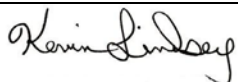


FORT SMITH POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Digital Mobile Video and Audio Recording (DMVR)		
NUMBER	1109.06	EFFECTIVE DATE	September 1, 2010
Scheduled Review Date	July 1, 2016	ISSUE DATE	September 1, 2010
Date Reviewed	June 12, 2015	REVISION DATE	June 12, 2015
APPROVED BY		CALEA STANDARDS	LE 41.3.8

I. Purpose and Scope:

- A. The purpose of this policy is to establish guidelines regarding the use of digital mobile video and audio recording (DMVR) devices installed in Fort Smith Police Department vehicles, and the control of recorded media created by these devices. This policy shall apply to all members who may utilize DMVR equipment, or who may utilize or access media recorded from these devices.

II. Policy [LE 41.3.8.a]

- A. The Fort Smith Police Department will provide digital mobile video/audio recording (DMVR) equipment in selected patrol vehicles for purposes of providing evidence in the prosecution of traffic violations and other offenses, to enhance officer safety, gather evidence, to help resolve citizen complaints and verify officer actions, the evaluation of officer performance and in determining training needs. 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.
- B. It is the policy of the Fort Smith Police Department that officers will use the digital mobile video/ audio recording equipment to record video and audio transactions, in their entirety, that occur between officers and the public as described in this policy. Officers will follow the procedures for DMVR equipment use as set forth in this policy.
- C. Any and all videos created using the FSPD DMVR equipment are the sole property of the Fort Smith Police Department. Any portion of the video/ audio recording that contains events surrounding a violation of the law is considered a record of a criminal investigation.

III. Program Objectives:

- A. Installation of in-car video systems in Patrol units, is intended to improve the operational efficiency of the Fort Smith Police Department. The purpose of the Fort Smith Police Department DMVR program is to accomplish the following objectives:

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1. Accurate documentation of events, actions, conditions and statements made during arrests, contacts and critical incidents, so as to enhance officer reports, collection of evidence and testimony in court; and
2. The enhancement of this agency's ability to review probable cause for arrest, arrest procedures, officer interaction with the public and suspects, and evidence for investigative purposes, as well as for officer evaluation and training.

IV. Definitions

- A. Continuous Recording – The DMVR system is always recording except when the vehicle is turned off for more than a preset amount of time. However, the recording is not saved unless a trigger event occurs.
- B. Trigger Event – An event that causes the DMVR system to begin saving video/ audio recordings. Trigger events include activation of emergency lights/ siren, the police vehicle exceeding a preset speed, the police vehicle being involved in a crash, manual activation by the officer and manual activation by the Microphone Voice Recorder.
- C. Microphone Voice Recorder – A wireless microphone worn on the officer’s person that will transmit audio data back to the DMVR system.
- D. Pre-Event Recording – Vehicle DMVR systems will retain the video recording made prior to the trigger event for a period of time determined by the system settings. Audio is not recorded until the trigger event occurs.
- E. Wireless Upload – Each DMVR is equipped with a wireless upload system. When the police vehicle is in close enough proximity to the wireless access points, the DMVR will begin automatically uploading recorded data to a server.
- F. Tag – A term used in the DMVR system for video/ audio that has been marked for retention for longer than the default retention period.
- G. L3 Administrator – An L3 DMVR system user who has the authorized access to assign a video to be recorded to a DVD. Normally, L3 Administrators will include supervisors assigned to Patrol Division.

V. Operating Procedures: [LE 41.3.8.e]

- A. DMVR equipment installed in vehicles is the responsibility of the officer assigned to that vehicle and will be maintained according to manufacturer's recommendations and the policy requirements of the Fort Smith Police Department. Officers will follow the procedures listed below when utilizing DMVR equipment.
 1. Prior to each shift, officers shall determine whether their DMVR equipment is working satisfactorily and shall bring any problems at this, or other times, to the attention of their immediate supervisor.
 2. At the beginning of the shift, or when changing vehicles, officers will start the vehicle and complete a login utilizing their issued L3 thumb drive by completing the following steps.

