



# GENERAL ORDER

Loudoun County Sheriff's Office

**Chapter:** Operations

**Section:** 411.7

**Subject:** Investigations

**Topic:** Audio/Video Recording Equipment

**Enacted:** 07/30/2015

**Last Review:** 07/24/2015

**Review:** 07/30/2016

## I. PURPOSE

The purpose of the policy is to provide guidelines for the use, management, storage, and retrieval of audio-visual media recorded by in-cruiser digital video systems.

## II. POLICY

It shall be the policy of the Loudoun County Sheriff's Office to use in-cruiser digital video systems for the purpose of collecting evidence for the prosecution of those who are suspected of violating the law. The in-cruiser camera is also a valuable tool to document a law enforcement officer's honesty, integrity and professionalism.

## III. DEFINITIONS

- A. Recorded Media – Any media that captures and records audio-visual signals. Digital media includes wavelet, JPEG and MPEG media.
- B. In-Cruiser Camera System and Mobile Video Recording (MVR) – These are synonymous terms defined as any recorded media that captures audio and visual signals.

## IV. PROCEDURES

- A. The Sheriff's Office has adopted the use of in-cruiser cameras to accomplish the following:
  - 1. Provide an accurate depiction of events for courtroom presentation
  - 2. Accurately capture statements and events during the course of an incident
  - 3. Enhance the deputy's ability to document and review statements and actions for report purposes and for courtroom presentation
  - 4. Provide an impartial measurement for self-critique and field evaluation during probationary deputies' participation in the Field Training and Evaluation Program
  - 5. Capture visual and audio information to further existing and future investigations

- B. All audio-video recording equipment shall be properly installed according to the manufacturer's recommendations.
1. The equipment shall be installed in such a manner to ensure that the system will automatically activate when the emergency equipment (lights) are operating and when the cruiser is involved in a violent collision, and can be activated manually by using the record ("REC") button on the control panel affixed to the interior of the vehicle or by wireless transmitter.
  2. Officer safety shall be the primary consideration when placing the system components within the vehicle and when using the equipment.
  3. Those deputies who operate county vehicles equipped with audio-video recording equipment shall be provided with adequate training regarding agency policy and the use and operation of the equipment prior to its use.
  4. All in-cruiser camera equipment will be assigned to a specific deputy, who will assume responsibility for the care and maintenance of the equipment. The equipment shall be operated in accordance with the manufacturer's recommended guidelines and agency policies. Only agency-issued equipment shall be utilized.
  5. Any audio-visual recording will be made with the safety of both the deputy and suspect(s) as a primary consideration and in accordance with General Order 408.2, Traffic Law Enforcement.
    - a. A deputy is not required to cease recording an event, situation or circumstance at the request of anyone other than a supervisor.
    - b. Deputies shall inform anyone who may ask that audio/video recording equipment is in use. Deputies are not obligated to inform anyone that audio/video recording equipment is in use if not asked.
- C. Deputy Responsibilities
1. Prior to the beginning of each shift, deputies shall perform a pre-operational inspection to ensure the MVR is performing in accordance with manufacturer's recommendations, to include the following:
    - a. Remote Audio Transmitter
      - i. Adequate power source
      - ii. Connected to recording equipment

- iii. Remote activation of system via transmitter.
- b. Camera lens
  - i. Windshield and camera lens free of debris
  - ii. Camera facing intended direction
  - iii. Recording mechanism is capturing both audio and visual information
  - iv. System plays back both audio and visual data.

**D. Recording Requirements**

- 1. The following incidents shall be recorded by both audio and visual means:
  - a. All traffic stops to include, but not be limited to, traffic violations, disabled motorists, and all crime interdiction stops
  - b. All Code 3 responses
  - c. All vehicle pursuits
  - d. All crimes in progress
  - e. All cruiser accidents. If the in-cruiser camera fails to automatically activate in an accident, the deputy shall as soon as possible, if able, manually activate the camera
  - f. Any situation or event that the deputy through his/her training and experience believes should be audibly and visually recorded including, but not limited to, in-county prisoner transports
- 2. When the MVR is activated, deputies shall confirm that the audio portion is also activated to ensure that all events are properly documented. Deputies are encouraged to use the audio portion of the recording to narrate events as they occur in order to provide the best evidence for courtroom presentation.
- 3. To prevent bleed over and/or noise from other MVRs, only the primary deputy initiating the contact shall activate his/her audio recording. Deputies responding in a support capacity shall leave their audio transmitters in the "off" position. This does not preclude supporting deputies from activating their visual recording equipment to obtain another perspective of the scene.
- 4. Deputies are encouraged to review the recordings when preparing written

documentation and reports of an event. Using the audio/visual recording as a tool when writing reports will ensure the accuracy and consistency of the documentation.

5. Deputies shall ensure that the volume from other electronic devices within the cruiser, such as AM/FM radios or CD players do not interfere with the audio portion of the MVR recording.
6. When the MVR has been activated in order to document an event, it shall not be deactivated until the event has been concluded. Exceptions to preserve recording time include extended incidents or traffic details. In any event, if the MVR is deactivated prior to the conclusion of the event, the deputy shall document the reason for the stoppage by making an oral notation on the recording prior to shutoff.

