In-Vehicle Videotaping of DWI Suspects

(Driving While Intoxicated)

U.S. Department of Transportation
National Highway Traffic Safety Administration

In-Vehicle Videotaping of DWI Suspects

(Driving While Intoxicated)

Use

Experience

Recommendations of Law Enforcement

People Saving People

http://www.nhtsa.dot.gov


EYEWITNESS
WatchCam
MOTOROLA
WHELEN
TRAFFIC ADVISOR
ICM ON
ICM OFF

INTRODUCTION

The use of in-vehicle videotaping equipment to record DWI investigations has been increasing in recent years. This document is intended to assist police agencies in deciding whether such mobile videotaping should be a part of their DWI and other traffic enforcement efforts. The material is based on information provided to NHTSA by 68 police departments in 13 states that have used in-vehicle videotaping and on first hand discussions with 93 officers from 10 of those departments.

We acknowledge the contribution of all the enforcement agencies that participated in the project. Special thanks for participating in the first hand discussions go to the Suffolk County, New York Police Department; the City of Binghamton, New York Police Department; the North Dakota Highway Patrol; the City of Bismarck, North Dakota Police Department; the Texas Highway Patrol; the City of Houston, Texas Police Department; the Utah Highway Patrol; the City of West Valley, Utah Police Department; the Kanawha County, West Virginia Sheriff's Department and the City of Clarksburg, West Virginia Police Department.

A number of prosecutors also provided information on the value of videotaping in DWI case prosecution. We wish to thank these prosecutors from Broome County, New York; Suffolk County, New York; Burleigh County, North Dakota; Brazos County, Texas; Harris County, Texas; Iron County, Utah; West Valley, Utah; Harrison County, West Virginia and Kanawha County, West Virginia.

OVERVIEW

Is your Department considering in-vehicle videotaping? The results of a recent NHTSA survey indicate that most departments (77%) who are using this equipment express a positive attitude about the capability.

Advantages

Officers using in-vehicle videotaping indicated the following as the main benefits.

- Protects against false allegations and liability suits (100% of the officers)
- Provides evidence as to what happened at time of arrest (97%)
- Training for others and self critique (95%)
- Enhances evidence gathering process (93%)
- Ensures officers follow correct procedures (90%)
- Convinces defendant to plead guilty (89%)
- Protects rights of suspect (86%)
- Helps officers testify in court (83%)
- Limits officers' time in court (68%)

And Some Problems

These officers noted the following as the main problems with in-vehicle videotaping:

- Some suspects do not appear impaired on video (72%)
- Forget to activate camera (61%)
- Equipment operational problems or failures (47%)
- Procedural error may be taped and damage case (30%)
- Operating equipment may interfere with officer safety (28%)

If you decide to use in-vehicle videotaping, you'll need to ... consider a range of available equipment and cost ... evaluate the available equipment relative to the needs of your department ... develop a department videotape policy ... consult with your prosecutor... and conduct officer training.

EQUIPMENT

There are three basic types of videorecorders used in police vehicles. Within each type there are numerous variations and options. One type is based on off-the-shelf camcorders. Early models were large, self-contained units that utilized full-sized VHS tapes. These camcorders were mounted on the dashboard of the vehicle. These units tended to block the officer's view through the windshield, prevented others from riding in the passenger seat and sometimes did not hold up to the rigors of travel in patrol vehicles. Enhancements have been made to the basic camcorders to adapt them more successfully to police use. Camcorders themselves now are considerably smaller. Also, a separate monitor design is available, with the monitor mounted in the front of the vehicle to allow easier viewing of what is being recorded. Additional switches, mounted separately from the camcorder, simplify equipment operation.

A second type of videorecorder has separate camera, monitor and recorder components. With this type of system, a small camera unit is mounted on the dashboard, rearview mirror or windshield. A separate monitor is mounted in the front of the vehicle. These components are connected to a VCR deck which is usually mounted in the trunk of the vehicle but can be located in the vehicle's cabin. The VCR deck is secured in a lockable, temperature controlled, fireproof enclosure. A control panel mounted near the driver's position is used to operate the equipment. The camera unit may or may not have an automatic or manual zoom lens. In some models the camera can be rotated on its mounts to allow videorecording of suspects in the rear of the vehicle. Some models permit an officer to rewind and review a tape from the front seat of the vehicle. In other models, the controls on the trunk-mounted VCR must be accessed to rewind a tape.

