

**LITTLE ROCK POLICE DEPARTMENT
GENERAL ORDER**

G. O. 316 MOBILE VIDEO RECORDING EQUIPMENT

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I. Purpose and Definitions

- A. The Little Rock Police Department has adopted the use of mobile video/audio recording systems in order to accomplish several objectives. These objectives include, but are not limited to:
1. The enhancement of officer reporting, evidence collection, and court testimony through audio/video documentation of events, actions, conditions and statements made during arrests and critical incidents;
 2. To enhance the ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes; and,
 3. To assist in providing information for officer evaluation and training needs.
- B. This General Order is to establish guidelines for the proper use, management, storage, and retrieval of video and audio data recorded by mobile video recorders (MVR) and body worn cameras (BWC). This General Order does not govern the use of non-BWC recording devices used in specialized operations.
- C. MVR/BWC equipment shall be assigned and deployed at the direction of the Chief of Police. Generally, installation shall include, but not be limited to, the Field Services Divisions (12th Street Station, Northwest and Southwest) and vehicles from specialized units from Special Operations.
- D. Digital recordings shall be used for the purposes of providing evidence in litigation, training, internal investigations, and any other matters the LRPD may deem appropriate.

II. Definitions

- A. **Body Worn Camera (BWC)** – A camera worn on an individual officer’s person that records audio and video. Department issued BWC equipment is the only Department-authorized and approved BWC.
- B. **Buffering Mode** - Occurs when a MVR/BWC is on but has not been activated to record both audio and video. While in the buffering mode, the camera shall continuously record only video in 30-second loops.
- C. **Digital Recordings** – Photographs, audio recordings, video recordings, images, and any related metadata that are digitally stored. Both MVRs and BWCs create digital recordings.

- D. **Lieutenant** – for the purposes of this Order, “Lieutenant” shall mean the Lieutenant commanding any unit, watch, or section in which MVR or BWC equipment is used. In the absence of a Lieutenant, this shall mean the individual assigned this command responsibility.
- E. **Mobile Video Recorder (MVR)** – All elements of the mobile video/audio recording equipment. Wherever the operation of the MVR is referenced, such operation includes both the audio and video capabilities of this equipment (vehicular equipment).
- F. **Record Mode** - Occurs when the record button is activated and the camera is recording both audio and video. The 30-second buffered video (not audio) captured directly before the event shall be saved and attached to the recording.
- G. **Sergeant** - For the purposes of this Order, “Sergeant” shall mean the Sergeant supervising any officer using MVR or BWC equipment. In the absence of a Sergeant, this shall mean the individual assigned this supervisory responsibility.
- H. **Tag** - The labeling of a digital recording by an officer, usually in the field.
- I. **Watchguard** – Watchguard is the digital evidence management system to which digital recordings shall be uploaded and retained.

III. Responsibilities and Limitations

- A. The Technology and Equipment Section Lieutenant shall be responsible for ensuring that all MVR/BWC equipment is properly installed and maintained and that appropriate personnel are trained in the operation of the MVR/BWC equipment. Division Commanders shall be responsible for ensuring that all MVR/BWC equipment is properly maintained on vehicles within their area of responsibility.
 - 1. Proper care of MVR/BWC equipment is the responsibility of the Officer and/or Sergeant assigned to it. Officers shall inspect and test their MVR/BWCs prior to each shift in order to verify that they are working properly and to ensure the equipment is fully charged. Officers shall notify their supervisors of any problems they have with their MVR/BWCs.
 - 2. MVR/BWC equipment malfunctions shall be recorded in a manner consistent with other mechanical problems and vehicles experiencing MVR equipment malfunctions shall be removed from service immediately. Supervisors shall notify the Technology and Equipment Section Lieutenant of any software or equipment issues regarding the MVR/BWCs by the end of their shift.
 - 3. A Sergeant may authorize the use of a vehicle in which the MVR equipment is inoperable; however, this authorization shall be noted in writing in advance of using the vehicle and shall be submitted along with all documentation requesting repairs to the vehicle coordinator in that Division.
 - a) If a district car’s MVR equipment is inoperable and a pool car is available with operating MVR equipment, the pool car shall be utilized. The only time a vehicle can be used without MVR equipment is when no other vehicle is available in that Division.
 - 4. BWC equipment shall be included in all regular quarterly inspections.

