

# **Mobile Audio/Video Recorder Policy**

## **446.1 PURPOSE AND SCOPE**

The Fort Collins Police Services has equipped selected vehicles and officers with a Mobile Audio/Video Recording (MAV) system and also allows officers to use dedicated audio recording devices. The MAV is designed to assist and compliment officers in the performance of their duties. The MAV is used to record certain duty related activities, thereby creating a visual and/or audio record of the incident as a supplement to the officer's report. A MAV recording is to be used when there is a clear benefit to such a recording. In general, MAV recordings will fall into one of two categories of focus, evidentiary and mutual accountability.

It is the purpose of this policy to provide officers with guidelines for the use of recording devices. This policy is not intended to describe every possible situation where the system may be used; however, there are many situations where the use of the MAV device is recommended.

## **446.2 OFFICER OPERATION REQUIREMENTS**

Prior to going into service, each officer will check out the appropriate equipment, if required. Officers should test the MAV system operation in accordance with manufacturer specifications and departmental training at the start of each shift. Testing includes:

- (a) That the camera/recording device is functional.
- (b) Verifying the device has an adequate power source.
- (c) Ensuring that the device properly placed/affixed for optimal use.
- (d) Documentation of officer information if system being used requires it.
- (e) At the end of duty period, the MAV will be secured and charged accordance with manufacturer specifications and departmental training
- (f) If at any time, the MAV is found to not be functioning properly, it is to be removed from service and the appropriate supervisor/MAV administrator notified as soon as reasonably possible.

### **446.2.1 UPLOADING, STORAGE, AND RETENTION OF RECORDINGS**

Any MAV recorded incident shall be documented in the associated departmental reports, field interview entries, or on traffic citations that are the sole documentation.

Uploading of a MAV will be done in accordance with manufacturer specifications and departmental training. MAV evidence will be stored in a departmental designated secure location, Including but not limited to:

- a) An approved web based server whether that is maintained by the City of Fort Collins or an approved outside vendor.
- b) An approved, on-site City of Fort Collins server.
- c) Physical storage media such as CDs, DVDs, or other digital storage devices.

All MAV recordings will be logged as evidence following agency policy and trainings. MAV recordings that are associated with a departmental report number that are uploaded directly into a server will have a property/evidence entry made into RMS as if it was physical evidence.

All MAV recordings shall be uploaded at the end of an officer's shift if practical or critical to an investigation. If there is a circumstance when this cannot be accomplished, a supervisor must be notified and approval given.

### **446.3 ACTIVATION OF THE MAV**

Once activated the MAV, with some exceptions, shall remain on and not be turned off until the initial incident that caused the activation has concluded. For purposes of this section, conclusion of the incident occurs when the gathering of evidence or exchange of communication related to police enforcement activities are concluded. It is understood that not all incidents will clearly start out as needing documentation by a MAV recording or having a clear ending when the MAV is no longer needed. Officers will be expected to use discretion and common sense when activating and deactivating the MAV.

Any incident that is recorded with either the video or audio system shall be documented in the officer's report. If a traffic citation is issued, the officer shall make a notation on the back of the citation copy that will be sent to court, indicating that the incident was recorded.

#### **446.3.1 REQUIRED ACTIVATION OF THE MAV**

This policy is not intended to describe every possible situation in which the MAV system may be used. In addition to the required situations, an officer may activate the system any time the officer believes its use would be appropriate and/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

MAV. The activation of the MAV system is required in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
  1. Traffic stops to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops. If the circumstances of the traffic stop indicate the MAV is no longer needed, then it is the officer's discretion to end the recording and document the reason why.
  2. Priority responses
  3. Vehicle pursuits
  4. Suspicious person/vehicle contacts
  5. Arrests
  6. Vehicle searches
  7. Physical or verbal confrontations or use of force
  8. Domestic Violence Calls
  9. DUI investigations including field sobriety maneuvers
  10. Any call for service involving a crime where the recorder would clearly aid in the apprehension and/or prosecution of a suspect.
- (b) Any self-initiated activity in which an officer would normally notify Fort Collins 911 (PSAP) and a MAV recording would be useful.
- (c) Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

It is understood that due to the range limitations of the vehicle version of the MAV device that, at times, the microphone may be out of range and may not record the audio portion. In such situations, this will not be deemed as a violation of this section of the policy.

#### **446.3.2 CESSATION OF RECORDING**

If there is a break in the recording of a case related incident, the officer report shall explain why that break occurred on the recording or in an associated report. Examples of such breaks include but are not limited to:

- a) There is a malfunction to or accidental deactivation of the device.
- b) There is personal information being shared that is not case sensitive, such as victim family information/discussion, protected personal information, or personal medical information. In practice, MAV recordings should not be used in a medical facility unless there is an obvious need to document evidence, actions, or potential accountability issues.

