

Chevy Chase Village Police Department

General Order

Subject: IN-CAR MOBILE VIDEO RECORDING SYSTEM

CALEA: 41.3.8-a-b-c

- New
- Amended
- Rescinds

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Roy A. Gordon Chief of Police	03-18-07	5	5 - 7

I. POLICY

The use of the Mobile Video Recording System (MVRS) provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the MVR and the integrity of evidence and related video documentation. (CALEA 41.3.8-a)

II. GENERAL PROCEDURES

A. The agency adopted the use of MVRs to accomplish the following objectives:

1. To enhance officer safety
2. To accurately capture statements and events during the course of an incident
3. To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation
4. To provide an impartial measurement for self-critique and field evaluation during new officer training
5. To capture visual and audio information for use in current and future investigations.

B. It is the responsibility of this agency to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations.

1. MVR equipment will automatically activate when emergency equipment (lights) or a wireless transmitter is operating. The system may also be activated from the control panel affixed to the interior of the vehicle.
2. Placement and operation of system components within the vehicle are based on officer safety requirements.

3. Officers will receive training on the MVR components prior to operating the system.

III. LEGAL CONSIDERATIONS

- A. Courts and Judicial Proceedings, Section 10-402, of the Annotated Code of Maryland makes it unlawful, with some exceptions, for any person to intercept, endeavor to intercept, disclose, and endeavor to disclose, use, or endeavor to use any **audio** communication unless all parties to the communication have given prior consent to having the **audio** recording made.
- B. Therefore, officers **will not** utilize the MVRs to make **audio** recordings unless consent is obtained or the audio recording is made pursuant to the exception contained in this general order. Courts and Judicial Proceedings, Section 10-402, does not restrict or place consent requirements on video recordings made without audio.
- C. The following is an exception to Courts and Judicial Proceedings, Section 10-402, and allows officers to utilize the MVRs to make both **video** and **audio** recordings **without** the consent of the parties to the conversation.
(CALEA 41.3.8-a)

An officer may make an **audio** recording if **all** of the following apply:

1. The officer initially detained a vehicle for a traffic violation.
2. The officer is a party to the conversation.
3. The officer is identified as a law enforcement official to the parties of the conversation **prior** to the beginning of the conversation.
4. The officer informs all parties at the beginning of the conversation that an audio recording is being made.
5. The audio recording is being made as part of a videotape recording.

IV. OPERATING PROCEDURES (CALEA 41.3.8-a)

- A. The use of video recording equipment by trained officers who operate vehicles so equipped is mandatory as outlined in this general order.
- B. Officers will wear the audio recording transmitter on their person while on duty and working in uniform on patrol assignment with a vehicle equipped with MVRs.
- C. Traffic Stops
 1. Video recordings with audio will be made of all traffic stops with the exception of traffic enforcement details.
 2. Whenever possible, the recording will capture the entire stop, starting when the decision is made to pull over the violator and ending after the violator has left the scene.

3. At the beginning of every traffic stop, the officer will notify the person(s) stopped that they are being audibly and visually recorded. The officer's statement should be similar to the this example:

“Hello. I am (rank and name) of the Chevy Chase Village Police Department. I stopped you for speeding. We are being audibly and visually recorded. May I please see your driver's license and vehicle registration?”

4. If the driver or any occupant of the vehicle objects to the audio recording, they should be courteously informed that the Maryland law allows audio recording for law enforcement officers conducting traffic stops.
5. If the traffic stop becomes a criminal detention, the officer may continue to make both a visual and audio recording without obtaining consent.

D. Prisoner Transports

Officers will make video recordings of all prisoner transports if the vehicle is equipped with an MVRs. If the transported prisoner gives consent, an audio recording will also be made.

E. Other Uses

1. The video/audio recording of any other activity is at the discretion of the officer. Officers should attempt to keep the video camera positioned in such a manner as to capture the event in its entirety. Officers are encouraged to provide verbal narration when audio recordings are made.
2. Officers may at their discretion, with or without the consent of involved parties, make only video recordings at any time when the officer feels the recording may have prosecutorial or investigative merit. Examples of such uses include, but are not limited to, suspicious situations, disorderly conduct, and crime and traffic scenes.
3. Officers will begin any field interview or other citizen contact with the audio turned off. The audio will only be turned on if circumstances exist that will allow the officer to ask and obtain consent from all parties to the conversation without creating a safety hazard to the officer or any other person at the scene.