5. Anytime a BWC is damaged or lost, the divisional Vehicle Coordinator and the Technology & Equipment Lieutenant will be notified. A spare device will be assigned or loaned to the officer until their original unit is repaired or replaced.
- B. The Technology Support Lieutenant shall be responsible for responding to all LRPD internal requests for access to MVR storage as provided by this Order.
- C. Lieutenants shall review at least two (2) MVR/BWC files on a monthly basis, document the reviews on a Monthly Video Review Form, and submit them to the Division Commander. The purpose of this review is to assist in periodic assessment of officer performance, determine whether MVR/BWC equipment is being fully and properly utilized, and identify material that may be appropriate for training.
- D. Officers and/or Sergeants shall be responsible for the operation of MVR/BWC equipment as prescribed by this Order.
- E. Tampering with or disabling MVR/BWC equipment, shielding, or taking any other action, which interferes with the proper operation of MVR/BWC equipment, hardware, or software is cause for disciplinary action. Officers shall not attempt to edit, erase, delete, or alter MVR/BWC digital recordings in any manner.
- F. MVR/BWCs shall be used only in conjunction with official law enforcement duties and not for personal use. All digital recordings collected using MVRs/BWCs are records of the City of Little Rock and are for official use only.
- G. The use of any other personal recording device for the same purpose as a MVR/BWC is not authorized without permission of the Chief of Police or his or her designee.
- H. Only authorized officers shall use or be in possession of MVR/BWC equipment.
- I. Except for official law enforcement purposes, accessing, downloading, copying, forwarding, releasing, or using any LRPD digital recording is strictly prohibited.
- J. Personal computer equipment, software programs, or any secondary recording device shall not be utilized when making copies of digital evidence.
- K. Officers shall not publish or display MVR/BWC audio or video to the internet or social media sites. Only officers authorized by the Chief of Police or his or her designee may do so, in accordance with LRPD policies.
- L. MVR/BWC digital recordings shall not be used or shown for the purpose of ridicule or embarrassment.
- M. An officer can view his or her own recordings except as otherwise stated in this policy.
- N. When officers are working on duty or in an off-duty police capacity, their BWCs shall remain in the buffering mode until the record mode is activated.
- O. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with the policies and procedures contained herein.

- P. Supervisors shall review any digital recordings related to divisional complaints or performance deficiencies regarding an officer under his or her command.

IV. Operation of MVR/BWC Equipment

- A. Police personnel who are assigned a MVR or a BWC must complete a LRPD approved and/or provided training program to ensure the proper use and operation of the equipment. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper positioning and performance of the equipment, and to incorporate changes, updates, or other revisions in LRPD policy and equipment.
- B. This training shall include the following:
1. Proper positioning of the MVR/BWC;
 2. General operation of the MVR/BWC;
 3. Review of the MVR/BWC policy and procedures;
 4. Arkansas law and public disclosure;
 5. Reality based scenario training;
 6. Redaction;
 7. Evidence; and,
 8. Privacy.
- C. BWC Placement: All officers assigned a BWC who are engaged in law-enforcement related activity shall have the BWC affixed to the individual in accordance with the manufacturer's recommended method and LRPD training. The officer shall take into consideration his or her size and gender as to placement of the BWC. It is the responsibility of the officer to ensure the BWC is activated, operating, and positioned to record the events specified in this General Order.
- D. MVR and BWC equipment shall be activated in accordance with the following criteria:
1. MVR equipment shall be installed so that the equipment shall automatically begin recording when the vehicle's blue lights are activated, or the vehicle's siren is activated.
 2. MVRs are equipped with a G-Force indicator that shall automatically begin recording whenever preset levels of G-Forces are encountered.
 3. The MVR/BWC equipment shall be manually activated to start recording whenever responding to a call or before an Officer interacts with a civilian. Scenarios where an Officer must activate his or her MVR/BWC include:
 - a) Any use of force incident;
 - b) Vehicle stops and/or encounters with suspicious vehicles;
 - c) Person stops as a result of reasonable suspicion;

- d) All dispatched calls for service;
 - e) Detentions, investigations pursuant to an arrest, arrests, suspect interviews, giving Miranda warnings, and post-Miranda interrogations in the field;
 - f) Search of a person or a vehicle incident to arrest (if MVR/BWC is not already activated);
 - g) Code 3 driving;
 - h) Pursuits: both primary and secondary officers shall record pursuits. A MVR/BWC may be deactivated once the pursuit is terminated and the incident has concluded;
 - i) Responses to in-progress calls where audio and/or video may aid in the apprehension and/or prosecution of a suspect;
 - j) The execution of arrest warrants, search warrants, consent or refusal to searches, consensual searches, and inventory searches;
 - k) Probation and parole searches;
 - l) Forced entries;
 - m) All self-initiated activity in which an officer would normally notify communications;
 - n) Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording;
 - o) As soon as possible after the occurrence of an officer-involved traffic accident when the officer is physically capable of initiating a recording;
 - p) DWI and DUI investigations, including field sobriety tests;
 - q) Any other circumstances where an officer believes the recording of an incident is appropriate; and,
 - r) Upon the direction of any supervisor.
4. In the event a MVR/BWC fails to record, the officer shall draft an Officer's Report (Form 5600-2) which shall include a clear explanation of why the encounter was not recorded. Such letters shall be filed and Supervisors shall review such letters and take any appropriate actions.
 5. Personnel shall not be required to activate the MVR/BWC equipment to capture non-law enforcement actions such as, but not limited to, meal breaks, stops at convenience stores, or fueling operations. Nor is it required anywhere there is a reasonable expectation of privacy and an officer is not on a call for service, e.g., locker rooms, bathrooms, etc.
 6. Personnel shall confirm automatic and manual MVR/BWC activation at the beginning of the tour of duty.

