

SUBJECT: MOBILE AND OFFICER WORN RECORDING EQUIPMENT		GENERAL ORDER: 311
EFFECTIVE DATE: November 10, 2014		PAGE 1 of 6
REVISION DATE: July 14, 2017	Edward Preston , Chief of Police	
CROSS REFERENCE: WVC chapter 29B "Freedom of Information"; 62-1A-10, General Order 115, 326		
REPLACES: 5.6		

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311.01 Purpose: The purpose of this policy is to provide Morgantown police officers with guidelines regarding the proper training, care and operational use of the mobile video recording (MVR) and Officer Worn Video Recording (OWVR) equipment.

311.02 Policy: It is the policy of the Morgantown Police Department to equip police officers and vehicles with video cameras and recorders to the extent possible for the purpose of collecting visual and audible evidence to expedite the prosecution and adjudication of criminal cases, as well as to promote officer safety, provide corroboration of the officer's testimony, and to be an eyewitness to events as they occur.

311.03 Authority for Medium Recording: In Pennsylvania vs. Muniz, the U. S. Supreme Court held that a police officer has the right to observe what the officer can see if the officer has a legal right to be present. It follows that if an officer may observe, an officer also has right to photograph or record. The recording is made by one party consent.

311.04 Equipment:

The mobile video recording (MVR) system consists of the following:

- A. Camera
- B. Recorder
- C. Wireless microphone transmitter and receiver

D. Control panel

The Officer Worn Video Recording system consists of the following:

- A. Camera
- B. Microphone (if a separate device depending upon model)
- C. Recorder (May be a camera component depending upon model)

311.04.01 Inspection of Equipment: Prior to beginning each tour of duty, officers assigned patrol vehicles with MVR equipment installed or are assigned OWVR equipment, shall inspect all components for damage and proper operation. Any damage or malfunctions shall be reported to a supervisor at the earliest possible time, so that necessary repairs may be made.

311.04.02 Care of Mobile Video Recording Equipment: Officers will exercise reasonable care of all MVR equipment as follows:

1. Cameras should be periodically checked to be sure they are securely mounted, properly adjusted and all wires properly connected. To prevent scratching when cleaning of the lens becomes necessary, only an approved lens cleaning tissue and cleaning fluid will be used.
2. No modifications will be made to the camera or other equipment associated with the MVR system except by technicians or other authorized personnel.
3. Microphones and cords are very fragile and should be protected as much as possible. It is recommended that they be concealed inside the uniform shirt, and the cord extended as far as possible for maximum operating range.
4. Transmitters should be worn on the duty belt in a comfortable and convenient place, and protected as much as possible. Transmitter frequencies are matched to those of their receivers, and the units are not interchangeable with other units. Transmitter batteries should be checked by the officer each time a blank recording medium is installed in the recorder. **Weak batteries should be replaced.**
5. The recorder housing is very sturdy and is not easily damaged. However, older units mounted in the well of the trunk have filter interface boxes which contain electronic components and connections for the power, control and antenna cables. These cables and wires are routed throughout the trunk area to their appropriate places. Care should be taken to keep heavy or sharp objects away from the filter interface box and all related wires and cables.
6. Antennas should be checked periodically to see that they are securely mounted, not bent or broken, and that the coaxial cable is connected.

311.04.03 Care of the Officer Worn Video Recording Equipment: Officers will exercise reasonable care of all OWVR equipment as follows:

1. Cameras should be periodically checked to be sure they are properly adjusted. To prevent scratching when cleaning of the lens becomes necessary, only an approved lens cleaning tissue and cleaning fluid will be used.
2. No modifications will be made to the camera or other equipment associated with the OWVR system except by technicians or otherwise authorized personnel.
3. Microphones and cords (if applicable) are very fragile and should be protected and concealed as much as possible.
4. Prior to beginning each tour of duty, officers issued OWVR equipment should check the battery strength. **Weak batteries should be replaced.**

311.05 Issuance of Recording Medium and Batteries: The Staff Services Section shall maintain an adequate supply of blank recording medium, i.e. videotapes, DVDs, flash drives and transmitter batteries and maintain a record of all transactions involving the receipt and issuance of recording medium and batteries. Each operator will be issued one spare set of batteries.

