

# Georgia Department of Public Safety

## Policy Manual

<b>SUBJECT</b> <b>MOBILE VIDEO/AUDIO RECORDING</b>	<b>POLICY NUMBER</b> <b>12.03</b>
<b>DISTRIBUTION</b> <b>ALL EMPLOYEES</b>	<b>DATE REVISED</b> <b>6/22/2012</b>

### 12.03.1 Purpose

To provide members with guidelines for the use of mobile video/audio recording equipment and the storage, duplication and retention of recorded videotapes/DVDs.

### 12.03.2 Policy

The use of mobile video/audio recording equipment in patrol vehicles is for the purpose of collecting evidence for use in the prosecution of those who violate the law. Mobile video/audio equipment shall be utilized as prescribed in this policy and intentional interference with the proper operation of the equipment shall not be tolerated.

### 12.03.3 Procedures

#### A. Application

1. Camera recordings generated on department owned equipment are the property of the Department of Public Safety and shall be treated as evidence. Tampering with evidence, (Alteration to include tape over, erasure or other efforts to purposely destroy recorded footage, are criminal offenses under OCGA §16-10-94), intentional termination of recording while in contact with a motorist or destruction of these recordings shall result in appropriate disciplinary action.
2. Use of Department owned recording equipment for any purpose not associated with the normal performance of a member's assigned duties is prohibited.

#### B. Installation

1. Unless provided by the vendor, Headquarters Garage personnel shall perform installation.
2. Members shall not remove, add other equipment, alter, relocate or otherwise change the recording equipment positioning in the patrol vehicle from that provided in the original installation. Prior approval from the Troop Commander/Section Supervisor must be obtained to relocate this equipment for safety or operational concerns.

#### C. General Use

1. The recorder units shall be set to record at the slowest recording speed.

2. Those responsible for operating the equipment shall inspect the recording equipment at the start of each tour of duty and report to the appropriate Post Commander/Unit Supervisor any deviations from the standard operating condition, appearance or suitability for its intended use.
  - a. Malfunctions of the equipment shall be noted on the Communications Log and arrangements shall be made as soon as practical to effect repairs.
  - b. Members shall maintain a compliment of supplies necessary to provide for continuous operation of the recording equipment during a tour of duty, to include extra videotapes/DVDs and fresh batteries.
3. Members shall immediately report malfunctions that occur during their shift to the Communications Equipment Officer for notation on the Communications Log. The Post Commander/Unit Supervisor shall be notified and arrangements for repair of the equipment shall be made as soon as practical.
4. Members shall record all enforcement activities. Members shall also record other events, crash scenes, situations, and circumstances, including but not limited to armed encounters, acts of physical violence, and felonious conduct.
  - a. Members who intentionally interrupt the recording process prior to completion of the related traffic stop, pursuit or other event for which the recording was initiated shall be subject to disciplinary action.
  - b. Members shall activate the wireless microphone when a recording is initiated. The wireless microphone shall remain activated continuously during any recording process involving verbal or physical contact between a member and the subjects of any traffic stop or action for which the recording was initiated.
  - c. At the time the recording equipment is activated, the commercial radios in the patrol vehicle shall be turned off to prevent interference with the audio recording quality.
  - d. Members may elect to turn the camera off when assigned to any detail involving the need for blue lights to provide safety, such as road checks, traffic regulation posts, escorts, lengthy crash investigations, etc. Those assignments not normally involving continuous interaction with violators, but requiring the use of blue lights are the intended exception to be applied herein.
  - e. It is not the policy of the Department to require its members to cease recording solely at the request of anyone other than their supervisor.

#### D. Inspection

1. Post Commanders/Unit Supervisors or their designee shall randomly review a videotape/DVD from each member issued a camera each month.
2. Troop/Region Officers shall randomly review a videotape/DVD from each member issued a camera, at least annually.
3. These reviews shall be conducted to monitor each member's compliance with existing department policies and procedures, professionalism, member's safety, training issues, and to evaluate the camera's suitability for its intended use. A log

of those videotapes/DVDs reviewed, to include the member generating the recording shall be maintained.

E. Identification, Use and Storage of Recorded Activity

1. Videotapes

- a. Members shall place a DPS evidence label on the tape cartridge and write identifying information on the label to include the following:
  - 1) The videotape number consisting of the member's badge number, 3-digit sequential number, and 4-digit year (e.g. 999-001-2002).
  - 2) The name and badge number of the member responsible for the origination of the tape;
  - 3) The post/unit or duty assignment of the member responsible for the origination of the tape, and
  - 4) The beginning/ending date and time.
- b. Members shall complete a Videotape Evidence Report (DPS-419) for each completed tape and submit both to the Post Commander/Unit Supervisor or their designee.
  - 1) The Videotape Evidence Report shall be filed sequentially, by the badge number of the member generating the recording.
  - 2) All changes in the custody of the videotape shall be recorded on the Videotape Evidence Report.

2. DVDs

- a. Members shall place a DPS evidence label on the DVD case and write identifying information on the label to include the following:
    - 1) The DVD number consisting of the member's badge number, 3-digit sequential number, and 4-digit year (e.g. 999-001-2002).
    - 2) The name and badge number of the member responsible for the origination of the tape;
    - 3) The post/unit or duty assignment of the member responsible for the origination of the tape, and
    - 4) The beginning/ending date and time.
  - b. The same information listed above shall be written on the DVD with a permanent pen.
3. Shall be maintained in accordance with the Department's Records Retention Exhibit #13.02-1.
4. Recording tape/DVD shall remain stored in the post/unit of origination regardless of changes in affected members' duty assignments.

