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|  <p>FERNDALE POLICE DEPARTMENT</p> | Digital Video Recording System (In-Car Video) | | |
| | Date of Issue: July 1, 2016 | Effective Date: July 1, 2016 | Number: ARTICLE 13 |
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| | Distribution: All Department Personnel | | Standard: 3.5.5 a-e |

1.0 PURPOSE

1.1 To establish guidelines for the operation, use, and management of mobile digital video and audio recording equipment system (DVRS) installed in department vehicles and

1.2 To establish procedures for the organization and storing of the recorded data produced from this system.

2.0 POLICY

2.1 The audio and video recordings produced by the DVRS system are recognized as a valuable tool for independent and impartial documentation of the enforcement actions taken by officers.

2.2 The primary objective of the DVRS is to assist the officer in documenting citizen contacts and enforcement actions and to provide documentary evidence for subsequent legal proceedings.

2.3 The recordings will be used for evidentiary purposes when an enforcement action has occurred and to review situations or incidents that result in police conduct complaints against an officer or an employee of the department.

2.4 Policy and procedure or rules and regulations violations observed during the review of recordings may be used for corrective counseling, specific training, and/or discipline.

3.0 GENERAL PROCEDURES

3.1 Patrol officers will be trained in the operation of the DVRS by qualified personnel before operating the DVRS.

3.2 DVRS equipment is the responsibility of the officers assigned to that vehicle and will be maintained and operated according to the manufacturer's recommendations.

3.3 Officers will utilize the DVRS as specified in the policy when assigned a vehicle outfitted with the DVRS.

3.4 Officers shall check the DVRS for proper operation prior to the start of each shift by completing the following:

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3.4.1 Check the camera to verify that it is oriented correctly and that all functions are working as designed.

3.4.2 Sign into the recording system, synchronize the body-worn camera (BWC) audio transmitter to the vehicle, and test the remote activation function.

3.4.3 Officers will record their rank, name, date, and vehicle number. The officer will then review the video and play it to ensure that the camera is recording properly.

3.4.4 System failures, equipment deficiencies, and any other problem detected in the DVRS will be immediately reported to a supervisor.

- The supervisor on duty will attempt to diagnose the issue if possible. If the supervisor on duty is unable to resolve the issue, the officer may, at the discretion of the supervisor, be reassigned to another vehicle with a working DVRS and the vehicle removed from service.
- If a vehicle is found to have an improperly functioning DVRS and the vehicle is removed from service, the supervisor will make a request for repair.
- If a vehicle is found to have an improperly functioning DVRS and the vehicle is left in service, it shall be noted on the daily administrative log and the officer's daily activity log, stating the vehicle number and the fact that the vehicle is being used without a functioning DVRS. The supervisor will make a request for repair.

4.0 OPERATIONAL PROCEDURES (MLEAC 3.5.5 a,b,d)

4.1 The DVRS shall remain ON while an officer is on duty.

4.2 Officers are required to wear their BWC for the duration of the shift. (MLEAC 3.5.5 b)

4.3 The DVRS (audio and video) shall be activated anytime one or more of the following circumstances occur: (MLEAC 3.5.5 a)

4.3.1 When the officer is dispatched to any type of call.

4.3.2 When emergency lights are activated.

4.3.3 When the officer is making any type of citizen or suspect contact.

4.3.4 Any other time the officer feels it might be necessary.

- Officers may mute the audio function of the BWC when discussing or formulating tactical plans to address dangerous situations. The officers must re-activate the audio function of the BWC before carrying out the tactical plan.

4.4 Officers will ensure that the DVRS is operating to record all traffic stops and other enforcement actions by: (MLEAC 3.5.5 b)

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4.4.1 Properly position and adjust the camera, if necessary, to record events.