311.05.01 Officers shall:

1. Request recording medium and batteries as needed.
2. Have a Supervisor install blank recording medium into recorders as needed, and then properly complete the required information on numbered labels. Recording medium should be replaced when there is 30 minutes or less of recording time or when directed by supervisory personnel.
3. Only recording medium approved and issued by the Department will be used in MVR and OWVR systems.

311.06 Storage and Retrieval of Recorded Medium: Recorded medium is evidence and must be handled as such. For this reason, the chain of custody must be kept as short as possible and documented by all who handle the recorded medium. Recorded medium is to be removed from the recorders by the officer. Upon removal, the officer will package the medium and place into Evidence those media that are removable.

The Evidence Custodian or designee shall store the recorded medium in a secure, climate-controlled area. The Evidence Custodian or designee shall maintain a record of all incoming recorded medium which allows for the location and retrieval of specific recorded medium as needed for viewing, duplication, etc.

311.07 Check-in Procedure: At the beginning of each tour of duty, officers shall activate the recording system (including audio) and, while on camera, give their name, employee identification number and zone assignment. The officer shall verify date and time and correct errors prior to beginning his/her shift. Any malfunction shall be reported to a supervisor. If the officer changes to another vehicle prior to the end of the shift and the second vehicle is equipped with an operational MVR system, the officer will activate the recorder and follow the same check-in procedure.

311.08 Operation of MVR system: The recorder may be activated as follows:

- A. Manually, by pressing the Record button,
- B. Automatically, by turning on the emergency lights, or
- C. Remotely, by turning on the wireless microphone to the correct frequency if the Remote feature is activated. **Officers are required to keep the Remote feature activated at all times.**

NOTE: When power to the unit is turned off, the Remote feature will automatically deactivate. When power is restored, the Remote feature must again be activated.

Regardless of how the recorder is activated, it can only be turned off manually, by depressing the stop button until the Recorder indicator light (LED) goes off. Remember to manually turn off the microphone at the same time.

311.08.01 **Operation of the OWVR system:** recording will be activated manually by pressing the record

button. Recording will be deactivated by depressing the stop button until the system indicates that it has stopped recording.

311.09

Guidelines for Recording: The following guidelines are established for recording of incidents:

A. Once the recording of an incident has begun, the recording of both audio and video shall be continued until its completion. If for any reason the recording is discontinued, the recording medium will be removed from the recorder and placed into evidence and a new recording medium installed for removable recording media. The reason will be properly documented on the recording medium and in a memorandum via Chain of Command to the Office of the Chief of Police. Documentation shall include:

1. Date and time of the incident,
2. Nature of the incident,
3. The recording medium number, and
4. Reason why the recording was discontinued (officer initiated or malfunction).

NOTE: Officers are prohibited from discontinuing recording of any incident without the prior approval of a supervisor. Documentation is required as indicated above.

B. Officers will inform any person who asks that MVR or OWVR equipment is in use. Officers may inform subjects of the recording and that MVR equipment is in use, if the officer feels it will be beneficial to do so.

311.09.01

Exceptions to the requirement to record a complete incident: Motor vehicle accident scenes should be routinely recorded to show the final resting positions of vehicles in relation to roadway markings and permanent landmarks. Once this has been completed, the recording may be discontinued. However, the officer may elect to record at greater length depending upon the following:

1. Severity of the accident.
2. Results in death or serious injury.
3. Drugs/alcohol may be involved.
4. City vehicle is involved.
5. Criminal charges are anticipated.
6. Officer feels it would be to his/her advantage to continue the recording.

311.09.02

Absent unusual circumstances, the following events will be recorded in their entirety:

1. Traffic stops,
2. Pursuits,
3. Any emergency response,
4. Observation of DUI suspects prior to stops, during performance of standardized field sobriety tests, and during transport, if arrested,
5. Miranda warnings when feasible,
6. Transporting prisoners,
7. Contacts with juveniles,
8. Vehicle searches and/or inventories,
9. DUI Checkpoints, one vehicle MVR system will record each direction of travel,
10. Acts of hostility or physical violence, when possible,

11. Any confrontational contact with a citizen/violator, and
12. Any other incident which the officer feels may become an issue of some importance at a later date.

NOTE: When in doubt, record it.

