

# DALTON POLICE DEPARTMENT

		<i>Effective Date</i> <b>February 24, 2004</b>	<i>Number</i> <b>GO03-7.9</b>
<i>Subject</i> <b>Overt Electronic Recording and Monitoring</b>			
<i>Reference</i> <b>CALEA Standard – 41.3.8</b>		<i>Revised</i> <b>February <del>23, 2021</del> 28, 2023</b>	
<i>Distribution</i> <b>All Personnel</b>	<i>Re-evaluation Date</i> <b>February <del>2023</del> 2025</b>		<i>No. Pages</i> <b>7</b>

## I. Policy

It is the policy of the Dalton Police Department to routinely utilize overt electronic recording equipment and monitoring techniques for the purposes of collecting evidence, which could be used in prosecuting those who violate the law, evaluating Officers' performance, and producing training material.

## II. Definitions

- A. *Covert* – An electronic device is covert when it is hidden from normal view or otherwise secreted away, and at least one of the individuals to be recorded has a reasonable expectation of privacy. Examples of covert recording devices are body recorders / transmitters or parabolic microphones. For Department guidelines on covert surveillance, see policy GO03-7.8, Covert Electronic Recording and Monitoring.
- B. *Overt* – An electronic device is overt when it is not hidden from general view, regardless of whether or not the person being recorded actually sees the monitoring device or knows of its existence. Examples of overt surveillance devices include:
1. Audio / video recording equipment mounted in interview rooms, hallways, parking lots, waiting rooms, etc.
  2. Recording devices used openly and in a non-concealed manner
  3. Audio / video recording equipment mounted in a patrol car
  4. Handheld video cameras
- C. *No or low expectation of privacy* – In some instances persons have no or a low expectation of privacy to include, but not limited to:
1. Officers recording telephone conversations where they are a party to the conversation

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2. Officers recording face-to-face conversations where they are a party to the conversation
3. Recording information at a crime scene
4. Monitoring and recording public hallways, elevators, and rooms (except restrooms) of a public building, including the Police Services Center
5. Monitoring and recording sobriety tests
6. Recording of voluntary statements made by victims, witnesses, or suspects
7. Recording of routine traffic stops with portable or fixed recording equipment

III. **Audio Recorders (AR) and / or Video Recorders (VR)**

- A. AR and / or VR allow for accurate documentation of statements made during police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of Officer reports and testimony in court.
- B. Audio and / or video recordings also enhance the Department's ability to review probable cause for arrests, Officer and suspect interactions, evidence for investigative and prosecutorial purposes, and to provide additional information for Officer evaluations and training.
- C. AR and / or VR may also be useful in documenting crime and accident scenes or other events to include the confiscation and documentation of evidence or contraband.

IV. **Procedures**

- A. Use of Recording Equipment, General
  1. Officers may utilize, during both routine and special investigations, overt recording equipment when the recording equipment is generally in view or when there is no or a low expectation of privacy.
  2. Overt recording equipment utilized by Officers shall be issued by the Department and / or approved by the Chief of Police or his / her designee. Such overt recording equipment may include:
    - a. Handheld audio recorders
    - b. Handheld video recorders
    - c. Video cameras mounted in the hallways, interview rooms, and assembly areas of the Police Services Center

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- d. Mobile audio / video recording equipment installed in patrol cars
  - e. Body worn cameras
3. All criminal investigation interviews and interrogations conducted at the Police Services Center shall be recorded utilizing the equipment installed in the interview rooms.
  4. Officers should record interviews or interrogations by audio and / or video when they are conducted away from the Police Services Center.
  5. Officers shall note in incident, arrest, and related reports when audio and / or video recordings were made during the incident in question.
  6. Officers may carry and use Department-issued audio recorders. These devices have many administrative uses including note taking, dictating reports, or recording accident details. When using devices for these type situations, Officers may use their own discretion regarding retaining audio recordings. If the recording can be used as criminal evidence, the recording shall be saved and secured as any other evidence. Otherwise, the recording may be erased or deleted after one (1) week.
  7. For Department guidelines on body worn cameras, see policy GO15-7.24, Body Worn Cameras.
  8. Equipment malfunctions shall be brought to the attention of the Officer's supervisor as soon as possible so that a replacement unit may be procured.
- B. Use of In-car Mobile Video / Audio Recording Equipment (MVR)
1. Before Officers are allowed to use the MVR, they shall receive training on the operation and use of the MVR while they are in the Field Training Officer Program or when assigned a vehicle with a different type of system.
  2. MVR equipment is the responsibility of the Officer assigned to that vehicle and shall be maintained according to vendor / manufacturer's recommendations.
  3. Prior to each watch, Officers shall determine that their MVR equipment is working properly and shall bring any problems at this or other times to the attention of their immediate Supervisor as soon as possible. If the problem cannot be resolved, a work order shall be filled out and the vehicle downed so the mechanic can check the problem. If the fleet mechanic cannot resolve the problem, he shall call the vendor to repair the MVR.
  4. MVR equipment will automatically activate when the vehicle's emergency warning devices are in operation. The equipment may be deactivated manually during non-enforcement activities, such as protecting accident scenes from other vehicular traffic.

