



Mobile Digital Recording (MDR)	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Arkansas Statutes: Arkansas Criminal Procedure	
CALEA Standard: 83.2.2	
Date Implemented:	Review Date:

- I. **Purpose:** To establish policy procedures on the use and storage of all departmental Mobile Digital Recording (MDR) equipment and data including but not limited to vehicle devices, body worn devices and independently held devices.
- II. **Policy:** This policy sets forth principles and guidelines for the utilization and storage of MDR equipment within the department. It will be the policy of this department to facilitate such technology for the collection of evidence for criminal investigation and prosecution, to provide a means for administrative investigation and inspection, and to assist in training officers to improve safety and security tactics as well as for providing for better service to the community.
- III. **Procedures**
 - A. **Training**
 - i. All officers will receive training on the proper use of MDR equipment.
 - a. Training will be accomplished via a Field Training Officer, a classroom environment or other methodology as determined by the chief or his or her designee.
 - b. All training shall be documented.
 - B. **Control and Management of MDR (equipment and data)**
 - i. Officers shall not utilize personally owned recording equipment without written permission from the chief or his/her designee. When authorization is granted, data from the equipment shall be the property of this department and shall be downloaded, stored, and maintained in accordance with this policy.
 - ii. MDR (equipment and data) will:
 - a. Be the property of this department.

- b. Not be duplicated and/or used without authorization from the chief, or his/her designee.
 - c. Be maintained and stored in a manner that allows efficient identification and retrieval.
 - d. Not leave the custody of the department unless approved by the chief or his/her designee.
 - e. Be stored for _____. **(Do Not Include the highlighted text here in policy: Each department should evaluate its computer and technological limitations and adjust storage times accordingly for this policy. It is recommended that at a minimum, this data be maintained for the statute of limitations on any possible criminal prosecution regarding a specific incident that may have been recorded. As for civil purposes, the minimum storage time should be three years from the incident in question. If resources are available, it is suggested that much longer storage time be put in place).**
 - f. Be restricted in access to supervisory personnel only as may be defined by the chief or his or her designee.
- iii. MDR containing valuable information for case prosecution, criminal or civil proceedings shall:
- a. Be protected as evidence.
 - b. Be subject to the same chain of evidence safeguards as detailed in this department's Evidence Control Policy.
 - c. Be duplicated and maintained in safe storage prior to being released as directed by the chief or his or her designee.

C. General

- i. MDR equipment in department vehicles will automatically activate when the vehicle's emergency warning devices are in operation.
- ii. MDR equipment installed in vehicles is the responsibility of the officer assigned to the vehicle, and will be maintained according to manufacturer's recommendations.
- iii. Non-vehicle MDR equipment will be operated as directed by the chief or his or her designee.

D. Supervisory Responsibilities

- i. All supervisors must be knowledgeable of MDR equipment, operations and functionally, and of departmental procedures for its use.
- ii. All supervisors shall ensure the following:
 - a. All officers under his or her command shall be knowledgeable of this policy.

- b. Equipment shall be checked at the shift's beginning to ensure that it functions properly and records the date and officer(s) name(s).
 - c. Any needed repair of MDR equipment shall be duly arranged.
- iii. First line supervisors shall review a recorded event of each officer under his or her supervision at least **twice per month**. The supervisor will log this review in the "**video review database**" (database to be implemented by Data Processing under the officer's name). Thus, each officer will have at least two notations of review in any given (30) thirty-day period.
 - iv. Supervisors will use these reviews as a quality control measure. Following such a review, the supervisor will hold a meeting with the officer and provide the officer with either positive reinforcement or constructive criticism with respect to the stop reviewed. Constructive criticism may relate to officer safety issues, demeanor, policy issues or legal issues related to the stop as well as any other supervisory observation relative to performance.
 - v. If upon review, the supervisor finds that corrective action is necessary regarding an officer's conduct, the direct supervisor may take the necessary action and bring the matter to the attention of his or her direct supervisor. In such cases, a special MDR review schedule should be implemented with respect to that particular officer for a set duration in order to ensure compliance with the corrective action.
 - vi. In cases of median and serious infractions requiring disciplinary actions, the Chief of Police or designee, after review of all information regarding the incident, shall determine the proper disciplinary action. In such cases, special MDR review schedule shall be implemented with respect to the particular officer for a set duration in order to ensure compliance with the corrective action.
 - vii. When an officer makes a video of any transaction covered by this policy and a citation is issued or an arrest is made, the peace officer shall note on the uniform citation that a video recording has been made of the transaction.

E. Officer Responsibilities

- i. Prior to checking "in service", officers will determine whether their MDR equipment is working satisfactorily.
- ii. Officers will contact their immediate supervisor as soon as possible to inform them of any issues discovered with the MDR.
- iii. The MDR equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic, during parade or funeral escorts, etc.

- iv.** Officers must ensure that equipment is operating in order to record traffic stops or other enforcement actions. In so doing, they will ensure when practical, that:
 - a.** The digital recorder is positioned and adjusted to record events.
 - b.** The wireless microphone is on to provide narration with the digital recording to explain the reason for their current or planned enforcement action.
 - c.** Actions of suspects during interviews, when undergoing sobriety checks or when placed into custody are recorded.
 - d.** Circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband are recorded.
- v.** Officers shall not in any manner attempt to alter or alter MDR recordings.
- vi.** Officers are encouraged to inform their supervisor of any recorded sequences that may be of value for training purposes.
- vii.** Officers will make a notation on the incident, arrest, and related reports when digital/audio recordings are made during the incident in question.