

# CITY OF ANDERSON POLICE DEPARTMENT

## Anderson, South Carolina

<b>DIRECTIVE TYPE</b> Mobile Video and Audio Recording Equipment	<b>EFFECTIVE DATE</b> January 29, 2010	<b>NUMBER</b> 1502
<b>SUBJECT</b> Mobile Video and Audio Recording Equipment		
<b>REVISED</b> January 29, 2010		
<b>REFERENCE</b> SCLEA 16.10	<b>AMENDS/SUPERSEDES</b> All Others	
<b>DISTRIBUTION</b> All Personnel	<b>RE-EVALUATION DATE</b> Annual	<b>NO. PAGES</b> 6

**A. Purpose:**

To establish rules and regulations for the use of in-car audio/visual recording equipment in vehicles assigned to division of the City of Anderson, South Carolina Police Department.

**B. Policy:**

It is the policy of the City of Anderson, South Carolina Police Department to use audio and visual recording equipment in patrol and other departmental assigned vehicles for the purpose of collection of evidence which can be used for the prosecution of those in violation of local, state, and federal laws. It is the policy of the City of Anderson, South Carolina Police Department to use audio and video recording equipment in patrol and other departmental vehicles during the officer's tour of duty.

**C. Definitions:**

1. Audio/Visual Equipment: Any portable video recorded utilizing a standard VHS or digital media format that is provided by the City of Anderson, South Carolina Police Department.
2. Wireless Microphone: A transmitter worn by the officer to record conversations between the officer and persons or violators which will be transmitted to the recording units.

**D. Objectives:**

1. To provide officers with additional methods of collecting evidence to offer into prosecution of those in violation of local, state, and federal laws.
2. To increase officer safety.
3. To decrease potential litigation against officers and the City of Anderson Police Department.

**E. Responsibilities:**

**All operators of assigned Audio/Visual Recording Equipment will:**

1. Ensure the proper care and maintenance of the Audio/Video recording equipment as dictated by the manufacturer's instructions, the fleet maintenance department of the City of Anderson, and the assigned Maintenance Technician of the City of Anderson
2. To ensure proper security of the Audio/Video recording equipment in accordance with the general maintenance policy of all departmentally assigned equipment.
3. To secure the VHS recording equipment in the trunk of the patrol car or other assigned departmental vehicle, to secure the digital media in the Audio/Video recording unit of the patrol car or other assigned departmental vehicle.
4. To park the unattended patrol or other departmental vehicle in a location that will provide the best protection against extreme moisture, humidity, heat, and extreme cold.
5. Care for batteries: Ensure that all battery powered accessories be maintained with fully charged batteries. Ensure that an adequately charged battery to be placed in the microphone transmitter-receiver unit at the start of the tour of duty. Ensure that the time and date battery can be replaced annually.
6. Ensure that the lens cap be retained on the camera when the unit is not in use to preserve the life of the sensing device in the camera.
7. Ensure that proper procedures are adhered to in a **timely manner** during, handling, unloading, loading and storage of all VHS tapes and digital media.
8. If a malfunction is detected with the recording unit, all operations will be discontinued with that particular unit. The unit will not be operated until it has been checked and necessary repairs have been made by a qualified departmental technician or representative from the manufacturing company.
9. To ensure when a VHS tape is full it is replaced with a blank tape or a digital media card is full that it is downloaded IMMEDIATELY to the designated computer for digital media.

10. A computer will be designated in the City of Anderson Police Department roll call room for the purpose of media storage with the digital camera system.

11. All department personnel issued Audio/Video equipment will be trained on its proper use and maintenance. (SCLEA 16.10 A)

**F. Procedures:**

1. Officers will utilize only department issued Audio/Video recording equipment for enforcement purposes.

2. Officers are encouraged to utilize the Audio/Video equipment to ensure their familiarity with the unit. Tapes provided by the City of Anderson, South Carolina Police Department for evidentiary purposes will not be utilized for any other purpose.

