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# KANSAS CITY, KANSAS POLICE

## GENERAL ORDER

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RESCINDS: 80.9 issued 01/30/15

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SUBJECT: In-Car Video Equipment

REFERENCE: CALEA Ch. 41

CROSS REFERENCE:

CONTENTS:

### I. PURPOSE

### II. RESPONSIBILITIES

### III. OPERATING PROCEDURES

### IV. USE OF MVR/DVD AS TRAINING AID

### V. RECORDING MEDIA CONTROL AND MANAGEMENT

### VI. MVR RETENTION AND DISTRIBUTION POLICY

### VII. MVR AUDIT

#### I. PURPOSE

A. This order provides procedures for officers utilizing mobile video recording and audio equipment in Department vehicles.

1. Wherever the operation of the MVR is referenced in this order, such operation includes both the video and audio capabilities of this equipment (wireless body microphone, interior microphone, and video equipment).

B. Mobile video and audio recording equipment has proven to be a valuable law enforcement tool. The Department uses video recording equipment to accomplish several objectives, including but not limited to:

1. Accurate documentation of events and statements made during arrests, accidents, and other incidents, which will augment and enhance officers' reports, collection of evidence, and testimony in court;
2. Enhancing the Department's ability to review probable cause for arrests, arrest procedures, officer and suspect interaction, and evidence for investigative purposes;
3. Officer evaluation and training; and
4. To provide protection for officers and the Department from false claims of police misconduct.
5. To help build public trust through transparency.

C. Unless otherwise approved by a supervisor, officers will always drive patrol vehicles equipped with MVR recording equipment if available.

#### II. RESPONSIBILITIES

A. Records/Technology Commander is responsible for:

1. Insuring that MVR equipment is installed, maintained, and repaired as necessary for proper operation; and
2. Inspecting and cleaning each MVR system in the manner recommended by the manufacturer.

B. Sergeants are responsible for:

1. Insuring that all officers operate a vehicle equipped with an in-car video recording system and follow all established procedures for the proper use and operation of the system.

C. Division, Station, and Unit Commanders who oversee officers equipped with MVR equipment will provide administrative support and/or coordinate with the Technology Unit Commander to insure that:

1. Repair and replacement of damaged or nonfunctional MVR equipment is performed; and
2. Applicable scheduled maintenance in accordance with the manufacturer's recommendations is completed in a timely manner.

D. Officers operating vehicles equipped with MVR systems are responsible for the following:

1. Inspecting, maintaining, operating, and using the MVR system in accordance with training.
2. Logging into the system in a manner consistent with training prior to operating the vehicle.
3. Officers shall ensure that the MVR system is not bypassed, modified, or altered in any fashion so as to impede its operation.
4. Unless authorized by a supervisor, officers may not operate a vehicle when the MVR equipment is malfunctioning other than to arrange for service. The supervisor will be immediately notified in the event of any malfunction and the vehicle will either:
  - a. Be removed from service so that the necessary repairs can be made; or
  - b. Arrangements for such repairs shall be scheduled for the earliest available opportunity.
5. Logging off the system in a manner consistent with training at the end of the officer's shift.

E. Supervisors may also be required to perform manual data transfers if and/or when the wireless-upload locations are malfunctioning or are otherwise unavailable. A key lock is installed on the recorder box to restrict access. MVR master keys will be made available to supervisors for the purpose of replacing compact flash cards. Manual MVR data transfers will be performed as follows:

1. If an officer is logged onto the system, he or she must log off.
2. Using the MVR master key;
3. Open the locked media access door;
4. Power the MVR system down;
5. Remove the flash card, install a replacement, power the MVR system back up, and re-secure the flash card door. The officer will have to log-in following the procedure described in III, B, 1, is followed;
  - a. Never remove a flash card while the drive light is on.
6. Via daily mail drops, forward the flash card with loaded video files to the Operations Bureau where the data will be electronically transferred to the MVR server.
  - a. Flash cards being submitted to the Operations Bureau will be placed in designated envelopes. A label – the same as that used for DVD's (see Section VI, B) – that has been properly documented will be attached to the envelope. At the Operations Bureau, the envelope will either be turned over to the Administrative Support Specialist or dropped in the mail slot beside the Operations Bureau Office door.

F. The Operations Bureau Administrative Support Specialist or his/her designate will be responsible for:

1. The creation of all electronic case files MVR systems.
2. The transferring of all DVDs created from the MVR system to the Logistics Unit for storage as evidence.

