

Oakland County Sheriff's  
Office General Order # 3.1



<b>SUBJECT:</b> Mobile Video Recording (MVR) & Body Worn Cameras (BWC)		<b>NUMBER:</b> 3.1
<b>EFFECTIVE DATE:</b> 6/3/2025 <b>REVIEW DATE:</b> Annually	<b>MACP Standard Impact:</b> 3.5.5	
<b>REPLACES AND RESCINDS:</b> GO 3.1 Dated 8/23/2023	<b>DISTRIBUTION:</b> TBD	<b>NUMBER OF PAGES:</b> 11

This order replaces and rescinds all previously issued orders, procedures, rules and regulations, notices and/or practices in conflict with this General Order.

### I. PURPOSE

This general order is intended to provide OCSO personnel with instructions for when and how to use Mobile Video Recording (MVR) systems, both digital in-car and body-worn camera (BWC) systems, so that corrections deputies, road patrol deputies and investigators may reliably and legally record their contacts with both public citizens and incarcerated individuals. These devices protect the OCSO and its personnel from unwarranted citizen or inmate/juvenile complaints and ensure that exemplary professional service is consistently provided by the OCSO. Electronic recordings are invaluable in providing real-time documentation of events. When such recordings have evidentiary value, they shall be handled in accordance with this general order.

### II. POLICY

It shall be the policy of the OCSO that designated patrol vehicles shall be equipped with MVR systems. **It shall also be the policy that designated OCSO personnel will be equipped with BWC systems and will be required to power them on and activate them according to this order.** Deputies utilizing these vehicles and equipment as part of their regular patrol, corrections and investigative duties shall be provided training and guidelines. This general order also provides instructions for efficient operation of the MVR systems; storing, using and releasing recordings; and the preservation of the evidentiary integrity of the recordings. The goal is to provide accurate documentation and preservation of events for future use as evidence or a record of events at a given time. All data, recordings, audio, images, video, metadata and any other information captured, recorded or otherwise produced via MVR is the property of the Oakland County Sheriff's Office and is subject to state law and County general order regarding the retention and disclosure of public records. This general order does NOT govern the use of recording devices in undercover operations.

### III. PROCEDURES

- A. Deputy Responsibilities (In-Car Video Systems) (MACP Standard 3.5.5 b)
1. Deputies shall, whenever available, use operational MVR-equipped patrol vehicles for their tour of duty.

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2. At the beginning of each shift, deputies shall inspect and test the MVR equipment, following the step-by-step OCSO WatchGuard User Instructions, along with the WatchGuard 4RE Quick Reference Guide found at the end of this general order.
  3. Defective or inoperable MVR equipment shall be noted on the Deputy's Patrol Unit Log Sheet and their immediate supervisor shall be notified to have the equipment repaired.
  4. If MVR equipment needs repair, deputies are responsible for ensuring all weapons and/or personal equipment are removed from the patrol vehicle prior to leaving it at Oakland County Vehicle Operations.
  5. MVR equipment recording activation is required when engaged in any of the below listed activities:
    - a. Deputy contact and conversation with suspected traffic and criminal law violators.
    - b. Deputy contact and conversation with suspicious persons or for field interrogations or similar incidents.
    - c. Monitoring of and subsequent investigation/arrest of individuals suspected of OWI or a similar offense.
    - d. Pursuits
    - e. Transportation of prisoners, suspects, or citizens (rear camera and microphone activation required).
  6. If the automated wireless upload procedure is not functioning at the end of every shift, Deputies shall advise a command officer and have the vehicle taken to Oakland County Vehicle Operations for service.
  7. Deputies will follow the end-of-shift procedures outlined in the attached OCSO WatchGuard User Instructions, along with the WatchGuard 4RE Quick Reference Guide found at the end of this general order.
  8. Deputies shall flag and make digital copies of the following incidents for the case file for purposes of evidence preservation:
    - a. Pursuits
    - b. Any Response to Resistance incidents.
    - c. Patrol vehicle-involved crashes.
    - d. Any video desired, requested or required for evidentiary purposes.
    - e. Any citizen complaint or allegation of employee misconduct.
  9. Deputies shall flag incidents, either at the time of the incident or after the video file has been uploaded, by changing the 60 days setting to 180 days. Additionally, the CFS number or ticket number shall be added to the case file.
    - a. Incident not flagged 180 days will be held in the WatchGuard server for 60 days only.
- B. Deputy Responsibilities (Body-Worn Camera System) (MACP Standard 3.5.5 b)**
1. Corrections Deputies, Court Deputies, Road Patrol Deputies and Investigators are required to wear an agency-assigned BWC when on duty and it **must be powered on**, unless working undercover or performing administrative duties.
  2. Deputies who activate their BWC while on duty must note the existence of the recording in the official incident report.

