

THE BILL BLACKWOOD  
LAW ENFORCEMENT  
INSTITUTE OF TEXAS

MOBILE AUDI/VIDEO  
In The 21<sup>st</sup> Century

An Administrative Research Paper  
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Leadership Command College

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## **Abstract**

Law enforcement officers of today use high-tech equipment in many facets of their job in an effort to combat crime. In the 1960's the first in-car mobile camera was introduced as a means to document intoxicated drivers (DWI). Much of the technology has gradually improved up to the turn of the century. The federal government, specifically the US Department of Justice, began in the early 1990's to sponsor legislation that would assist in prohibiting racial profiling. They decided to resolve the alleged problem by requesting individual states to formulate their own legislation. The word "alleged" was used because very little documentation was available about racial profiling and if it was jurisdictional or widespread.

Around that particular time law enforcement training was the wave of the future. One area of instruction was in the behavioral science of "profiling". Police were trained to categorize certain types of individuals in certain types of vehicles and even on certain sections of the highway. This proved to be a valuable tool in the war against drug trafficking on the public roadways. A portion of the profiling instruction dealt with race and gender.

In the later 1990's some statistical data was published that indicated that minorities were stopped approximately the same amount of times as Caucasians. The information did tend to show that about twice as many minorities were subjected to searches while stopped by police than Caucasians. Since that time legislation was passed prohibiting profiling using race, gender, and ethnic background as the primary cause for a lawful stop of an individual. Texas legislation was passed in 2001 that strictly prohibits racial profiling (Senate Bill 1074). So it made sense to incorporate the in-car camera as a means of documenting all traffic stops.

This research project will examine the different types of camera equipment available and produce a guide to assist law enforcement agencies in their search for the right system. Statistical

information from agencies that presently use the in-car video shall indicate the pro's and con's of equipment and operator techniques. Examples of court case law and factual documentation will assist agencies during the instructional phase to help simplify the training for the new operator. Officer safety is one of the main concerns in any law enforcement agency and the in-car video has proven it's worth on many occasions. The question police should ask themselves is not "do we need in-car cameras" but in fact "when do we need them"? The answer is simple, "now" in the 21st Century. Some agencies in Texas have been using the in-car camera for the past fifteen years.

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## **Introduction**

The purpose of this project is to examine past and present usage of mobile audio/video systems in police patrol vehicles. In the past, there have been many documented cases where the in-car video has proven its value. One of the most publicized occurred in 1991, when three men attacked and killed Constable Darrell Lunsford while on a routine traffic stop near Garrison, Texas. This video was the most valuable piece of evidence in the identification and capture of the suspects (Perez, R, 2001). Copies of the video have been used as a training tool for law enforcement across the nation.

Other recorded incidents have provided undeniable evidence for investigations and courts everywhere. This project shall examine the different types of equipment and their specific advantages. A look back to documented examples will bring the research into the twenty-first century. As in most aspects of life, we need to see where we've been to know where we're going. A survey of law enforcement agencies in Texas will assist with pros and cons of the different types of equipment in the market place. The survey will examine each department's equipment application and its value in the area of officer safety, officer conduct, citizen complaint, and DWI (Driving While Intoxicated) issues. Interviews with patrol officers will assist the research as on-the-job equipment performance evaluations.

Other research data will provide a list of manufacturing and web-site information that may assist law enforcement agencies in their quest to purchase audio/video equipment. It is not the intent of this project to promote any specific product or manufacturer. The results of this research will serve as a guide to assist police agencies with documented information in the market place and the past and present usage of that equipment.

The objective of this project is to better understand the types of audio/video equipment available and provide guidelines for law enforcement agencies around the State of Texas, with specific requirements for in-ear-video from legislative decisions. Research will provide insight into the commonly asked question of how patrol officers perceive the in-ear-video. For instance do officers favor the equipment, as a productive tool that will provide useful documentation or do they feel the equipment impedes their ability to adequately perform their duties? Several interviews with one of the most, if not the most highly acclaimed expert, Jim Kuboviak, will provide invaluable information in the field of mobile video. Jim Kuboviak has written two books and countless articles in law enforcement magazines and journals that will greatly assist in this research.

