

	STANDARD OPERATING PROCEDURE State Form 39870(R/S-06)	Reference Number ENF-010
	Subject Law Enforcement Recording Equipment	
	Special Instructions Replaces ENF-031 dated January 15, 2015	Effective Date October 27, 2016

I. PURPOSE

Establish guidelines for the use of audio, visual or audiovisual law enforcement recording devices (LERD) and the storage and retention of law enforcement recordings by Department personnel.

II. POLICY

The use and retention of audio, visual or audiovisual recordings of law enforcement activities by Department personnel, with issued or non-issued equipment, shall conform to the standards of Indiana code contained in 5-14-3-2. Personnel shall ensure law enforcement recordings, which they recorded or are responsible for, are uploaded and only disseminated as outlined in this standard operating procedure.

The (GHQ) Laboratory shall be responsible to oversee and manage the Digital Asset Management System (DAMS) which shall serve as the official repository for all applicable law enforcement recordings.

Personnel shall utilize Department issued recording equipment when available. The use of personal cell phones, while discouraged, is not prohibited. However, when a personal cell phone is utilized in the scope of the officer’s duties, the applicable recordings must be uploaded following the guidelines outlined in this procedure. Further, the use of personal cell phones may cause that equipment to become eligible for disclosure in future legal proceedings. No other recording equipment may be used to create audio, visual or audiovisual recordings without prior authorization and approval by the district commander.

III. DEFINITIONS

A. Activation of in-car LERD – In-car LERDs are designed to begin background recordings when either a commission’s accessory switch or ignition switch is turned on. Event recordings begin when either the commissions emergency lights are turned on or when manually triggered by the officer from either the in-car device or by the remote microphone on the officer’s person.

B. Background Video/Recording – Means all the “non-event” recordings retained in the internal hard drive by an in-car LERD from the time the device is turned on until it is turned off, manually stopped or overwritten by the system. These recordings shall also include copies of designated event recordings which shall remain on the devices internal hard drive until such time as the hard drive is full and the device begins to overwrite previous recordings.

C. Event Video/Recording – The parts of a recording that are designated to be retained for uploading purposes. This part of the recordings is saved to a removable USB thumb drive within the in-car device and is separate from the internal hard drive unit and will not be over written when full. Event recordings are triggered when an officer manually activates the record feature or the emergency lights on the commission are activated.

D. In-Car LERD – A device attached to a vehicle of a law enforcement officer in order to capture law enforcement activities.

E. Law Enforcement Recording (LER) – An audio, visual, or audiovisual recording of a law enforcement activity captured by a camera or other device that is: (1) provided to or used by a law enforcement officer in the scope of the officer's duties; and (2) designed to be worn by a law enforcement officer or attached to the vehicle or transportation of a law enforcement officer. *See* IC 5-14-3-2(k)

F. Law Enforcement Recording Device (LERD) – A camera or other device used to capture audio, visual or audiovisual recordings of law enforcement activities. This may include but is not limited to in-car (mobile) cameras, video recorders, cell phones, audio recorders, etc. This also includes the use of personal cell phones in the scope of the officer's duties.

G. Non-Standard In-Car LERD – An in-car LERD that differs in either make, model, type of media used or options from the standard in-car LERD, as determined by the Department, and has been “grandfathered” for current use after July 1, 2016.

H. Record after the fact – A feature used to access background recordings to manually trigger an event that was not originally recorded as part of an event. Ex: while working in a construction zone a crash occurs within the field of the device. Use of this feature will allow the user to access the background recordings and trigger an event capturing the entire crash.

I. Standard In-Car LERD – The make, model or type of media used as in-car LERD that has been selected by the Department as its primary in-car LERD.

J. Storage (Permanent) – The Digital Asset Management System (DAMS) shall serve, in part, as the official repository for all law enforcement audio, visual or audiovisual recordings for the Department.

K. Storage (Temporary) – The storage capability of the audio, visual or audiovisual recording device used to make the LER. Temporary storage on this device will be from the time of the events recording until it is transferred to permanent storage as outlined in the procedure below.

L. **Transfer** – The movement of event recordings from the LERD into permanent storage within the DAMS.

M. **Trigger** – The activation of the commission’s emergency lights, the use of the “record after the fact” function, or by manually depressing the “record button” on the device or on the officer’s remote microphone to start an “Event Recording”

IV. USE OF AUDIO, VISUAL or AUDIOVISUAL RECORDING DEVICES

A. LERs shall not be duplicated, altered, erased, or manipulated in any manner inconsistent with this procedure.

B. Officers shall inform those who ask that audio/video recording equipment is in use.

C. All LERs are considered evidentiary and confidential and may only be released to or viewed by persons or agencies with the right to and the need to know with the approval of the Department’s Legal Office unless otherwise noted in this SOP.