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3. Activation of Body-Worn Cameras (Corrections Deputies & Court Deputies)
  - a. Inmates/Juveniles do not have a reasonable expectation of privacy when talking with deputies or support staff during the scope of official duties, even when the contact is in a cell. Therefore, deputies that are lawfully present in any unit or cell are not required to give notice that they are recording. If asked, deputies may advise the inmate/juvenile that he/she is being recorded.
  - b. Deputies shall activate their BWC to record all contacts with inmate/juveniles, including security rounds, in the performance of their official activities.
  - c. Deputies are required to record the following types of events, including but not limited to: **(MACP Standard 3.5.5 a)**
    - i. Calls for service or disruptions within the facility, including yelling, screaming, banging on cell doors or bars, acting irrationally, etc.
    - ii. Fights, confrontations and/or adversarial contacts between facility staff and either inmate/juvenile or private citizens.
    - iii. Response to Resistance situations.
    - iv. Verbal admissions or statements made by suspects/subjects/witnesses or victims.
    - v. Searches for contraband, including of persons (except strip searches), inmate/juvenile cells or common areas.
    - vi. Security rounds, meal passes or medical rounds.
    - vii. Cell Extraction Team (CET) operations.
    - viii. Booking process, including pat/frisk searches.
    - ix. Inmate/Juvenile visits (floor/observation deputies and Command).
    - x. Any situation where activation would serve a legitimate correctional purpose, unless prohibited by law or this general order.
    - xi. Whenever deputies are alone in an opposite sex housing unit.
    - xii. During any inmate/juvenile transport.
    - xiii. While interacting with the public.
  - d. When working in court:
    - i. Deputies must activate their body-worn camera's record button when:
      - Transporting inmate(s) and juveniles.
      - Monitoring the inmate/juvenile "lockup" areas of a courthouse. Exception: if a court does not have a separate area for attorney-client discussions, when confidential attorney-client discussions are taking place, deputies will deactivate their body-worn camera's record button.
      - When transporting inmate/juveniles to a courtroom deputies must continue recording until the inmate/juveniles are sitting and calm.
      - Approaching inmate/juveniles in the courtroom to transport back to detention, probate holding and Children's Village.
      - Performing a law enforcement function anywhere in the courthouse (including a courtroom) or on courthouse grounds. Examples include, but are not limited to, making an arrest, responding to a disturbance, responding to a security alarm, and any law enforcement related interaction with the public, including interactions where the deputy anticipates the need to place hands on a person or otherwise use force.
      - Screening persons entering the courthouse at security check points.