E. Kustom Signals Video System or Other Systems Downloading to Servers

1. MVR hard drives shall be individually labeled and assigned to those deputies trained in and whose cruisers are equipped with MVR systems.
2. Deputies shall upload their recorded files at least as frequently as when the media is full.
3. Deputies shall only upload and duplicate recorded files at designated workstations following manufacturer recommendations.
4. Subsequent to arrest, if a recorded file is needed for court, deputies shall burn one DVD copy for court presentation and two DVD copies for the Commonwealth's Attorney Office. Each disc shall be labeled with the following:
  - a. Case number
  - b. Suspect(s) name
  - c. Charge(s)
  - d. Date and time of offense
  - e. Court date
  - f. Arresting deputy's name
5. If a deputy records DVD evidence for another deputy, the Commonwealth's Attorney should be contacted before the trial to determine if there is a need for the deputy who made the recording to appear in court with the arresting deputy.
6. On arrival at court, the deputy should notify the assigned bailiff that DVD evidence may be presented and that a television will be required.

7. Once a case has been adjudicated, the DVD shall be attached to the deputy's case file and retained for the same period of time as the case file.
- F. Upload/Duplication Requirements Watch Guard Video System or Other Systems Downloading to DVD
1. Deputies shall turn in their recorded files at least as frequently as when the media is full.
    - a. When a DVD is full or the DVD is to be turned in, the deputy will place the completed DVD in the secure/locked mail box in the deputy's workroom at any of the Sheriff's Office stations.
    - b. The recording deputy's name, badge number and recording date range shall be written on the DVD in black permanent marker.
  2. Deputies shall only duplicate recorded files at designated workstations following manufacturer recommendations. Duplication workstations will be provided at each of the Sheriff's Office stations.
  3. Subsequent to arrest, if a recorded file is needed for court, deputies shall burn one DVD copy for court presentation and two DVD copies for the Commonwealth's Attorney Office. Each disc shall be labeled with the following:
    - a. Case number
    - b. Suspect(s) name
    - c. Charge(s)
    - d. Date and time of offense
    - e. Court date
    - f. Arresting deputy's name
  4. If a deputy records DVD evidence for another deputy, the Commonwealth's Attorney should be contacted before the trial to determine if there is a need for the deputy, who made the recording, to appear in court with the arresting deputy.
  5. On arrival at court, the deputy should notify the assigned bailiff that DVD evidence may be presented and that a television will be required.
  6. Once a case has been adjudicated, the DVD shall be attached to the deputy's case file

and retained for the same period of time as the case file.

**G. Supervisor Responsibilities**

1. At the time a deputy is assigned an MVR, the section supervisor shall conduct training with the deputy in the procedures, policies and operation of the equipment.
  - a. The supervisor will conduct bi-weekly reviews of the recorded media to ensure the equipment is being operated consistent with agency policy.
  - b. Once the supervisor has determined the deputy is in compliance with agency policy on the use of the MVR equipment, the supervisor shall then conduct at least quarterly reviews.
2. Each supervisor shall conduct and document quarterly inspections of MVR equipment assigned to those deputies under his/her command for the following purposes:
  - a. Assessing each deputy's performance
  - b. Ensuring the MVR equipment is functioning properly
  - c. Determining that the MVR equipment is being operated properly
  - d. Identifying material that may be appropriate for training.
4. Those minor infractions that are not criminal in nature and are discovered during a routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being addressed informally, the appropriate disciplinary or corrective action shall be taken.

**H. System Administrator Responsibilities**

1. The system administrator is responsible for maintaining storage, archiving and purging recorded media. He/she also maintains security of the server vault.
2. The system administrator will dictate the settings of each MVR including MPEG format and pre-event recording time. Under no circumstance shall MVR operators change those settings without prior approval from the system administrator.
3. The system administrator shall be responsible for the long-term storage of media deemed to be of evidentiary value in conjunction with agency regulations for the storage of evidence and the retention schedule of data consistent with the Library of Virginia.

4. The system administrator will answer requests to provide a DVD copy of any recording needed for administrative purposes such as internal investigations or training. Requests must come through either the Field Operations Division Commander or his/her designee.

V. OWNERSHIP AND DISPLAY OF RECORDINGS

- A. Recordings generated on agency equipment are the property of the Loudoun County Sheriff's Office.
  1. Recorded files, which are potentially subject to continuing judicial review, including the appeals process, shall continue to be governed by the Sheriff's Office.
- B. Display of a recording's content during this time shall be limited to agency members and those specifically designated by the prosecutor or appropriate agency member.
- C. Recording media and all taped images are the property of the Sheriff's Office. Dissemination outside of the agency is strictly prohibited without specific authorization of the Sheriff or his/her designee.
- D. The recorded evidence addressed in this policy does not replace the need for other currently existing legal procedures.
- E. In obtaining warrants for offenses secured through recorded evidence, the deputy will not use the recording to replace or supplement the verbal or criminal complaint that is normally sworn. Requests by magistrates to view the recorded evidence should be denied; if questioned, a supervisor should be notified.