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- a. Insert their issued L3 thumb drive in the provided DMVR USB port, which will load their personal data file for automatic attachment to all subsequently recorded video files.
 - b. Press the “Trace” button, complete the login menu and press the “Record” button to enable the login.
 - c. Ensure their name appears on the monitor.
 - d. Remove the L3 thumb drive and store it in a safe location.
 - e. While the DMVR unit is turned on, ensure the microphone voice recorder is seated in the docking station and allow synchronization to be completed.
3. At the conclusion of their shift, officers will ensure that the DMVR unit has not been left on and recording. Officers will log off using the following procedure.
 - a. Press the “Trace” button, causing the system video display of the logout menu.
 - b. Press the “FF” button to move the selection box to “OK”.
 - c. Press the “Record” button to enable the logout, changing the video display from the officer’s name to “No Name”.
4. DMVR equipment will automatically activate when the vehicle's emergency warning devices are in operation, or when other trigger events occur. When the event has concluded, the officer will manually stop the recording. The equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic.**[LE 41.3.8.b]**
5. When the recording is manually deactivated, the officer will first manually classify the recording by use of a tag by pressing the “Stop” button until the appropriate tag appears on the screen. Tags will be classified as:
 - a. No Citation / Field Contact- to be utilized when an officer makes contact with a citizen but no citation is issued.
 - b. Citation/ Warning- to be used for traffic stops where a citation or warning citation is issued.
 - c. Arrest / Transport – To be used when a person is arrested and or transported in a patrol unit.
 - d. Search- when a vehicle search or pat down search is recorded but no arrest occurs.
 - e. Pursuit – To be used when the patrol unit is involved in a vehicle pursuit.
 - f. Accident Investigation – To be used during a traffic accident investigation.
 - g. Pre-shift Inspection – To be used during a pre-shift inspection of the patrol vehicle to ensure the proper operation of the L3 recording systems.

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- h. Other / Light Inspection / Accidental Activation- to be used to classify inspection, light test, accidental activation, or other situation where there is no need to retain the video recording beyond the default period.
6. The individual troop supervisors will be responsible for reviewing the recorded data to ensure that recordings are tagged appropriately.
 7. Recorded data will be retained on the server and, when appropriate, archived to DVD based on the applied tag based on the following schedule.**[LE 41.3.8.d]**
 - a. No Citation- 180 days on the server, no archive.
 - b. Citation/ Warning- 180 days on the server, no archive.
 - c. Search- 180 days on the server, no archive.
 - d. Arrest/Transport - 180 days on the server, archived to DVD.
 - e. Pursuit - 180 days on the server, archived to DVD.
 - f. Accident Investigation - 180 days on the server, archived to DVD.
 - g. Pre-shift Inspection, 30 days on the server, no archive.
 - h. Other- 180 days on the server, no archive.
 8. Archived DVD's will be maintained in the evidence vault for a period of three (3) years.
 9. At all times, when the DMVR unit is in use, either the built in or wireless microphone will be activated to record the audio portion of the incident.
 10. The officer is responsible for ensuring that equipment is operating in order to record enforcement actions. In so doing officers will ensure that:
 - a. The video recorder is positioned and adjusted to record events;
 - b. The DMVR shall not be deactivated until the enforcement action is completed and;
 - c. Their wireless microphone is activated in order to provide narration with the video recording to explain the reason for their current or planned enforcement action.
 11. Where possible, officers shall use their DMVR equipment to record **[LE 41.3.8.c]**
 - a. All traffic stops: Officers shall activate the DMVR prior to initiating the stop and shall not deactivate the DMVR until the enforcement action has been concluded and either the offender or the officer has pulled away.
 - b. Non-Custodial Arrests: In instances in which the officer issues a Citation to Appear in lieu of making a custodial arrest, the officer shall utilize DMVR equipment to capture an image of the violator prior to release.

