

		Policy & Procedures			No. 1.46	
		Subject: In-Car Video Recording				
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CALEA STANDARDS

41.3.8

I. GENERAL CONSIDERATIONS AND GUIDELINES

The use of a mobile video recording (MVR) system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. The goal of this department's in-car camera program is to ensure that audio-visual recordings provide as true and accurate a depiction of events as is reasonably possible, in order to provide the best possible evidence and documentation of events.

In many cases, accurate and reliable recordings can help defend officers and the department against false accusations and unjustified litigation. The use of mobile video cameras in police vehicles can also give patrol officers added protection against false accusations of police misconduct during traffic stops.

In instances where an officer is injured or killed, investigating officers can review the audio-visual recording and, through video forensics, clarify and identify evidence that can lead investigators to specific persons or vehicles. The chance of apprehending offenders in these instances is dramatically improved and can save hundreds of hours of investigative time. The purpose of this policy is to provide officers with guidelines for the use, management, storage, and retrieval of audio-visual media recorded by in-car video systems. **41.3.8 (4A)**

II. POLICY

It is the policy of the Canton Police Department to:

- A. Record audio and video of motor vehicle stops, pursuits, and police responses and passive recording in vehicles equipped with recording equipment; and, **41.3.8 (4A)**

- B. Retain video and audio recordings pursuant to records retention standards set forth by the Secretary of the Commonwealth, and make the video and audio available for court and other proceedings. **41.3.8 (4H)**

III. DEFINITIONS

- A. *Recorded media*: Refers to audio-video signals recorded on any storage device.
- B. *In-Car Camera System and Mobile Video Recorder (MVR)*: Synonymous terms referring to any system that captures audio and video signals capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.
- C. *MVR*: Mobile Video Recorder.
- D. *MVR Manager*: The Administrative Sergeant, with assistance from Town MIS assigned by the Chief of Police to oversee the operational use of and coordinate maintenance of MVRs, media duplication, storage and retrieval, and procedures.

IV. PROCEDURES

A. Duties and Responsibilities

1. Officers' Responsibilities 41.3.8

- a. The inspection of MVR equipment installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle. **41.3.8 (4I)**
- b. All newly appointed officers will be trained on the use of MVR equipment by an FTO prior to its use. **41.3.8 (4J)**
- c. MVR equipment shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies.
- d. Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the MVR is performing in accordance with the manufacturer's recommendations covering the following matters: **41.3.8 (4I)**
 - 1) Camera Lens:
 - a) Windshield and camera lens free of debris; and
 - b) Camera facing intended direction.
 - 2) Recording mechanism:
 - a) System capturing both audio and video; and
 - b) System playing back both audio and video tracks.
 - 3) Malfunctions, damage or theft of in-car camera equipment shall be reported to the officer's immediate supervisor prior to placing the unit into service.
 - 4) Remote Audio Transmitter (microphone) functional:
 - a) Adequate power source;

- b) Connection to the recording equipment; and
- c) Remote activation of system via transmitter.
- d) Officers may review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts. **41.3.8 (4D)**

2. Patrol Supervisors' Responsibilities 41.3.8

- a. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, departmental accidents), a supervisor will ensure that:
 - 1) The recorded media is removed from the recorder;
 - 2) The media is logged into evidence.
- b. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that the Lieutenant is advised in a timely manner.
- c. Supervisors shall conduct periodic reviews of officer-assigned media in order to:
 - 1) Assess compliance with this policy and other department policies;
 - 2) Assure proper functioning of MVR equipment;
 - 3) Determine if MVR equipment is being operated properly; and
 - 4) Identify recordings that may be appropriate for training.
- d. Supervisors shall conduct bi-weekly reviews of personnel who have newly assigned MVR equipment in order to ensure compliance with departmental policy. Supervisors shall, thereafter, conduct quarterly reviews.

3. MVR Manager's Responsibilities 41.3.8

- a. The MVR Manager shall be responsible for the management and duplication of all recorded media files. (Currently only two methods; burned to a disc or downloaded onto a USB drive)
- b. The MVR Manager shall ensure that adequate recording media is on hand and available for issuance.
- c. The MVR Manager shall be responsible for collecting and storing all completed media. Storage will be maintained in the evidence room when the recording is evidentiary and stored in a locked file cabinet in the MVR Manager's office when not. **41.3.8 (4 C,H,K)**
- d. Recorded media may only be degaussed/erased:
 - 1) Pursuant to a court order; or
 - 2) In accordance with established retention guidelines.
- e. The MVR Manager shall be responsible for the following:
 - 1) Long-term storage of media deemed to be of evidentiary value consistent with the department's evidence storage protocols and retention schedule; and

- 2) The cleansing (degaussing) and re-issuance of all other media deemed to be of no evidentiary value consistent with the department's document retention requirements.
 - 3) Regularly scheduled inspection and maintenance of all recording devices.
- 41.3.8 (4I)**

B. Recording 41.3.8 (4A)

1. **MANDATORY RECORDING:** Officers assigned to vehicles with video and audio recording equipment will activate the same to actively record the following:
 - a. Traffic stops (to include, but not be limited to, traffic violations, stranded motorist assistance and all crime interdiction stops);
 - b. Priority responses (when emergency lights are activated);
 - c. Vehicular pursuits;
 - d. Detainee Transports
2. **SANCTIONS: 41.3.8 (4B)** In cases where an officer does not activate his/her cruiser video when policy dictates they should, the officer shall indicate in their report that the video was not activated and the reason why.
 - a. Sanctions or discipline will be directly proportionate to the seriousness of the violation.
 - b. Repeat violations are subject to progressive discipline.
3. **OPTIONAL RECORDING:** Officers, at their discretion and in accordance with this policy, may actively record any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.

