

THURMONT POLICE DEPARTMENT

GENERAL ORDER	<i>Date Issued:</i> June 19, 2006	<i>Effective Date:</i> June 19, 2006	<i>Order No:</i> Chapter 2.2
<i>Authority: Chief of Police</i> <div style="text-align: center;"><i>Gregory L. Eyer</i></div>		<i>Manual Page No:</i>	
<i>Subject:</i> Mobile Video/Audio Recording Equipment		<i>Replaces Page No:</i> 1 – 6	
<i>CALEA Standard:</i> Chapter 41.3.8	<i>Distribution:</i> ALL	<i>Amends:</i> 4-21-09	<i>Number of Pages:</i> 6
<i>Related Documents:</i> <i>Maryland Eavesdropping Statutes</i>		<i>Rescinds:</i>	

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

I. Purpose:

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

II. Policy:

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

III. Definitions:

None.

IV. Procedure:

- A. During an officer's tour of duty they shall adhere to the following procedures when utilizing MVR equipped vehicles.

1. MVR equipment installed in the vehicles is the responsibility of the officer assigned to that vehicle and will be maintained in accordance with the manufacturer's recommendations.
2. Prior to the use of the vehicle containing MVR equipment the officer shall determine whether their MVR equipment is working properly and shall bring any problems at this or other times to the attention of their immediate supervisor as soon as possible.
3. When an officer is assigned to a vehicle containing MVR equipment, it is expected that the equipment will be utilized, providing the officer has been trained in the use of the equipment. Officers will operate MVR equipment in accordance with the guidelines specified in this directive.
4. MVR equipment will automatically activate when the vehicle's emergency warning devices are activated. The equipment may also be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic.
5. When possible, officers should ensure that MVR equipment is operating in order to record traffic stops or other enforcement activities. In doing so they will ensure that:
 - a. The video recorder is positioned, focused, and adjusted to record events;
 - b. The wireless microphone is activated in order to provide narration with the video recording.
6. Regulations concerning the use of the mobile video recording system:
 - a. When lawfully permissible, officers shall activate the MVR when conducting traffic stops, field interviews, sobriety checks, custodial arrests, or any situation where the recording would prove useful in later judicial proceedings. MVR may also be utilized at crime or accidents scenes where the recovery of evidence or contraband is likely.
 1. Pursuant to Maryland Eavesdropping Statutes, peace officers will notify the driver and occupants of the vehicle they are being audibly and visually recorded when stopped for a violation of the Maryland Vehicle Code. Officers shall not cease video and/or audio recording until an incident is complete. For the purposes of this order, an incident is considered complete when a reasonable and prudent person would consider the audio and or visual recording to have reached a logical ending.

2. For incidents other than Maryland Vehicle Code investigations, officers shall notify the driver and occupants that the incident is being audibly and visually recorded. Officers shall not cease video and or audio until an incident is complete, unless the driver/occupants request that the system be turned off. The officer shall turn off the microphone only, and continue the video recording.

**** Use of VIDEO ONLY may be utilized during any contact with any person in any place where the person videotaped has no reasonable objective expectation of privacy.**

B. Video Media Control and Management

1. Recorded DVDs/Tapes will be secured in the following manner:
 - a. Recorded DVDs containing information that may be of value for case prosecution in any criminal or civil adversarial proceeding shall be submitted as evidence as described in section B.3.
 - b. Recorded DVDs of non-evidentiary value will be submitted to the Evidence/Property Room for safekeeping as described in section B.4. The DVDs/Tapes will be logged and categorized by the Evidence/Property Control Officer in such a manner as to provide easy accessibility.
 - c. Officers will not erase, cause to be erased or reuse departmental DVDs/Tapes except according to this policy.
 - d. Officers will only use DVDs/Tapes that have been approved and purchased by this department.
 - e. No DVDs/Tapes will be destroyed, duplicated, distributed formatted or altered in any manner except in accordance with this policy.
2. Video file retention.
 - a. The MVR Server will retain video files for a period of 90 days. Upon expiration, the video file will be automatically purged by the video server. DVD and VHS recordings will be maintained for a period of one year. Upon expiration the VHS Tape will be destroyed; the DVD will be erased and placed back into circulation for use.

3. Handling of Video files as Evidence
 - a. Video recordings which contains information that may be of value for case prosecution in any criminal or civil adversarial proceeding shall be safeguarded as evidence.
 - b. Video recordings of evidentiary nature shall be preserved by exporting the video to a digital media compatible with the needs of the State's Attorney's Office (i.e. DVD, VCD, CD-ROM, VHS, .mpeg, .avi, etc.)
 - c. Video files of an evidentiary nature shall be secured into evidence following the guidelines in General Order *Property and Evidence Control*. Tapes and DVD's shall be secured into evidence by following the proper submission, documentation, labeling and packaging guidelines as required by the Thurmont Police Department Evidence Manual.
 - d. Video media of an evidentiary nature will be sealed in an approved evidence envelope, bag or other container and will be labeled with all pertinent information to include but not limited to the incident number, property held number, officers name, car unit number and chain of custody.
 - e. An Evidence/Property Report Form will be completed and submitted with the video media file into evidence.
 - f. The Evidence/Property Control Officer will record video media submitted as evidence in the Thurmont Police Department Property Installation Log.
 - g. All requests for copies of recordings from outside agencies will be directed to the Deputy Chief of Police for approval.
 - h. Requests for copies of taped segments from the public or from defense attorneys will be directed to the Chief of Police for review and approval. A fee of \$20.00 will be charged for each tape furnished by the Thurmont Police Department.
4. Non-Evidentiary use of Video Files
 - a. Video media not scheduled for court proceedings may be used for mitigating citizen inquiries or complaints, training, and/or administrative review.
 - b. Non-evidentiary video media will be stored in the Evidence/Property Room.
 - c. Non-evidentiary DVD recordings will be placed in an approved envelope or bag. A completed Tape/DVD Chain of Custody form will be completed and affixed to the video media.

- d. Non-evidentiary video tapes will be labeled with the car unit number, Tape number, start date, end date and officers name. A completed Tape/DVD Chain of Custody form will be completed and affixed to the video media.
- e. Non- evidentiary video media, that is properly packaged and which contains all required forms, will be placed in the Temporary Evidence Storage Locker for placement into the Evidence/Property Room by the Evidence/Property Control Officer.
- f. All video files maintained and exported by the MVR system are the property of the Thurmont Police Department. Video media shall not be released except in compliance with an order from the court.
- g. Non-evidentiary video media shall not be removed from the premises without the permission of the Chief of Police or his designee.
- h. Viewing of non-evidentiary media shall be for a specific purpose as indicated in this order.

5. Supervisory Responsibility

- a. Supervisory personnel who manage officers equipped with MVR equipment shall insure that:
 - 1. All officers follow established procedures for the use and maintenance of MVR equipment and handling of video media.
 - 2. Periodic review of video data is conducted to assist in periodic assessment of officer performance and to determine whether MVR equipment is being fully and properly used.
 - 3. Repairs and/or replacement of malfunctioning MVR equipment is reported to the Deputy Chief of Police, or his designee.

ATTACHMENTS:

DOCUMENT DATES:

Amended Date: 4/21/2009, May 12, 2010

Rescinds:

*CALEA Standards Included in this Order
CHAPTER 41.3.8*