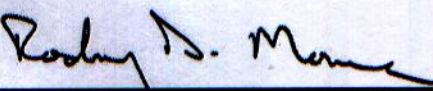




RICHMOND POLICE DEPARTMENT GENERAL ORDER

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 6	Number 14	Effective Date 07/10/07	Review Date 2011
Subject DIGITAL MOBILE VIDEO RECORDER SYSTEM (DMVR)		<input checked="" type="checkbox"/> New Order	
References CALEA 17.5.3; 41.3.8a; 41.3.8b, 41.3.8c; 61.1.6b; 61.1.10; 61.2.2c, 61.2.2h; 83.2.2 VLEPSC ADM.15.04		<input type="checkbox"/> Replaces	
 Chief of Police or Designee		07/10/07 Date	

I. PURPOSE

The purpose of this directive is to establish departmental procedures for the operation of digital mobile video/audio recorders (DMVR) installed in patrol vehicles and to establish the responsibilities of all department personnel who use this equipment including persons responsible for installation, repair, release, storage and destruction of equipment or discs.

II. POLICY

It is the policy of the Richmond Police Department (RPD) that officers shall use digital mobile video/audio recorder equipment (DMVR) for the purpose of recording an objective video and audio account of events as they occur. Such events can include, but are not limited to, traffic stops and traffic-related arrests. The DMVR can be used during other patrol activities as directed and authorized by the Chief of Police or designee. The DMVR equipment shall be used only as set forth in this General Order.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling or disciplinary action is initiated.

IV. BACKGROUND

It is in the Department's interest to acquire and fully utilize technology which will be an aid to officers and increase the likelihood of successful prosecution. DMVR equipment has been demonstrated to be of value in the prosecution of traffic violations and related offenses. Its usage has been found to be an effective and valuable tool for de-escalating situations,

reducing citizen complaints and civil litigation, thereby protecting officers from false allegations and deterring criminal conduct. Further, DMVR equipment can greatly enhance officer training through actual incident recording. Maximizing usage of this technology will assist the department with meeting goals by establishing a strong standard of accountability to the citizens who live in, work in or travel through the City of Richmond.

V. TERMINOLOGY

- A. **CONTINUOUS RECORDING:** The vehicle DMVR system is always on and recording except when the vehicle has been turned off for more than a preset amount of time (example: 15 minutes). However, the recordings are not saved unless a trigger event occurs.
- B. **TRIGGER EVENT:** An event that causes the vehicle DMVR to begin saving video/audio recordings. Events may include activation of the following: emergency lights/siren, vehicle collision sensor, vehicle speed exceeds present threshold setting, and manual activation of the DMVR system. The recording ends when the officer presses the Stop button.
- C. **PRE-EVENT RECORDING:** The vehicle DMVR system will retain the video recording made prior to a trigger event, up to 60 seconds, depending on system settings. Audio is not recorded until the trigger event occurs.
- D. **POST-EVENT RECORDING:** Once a trigger event has ended, the vehicle DMVR system will continue to save a recording, up to 60 seconds, depending on system settings.
- E. **WIRELESS UPLOAD:** Each vehicle DMVR is assigned to the DMVR server located at a specific division office. When the patrol vehicle is within range of the wireless access point antennas installed at the assigned division, the recordings stored on the vehicle DMVR are automatically transferred over a wireless connection to the division DMVR server.
- F. **MANUAL UPLOAD –** The transfer of a stored recording by an authorized Department member who has retrieved and transported the flash-card memory from the assigned patrol vehicle to a designated computer.
- G. **COMPLAINANT:** A person alleged to have been aggrieved by an officer's actions.

VI. PROCEDURE

A. Installation and Maintenance:

- 1. DMVR equipment shall be installed and, when necessary, disassembled for repairs by the product vendor or the Department's authorized Computer Services technician. The Computer Services Unit shall be notified, without delay, of any malfunctioning equipment and shall be responsible for expeditiously contacting the vendor to request service. Replacement purchases shall also be the responsibility of the Computer Services Unit provided the written request has received the authorization of the Executive Director.

2. DMVR equipment installed in a vehicle is the responsibility of the officer assigned to that vehicle and will be maintained according to manufacturer's recommendations.
3. Prior to and throughout each shift, officers will ensure that all components of their DMVR equipment are working satisfactorily and will immediately bring any problem to the attention of his/her supervisor. This DMVR equipment check cannot be used in place of any required vehicle inspection.
4. To ensure operational readiness, officers shall note the condition of DMVR equipment directly on a PD-86 form, Vehicle & Equipment Inspection Report (Car). Supervisors shall review the PD-86 form and conduct a monthly visual check of DMVR equipment in patrol vehicles assigned to officers under their command.