4.4.2 Activating the synched BWC worn by the officer.

4.5 Officers are encouraged to provide a short narrative with the video recording prior to each traffic stop and during incidents of emergency vehicle operation. (MLEAC 3.5.5 b)

4.6 The DVRS will be operating during the transport of civilians and prisoners. Officers shall activate the rear-facing camera when a prisoner is placed in the rear of the patrol vehicle. (MLEAC 3.5.5 a)

4.7 Whenever possible, use the DVRS to record: (MLEAC 3.5.5 a)

4.7.1 Actions of suspects in custody or during an interview.

4.7.2 Field sobriety testing of suspected intoxicated drivers.

4.7.3 Crime and/or vehicle crash scenes.

4.8 When the event or investigation is finished being recorded, stop the recording by pressing the stop button on the monitor. (MLEAC 3.5.5 b,d)

4.8.1 Enter the correct category for the recording by selecting the proper label pertaining to the recorded situation.

4.9 Officers are encouraged to review their recordings prior to completing written reports to ensure accuracy. (MLEAC 3.5.5 b)

4.10 Officers should park their vehicles at the police station in such a way as to ensure proper downloading of stored DVRS data. (MLEAC 3.5.5 b)

4.11 If there is an issue with the uploading feature of the DVRS, officers shall bring their patrol vehicle to the station to be downloaded so data is not lost. (MLEAC 3.5.5 b)

4.12 If necessary, Officers will leave the DVRS on at the end of their shift to ensure proper downloading. (MLEAC 3.5.5 b)

5.0 SAVING AND/OR COPYING VIDEO RECORDINGS (MLEAC 3.5.5 d)

5.1 Shift commanders, at their discretion, may download an officer's video and save it to the departmental hard drive.

5.1.1 The purpose of saving an officer's video may range from disciplinary purposes to training purposes as well as for report writing recall.

5.2 Any request for a copy of a video for court or FOIA purposes shall be directed to the Detective Lieutenant's office.

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5.3 Copies of DVRS videos for an officer's personal use must be approved by the Chief of Police or the Chief's designee.

5.4 All personnel are specifically prohibited from making a copy, including but not limited to using personal cellular phones, in any format of any video, audio, or still photographs generated from the video recording system or associated media storage device. Any video or photos from the DVRS or BWC systems are the property of the Ferndale Police Department.

5.5 Officers are encouraged to inform their supervisors of any video recordings that may be of value for training purposes.

5.6 Detectives should evaluate each newly assigned case and determine the need for the download of evidentiary DVRS and BWC recordings as soon as possible.

5.6.1 Recordings will be saved to the temporary drive under the full nine-digit case number or on the evidence server with a case file created.

5.6.2 Each recording on the temporary drive will be evaluated by the case OIC and/or DB Lieutenant to make a determination on whether it should be moved to the Evidence Archive/Permanent drive. (MLEAC 3.5.5 c)

5.6.3 All case files on the evidence server shall be reviewed upon the case disposition for retention purposes by the OIC and/or the DB Lieutenant. (MLEAC 3.5.5 c)

6.0 SUPERVISOR'S RESPONSIBILITIES (MLEAC 3.5.5 c, d)

6.1 DVRS data shall be reviewed by a supervisor when it is reasonable to believe the system captured visual or audio data of any officers involved in, but not limited to, any of the following:

6.1.1 Injury to prisoner.

6.1.2 Use of force.

6.1.3 Injury to an officer.

6.1.4 Vehicle pursuits.

6.1.5 Citizen complaints; or

6.1.6 Suspected violation of a policy, procedure, rule, or regulation.

7.0 STORAGE AND RETENTION (MLEAC 3.5.5 e)

7.1 Recordings that are not relevant to an active investigation, or a police conduct complaint against this agency or an officer of this agency must be kept the date it was created plus thirty days.¹

7.1.1 Recordings that contain evidence of incidents are retained until the case is solved, closed, and litigation ends. [MCL 780.316]

¹ State of Michigan General Retention Schedule #11 Local Law Enforcement 11.057 - Audio and Video Recordings

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7.2 Recordings relevant to a formal complaint against this agency or an officer of this agency must be kept the date it was created plus three years.²



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² State of Michigan General Retention Schedule #11 Local Law Enforcement 11.057A Body Worn Camera Recordings - Formal Complaint