

# CHAPTER P

## SQUAD CAMERA USE/EVIDENCE COLLECTION/STORAGE

### I. POLICY

The use of the Mobile Video Recording system by the Belgrade/Broton Police Department shall provide documentation of law enforcement interaction with the public by providing evidence for the judicial system, internal review, or review by the public through a formal request made to the Chief of Police or his designee. The primary function of the MVR is for officer safety and not to initiate disciplinary action against the officer, but the data collected on the MVR may be used as evidence relating to a complaint of misconduct made against a LEO by any person present at the scene of the incident when such a complaint could result in additional training, counseling, or disciplinary action in accordance with department policy.

### II. PURPOSE

The purpose of this policy is to provide officers of the Belgrade/Broton Police Department (BBPD) with guidelines for the use, management, access, retention, handling of evidence, degaussing, storage and retrieval of audio-visual media recorded by in-car video systems.

### III. DEFINITIONS

#### A. *Recorder Media*

Means audio-visual signals recorded on any of several storage devices, including, but not limited to, analog tape (VHS SVHS, Hi 8mm), digital tape (DV), or other portable digital storage devices (CD, DVD, hard drive, flash card, etc.).

#### B. *In-Car Camera System and Mobile Video recorder (MVR)*

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.

#### C. *Supervisor*

The Chief of Police or any licensed peace officer within the Belgrade/Broton Police Department designated by the Chief of Police.

#### D. *Degaussing*

Returning any storage media to its original state so it is ready for the imprinting of new media by any of the following: overwriting, erasing, and/or destruction of analog and digital recording media

#### E. *Activate*

Any process which cause the MVR system to transmit or store video and/or audio data

**F. *Law Enforcement Operator (LEO)***

A licensed peace officer, but on occasion may be a non-sworn representative of the agency, who would be authorized to operate MVR equipped vehicles consistent with Minnesota Statute 169.98

**G. *MGDPA***

The Minnesota Government Data Practices Act, Minnesota Statute Chapter 13

**IV. OBJECTIVES**

- A. Enhance officer safety
- B. Enhance the public's trust by recording real-time officer-citizen interactions in the form of audio and video via the MVR
- C. Accurately document statements and events during the course of an incident
- D. Enhance an officer's ability to review statements/actions and accurately document an incident for internal reports and courtroom testimony
- E. Preserve visual and audio information for use in current and future investigations
- F. Provide a means for self-critique and field evaluation for newly hired and veteran officers
- G. Identify training needs

**V. PROCEDURES**

It is the responsibility of the BPD to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations.

**A. Operational Use:**

- a. The MVR should be operated, when practicable under the circumstances, in the following situations:
  - 1. When the emergency lights and siren or any combination of the two, are activated
  - 2. Traffic stops- (to include, but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops)
  - 3. Emergency responses
  - 4. Vehicle Pursuits
  - 5. Arrests
  - 6. Vehicle searches
  - 7. Physical and verbal confrontations, or use of force situations
  - 8. Prisoner Transports
  - 9. Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.
- b. The MVR may be activated by the following means:
  - 1. Automatically when the lights are activated
  - 2. By the wireless transmitter on the officer
  - 3. Manually inside the squad car
  - 4. Wirelessly by a supervisor during developing emergency situation only. Supervisors may not activate it remotely to monitor a LEO's conversations or actions.

- c. The MVR shall be configured to minimally record for 30 seconds before the event. The pre-record time may be increased at the supervisor's discretion.
- d. 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 or,
  - 2. The LEO does not reasonably believe that the deactivation will result in the loss of critical documentary information or,
  - 3. The intention to stop the tape has been noted by the LEO either verbally or in a written notation.
- e. When the MVR is activated, the LEO shall ensure that the audio portion is also activated so all events are properly documented. The LEO may deactivate the audio portion when contact with a suspect is completed. The LEO should reactivate the audio if contact is reinitiated.
- f. In the event that more than one LEO is on scene using a MVR, it is recommended that only the primary LEO initiating the contact activate his or her audio recorder.
- g. The MVR recording media shall be replaced when the recording time is almost full.
- h. LEO's shall not use other electronic devices to intentionally interfere with the MVR's ability to record audio data.

**B. Care and Maintenance:**

- a. LEO's will periodically perform an inspection on the MVR to ensure it is performing in accordance with the manufacturer's recommendations.
- b. If a LEO determines the MVR is malfunctioning, is damaged, or has been stolen, the LEO is to note the situation in the log and notify the supervisor. An alternate squad car with a working MVR should be used if available.
- c. A supervisor who is informed of a malfunctioning MVR shall ensure that repairs are made in a timely manner.

