



## **Kern County Sheriff's Office Policies and Procedures**

<b>TITLE:</b> In-car Mobile Audio-Video Recording System		<b>NO:</b> E-0750	
<b>APPROVED:</b> Donny Youngblood, Sheriff-Coroner			
<b>EFFECTIVE:</b> July 15, 2013	<b>REVIEWED:</b> 9/22/2017	<b>REVISED:</b>	<b>UPDATED:</b> 9/22/2017

### **POLICY**

It is the policy of the Kern County Sheriff's Office that all personnel who use the in-car video recording equipment adhere to the procedures outlined in this policy and be properly trained in the equipment's use.

The In-Car Mobile Audio/Video Recording System (MAVRS) is designed to assist and compliment patrol deputies in the performance of their duties. The MAVRS is used to record events, actions, conditions, and statements made during law enforcement activities. These recordings are intended to provide accurate documentation of incidents, enhance criminal prosecutions, aid in officer training, and limit civil liability. It is the purpose of this policy to provide deputies with guidelines for the use of the in-car video recording equipment. This policy is not intended to describe every possible situation where the system may be used; however, there are many situations where the use of the MAVRS is recommended.

### **PROCEDURE A-OPERATOR RESPONSIBILITIES**

- The proper operation of the recording equipment installed in the vehicles and the portable transmitter are the responsibility of the deputy assigned to the equipment. The equipment will be operated and maintained according to the manufacturer's instructions and recommendations. Sheriff's Office personnel will not use the video system until they have completed training on the proper use of the system.
- At the beginning of each shift, the vehicle operator will log in, identifying themselves as the operator of that vehicle, and test the MAVRS to ensure it is functioning properly. If the unit is malfunctioning, the operator will notify their supervisor immediately who shall ensure the vehicle's MAVRS is fixed and operational as soon as possible.
- The power to the system shall be left "on" during the operator's entire shift. The recording equipment will automatically be activated when certain thresholds are met (e.g. emergency lights are activated, the vehicle is involved in a collision, certain speed is reached, etc.).
- While on duty, a vehicle operator shall:
  - Ensure that the video equipment is turned on, positioned, and adjusted to record events.
  - Carry a wireless microphone on his or her person.

- Once activated, the MAVRS shall remain on and not be turned off until the initial incident that caused the MAVRS to activate has concluded. For purposes of this section, conclusion of the initial incident occurs when immediate arrests are made, arrestees are transported, and witnesses, victims, etc. are interviewed at the scene. Recording may cease if an officer is simply waiting for the arrival of a tow truck, taxi, family member, or other similar non-confrontation, non-evidentiary situation. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera; however, the audio portion can be valuable evidence and is subject to the same activation requirements as outlined above.
- Operators shall not tamper with the MAVRS in any manner.

### **DIRECTIVE A- REQUIRED ACTIVATION OF MAVRS**

Activation of the MAVRS is required in any of the following situations:

- All field contact activities involving actual or potential criminal conduct, within video or audio range, which includes, but is not limited to:
  - Vehicle pursuits
  - Code 3 responses
  - Traffic stops
  - Pedestrian checks
  - Suspicious/disabled vehicles
  - Detentions and arrests
  - Prisoner transports
  - DUI investigations
  - Operators shall record enforcement contacts that the deputy reasonably believes at the time may become confrontational or combative.
  - Any call for service involving a crime where the recording may aid in the apprehension and/or prosecution of a suspect, such as:
    - Any incident involving an allegation of domestic violence
    - Any incident involving violence, drugs, or weapons
  - Deputies should make audio/video recordings of any event where the deputy reasonably suspects that an audio/video record could have value as evidence, limit liability, or resolve citizen complaints.

Activation of MAVRS is **not required** when exchanging information with other officers, during breaks, when not in service, or when actively on routine patrol.

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## **DIRECTIVE B-SURREPTITIOUS RECORDINGS**

Absent lawful cause or order and within the normal scope of duties, no member of the Sheriff's Office will secretly record any other member of the Sheriff's Office.

## **PROCEDURE B-REVIEW OF MAVRS RECORDINGS**

Only the following members of the Sheriff's Office shall have access to review the MAVRS digital recordings:

- Senior Deputy Sheriff's
- Sheriff's Sergeants
- Sheriff's Lieutenants
- Commanders
- Chief Deputies
- Undersheriff
- Sheriff
- Internal Affairs Investigators
- Deputy reviewing his or her own recordings

Review of recordings is permitted for the following purposes:

- By the Deputy, Senior Deputy, or Sergeant for the purpose of completing their reports.
- Any sworn personnel conducting an investigation which is captured by MAVRS, shall review the video evidence prior to completing an investigative/supplemental report. If an unforeseen circumstance (eg. exigent circumstances or technical situations which would not allow the sworn personnel involved to review the video evidence prior to completing the investigative/supplemental report) occurs, the sworn personnel will be required to complete their report as current Department Policy dictates. Once the unforeseen circumstance is resolved, the sworn personnel will review the MAVRS video. If there are any additional observations, the sworn personnel shall document those observations in a supplemental report.
- By a Deputy or Senior Deputy, with supervisor approval, who is conducting follow-up on a specific case or incident and finds it necessary to review a video involving another deputy.

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- By the Sheriff, Undersheriff, Chief Deputy, Commander, Lieutenant, or Sergeant who is conducting a review of a critical incident, such as a use of force, vehicle pursuit, citizen complaint, or evaluation of Sheriff's Office business practices.
- By Internal Affairs Investigators while conducting an administrative inquiry or as part of a personnel investigation.
- By court personnel through a formal request to the Wasco Property Room Deputy or a Sheriff's Office Supervisor/Manager.
- As directed by the Sheriff.
- Recordings may be used for the purposes of training with the approval of the Commander or Lieutenant of the area involved.
- As required by law.

**DIRECTIVE C- PROHIBITED USES OF MAVRS RECORDINGS**

- Recordings may not be used for any personal use or uploading to any internet web site without the express written authorization of the Sheriff.
- In no event shall any recording be used or shown with the intent to ridicule or embarrass any employee or any member of the public.

**PROCEDURE C- DOCUMENTATION AND STORAGE**

- Any pertinent incident that was recorded with either the video or audio system shall be documented in the associated Incident Report. If a traffic citation or administrative citation was issued, a notation shall be placed on the back of the deputy's copy of the citation that the incident was recorded.
- Video/audio media will be stored in a designated secure location. All video/audio media that is not secured as evidence will be retained for a minimum of 25 months, after which time it can be erased or recycled.
- All equipment, video media, and copies will be maintained and kept in the custody of the Sheriff's Office.
- A copy of the video/audio recording will be made for any authorized person enumerated in Procedure B. Additionally; a copy may be made available to Sheriff's Office personnel for court testimony or to the court for evidentiary purposes. Personnel authorized to duplicate (write to DVD/USB) a video/audio file captured by the MAVRS include:
  - Deputy who recorded the audio/video.
  - Property Room Deputy (when applicable).
  - Sergeant/senior deputy of the involved area.
  - Involved areas Commander or Lieutenant.

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Only authorized employees may duplicate/copy video or audio files. Personnel shall do so for legitimate law enforcement purposes only. Unauthorized duplication, copying, or distribution is expressly prohibited, and personnel who do so will be subject to disciplinary action. MAVRS recordings shall be safeguarded similar to other forms of evidence. All copies made and not booked into Sheriff's Office Property Room/or used for administrative purposes will be returned to the assigned Property Room Deputy for destruction.

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