

# SAMPLE

## POLICY STATEMENT/STANDARD OPERATING PROCEDURES FOR DIGITAL IN-CAR VIDEO SYSTEMS

Following is a sample Policy Statement/Standard Operating Procedure provided to us by a Police Department that has adopted it as their procedure. They have made this available to us as a sample for other departments to use if so desired.

### I. Policy Statement:

The use of a Mobile Video Recorder (MVR) system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and procedures outlined herein so as to maximize the effectiveness and utility for the MVR and the integrity of evidence and related video documentation.

### II. Definitions

- A. **Recorded media** – refers to audio/video signals recorded on any of several storage devices including hard drives, analog tape, digital tape, digital video disks (DVD), memory cards, or other portable digital devices.
- B. **In-car Video System or Mobile Video Recorder (MVR)** – These are synonymous terms and refer to any system that captures audio and/or video signals capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder, and monitor.
- C. **Formatting** – Cleansing of digitally recorded media that returns the media to its original state and when needed for the imprinting of new images.

### III. Purpose:

To provide officers with the necessary procedures for the MVR's use, as well as the management, storage, and retrieval of audio/video media recorded by in-car video.

#### IV. Procedures:

1. **Objectives** – The department has adopted the use of MVR’s to accomplish the following objectives:
  - 1.1 To enhance officer safety
  - 1.2 To accurately capture statements and events during the course of an incident
  - 1.3 To enhance the officer’s ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation and presentation
  - 1.4 To provide an impartial measurement for self-critique and evaluation during field training
  - 1.5 To capture visual and audio evidence/information for use in current and future investigations
  
2. **Officer’s Responsibilities**
  - 2.1 **The officer shall activate the MVR (audio and video) for all traffic stops**
  - 2.2 When the MVR is activated, officers **shall** carry and activate the appropriate audio transmitter to ensure that all events are properly documented. Officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation
  - 2.3 When the MVR is activated to document an event, it **shall not** be deactivated until the event has been concluded unless:
    - 2.3.1 The incident or event is of such duration that the MVR may be deactivated to conserve recording times, i.e. parades, collision investigations, extended traffic control, etc.
    - 2.3.2 The officer does not reasonably believe that deactivation will result in the loss of critical documentary evidence
    - 2.3.3 The intention to stop either audio and/or video recording **shall** be noted by the officer verbally, visually, or in written notation. Every intentional deactivation of the MVR on traffic stops **shall** be documented.
  - 2.4 When necessary to help ensure accuracy and consistency of accounts for written reports officers should contact a supervisor and request to review recordings from the MVR
  - 2.5 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
  - 2.6 Officers **shall not** erase, alter, reuse, modify or tamper with any MVR recording or storage device. Only authorized supervisors may erase and reissue previously recorded devices and may only do so pursuant to the provisions of this policy

- 2.7 Officers **shall** notify a supervisor when the MVR has captured a felony arrest, DWI arrest, any event requested as evidence by an officer, or any other significant event in accordance with Section 3.2
  - 2.7.1 Once the video is downloaded to the video computer by the supervisor, the arresting officer **shall** initiate a CD/DVD copy of the recording to submit as evidence
  - 2.7.2 The officer **shall** flag that recording within the system as an evidence submission to ensure that it will not be inadvertently deleted after the 180 day purging of unnecessary video (see Section 5.1)
- 2.8 **All prisoner transports shall be recorded with both audio and video.**
  - 2.8.1 To record prisoner transports, the officer **shall** manually turn on the rear-facing camera and interior microphone
- 2.9 During a citizen contact outside of a traffic stop, the officer should consider utilizing the MVR as a means of documenting unusual events.
  - 2.9.1 When outside of the camera view (i.e. inside a home for a disturbance) the officer has the discretion to activate the audio portion of the MVR to record data suitable for evidentiary support of criminal violations and/or documentation of unusual events committed in his/her presence
- 2.10 Daily inspection and general maintenance of MVR equipment installed in police units
- 2.11 To operate MVR equipment in accordance with manufacturer's guidelines, departmental policy and training
- 2.12 To inspect the MVR equipment at the beginning of each shift or work assignment ensuring that the equipment is functioning according to the manufacturer's guidelines
- 2.13 To immediately report any malfunctions, damage or theft of MVR equipment to the appropriate supervisor
- 2.14 To reduce the risk of damage, original recordings from memory devices **shall not** be viewed in any equipment other than the equipment authorized by the administration

### 3. Supervisor's Responsibility

- 3.1 Supervisors **shall** install unrecorded media (memory cards) with the correct unit identification number
- 3.2 When an incident arises that requires the immediate retrieval of the media (i.e. serious crime scenes, officer involved shootings, tazer deployment or any other use of force incident, unit involved accidents, pursuits, or any other incident deemed appropriate by the supervisor) a supervisor **shall** remove the media (memory card) and transfer the recording to the departmental video record system.
  - 3.2.1 Upon downloading the recording to the system, the supervisor **shall** flag the entry as evidence to ensure that it

will not be inadvertently deleted after the 180 day purging of unnecessary video (see Section 5.1)

- 3.3 Supervisors **shall** conduct periodic reviews to:
  - 3.3.1 Ensure the MVR equipment is being used in accordance to policy and procedures
  - 3.3.2 To report and correct any officer discrepancies in the use of MVR equipment
  - 3.3.3 To make recommendations for revisions to the policy and/or procedures, officer training, or equipment needed for MVR usage
  - 3.3.4 To inspect for equipment damage, loss or misuse, and to report and investigate the cause
  - 3.3.5 To assess officer performance
- 3.4 Infractions (not criminal) discovered during a routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being formally addressed, appropriate disciplinary or corrective action **shall** be documented against the appropriate personnel.

#### 4. Media Duplication

- 4.1 All recorded media, recorded images and audio/video recordings are the property of this department. Dissemination outside of the agency is strictly prohibited without specific written authorization from the chief of police or his/her designee
- 4.2 Requests made under the State of Missouri Sunshine Law for copies of recorded media **shall** be made through the chief's office
  - 4.2.1 Only those incidents specifically requested **shall** be duplicated
- 4.3 To prevent damage to, or the alteration of, the original recorded media; it **shall not** be copied, viewed or otherwise inserted into any non-approved device.
- 4.4 When possible and practical, a second copy of the original recorded media stored in evidence **shall** be used for viewing by investigators, staff, prosecutors, training personnel and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition for court
- 4.5 At the conclusion of court proceedings or as otherwise authorized by the prosecutor's office for which the media was required, all copies **shall** be submitted back to the evidence clerk for filing.

## 5. Media Storage

- 5.1 Recorded data from MVR's **shall** be retained for a minimum period of one hundred and eighty (180) days.
  - 5.1.1 After one hundred and eighty days, if the data is not needed for training, disciplinary reviews, other investigative purposes, or linked to a citizen complaint the data may be destroyed or erased to ensure ample storage of future MVR data within the computer system
- 5.2 Recorded data needed as evidence for court will be saved to a portable media device and submitted to the evidence room in compliance with accepted protocols
  - 5.2.1 Recorded data submitted to the evidence room **shall** be kept indefinitely until such time that a court order permits the destruction of the recording
  - 5.2.2 Once the portable media device is submitted into evidence the data file may be erased from the computer hard drive to ensure ample storage of future MVR data
- 5.3 Recorded data from MVR's containing any event specified in Section 3.2 **shall not** be destroyed and/or erased without the chief's approval