

UNIVERSITY OF TENNESSEE POLICE DEPARTMENT – KNOXVILLE, TENNESSEE

DIRECTIVE TYPE: GENERAL ORDER 2.2
SUBJECT: MOBILE AND WEARABLE VIDEO/AUDIO RECORDING
ISSUED BY: TROY LANE, CHIEF OF POLICE

EFFECTIVE DATE: 020808
REVISED DATE: 1/5/2015

REFERENCE: CALEA 41.3.8



Mobile and Wearable Video/Audio Recording

Purpose

The purpose of this directive is to establish guidelines for the operation of mobile video/audio recording (MVR) and wearable video/audio recording (WVR) equipment issued by the University of Tennessee Police Department (UTPD). This policy is intended to provide officers with instructions on when and how to use mobile video/audio and wearable video/audio equipment so that officers may reliably record their contact with the public in accordance with the law.^[MR1]

Policy

Mobile and wearable video/audio recording has been demonstrated to be of value in the prosecution of traffic violations and related offenses, in the evaluation of officer performance, and as a training aid as well as providing an unbiased recorded account of an incident. In order to maximize the utility of this equipment in these related areas, officers shall follow the procedures for MVR and WVR^[MR2] equipment use as set forth in this policy. There is no expectation of privacy to any event or message recorded. This policy does not govern the use of surreptitious recording devices used in undercover operations.

^[MR3]

I. MVR/WVR Program Objectives

- A. Accurate documentation of events, actions, conditions and statements made during arrests and other incidents.
- B. Assist officers with an accuracy of reports and ^[MR4]testimony in court.
- C. Enhancement of this agency's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes and prosecutorial purposes and to provide additional information for officer evaluation and training.^[MR5]

II. MVR/WVR Operating Procedures

- A. Officers shall follow procedures when using MVR/WVR Equipment:
 1. Prior to each shift and throughout the tour of duty, officers shall ensure that their MVR/WVR equipment is working satisfactorily. Any

deviations from the operating condition, appearance, or suitability for its intended use shall be reported as soon as possible to a supervisor. Technical Services shall be notified in writing of any problem or repair request for MVR via the vehicle inspection form. Officers shall never attempt any repair of MVR/WVR equipment.

2. Department issued MVR/WVR equipment are intended for official Departmental use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
3. Squad Lieutenants and the Investigations Commander shall assign WVR equipment to individual officers as deemed appropriate. However, all WVR equipment within the Patrol Division and Investigations Section control should be utilized.
4. The issuance of each WVR will be documented and maintained at the Division level. Officers who are assigned WVR equipment must use the equipment unless otherwise authorized by supervisory personnel.^[MR6]
5. Police personnel who are assigned WVRs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration, updates, or other revisions in policy and equipment.^[MR7].^[MR8]^[KL9]
6. Prior to beginning a shift, officers assigned a WVR will ensure its readiness by conducting an operational inspection and shall notify the officer's supervisor of any problems.^[MR10]
7. Officers will activate the WVR to record only during citizen encounters related to calls for service or other enforcement actions. Additionally, tactical activities such as building searches, searches for suspects, and building checks at alarms shall be recorded.
8. Officers will download video from their WVR daily, and data will be stored on an external hard drive located in the IT administrator's office.
9. Any equipment failure will also be reported to the Communications Center via police radio so that a record exists of the inability to utilize the MVR equipment. Equipment malfunctions shall be brought to the officer's supervisor as soon as possible so that a replacement unit may be procured.^[MR11]

10. MVR will automatically activate when the vehicle's emergency warning devices are in operation, the vehicle accelerates to a designated speed, or when an officer manually activates the MVR. Whenever possible, the MVR shall be activated when interacting with members of the community. If deemed appropriate, the department may install additional triggers to activate automatic recordings in accordance with the MVR installation guide.
11. Officers should ensure that equipment is operating in order to record traffic stops or other enforcement actions. In so doing, they will ensure that:
 - a. The MVR is adjusted where necessary to record events.
 - b. The MVR is not deactivated until the enforcement, or investigative activity is complete.
 - c. The wireless microphone is activated in order to provide narration for the video recording to explain the reason for their current or planned enforcement action.
12. Where possible, officers shall also use their MVR equipment to record:
 - a. The actions of suspects during interviews, when undergoing sobriety checks or when placed in custody.
 - b. The circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.
 - c. Actions of suspects when their operation of a motor vehicle provides cause for police action.
 - d. Actions of any persons involved in suspicious or illegal activity
13. Officers will download video from the in-car MVR to the server upon indication that the device is nearing capacity.
14. Officers shall not alter or destroy any MVR equipment without prior written authorization and approval of the Chief of Police or his or her designee.^[MR12]
15. Officers shall inform those who ask that audio/video recording. ^[MR13] Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The WVR shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.^{[MR14][KL15]}