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5. Officers shall ensure that the MVR equipment is operating in order to record traffic stops or other enforcement actions. Officers shall ensure that:
  - a. The video recorder camera is positioned and adjusted to record.
  - b. The MVR is not deactivated until the enforcement action is completed.
  - c. The wireless microphone is activated to provide narration with the video recording.
6. Officers shall also ensure that the MVR equipment is recording when the vehicle is being driven with its emergency equipment activated.
7. Officers shall not erase, reuse, or in any manner alter MVR recordings or storage devices, except in accordance with this policy.
8. An Officer shall request a case number from the Whitfield County 911 Center on his / her first work day of the year. This case number shall be used for all MVR submissions during the year. Officers shall reference the MVR case number in the narrative of any relevant incident, accident, citation, or other report in order to retrieve the recording for use in court or training.
9. For systems utilizing USB drives, Officers shall remove the USB device and submit it to their Supervisor for downloading and recording onto a DVD. The DVD shall then be entered into evidence using the Officer's assigned case number.
10. Officers are encouraged to inform their Supervisors of any recordings that may have a value for training or might provide a better tactic for other Officers to use.
11. Officers shall only use data storage devices that are approved by the Department.
12. Officers are encouraged to use the MVR equipment during traffic crash investigations, especially when speaking with witnesses and drivers. Officers are also encouraged to use the MVR equipment when, at the discretion of the Officer, the recording of events may assist in future investigations, such as recording the actions of victims, witnesses, and suspects during field interviews.
13. Any data captured by an MVR may be used during criminal or legal processes if the data meets required legal guidelines. All data captured by an MVR is the property of the Dalton Police Department and can be used in administrative reviews and functions.

C. Restrictions on Using Audio / Video Recorders and MVRs

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1. ARs, VRs, and MVRs shall only be used in conjunction with official duties, primarily including, but not limited to, the investigation of crime or other violations of the law. Officers may not activate the recording device to surreptitiously record:
  - a. Communications with other Department personnel without the permission of the Chief of Police or his / her designee.
  - b. Conversations that concern matters over which the person being recorded would have a reasonable expectation of privacy.
2. This policy does not govern the use of surreptitious recording devices used in undercover operations.

V. **Recording Control and Management**

- A. The security of a recording is the responsibility of the Officer maintaining the recording.
- B. DVDs, CDs, or other items used for storing recordings shall be marked by the Officer with his / her name, case number, and the date or dates of use and then entered into the Property and Evidence Section.
- C. All recordings containing information that may be of value for case prosecution in any criminal or civil adversarial proceeding shall be safeguarded in the same manner as other forms of evidence.
- D. Audio recordings on a digital recording device that contain information that may be of value for criminal and / or civil cases shall be downloaded to a Department computer, and the file may be saved to a compact digital disk (CD). The CD shall then be safeguarded in the same manner as other forms of evidence.
- E. Data shall be stored in compliance with O.C.G.A. 50-18-96.
- F. Video recordings from body-worn cameras or MVRs shall be retained for 180 days from the date of such recording unless the recording is part of a criminal investigation, shows a vehicular accident, shows the detainment or arrest of an individual, or shows an Officer's use of force. For those events, the recordings shall be retained for a minimum of thirty (30) months from the date of such recording.
- G. DVDs or CDs used to store recordings shall not be reissued for operational use.
- H. Requests for copies by other law enforcement agencies:
  1. A request for copies should be in writing to the Property and Evidence Technician or the Chief of Police or his / her designee.
  2. The request is to be signed by a law enforcement official of the requesting agency.

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3. The duplicate recordings are furnished to the requesting agency for the express use of the requestor and further duplication or distribution without the express written consent of the Chief of Police or his / her designee is prohibited.
- I. Requests for copies by others not associated with law enforcement:
    1. A request must be a court subpoena or made through the Georgia Open Records Act (O.C.G.A.) 50-18-70 through 50-18-76.
    2. The request is accompanied by a fee not to exceed the amount specified in the Georgia Open Records Act and paid to the Records Section.
    3. The requesting entity cannot further duplicate or distribute the recordings without the express written consent of the Chief of Police or his / her designee.

VI. **Supervisory Responsibilities**

- A. Supervisors shall ensure that personnel equipped with or responsible for AR / VR devices utilize them in accordance with the policy and procedures defined herein.
- B. Nothing in this policy prohibits a Supervisor from taking custody of recordings which may require a Supervisory review or Professional Standards Unit investigation.
- C. Quarterly, the Professional Standards Unit shall review at least five (5) MVR DVDs at random to determine compliance with policy and training. The Professional Standards Unit shall submit a memorandum to the Chief of Police and the Patrol Division Commander indicating:
  1. The recordings that were reviewed
  2. The name of the Officers reviewed
  3. A description of any policy violations, rudeness, or training needs associated with the recordings

VII. **Recording of Radio Transmissions and Telephone Lines**

- A. All incoming and outgoing telephone calls to and from the Whitfield County 911 Center's main numbers and the 911 emergency lines are recorded.
- B. These lines are accessible twenty-four (24) hours a day for calls for service.
- C. All radio transmissions on the Department's priority frequency are recorded.
- D. The Whitfield County 911 Center is responsible for maintaining all telephone and radio recordings. Recordings may be reviewed at the request of a Supervisor. Copies of particular segments can be obtained by memo request through a

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Supervisor. The Supervisor shall forward the approved request to the Whitfield County 911 Center's Administrative Assistant.

VIII. **Security**

- A. A video monitoring system records events at key locations inside and outside the Police Services Center building complex. The recording system can be accessed in person in the server room in the Records Section or virtually by remote connection.
- B. The video monitoring system is maintained by the City's I.T. Department to ensure proper operation and storage of recordings. Recorded video is maintained for six (6) months.
- C. Any malfunction of the video monitoring system shall be reported immediately to the Support Services Division Commander and the appropriate repair scheduled immediately.

*This policy supersedes any policies previously issued.*

**BY ORDER OF**

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**CHIEF OF POLICE**

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