**C. Downloading, Storing and Degaussing of Media:**

- a. Once a MVR media needs to be replaced, a LEO will notify a supervisor verbally or by email that the media needs to be downloaded.
- b. The LEO will remove the media from the MVR and will secure it in the evidence locker. The LEO will then obtain a blank media from the evidence locker to be used in the squad.
- c. The supervisor will download all recordings from the media to a hard drive located in the evidence locker. The supervisor will tag any specific recordings that need to be retained for criminal cases.
- d. The supervisor will then degauss the media and return it back to service.
- e. If an event requires the immediate retrieval of recorded material (e.g., serious felony, agency shooting, agency involved crash, etc) a supervisor shall be notified and respond to the scene to ensure the removal of the recorded media. The supervisor will immediately download the recording and place the recording into evidence
- f. LEO shall not erase, alter, reuse, modify, or tamper with MVR recordings. Only a supervisor may erase recorded material.

**D. Media Access**

- a. All recording media, recorded images and audio recordings are the property of the BPD and subject to the provisions of the MGDPA. Dissemination outside of the BPD is strictly prohibited except to the extent permitted under MGDPA, Peace Officer

Disciplinary Procedures Act or other applicable law without written authorization of the chief of police or his/her designee

- b. Those wishing to view recordings from the MVR shall submit a written request to the supervisor, including the specific incident wishing to be viewed, the date of the incident, the officer involved and the reason for wanting to view the recording. This provision does not include court personnel, members of the BPD, and other Law Enforcement Officers. The recording must be viewed in the presence of the supervisor and shall not leave the BPD unless authorized to do so by the chief of police or his/her designee.
- c. When a recording contains evidence for a case which is being investigated by another agency, that agency shall be provided a duplicate copy of the recording with the approval of the supervisor.
- d. LEO's will have access to a copy of the recording when preparing written reports to ensure the accuracy and consistency of the events.
- e. To prevent damage, original recordings may not be viewed in any equipment other than the equipment authorized by the supervisor. Copies of the recording may be viewed on any equipment capable of playing it.
- f. When a specific recording is needed for court purposes, the LEO will have a supervisor make a copy of the recording and make it available to prosecutors.
- g. When possible, a copy of the original media shall be used for viewing by investigators, staff, training personnel and the courts, to preserve the original media.
- h. At the conclusion of the trial proceedings or as otherwise authorized by the prosecutor's office for which the media was required, copies of the recording in the LEO's possession will be placed back into evidence.
- i. An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment.

**E. Retention of Media:**

- a. The MVR equipment will be used in the prosecution of those who violate the law and to provide objective information concerning police citizen contacts.
- b. Recordings containing data which 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 BPD shall continue to be in the control of the BPD, in conjunction with the Attorney General's Office.
- c. Media recorded on a MVR shall be retained as follows:
  - 1. Events that are non-criminal in nature(No Court Action)- 6 months
  - 2. Events where charges are filed- Until completion of court proceedings and with the approval of the prosecuting attorney it may be degaussed.
  - 3. Events with possible pending civil action- Only with the approval of the Chief of Police and Defense Attorneys may it be degaussed.

**SQUAD COMPUTERS/MDC's POLICY**

**I. POLICY**

It is the policy of this Department to provide, maintain, and operate Mobile Data Computers (MDC) for the purpose of reporting, transmitting or receiving radio calls/messages to and from Dispatch, providing operational status, assignments, assignment disposition, inquiries, information, and a communications link between officers and the Department. The purpose of this policy is to establish guidelines

and procedures for electronic call dispatching, data communication between field officers, and for minimizing radio traffic via the use of Mobile Data Computers.

## **II. PROCEDURE**

### **A. General Use by Operators**

- a. Training: Prior to using the MDC unit, officers will be trained how to use the equipment by the Chief of Police or Field Training Officer. Officers will be required to take and pass required tests to use and operate MNCJIS and NCIC inquiries prior to operating the MDC system.
- b. Logging On: If their assigned patrol vehicle is so equipped, Officers will log onto the MDC system prior to leaving the police station to assume patrol duties.
  1. It is the officer's responsibility to immediately advise Dispatch if they do not have an MDC, if their MDC unit is not working (prior to assuming field duties), or if the MDC becomes inoperable during their shift.
  2. It is the officer's responsibility to notify the Chief of Police (personal contact, voice, or electronic mail via the City's e-mail system) of any MDC malfunction. This notification shall occur no later than the end of the officer's work shift.
- c. MDC Physical Security: The MDC unit is to be locked in the docking station at all times. The Chief of Police will ensure that MDC's have been removed, or turned off in any vehicle sent out for repair, maintenance, etc.
- d. Officer Safety: Operators shall never compromise their safety to operate the MDC unit, i.e., allowing citizens/suspects/prisoners to stand near the vehicle while using the MDC or using the MDC while a person is approaching.
- e. Driving Safety: Operators shall not operate the MDC while the vehicle they are driving is in motion unless needed for running of license plates or reception or communications related to calls for service. Non-emergency communications or chatting is highly discouraged while the vehicle is in motion. Officers are not to add comments to CAD entries while the vehicle is in motion.
- f. Damage/Loss: Officers shall not make attempts to alter or repair the MDC. Operators shall immediately report to their supervisor any loss or damage to the MDC. If an MDC unit becomes inoperable while in use, the officer shall return to voice communication over their assigned radio to transact business.