Legislation at State and Federal levels will be examined to provide insight as to their effect on usage of the in-ear-video. Legislation passed at the Federal level has placed guidelines on forty-two states to prohibit racial profiling. Texas is one of those states. The bill will set guidelines on mandatory documentation of all traffic stops and detained individuals. The bill states that law enforcement shall use audio/video or written report as documentation. Law enforcement agencies that possess and use in-ear-video shall document the gender, race, and ethnic group of any detainee. The video or written report shall be secured in a safe location for a period of time. This project will include information gained from a forty-hour seminar on the subject in Houston, Texas in August 2001, attended by Galveston Police Sergeant Ross Perez.

Police officers around the country have begun to view the in-car-video as part of a valuable piece of equipment. With the passage of the State bill, law enforcement may once again think of their in-ear-video systems as the watchful eye of Big Brother.

## Review of Literature

Why does law enforcement need the in-car video? Some of the answers include capturing evidence, as a tool to prove officer integrity and for training purposes (Morrison, K., 2001). Robert Wark reminds us that a vehicle in a public place does not have the same expectation of privacy as a home (*Carroll vs. US* 1930). He also explained the US Supreme Court ruled that a roadside interrogation before an arrest does not violate a person's Fifth Amendment rights (*People vs. Hill*). Videotaping a person after an arrest does not violate a person's rights, (*Pennsylvania vs. Muniz*) (Wark, R. 1993). There is no legal requirement to inform a person of videotaping, but some agencies have it written into their policies as a safeguard. Law enforcement must remember that the Miranda warning covers audio and not the video portion of a taped incident (Galveston County District Attorney 2001). This means, after a person is arrested and read the Miranda warning, then refuses a statement, the officer may not interrogate that person, but may continue to videotape the person's actions. The audio portion may be lost as evidence in court, but the video can be used as evidence against the person (*Knox vs. State, Tx*) (Kuboviak, J. 1992). The legal requirements during in-car videotaping DWI vehicles are: Reasonable suspicion, pre-arrest questioning, post arrest questions, admissibility under federal law and liability for failure to arrest a DWI (Henson, R. 1999). The National Highway Traffic Safety Administration took a survey of sixty-eight police departments, in thirteen states including Texas. The survey asked several questions about each agency's in-car video then formulated a list of the top reasons that each used the equipment. The result was measured by a percentage of the departments that participated. Protect against false allegations (100%), Provide facts of arrest (97%), Training (95%), Enhance evidence (93%), Procedural actions (90%), Violator plead guilty (89%) (Atkinson, D., Pietrasiewicz, V.1999). This would indicate

that most agencies believe the in-car video is best used for officer protection evidence documentation and as a training tool. The main reason in-car video was first created was for DWI cases (Kuboviak, J., Quarles, C. 1996). Law enforcement felt the need to secure evidence against drunk drivers. Jurors were left with only the word of the officer(s) and or the intoxolyzer instrument that they really did not understand. Around half of the forty to fifty thousand fatality accidents that occur in the US each year involve alcohol related drivers (Kuboviak, J. 1992). Most jurors believe the intoxolizer is merely a machine and may not always work properly. The use of in-car video leaves no room for misconception or miscommunication by defense attorneys. An officer that uses the in-car video must testify that the tape was not edited and the incident is whole and intact. The equipment must be configured whereas the tape can not be recorded over or altered (Wark, R. 1993).

Mobile audio/video systems should be aligned to provide the most effective angle of view when installed in the patrol car. The following is a checklist to assist the operator prior to the unit's official use. Starting with a check of the audio/video systems and realignment of the camera. The operator should activate the system to indicate the violators' actions prior to emergency light activation. The operator should verbalize reasonable suspicion traffic violation and stop location. Once the stop is made the operator should articulate the initial violator contact and continue to record during the entire encounter (Kuboviak, J., Quarles, C. 1996). The in-car camera can be used as a training tool during field training programs. The usual FTO critiques, measures and documents performance during actual daily activities. The camera can accurately depict the actions, language and attitude of that officer. It can also be a valuable tool to have the officers critique themselves (Kuboviak, J. 1994).

It is as important to develop a policy for the use of the in-car video as it is in the actual purchase of the equipment. The National Highway Traffic Safety Administration recommends that the policy indicate the purpose of the policy, advantages of videotaping, activation regulations, responsibility of equipment and evidentiary integrity. A model policy was developed by the International Association of Chiefs of Police (Atkinson, D., Pietrasiewicz, V. 1999). Bellaire, Texas police department requires officers to activate their cameras through the entire shift. Bangor, Maine police department has no requirements at all and leaves the activation of the audio portion at the discretion of the operator (Pendeleton, S. 1999). The Grand Prairie, Texas police department's policy requires a VCR vault that only Sergeants and traffic section officers have access to. The operator must activate the system on all traffic stops, pursuits and field sobriety tests or other activity the officer believes should be documented (Grand Prairie Police Department policy, 1997).