- E. Once a BWC is activated, recording shall continue until the event has concluded except for the following:
1. The event is of a sensitive nature including, but not limited to, contact with sexual assault victims, the presence of child pornography, child/elder abuse, and the absence of a BWC recording shall not affect the investigation;
 2. The officer has a reasonable belief there shall be no loss of critical documentary information (for example, information which would aid in completing reports);
 3. When investigative personnel arrive and begin the formal investigative process;
 4. When interviewing a confidential informant for the purpose of gathering intelligence;
 5. During any contact with an undercover officer;
 6. A resident with standing has requested the officer to stop recording within his or her residence and the officer is not present pursuant to an investigation, arrest, or lawful search, the officer shall not record, unless circumstances clearly dictate that continued recording is necessary, e.g., when an officer is in pursuit of a suspect. As a general rule, if an officer must legally ask permission to enter a residence, the officer should also ask a resident with authority if he or she shall allow recording.
 7. In hospitals, other medical facilities, or psychiatric facilities when a BWC would record private medical information in violation of HIPAA or other federal or state law, officers shall turn off BWCs.
 8. In the case of any exigency and/or any situation in which the officer feels it is unsafe to record. Whenever possible, the officer shall state the reason for not using the BWC before turning it off.
- F. Whenever possible, when an officer is in a residence, he or she shall announce when or if the BWC is recording.
- G. When an officer stops recording, for any reason not listed in this Order, it shall be noted in the narrative of the report.
- H. Any officer deactivating his or her MVR/BWC in accordance with this Order shall reactivate his or her MVR/BWC as soon as practical should the circumstances require it.
- I. Officers are not obligated to deactivate their MVR/BWCs at the request of citizens outside a residence. Except when a resident with standing has requested the officer to stop recording within his or her residence and the officer is not present pursuant to an investigation, arrest, or lawful search, an officer is not obligated to stop recording at the request of a witness, citizen, or other person. Officers and/or Sergeants shall inform those who ask that video/audio recording equipment is in use.
- J. MVR equipment shall not be used to intentionally record statements made by persons who are in a police vehicle who are not in custody and who are not in the presence of an officer and/or Sergeant, unless those persons are aware that their statements and conversations are being recorded.
1. On all reports, tickets, and citations initiated while the MVR/BWC equipment was activated, Officers and/or Sergeants shall write or appropriately mark "MVR" and/or "BWC" in the narrative to denote that the equipment was in use. If the MVR/BWC equipment malfunctioned during the recorded incident, the malfunction shall be noted in the narrative of the report. MVR/BWC recordings are not a replacement for written reports.

2. A supervisor shall evaluate incidents involving MVR/BWC equipment malfunctions and/or failure to activate the MVR/BWC equipment during required incidents.
- K. The remote microphone and pouch are assigned to the MVR equipped vehicle. This equipment shall not be taken from the vehicle. The microphone shall be placed in the charging cradle in the vehicle at the end of the tour of duty. It is the responsibility of the officer or supervisor assigned to the vehicle to sync up the microphone with the appropriate vehicle at the beginning of the tour of duty.
- L. Supervisors shall ensure that the BWCs are placed in the docking station at the end of each shift to facilitate the transfer of the recordings.
- M. In the event of a critical incident, i.e., when an Officer and/or Sergeant is disabled, the first Officer and/or Sergeant on the scene may play the digital recording to obtain any necessary information.
- N. The digital MVR was designed with two safety features that prevent the system from running the vehicle battery so low that it would not be able to start the vehicle. If the ignition switch is in the off position, the digital MVR shall shut itself off after 45 minutes of operation or if it senses low voltage in the vehicle battery. This should be considered normal operation for the digital MVR system.
- O. Use of the MVR/BWC is discretionary during community-oriented police contacts. Contact with members of the community is an important activity the LRPD engages in. Individuals may not feel comfortable communicating with officers when their conversations are being recorded. Therefore, officers can determine on a case-by-case basis if it is necessary to record the conversation. The officer shall tell to person(s) he or she is speaking to whether the MVR/BWC is recording or not. Such contacts shall include, but not be limited to, conversations Community Resource Unit (CRU) officers have with individuals in the communities they patrol, and conversations school resource officers have with students, parents, or school employees.
- P. There are many situations where the activation of the MVR/BWC is appropriate and/or required and this policy is not intended to describe every possible circumstance. It is understood that not all situations shall clearly start out as necessitating documentation by the MVR/BWC nor shall all recorded events have a clear ending when the MVR/BWC is no longer required. Officers are expected to follow departmental policy and procedure, utilizing ethical and legal discretion as well as good judgement when activating and deactivating the MVR/BWC.
- Q. All personnel assigned to a single-use BWC shall dock their device in a departmental building's docking station at a minimum of once per week to ensure proper transfer of data to the storage cloud. Docking within a vehicle dock does not satisfy this requirement.