A third type of videorecorder is a hybrid of the other two types. A small camera unit is mounted on or near the windshield and connected to a small unit containing both the monitor and a recorder. In this type, the camera head may be dismounted and connected

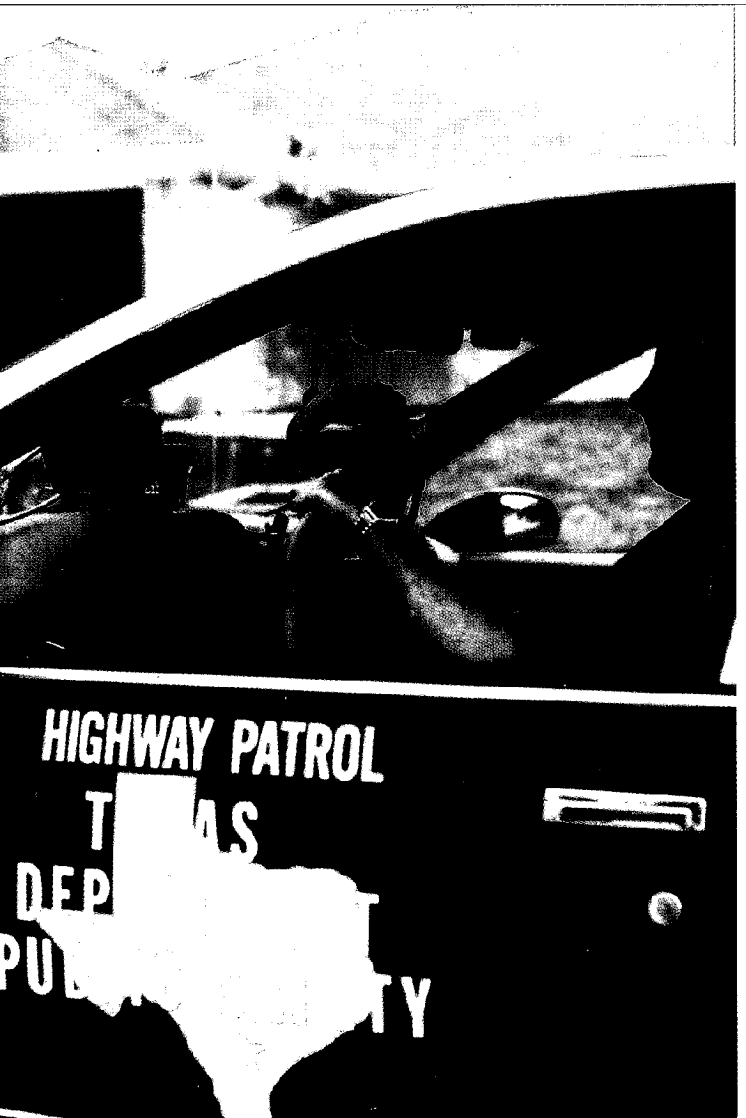
directly to the monitor/recorder and, with the addition of a battery pack, removed from the vehicle for remote recording.

Remote microphones and transmitters, worn by the officer, are available for each type of system. Regardless of system type, there is variation in the range, quality and operating features of the remote microphones. On some models, only the remote microphone is turned on by a switch on the transmitter or battery pack. On others, the camera and recorder can be activated by a switch on the transmitter pack.

Other variations in equipment and options include:

- Price, quality and durability.
- Monitor type (LCD or CAT), size and color or black and white.
- Ability to monitor or review recording while in vehicle.
- Controls including single or multiple button activation of recorder; activation when vehicle's emergency equipment is turned on.
- Indicators shown on monitors and on tapes including time and date stamp, emergency lights and siren indicator, time elapsed/remaining, tape length remaining, "on" indicator, evidence control number.
- Tape format (VHS or 8mm) and recording time,
- Ability of recorder to search and skip to unrecorded area of tape.
- Ability of officer to re-record.
- Capability under low light conditions.
- Enhancements to audio recording such as use of noise filters; ability to use different frequencies for audio signal transmission.
- Type and position of mounting devices.

In 1995, mobile videotaping, systems for police use ranged in price from about $1,500 to $5,000 depending on the type of system and the options selected. Off-the-shelf equipment was the least expensive. The trunk mounted recorders were, generally, the most



expensive. Costs for the "hybrid" systems were, generally, somewhere between.

Many officers stressed the importance of purchasing high-quality equipment that suits the needs of the individual agency. Several suggested that agencies pilot-test several types of equipment and speak to other agencies about their experience with particular models.

EQUIPMENT EVALUATION

The officers who had used in-vehicle videotaping gave the highest overall ratings to trunk mounted systems while the "hybrid" systems received the lowest ratings. Almost all officers (91%) recommended one-button operation for both audio and video functions and an automatic time/date stamp (89%). Most recommended a system allowing the officer to review tapes without getting out of the vehicle (76%) and the ability to secure tapes in the vehicle (69%). Less than half of the officers (40%) recommended that the videocamera be activated automatically with the vehicle's emergency equipment.

