording before it is turned off by the officer, and shall be documented in the report. In situations where officers who have their camera activated may encounter people who are nude or partially clothed, the officer shall, **if safely able to do so**, place his or her hand in front of the camera and direct the person or persons to cover themselves. NOTE- Officer safety measures shall be paramount in this situation.