Mobile Audio/Video

420.1 PURPOSE AND SCOPE

The Oliver County Sheriff's Office has equipped marked patrol cars with Mobile/Audio Video (MAV) recording systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

420.2 POLICY

It is the policy of the Oliver County Sheriff's Office to use mobile audio and video technology to more effectively fulfill the mission of the Office and to ensure these systems are used securely and efficiently.

420.3 DEPUTY RESPONSIBILITIES

Prior to going into service, each deputy will properly equip him/herself to record audio and video in the field. At the end of the shift, each deputy will follow the established procedures for providing to the Office any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. In the event a deputy works at a remote location and reports in only periodically, additional recording media may be issued. Only Oliver County Sheriff's Office identified and labeled media with tracking numbers is to be used.

At the start of each shift, deputies should test the MAV system's operation in accordance with manufacturer specifications and office operating procedures and training.

System documentation is accomplished by the deputy recording his/her name, serial number, badge or personal identification number (PIN) and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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420.4 ACTIVATION OF MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded, the video will also record.

420.4.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which a deputy would normally notify the Dispatch Center.

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic violence
2. Disturbance of the peace

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3. *Offenses involving violence or weapons*

(d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.

(e) Any other circumstance where the deputy believes that a recording of an incident would be appropriate.

420.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For the purpose of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

420.4.3 WHEN ACTIVATION NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this office may surreptitiously record a conversation of any other member of this office except with a court order or when authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation (N.D.C.C. § 12.1-15-02).

420.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Dispatch Center.

On reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MAV system media.
2. The date the media was issued.
3. The name of the office member or the vehicle to which the media was issued.
4. The date the media was submitted.
5. The name of the office member submitting the media.
6. Holds for evidence indication and tagging as required.

(c) The operation of MAV systems by new members is assessed and reviewed no less than biweekly.

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When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, office-involved accidents), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of a deputy.

420.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Office. Dissemination outside of the Office is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the office MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of deputy conduct

(c) By a supervisor to assess deputy performance

(d) To assess proper functioning of MAV systems

(e) By an investigator participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By office personnel who request to review recordings

(g) A deputy who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment.

(h) By court personnel through proper process or with permission of the Sheriff or the authorized designee

(i) By the media through proper process or with permission of the Sheriff or the authorized designee

(j) To assess possible training value

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(k) Recordings may be shown for training purposes. If an involved deputy objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the deputy's objection.

Members desiring to view any MAV recording should submit a request in writing to the Chief Deputy to ensure that a copy is made available and to document the request. Oral requests should be reduced to writing by the receiving supervisor. Requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

420.6 DOCUMENTING MAV USE

Any incident that is recorded with either the video or audio system shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

420.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule (N.D.C.C. § 44-04-17.1(16)).

420.7.1 COPIES OF RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

420.7.2 MAV RECORDINGS AS EVIDENCE

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy, or against the Oliver County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

420.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

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(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating deputy's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Deputies using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Deputies shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed or otherwise inserted into any device not approved by the Office, MAV technician or forensic media staff.

420.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secured location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:

1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the office evidence storage protocols and the records retention schedule.

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420.10 AUDIO RECORDINGS

Any time the MAV system is used in the capacity of an audio recorder, the Use of Audio/Video Recorders Policy shall apply.

420.11 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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