D. Department issued recording equipment should always be used when available. While not prohibited, the use of a personal cell phone should only occur as a last resort and when either Department equipment malfunctions or is not readily available.

Note: the use of a personal cell phone may open the device up to disclosure during legal proceedings.

E. Only LERDs issued by the Department or LERDs approved, purchased and installed in accordance with FIS-002 may be utilized by Department personnel.

V. RELEASE OF LAW ENFORCEMENT RECORDINGS

A. LERs created by Department personnel are and shall remain the property of the Department regardless of the device used to create it.

B. No copies or duplication of any LER shall be made prior to the LER being uploaded to and accepted into the DAMS without direct approval of the Legal Office.

C. Any LER from a non-standard in-car LERD not compatible with the DAMS (e.g. incapable of being uploaded) shall be stored at the issued employee’s district or office of assignment after being properly documented for future use.

D. All non-standard in-car LERDs shall follow the procedures outlined in this policy for release of a LER.

E. All requests (except as noted in sub-section F) for duplication or release of a LER shall be forwarded to the Legal Office for review. This shall include requests by:

1. The Public Information Office or any district Public Information Officer; or
2. Any personnel including the Training Section with knowledge of a LER that might be beneficial for training purposes of other Department personnel.

F. After successful uploading of a LER to DAMS or the proper storage of non-standard media, duplication or dissemination for the following reasons is permitted without the Legal Office's approval:

1. For court proceedings or preparation by an employee for legal proceedings related to the LER;
2. To assist in an on-going investigation;
3. For review by a supervisor for the purposes of training, supervision or possible disciplinary action; and
4. For use by authorized personnel for the investigation of a preliminary inquiry or internal investigation.

VI. STORAGE of LAW ENFORCEMENT RECORDINGS

A. All law enforcement recordings created by Department personnel shall be properly saved, transferred and stored (Permanent and Temporary) as outlined in this procedure.

B. No LERs shall be stored, saved or retained by Department personnel in any form or device outside the procedures outlined in this policy.

C. The Laboratory Division shall be responsible for the DAMS and its supporting functions.

D. All LERs shall be uploaded to the DAMS by:

1. The beginning of the officer's next tour of duty/shift occurring on that or the following calendar day after the events were recorded;
2. The end of the officer's current shift, if the officer will be off work for an extended period of time (e.g. regular days off, accrued time, or administrative leave) prior to beginning the next shift; or
3. By a supervisor or (at the direction of a supervisor) another officer familiar with the transfer/upload procedures if due to exigent circumstances (injury or duty status), the originating officer is unable to complete the upload.

E. Upload of LERs.

1. Regardless of the type of device used to capture a LER the content shall be uploaded to the DAMS. Officers should upload LER content through the use of a Department laptop or district computer capable of accessing the DAMS through a physical network connection (blue line). If a blue line is unavailable, officers may utilize a wi-fi network (preferably not a public network) to submit LERs through a Department issued VPN connection.

2. Standard In-car LERDs.

a. The removable USB thumb drive shall be removed from the in-car hard drive and inserted into an appropriate computer.

b. The DAMS portal shall be opened to transfer the LERs to the DAMS.

3. Connection of other recording devices:

a. Data may be transferred off any device that is capable of direct connection to a Department computer (e.g. SD Card) or a wired connection to devices such as handheld video recorders, digital audio recorders, portable hard drives, and some cell phones.

b. Recording devices that do not allow for direct connection may utilize email or cloud-based storage (cloud, Google Drive, etc.) to transfer the data to a Department computer and then complete the upload.

F. All LERs from non-standard LERDs shall be properly stored at the employee's (who was responsible for the recording) district or office of assignment in the properly designated storage cabinet/location. Note for the purposes of this SOP, the term office shall include any section, division, or other authorized entity of the Department.

VII. IN-CAR LERD (Law Enforcement Recording Devices)

A. In-car LERDs shall:

1. Be installed by Field Support Services (FSS) in Department commissions based on availability of equipment and upon a commander's request/recommendations that an employee be issued an in-car LERD;

2. Not be moved from their originally installed position without written authorization from the Assistant Chief of Staff (AC/S) Logistics;

3. Have all optional and recording settings pre-set by FSS as directed by the Department's Legal Office. Personnel shall not change or attempt to change any settings without proper authority or authorization.

4. Be operated as per Department policies in conjunction with the manufacturer's specifications; and

5. Officers issued in-car LERDs shall be responsible for routinely inspecting the equipment and reporting, through proper channels, to the Commander of the FSS, any deviations in the operating condition, appearance or suitability for continued service of a particular device.