F. Ownership, Custody, Control and Display of Generated Recordings

1. It is the policy of this Department that the recordings generated on Department equipment are the property of the Department subject to joint control of this Department and the prosecuting agency.
2. Recorded tapes that are subject to continuing judicial review (appeals process, etc.) shall continue to be governed by the joint control of this Department and the prosecuting agency.
3. Display of recordings shall be limited to Departmental members and those specifically designated by the prosecutor or appropriate supervisor.

G. Custody and Control of Tapes Containing Evidence of Special Significance

1. Recorded tape which includes events of significant importance such as armed encounters, instances of physical violence, contraband seizures of significant magnitude, and any recorded event which would properly be re-investigated by an outside agency shall be duplicated, and the duplicate shall be turned over to the investigating agency and/or prosecuting agency.
  - a. The original video/DVD shall remain in the originating Post.
    - 1) Such tapes/DVD may be duplicated at the Post/Station level by an NCO or secretary.
      - a) Copying of the videotape/DVD shall be completed by an NCO or secretary.
      - b) The stop/incident shall be copied in its entirety.
      - c) If the videotape/DVD in question belongs to an NCO, another NCO or the secretary must do the copying.
      - d) Copies of tapes/DVDs shall only be made for State business.
    - 2) The Post/Station shall maintain a record of all duplications on the Video Duplication Form (DPS-128).
  - b. When a question of applicability of this section in a specific incident arises, the Post Commander/Unit Supervisor and the affected prosecuting authority shall jointly review the tape.
  - c. Should the prosecuting authority, after reviewing the tape, determine it is not necessary to retain possession of the duplicate, the duplicate shall be forwarded to the Public Information Office for proper erasure and disposal.

H. Transmittal, Transfer or Transportation of Recorded Tapes/DVDs

1. Transfer of recorded tapes/DVDs from one location to another shall be made by Departmental vehicle or department approved or contracted commercial carrier.
2. Periodically, cameras mounted in Departmental vehicles record events that may prove useful as training aids. Therefore, when these cameras record unusual, exceptional, or felony instances, and the incidents recorded are perceived to be of value as a training aid, the following procedure shall apply:

- a. The member responsible for generating the recording shall arrange to review the tape with the Post Commander/Unit Supervisor.
  - b. Should the recording be considered of value for training purposes, the Post Commander/Unit Supervisor shall forward a copy of the recording to the Training Division. This shall only be done after:
    - 1) The affected Troop/Region Commander has been notified of the action being taken, and
    - 2) The case to which the recording segment is relevant shall have been adjudicated in the initial (lowest level) court having jurisdiction. The Division Director can make an exception to this policy.
  - c. Other copying or reproduction of any recording or recorded segment generated by Departmental owned, in-vehicle cameras without authorization of the Commissioner, or Commissioner's designee, is prohibited.
- I. Duplication and Distribution of Recorded Tapes/DVDs
- 1. Requests for copies of recorded tapes/DVDs shall be directed to the Open Records Unit. Media requests will be handled by the Public Information Office.
  - 2. Except as provided in Paragraph 4 of this section, requests for duplication of videotapes/DVDs shall be subject to the following guidelines:
    - a. Shall be accompanied by the appropriate fee designated in Exhibit #13.01-1, in the form of cash, cashiers check, or money order made payable to "Georgia Department of Public Safety;"
    - b. The recording in question shall not be the subject of any pending criminal investigation or prosecution;
    - c. The recording in question shall not contain material exempt from disclosure under OCGA § 50-18-72, and
    - d. Subpoenaed videotapes/DVDs shall not be subject to guidelines (a) through (c) of this paragraph.
  - 3. The Open Records Unit or Public Information Office shall:
    - a. Contact the originating Post/Unit to obtain a copy of the original stop/incident that was requested. The Post/Station NCO or secretary shall:
      - 1) Produce the duplicate from the affected original using the best available technology to ensure an accurate duplication;
      - 2) Copy the stop/incident in its entirety;
      - 3) The original format of the recording will not be changed without prior approval from the Troop/Region Commander or Division Director (i.e. videotapes will be copied to videotapes and DVDs to DVDs.)
      - 4) Mark the new videotape/DVD as a duplicate, also label it with the incident/crash number, and

- 5) Forward the duplicate to the Open Records Unit or Public Information Office within five days of the request being made to the Post/Station.
  - 6) If the videotape/DVD in question belongs to an NCO, another NCO or the secretary must do the copying.
- b. Forward the duplicated recording to the requester as soon as practical and in accordance with the Open Records Act, if applicable.
  - c. The Open Records Unit and Public Information Office are authorized to make duplicate DVDs or videos.
4. Prosecutors' Requests for Videotapes/DVDs:
- a. Prosecutors will not be charged for a copy of a videotape/DVD.
  - b. At the request of a prosecutor, videotapes/DVDs may be provided directly to the prosecuting attorney for copying by the prosecutor's office.
  - c. When an original videotape/DVD is provided directly to the prosecutor's office for copying, the chain of custody of the videotape/DVD shall be preserved by having the sworn-member remain with the videotape/DVD while the recording is being made. The sworn member shall return the original videotape/DVD to the Post for proper storage.
  - d. The removal and return of the videotape/DVD for the purpose of complying with a prosecutor's request shall be properly recorded on the Videotape Evidence Report.
  - e. When equipment is available, the secretary, an NCO, or higher ranking member may copy a videotape/DVD at the Post for the prosecutor.