NOTE: At the beginning of any public contact or traffic stop, the officer shall notify the citizen that the events are being recorded. This notification does not apply to crimes in progress or similar situations where notification is impractical.
4. **STOPPING OF RECORDING DURING AN INCIDENT:** When the MVR is activated to record an event, it shall not be deactivated until the event has been concluded unless:
 - a. The officer is advised by a party being audio recorded that they do not want to be audio recorded. When a person advises an officer that they do not want to be recorded, only the audio portion of the recording is to be disengaged.
 - b. The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and
 - c. The intention to stop the tape has been noted by the officer either verbally or in a written notation.

5. Use of In-Cruiser Audio and Video Recording 41.3.8

a. Operation

- 1) All patrol officers shall be trained to have an in-depth working knowledge of the system. It shall be the individual's responsibility to activate the microphone every time [s]he records an incident or event. **41.3.8 (4J)**
- 2) With the exception of police radios, officers shall ensure that the volume from other electronic devices within the police vehicle does not interfere with MVR recordings.
- 3) Officers shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene. **41.3.8 (4A)**
- 4) While maintaining officer safety the officer shall ensure the cruiser is positioned correctly during each motor vehicle stop, realizing the importance of capturing the widest possible angle to ensure nothing happens outside the field of view of the camera. Officers are not required to reposition their vehicles during a directed motor vehicle enforcement patrol where the officer is not in the vehicle.
- 5) Every time the MVR unit is activated, the officer shall activate the belt pack transmitter (microphone) and narrate the reason for the stop.
 - a) Officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.
- 6) Upon initial contact with any person being audio recorded, e.g., motor vehicle stops, the operator must inform the person that he/she is being recorded and shall make one of the following statements:
 - a) "YOU ARE BEING RECORDED."
 - b) "YOU ARE BEING AUDIO AND VIDEO RECORDED."
- 7) At the end of the shift, officers assigned to cruisers with video recording device shall discuss with their Shift Supervisor, any events they feel should be reviewed. The Shift Supervisor will determine if anything recorded could be considered "critical evidence." If the officer and/or Shift Supervisor determines that "critical evidence" has been recorded, the officer will make a request to the MVR Manager or any MVR Administrator (Lt's.) to record the event to a medium (DVD) for court.

C. Media 41.3.8

1. CARE OF MEDIA

- a. Officers shall not erase, alter, reuse, modify or tamper with MVR recordings.
- b. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment authorized by the MVR Manager. **41.3.8 (4M)**

2. REPLACEMENT OF MEDIA

The officer is to notify the MVR Manager that there is minimal recording time on the MVR so he/she can upload the media card (if the automatic uploading function is not working).

3. STORAGE OF MEDIA 41.3.8 (4E)

- a. All MVR recordings shall be stored on the department computer server or an external hard drive so they can be recalled for evidentiary purposes. It will be the responsibility of the MVR Manager to make copies of the following events as needed;
 - 1) Arrests;
 - 2) Assaults;
 - 3) Physical or verbal confrontations;
 - 4) Vehicle pursuits;
 - 5) Vehicle searches in which contraband is recovered;
 - 6) Driving while intoxicated or under the influence arrests; and
 - 7) All prisoner transports.

4. RETENTION 41.3.8 (4H)

- a. Media containing evidentiary material shall be retained in accordance with policy dealing with evidence. See the department policy regarding ***Evidence and Property Control***.
- b. Media which is not considered evidence shall be stored for 90 days.
- c. Passively recorded video media, not needed for evidentiary purposes, will generally not be stored for more than three days.

5. MEDIA DUPLICATION 41.3.8 (4E)

- a. All recording media, recorded images and audio recordings are the property of the Canton Police Department. Dissemination outside of the agency is strictly prohibited without specific written authorization of the Chief or his or her designee.
- b. To prevent damage to or alteration of the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MVR Manager.
- c. At the conclusion of the trial proceedings or as otherwise authorized by the prosecutor's office for which the media was required, all copies shall be submitted to the MVR Manager for disposition.

6. REVIEWING PASSIVELY RECORDED MEDIA 41.3.8 (4D,M)

- a. The Union shall be notified and given the opportunity to have a Union representative attend the viewing of “passive” recordings with the administration. Said representative shall be a Union member designated by the Union.
- b. Once videos are uploaded to the PD’s server, only a Supervisor or the individual that was logged into the video system at the time of the recording can view that information in the station.
- c. Equipment Installation
 - i. All MVR equipment shall be installed so as to activate automatically with emergency equipment (lights and/or other means designated), or a wireless transmitter. The system may also be activated manually from the control panel affixed to the interior of the vehicle.
 - ii. The placement and operation of system components within the vehicle shall be based on officer safety requirements.

7. DATA SECURITY AND ACCESS 41.3.8 (4C,K) (attached photos in folder)

- a. Once the MVR is activated, the information is ready to be viewed. There are three groups that can view the information, each group with varying levels of access.

Groups:

 - 1. Patrol
 - 2. Sergeants
 - 3. Administrators
- b. **Patrol** – can only view the video that was tagged with their name on it. They do NOT have editing capabilities, only rewinding and viewing.
- c. **Sergeants** - have more enhanced security access. They have the ability to change the population and to export the information.
- d. **Administrators** – have even more enhanced security access. They have the ability to burn the information to a DVD or to a USB drive.

8. PUBLIC RECORDS 41.3.8 (4F)

MVR recordings are subject to public records request under FOIA and the release of such information is guided by the Public Records Exemption Laws.