- c) The officer is placed on a related assignment that has no investigative purpose such as a scene security post, scene processing, traffic post, etc. Recording may cease if an officer is simply waiting for the arrival of a tow truck, taxi, family member or other similar non-confrontation, non-evidentiary situation.
- d) There is a long break in the incident/contact such as an interruption related to routine police action that is not evidentiary in nature or unrelated to the initial incident.
- e) There is activity such as a transport or change of venue where there is no incident related police activity occurring.
- f) There is recognition by the officer that the contact no longer creates potential evidentiary or mutual accountability issues.
- g) Once an event has been stabilized, if it is necessary to discuss issues surrounding the investigation with a supervisor or another officer in private, operators may turn off their MAV system. The operator shall break contact with any citizen if they plan on intentionally turning off the MAV, and there is a likelihood that evidence or mutual accountability documentation still exists. This includes discussions between Field Training Officers with officers in training that are specific to training issues.
- h) If a request is made for a MAV to be turned off by a party being contacted, the officer shall take into account the overall circumstances, and what is most beneficial to all involved, before deciding to honor the request. For example, an officer may choose to turn off the MAV device if its operation is inhibiting a victim or witness from giving a statement. It is up to the officer to make the determination as to what is best for the investigation or contact.

### **446.3.3 CLASSIFICATION AND RETENTION OF MAV RECORDINGS**

When an officer has stopped the MAV device the officer shall classify the recording. These classifications will serve to assist in locating the recording and each classification will have an established retention time. Any MAV recording in any classification can be changed to another classification or have its retention status changed for the benefit of an investigation or organizational needs. Classifications, descriptions and retention are as follows:

- (a) **NON EVENT** – A miscellaneous activation of the MAV system which does not meet the requirements of any other classification. Retention period will be seven (7) days.
- (b) **INCIDENT ONLY** – Activation of the system where there may be some liability or possibility of a complaint or future action. Examples may include moving items from the roadway, motorist assists, traffic control, general

- citizen contacts, contacts in which there was a violation of the law but the officer has chosen to issue a verbal or written warning. These recordings should be available for a period of time to address any complaints or issues that could be resolved by reviewing the recording. Retention period will be thirty (30) days.
- (c) **TRAFFIC** – Traffic stops involving a citizen, vehicle, bicycle, pedestrian, etc. where the officer issues a citation into Municipal Court or County Court for traffic related offenses. Retention is 180 days.
  - (d) **CASE REPORT** – Anytime a MAV recording of evidentiary value has been made during an investigation and a case report has been generated. These recordings are subject to general policy and procedure regarding the retention of case related evidence.
  - (e) **RESTRICTED**- Any MAV recording that documents an incident which is deemed sensitive in nature, whether evidentiary or mutual accountability in nature can have access restricted to select individuals. This status would be deemed necessary by a supervisor and entered by a MAV administrator. Examples could include cases involving use of force resulting in SBI, officer involved shootings, allegations of criminal actions by an officer or by a citizen with an officer as a victim, and investigations alleging misconduct. Access to a restricted MAV must be approved by the division captain (or designee) overseeing the investigation. These recordings are subject to general rules and policies regarding the retention of case related evidence.

#### **446.3.4 WHEN ACTIVATION NOT REQUIRED**

Activation of the MAV system is not required during breaks, lunch periods, when not in service, or when the officer is otherwise involved in routine or administrative duties.

No member of this agency may surreptitiously record a conversation of any other member of this agency except with a court order or when authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal investigation or as an administrative function.

#### **446.5 REVIEW OF MAV RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Agency. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by policy and law.

To prevent damage or alteration of the original recorded media; it shall not be copied, viewed or otherwise inserted into any device not approved by the agency

MAV administrator or forensic media staff. Officers using a MAV device that has been permanently mounted in a vehicle shall not remove the media storage card from the MAV system. Only an authorized MAV administrator may remove the media storage card.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports, statements, or for court testimony. The exception to an officer reviewing a MAV recording for the purpose of completing a report is if the incident falls under the Officer-Involved Incident Protocol (OIIP) as developed in conjunction with the Office of the District Attorney, Eighth Judicial District. In such cases, the OIIP takes precedent.
- (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 MAV systems.
- (e) By an investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
- (f) 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, unless restricted at the time of request as described in 446.3.36.
- (g) By court personnel through proper process or with permission of the Chief of Police or the authorized designee.
- (h) Public release of MAV Video recordings will be in accordance with current departmental evidence release policies as well as the rules set forth in the Colorado Criminal Justice Records Act. Release may also occur at the direction of the Chief of Police or authorized designee.
- (i) Recordings may be shown for 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.

Officers with MAV equipment that are on the scene of a critical incident, but are not a subject or witness officer, will complete police reports and notify CID that they have video that may be pertinent to their investigation.

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

#### **446.6 Documentation**

In no way is a MAV meant to replace a written report if one is called for. Officers are still responsible for completing a thorough report in the same manner they would if they did not have a MAV recording. If an officer is on a call where their role would not normally call for a report, but the MAV was activated, they will still

make a supplemental report if a case number was pulled for evidentiary entry purposes. Otherwise they will follow retention protocols previously outlined.

#### **446.7 TRAINING AND SUPERVISORY RESPONSIBILITIES**

Users of the MAV systems and supervisors shall be trained on the proper use of the system and shall become familiar with this policy prior to deployment of the MAV device.

Supervisors shall ensure that MAV units assigned to their officers are in working order and the officer using the MAV has been properly trained. Supervisors will monitor and verify that their officers are properly using the MAV units as required by departmental policy and training. That includes proper categorizing and logging of evidence.