V. Special Situations

- A. In the event of incidents involving protests, mass arrests, or other crowd control situations, officers shall activate their MVR/BWCs in accordance with this Order and when directed by their supervisors or the Incident Commander.
- B. Officers who make a digital recording at a crime scene shall identify themselves to arriving investigative personnel so the presence of recording can be noted by the detective(s). Officers shall cease recording, if they have not already done so, once the investigation begins.

MVR/BWCs shall undoubtedly record video and audio of evidentiary value as officers arrive, handle, and conduct preliminary investigations at crime scenes. These recordings shall not replace evidence collection by crime scene investigators and are not the primary means for documenting evidence at a crime scene.

- C. Following an officer-involved shooting or other use of deadly force, involved personnel shall not view the MVR/BWC recording or listen to the audio recording without authorization from the Office of the Chief of Police. Major Crimes personnel or the Technology and Equipment Section Lieutenant or his or her designee shall be responsible for collecting and securing the digital recordings which would have recorded any officers who were witnesses and/or who were involved in the incident at the earliest opportunity. However, this Order shall not prohibit officers from viewing the recorded data captured by a MVR/BWC in the event of an exigency where viewing shall assist with critical details of related events, pertinent to outstanding suspects, suspect vehicles, or direction of travel provided the permission of the Chief of Police or his or her designee is obtained.
- D. It is recognized that video and audio of juveniles may be recorded by BWCs when responding to calls for service or during the course of an investigation. Officers shall protect digital recordings of juveniles in the same manner as photographs of juveniles. If an officer uses BWC digital recordings of juveniles as part of an investigation, the officer shall strictly adhere to General Order 307 (Juvenile Procedures). Interviews of juvenile victims or witnesses to a crime shall only be recorded with the permission of a parent, legal guardian, or attorney present at the time of the recording. This permission must be documented on the recording. Officers shall notify their supervisors as soon as possible if they are denied permission to record.
- E. Officers assigned BWCs shall use them in accordance with this General Order while working off duty. All digital recordings recorded by officers working off duty shall be downloaded no later than the beginning of the officer's next duty day, unless there is an arrest or administrative action that requires download no later than the end of the off-duty shift.

VI. Accidental Recordings

- A. In the event of an accidental activation of a BWC when the recording has no investigative or evidentiary value and is not listed as an authorized recording according to this General Order, an officer may report such recording to his or her supervisor. If the supervisor believes the recording should be deleted, he or she shall report the recording to the Division Commander who may authorize the deletion of that file (or portion thereof) from the BWC prior to downloading it. The officer shall draft an Officer's Report (Form 5600-2) detailing the nature of the accidental recording, which shall be forwarded through the chain of command to the Division Commander to be filed.

VII. Management of Digital Recordings Files

- A. Digital recordings shall be managed in a manner that complies with these General Orders and Information Technology protocol. Secure digital recording storage facilities and duplication equipment shall be established and maintained in each Division in which MVR/BWC equipment is utilized.
 - 1. Unless needed for the purposes outlined below (e.g., as evidence, for training purposes, etc.), digital recordings shall be maintained on a server location in each of the Field Services Divisions for a period of 60 days unless they are not required to support investigations or litigation. The server shall be set to purge files from the server once the file has been held for the appropriate length of time. Digital

recordings shall be purged automatically to ensure space is available on the server for new digital recordings.

