



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Mobile Video Recorder (MVR)	Related Policies: See Pursuits; Duty to Disclose
<p><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 The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p>	
Applicable Oklahoma Statutes:	
CALEA Standard: 41.3.7; 41.3.8	
Date Implemented:	Review Date:

- I. **Purpose:** The purpose of this policy is to direct officers and supervisors in the proper use and maintenance of mobile video recorders (MVR) as well as directing how video will be utilized as a quality control mechanism and evidence.
- II. **Policy:** The policy of The Pawnee County Sheriff's Office is to provide officers with mobile video recording devices in an effort to enhance the officers' ability to detect and prosecute criminals.
- III. **Procedure:** It is the intent of this policy that all officers who will be using a vehicle outfitted with MVR equipment shall be trained on the manner in which the MVR shall be tested, maintained and used.
 - A. It shall be the responsibility of each individual officer to test the MVR equipment at the beginning of each tour of duty. In the event that the equipment is found to be functioning improperly, the officer shall report the problem immediately to their immediate supervisor so that the information can be documented, and arrangements made for repair.
 - B. Except when MVR equipment unforeseeably does not function, all motor vehicle stops or street encounters conducted by officers using department vehicles with MVR equipment shall be recorded by these vehicles, using both the video and audio MVR functions.
 - C. The recording shall begin no later than when the officer first signals the vehicle to stop or arrives at the scene of an ongoing motor vehicle stop initiated by another law enforcement officer or when the officer initiates a street encounter or arrives at a street encounter initiated by another officer.
 - D. The recording shall continue until the motor vehicle stop or street encounter is completed and the stopped vehicle or the citizen involved in the street encounter

departs or until the officer, whose cruiser has MVR equipment discontinues his or her participation in the stop or encounter, by leaving the scene.

- E. The recording shall include searches of any kind, to include; K-9 searches of vehicles, arrests of any persons, operators or occupants of vehicles and the issuance of violations.
- F. All officers involved in pursuits in any capacity shall utilize the MVR throughout the pursuit.
- G. All transports shall be recorded with audio and, to the degree possible, video.
- H. If an officer, whose vehicle has MVR equipment, participates in a transport, pursuit, traffic stop or street encounter is aware that the event was not recorded using the MVR equipment, the officer shall immediately notify the dispatcher that the stop was not recorded and should notify the district sergeant as to the reasons why the stop was not recorded. The notification to the sergeant shall be in writing and shall be forwarded through the chain of command to the commanding officer of the division the officer is assigned.

I. Electronic storage

- A. Original digital files from MVR will be downloaded and stored on a designated network server or other electronic storage.
- B. Officers shall download MVR video/audio files before the end of each shift.
- C. The Pawnee County Sheriff's Office will maintain a duplicate electronic file of recordings submitted to other agencies for court or other purposes.
- D. All recording media, recorded images and audio recordings are the property of The Pawnee County Sheriff's Office. Dissemination outside The Pawnee County Sheriff's Office is strictly prohibited without specific authorization of the Sheriff or designee.
- E. Malicious destruction or deletion of video and audio files is prohibited.
- F. All video and audio files are subject to open records request as allowed by state law.
- G. Electronic media will be stored in a manner designated by The Pawnee County Sheriff's Office.
- H. If a recording is used in a disciplinary action resulting in suspension or termination against an employee, the recording shall be held for a minimum of three (3) years from the completion of the disciplinary action.
- I. Electronic Media is subject to review by the Sheriff or their designees.
- J. Video shall not be reproduced for purposes which are outside the scope of authorized uses under this policy without the express authority of the Sheriff or their designee.

II. MVR Evidentiary/Administrative Procedures:

- A. When an officer becomes aware that a MVR recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by The Pawnee County Sheriff's Office.

- B. When a MVR related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the video is uploaded to the network server and disseminate per agency procedures.
- C. Where there is any indication that the MVR may contain “*Brady*” material, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the “Duty to Disclose” policy of The Pawnee County Sheriff’s Office.
- D. Civilians shall not be allowed to review recordings except as approved by the Sheriff or their designee, through the process of evidentiary discovery and/or proper public records request.

III. Supervisory Responsibility – Video Recordings

- A. 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.
- B. 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.
- C. 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 direct supervisor. In such cases, a special MVR review schedule should be implemented with respect to that particular officer for a set duration in order to ensure compliance with the corrective action.
- D. In cases of median and serious infractions requiring disciplinary actions, the Sheriff or their designee, after review of all information regarding the incident, shall determine the proper disciplinary action. In such cases, special MVR review schedule shall be implemented with respect to the particular officer for a set duration in order to ensure compliance with the corrective action.
- E. When a peace 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 videotape has been made of the transaction.

IV. Recording of Juveniles and Release of Materials.

- A. Access to a person's juvenile crime records is much more restricted than access to adult crime records. Most juvenile crime records are confidential and access will be denied to the public and media. Access to juvenile records is usually only granted to certain persons and organizations such as: Local, state and federal law enforcement, Prosecutors, Court officials, Parents, The juvenile's attorney. Recordings that capture criminal activity involving juvenile offenders will not be released to media or the general public.

- B.** No recordings of Juveniles captured through the use of The Pawnee County Sheriff's Office's BWV/MVR will be released to the public or the media; this includes but is not limited to images and voice recordings of Juvenile Victims and Juvenile Witnesses.
- C.** School Resource Officers (SRO): Students are protected from release of records by the Family Educational Rights and Privacy Act. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. SRO's that capture video and audio recordings of students during educational and extra-curricular school activities are subject to FERPA.