

IN-CAR VIDEO RECORDING

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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 41.3.8	REVISION DATE: 07/01/14

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. Experience has shown that those agencies using mobile audiovisual recording equipment in patrol vehicles have much higher conviction rates and substantial reductions in the amount of time officers spend in court.

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 audiovisual 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.

II. POLICY

It is the policy of this police department to:

- A. Video record motor vehicle stops, pursuits and police responses in vehicles equipped with recording equipment; and,
- B. Retain video recordings pursuant to records retention standards set forth by the Secretary of the Commonwealth, and make the video available for court and other proceedings.

III. DEFINITIONS

- A. *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.).
- 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*: An employee assigned by the Chief of Police to oversee the operational use of and coordinate maintenance of MVRs, media duplication, storage and retrieval, and procedures.
- E. *Degaussing*: Electronic cleansing of magnetic recording media.

IV. PROCEDURES

A. Duties and Responsibilities

- 1. OFFICERS' RESPONSIBILITIES [41.3.8]
 - a. The inspection and general maintenance of MVR equipment installed in departmental vehicles shall be the responsibility of the officer assigned to the vehicle.
 - b. MVR equipment shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies.
 - c. 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:
 - 1) Camera Lens:

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- 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. A subsequent written report shall include information on the suspected cause(s) of equipment failure and any recommendations for corrective action.
 - 4) Remote Audio Transmitter 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.
 - e. 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:
 - 1) The recorded media is removed from the recorder;
 - 2) The media is logged into evidence;
 - 3) Copies of the media are provided to authorized investigative personnel; and
 - 4) The appropriate notation is made in the chain of custody log.
 - f. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that the MVR technician is advised in a timely manner.
 - g. Supervisors shall conduct periodic reviews of officer-assigned media in order to:
 - 1) Assess officer performance and compliance with this policy;
 - 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.
 - h. 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.

- i. 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.

2. MVR MANAGER [41.3.8(C)]

- a. The MVR Manager shall be responsible for the ordering, issuance, retrieval, storage, cleansing (degaussing), and duplication of all recorded media.
- 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.
- d. Recorded media may only be degaussed/erased:
 - 1) Pursuant to a court order; or
 - 2) In accordance with established retention guidelines.
- e. 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.
- 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; 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.

B. Recording [41.3.8(a)]

1. MANDATORY RECORDING: Officers assigned to vehicles with video recording equipment will activate the same to 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;
 - c. Vehicle pursuits;
 - d. Prisoner transports; and

- e. Crimes in progress.
- 2. **OPTIONAL RECORDING:** Officers, at their discretion, may record any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.
NOTE: Officers may audibly and visually record any incident in which all involved parties consent. At the beginning of any public contact or traffic stop, the officer shall notify the citizen that the events are being audibly and visually recorded. This notification does not apply to crimes in progress or similar situations where notification is impractical.
- 3. **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 incident or event is of such duration that the MVR may be deactivated to conserve recording times;
 - 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.
- 4. **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.
 - 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.
 - 4) The officer shall ensure the cruiser is positioned correctly during each motor vehicle stop, realizing the importance of capturing the widest possible angle on tape to ensure nothing happens outside the field of view of the camera.
 - 5) Every time the unit is activated, the officer shall activate the belt pack transmitter and narrate the reason for the stop.
 - a) Upon stopping the vehicle, the operator shall temporarily extinguish the headlights and activate the auto zoom feature

from the control head. This will automatically capture a clear picture of the automobile and the license plate.

- b) 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 recorded, e.g., motor vehicle stops, the operator shall make the following statement:
 - a) "GOOD (MORNING/AFTERNOON/EVENING). I AM (CHIEF, CAPTAIN, LT., SGT., OFFICER) OF THE ERVING POLICE DEPARTMENT. I MUST INFORM YOU THAT YOU ARE BEING AUDIO VIDEO RECORDED."
 - b) Modification of this statement is not authorized. The operator must inform the person that his/her statements and comments are being recorded. ⁱ
- 7) At the end of the shift, officers assigned to cruisers with video recording device shall discuss with their Supervisor anything recorded by the camera that could be considered "critical evidence."
- 8) This procedure allows for operator discretion and judgment. There is, however, no allowance for the failure to record each motor vehicle stop. The limits of discretion are established relative to the use of the microphone and the ability to record events prior to a motor vehicle stop (e.g., recording a vehicle crossing the yellow line). [41.3.8(a)]

C. Media [41.3.8(a)]

1. CARE OF MEDIA

- a. 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.
- b. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment authorized by the MVR Manager.

2. REPLACEMENT OF MEDIA: The recording media shall be replaced when the recording time remaining is less than one hour, for long playing media lasting six to eight hours, or thirty minutes for Hi8 analog or digital media with recording time of five hours or less.

3. STORAGE OF MEDIA [41.3.8(C)]

- a. MVR recordings shall be marked as containing evidence and shall be submitted to the property custodian and/or duplicated for criminal prosecution when specifically identified as such or when they record any of the following:
 - 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.
- b. Media not identified as evidence shall be submitted to the MVR Manager for storage.

4. RETENTION 41.3.8(C)]

- 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 at least (3) three years.

5. MEDIA DUPLICATION [41.3.8(C)]

- 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 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 department MVR Manager.
- 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 Manager for disposition.

D. Equipment Installation

1. All MVR equipment shall be installed so as to activate automatically with emergency equipment (lights and/or siren) or when a wireless transmitter is operating. The system may also be activated manually from the control panel affixed to the interior of the vehicle.
2. The placement and operation of system components within the vehicle shall be based on officer safety requirements.

ⁱ M.G.L. c. 272, §99.