3. Audio/Video recording equipment installed in a patrol car or other departmental vehicles will be utilized for:

**Driving under the Influence investigations.**

- **Traffic stops**
- **Vehicle Pursuits**
- **Traffic Accidents**
- **Armed encounters when feasible to do so**
- **Domestic calls (when possible)**
- **Other acts of violence or potential violence.**
- **Any situation which dictates a need to preserve video or audio related evidence.**

4. Audio/Video equipment **WILL BE ACTIVATED** prior to initiating the traffic stop. The Audio/Video also will be utilized when a secondary unit is backing a primary unit, and the primary unit does not have audio/video capability.

5. The unit's video camera shall be positioned to tape any unruly or violent suspect contained within the patrol vehicle.

6. Officers shall provide audio narration with the video in record mode preparatory to each stop or upon approaching the site of any reported violence acts. It is the intent of the narration to assist the officers in preparing necessary written documents and to assist the officer or other officers in supporting probable cause.

7. Lieutenants or Sergeants shall remove the tape if it is to be secure for evidence and follow the department's chain-of-custody in preserving the tape for evidence. There should not be any keys to the video tape box other than those distributed to supervisors.

8. The evidentiary process shall include but not be limited to: Removing the tape by a supervisor with the officer present to witness the removal. The assigned officer shall be

responsible for removal of the digital media card and delivery and download to the assigned media computer. Check the evidence (tape) on a department VHS recorder/player or the digital media on the assigned designated media computer. Following the required preservation of the chain-of-custody, the Lieutenant, Sergeant or shift designee shall personally deliver the evidence (tape) to the evidence officer of the City of Anderson Police Department. The digital media card shall be removed by the assigned vehicle operator and downloaded to the designated computer only by the assigned officer. The evidence officer will follow the preservation of the chain-of-custody and cause storage of the evidence in a cool and dry storage area to preserve the quality for future reference and presentation.

The evidence (tape) shall not be reused after the initial court action while awaiting further potential appeals. The evidence (tape) shall remain a part of the post-trial records and be stored accordingly. Lieutenants and Sergeants removing evidence (tapes) for preservation, shall check out a new or erased replacement tape from the general supply and shall document all removal and replacement and this is to be made part of the investigatory records. Keys to the recording units shall be retained (one) in each patrol shift Lieutenants office. Fleet maintenance shall maintain and retain (two) master keys. An inventory of no less than 5 tapes (1 in recorder) and 4 surpluses should remain in general inventory.

**G. Video Tape and Digital Media (procedures) (SCLEA 16.10 B)**

1. Each officer assigned Audio/Video recording equipment shall ensure prior to his or her tour of duty, the tape or digital media card installed in his or her unit has sufficient footage for the respective tour of duty.
2. Each officer completing a tour of duty and whose vehicle shall be assigned to an on-coming officer shall check the tape footage or digital media card. It shall be the duty of the supervisor to verify that officers are downloading media and changing VHS tapes by establishing a date for verification.
3. If the tape or digital media card contained within the unit, at the start of the tour of duty, is evidentially not going to be sufficient for the tour; the assigned officer shall secure a new or replacement tape from his or her supervisor or immediately download the media card into the assigned computer.
4. Tapes or Digital Media cards will not be stored in the trunk or the dash of an assigned vehicle as the heat or magnetic field generated by the police radio system may cause damage to the digital media or the tape's contents.
5. Officers shall, upon completion of a tape's usage, advise her or her shift supervisor, who shall remove the tape, affix a label to the outside long edge of the of the tape. The label shall include the removing officer's name, vehicle number, shift, date the tape was started, and the date the tape was removed. The digital media shall be noted when downloaded into the assigned computer by officer's name.
6. As soon as is practical, completed tapes shall be delivered by the Lieutenant, Sergeant, or his shift designee to the evidence officer of the evidence section of the City of Anderson Police

Department. The receiving evidence officer, unless the tape is to be in special evidence storage, shall: (SCLEA 15.10 C)

7. Accept the tape from the delivering officer and log all data onto a permanent written documentation as well as make entry into computers storing such information. Break the recording tab from the VHS tape to prevent any record over. Store the tape in alphabetical or numerical order of identification. Prepare a cross reference index for location and identification of the tape.

