

  POLICE DEPARTMENT	PROCEDURE		Page 1 of 6	Procedure File No. 31-202B
	Subject Mobile Video Recording		Supersedes No.	Previous Date 05/24/2012
	Approved By Chuck Jordan, Chief of Police		Date Approved 10/28/2016	Effective Date 10/28/2016

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

PURPOSE OF CHANGE:

The policy is being updated to include Body Worn Cameras as additional equipment in the Mobile Video Recording System to capture audio and video recordings required by this policy.

POLICY:

The Mobile Video Recording System (MVRS) will be utilized to maintain trust between the Tulsa Police Department and the citizens we serve. MVRS equipment will be used to capture audio/visual recordings of certain Tulsa Police operations to collect evidence, defend against civil litigation, investigate allegations of misconduct by Tulsa Police personnel, improve performance, and identify training needs. Pursuant to state statute and this policy, audio/video recordings will be made available to the public for review. All officers using MVRS devices shall adhere to the operational objectives and protocols outlined herein to maximize the effectiveness and utility of the MVRS and the integrity of evidence and related audio/video recordings.

The Tulsa Police Department will provide MVRS equipment to Tulsa Police personnel who are most likely to be involved in enforcement action. Two types of MVRS equipment utilized by the Tulsa Police Department are the In-Car Camera system and Body Worn Cameras. The Chief of Police will designate the work assignments within the Tulsa Police Department which will require the assignment of MVRS equipment to Tulsa Police personnel. Those personnel will be assigned MVRS equipment subject to availability.

It is the policy of the Tulsa Police Department that officers equipped with MVRS will record in audio and video all enforcement action, all custodial transports or detentions, and circumstances where a citizen expressly wishes to report misconduct by Tulsa Police personnel. Audio/Video recordings will be available for viewing by Tulsa Police personnel who created the recording. Supervisors may review audio/video recordings of Tulsa Police personnel, permanently or temporarily under their supervision, to supplement the performance evaluation and training needs of the Tulsa Police Department. Supervisors may view specific audio/video recordings of the personnel under their supervision based on reasonable articulable suspicion or allegation of misconduct or violation of Tulsa Police Department Policy and Procedure or Rules and Regulations. MVRS recordings shall be considered police records and shall not be released or exported for any reason without the express consent of the Chief of Police, or designee.

It is not the intent of the Tulsa Police Department to record private conversations, phone calls, or generally invade the public's or an employee's right to privacy by recording events not specified in this policy.

SUMMARY: Procedures for the use of MVRS and the resulting A/V recordings.

APPLIES TO: All police personnel

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DEFINITIONS:

ADMINISTRATIVE RECORDING – Interaction in which a citizen expressly states their desire to report alleged misconduct of any Tulsa Police employee or an encounter where an officer believes a complaint may be made.

AUDIO/VIDEO RECORDING (A/V) – Data captured by a MVRs collecting audio and/or video recordings of Tulsa Police operations.

BODY-WORN CAMERA (BWC) – Equipment worn by a department member that captures both audio and video signals and includes at a minimum a camera, microphone and recorder.

ENFORCEMENT ACTION – interactions between Tulsa Police Officers, or employees of any other law enforcement agency occurring in the presence of a Tulsa Police officer, involving any of the following events:

- a) Any use of force
- b) Emergency response (Code 1), vehicle pursuits
- c) Any stop for a traffic violation, the investigation of any suspicious activity to include pedestrian checks and vehicle checks, DUI investigations, including sobriety checkpoints, advisement of the Oklahoma Implied Consent Law, investigation of any collision
- d) Arrests, foot pursuits, detentions, custodial transports
- e) Personal searches as defined in policy and procedure 31-107, vehicle searches, consent to search, including obtaining the consent to search, seizure of evidence
- f) Domestic violence investigations
- g) Advisement of Miranda rights by an officer and statements made by a subject after waiving Miranda rights, witness statements
- h) Arrest warrant service, search warrant service
- i) Mental health evaluations resulting in an emergency order of detention.

EVENT RECORD BUTTON – Push-button activation switch located on the BWC device.

IN-CAR CAMERA SYSTEM – All equipment permanently installed in a Tulsa Police Department vehicle used to capture audio and video. This equipment is inclusive of cameras, video processing unit (VPU), microphones, computers, and software.

MOBILE VIDEO RECORDER SYSTEM (MVRs) – Any A/V recording system either issued by the Tulsa Police Department or authorized by the Chief of Police, where the primary purpose of the device is to capture the interaction between Tulsa Police Officers and citizens as outlined in this policy.

