

JOPLIN POLICE DEPARTMENT	8-03 STANDARD OPERATING GUIDELINE
SUBJECT: Mobile Video Recording Systems	REVIEW DATE: Annually - August
EFFECTIVE DATE: 08/19/2019	ACTION DATE:
AMENDS/SUPERSEDES: 04/12/2017	AMEND DATE: 08/19/2019
ACCREDITATION INDEX: 41.3.8 a, b, c, d, e, f, g	APPROVED:  Chief of Police

I. POLICY

Mobile video/audio recording (DMVR) equipment has been demonstrated to be of value in the prosecution of traffic violations and related offenses, in evaluation of officer performance as well as in training. In order to maximize the utility of this equipment in these and related areas, officers shall follow the procedures for DMVR equipment use as set forth in this policy. (41.3.8 A)

II. PURPOSE

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

III. DEFINITIONS

A. Digital Mobile Video Recording Equipment

Any in-car video recorder used by the Joplin Police Department.

B. Wireless Microphone

A device worn by the officer so that conversations between the officer and violator can be transmitted to the recording unit.

C. Mobile Video Recording System

A department-provided video recording system installed inside a police vehicle. Also referred to as DMVR.

D. Body Worn Camera

A department-provided video recording system that is worn on the officer's duty uniform. Also referred to as a BWC.

E. Tag

Term used for a video/audio segment that is marked for a specified retention file.

F. Trigger Event

An event that causes the vehicle DMVR to begin recording. Events include activation of the following: Overhead light activation, speed of police unit at or above 80mph, and manual activation on the camera, laptop screen, or microphone.

G. Bookmark

A specific label given to a segment of video by an authorized user that will send it to a specified folder.

H. Classification

A specified category for storage of recorded video/audio segments that by rule possesses a specified retention level.

IV. PROCEDURES

A. Program Objectives (41.3.8 A)

The Joplin Police Department has adopted the use of video/audio recording systems in order to accomplish several objectives, including:

1. To provide accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and testimony in court; and (41.3.8 C)
2. To enhance the Joplin Police Department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for officer evaluation and training. (41.3.8 C)

B. Operating Procedures

Officers shall adhere to the following procedures when utilizing DMVR/BWC equipment:

1. Only members properly trained in the operation of the camera system will operate the system. Field training officers will be responsible for training new officers in the operation of DVMR equipment and will document training. Supervisors shall receive training on the use of the camera as well as training on the back-end software use. (41.3.8 F)
2. DMVR equipment installed in vehicles and the BWC is the responsibility of the officer assigned to that equipment and will be maintained according to manufacturer's recommendations. (41.3.8 E)
3. Prior to each shift, officers shall log into the DMVR system in order to determine whether the equipment is working satisfactorily, and problems shall be reported. (41.3.8 E)
4. Prior to each shift, officers should activate the BWC to ensure it is functioning properly.

(41.3.8 E)

5. DMVR equipment will automatically activate when the vehicle's emergency lights are in operation. BWC are required to be activated manually. The equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic. Whenever equipment is manually deactivated, officers shall properly document the reasons for this action by entering an audio explanation on the DMVR/BWC prior to deactivation. (41.3.8 A) (41.3.8 B)
6. Where possible, officers should ensure that equipment is operating in order to record traffic stops or other enforcement actions to include, but not limited pedestrian checks, warrant arrest, domestic violence calls. In so doing they will ensure that: (41.3.8A) (41.3.8 E)
 - a. The video recorder is positioned and adjusted to record events;
 - b. The DMVR/BWC is not deactivated until the officer's direct participation in the incident is complete or the situation no longer fits the criteria for activation, and (41.3.8 B)
 - c. The issued wireless microphone for the DMVR is activated in order to provide narration with the video recording to explain the reason for their current or planned enforcement action. (41.3.8 B)
 - d. The microphones, both inside the patrol car and wireless DMVR microphones, shall not be muted at any time during enforcement action. (41.3.8 B)
 - e. The BWC shall be worn in the center of the officer's torso at chest height to allow for best recording angle.
7. Officers should also use their DMVR/BWC equipment to record the actions of victims, witnesses, and suspects during field interviews, when undergoing sobriety checks or when placed in custody as the recording may prove useful in later judicial proceedings, and the circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband. (41.3.8 A) (41.3.8 C)
8. Altering or deleting DMVR/BWC video is prohibited and restricted only to the system Administrator, as authorized by the Chief of Police. (41.3.8 B)
9. Officers shall ensure that there is adequate space on the DMVR video card to complete their tour of duty. (41.3.8 D)
10. All video segments shall be properly bookmarked and downloaded at the end of the officers' tour of duty. (41.3.8 D)
11. Officers and supervisors are encouraged to notify the Training Sergeant if the occasion arises when a recording is made that would be beneficial for use in Department training or review. The segment should be bookmarked into the permanent file for review by the Training Sergeant. The officer will send an email to the Training Sergeant for notification that there is a possible training video available. The Training Sergeant will review the video and determine whether it can be used. (41.3.8 C) (41.3.8 G)

12. Officers may notify their supervisor of any video/audio segments that could result in complaints. The supervisor shall then forward that information to the IA Sergeant for review. The Pursuit Review Board as well as the Use of Force Review Board should review any available video whenever reviewing such incidents. (41.3.8 C) (41.3.8 G)