B. Operation:

1. All supervisors and patrol officers responsible for the use, inspection and operation of DMVR equipment shall be allowed to do so only after receiving training in the use of and operation of the DMVR system by the Computer Services staff.
2. Officers will ensure that DMVR equipment (both video and audio) is activated and operating properly for continuous, pre-event and post-event recording. The video recorder should be positioned and adjusted to record events in the following circumstances:
 - a. DUI and Traffic Stops;
 - b. Vehicle Pursuits;
 - c. Emergency Response;
 - d. Field Sobriety Tests; and,
 - e. Crash Scenes, where practical.
3. Each Digital recording shall be given an incident level designation by the officer as indicated below. The five (5) categories of designation shall consist of:
 - a. Classification **One - Felony**
 - b. Classification **Two - DUI (Misdemeanor and Felony DUIs)**
 - c. Classification **Three - Non-felony Traffic Stop (Other than DUIs)**
 - d. Classification **Four - Temp** (turned on lights to check system, handling traffic duty)
 - e. Classification **Five - Other**
4. When the vehicle's emergency warning devices have been in operation or following a trigger event, the officer should manually stop the recording. The equipment may

be manually deactivated during non-enforcement activities such as protecting crash scenes from other vehicular traffic.

5. Officers are encouraged to inform their supervisor of any video/audio recorded sequences that may be of value during the investigation of a citizen complaint or for training purposes.
6. Officers must ensure that non-related electronic devices within the police vehicle (music radios, CD players, etc.) are turned off when the in-car audio system is activated. **This does not apply to police radios.** Other noise such as wind or road noise from an open window should also be limited if possible.
7. At no time shall an officer use the DMVR equipment for other than official police business. DMVR equipment shall not be used to create a video/audio recording inside any police facility, during an administrative investigation or courtroom proceedings.
8. **Supervisors shall be responsible for immediately notifying the Computer Services Unit whenever there is a personnel assignment change to the DMVR-installed take-home vehicle.**

C. Events Involving Patrol Vehicles with DMVR equipment:

1. Unless physically unable, officers must notify the Department of Emergency Communications (DEC) if his/her patrol vehicle is involved in an accident or DMVR equipment malfunction.
2. In addition to all routine notification, DEC shall notify the officer's supervisor and request that the supervisor immediately contact the on-call Computer Services Unit technician.
3. The supervisor shall inform the Computer Services Unit technician of apparent or probable damage to the DMVR and request their presence on the scene to retrieve the flash-card memory.
4. The Computer Services Unit shall make the determination on retrieving the flash-card memory. Under no circumstances may the flash-card memory be removed or tampered with, by department staff or any person, who is not an authorized Computer Services Unit technician. The Computer Services Unit shall be solely responsible and authorized by the Chief of Police to manually disengage and/or remove the DMVR in its entirety or any portion thereof.

D. Digital Recordings as Evidence:

1. Any digital recording, regardless of level designation, may be used as evidence.
2. If the digital recording is deemed to be necessary for an officer's court case, the officer shall create a case file, being sure to tag the recording as a case, and add the digital recording to the case file.

3. Officers will complete a Property and Evidence Voucher for DMVR recordings. A copy will be placed in the case file and the original voucher will be submitted to the Property and Evidence Unit.
4. The Property and Evidence Unit shall be responsible for transferring (burning) recordings to DVD **for cases only** and shall retain all backup of the cases that are burned to DVD.
5. Officers will only be allowed to view their own personally-recorded files without permission; viewing of another officer's files requires permission from the Chief of Police or designee.
6. The digital recording will only be released to attorneys upon the presentation of an original valid subpoena issued by the court that has jurisdiction. All subpoenas will be forwarded to the Office of General Counsel for review before processing. The Property and Evidence Unit, in accordance with department policy, will handle the request and release of the digital recording.
7. Fees and costs associated with duplicating shall also be determined by the Office of General Counsel.
8. The Office of General Counsel shall process all judicial requests including subpoena duces tecum, discovery rules of evidence or other legal petitions.
9. Delivery of the digital recording will be handled in the same manner as subpoena or FOIA requests.

