



CITY OF FAIRFAX POLICE DEPARTMENT

GENERAL ORDER

Subject IN-CAR MOBILE VIDEO RECORDER PROGRAM		Number 4-31
Effective Date March 2, 2017	Rescinds General Order 4-31, dated 10-12-07	
Accreditation Standards Fifth Edition 22.3.3, 22.3.4	Authority Colonel Carl R. Pardiny Chief of Police	

PURPOSE:

To establish guidelines for the use of In-Car Mobile Video/Audio Recording equipment utilized by the City of Fairfax Police Department and to establish the responsibilities of all employees who use this equipment.

POLICY:

It shall be the policy of the City of Fairfax Police Department to utilize Mobile Video/Audio Recording (MVR) equipment to assist with the prosecution of traffic violations and related offenses. Only department authorized, purchased and installed MVR's shall be used within departmental vehicles.

DISCUSSION:

The City of Fairfax Police Department is committed to developing mutual trust and respect between citizens and members of the department. The use of MVR recording systems is one tool this department has implemented to help promote and encourage this trust and respect. Mobile Video/Audio Recording equipment has been acquired by many police departments throughout the country, and it has been demonstrated to be a valuable tool for collecting and reporting evidence, reducing citizen complaints and civil litigation. It enhances training through real-life incident recordings and acts as an objective measurement of determining officer performance. This technology should assist our agency in meeting our goals by establishing a strong standard of accountability to the citizens who live in, work in, or travel through the City of Fairfax.

TERMINOLOGY:

LONG-TERM HARD DRIVE STORAGE: The location designated by the Administrative Services Division Commander for long-term storage of MVR video files. This location shall be secure and only accessible to the Administrative Services Division Commander, Administrative Services Lieutenant, Technical Services Officer, Forensics Detective and Property and Evidence Officer.

DEFINITIONS:

HARD DRIVE: Each metal housing mounted in the trunk of the vehicle contains a hard drive that captures events in a continuous loop until the recorder is activated automatic or manually by the operator.

EVENT: An incident that is recorded by the MVR and stored as a file on the internal hard drive.

MOBILE UNIT CONTROL HEAD: Detachable control head for the Mobile Video/Audio Recording system (MVR). This is the user level control interface for playback of events and includes a manual "trigger" for recording as well as seek, rewind, pause and play functions. Here members may observe LED indicators of various status changes to the MVR system.

VIDEO CAMERA: Digital video cameras will zoom and distance controls as well as on-screen menu controls. Operations of the focus and zoom can be adjusted by the member or automatically focused. Members can also momentarily focus on items such as license plates during vehicle stops to record evidence for court testimony.

WAVELET FILE: Compressed, secure video recording format used by the MVR system. It is a secure format that cannot have images or sounds altered from their original recorded version.

WIRELESS MICROPHONE: Each camera kit is equipped with a compatible wireless microphone unit. The installer initially sets the wireless microphone's audio channel specifically for that vehicle's MVR; no two units will be set with the same audio frequency.

PROCEDURE:

I. BASIC OPERATION:

- A. Members operating vehicles with the MVR equipment are responsible for the condition of the equipment. All members shall conduct a pre-shift inspection of all MVR equipment. This includes the box mounted in the trunk, camera, microphone in the cruiser, and body microphone.
- B. Prior to each shift, officers shall activate the MVR equipment and determine whether the equipment is in satisfactory working condition.
- C. Any MVR equipment problems discovered are reported to the duty supervisor immediately and the officer forwards a memorandum or e-mail to the Technical Services Officer.
- D. Officers are responsible for ensuring that they have a sufficient storage space on the internal hard drive to complete their tour of duty.
- E. Officers are responsible for notifying the duty supervisor of a hard drive that contains an evidentiary wavelet file that needs to be removed immediately or at the completion of the officer's tour of duty.
- F. The MVR equipment activates automatically when the police vehicle's emergency equipment is activated. The MVR equipment can be manually deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic.
- G. Officers are responsible for ensuring that the MVR equipment is activated so as to record traffic stops and other enforcement activities. The officer will ensure that:
 1. The video recorder is properly positioned and adjusted to record events.
 2. The MVR is not de-activated prior to the completion of the enforcement action.
- H. The officer will ensure that the wireless microphone is activated and working properly to provide narration during the video recording.
- I. Officers should also use the MVR equipment to record:
 1. The actions of suspects during interviews.
 2. Field sobriety testing.
 3. Other suspect's actions while in custody that may prove useful during the prosecution phase.
 4. Circumstances at crime and accident scenes or other events such as documentation of evidence and contraband.
 5. During the transportation of a prisoner/arrestee of the opposite sex or a juvenile until the prisoner/arrestee is removed from the vehicle for booking or placement in a holding facility.
- J. Officers are prohibited from erasing, altering or copying any data from the internal hard drives.