There are several reasons for the increased demands of the Mobile Auto/Video in law enforcement today. Police officers efforts to fight crime have been hampered by public scrutiny of certain publicized incidents. The in-car camera has become an effective police tool. One of the first known in-car camera system was built in the late 1960's. Connecticut State Police placed a regular sized 8mm camera in the front seat of a patrol car. The equipment took up all the room in the passenger seat and had wiring sprawled throughout the front compartment. Although it was not very practical in size, it did however provide valuable evidence on DWI traffic stops (Koboviak, J., Quarles, C.). The Royal Canadian Mounted Police have used in-car video since 1990 and have a 100% conviction rate when the cases involve the camera as evidence (Wark, R. 1993). Highland Park Police Department, near Dallas, Texas conducted its

own experiment that placed four different types of systems, from four different Manufacturers, into four different patrol cars. The systems ranged from simple to complex. The department purchased the simplest system because it had the fewest buttons to operate and fewer working parts, leading to easier repairs. The systems proved to be less expensive as well (Lois Pilant 1995). Current systems can range from \$3,000 to \$4,500 each. Increased performance and lower cost of equipment can be expected as more agencies purchase new systems (Kuboviak, 1., Cooper, B., Lundsford, R, Fountain, G., Easterling, J., Bush, S. 2001).

There have been great improvements since the first system was created. Electronic equipment has transformed our society into high-tech enthusiasts. In the case of the in-car video, it has progressed out of necessity. For example, in 1993 Officer Bryan Barnhart shot a man who had attacked him during a traffic stop for a defective headlight. Barnhart had activated his in-car video camera prior to exiting his patrol car and captured the incident on videotape. Despite the defense attorney's efforts, the man was found guilty of assault on a peace officer, during Grand Jury proceedings. Officer Barnhart was also acquitted of allegations for using excessive force. The officer was found to have acted properly and the tape was by far the most compelling piece of evidence in the case (Kuboviak, J. 1994). Another case involved an Escondido, California Sergeant who arrested a female for DWI; She refused field sobriety tests, as well as questioning and booking proceedings. Sgt. G. Carter had activated his in-car camera. was wearing a body-mic and had a body-cam pinned to his lapel. The suspect's actions were taped and secured as evidence. The district attorney had no problems filing the proper charges on the woman, who subsequently plead guilty to the crime once she knew of the tape (Stockton, D. 1999). Officers have used the in-car video for their own protection against false allegations of wrongdoing. Officers have even searched suspects in front of the camera,

particularly females. (Pilant, L. 1995). Some officers use the camera to portray any event that may or may not be of evidentiary or documentary reasons (Fowler, G. 1998) The tapes themselves can be taped over or discarded if the incident is not of importance. Vice and narcotic officers use video systems in undercover units to tape prostitution and drug activity. Many documented cases of this kind have made their way into the court system as the main evidence against the perpetrators. No other single item of evidence has leveled the playing field, when it comes to a jury weighing the testimony of officers against that of a defendant. The camera has no prejudice and does not lie. Any judge or jury can easily see an incident as it unfolds and make an accurate decision. There have even been stories of a prosecutor showing a video to a jury, without saying a word, then advised them to make their own conclusion. Some district attorneys say they have seen longer prison sentences handed out when some type of video is used in the trial. Georgia State police officials described the in-car video as indispensable after a year of service (Johnson 1992). Courts have allowed videotaped witness statements for years. In Massachusetts some witnesses were excused from appearing in court after their testimony was videotaped (Giacoppo, M. 1991)

In the 21<sup>st</sup> Century the main reason for law enforcement interest in the in-car video is the requirement of documentation on all traffic stops under the newly adopted Texas State statute prohibiting racial profiling. The bill was signed by Governor Rick Perry and went into effect September 1<sup>st</sup>, 2001. The specifics of this bill will be discussed in detail in the Findings section of this project. An independent survey of thirty law enforcement agencies in Texas will show the number of those agencies that currently use in-car video. It will also examine the main objectives and purpose of its use in each agency. Greater detail of this survey and graphs can be found in the Findings section as well. The "silent witness" is what some courts have nicknamed

the in-car videotape when it is used as evidence (Kuoviak, J. 1993). It can also be said that one of a defense attorney's most feared police tools is the video camera, especially when it came to DWI cases (Giacoppo, M. 1991). District attorney's from Galveston County Texas commented that "any kind of video-taped evidence" was on the top of the list for a solid case. Each agreed that the in-car video would be seen in more courts in the future (Galveston Co. 2001).

