

# Mobile Video Recorders

## 422.1 PURPOSE AND SCOPE

Discretionary **MODIFIED**

The Hopkins Police Department has equipped patrol cars with Mobile Video Recording (MVR) systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

### 422.1.1 DEFINITIONS

Discretionary

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 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, storage and retrieval methods and procedures, and who possess 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.

## 422.2 POLICY

Best Practice

It is the goal of the Hopkins Police Department 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.

## 422.3 OFFICER RESPONSIBILITIES

Discretionary **MODIFIED**

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

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

If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

#### 422.3.1 REQUIRED ACTIVATION OF THE MVR

##### Agency Content

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, an officer may activate the system any time the an officer believes its use would be appropriate and/or valuable to document an incident. Officers are encouraged to activate the MVR system during all calls for service.

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 MVR system should be activated, if possible, in 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 an officer would normally notify Dispatch.
- (c) Any call for service involving a crime, to include, but not limited to:

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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 officer believes that a recording of an incident would be appropriate.

### 422.3.2 CESSATION OF RECORDING

#### Agency Content

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.

### 422.3.3 WHEN ACTIVATION NOT REQUIRED

#### Agency Content

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

### 422.3.4 SUPERVISOR RESPONSIBILITIES

#### Agency Content

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate repair notifications should be made.

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 security of the recorded media. The supervisor should ensure the media is recovered and retained appropriately, often as evidence. Copies may be distributed to investigators as appropriate to the investigation.

### 422.4 ACTIVATION OF THE MVR

#### Best Practice

The MVR system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and

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should be activated manually by the officer whenever appropriate. When audio is being recorded the video will also record.

Operators are encouraged to narrate events using the audio recording so as to provide the best documentation for pretrial and courtroom presentation.

#### **422.5 REVIEW OF MVR RECORDINGS**

State **MODIFIED**

All recording media, recorded images and audio recordings are the property of the agency and subject to the provisions of the MGDPA. Dissemination outside of the agency 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) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MVR systems
- (e) By department investigators, after approval of a supervisor, 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 an officer who is captured on or referenced in the video or audio data and reviews and uses the data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with an MGDPA request (Minn. Stat. § 13.01 et seq.)
- (j) To assess possible training value
- (k) Recordings may be shown for staff or public safety training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

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

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### 422.6 DOCUMENTING MVR USE

Best Practice MODIFIED

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in a manner to identify the existence of the recording.

### 422.7 RECORDING MEDIA STORAGE AND INTEGRITY

Best Practice MODIFIED

All recordings not retained as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

### 422.8 SYSTEM OPERATIONAL STANDARDS

State MODIFIED

- (a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MVR system may be configured to record prior to an event.
- (c) 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.
- (d) 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.
- (e) LEOs shall not erase, alter, reuse, modify or tamper with MVR recordings.
- (f) To prevent damage original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician.

### 422.9 MVR TECHNICIAN RESPONSIBILITIES

Discretionary MODIFIED

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 policies.
- (d) Ensuring that an adequate supply of recording media is available.

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- (e) 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 records retention schedule.