8. Any tape or digital media deemed valuable as a training aid, the requesting instructor shall make a written request for the contents and approval of the media contents for use as a training aid, shall be made only by the Chief of Police or his designee.

9. Any tape or digital media that has been approved as a training aid shall be copied onto a duplicate tape or DVD and the original returned to storage.

10. Any tape or media that has been presented into evidence in any hearing court shall NOT be released to any other agency as a training aid without the expressed and written consent of the Chief of Police or his designee.

11. Any tape or digital media approved for release to another agency for purposes of training shall be duplicated before submission to the requesting agency. A duplication fee of \$25 made payable to the City of Anderson shall be collected prior to delivery of the tape.

12. Tape or Digital Media will not be made available to the public for viewing. This shall apply to any requesting television or radio station. Tapes or Digital Media will not be released without the expressed and written consent of the Chief of Police or his designee.

13. Tape or Digital Media shall be released ONLY by orders of the courts after requests are made through the Freedom of Information Act.

14. Tapes and Digital Media shall be made available to requesting attorneys (defense) only after an order of "Rule of Discovery" has been received. The requesting and receiving attorney may be liable for costs of duplication of the original not to exceed \$25 per single duplicated copy.

15. Costs of tape and DVD duplication shall not apply to prosecuting attorneys, the South Carolina Attorney General's Office and the United States Attorney.

#### **H. Tape and Digital Media Control**

1. Recorded tapes or digital media that will be subject to introduction as evidence into any court of law shall be maintained by the evidence officer of the City of Anderson Police Department.

2. Recorded tapes and digital media that is not subject to be introduced as evidence in any court of law shall be retained for a period of **three months** after removal from the recording units.

3. Tapes and Digital Media not subject to introduction as evidence in any court of law, shall be magnetically erased and documented, Media shall be deleted from the assigned computer. It shall be the duties of the evidence officer and the Patrol Division Captain to review and magnetically erase or delete from the assigned computer as procedures of this section define.

4. Stored tapes, both recorded and new, shall be stored so the tape is placed on end of edge. Laying the tapes flat can cause damage to the tape as well as the capstan drive wheels. Recorded tapes **MUST** be stored away from any magnetic field such as radio transmitters, speaker systems, televisions sets and other electronic transmitters or receivers.

5. Recorded tapes **SHOULD** not be shipped by means of any carrier that utilizes electronic scanning such as X-ray devices. If any tape is to be shipped by the United States Postal Service, they must be prepared for shipping in and the presence of a representative of the United States Postal Service and flagged as to the package contents for control and preservation of recoded contents.

#### **I. Installation**

1. As the recording receiver for VHS units will normally be mounted in trunks of vehicles, fire extinguisher cylinders should be removed and stored elsewhere on board the vehicles. The eruption of fire extinguishers will cause damage to the unit from the dry chemical in the fire extinguishers.

2. All installations shall be under the supervision of a factory representative to ensure proper installations as well as verification of the working condition of the units.

#### **J. Tape Inventory**

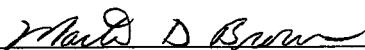
There should be at least four replacement tapes and 1 spare digital media card available for each unit at all times.

#### **K. Operational:**

If you are aware you will be making a stop of a vehicle, or about to encounter a potentially violent situation, you must activate the audio "on" and be sure the camera is recording before you actually initiate the car stop or begin your investigation of a potentially violent incident.

You also need to retain at least one and a half car lengths from the vehicle that you have stopped to ensure both sides of the vehicle and surrounding area will be in clear view of the camera lens. The audio must be on during the stop or the incident you are investigating that has the potential for violence.

By order of:

  
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Martin D. Brown, Chief of Police

1-29-2010  
Date