16. Officers are encouraged to inform their supervisor of any videotaped sequences that may be of value for training purposes.
17. Officers will note in reports the date, time, and vehicle number used when video/audio recordings are activated. If the MVR/WVR is not utilized, the reason shall be documented.^[MR16]
18. Officers shall only use recording equipment and video as issued and approved by this agency.
19. If more than one officer occupies a vehicle with MVR equipment, the microphone is to be worn by the driver. The exception is for officers in the FTP. It is the responsibility of the trainer to decide who will carry the microphone.
20. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.^{[MR17][KL18]}

B. Supervisor Responsibilities

1. Ensure that all officers follow established procedures for the use and maintenance of MVR and WVR equipment and video/audio recordings.
2. Ensure damaged, or non-functional MVR/WVR equipment is reported for repairs.
3. Ensure all officers under their supervision are trained in the operation of MVR/WVR equipment and document MVR use in reports.
4. Conduct random weekly reviews of selected recordings in order to assess officer performance as well as flag videos that may be appropriate for training purposes.

III. Restriction on Using the WVR

- A. Communications with other police personnel without the permission of the Chief of Police or designee
- B. Encounter with undercover officers or confidential informants;
- C. When on break or otherwise engaged in personal activities;
- D. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room. |

IV. Identification, Storage, and Retention of MVR/WVR

- A. MVR/WVR containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall:
 - 1. Be safeguarded as other forms of evidence and subject to the same security requirements for chain of custody safeguards as detailed in the evidence control procedures.
 - 2. Not be released to another criminal justice agency for trial or other reasons without having a duplicate copy made and returned to safe storage.
 - 3. Will not be released to other than bona fide criminal justice agencies without the prior approval of the Chief of Police or designee.
- B. MVR/WVR not scheduled for court proceedings or other department use shall be maintained on the server and periodically moved to an external hard drive. All mobile video/audio recordings shall be maintained in a manner that ensures efficient identification and retrieval.
- C. After three (3) years, all MVR/WVR not used as evidence shall be destroyed by designated personnel. A log of destroyed MVR will record the following:
 - 1. Person(s) involved in the destruction of the recording(s)
 - 2. Location and method of the destruction of the recording(s)
 - 3. Inventory of recording(s) destroyed
- D. Personnel with the appropriate user access will be responsible for creating a DVD copy of the video in question from the server. The DVD copy will be labeled with the date and time of the recording, the vehicle number, and case number (if applicable). If the video has no evidence on it or is not case related, it should be marked "STORE ONLY". Any evidentiary DVD copy will then be placed in the temporary evidence storage locker.
- E. The Evidence Custodian shall retrieve the DVD copy of MVR from the temporary storage locker, create a property report, and assign an evidence control number (EVC).

V. Ownership, Custody, Control & Display of MVR and WVR Recordings

- A. All MVR and WVR are the property of UTPD.
- B. Mobile and wearable video recorded events that prove useful as training aids (excluding those where the MVR/WVR are used for evidence unless the case is concluded) may be used for training with permission of the Chief

of Police or designee.

- C. Display of evidentiary video recordings is limited to the appropriate university officials and those specifically designated by the prosecutor.
- D. Unusual or exceptional incidents related to law enforcement activities generate the interests of many; however, officers shall not afford individuals outside the parameters of law enforcement the opportunity to review a segment of any MVR/WVR without prior authorization of the Chief of Police or designee.
- E. Under no circumstances will employees, without the permission of the Chief of Police or designee, do the following:
 - 1. Maintain copies of MVR/WVR in their personal possession
 - 2. Electronically transfer, email, or post any portion of MVR/WVR to the internet for personal use

I. Use of Recording for Training Purposes & Supervisory Review

- A. When unusual, exceptional, or felony incidents are recorded and may be of value in a training or educational aid, the following procedure will be followed:
 - 1. The recording will be reviewed by the officer and their immediate supervisor to determine training value.
 - 2. If the recording is deemed to be of value, the supervisor will notify the Training Commander/GDI.
 - 3. Upon approval by the Chief of Police or designee, the recording can be used by the department as a training or educational tool.
 - 4. Recorded incidents of cases may only be used if they are closed.
 - 5. Video recordings that involve incidents of alleged misconduct by an officer will not immediately be reviewed by the officer. Supervisors shall follow the appropriate policies regarding Early Interventions, Internal Affairs Investigations and Discipline.

APPROVED:

TROY LANE, CHIEF: DATE:

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