Note: Some standards in this SOP may not apply (due to type of media or options available on older units) to non-standard LERDs utilized by the Department. However, personnel utilizing issued non-standard LERDs shall be required to adhere to all applicable sections of this SOP.

B. All properly functioning in-car LERDs shall be activated (when the accessory switch is on or the engine is started) while the commission is in operation to allow background recordings. This is not required during periods of service or maintenance as referenced below in section D.

C. Deactivation of event video may occur during long periods of use of emergency lighting (such as when directing traffic, a crash scene, a superload, or in construction zone, etc). The officer may manually select "stop" which will stop the "event recording" but will allow the device to continue with background recording.

D. When authorized personnel are performing maintenance to a commission that would cause background recording to begin, the manufacturer recommends removing the fuse for the device from under the hood to disable the device, rather than selecting stop to deactivate it.

E. Triggering Event Recordings.

1. Event recordings are automatically triggered by:

- a. Activating the commission's emergency lights;
- b. Selecting record on the in-car device; or
- c. Activating the remote microphone.

2. Event recordings may also be triggered by using the "record after the fact" feature on the device. When a situation occurs and an event recording was not in progress or automatically triggered, the officer may use the touch screen to locate the missed event within the background recording. An event recording is created by tagging the start and stop times of the event in the background recording.

F. Documenting event recordings.

1. Event recordings are automatically tagged with the date, time and location of the event, as well as the officer's name and car number.
2. In situations where a CAD number or Incident number is drawn for an associated event recording that number shall be manually tagged to the event recording. The officer shall ensure that a notation is made in the CAD detail and incident reports (if applicable) that a LER exists that relates to the incident.
3. Tagging may occur at the time the event was captured or after it has been uploaded.

G. Officers shall not:

1. Attempt to or override, disrupt, defeat, or in any way prevent the recording of a LERD;
2. Stop, turn off, or disrupt an event recording until there is reasonable belief that the event has concluded; or
3. Officers shall not attempt to erase or alter any recording prior to or after submission to the DAMS.

H. For the requirements and procedures for transferring and/or uploading event recordings to the DAMS, refer to paragraph VI: Storage of Law Enforcement Recordings.

VIII. RETENTION OF NON STANDARD RECORDINGS

A. Storage of applicable LERs from non-standard LERDs and media shall be retained at the district/office of assignment of the employee creating the LER. Note for the purposes of this SOP, the term office shall include any section, division, or other authorized entity of the Department.

1. The applicable commander shall be responsible for the accountability of non-standard media and LERs.
2. Non-standard media shall be placed into the official district/office media storage cabinet as per this procedure unless the non-standard media is to be placed in the primary evidence system or transferred to the Laboratory, at which time the procedures in LAB-001 and LAB-002 shall be followed.
3. All VHS tapes shall have an adhesive label on the tape cartridge and outside case and contain identifying information on the label to include the following:
 - a. A non-criminal incident number titled 'Mobile Video Tape Storage'.
 - b. Name and PE number of the unit responsible for generating the recording.
 - c. The district of assignment.
 - d. The first and last date this particular VHS tape was used.

e. If the VHS tape includes the recording of an event that is the subject of an incident or crash report, each such incident/crash report number shall be listed separately.

B. All LERs from non-standard LERDs (e.g. VHS tapes and DVDs) of no further internal, civil or criminal evidentiary value that are stored at a district or office shall be forwarded to the Laboratory Division for destruction annually on July 1st, if the recording was made at least two (2) years prior to the purge date.

C. All LERs from non-standard LERDs containing pending internal, civil or criminal evidence shall be retained in a secured location at the district or office where the employee was assigned at the time the LER was made until the conclusion of the case or cause.

D. When requested by the Legal office, the entire non-standard media (VHS tape or DVD) containing a requested segment shall be sent to the Laboratory Division for processing and authorized release. Non-standard media sent to/returned from the Laboratory shall:

1. Be transferred using the proper evidentiary procedures for chain of custody;
2. Require a supplemental report to be completed to document the transfer utilizing:
 - a. A previously assigned incident, case, or crash report number for the media or specific segment requested, or
 - b. Issuance of a new incident number if the media was not previously assigned an appropriate number.
 - c. Non-standard media sent to the Laboratory for processing at the request of the Legal Office shall be returned to its originating district or office utilizing the proper evidentiary procedures.

E. Reproduction or copies of non-standard media shall only be completed at the Laboratory Division when requests are generated from the Legal office.

F. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies, and procedures.