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## Mobile Video Recorders

### 445.1 PURPOSE AND SCOPE

The Becker County Sheriff's Office has equipped marked patrol cars with Mobile Video Recording (MVR) systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

#### 445.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

**In-car camera system and Mobile Video Recorder (MVR)** - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder, and monitor.

**Law Enforcement Operator (LEO)** - Primarily a licensed peace officer but on occasion may be a non-licensed representative of the Department who is authorized and assigned to operate MVR-equipped vehicles to the extent consistent with Minn. Stat. § 169.98.

**MGDPA** - The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

**MVR technician** - Personnel certified or trained in the operational use and repair of MVRs, duplicating methods and storage and retrieval methods, and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

### 445.2 POLICY

It is the goal of the Becker County Sheriff's Office to use mobile video recorder (MVR) technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

### 445.3 DEPUTY RESPONSIBILITIES

Prior to going into service each deputy will properly equip him/herself to record audio and video in the field. At the end of the shift each deputy will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. In the event a deputy works at a remote location and reports in only periodically additional recording media may be issued. Only Becker County Sheriff's Office identified and labeled media with tracking numbers is to be used.

At the start of each shift, deputies should test the MVR system operation in accordance with manufacturer specifications and department operating procedures and training.

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System documentation is accomplished by the deputy recording his/her name, serial number, badge, or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

### 445.3.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation where the system may be used, although there are many situations where the use of the MVR system is appropriate. In addition to the required situations, a deputy may activate the system any time the a deputy believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The activation of the MVR system is required in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct, within video or audio range, which include:
  - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops).
  - 2. Priority responses
  - 3. Vehicular pursuits
  - 4. Suspicious vehicles
  - 5. Arrests
  - 6. Vehicle searches
  - 7. Physical or verbal confrontations or use of force
  - 8. Prisoner transports
  - 9. Non-custody transports
  - 10. Pedestrian checks
  - 11. DWI investigations including field sobriety tests
  - 12. Consensual encounters
  - 13. Crimes in progress
  - 14. Responding to an in-progress call
  - 15. Medical incidents attended to by members of the Department
- (b) All self-initiated activity in which a deputy would normally notify Dispatch.

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- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:
  - 1. Family violence calls
  - 2. Disturbance of peace calls
  - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (e) Any other circumstances where the deputy believes that a recording of an incident would be appropriate.

### 445.3.2 CESSATION OF RECORDING

Once the MVR system is activated it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if:

- (a) The LEO is simply waiting for a tow truck or a family member to arrive or other similar situations.
- (b) The incident or event is of such duration that the MVR may be deactivated to conserve recording times.
- (c) The LEO does not reasonably believe that deactivation will result in the loss of critical documentary information.
- (d) The intention to stop the tape has been noted by the LEO either verbally or in a written notation.

The MVR system is configured to allow the deputy to temporarily turn off the audio while recording. Careful consideration should be taken by the deputy when choosing to turn off the audio, and should only do so when exigent circumstances exist. Situations may include, but are not limited to the following:

- 1. When the information would compromise an ongoing investigation (informant information, unreleased information in investigation, etc.).
- 2. When the information would compromise the safety to an individual.
- 3. Consultation with an attorney.
- 4. Private conversations unrelated to the event.

### 445.3.3 WHEN ACTIVATION NOT REQUIRED

Activation of the MVR system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

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### **445.4 ACTIVATION OF THE MVR**

The MVR system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded the video will also record.

#### **445.4.1 SUPERVISOR RESPONSIBILITIES**

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
  - 1. The tracking number of the MVR system media.
  - 2. The date it was issued.
  - 3. The law enforcement operator or the vehicle to which it was issued.
  - 4. The date it was submitted.
  - 5. Law enforcement operators submitting the media.
  - 6. Holds for evidence indication and tagging as required.
- (c) The operation of MVR systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MVR technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media. Copies may be distributed to investigators as appropriate to the investigation.

Supervisors may activate the MVR system remotely to monitor a developing situation such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event.