13. Every Officer that is assigned a vehicle with an in-car camera and/or a body worn camera shall have at minimum two incidents each shift cycle reviewed by a Sergeant or Corporal. (41.3.8 G)

C. Restrictions on Using the BWC (41.3.8 B)

BWCs shall be used only in conjunction with official law enforcement duties. The BWC should not generally be used to record:

1. Communications with other police personnel without the permission of the Chief of Police; other than when involved in enforcement activities.
2. Encounters with undercover officers or known confidential informants;
3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
5. In the event an accidental recording of non-evidentiary content is made (e.g. While using the restroom), the officer should contact his/her Commander and request the recording be reclassified to an internal affairs/internal use only status or purged to limit access.
6. *Because of the uniquely intrusive nature of police recordings made inside private homes, officers should have a clear understanding of the sanctity of a constitutionally protected area, such as a home. When acting under consent rather than in circumstances governed by clear lawful authority the balance of governmental interest in the contact must be weighed. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the officer has lawful authority. Additionally, circumstances wherein a citizen expresses or displays reluctance to be recorded, or the topic is of such a sensitive nature as to inhibit the quality of the contact, continued recording is at the officer's discretion. In such circumstances, officers will be required to justify his/her actions*

D. Retention (41.3.8 D)

1. The DVMR system has set in place certain rules for retention of video/audio recordings. The following are the classifications and their retention times: (41.3.8 C)
 - a. Citation 90 days
 - b. Felony PC 365 days
 - c. Misdemeanor PC 365

d.	Pursuit	60	days
e.	Disturbance call	60	days
f.	Pedestrian check	60	days
g.	Accident	90	days
h.	Vehicle stop no action	60	days
i.	Administrative Review	420	days
j.	Uncategorized	30	days
k.	Warrant Arrest	90	days

2. All video/audio segments are saved to a specific classification based on what bookmark the officer attaches to it. Segments can have more than one bookmark, and will be retained until the specified retention time, at which point it will be automatically purged from the system. If no bookmark is chosen, then the file will default to the uncategorized classification.

E. Control and Management of Video/Audio Recordings

1. DMVR/BWC recordings 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 recordings will: (41.3.8 C)
 - a. Be burned to a disc and placed into evidence. The disc will be subject to the same security restrictions and chain of evidence safeguards and documentation as detailed in this agency's SOG's on evidence;
 - b. Not be released to any person or agency without prior written approval of the Chief of Police, or his designee; and
 - c. Will not be released to any person or agency without having a duplicate copy made and returned to safe storage.
2. Recordings not utilized for court proceedings or other departmental uses shall be maintained for a minimum 60 days. (41.3.8 C) All recordings are maintained within the DVMR system and are authenticated by an internal audit program with the DVMR system. (41.3.8 D)
3. The DVMR/BWC system is administered by the IS Director. Only the Administrator and the Support Services Commander have access to delete video/audio segments. (41.3.8 C)

4. Command staff and supervisors have the authority to burn video/audio segments to discs for evidentiary or training purposes.
5. Officers have the authority to view only their own videos. Officers also have the Authority to burn the audio/video files to a disc for evidentiary purposes.
6. The DVMR/BWC system will not allow video/audio segments to be altered. The system can run audits on each video/audio segment to ensure the integrity of files for court purposes.

E. Distribution Outside the Department (41.3.8 C)

1. Other Law Enforcement Agencies

- a. Requests from other law enforcement agencies having a legitimate need for copies of evidentiary or training recordings will be referred to the Professional Standards Commander and will be subject to the following guidelines:

1. Requests for copies will be in writing on the agency's official letterhead stationary and signed by the chief administrative official.
2. The release of any recording from a case pending prosecution will first be approved by the affected court
3. or the prosecuting attorney.

- b. The Professional Standards Commander or his designee will make the duplicate.

1. The duplicate disc will be labeled "Duplicate" with instructions that further duplication without the expressed, written consent of the Joplin Police Department is prohibited. The label will also bear the name "Joplin Missouri Police Department", and the date the duplicate was made.
2. Requests from Other Sources

- a. All other requests for tape recordings will be referred to the Chief of Police. Such requests will be accepted only in writing, signed, and:

1. Showing a legitimate need.
2. Stating the identity of the person requesting the recording and any organization that person represents.

- b. The Professional Standards Commander or his designee will make the duplicate disc.

- c. The duplicate disc will be labeled "Duplicate" with instructions that further duplication without the expressed, written consent of the Joplin Police

Department is prohibited. The label will also bear the name “Joplin Missouri Police Department”, and the date the duplicate was made.

F. Supervisor’s Duties

Supervisory personnel who manage officers equipped with DMVR/BWC equipment shall ensure that:

1. All officers follow established procedures for the use and maintenance of DMVR/BWC equipment,
2. Officers are responsible for burning video to discs to place them into evidence, should the need arise.

V. **COMPLIANCE**

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin’s Personnel Rules or the Joplin Police Department’s Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies shall comply with this policy.

VI. **APPLICATION**

This document constitutes department policy, is for internal use only, and does not enlarge an employee’s civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee’s legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.