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- ii. Deputies must deactivate their body-worn camera's record button in a courthouse unless performing one of the above listed functions when activation is required. When transporting inmate/juveniles from detention to the courtroom, deputies must deactivate their body-worn cameras record button when taking their place to stand in the courtroom once the inmate/juveniles are seated and calm.
          - iii. Body-worn camera footage that takes place in a courthouse shall not be released to a third-party without first notifying and consulting with the court administrator for the court where the footage occurred.
        - e. During Court Services vehicle transport details:
          - i. Deputies must activate their body-worn camera's record button when interacting with and transporting inmate/juveniles to and from the transport vehicle.
          - ii. Deputies may deactivate their body-worn camera's record button once inside the transport vehicle and the vehicle's internal recording system is activated. However, deputies must reactivate their body-worn camera's record button any time it becomes necessary to interact with the inmate/juvenile.
          - iii. Deputies must reactivate their body-worn camera's record button after exiting the vehicle and before interacting with the inmate/juveniles.
          - iv. Deputies must deactivate their body-worn camera's record button inside facilities (e.g. jails and prisons) that prohibit recording via body-worn camera systems.
4. Activation of Body-Worn Cameras (Road Patrol Deputies, Special Units & Investigators):
  - a. Except as otherwise provided in this general order, road patrol deputies and investigators on duty must activate their BWC to record the following events: **(MACP Standard 3.5.5 a)**
    - i. During all law enforcement-related encounters and activities with the public, including, but not limited to: Calls for Service (CFS), traffic stops, arrests, searches, execution of search warrants, Response to Resistance incidents, pursuits, and interviews. (NOTE: When possible, interviews shall be conducted in a room equipped with a fixed recording system. However, if the deputy is in the field where an interview room is unavailable, the interview will be recorded with a BWC.)
    - ii. During any encounter where a deputy places their hands on a person for any reason including, when providing medical assistance.
    - iii. During any transport of a suspect or witness.
5. BWC equipment shall only be used in conjunction with official duties and should NOT be used:
  - a. When deactivation is approved by Command.
  - b. During strip searches, or when inmate/juvenile is using the toilet or showering.
  - c. When an inmate/juvenile is receiving medical or psychological evaluation or treatment by a clinician or similar professional at the jail clinic or medical facility.
  - d. During communications with undercover deputies/officers or confidential informants.
  - e. When on a break, in any location where individuals have a reasonable expectation of privacy, (e.g., a restroom/locker room) or during casual, personal conversations between staff.
  - f. During communications with spouses, attorneys, union representatives or anyone with whom deputies have a privileged relationship.
  - g. If recording an event will compromise the safety of the public or OCSO deputies.

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- h. When performing non-law enforcement functions or administrative duties.
  - i. When in any area used for briefings, planning, training or personnel discussions.
  - j. When conducting or participation in department investigations or interviews pertaining to general order or rule violations.
  - k. When having conversations regarding sensitive locations, or those that disclose tactics, capabilities, staffing and/or other law enforcement sensitive information.
6. Deputies may deactivate their BWC audio, video or both when taking a statement from a witness or victim of an alleged violent crime if there is a rational belief that the victim or witness will not give a full statement with the recording on, or if recording the statement would place the witness in danger of harm. This discretion is solely left up to the deputy.
  7. If a deputy fails to activate the BWC for required recordings, fails to record the entire contact or the recording is interrupted, the deputy shall document the occurrence and reason in the case report. The deputy must also send a memo via the chain of command to the Division Captain stating the date, time, event and reason for not recording the incident.
  8. If a deputy recorded a conversation or activity that is prohibited in this general order, the deputy shall send a memo via the chain of command to the Division Captain stating the date, time, event recorded, and reason for recording. The Division Captain shall ensure that appropriate action is taken to protect the privacy of the recording.
  9. Deputies must ensure that the red recording light is visible so that individuals are aware they are being recorded. Once activated, deputies shall NOT, under ANY circumstances, disable, turn off or otherwise cover, obstruct or redirect the line-of-sight view of the BWC during any event.
  10. Covert mode may be activated for the sole reason of concealing a deputy's presence in a tactical situation but may never be activated to conceal the fact that the deputy is recording an event.
  11. While activated, deputies must be aware of interference that may occur from other electronic devices in the area (e.g., a radio) and limit BWC exposure.
  12. The BWC has a "Record After the Fact" (RATF) function. If a deputy believes that an event should have been captured, they shall notify Command staff immediately. Command shall review the incident and save the digital recording in the evidence library. Note: The BWC can store up to 56 hours of video data which is a combination of RATF and current event data. RATF data is stored solely on the BWC and once the storage on the BWC is full, it will overwrite the oldest RATF data.
  13. If a deputy decides to mute a recording within the constraints of this general order, he/she will verbally announce the interruption and upon reactivation, state that recording has resumed.
  14. Surreptitiously recording conversations that are not investigative in nature or are unrelated to a legitimate law enforcement function are prohibited.
  15. Deputies may not use any privately-owned BWC while on duty. Use of another person's BWC is not permitted.