Forgetting to turn on the audio was a common problem noted by the officers using all types of systems. Problems with body microphones were reported by 54 percent of the officers with trunk mounted systems, 76 percent of the officers with off-the-shelf systems and all of the officers with "hybrid" systems.

For off-the-shelf systems, the most frequent problems were: bulkiness of unit (86%), poor picture due to vibration (57%); problems with audio other than body microphone (52%); controls hard to operate quickly (52%); mechanical failure due to vibration (39%); failure due to heat or cold (29%); and monitor glares or is hard to see (29%).

For trunk mounted systems the most frequently mentioned problems were: monitor glares or is hard to see (43%); difficulty with the audio other than body microphone (37%); controls hard to operate quickly (34%); mechanical failure due to vibration (31%); difficulty positioning suspect for recording (29%); inability to review tape from the cabin (26%); and activation of the unit by another patrol vehicle (26%).

For "hybrid" systems, the most common problems were: failure due to heat or cold (92%); poor video under low light conditions (92%); problems with audio other than body microphone (69%); mechanical failure due to vibration (46%); and difficulty positioning the suspect (38%).

POLICY

The majority of law enforcement agencies have written policies about the use of in-vehicle videotaping. These policies generally cover:

- Purpose of the policy and advantages of videotaping.
- Types of incidents to record
  - —When to activate and terminate taping
  - —Positioning and tips for taping
  - —Articulation of probable cause
- Responsibility for Equipment
- Evidentiary issues
  - —No erasure or re-recording
  - —Labeling, storage and retention period
  - —Responsibility for handling tape
  - —Release of tape/copy.
- Supervisory review of tapes
- Other supervisory responsibilities
- Training.

A model policy has been developed by the International Association of Chiefs of Police.

PROSECUTION

The prosecutors providing input to NHTSA were all extremely positive about the effects of in-vehicle videotaping on the arrest and prosecution of DWI suspects. All stated that the use of mobile videotaping improves the rate of DWI convictions by helping to persuade defendants to plead guilty and to secure a conviction if a case goes to trial. In addition to the evidentiary value of videotaping, the prosecutors also noted the importance of videotaping in protecting individual officers and enforcement agencies against claims of improper action. Other advantages noted were that mobile videotaping motivates officers to follow correct arrest procedures; protects the rights of suspects; and improves officers' testimony in court. Several prosecutors acknowledged that some suspects do not appear impaired on the tape, and a procedural error may occasionally damage a case.

You will need to consult with your prosecutor while you are developing your videotaping policy. One issue will be whether or not your officers should use the audio channel to articulate probable cause. Most officers using videotape do articulate probable cause. However, there may be local circumstances where this is not necessary. For example, some courts suppress the audio portion of the tape.

TRAINING

The majority (58%) of the departments providing information on their videotaping programs indicated they gave training to their officers. This training usually covered:

- equipment operation and maintenance
- legal aspects of DWI arrest procedures as they pertain to videotaping
- safeguarding the integrity of videotaped evidence
- hands-on use of the equipment
- practice sessions
- the departmental policy on videotaping procedures including reporting and supervisory functions

Officers who had received training were generally very positive about its usefulness. Officers who had not received training learned to operate the equipment from a manual, from experienced officers, or through trial and error.

OTHER APPLICATIONS

Traffic Enforcement

The most frequent use for in-vehicle videotaping, other than DWI, is at crash scenes. Other uses include taping traffic stops, high-speed pursuits, criminal arrests, crime scenes, and domestic disputes. Videotapes are also used to document warrantless searches of motor vehicles suspected of carrying drugs.

Systems with permanently mounted cameras were the least flexible in these other situations.

Officer Protection

Videotapes can also be extremely useful should questions arise as to how the suspect was treated by the arresting officer. Potential liability claims can often be defused before they become major concerns. Videotapes also are useful in documenting dangerous situations for the officers

Debriefing

Officers surveyed by NHTSA reported that they routinely use their videotapes to review their own DWI procedures. Occasionally, officers observe themselves engaging in an unsafe practice such as where they stand or how they approach the vehicle. Or, they may find some piece of evidence not noticed in their original investigation. Or, they find some flaw in their arrest procedures.

Program Monitoring

Supervisors also routinely review videotapes. Such reviews can be helpful as part of periodic evaluations of officer performance. They can also be used to identify unsafe practices, flaws in arrest procedures, or enhancements in the departmental policy regarding the use of videotape. Videotapes can also be helpful in the design and development of training. Finally, they are good for recruiting purposes.


NORTH DAKOTA
STATE PATROL

DOT HS 808 427
July 1996