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- c. Pursuits: DMVR equipment shall be utilized to record the entire duration of the pursuit and the equipment shall remain activated until the pursuit is terminated or when deactivation is authorized by a supervisor.
 - d. Emergency Responses: DMVR equipment will be utilized to record the duration of any emergency response, and will remain activated to record all officer contact with the public at the end of the emergency response. The equipment may be deactivated if the emergency response is cancelled.
 - e. Prisoner Transport: Video and audio DMVR equipment will be utilized for the duration of the transport of any prisoner.
 - f. Document crime and accident scenes or other circumstances at events, such as the confiscation and documentation of evidence or contraband; and
 - g. The actions of suspects during interviews, when undergoing sobriety checks, when following a suspected DUI offender prior to conducting the traffic stop, or when placed in custody if the recording would prove useful in later judicial proceedings
 - h. Domestic Violence cases should be recorded (audio only) if the officer is not using a Digital Voice Recorder (DVR).
 - i. Record and notify a supervisor of any sequences that may be of value for training purposes.
12. Officers shall not attempt to erase, alter or tamper with any DMVR data/recording or in any way interfere with the recording system, or intentionally cause the unit to malfunction.
 13. Officers shall not attempt to duplicate videos for any purpose other than legitimate department matters, nor shall any officer attempt to upload videos onto any social network such as YouTube© and Facebook©.
 14. Officers may review video/audio recordings created under their own profile to aid them in reviewing details or in completing documentation of events.
 15. If an officer notices that the flash card is full or almost full, the officer shall return the police vehicle to police headquarters as soon as it is practical in order to allow the DMVR to wirelessly upload the data to the server.
 16. If a situation requires that the flash memory card be removed from the DMVR unit for immediate manual transfer, an L3 Administrator shall unlock the DMVR unit and remove the memory card. Officers will not attempt to remove or access the memory card. The removal, the reason for the removal, and the personnel involved or having had physical custody of the card shall be documented by entering a comment on the DMVR server in order to maintain Chain of Custody Records.
 17. Officers will note in incident, arrest and related reports when video/audio recordings were made during the incident in question. Officers should note the start time of the recording, as displayed on the DMVR monitor, in these reports.
 18. Officers shall only use data storage devices as issued and approved by this agency.

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VI. Video Control and Management:

- A. DMVR 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 will:
 - 1. Be subject to the same security restrictions and chain of evidence safeguards as detailed in this agency's evidence control policy. DVD copies of recorded data that are obtained for court purposes by the officer shall be returned to Evidence to be stored or destroyed at the conclusion of the hearing.
 - 2. Not be released to another criminal justice agency for trial or other reasons without the approval of the Chief of Police and having a duplicate copy made and returned to safe storage; and
 - 3. Not be released to the public, the media or any other entity outside law enforcement without prior approval of the Chief of Police.
 - 4. Media or citizen request for a video recording shall be made in accordance with the Arkansas Freedom of Information Act and shall be directed to the Office of the Chief of Police for approval.
- B. The Training Unit, Office of Professional Standards, or other unit as approved by the Chief of Police may request a copy of a video segment for use in training, review, investigation of a complaint or other legitimate purpose pertaining to the function of that unit. Upon approval by the Chief of Police, these recorded copies may be retained by the requesting unit for the use of that unit. Such recorded copies will be subject to the same restrictions from release to non-law enforcement entities or uploading to social media network.

VII. Supervisory Responsibilities: [LE 41.3.8.g]

- A. Supervisory personnel who manage officers equipped with DMVR equipment shall ensure that:
 - 1. All officers follow established procedures for the use and maintenance of DMVR equipment, handling of video/audio recordings and the completion of DMVR documentation;
 - 2. On a regular basis, they randomly review recordings to assist in periodic assessment of officer performance, determine whether DMVR equipment is being fully and properly used and to identify material that may be appropriate for training;
 - 3. Repairs and replacement of damaged or non-functional DMVR equipment is performed; and
 - 4. All statistical reporting requirements are being completed as required to ensure adequate program evaluation.

VIII. Training[LE41.3.8.f]

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- A. All officers will receive training, including written instructions, on camera equipment prior to use. This training will include the use of the body mike, controls, and activation of the unit.

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