### III. OPERATING PROCEDURES

A. Officers are responsible for the operation and care of video and audio equipment assigned to them. Prior to going in service, officers will determine that the equipment is working satisfactorily. An officer will notify his or her immediate supervisor as soon as possible if any problems are detected.

1. Direct any general questions regarding the MVR system operation initially to a supervisor and thereafter to the Technology Services Unit staff.
2. Promptly provide a verbal report to a supervisor if any in-car video equipment malfunctions or maintenance issues are identified.

B. Officers shall, whenever practical, use the MVR (video and/or audio) equipment to record:

1. The actions of suspects during interviews and arrest situations;
2. The circumstances at crime and accident scenes or other events, documenting actions such as the confiscation of evidence or contraband;
3. Vehicle pursuits or any actions relating to a pursuit (e.g. operating as a secondary unit);
4. Traffic stops, particularly, all DUI cases; and

5. Suspects and/or prisoners being held or transported in an MVR equipped police unit. This includes not only the prisoner transport vehicle (PTV), but any vehicle equipped with an MVR system.

C. Officers should use the MVR (video and/or audio) equipment to record:

1. Pedestrian checks;
2. Disturbances that can be reasonably recorded;
3. The interactions of citizens and officers where circumstances determine that such encounters are not normal; and
4. Any other activities, enforcement related or otherwise, that the officer believes would be appropriate and reasonable.

D. Officers are encouraged to use the audio portion of the MVR system to narrate events as they occur so as to provide the best evidence for court testimony (e.g., describing locations, property, and/or persons).

E. Officers will insure the MVR system equipment is operating in order to record traffic stops and other enforcement actions. In so doing, officers will insure that:

1. The video camera is positioned and adjusted to record events;
2. The wireless microphone is out of the docking port, on his or her person, and activated (turned on) in order to provide narration with the audio recording;
3. The camera and audio equipment is not deactivated until the enforcement action is completed; and
4. AM/FM radios or any other audio devices must be turned off while the vehicle is being operated as an emergency vehicle or if the MVR audio recording system is activated.

F. Officers will not tamper with or make adjustments to the audio or video equipment that would be inconsistent with the intended use of the system.

G. When officers utilize the MVR system, they shall document the recording on any investigative and arrest report (if applicable) completed in conjunction with that incident.

H. Officers will check their digital MVR equipment at the start of their shift or after changing vehicles.

1. Upon preparing to go in to service or after changing vehicles, officers will complete an MVR equipment login as follows:

- a. Insure that MVR equipment is powered up or automatically powers up about 30 seconds after the vehicle is started;
- b. Insert their personally issued, preprogrammed USB thumb drive into the MVR's USB port (located in the trunk of the vehicle), which loads the personal data-file for automatic attachment to all subsequently recorded video files;