## **Methodology**

Mobile audio/video is as common in some patrol cars as their police radio and emergency light-bars. However most agencies in Texas lack the necessary information to justify its overall cost. The information in this research project will hopefully supply adequate documentation to law enforcement agencies across the State, so they can use their funds to purchase the actual equipment instead of funding the research to purchase the equipment. This research project will provide guidelines set by state legislation along with the training information required to use the equipment. Interviews with officers from several Police Agencies and County District Attorneys will act as a guide for the use of the equipment. This information is intended to assist any law enforcement agency in its effort to formulate policy and procedures for in-car video.

## **Findings**

Mobile Audio/Video in the 21st Century began with the implementation of State Senate Bill 1074 introduced by Republican Royce West (D-Dallas), that requires all law enforcement agencies in the state of Texas to adopt written policies to prohibit targeting criminal suspects based solely on race or ethnicity (Senate Bill 1074). Texas Gallery Watch) (Online). This bill titled "Racial Profiling Prohibited" also requires the establishment of grievance policies for persons who believe they are victims of racial profiling. West told the Senate that he believed every patrol car in the state should be

equipped with a video camera not only to help reduce racial profiling complaints, but to serve as an officer safety and training tool (West, R. 2001). The state of Texas has estimated in-car video equipment statewide would cost in excess of thirty-five million dollars. Texas has discussed bond sales as a means to acquire the funding for such equipment.

Racial profiling complaints originated from citizens nationwide that believed they had been stopped or detained by police primarily because of their race. The Federal Government then required states to implement their own legislation. Texas was one of the forty-two states effected. Federal legislators recommended these states to enact the policies before September 1st 2001. Federal funding for each states major highway systems were used as a means to insure compliance.

Senate Bill 1 074 also requires police agencies to establish grievance procedures for people who believe they are victims of racial profiling. The bill also requires agencies to document all traffic and civilian stops. Agencies are required to submit an annual report, examine the feasibility of installing video cameras and transmitters in patrol cars.

There are a number of choices when it comes to selecting the proper equipment for each application. There are four basic types of equipment; cameras, camcorders (camera recorder), recorder/player, and video displays (monitors). Cameras breakdown as basic low/medium and high resolution in black and white or color. Recorder/Player is commonly known as 8mm, VHS, and Beta. The specialized types of equipment range from intensified and infrared light to still video. Most law enforcement agencies do not have electrical or photographic experts in their departments that are qualified to determine these technical aspects of audio/video equipment. Table 1 may assist in understanding the breakdown

of video equipment.

**Table: 1** Breakdown of Video Equipment Types

Equipment Types	Breakdown category
Cameras	<ol style="list-style-type: none"> <li>1. Low and medium resolution, black and white.</li> <li>2. Low and medium resolution color.</li> <li>3. High resolution black and white.</li> <li>4. High resolution color.</li> </ol>
Camcorders	<ol style="list-style-type: none"> <li>1. Low and medium resolution.</li> <li>2. High resolution.</li> </ol>
Tape Recorder/Player	<ol style="list-style-type: none"> <li>1. VHS, S-VHS, 8mm and Beta</li> <li>2. U-Matic, Betacam, 1" and digital format.</li> </ol>
Displays	<ol style="list-style-type: none"> <li>1. Low and medium resolution black and white</li> <li>2. Low and medium resolution color.</li> <li>3. High resolution black and white.</li> <li>4. High resolution color.</li> </ol>
Specialized Equipment	<ol style="list-style-type: none"> <li>1. Low-light, intensified light and infrared.</li> <li>2. Still video.</li> </ol>

The in-car system consists of a camera and an audio/video recording device that can be maintained for future reference. The usual configuration is a camera that mounts inside the front windshield, recording device mounted in the trunk. A wireless microphone (body-mic) mounted on the officer's belt or shirt is preferred. The system can be activated manually from inside the patrol unit or from the remote body-mic. The system can also be wired into the patrol units emergency electrical equipment and activated automatically when the overhead lights are switched on. Some police agencies have experienced some problems with this application during the prosecution stage. An officer witnesses a traffic violation then implements the emergency lights. The incident is documented from that point on. Therefore the camera would have been activated after the officer witnessed the violation and vital probable cause information was not recorded. Most agencies have elected to use the manual activation procedure so that an officer could simply activate the audio/video equipment, verbally state the probable cause information,