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16. Deputies will wear the BWC on their chest area and secure it using the manufacturer's mounting equipment.
  17. Prior to and throughout each shift, deputies will review and ensure that all components of their BWC systems are working and that they have an adequate supply of digital storage and battery to complete their shift.
  18. **BWC must be powered on for the entirety of a deputy's regular or overtime shift, other than during the exceptions listed in Section B.5 of this order.**
  19. BWC must be powered down while in a law enforcement building, except in situations where activation is required, such as in the jail, courts, or other facilities where there will be inmate/juvenile contact or contact with the public.
  20. Use of agency assigned BWC or related media for any purpose other than in accordance with this general order is prohibited.
  21. Deputies may review recordings as part of their official duties and when preparing for a deposition or court-related testimony.
  22. Deputies are encouraged to review recordings for the purpose of conducting a tactical debrief. When an incident is recorded that may be of value as a training aid, the recording deputy should forward the recording to the appropriate Command staff, who will determine if it will be used as a training aid.
- C. Stopping the Recording Process
1. Once activated, the BWC should remain in recording mode until the deputy and the person(s) they are interacting with are no longer together and there is no possibility of any further interaction, or until the conclusion of an incident/encounter, or the deputy has left the scene, or a supervisor has authorized (on camera) that a recording may cease.
  2. When practical, patrol deputies should place the BWC in the cradles located in the patrol vehicles, to offload video and to charge the device. When not practical, the BWC shall be placed in transfer stations at the deputies' respective work locations.
  3. Investigators and corrections deputies shall place their BWC in one of the transfer stations provided at their work locations to offload video and to charge the device.
- D. Storage of Digital Media
1. Deputies are to select a system-defined event category for each digital recording and tag that event. Instructions for doing this are provided through training.
  2. Deputies shall not edit, alter, or erase BWC images and information.
  3. Deputies shall not duplicate and share, or otherwise distribute in any manner, BWC images and information without prior written approval of the Sheriff or designee.
  4. Deputies shall only make copies of BWC images and information for official and authorized purposes.

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5. All files from BWC will be securely uploaded at the end of each shift. Each file will contain information related to the date, identifier and assigned deputy.
  6. When an incident arises that requires the immediate retrieval of a BWC recording (e.g., serious crime scenes, deaths, identification of suspected perpetrators, etc.) Command staff shall ensure the event is captured and downloaded to the evidence library as soon as practical prior to the end of the scheduled shift.
  7. The BWC equipment, all data, images, video and metadata captured, recorded or otherwise produced is the sole property of the Oakland County Sheriff's Office.
- E. Downloading and Evidence Tagging Procedures
1. Deputies will download their BWC data to the server at the end of each shift. If a recording exists that a deputy believes may be pertinent to an incident requiring long-term retention beyond 60 days, they should download the data as soon as practical but no later than the end of each shift.
  2. Recordings that may have evidentiary value for criminal cases, civil lawsuits, citizen or inmate/juvenile complaints or internal investigations, or may be of value for training purposes, shall be given the appropriate event tag.
  3. When recordings have been identified as evidence, deputies shall use the following procedure:
    - a. List the BWC as evidence sections of the Incident Report, including the name of the deputy who was wearing the BWC at the time of the incident.
    - b. List the BWC evidence in the narrative sections of the Incident Report.
    - c. List the BWC evidence in the CLEAR Property section of a CLEMIS report, in compliance with the general order "Handling and Storage of Property."
- F. Media Control and Management
1. BWC data shall be kept secured at all times.
  2. For purposes of this general order, data means all data, recordings, audio, images, video, metadata and any other information captured, recorded or otherwise produced via a BWC system. The BWC data shall:
    - a. Be subject to the same security restrictions and chain of evidence safeguards as covered in the Sheriff's Office Evidence Control general order.
    - b. Not be released outside the Sheriff's Office without prior approval of the Sheriff or his designee.
    - c. Be provided to the Prosecutor's Office by the officer in charge of a case for evidentiary purposes as required by law.
  3. BWC data shall not be erased, re-formatted, duplicated or altered in any manner, except by authorized, trained personnel for a lawful purpose (e.g., to make a redacted copy in response to a FOIA request).
  4. Any deputy requesting a copy of BWC data shall submit a request through the chain of command for authorized, trained personnel to make the copy.
  5. Personnel are forbidden from accessing BWC data for any personal use, including but not limited to uploading recorded data onto personal social media websites.