311.10 Guidelines for the proper use of the microphone: Whenever the recorder is activated, the microphone shall also be activated as well. Officers should narrate those things that are observed that the camera may not be able to record (sights, smells, probable cause, etc.).

311.10.01 Whenever multiple units on a scene have MVR and/or OWVR capabilities, all units will record both video and audio. In addition, officers may utilize MVR and/or OWVR equipment for note-taking by recording thoughts and observations for later use. The microphone may be turned off while the officer is outside the presence of the general public.

NOTE: MVR and/or OWVR equipment shall be used for official business only. All recordings have the potential to become evidence in a criminal or civil case and as a result may be viewed in a public forum.

311.11 Ownership, Custody and Control of Recorded Medium: All recorded mediums recorded on MVR or any other Police Department recording device are the sole property of the Morgantown Police Department.

- A. Recorded mediums that are potentially subject to continuing judicial review (appeals process, etc.) shall continue to be governed by the joint control of this Department and the affected prosecutorial authority.
- B. Recorded mediums shall be retained in accordance with G.O. 115.
- C. All recorded mediums will be held for a minimum of two (2) years before being erased and recycled. Recorded mediums containing evidence of a crime or civil litigation will be held until the case is disposed of and all appeals are exhausted **and** have been released by the courts, the prosecutor and/or the City Attorney.

311.12 Viewing of Recorded Mediums: Evidence Custodian or designee shall arrange for viewing of recorded mediums as requested and authorized by the Prosecuting Attorneys Office, authorized Department personnel or as ordered by a court with competent jurisdiction. Viewing shall take place in the presence of department personnel at a reasonable time. Original recorded mediums will not be removed from the Police Building unless ordered by a court or to be presented as evidence at a trial. In all other cases, a copy of the segment of interest of the recorded medium will be made, with the original recorded medium remaining in the custody of the department.

311.12.01 Officers may view recorded mediums for the following purposes:

1. Critique their own performance.
2. Prepare themselves to testify in cases where such recordings may be used as evidence.

311.12.02 Supervisors should periodically view recorded mediums for the following purposes:

1. Determine if Department rules, regulations and procedures are being followed.

2. Determine the suitability, performance and the effectiveness of the video system or any of its component parts;
3. Ensure that appropriate officer safety techniques are being utilized.
4. Evaluate the Department's operational methods, and recommend changes when necessary.
5. Investigate allegations of misconduct filed by citizens or supervisors and evaluate subordinates for the purpose of correcting improper or inefficient actions.

NOTE: Minor violations of policy noted during this viewing will be the subject of counseling only, unless such counseling fails to correct the situation. More serious violations of policy may be the subject of disciplinary action.

311.12.03 The Chief may view recorded mediums at his discretion.

311.12.04 Traffic Crash Investigators, Detectives and/or Internal Affairs Investigator may view recorded mediums as necessary to complete their investigations.

311.12.05 The media may view recorded mediums only as specifically authorized by the Chief of Police or his designee.

311.13 Duplication of Recorded Mediums: Whenever an authorized request for duplication has been made, the Evidence Custodian will retain control of the medium and arrange for duplication of the medium. Once duplicated the original will be returned to the Evidence storage area and retained as necessary in accordance with G.O. 115.

- A. Internal requests for duplication will be made via email or memorandum.
- B. Requests from other law enforcement agencies shall be made to the Chief of Police, on their official Department letterhead and signed by their department head.
- C. Requests from the media, non-law enforcement agencies or individuals must be made to the Chief of Police, in writing and accompanied by a reasonable fee as described in City of Morgantown Fee Schedule payable to the City of Morgantown. The Chief of Police or designee will forward the fee to the City's Finance Office.

NOTE: **Duplication of any recorded medium, medium segment generated by MVR, OWVR or any other department recording device without the written authorization of the Chief of Police or designee is prohibited.**

311.14 Use of Recorded Medium for Training Purposes: Periodically, video cameras mounted in Department vehicles and Officer Worn Video Cameras record events which may prove useful as training aids. Therefore, when these cameras record unusual, exceptional, or felony incidents, and the incidents recorded are perceived to be of value as a training aid, officers are encouraged to bring to the attention of their supervisors any recording(s) they feel may be useful as a training aid.

END

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