The camera can be installed on a swivel mount so that the lens can be aimed in various directions. For example, the camera can be pointed at the backseat area to record a prisoner's behavior or admissions. The recording device can be accessible to the patrol officer or secured so that only specific personnel can remove and maintain custody of the tape itself. Each police agency can choose which set-up best fits their particular needs. Consulting the agencies local district attorney's office may prove extremely helpful. They can submit prior case law to support a specific procedure of handling, storing and documenting the secured tapes.

Agencies that need some guidance in the equipment and configuration of the different types of systems should consult a professional police electronics equipment company. One of the more popular consulting firms interviewed and used by police agencies through the State is Law Enforcement Mobile Video Institute, Inc. and is based in Texas. They also have a long list of the top rated equipment manufactures and provide instructor training the field of in-car video (Kuboviak, J., Cooper, B., Lundsford, R, Fountain, G., Easterling, J., Bush, S.) (Online).

A survey of thirty law enforcement agencies in Texas was conducted, with twenty-five responding. Eight of the twenty-five indicated that their agency did not presently use in car camera equipment. Twelve of the seventeen agencies that currently use in-car cameras indicated they did have a policy governing its use. The results of the survey show two important observations. One is that most of the agencies that use the in-car video has a policy in place for its use. The graph in Figure 1 indicates these findings.

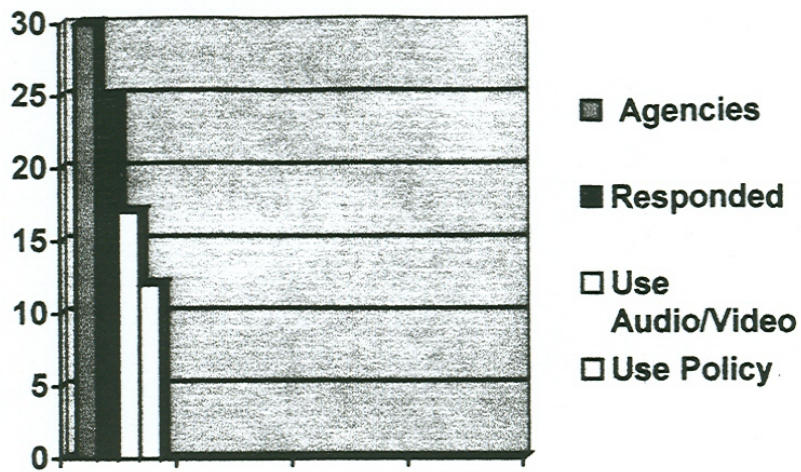


Fig: 1 Agencies Surveyed

The second and maybe the most important survey result indicates the main objectives of the agencies use of audio/video, which is for documentation of an incident and officer safety, and Driving While Intoxicated cases. The graph in Figure 2 indicates these findings.

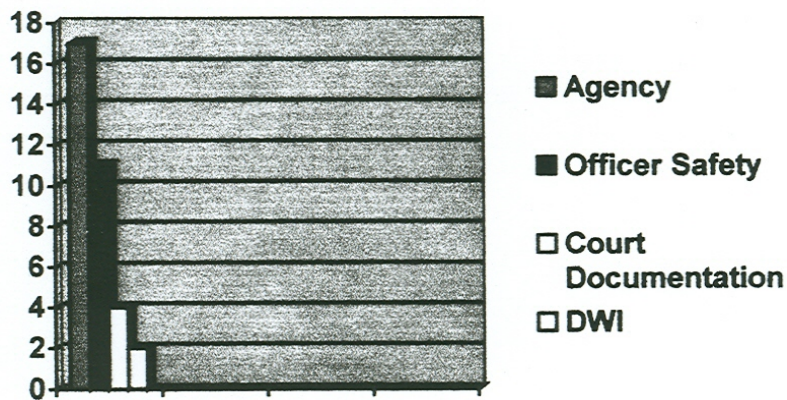
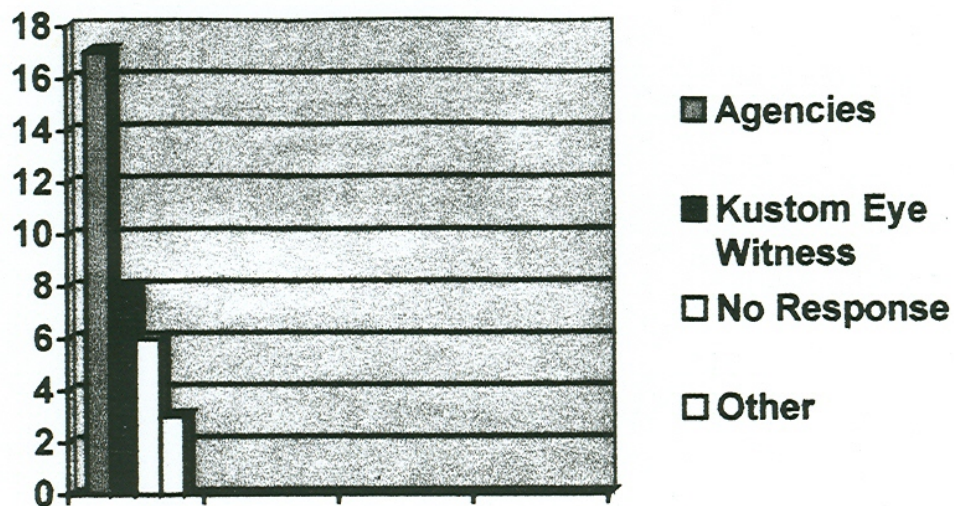