MVRs ADMINISTRATOR – Personnel assigned and trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

PROCEDURES:

A. GENERAL PROCEDURES

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<ol style="list-style-type: none"> 1. It shall be the responsibility of the Tulsa Police Department and the City of Tulsa IT Department to ensure MVRS equipment is properly deployed according to the manufacturer's recommendations. <ol style="list-style-type: none"> a. All officers shall successfully complete the TPD approved course of instruction prior to being assigned a MVRS. The MVRS administrator or approved MVRS instructors will forward documentation of the successful completion of training by sworn police employees to the Training Division. b. Audio/video (A/V) recordings shall remain encrypted and be maintained on server storage unless specifically selected for export by the Chief of Police, or designee. c. All requests for copies of MVRS A/V recordings shall be directed to the MVRS Administrator. The MVRS administrator will only make copies of recordings with the approval of the Chief of Police, or designee. <p>B. MVRS USE</p> <ol style="list-style-type: none"> 1. At the beginning of each shift, Tulsa Police personnel will test their assigned MVRS to assure functionality. 2. If a vehicle equipped with an In-Car Camera system becomes disabled, the officer or officer's supervisor will make every attempt to upload any A/V recording prior to the conclusion of the shift. In extreme circumstances, a Captain or above may call out the MVRS Administrator to retrieve recordings from a disabled or otherwise immovable vehicle. 3. Microphones for the In-Car Camera system and BWC systems shall be worn in a manner consistent with the manufacturer's recommendations. Officers issued only an In-Car Camera system will utilize the wearable microphone while on duty. Any Tulsa Police Officer or Tulsa Police Reserve Officer partnering in that vehicle shall wear the second microphone provided with In-Car Camera systems. Officers issued both an In-Car Camera system and a BWC may utilize only the microphone configured to the BWC. 4. Officers are required to record all enforcement action defined in this policy. Recording shall not be stopped until the conclusion of any enforcement action requiring an A/V recording as directed in this policy. Officers involved in a custodial transport shall not discontinue recording until they are no longer in the presence of the person being transported. 5. Officers will activate a MVRS when a citizen expressly communicates a desire to report misconduct by any Tulsa Police Employee or a member of any other law enforcement agency. TPD personnel will report complaints against police employees in accordance with policy and procedure 31-304A. The capture of these statements will be considered administrative recordings. 6. While not mandatory, officers may advise any citizen that the interaction with police is being recorded by a MVRS. 7. In the event of an unexpected situation where a MVRS cannot be triggered due to officer safety risks, a MVRS shall be started as soon as practical and reasonable. Officers will document the reason for any delay or non-activation of a MVRS mandated in this policy in the incident report related to the event. If an incident report is not required, the delay 		

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or non-activation shall be documented in an inter-office correspondence to the Chief of Police.

8. All officers are responsible for the uploading of A/V recordings. All audio and video files must be uploaded prior to the end of an officer's assigned shift.
9. If the officer creates an A/V recording after the conclusion of their shift or if the recording is made outside of their normal shift (i.e. on a part-time job, or special event) the officer shall upload the A/V recording during their next scheduled duty day. Upon determination by an on-duty supervisor the A/V recording must be immediately off-loaded, overtime may be authorized.
10. Officers will indicate in official police reports, or citation notes, whether or not an A/V recording was captured and may provide evidence.
11. Officers shall tag A/V recordings with appropriate metadata notes and comments to include the classification of each video.
12. Once uploaded to the server, A/V recordings will be retained for a minimum of 26 months from the date of the recorded incident. Recordings can be retained longer, or indefinitely, upon the request of investigators, supervisors, etc. upon approval of the Chief of Police, or designee.
13. A/V recordings capturing the use of deadly force or the death or serious injury of any person during enforcement action shall be designated as permanent retention by the MVRS administrator at the direction of the supervisor of the investigative unit in charge of the case.
14. Investigators receiving information that A/V recordings will be required for criminal or civil cases after the 26 month retention period, shall notify the MVRS administrator to classify the file for permanent retention.
15. An officer assigned a MVRS may review their own A/V recording, and the A/V recordings of other officers involved in the same enforcement action event, to ensure accuracy and consistency of reporting.

C. MVRS ADMINISTRATION

1. The MVRS administrator will only copy A/V recordings for distribution outside the Tulsa Police Department subject to statutory requirements such as subpoenas or open records requests. The MVRS administrator will only honor such requests that are compliant with TPD policy regarding the release of information and subpoenas or at the direction of the Chief of Police, or designee. The MVRS administrator will make A/V recordings available, upon the request of a supervisor, for training purposes or administrative investigations, with approval of the Chief of Police, or designee.
2. The MVRS Administrator will maintain a log of all A/V recordings which are copied and/or released.
3. The MVRS Administrator will produce a monthly report detailing the quantity and frequency of A/V recordings created by police personnel who are assigned MVRS equipment. The monthly report will be sent to the Headquarters Captain with a copy to the Accreditation Manager noting any identifiable issues.