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**G. Retention**

1. Short-Term Retention: The Evidence Library (ELC) is for short-term storage of video. All BWC data downloaded to the server will automatically be saved for 60 days. After 60 days, it will automatically be deleted by the system unless moved to case reports for permanent storage.
2. Deputies may move video to case reports, either at the time of the incident or after the file has been uploaded. Additionally, the CFS or ticket number shall be added to the case file. **(MACP Standard 3.5.5 d)**
3. Deputies shall export any video or audio evidence from Evidence Library to the long-term storage retention repository known as the DME system.
4. Long-Term Retention: Deputies shall move videos to case reports and save digital copies of BWC data that involve any of the following to the corresponding case file located in the DME system so that the recordings are preserved beyond 60 days. **(MACP Standard 3.5.5 d)**
  - a. Pursuits
  - b. Any Response to Resistance incident.
  - c. Cell extractions/critical inmate/juvenile incidents.
  - d. Patrol vehicle-involved crashes.
  - e. Interviews and interrogations.
  - f. Any incident involving injuries to a deputy, arrestee or inmate.
  - g. Any video desired, requested or required for criminal or civil evidentiary purposes.
  - h. Any incident relating to a citizen or inmate/juvenile complaint or allegation of employee misconduct.
5. Destruction of BWC Data:
  - a. The recordings saved to the DME System must be retained for a minimum of 42 months after the incident. After 42 months, recordings may not be destroyed until after litigation, if any, ends. If the recordings were made for criminal evidentiary purposes, they may not be destroyed until the time for destroying the incident file for that particular offense class as set forth in the most current version of Michigan's DTMB Retention and Disposal Schedule for Law Enforcement. **(MACP Standard 3.5.5 e)**

**H. Disclosure of Recordings**

1. Members of the public requesting a copy of a BWC recording must submit a written Freedom of Information Act (FOIA) request using the procedures set forth in Oakland County's policy and the Sheriff's Office Record Unit general order. Requests may also be submitted online using Oakland County's 'FOIA Request Center' found on the Oakland County website. If a deputy receives any written requests via fax, email, postal mail or otherwise, the deputy must forward the request to their supervisor, who will ensure that the request is delivered to Sheriff's Office FOIA personnel for further processing. Deputies and other Sheriff's Office personnel who are not designated FOIA staff are prohibited from releasing any BWC recordings or other data to the media for any reason unless there is written authorization from a Captain or higher-ranked command staff.
2. BWC recordings are public records and are subject to disclosure under FOIA, unless otherwise exempt or prohibited from being disclosed by law.

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3. To comply with the Crime Victim's Rights Act and an individual's constitutional privacy interests, recordings depicting any of the following must be redacted or withheld totally if redactions would not be sufficient to protect privacy:
    - a. All or a portion of the video that could lead to bodily harm.
    - b. Sexual, personal or humiliating information.
    - c. Information that identifies a victim's home or work address, home or work telephone number, pictures, photographs, drawings or other visual representations or images.
    - d. For cases involving child abuse, criminal sexual conduct, assault with intent to commit criminal sexual conduct, or similar crime where the victim is younger than 18, information that identifies the name and address of an immediate family member or relative of the victim, or any information that could reveal the identity of the victim, inducing reference to the victim's familial or other relationship to the accused.
  4. Sheriff's Office FOIA personnel shall not release any BWC recording without ensuring the following has occurred:
    - a. A review by the Officer in Charge (OIC) or the OIC's supervisor to verify that the recording is the correct one requested.
    - b. A consultation with Corporation Counsel if there are any questions or concerns, to determine whether all or a portion of the recording is exempt or prohibited from being disclosed in response to the FOIA request.
    - c. There has been prior approval of the Sheriff or his designee.
  5. Members of the Oakland County Prosecutor's Office shall request recordings through the OIC of the case. Defense attorneys may obtain recordings from the Prosecutor's Office as part of discovery but are permitted by law to request recordings via a FOIA request.
- I. Supervisory Review and Responsibilities (MACP Standard 3.5.5 c)
1. BWC recordings shall be reviewed by supervisory personnel for the following purposes (but are not limited to these purposes):
    - a. Any incident involving injuries to a deputy, arrestee, or inmate.
    - b. Any Response to Resistance incident.
    - c. Patrol vehicle-involved crashes.
    - d. Pursuits or the use of Pursuit Termination Technique.
    - e. Reviews related to performance concerns, including but not limited to:
      - i. FTO / CTO related performance evaluations
      - ii. Performance Improvement Plan (PIP)
      - iii. Compliance with this General Order.
    - f. Any incident relating to a citizen or inmate/juvenile complaint or allegation of employee misconduct.
    - g. Cell extractions/critical inmate/juvenile incidents.
    - h. Any recordings that may be appropriate for training purposes (upon completion of a case). These can be forwarded to the Training Coordinator for determination of training value and use. Deputies shall be provided at least thirty (30) days' notice if recordings intended for training was either filmed by them or captured their image or voice.