#### **445.4.2 WHEN ACTIVATION IS NOT REQUIRED**

Activation of the MVR system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously use County equipment to record a conversation of any other member of this department except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

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### 445.4.3 CESSATION OF RECORDING

Once activated the MVR system should remain on until the incident has concluded. For purposes of this section conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

### 445.4.4 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The MVR system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
  - 1. Traffic stops (to include but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops)
  - 2. Priority responses
  - 3. Vehicle pursuits
  - 4. Suspicious vehicles
  - 5. Arrests
  - 6. Vehicle searches
  - 7. Physical or verbal confrontations or use of force
  - 8. Prisoner transports
  - 9. Non-custody transports
  - 10. Pedestrian checks
  - 11. Driving While Intoxicated (DWI) investigations including field sobriety tests
  - 12. Consensual encounters
  - 13. Crimes in progress
  - 14. Responding to an in-progress call
  - 15. Medical incidents attended to by members of the Department
- (b) All self-initiated activity in which a deputy would normally notify Dispatch
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, including:

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1. Domestic abuse
  2. Disturbance of the peace
  3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the deputy believes that a recording of an incident would be appropriate

Activation of the MVR system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

### **445.5 REVIEW OF MVR RECORDINGS**

All recording media, recorded images, and audio recordings are the property of the Department and subject to the provisions of the MGDPA. Dissemination outside of the Department is strictly prohibited except to the extent permitted or required under the MGDPA, Peace Officer Disciplinary Procedures Act, or other applicable law.

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 technician, or forensic media staff. When reasonably possible a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations.

- (a) By deputies for use when preparing reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct
- (c) By a supervisor to conduct documented reviews of their subordinate's MVR media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review MVR media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
- (d) To assess proper functioning of MVR systems
- (e) By department investigators who are participating in an official investigation such as a personnel complaint, administrative inquiry, or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to their employment
- (h) By court personnel through proper process or with the permission of the Sheriff or the authorized designee
- (i) By the media through proper process or with an MGDPA request (Minn. Stat. § 13.01 et seq.)

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- (j) To assess possible training value
- (k) Recordings may be shown for staff or public safety training purposes. If an involved deputy objects to showing a recording, their objection will be submitted to the command staff to determine if the training value outweighs the deputy's objection
- (l) As may be directed by the Sheriff or the authorized designee

Members desiring to view any previously uploaded or archived MVR recording should submit a request in writing to the Supervisor. Approved requests should be forwarded to the MVR technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

### **445.6 DOCUMENTING MVR USE**

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the records copy of the citation indicating that the incident was recorded.

#### **445.6.1 COPIES OF VIDEO RECORDINGS**

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in this policy.

Original video recording media may only be released in response to a court order or upon approval by the Sheriff or designee. In the event that an original recording is released to court, a copy shall be made and placed in storage until the original is returned.

#### **445.6.2 MVR RECORDINGS AS EVIDENCE**

Only in exceptional circumstances will original video media be booked into evidence. The exceptions would include a major event, such as a homicide, or as directed by the Supervisor or a member of staff. If a video media is booked into evidence, it shall be booked in the same manner as other property and referenced in the case report.

MVR equipment will be used in the prosecution of those who violate the law and to provide objective information concerning law enforcement/citizen contacts.

- (a) Recordings containing data that must be retained in anticipation of pending civil action or are collected as part of an active investigation for the commencement or defense of a pending civil action against the state shall continue to be in the control of the Department.
- (b) When a recording contains evidence for a case that is being investigated by another agency, that agency shall be provided a duplicate copy of the recording with the approval of the Sheriff.

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### **445.7 RECORDING MEDIA STORAGE AND INTEGRITY**

Once submitted for storage all recording media will be labeled and stored in a designated secure area. All recording media that is not booked in as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

#### **445.7.1 COPIES OF ORIGINAL RECORDING MEDIA**

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event an original recording is released to a court a copy shall be made and placed in storage until the original is returned.

#### **445.7.2 MVR RECORDINGS AS EVIDENCE**

Deputies who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the Becker County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

### **445.8 SYSTEM OPERATIONAL STANDARDS**

- (a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MVR system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MVR system may not be configured to record audio data occurring prior to activation.
- (d) To prevent bleed-over and/or noise from other MVRs in systems using low band transmitters (analog) only the primary LEO initiating the contact shall activate his/her audio recorder.
- (e) LEOs using 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.
- (f) With the exception of law enforcement radios or other emergency equipment other electronic devices should not be used within the law enforcement vehicle in order to intentionally interfere with the capability of the MVR system to record audio data.
- (g) LEOs shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor, MVR technician or other approved designee may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician.

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### **445.9 MVR TECHNICIAN RESPONSIBILITIES**

The MVR technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing, and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected the MVR technician:
  - 1. Ensures it is stored in a secured location with authorized controlled access.
  - 2. Makes appropriate entries in the chain of custody log.
- (c) Erasing of media:
  - 1. Pursuant to a court order.
  - 2. In accordance with established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field.
  - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the established records retention schedule.

### **445.10 TRAINING**

Users of the MVR systems and supervisors shall successfully complete an approved course of instruction prior to being deployed with MVR systems in operational settings.