2. Access to the video server shall be limited to the Technology and Equipment Section Lieutenant, Field Services Supervisors, Internal Affairs, FOI Unit, Major Crimes Investigators, and those individuals designated by the Chief of Police or his or her designee for authorized purposes only.
- B. Digital recordings of all incidents tagged as “Other” shall be purged after 120 days.
 - C. Officers and/or Sergeants shall notify a Supervisor in the event a digital recording may contain material the Officer and/or Sergeant believes might be helpful in Department training. The Supervisor shall evaluate the video and, if appropriate, forward a link or a copy of the digital recording through the chain of command to the Training Division Commander with a written account of the incident. The Training Division Commander shall have the authority to review the recording to determine whether the video is to be incorporated into training.
 - D. Sergeants shall ensure that either links or copies of the digital recording are included in supervisory review files required by the General Orders.
 - E. In the event that an Officer and/or Sergeant determines that a digital recording is needed as evidence in support of an arrest or for other investigative purposes, the Officer and/or Sergeant shall notify a Supervisor no later than the end of the tour of duty when the digital recording is downloaded to the video server. The Supervisor shall review the digital recording and shall make a final determination as to whether the digital recording shall be utilized as evidence.
 - F. All DWI arrests shall require the arresting officer’s supervisor or, in their absence, the supervisor on duty to create a Watchguard Casefile of all relevant video and ensure that a link or an invitation thereto is sent to the office of the appropriate prosecutor. This should be acknowledged through the completion of the Incident/BAC Packet Submission Form, LRPD Form 5500-06. ~~The video copies shall be forwarded, along with the~~ The investigating officer shall submit the original B.A.C. package, to the Front Desk Officer before the officer’s end of shift. In the event that the video system of the primary vehicle malfunctions or the vehicle is not equipped with a video recording system, the officer shall document this information on an Officer’s Report (Form 5600-2). The original Officer’s Report shall be included with the B.A.C. package.
 - G. The Technology and Equipment Section Lieutenant shall periodically review the BWC recordings Audit Logs for unauthorized access.
 - H. Digital recordings shall be securely stored in accordance with LRPD policies, state record retention laws, and no longer than is useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, however, digital recordings shall be kept until the offender is no longer under the control of a criminal justice agency.

VIII. Freedom of Information Act (FOIA) Requests

- A. The Arkansas FOIA allows the public to request inspection of and/or copies of public records. Whether a MVR/BWC recording may be released pursuant to a FOIA request shall depend on several factors. Additionally, the status of a digital recording may change from being subject to FOIA to not being subject to FOIA. Release and redaction of digital recordings in response to

FOIA requests shall be in strict compliance with LRPD policy, as well as state and federal law.

- B. All FOIA requests for MVR/BWC recordings shall be forwarded to the FOIA Unit.

IX. Requests for Access to or Copies of Digital Recordings

- A. Prosecutors shall submit a request for a MVR/BWC recording in the same manner as other evidence requests are submitted.
- B. Digital recordings shall be released to the general public at the discretion of the Chief of Police in the event a recording concerns a matter of great public importance.
- C. All requests for access to or for copies of digital recordings shall be forwarded through the chain of command to the Office of the Chief of Police.
 - 1. The Office of the Chief of Police shall establish whether a particular digital recording or a portion of a digital recording is subject to disclosure and shall ensure that the Department responds to all requests in a lawful manner.
 - 2. Departmental response to informational requests may include access to (viewing of) or duplication of digital recording. The Records Section Supervisor shall collect a duplication fee as appropriate.
- D. Requests for copies of digital recording from civilians, from other law enforcement agencies, or from governmental entities shall also be forwarded to the Office of the Chief of Police for review and response.
- E. Unusual or exceptional incidents related to law enforcement activities generate the interest of many. However, Officers and/or Sergeants shall not afford individuals outside the parameters of law enforcement the opportunity to review a segment of any recording without prior authorization of the Office of the Chief of Police or his or her designee. Citizens requesting to view MVR/BWC digital recordings, in the field or otherwise, shall be referred to the Public Affairs Office.
- F. No digital recording shall be copied or otherwise distributed, disseminated, or released for use outside the Department, unless authorized by the Office of the Chief of Police.
- G. The procedures specified in this Section are not required for digital recording copies which may be included in case files submitted to the Prosecuting Attorney's Office or copies taken to court as evidence by Officers and/or Sergeants.
- H. The Division Commander shall be responsible for the retrieval of digital recording to be copied from the digital recording server.

X. BWC Program Review

- A. The Technology and Equipment Section Lieutenant is responsible for an annual evaluation of the BWC program to ensure that the program is operating efficiently and in compliance with all applicable laws, LRPD policies, and best practices.

Additions and revisions are *italicized and underlined.*

Deletions are denoted with a strikethrough.