

**POLICY:** The use of a Mobile Video Recorder (MRV) system provides a method to document law enforcement activity through the audio and visual recording of officer involved incidents as they are occurring. The primary purpose of a mobile audio/video recording system are for officer safety and to document statements and events during the course of an incident.

**PURPOSE:** The purpose of this policy is to establish guidelines for the use and management of audio-visual media.

**SCOPE:** This directive applies to all members of the ██████████ Police Department.

**DEFINITIONS:**

- A. **"Audio Recording"** is electronic recording of conversation or other spoken words.
- B. **"AXON Tactical Computer (ATC)"** connects to the communications hub and is mounted on the belt, in a holster, or in pockets of specially made shirts. The ATC manages the video compression and storage and is capable of playback. The ATC ensures that evidence handling is secured and cannot be altered. Once plugged into the docking station, the ATC will upload digitally-encrypted data through the Evidence Transfer Manager to Evidence.com.
- C. **"Communications Hub"** connects the HeadCam to the AXON Tactical Computer.
- D. **"Evidence.com"** is the online web-based digital media storage facility accessed at [www.evidence.com](http://www.evidence.com). The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in a highly secure environment. The digital recordings are accessible to authorized personnel based upon a security clearance and maintains an audit trail of user activity.
- E. **"Evidence Transfer Manager (ETM)"** is a docking station that simultaneously recharges the AXON Tactical Computer and uploads all data captured from the law enforcement operator's point of view during his/her shift to Evidence.com. The ETM ensures that evidence handling is secured and cannot be altered.
- F. **"HeadCam"** is the audio and color video camera mounted on a fitted head bracket. The HeadCam can also be mounted through various other accessories such as glasses, hats or helmets.
- G. **"Law Enforcement Operator"** – Primarily a licensed police officer, but on occasion may be a non-sworn representative of the agency who would be authorized and assigned to operate MVR equipment.
- H. **"Mobile Video Recorder (MVR)"** – This refers to any system that captures audio and video signals that is capable of installation in a vehicle or individually worn by officers and that includes at a minimum a camera, microphone, recorder and monitor.
- I. **"MVR Technician"** – Typically a Staff Sergeant, or designee, who assigns and tracks equipment, maintains the Evidence Transfer Manager, and oversees needed repairs or replacement equipment through Taser AXON representatives.
- J. **"System Administrator"** – The Evidence.com system administrator with full access to user rights who controls passwords, coordinates with the MVR Technician, and acts as liaison with Taser AXON representatives.

K. "Video Recording" is the electronic recording of visual images with or without audio component.

### **311.1 MOBILE VIDEO OPERATIONAL OBJECTIVES**

The [REDACTED] Police Department has initiated a program to equip law enforcement operators with the Taser AXON mobile audio/video recording system. This system will be used to document events and capture data to be preserved in a web-based digital storage facility at Evidence.com. Once captured, these recordings cannot be altered in any way and are protected with multiple layers of encryption. The [REDACTED] Police Department has adopted the use of Mobile Video Recorders to accomplish the following objectives:

- A. To enhance officer safety.
- B. To document statements and events during the course of an incident.
- C. To enhance the law enforcement operator's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- D. To preserve visual and audio information for use in current and future investigations.
- E. To provide an impartial measurement for self-critique and field evaluation during officer training.
- F. To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.

### **311.2 MOBILE VIDEO RECORDINGS**

Mobile Video Recorders may be utilized to record the following types of events whenever possible: Traffic stops; pursuits; vehicle searches; confrontational citizen contacts; use of force situations; statements made by subjects, victims and witnesses; advising an individual of their Miranda rights; during interrogations; or other legitimate law enforcement contacts.

### **311.3 PROHIBITED MOBILE VIDEO RECORDINGS**

To respect the dignity of others, law enforcement operators will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed. The Mobile Video Recorder shall not be used to record non-work related personal activity and will not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms. The Mobile Video Recorder will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities. In addition, mobile video recording of individuals who are picketing or engaged in a protest or First Amendment demonstration will be avoided unless an obvious violation of criminal law is occurring or if the law enforcement operator is in the same vicinity for other legitimate law enforcement purposes.

### **311.4 MOBILE VIDEO OPERATING PROCEDURES**

- A. **General Procedures:**
  - 1. Law enforcement operators shall receive mobile video training prior to being deployed with Mobile Video Recorders in an operational setting.
  - 2. The department will ensure officers and investigators have access to the recorded events for legitimate law enforcement purposes or other articulable reasons.
  - 3. Law enforcement operators will not make copies of any recordings for their personal use and are prohibited from using a recording device (such as a phone camera or secondary video camera) to record media from Evidence.com or the AXON Tactical Computer unit.

4. Law enforcement operators will typically not allow citizens to review the recordings; however, officer discretion is allowed to replay the recording to citizens at the scene in order to mitigate possible complaints.