F. Whenever a video/audio recording is made of a crime/incident and a written report is generated, a note of recording, or multiple records if more than one officer recorded the event, will be included in the narrative portion of the report.

G. When preparing written reports, officers are encouraged to utilize the video recording system's playback feature to review the incident.

H. Officers will not use the MVRs to covertly record other police/employee personnel.

- I. The department recognizes that it may not always be practical to activate MVRs equipment. Officers will not allow the operation of MVRs to interfere with their own personal safety, the personal safety of others, or the safe operation of the police vehicle.

V. OFFICER RESPONSIBILITY

A. Inspection and general maintenance of MVR equipment installed in departmental vehicles shall be the responsibility of the officers assigned to the vehicle.

1. MVR equipment shall be operated in accordance with the manufacturer's recommended guidelines and agency training and policies.
2. Prior to the beginning of each shift, the assigned officer shall perform and inspection to ensure that the MVR is performing in accordance with the manufacturer's recommendations covering the following:
 - ✓ Remote audio transmitter functional
 - ✓ Adequate power source
 - ✓ Connected to the recording equipment
 - ✓ Remote activation of system via transmitter
 - ✓ Camera lens, windshield and camera lens free of debris
 - ✓ Camera facing intended direction
 - ✓ Recording mechanism capturing both audio and video information
 - ✓ System plays back both audio and video tracks
3. Malfunctions, damage or theft of in-car camera equipment shall be reported to the Sergeant or Chief of Police prior to placing the unit into service. The vehicle inspection sheet should reflect in the comments section the suspected cause of the malfunction or equipment failure and any recommendations for corrective action. The supervisor shall determine if the unit should be placed in service. If the vehicle is placed in service without an operating MVR, communications center (dispatch) shall be informed and a Cody entry made to that effect.

VI. OPERATIONAL PROTOCOLS

1. Officers using the 900Mhz digital transmitters that are individually Synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
2. With the exception of the police radios, officers shall ensure that the volume from other electronic devices with the police vehicle does not interfere with MVR recordings.
3. Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. (CALEA 41.3.8-b)

4. MVR recordings shall be marked as containing evidence and submitted to the Sergeant for safekeeping as evidence and held or duplicated for prosecution when they record any of the following:
 - Arrest assaults
 - Physical or verbal confrontations
 - Vehicle searches where contraband is recovered
 - Driving while intoxicated or under the influence arrests
 - All prisoner transports

VII. TAPE CONTROL AND MANAGEMENT (CALEA 41.3.8-c)

MVR tapes containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safe-guarded as other forms of evidence. As such, these tapes will:

- Be subject to the same security requirements and chain of evidence safeguards as detailed in the agency's evidence control procedures.
- Not be released to another criminal justice agency for trial or other reasons without first having a duplicate copy made and returned to safe storage.
- Will not be released to other than bona fide criminal justice agencies without prior approval of the Chief of Police.
- Tapes not scheduled for court proceedings or other department use shall be maintained in a secure area/cabinet for a minimum of thirty (30) days. All tapes shall be maintained in a manner that ensures efficient identification and retrieval. (CALEA 41.3.8-b-c)

VIII. SUPERVISORY RESPONSIBILITIES

1. Ensure that all officers follow established procedures for the use and maintenance of MVR equipment, handling of video/audio recordings, and the completion of MVR documentation.
2. On a bimonthly basis, at least, randomly review videotapes and recordings to assist in periodic assessment of officer performance, to determine whether MVR equipment is being fully and properly used, and to identify material that may be appropriate for training.
3. Ensure that damaged or non-functional MVR equipment is reported for repairs.
4. Supervisors will issue unrecorded media when possible and note the following information in chain of custody log: (CALEA 41.3.8)
 - Tracking number of media
 - Date issued
 - Officer and vehicle issued
 - Date submitted
 - Officer submitting the media
 - Hold for evidence indication