

MOBILE VIDEO RECORDING EQUIPMENT

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<i>Special Instructions:</i> NONE		
<i>Distribution:</i> All Sworn & Civilian Personnel	<i>Last Re-Evaluation Date:</i>	<i>Total Pages:</i> 7

I. Purpose

The purpose of this policy is to provide law enforcement agencies with guidelines for the use, management, storage, and retrieval of audio-visual media recorded by in-car video systems.

II. Policy

The use of an 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 protocols outlined herein so as to maximize the effectiveness and utility of the MVR and the integrity of evidence and related video documentation.

III. Definitions

1. **Recorded Media**—Refers to audio-video signals recorded on any of several storage devices, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV), or other portable digital storage devices (CD, DVD, hard drive, etc).
2. **In-Car Camera System and Mobile Video Recorder (MVR)**—These are synonymous terms and refer 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.
3. **Supervisor**—Sworn personnel officially appointed responsibility for a departmental component.
4. **MVR Technician**—Personnel trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures. (Dependent on the size and needs of the agency, the role of the MVR Technician may be delegated to the supervisor.)
5. **Degaussing**—Electronic cleansing of analog recording media returns the media to its original state and when it is ready for the imprinting of new images.

IV. Procedures

1. Program Objectives

The agency has adopted the use of MVRs to accomplish the following objectives:

- a. To enhance officer safety
- b. To accurately capture statements and events during the course of an incident
- c. To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation
- d. To provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training
- e. To capture visual and audio information for use in current and future investigations.

2. General Procedures

It shall be the responsibility of this department to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations

- a. MVR equipment shall automatically activate when emergency equipment (lights) or a wireless transmitter is operating. The system may also be activated manually from the control panel affixed to the interior of the vehicle
- b. Placement and operation of system components within the vehicle shall be based on officer safety requirements
- c. All officers shall successfully complete this department's approved course of instruction prior to being deployed with MVR systems in operational settings

3. Officers' Responsibilities

- a. Inspection and general maintenance of MVR equipment installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle
 1. MVR equipment shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies
 2. 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:
 - Remote audio transmitter functional
 - Adequate power source
 - Connected to the recording equipment
 - Remote activation of system via transmitter

- Camera Lens
 - Windshield and camera lens free of debris
 - Camera facing intended direction
 - Recording mechanism capturing both audio and video information.
 - System plays back both audio and video tracks

- b. Malfunctions, damage or theft of in-car camera equipment shall be reported to the immediate supervisor prior to placing the unit into service
 - 1. A subsequent written report shall include information on the suspected cause(s) of equipment failure, as available, and any recommendations for corrective action. The supervisor shall determine if the unit shall be placed in service. If the vehicle is placed in service without an operating MVR, the officer will note that on his/her activity form and the supervisor will advise the Chief of Police or his designee.

4. Mandatory Recordation

- a. Traffic stops (to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops)
- b. Priority responses
- c. Vehicle pursuits
- d. Prisoner transports
- e. Crimes in progress
- f. Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded
- g. When the MVR is activated, officers shall ensure that the audio portion is also activated so 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.

5. Operational Protocols

- a. To prevent bleed over and/or noise from other MVRs in systems using low band transmitters (analog), only the primary officer initiating the contact shall activate his or her audio recorder
- b. Officers using the 900Mhz digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene
- c. Officers shall review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts
- d. 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
- e. Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor or MVR technician may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy
- f. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued or authorized by the MVR technician

- g. MVR recordings shall be marked as containing evidence and submitted to the property custodian or MVR technician to be held and/or duplicated for criminal prosecution when they record any of the following:
 - 1. Arrest Assaults
 - 2. Physical or verbal confrontations, vehicle pursuits
 - 3. Vehicle searches in which contraband is recovered
 - 4. Driving while intoxicated or under the influence arrests
 - 5. All prisoner transports
 - h. When the MVR is activated to document an event, it shall not be deactivated until the event has been concluded unless:
 - 1. The incident or event is of such duration that the MVR may be deactivated to conserve recording times
 - 2. The officer does not reasonably believe that deactivation will result in the loss of critical documentary information
 - 3. The intention to stop the tape has been noted by the officer either verbally or in a written notation
 - i. The recording media shall be replaced when the recording time remaining is less than 1 hour, for long playing media lasting 6-8 hours, or 30 minutes for Hi8 analog or digital media with recording time of 5 hours or less
6. Supervisors' Responsibilities
- a. Supervisors shall issue unrecorded media and when possible prior to issuance, shall assign and affix an identification number to the exterior of the media
 - 1. Each vehicle is issued a card labeled with the vehicle number.
 - b. The chain of custody log shall include, but need not be limited to:
 - 1. Tracking number of media
 - 2. Date issued
 - 3. Officer or vehicle issued
 - 4. Date submitted
 - 5. Officer submitting the media
 - 6. Hold for evidence indication
(In the event an officer works at a remote location and reports in only periodically, multiple recording media may be issued.)
 - c. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, departmental accidents), a supervisor shall respond to the scene and ensure that the appropriate MVR technician or crime scene investigator removes the recorded media. The technician or investigator shall then:
 - * Place the media into evidence and provide copies to authorized investigative personnel