**B. Mobile Video Recorder Modes of Operation:**

1. **Normal (Buffering) Mode:** In the "normal" mode the Mobile Video Recorder shall be configured to record for 30 seconds prior to an event. Audio is not recorded during buffering.
2. **Event Mode:** In the "event" mode the AXON Tactical Computer saves the buffered video and continues recording audio and video for up to eight hours or the life of the battery.
3. **Privacy Mode:** Activating the "privacy" button places the audio and video in a sleep mode. Audio and video are not recording in this mode. A green "P" light will be displayed on the communications hub, alerting others to the privacy mode status. Additionally, an audible alert will advise the user of the inactive condition.

**C. Operational Protocols:**

1. Inspection and general maintenance of Mobile Video Recorder equipment shall be the responsibility of the law enforcement operator assigned to the equipment. MVR equipment shall be operated in accordance with the manufacturer's recommended guidelines and department training and policies.
2. Prior to beginning each shift, the assigned law enforcement operator shall perform an inspection to ensure that the Mobile Video Recorder is performing in accordance with the manufacturer's recommendations. If problems are encountered with any component of the system, the MVR equipment will not be used.
3. Malfunctions, damage, loss or theft of Mobile Video Recorder equipment shall be reported to the immediate supervisor prior to placing the unit into service. The MVR Technician is to be notified in writing of the suspected cause of equipment failure or recommendations for corrective action.
4. Once the Mobile Video Recorder is activated it should remain on until the incident has reached a conclusion or the law enforcement operator leaves the scene. The intention to stop the recording will be noted by the law enforcement operator either verbally on the MVR or in a written notation.
5. When the Mobile Video Recorder is used in any incident, investigation, or during a traffic stop, this fact will be documented on any citation and/or report prepared regarding the use of the MVR.
6. Whenever a law enforcement operator obtains a video statement, the fact the statement was recorded will be listed in the Incident Report. A video statement is not a replacement for a written or tape recorded statement.
7. Law enforcement operators may have access to review the recordings when preparing written reports or statements of events to help ensure accuracy and consistency of accounts. This can be done directly from the Mobile Video Recorder worn by the law enforcement operator or accessing Evidence.com. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued or authorized by the MVR Technician.
8. Law enforcement operators shall not use other electronic devices or other means in order to intentionally interfere with the capability of the Mobile Video Recorder system.
9. Law enforcement operators shall not erase, alter, reuse, modify or tamper with audio-video recordings. Upon approval by the Chief of Police or a Division Commander, only the MVR Technician or System Administrator may erase previously recorded digital recordings.
10. Law enforcement operators are to select a category (case file, citation, miscellaneous, garbage or training) for each digital recording. Digital recordings shall be retained according to the

department's retention schedule or as required by the rules of evidence, unless a specific request is made to store them for a longer period of time. Law enforcement operators will document in a written report the existence of a digital recording when related to an incident.

11. When an incident arises that requires the immediate retrieval of a digital recording (e.g., serious crime scenes, agency shootings, department-involved crashes) a supervisor shall respond to the scene to secure the AXON Tactical Computer and maintain chain of custody.
- D. **Mobile Video Recorder Impounding Procedure:** At the end of their shift, law enforcement operators shall place the AXON Tactical Computer into any open slot on the Evidence Transfer Manager (docking station). This will allow the data to be transferred from the AXON Tactical Computer through the docking station to Evidence.com. The data is considered impounded at this point and the AXON is cleared of existing data. The AXON cannot be removed from the docking station until the data has been uploaded and the battery has been fully recharged.
- E. **Accessing Mobile Video Recorder Impounded Data:** Evidentiary copies of digital recordings will be accessed and copied from Evidence.com using department-approved equipment and for official law enforcement purposes only. Temporary access rights may be given to the ██████ County Attorney, the ██████ City Attorney, or other prosecutorial agencies associated with any future prosecution arising from an incident in which the Mobile Video Recorder was utilized. The release of digital media through a public records request will be subject to the same statutory exemptions from disclosure as any other department records classified as public under the ██████ Government Data Practices Act, ██████ Stat., Chapter 13.
- F. **Security of Mobile Video Recorder Media:** All digital media collected using mobile video recordings is considered a record of the ██████ Police Department and subject to the provisions of the ██████ Government Data Practices Act, ██████ Stat., Chapter 13. Access to digital recordings shall be granted to authorized users only. It is the responsibility of authorized users to keep their user name and password confidential. Accessing, copying, or releasing any recordings for other than official law enforcement purposes is strictly prohibited, except as required by law.
- G. **Agency Review of Mobile Video Recorder Media:**
1. Digital recordings shall not be randomly reviewed to monitor officer performance. The exception is for an officer who has been placed on a personal improvement plan in order to address identified behavior.
  2. Department personnel may review their own digital recordings for report writing and/or training purposes.
  3. An investigator who is designated by the Chief of Police and participating in an official department investigation of a personnel complaint, claims investigation, administrative inquiry, or criminal investigation, may review specific incidents contained on digital recordings. Any other review will require the express approval of the Chief of Police.
  4. A supervisor may review a specific incident contained on digital media for the purpose of training, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulable reason.
  5. In no event shall any digital recording be used or shown for the purpose of officer ridicule or embarrassment. This includes submission of any portion of a video recording to a media organization, unless previously authorized by the Chief of Police.