II. TAPE CONTROL AND MANAGEMENT

- A. The department will utilize hard drives for each in-car camera. Each hard drive will be pre-numbered for assignment to a specific patrol vehicle and list a sequential control number (i.e., 24-1, 24-2).
- B. The Forensics Detective or Technical Services Officer will be responsible for downloading data off of hard drives in police vehicles and ensure that all hard drives are empty prior to returning the MVR back in service.
- C. All video recordings not used as evidence will be retained in accordance with the Library of Virginia's retention schedule. All video recordings used as evidence in an investigation will be retained in accordance with the Investigative Case Files guidelines as referenced in General Order 8-5, Archive and Destruction Schedule.
- D. Video recordings that are retained as evidence or for civil litigation shall be handled in accordance with G.O. 4-5, "Crime Scene Procedures".
- E. Officers intending to use any recorded event in court shall advise the City Prosecutor in advance of the initial court date. This also applies to recorded events introduced during preliminary hearings or discovery motions.
- F. Officers should document all incidents and arrests in any Case Report or arrest documentation. Officers shall note the specific date, time and type of incident in the Case Report for purposes of documentation.
- G. The Commonwealth Attorney's Office has provided the following opinion on several issues concerning the usage and admissibility of recorded events for court purposes. These are as follows:
 - 1. The officer must authenticate the video/audio as an accurate depiction of what transpired during the incident.
 - 2. Under "best evidence" rules there is no case law that prevents the translation of recorded video or audio onto CD or other formats. The critical aspect is that officers must be able to authenticate information contained and reviewed by the court as an accurate depiction of the events.
 - 3. If needed for court testimony, officers need to have a copy of all necessary video files and all notes available during any court proceedings.
 - 4. There is no law prohibiting officers from recording citizens in public. Individuals in a public area have no expectation of privacy. Audio recordings of any police contact with individuals are allowed in a private residence, provided that the officers have a legal standing to be there.
- H. Video data will be taken off hard drives located inside police vehicles and placed on a designated storage device maintained by the Forensics Detective. Supervisors will be provided access to the videos for review and download if needed.

III. VIEWING RECORDED FILES

- A. If the supervisor determines that a recorded event may be of value as a training aid, the supervisor will contact the Professional Standards Lieutenant who, in turn, may request a copy of the recorded event through the Administrative Services Division Commander.
- B. Officers may view recorded events for the purpose of critiquing their own performance, as well as reviewing events to prepare notes. Officers can use the playback feature on the monitor to do this.
- C. Each squad supervisor will conduct a quarterly review of at least one non-evidentiary MVR recording series for an officer under their command. At a minimum, the supervisor should review six recorded enforcement contacts of the selected officer. Supervisors may use the playback feature for this review. The review supervisor will submit a memorandum of their findings through their chain of command to the Professional Standards Division. At a minimum, the memorandum shall contain the name(s) of the officer(s) reviewed, the dates of the recordings, and a summary of any actions or recommendations resulting from the review. The Chief of Police, Deputy Chief, and ~~the~~ Division Commanders may review

any recording at their discretion. The review shall be conducted in order to ensure the following objectives:

1. Assess overall officer performance, particularly in the areas of interpersonal communications and officer safety.
 2. Ensure the department's operational procedures.
 3. Ensure the MVR equipment is being fully and properly utilized.
 4. Identify material that may be of value for training.
- D. Sworn personnel assigned to or by the Professional Standards Division shall have the authority to view any recorded wavelet file whenever that event may pertain to an Administrative Investigation.
- E. Others, including defendants and defense attorneys (without the permission of the prosecutor) may not view recorded events relative to a pending or contemplated criminal and or civil action. Dissemination of recorded information is subject to all of the same laws and policies as any other departmental record. Authorized viewing shall take place at headquarters. Under no circumstances will an original event recording be removed from headquarters unless so ordered by the court. If so ordered, a duplicate will be made for release. The original video file(s) will be maintained on department storage devices unless ordered by the court to destroy the original copy of the event.
- F. Any viewing of a recorded event not previously covered in this policy will be conducted as specifically authorized by the Chief of Police.

IV. DUPLICATION OR RECORDED EVENTS

- A. The Administrative Services Division Commander may authorize the copying of recorded events. It shall be a goal of the MVR program to minimize the number of duplication of recorded events. All video/audio recordings shall be treated as potential evidence. Once received, each video/audio recording shall be logged into Property and Evidence in accordance with General Order 9-3, Acquired In-Custody Property.
- B. Members requesting a copy of a recorded event must do so on a PD-221, Copy of MVR Video Memorandum labeled as (Attachment "A") through their chain of command to the Administrative Services Division Commander explaining the need for the duplication. The Forensics Detective or Technical Services Officer will make a duplicate copy of the event when requested. The Copy of MVR Video Memorandum shall include the following:
1. Case number
 2. Date of incident
 3. Time of incident
 4. Location of incident
 5. Cruiser number
 6. Name of suspect
 7. Type of incident
 8. Court date
 9. Number of copies requested

- C. Members are prohibited from making secondary copies themselves or allowing any secondary copies be made. At no time will any employee of the City of Fairfax Police Department release footage of any recorded event outside of the agency unless under a court order or with prior approval from:
 - 1. Chief of Police
 - 2. Deputy Chief of Police
 - 3. Administrative Services Division Commander
- D. Requests from other law enforcement agencies shall be made on official departmental letterhead and signed by the head of that agency. The requesting agency must also submit a high quality CD with sufficient memory to cover the requested recorded event.
- E. Requests for recorded events from the media or other non-law enforcement agencies or individuals under the Virginia Freedom of Information Act will be charged a fee equal to actual costs associated with the duplication to include cost of the CD, packaging and shipping and employee salary and benefits.

Colonel Carl R. Pardini / Chief of Police

Attachment A: Copy of MVR Video Memorandum

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