

C. Investigation.

1. An investigation will be done by the Earlham Police Department in conjunction with the County Sheriff's Department and the State's Division of Criminal Investigation.
2. Upon completion of the investigation, if it has been found that the officer(s) acted within his/her scope of duties, then the Department will continue to provide legal representation, but if it has been found that the officer(s) acted outside of his/her scope of duties, then it will no longer be the Department's responsibility to provide legal representation. Upon completion of the investigation and after receiving all reports, the Chief of Police shall act on the findings. If it has been found to be justified, it shall be the Chief of Police's responsibility to determine the status of the officer(s). If it has been found to be not justified, the Chief of Police shall then consult with the County and City Attorneys to determine what action to take.

**Earlham Police Department
Mobile Video/Audio Recording Equipment Policy
(If available)**

General

If the Earlham Police Department operates patrol cars with in-car video camera recorders, this policy is to establish guidelines relative to their use, and is general in nature. In those instances where specific policy guidance is not available, officers will be expected to exercise discretion and common sense.

Procedure

1. Program Objectives: When this agency has adopted the use of mobile in-car video/audio recording systems (MVR) in order to accomplish several objectives, including:
 - (a) Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and testimony in court; and
 - (b) The enhancement of this agency's ability to review probable cause for arrests, arrest procedures, officer and suspect interaction, and evidence for Investigative purposes, as well as for officer evaluation and training.
2. Operating procedures: Officers shall adhere to the following procedure when utilizing MVR equipment:
 - (a) Officer shall be trained in the use of the MVR equipment before using it.

- (b) MVR equipment installed in vehicles is the responsibility of the officer assigned to that vehicle and will be maintained according to manufacturer's recommendations.
- (c) Prior to each shift, officers shall determine whether their MVR equipment is working satisfactorily and shall bring any problems to the attention of their Supervisor as soon as reasonably possible.
- (d) MVR equipment will automatically activate when the vehicle's emergency warning devices are in operation. The equipment may be manually de-activated during non-enforcement activities such as protecting accident scenes or other traffic control functions.
 - 1. Whenever the equipment is manually deactivated, officers shall verbally document the reasons for this action before deactivation.
- (e) Whenever possible, officers should ensure that MVR equipment is operating in order to record traffic stops, arrests, emergency responses or other enforcement actions. In so doing they will ensure that:
 - 1. The video camera is best positioned and adjusted to record events when possible;
 - 2. The MVR equipment is not deactivated until the enforcement action is completed; and
 - 3. The wireless microphone is activated in order to provide narration with the video recording.
- (f) Where possible, officers shall also use the MVR equipment to record:
 - 1. The actions of suspects during interviews, when undergoing sobriety checks or when in custody;
 - 2. The circumstances at crime and accident scenes or other events such as the documentation of evidence or contraband; and
 - 3. When transporting females or juveniles.
- (g) Officers shall not erase, reuse or in any manner alter MVR tapes unless authorized to do so.
- (h) Officers shall ensure that they are equipped with an adequate supply of video-tapes to complete their tour of duty.
- (i) Officers are encouraged to inform their supervisor of any

videotaped sequence that may be of value for training purposes.

- (j) Officers will note in incident, arrest, related reports and on citations when video/audio recordings were made during the incident in question.
- (k) Officer will use videotapes as issued and approved by this agency.

3. Tape control and management:

- (a) MVR tapes containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded. As such, these videotapes will:
 - 1. Not be released to another criminal justice agency for trail or other reasons without having a duplicate copy made and returned to safe storage; and
 - 2. Will not be released to other than bona fide criminal justice agencies without prior approval of the Chief of Police or his designee.
- (b) Tapes not scheduled for court proceedings or other adversarial or department uses shall be maintained for a minimum of 90 days. All tapes shall be maintained in a manner that allows efficient identification and retrieval.
- (c) No videotapes shall be reissued for operational use unless completely erased by designated personnel in this agency.
- (d) Supervisors may randomly review videotapes to insure established procedures are being followed and to assess officer performance.