* Ensure the appropriate notation is made in the chain of custody log

- d. The supervisor shall periodically review the chain of custody log to ensure that issued media is surrendered in a timely manner. The supervisor is responsible for determining causes for such problems (e.g., unreported problems with the MVR equipment or equipment not being used in accordance with departmental policy).
- e. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.
- f. Supervisors shall conduct periodic reviews of officer assigned media in order to periodically:
 - 1. Assess officer performance
 - 2. Assure proper functioning of MVR equipment
 - 3. Determine if MVR equipment is being operated properly
 - 4. Identify recordings that may be appropriate for training
- g. Supervisors shall conduct bi-weekly reviews of personnel who are newly assigned MVR equipment in order to ensure compliance with departmental policy. Supervisors shall thereafter conduct quarterly reviews.
- h. Minor infractions (not criminal in nature) discovered during the 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 informally addressed, the appropriate disciplinary or corrective action shall be taken.
- i. Supervisor shall ensure that adequate recording media is on hand and available for issuance.

7. Technicians' Responsibilities

- a. A designated officer or other employee (MVR technician) shall be responsible for the ordering, issuance, retrieval, storage, cleansing (degaussing), and duplication of all recorded media
- b. The MVR technician shall be responsible for collecting all completed media. Once the media is surrendered, the technician shall:
 - 1. Download all files into a separate file with Officer IBM and Date of Download.
 - 2. Immediately supply the officer with a formatted and blank card for the specific vehicle.
- c. Recorded media may only be degaussed/erased:
 - 1. Pursuant to a court order
 - 2. In accordance with established retention guidelines
- d. For the purpose of accountability, all media will be assigned an identification number prior to issuance to the field. The MVR technician will maintain a record database of issued media.

- e. The MVR technician shall coordinate with field supervisors to ensure that an adequate supply of recorded media is available.
 - f. The MVR technician 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
 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.
8. Media Duplication
- a. All recording media, recorded images and audio recordings are the property of this department. Dissemination outside of the agency is strictly prohibited without specific written authorization of the agency's Chief of Police 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 departmental MVR technician or forensic media staff.
 - c. When possible and practical, a copy of the original media shall be used for viewing by investigators, staff, training personnel, and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition
 - d. 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 technician for further storage

CASE LAW AFFECTING RECORDINGS

- A. Pennsylvania v. Muniz, 110 S. Ct. 2638 (1990), the U.S. Supreme Court, on June 18, 1990, ruled on the admissibility of a video tape into evidence for a drunk driving arrest. Parts of the video tape were allowed as evidence.
- At issue was whether the video-taped interrogation violated the defendant's rights under the self-incrimination clause of the Federal Constitution's Fifth Amendment.
 - Unless a suspect voluntarily, knowingly, and intelligently waives his or her rights, any incriminating responses to questioning may not be introduced into evidence in the prosecution's cases. Any verbal statements on the video tape that are both testimonial in nature and elicited during custodial interrogation are inadmissible as evidence in a motorist's state court trial unless he or she has been advised of their Miranda Rights.
 - The court's decision: "A video tape is not inadmissible because the suspect's incriminatory utterances during this phase of the video-taped proceedings were voluntary in the sense that they were not elicited in response to custodial interrogation, given that:

- The officer's dialogue with the suspect consisted primarily of carefully scripted instructions as to how the tests were to be performed, which instructions were not likely to be perceived as calling for any verbal response;
- Verbal response to the instruction was not incriminating except to the extent that it exhibited a tendency to slur words which is a non- testimonial component of his response; and
- The officer's dialogue with the suspect also contained limited and carefully worded inquiries as to whether the suspect understood the instructions."

(c) **Interception of Communications**

- It is ordinarily unlawful to intercept an oral communication. An exception applies when a police officer who is party to the conversation records that conversation. N.J.S.A. 2A-156A-4b and 11 Del.C § 2402 (c.5), a member can lawfully use the patrol vehicle recording system to record a conversation inside that vehicle to which he or she is a party.

ORDER EXECUTED and ISSUED this 15th day of APRIL, 2013

Christopher Workman
Chief of Police