E. Storage, Retention and Disposal of Digital Recordings:

NOTE: Refer to the Commonwealth of Virginia Records Retention and Disposal Schedule for All Locality Law Enforcement Activities (GS-17) - Recordings, Surveillance or Monitoring - Series No. 100796 (Not used for evidence) and Series No. 100797 (Retained as Evidence).

1. When a DMVR-equipped patrol vehicle is within range, recordings saved on the flash-card memory are transferred and stored via wireless upload to the Department's server. The material is then stored in a video server and may be written onto a DVD.

NOTE: The DMVR system does utilize a back-up battery in the event of primary battery failure.

2. Digital recordings shall be retained on a video server in the Department's server room for a minimum of 90 days as prescribed by law.
3. Digital recordings entered into evidence will be handled in accordance with evidence retention schedules.
4. If a digital recording is not attached to a case, based on server system settings, it will automatically be purged 90 days after its creation.

F. Training:

1. Employees shall be fully trained prior to operating any portion of the DMVR equipment.
2. Training shall be conducted by the Department's Computer Services Unit.
3. Documentation of DMVR equipment training and any retraining shall be forwarded to the Training Academy for inclusion in the employee's training record.
4. Digital Recordings that contain material considered useful for training can be used for that purpose with the permission of the Chief of Police or designee.

G. Citizen Review:

1. All citizen requests for reviewing or copying video/audio recordings will be referred to the Office of General Counsel who shall first determine if the citizen is entitled to review the recording or whether a legal exception applies. The Office of General Counsel will then either: (a) notify the citizen in writing if documents cannot be produced for legal reasons, or (b) coordinate the date, time and place to allow the complainant access to the video/audio recording.
2. The Office of General Counsel will process citizen requests for reviewing or copying video/audio recordings in accordance with the Freedom of Information Act (FOIA) guidelines.
3. Fees and costs associated with duplicating shall also be determined by the Office of General Counsel.
4. At no time shall any officer let a complainant review any portion of a video/audio recording without the prior approval of General Counsel.
5. That portion of a video/audio recording which contains an event resulting in a citizen complaint against an officer may be reviewed by the complainant.
6. The Office of General Counsel will review all subpoena requests for recordings prior to processing.
7. Any DVD recording which depicts a discharge of a firearm by an officer, or serious injury or death of any person, will not be shown to a complainant without prior approval of the Chief of Police.

VII. ROLES AND ACCOUNTABILITY

A. Officers shall:

1. Ensure that all DMVR equipment is functioning properly prior to using the patrol vehicle;

2. Follow all training procedures for the safe and effective operation of DMVR equipment;
3. Note the condition of the DMVR equipment on a PD-86 form;
4. Report any damage to DMVR equipment or patrol vehicle to supervisor; and,
5. Review digital recordings to assist in prosecution, if needed. (All digital recordings shall be subject to the requirements for the admissibility of evidence.)

B. Supervisors shall:

1. Be responsible for reviewing the PD-86 form and conducting monthly as well as random checks and inspections of the DMVR equipment to ensure proper operation;
2. Document any damage or irregularity to any part of the DMVR equipment;
3. Contact the on-call Computer Services technician in the event of an accident involving a patrol vehicle with DMVR equipment installed; and,
4. Immediately contact the Computer Services Unit whenever a DMVR-installed vehicle has been reassigned.

C. Computer Services Unit shall:

1. Coordinate the purchase, installation and repair of DMVR equipment;
2. Remove flash-card memory from damaged patrol vehicles when warranted; and,
3. Ensure efficient and continuous operation of the Department's Wireless Upload Server.

D. Property and Evidence Unit shall:

1. Provide Property Vouchers for officer use;
2. Transfer (burn) recordings to DVD, for cases only;
3. Securely store digital evidence including backup of cases burned to DVD; and,
4. Follow all established procedures for the release of evidence.

E. Office of General Counsel shall:

1. Screen all citizen requests for digital recordings;
2. Coordinate citizen review of DVD recordings, when applicable;
3. Process FOIA requests, subpoenas or other court-issued documents; and,

4. Determine duplication costs.

F. Precinct Commanders/Executive Director shall:

Be responsible for ensuring that all personnel under their command adhere to the provisions of this policy.

G. Internal Affairs Division shall:

Retrieve flash-card memory from assigned patrol vehicle when instructed by the Chief of Police or designee.

H. DEC shall:

Notify the immediate supervisor if an officer reports either a patrol-vehicle accident or DMVR equipment malfunction.

VIII. FORMS AND DISTRIBUTION

A. Vehicle & Equipment Inspection Report (Car), PD-86

B. Property and Evidence Voucher