- c. Complete the login process by pressing the trace button (T), then press the fast forward button (▶▶) and finish by pressing the record (R) button.
  - d. Insure that the officer's name and car number appears on the video camera screen;
  - e. Remove the USB thumb drive and store it in a safe place. Each officer is responsible for the care and control of their assigned USB thumb drive.
2. While the MVR is in the on position, place the wireless microphone transmitter pack into the in-car docking station and wait for synchronization to complete.
    - a. Once synchronization is complete the wireless microphone transmitter must be removed from the docking station and placed securely on the officer's person.
  3. After completing a successful login, officers will confirm their MVR equipment is operating properly by taking the following steps:
    - a. Activate the vehicle's emergency lights which should automatically create a new video file;
    - b. Conduct an audio test during the required walk around vehicle inspection; and
    - c. Review the resulting file beyond its initial 30 seconds of pre-recorded video to insure full operation of all video and audio functions.
- I. Digital MVR Use
1. MVR equipment activation of audio and video recording occurs:
    - a. Automatically when the patrol vehicle's emergency lights or siren is activated; and
    - b. Manually upon activation of:
      - (1) The wireless microphone; or
      - (2) The record button on the overhead monitor.
  2. When MVR equipment is activated to record a new video file, the MVR unit automatically captures thirty (30) seconds of pre-recorded video; however, no audio signal is captured during this thirty second period.
  3. When a vehicle's ignition is turned off:
    - a. If the MVR equipment is in the record mode, it will continue to record until it is manually turned off; and
    - b. If the MVR equipment is NOT positioned in the record mode the MVR can be activated via the belt microphone from a range of about 1,000 feet. Upon activation the MVR will record audio from the belt microphone and video from the in-car camera.
  4. When recording MVR video, officers:
    - a. Will insure that their belt microphone is in the "On" position and is working properly, so that critical audio evidence always accompanies the associated video recordings; and
    - b. Should be aware that video quality is enhanced during low-light events (when only low-beam lights are used or when use of high beams, wigwags and/or spotlight is minimized).
- J. Digital MVR Logout
1. At the end of each officer's shift, the officer will conduct a logout as follows:
    - a. Press the trace button (T) to access the logout menu;
    - b. Press the fast forward button (▶▶);
    - c. Press the record button (R) to enable the logout; and
    - d. Insure that the video display changes to no name and the MVR returns to the default mode.
- K. Archiving MVR Video Files
1. In the majority of instances, MVR Video Files will not be needed for any prolonged period of time; therefore, they will be automatically purged from the server after one hundred twenty (120) days. In order to preserve an incident that was captured on the MVR system for court or investigative purposes (or for any other purpose beyond the normal 120-day retention period) the following procedure will be followed:
    - a. Officers will complete the MVR Case Creation Form;
    - b. The form will be submitted to the officer's supervisor, who will then forward it to the Operations Bureau Administrative Support Specialist for processing.
  2. It is mandatory that the primary officer complete the MVR Case Creation Form, listing all other assisting units who have an MVR recording of the incident, for the following:
    - a. Arrests related to Driving Under the Influence of alcohol and/or drugs;
    - b. Arrests related to vehicular and/or foot pursuits;
    - c. Defensive actions;
    - d. Criminal investigations having video and/or audio recordings of an evidentiary value (e.g., recordings of car stops, pedestrian checks, arrests, seizures, suspect statements and/or confessions, or any other recordings that would aid in corroborating court testimony); and
    - e. Any other incidents where the recordings would be crucial for continuing investigative purposes (e.g., internal investigations, defensive actions, motor vehicle accidents [officer involved or other], personal injuries [officer involved or other], etc.).
    - f. CIT related calls or incidents.

#### IV. USE OF MVR/DVD AS TRAINING AID

A. MVR equipment periodically records events that may prove useful as training aids. When these incidents are captured by an MVR system, including an unusual or an exceptional incident, and the incident is perceived to be of value as a training aid, the following procedure will apply:

1. The officer that generated the recording will notify his or her supervisor and arrange to review the video with the supervisor. If the supervisor concurs, the supervisor will notify the division commander or unit commander through the chain of command and advise the commander that the recording may be submitted for training. Recommendations for the use of a recording for training purposes will be forwarded to the Operations Bureau Director for consideration.
2. If the Police Academy Commander becomes aware of an incident that has been recorded, he or she will contact the Operations Bureau Director, utilizing the chain of command, to request a duplicate of that specific segment of video.
3. Before utilizing MVR recordings for training purposes, which may reflect poorly on an officer, the involved officer will be consulted for permission to use the recording as a training aid.
4. No MVR video recording being held as evidence will be used as training material until after the case has been adjudicated, to include the appeals process.

#### V. RECORDING MEDIA CONTROL AND MANAGEMENT

##### A. Restricted Use of Video Files

1. All video files are the property of the Kansas City, Kansas Police Department.
2. Unless otherwise authorized by the Chief of Police or a Bureau Director, access to video files is restricted to official criminal justice or official business use only.
3. Any use or dissemination for unofficial or non-business related purposes is strictly prohibited.
4. All media requests for MVR video files will be submitted to the on-call public information officer.
5. All public requests for MVR video files will be submitted to the Records Unit Commander.

##### B. Digital MVR File Management

1. Officers will effectively manage their MVR unit's video files by routinely completing wireless file uploads throughout their shift; so
  - a. Sufficient file space is maintained and to insure that the MVR equipment's recording capacity of about four (4) hours is never exceeded; and
  - b. The number of officers waiting to complete end-of-shift uploads is minimized.
2. Officers should complete video file uploads wirelessly at the following locations:

- a. East Patrol Station (basement of Headquarters); and
- b. Future locations to be announced as they become available.

3. If the wireless system malfunctions or the MVR fails to upload properly, contact a supervisor to change the flash card as outlined in Section II, E.

4. Officers may access and view their video files:

- a. Via their vehicle's MVR play-file table until the video file is uploaded to the server; and
- b. Thereafter, via the Kansas City, Kansas Police Department computers with supervisor approval.