## **B. Dispatching Calls For Service**

- a. Emergency calls for service will be voice dispatched and sent to the officers in the field via their assigned vehicle's MDC's. All other priorities may be dispatched using the MDC unit only.
- b. Communications personnel will assign MDC equipped units to calls through the unit assignment procedure in the CAD system.
- c. Officers receiving calls will make the appropriate keystrokes to advise Communications personnel when they are en route to a call and when they arrive at the scene. They may also confirm via radio.
- d. Officers will use the appropriate keystrokes and disposition categories on the MDC when clearing a call.
- e. In hazardous situations, officers will use voice transmissions.

## **C. Messages and Transmissions**

- a. Work-related Transmissions: The MDC is restricted to messages of a job-related nature only.
- b. MNCJIS Certification: Department employees who are certified by the State in the operation of a portals terminal can access the MNCJIS Network via the State Inquiry section for vehicle registration, driver license information, NCIC Wanted Person and stolen item files; however, these queries are to be done only for official law enforcement purposes.
- c. Official Use Only: Messages and transmissions are for official use only, and must be made with a professional demeanor. MDC messages are public records and must be made available upon request.
  1. The MDC use shall be limited to only those messages that enable operators to conduct Department business.
  2. All MDC messages are subject to periodic review.
- d. ATL's: All attempt to locate (ATL) messages received and dispatched personnel may also be sent over the MDC system to on-duty officers equipped with MDC's.
- e. Information for Communications: Officers with MDC's will send data needing computer entry (missing persons, ATL's, stolen vehicles, etc.) to dispatch personnel over the MDC system, so accurate data will be entered into the appropriate system (MNCJIS, NCIC, etc.) as soon as possible. These types of requests should be noted in CAD call narrative.

#### **D. NCIC/MNCJIS Privacy and Security**

- a. The Belgrade/Brooten Police Department shall abide by the MNCJIS rules, regulations, and NCIC guidelines. The Department is subject to audits by the Department of Public Safety (DPS), and/or the FBI for compliance.
- b. Federal and State regulations are established to ensure privacy and security of information entered, inquired upon, and retrieved from the MNCJIS system. The release of this information to any unauthorized person is a violation of Federal Privacy and Security Rules.
- c. Queries into MNCJIS are limited to official law enforcement purposes only. Officers operating vehicles equipped with an MDC will run their own State inquiries, such as, registration, driver license, wanted person and stolen item (vehicles, articles, etc.) checks unless a potentially hazardous situation exists which prevents such an action.
- d. The MDC shall be kept secure at all times. Access shall be restricted to authorized personnel only. Only those employees who have met the established requirement of the system security agreement with DPS will be allowed access (physical or visual) to the system video screen or unit.
- e. Employees shall not make inquiries for information on a subject or property unless the person or property is in custody, under observation, or the information is needed to further an investigation.
- f. The review or release of information from the MNCJIS system is authorized only for an official Departmental purpose and will be used solely for that purpose. Under no circumstances will any information be disseminated to a secondary party or be released for personal reasons.
- g. Officers are responsible for ensuring that the MDC screen is clear of confidential or sensitive information when a prisoner is in the vehicle to avoid the release of such information. MDC information shall be considered confidential and operators shall secure their vehicle and MDC to preclude unauthorized use or tampering. Operators shall also clear the State Inquiry screen of MNCJIS information when their unit is unattended.

#### **E. Prohibited Operations**

- a. Smoking in MDC equipped vehicles is prohibited.
- b. The MDC shall not be used while the vehicle is in motion with exceptions listed under section 500.10 II(A)(e) above.
- c. MDC's shall only be used for the manufacturer's intended purposes. Because of the fragile nature of the equipment, the MDC and docking station shall not be used as a writing pad, a table, etc.

- d. Loading of any software into the MDC unit without permission from the Chief of Police is prohibited.
- e. Altering the software configuration of an MDC in any way, including screen savers, button configuration, or any other software function without authorization from the Chief of Police is prohibited.

Beverages will not be placed on the vehicle dashboard, on the equipment console, near the MDC or the MDC keyboard. Only beverages with secure lids will be allowed in vehicles equipped with MDC's.