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2. It is not the intent of the Sheriff's Office to review BWC data of specific deputies for performance reviews, routine preparation of performance reports/evaluations or discovery of general order violations. However, supervisors and administrative personnel may access BWC data for investigations related to a specific complaint or allegation of misconduct. Command staff who inadvertently discover minor, non-criminal general order violations will continue to have discretion to resolve the violation with training or counseling. Should the general order violation rise to the level of more formal discipline, Command will take the appropriate disciplinary action.
  3. Supervisors will ensure that deputies are equipped with available BWC.
  4. Supervisors will ensure that all recorded events are documented by the deputy in associated reports and citations.
  5. Supervisors will ensure that any recordings related to an investigation are downloaded and stored in the corresponding case file in the DME System for inclusion in the investigative file prior to their scheduled purge date from the remote digital storage system (Evidence Library).
  6. Nothing in this general order shall be construed as a prohibition or limitation on Command staff's review of BWC recording in conjunction with any Response to Resistance events, injured inmate/juvenile complaint or report or citizen complaint.
- J. Training and General Order Review
1. Before deputies are equipped with a BWC, they must receive all mandated training such as:
    - a. An overview of relevant state laws governing consent, evidence, privacy and public disclosure.
    - b. Procedures for operating the equipment safely and effectively.
    - c. Scenario-based exercises that replicate situations that deputies might encounter in the field related to BWC use.
    - d. Procedures for downloading and tagging recorded data for storage in the remote digital storage system (Evidence Library).
    - e. Procedures for accessing and reviewing recorded data (authorized personnel only).
    - f. Procedures for exporting videos from the remote digital storage system (Evidence Library) to the long-term digital media retention system (DME).
    - g. Procedures for preparing and presenting digital evidence for the Prosecutor's Office using the DME digital cloud share feature.
    - h. Procedures for documenting and reporting any malfunction of a device or supporting system.
    - i. A complete review of the Mobile Video Recording General Order.
  2. Additional training on BWC usage and protocols shall be provided annually and as required by changes in equipment, equipment procedures, agency policy, laws, or case law.
  3. The Training Unit shall review Response to Resistance incidents, Pursuits, and use, or attempted use of Pursuit Termination Techniques for performance evaluation and the training purposes.

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4. For training purposes, the Training Unit may conduct random reviews of BWC footage.
  5. This general order shall be reviewed by the Training Unit annually.
- K. Wearing Body Worn Cameras on Outside Agency Task Force.
1. Deputies must wear and operate their body worn cameras in accordance with this General Order even when serving on a task force that is directed by an outside agency. However, if the Sheriff (or designee) has signed a contract, agreement, or memorandum of understanding (MOU) for a specific task force regarding the use of BWCs while on the task force, the terms of that contract, agreement, or MOU shall control. A deputy serving on such a task force shall be provided by Command a copy of any signed contract, agreement, or MOU and shall ensure compliance with those terms.



**ISSUED BY:** Sheriff Michael J. Bouchard