5. Supervisors and commanders will have viewing rights for all video files.

##### C. USB Thumb Drive Use and Loss

1. When using MVR equipment, officers will never:
  - a. Knowingly use another officer's USB thumb drive or data file information; or
  - b. Use any USB thumb drive that has not been departmentally issued.
2. All USB thumb drive replacement requests require supervisory approval;
  - a. Any USB thumb drive that is lost or damaged will require a brief miscellaneous report describing the circumstances surrounding the damaged or lost thumb drive.
  - b. The damaged USB thumb drive and the miscellaneous report will be forwarded to the Operations Bureau Administrative Support Specialist, who will then issue a new thumb drive to the officer.
  - c. Officers will be held accountable for the loss of their USB thumb drive in accordance with Department policy.
3. USB thumb drives issued by the Department, for MVR use, will not be used for any other data storage or transfer, in any form whatsoever.

#### VI. MVR RETENTION & DISTRIBUTION POLICY

A. If an officer determines that an incident may have evidentiary value (administrative or criminal) he or she must complete the Mobile Video Recorder Case Creation Form. If an officer has reason to believe a complaint or problem is likely to arise from a vehicle stop or other incident that he or she is involved in, the supervisor will be notified.

1. When a Case Creation form is completed, the incident will be automatically burned to a DVD, a copy will be burned of the original, and both DVDs will be forwarded, by the Operations Bureau Administrative Support Specialist, to the Logistics Unit and stored as evidence.

2. The completed form will be submitted to the officer's supervisor, who will then forward it to the Operations Bureau Administrative Support Specialist for processing.

3. If an officer needs an incident for court and it has not been previously requested to be burned the officer will have to complete a Mobile Video Recorder Case Creation Form.

a. The request must be submitted to the Operations Bureau Administrative Support Specialist forty-eight (48) hours in advance of the scheduled court appearance through the officer's supervisor or commander.

4. Whenever an original DVD is burned, the officer will retrieve the DVD from the Logistics Unit. All evidentiary rules apply to the care and custody of the DVD.

a. The Logistics Unit will maintain one of the DVDs as an original and it will not be signed out. The Logistics Unit will not burn additional copies of a DVD. In the event that the copy signed out for official business is damaged a request will be made to the Technology Unit for a new copy to be burned, with the damaged copy being signed back in to the Logistics Unit.

5. If a Mobile Video Recorder Case Creation Form is not completed on an incident that is captured by the MVR system it will be deleted from the server in 120 days.

**B.** Detectives and supervisors will have the ability to review MVR recordings directly from the system in order to determine if it has any evidentiary value, either criminally or administratively.

1. If it is determined that an incident needs to be preserved for administrative or criminal prosecution purposes a Mobile Video Recorder Case Creation Form must be completed as described in section VII, A.

2. The completed form will be forwarded to the Operations Bureau Administrative Support Specialist for processing.

3. Once the DVD has been created the supervisor or detective will sign the property out from the Logistics Unit.

**C.** If the Wyandotte County District Attorney's Office, Municipal Prosecutor's Office, or another law enforcement agency requests a copy of an incident captured by a MVR system the Operations Bureau Administrative Support Specialist will complete a Mobile Video Recorder Case Creation Form and then process it. Once the incident has been burned to a DVD it will be placed in the Logistics Unit as evidence.

1. The requesting agency will then be directed to the Logistics Unit where they will sign for the DVD.

## **VII. MVR AUDIT**

**A.** Each Division Commander shall conduct a monthly audit of MVR files for their respective division.

1. This will be completed in conjunction with the audit outlined in General Order 40.04 XV, A.

**B.** A Commander in the Division shall select a minimum of three to four (3-4) MVR files, within their Division, to review monthly and then three to four (3-different districts monthly). The commander shall ensure that

each audit contains a sample view from all three shifts, varying days of the week, and officers.

Example:

January: 111, 113, 115, 334

February: 112, 114, 332

March: 331, 333, 335

**C.** The purpose of the audit is not to issue discipline but rather ensure compliance of policy. Attention should be directed towards identifying training concerns, officer safety measures, or needs that require policy changes.

**D.** Commanders shall complete a monthly report in memorandum format that will be submitted to the respective Division Commander and the Bureau of Operations no later than the 5<sup>th</sup> of each month.

1. The report will articulate the videos (Districts) for the month.

2. Any concerns or issues noted during the review and recommend action needed or corrective action taken as needed.

3. If discipline is imposed, the commander will include any documentation and ensure the discipline is in compliance with General Order 20.01.

**E.** The Bureau of Operations shall conduct bi-annual audits of the system in the same manner as described in Section VII, B.