

Mobile Audio Video Procedure

446.1 PURPOSE AND SCOPE

The Des Moines Police Department has equipped each marked patrol car and other vehicles regularly used for enforcement with a Mobile Audio and Video (MAV) recording system. The MAV is designed to assist and compliment patrol officers in the performance of his/her duties. The MAV is used to record certain activities by providing a visual and audio recording. MAV recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the officer's report.

This policy does not apply to officers who are operating a vehicle not equipped with a MAV. Officers utilizing an Officer Mounted Video System shall follow Policy 447.

446.2 MAV SYSTEM OPERATIONS

Any time a MAV equipped vehicle is in use, the MAV system shall be in full operation. Officers shall test the MAV system by recording his/her name, serial number, car number, and the current date and time when they log on to the MAV. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor approves the vehicle to remain in service.

A repair request detailing the malfunction shall be submitted to the department repair technician as soon as reasonably possible.

If a car is taken out of service because of a malfunctioning MAV a note will be left clearly visible inside the vehicle or on the vehicle repair board.

446.3 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicle's emergency lights are activated or it can be manually activated. The system will remain on until turned off manually. Officers shall not intentionally turn off the audio portion of the MAV system at any time during the recording of an event without first verbally explaining why the audio is being turned off.

446.3.1 REQUIRED ACTIVATION OF MAV

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 system is appropriate. In addition to the required situations, officers will activate the system any time he/she believes its use would be appropriate or of value to document an incident.

In all cases, officers shall use the system during traffic stops. The following shall also apply:

- (a) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise be recorded.
- (b) Whenever it is safe to do so, in-custody searches shall be done in front of the MAV. Special consideration shall be given to searching subjects of the opposite sex or any juvenile.

Once the system is activated, it shall remain on until the incident has concluded. Based on the reasonable belief of the officer on scene and the activities occurring on scene, the officer

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may place the system into the "pre-event" mode. Officers shall record why the MAV is being placed into "pre-event mode" if it is prior to the officer clearing the incident. Examples for this include waiting for a tow truck or a family member to arrive or other similar situations.

446.3.2 WHEN ACTIVATION NOT REQUIRED

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

Absent legal cause or lawful order, no member of this department may surreptitiously record any other member of this or other department without the expressed knowledge and consent of all parties.

446.3.3 NOTIFICATION OF USE

Whenever reasonably practicable, officers shall inform any person being recorded that an audio recording is being made and shall ensure that such advisement informing the person is also recorded (RCW 9.73.090(1)(c)).

446.4 REVIEW OF MAV RECORDINGS

Recordings may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific act of officer conduct.
- (b) By a department detective conducting a criminal investigation.
- (c) By department personnel to review their own recordings.
- (d) By court personnel through proper process or with permission of the Chief of Police or his/her designee.
- (e) By media personnel with permission of the Chief of Police or his/her designee except that no sound or video recording may be made available to the public until final disposition of any criminal or civil litigation which arises from the event or events which were recorded (RCW 9.73.090(1)(c)). Requests will be made on the department Public Disclosure Request form.
- (f) Recordings may be shown for the purposes of training value. If an involved officer objects to the showing of recording, his/her objection will be submitted to the Chief of Police via the chain of commands to determine if the training value outweighs the officer's objection for not showing the recording.

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

446.5 DOCUMENTING MAV USE

Any incident that was recorded with either the video or audio system shall be documented in the officer's report. If a citation was issued, a notation shall be placed on the back of the records copy of the citation that the incident was recorded.

Upon receiving a subpoena to appear in court on a contested traffic citation, the subpoenaed officer should request that the Evidence Specialist provide two copies of the relevant recording to the prosecutor and one copy to the officer for review (Court Rule IRLJ 3.1(b)).

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446.6 VIDEO MEDIA STORAGE AND INTEGRITY

The MAV is automatically downloaded and stored for 90 days at which time it will be deleted from the stand alone server.