Fig: 2 Objectives

There are different types of equipment and the survey indicates what types are preferred by agencies that use the in-car video. The graph in Figure 3 indicates these findings.



All of the surveyed agencies that use m-car video indicated that their officers approve of it's use and have long since gotten past the fear of "Big Brother" or its use as a disciplinary tool.

Along with the survey, personal interviews with law enforcement officer and experts in the field of in-car video were also conducted. Most of the officers that had personally used in-car video, indicated that they preferred the simplest system with a policy of officer discretion of handling the tapes. Some of the officers said they preferred the system that only allowed selected supervisors to have access to the tape-vault. Chief Robert Pierce of the Galveston Police Department, Galveston, Texas stated that he preferred a system that allowed each officer to access the tapes themselves. He felt the officers in his department were trustworthy, professionals and should be responsible for their own evidence. Chief Pierce also indicated that each officer should retain custody of the used tapes for at least ninety days before discarding them. This would allow for state mandated time requirements m the event of a citizen complaint of racial profiling (pierce 2001).

## **Conclusion**

In the past law enforcement throughout America have used mobile audio/video for officer safety, DWI evidence, and officer integrity. With pressures from Federal officials, states are now forced to use the camera as a tool to assist the prohibition of racial profiling. The research in this project indicates that police departments across the state are required to install video equipment in all patrol cars to document all traffic and pedestrian stops. That is unless the department elects to document these encounters by hand-written or typed report forms. State guidelines indicate the written documentation would have almost as much information as a major crime scene. The Texas legislature has stepped up as one of the first to pass a bill governing the states in-car camera's use. The in-car video has proven to be a valuable tool in today's law enforcement efforts. This research project indicates a greater need for mobile cameras, backed by documented legislation, complete surveys, with technical and instructional information.

The 21<sup>st</sup> Century police officer will not only have to consume more education than most college graduates, they will also have to become proficient with new technological advancements in equipment. In-car video has proven it's worth to police in the past, by providing valuable evidence and protecting their integrity. In the future professional law enforcement will be asked to protect and serve the citizens that hold them to a higher standard, just as before. While the camera lens judges their every move. My guess is they will persevere just as they have in the past.

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Appendix

BILL BLACKWOOD LAW ENFORCEMENT  
MANAGEMENT INSTITUTE OF TEXAS

AUDIO/VIDEO  
In The 21<sup>st</sup> Century

SURVEY

Instructions:

Please answer each question and circle the appropriate response. Complete the information in the blanks if possible. Your cooperation is greatly appreciated.

Does your Police Department use Mobile Video cameras in the Patrol cars? Yes / No

If Yes!

a) Does the system use Audio? Yes / No

b) What name brand system? \_\_\_\_\_

c) What system type or make was not selected and why?

\_\_\_\_\_

d) What is the main objective for its use? Officer Safety  
DWI  
Citizen Complaints  
Court Documentation

d) Does your Department have a Written Policy for the use of the system? Yes / No

\_\_\_\_\_  
Your Department

Thank You!  
Richard Kershaw  
Galveston Police Dept.