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REGULATIONS:

1. The Chief of Police will appoint a designee to oversee the daily operations of the MVRS program.
2. Any malfunction of a MVRS will be reported immediately to a supervisor. TPD personnel must turn in any malfunctioning In-Car Camera system to the City of Tulsa Radio Shop as soon as practical. Any malfunctioning BWC will be turned into the Tulsa Police Headquarters Division as soon as practical. The supervisor will notify the officer's chain of command in writing of the malfunction prior to the end of shift.
3. Supervisors may review A/V recordings of Tulsa Police personnel, permanently or temporarily under their supervision, to supplement the performance evaluation and training needs of the Tulsa Police Department. Supervisors may view specific A/V recordings of the personnel under their supervision based on reasonable articulable suspicion or allegation of misconduct or violation of Tulsa Police Department Policy and Procedure or Rules and Regulations.
4. Distribution of, or allowing others outside the TPD to view, duplicate, film or possess A/V recordings from a Tulsa Police MVRS, without permission of the Chief of Police, or designee, is expressly forbidden.
5. Officers are not authorized to make copies of any recordings for their personal use and are prohibited from using a recording device (such as a phone or secondary video camera) to record an A/V recording from the MVRS system.
6. A/V recordings copied for evidence shall be treated according to normal evidentiary procedures.
7. Any tampering or obstruction to any degree with the intent to disable the MVRS or impede it's utility in capturing audio and video is expressly forbidden, as is the destruction, alteration or deletion of any A/V recording except as prescribed in Regulation 12.
8. Officers shall not routinely record audio or video within a private residence unless the officer is engaged in enforcement action or making an administrative recording as defined in this policy. If an officer reasonably believes a contact in a private residence will result in a complaint of misconduct, recording is authorized.
9. Tulsa Police personnel shall not intentionally record activities of other Tulsa Police personnel which are not mandated by this policy and/or without their knowledge. Unless a pre-existing investigation is authorized by the Chief of Police, or his designee, the recording of routine non-enforcement Tulsa Police activities and/or conversations occurring in Tulsa Police facilities, and other areas where a reasonable right to privacy exists is prohibited. All Tulsa Police personnel involved in activities which require A/V recording as mandated by this policy, shall assume their activity is being recorded. Notification to other Tulsa Police personnel of activation of a MVRS pursuant to this policy is not required.
10. Whenever any officer is subject to internal administrative investigation, the officer and their representative or legal counsel shall be given an opportunity to review all relevant recordings prior to being questioned.

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11. Police personnel not listed as the primary or secondary officer on A/V recordings do not have an inherent right to view another officer's video unless they are involved in the recorded incident. However, if necessary for report or administrative purposes, a supervisor can provide supervised access to the files requested by the non-involved officer.

12. In the event of an unintentional or accidental recording not required by this policy such as a restroom break, meal break, or in a situation where a reasonable expectation of employee privacy exists, police employees can request the deletion of the A/V recording. An interoffice correspondence detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the appropriate Division Commander and copied to Internal Affairs. If the Division Commander approves, the request will be forwarded to the ISD Division Commander. Upon concurrence of the ISD Commander, an order will be forwarded to the MVRS Administrator from the ISD Commander to delete the unintentional recording. If the nature of an unintended A/V recording would cause undue embarrassment to any police employee, the requesting officer or personnel who are captured in the recording may ask that the recording is reviewed by command level personnel of the same gender. The officer capturing an unintentional A/V recording may classify the recording as "restricted". The MVRS administrator will maintain a log of deleted unintentional A/V recordings.

13. The on-duty use of unauthorized, personally owned A/V recording devices that work in a similar fashion to either the BWC or the In-Car Camera system, to record enforcement action is strictly prohibited.

14. TPD personnel shall use a MVRS in accordance with this policy. Personnel will not use MVRS to engage in any horseplay or behavior for the purposes of harassing any person due to their race, color, religion, national origin, ancestry, disability, ideology, or sexual orientation.

15. Failure to use the MVRS as prescribed by this policy may result in disciplinary action.

16. Any exceptions to this policy must be approved in writing by the Chief of Police, or designee.

REFERENCES:

31-105A, *News Media/Release of Information*
31-107, *Personal Searches*
31-112H, *Vehicle Searches, Impounding Vehicles, Inventory Searches*
31-304A, *Complaints Against Police Employees*
31-305A, *Overtime and Processing Subpoenas*
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