

Mobile Video Recorder (MVR)

423.1 PURPOSE AND SCOPE

The Kalamazoo Department of Public Safety has equipped marked law enforcement vehicles with Mobile Video (MVR) recording systems to provide records of events and to assist public safety officers in the performance of their duties. This policy provides guidance on the use of these systems.

423.1.1 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 MVR system - 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.

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.

423.2 POLICY

It is the policy of the Kalamazoo Department of Public Safety to use mobile audio/video technology to more effectively fulfill the mission of the Department and to ensure these systems are used securely and efficiently.

423.3 PUBLIC SAFETY OFFICER RESPONSIBILITIES

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

At the start of each shift, public safety officers should test the MVR system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the public safety officer recording his/her name, employee number, badge or personal identification number (PIN) and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the public safety

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officer shall take the vehicle out of service unless the Shift Commander authorizes the vehicle to remain in service.

423.4 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 public safety officer whenever appropriate. When audio is being recorded, the video will also record.

423.4.1 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 public safety officer may activate the system any time the public safety officer believes it would be appropriate 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 (including, 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. Pedestrian checks
 - 9. Operating while intoxicated (OWI) investigations, including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which a public safety officer 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:
 - 1. Domestic violence

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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 public safety officer believes that a recording of an incident would be appropriate

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

423.4.2 CESSATION OF RECORDING

Once activated, the MVR system should remain on until the incident has concluded. For the purpose 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 public safety officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

423.4.3 SURREPTITIOUS RECORDING

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Public Safety or the authorized designee for the purpose of conducting a criminal or administrative investigation.

423.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should consult with the Shift Commander who will make the final determination 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 in the Shift Commanders DAR.

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 MAV system media.
 2. The date the media was issued.
 3. The name of the department member or the vehicle to which the media was issued.
 4. The date the media was submitted for retention.
 5. The name of the department member submitting the media.
 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new members is assessed and reviewed no less than biweekly.

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When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved traffic accidents), a supervisor shall respond to the scene and ensure that the appropriate person 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.

423.5 REVIEW OF MVR RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited unless approved by the Office of Professional Standards, except to the extent permitted or required by law.

Except where delineated below, copies of MVR recording segments shall only be made in compliance with Freedom of Information Act (FOIA) requirements or for the prosecution or investigatory purposes. All other copy requests require written authorization from the Chief or designee. A copy for officer's personal use is prohibited.

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 public safety officers for use when preparing reports or statements
- (b) By a supervisor investigating a specific act of public safety officer conduct
- (c) By a supervisor to assess public safety officer performance
- (d) To assess proper functioning of MAV 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 public safety officer who is captured on or referenced in the video or audio data, and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with the permission of the Chief of Public Safety or the authorized designee
- (i) By the media through proper process (i.e. FOIA)
- (j) To assess possible training value
- (k) For training purposes. If an involved public safety officer objects to showing a recording, his/her objection will be submitted to the command staff to determine if the training value outweighs the public safety officer's objection.
- (l) As may be directed by the Chief of Public Safety or the authorized designee

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

423.6 DOCUMENTING MVR USE

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

423.7 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 as evidence will be retained for a minimum of 60 days and disposed of in accordance with the established records retention schedule.

423.7.1 COPIES OF ORIGINAL RECORDING MEDIA

KDPS utilizes digital recording within all of its vehicles and apparatus. The original copy is stored digitally on department servers. Only copies of the original shall be available for release.

423.7.2 MAV RECORDINGS AS EVIDENCE

Public Safety Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the public safety officer or against the Kalamazoo Department of Public Safety should indicate this in an appropriate report. Public Safety Officers should ensure relevant recordings are preserved by completing the ***Video Retention Form*** located on the KDPS Intranet

423.8 SYSTEM OPERATIONAL STANDARDS

- (a) MVR system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MVR system should be configured to minimally record for 5 minutes prior to an event.
- (c) The MVR system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating public safety officer's transmitter, should be activated at a scene to minimize interference or noise from other MVR transmitters.
- (e) Public Safety Officers using digital transmitters that are synchronized to their individual MVRs shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

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- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MVR-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MVR system.
- (g) Public Safety Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor, MVR technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

423.9 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 secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with the 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.

423.10 TRAINING

All members who are authorized to use the MVR system shall successfully complete an approved course of instruction prior to its use.