446.6.1 COPIES OF VIDEO RECORDINGS

A copy of the recording will be made upon the request of any person authorized in Policy Manual 446.4. The request shall be made by submitting the "In Car Video Request" form. If the request is for purposes other than evidence, the request will be approved by Command Staff.

When a recording is being held for a criminal investigation, officers may request and receive a copy of the recording for trial preparation. All copies shall be returned to the evidence room if not retained by the court.

MAV Recordings may only be released in response to a valid court order or upon approval of the Chief of Police or his/her designee subject to the limitations in the law. In the event a recording is released to the court, a copy shall be maintained in evidence.

446.6.2 MAV RECORDINGS AS EVIDENCE

All MAV Recording(s) submitted into evidence shall be submitted in the same manor as other property and referenced by the case number.

446.7 PRIVACY

Sound recordings that correspond to video images recorded by video cameras mounted in law enforcement vehicles are exempt (RCW 9.73.090) from the provisions of RCW 9.73.030 through 9.73.080 as long as:

- (a) All officers wearing a sound recording device that makes recordings corresponding to videos recorded by video cameras mounted in police vehicles must be in uniform. A sound recording device that makes a recording pursuant to this section must be operated simultaneously with the video camera when the operating system has been activated for an event. No sound recording device may be intentionally turned off by the officer during the recording of an event. Once the event has been captured, the officer may turn off the audio recording and place the system back into "pre-event" mode.
- (b) No sound or video recording made under this section may be duplicated and made available to the public by a law enforcement agency subject to this section until final disposition of any criminal or civil litigation which arises from the event or events which were recorded. Such sound recordings shall not be divulged or used by any law enforcement agency for any commercial purpose.
- (c) An officer shall inform any person being recorded by sound under this section that a sound recording is being made and the statement so informing the person shall be included in the sound recording, except that the officer is not required to inform the person being recorded if the person is being recorded under exigent circumstances. An officer is not required to inform a person being recorded by video under this section that the person is being recorded by video.

446.8 RESPONSIBILITIES

446.8.1 SHIFT SUPERVISORS

Shift Supervisors shall ensure:

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- (a) All assigned staff have been properly trained in the use of the MAV equipment prior to its use.
- (b) All officers follow established procedures for the use and maintenance of MAV equipment, handling of MAV recordings, and the completion of MAV documentation.
- (c) On at least a quarterly basis the supervisor will randomly review MAV recordings to assist in determining whether the MAV equipment is being properly used and for evaluation/training purposes.

446.8.2 EVIDENCE SPECIALIST RESPONSIBILITIES

The Evidence Specialist shall be responsible to:

- (a) Monitor the MAV server system to ensure the system is functioning correctly.
- (b) Download hard-drives submitted to the evidence system. The downloaded hard-drive will be placed back into service.
- (c) Ensure automatic purging of all files after the set time frame of 90 days.
- (d) When an "In Car Video Request" form is received the MAV file will be flagged on the server and copied from the server onto a DVD. The DVD will be placed in the team evidence locker for retrieval by the requesting officer. An email notification will go to the requesting officer and their supervisor when the DVD has been placed in the team evidence locker for retrieval. The Evidence Specialist will create a log of all requests and notify the shift supervisor when DVD(s) are not submitted as evidence within 7 days. When the DVD is submitted as evidence, the flag on that MAV server file will be removed and a duplicate DVD created from the server and marked as "COPY" and placed with the evidence DVD.

446.8.3 OFFICERS RESPONSIBILITIES

Officers shall ensure:

- (a) An "In Car Video Request" form is completed for all MAV recording requests.
- (b) When notified that MAV copies are complete and available for review in the team evidence locker, they will retrieve, review and submit as evidence within 7 days of notification.
- (c) Will make timely notification to the Evidence Specialist of court needed copies of the MAV recordings.
- (d) If a MAV recording is not retained by the court officers shall submit the MAV recording back to the evidence room.
- (e) Officers shall not make or retain copies of any MAV recording without Command approval.

446.9 PUBLIC DISCLOSURE

Any request for disclosure of recordings shall follow the public records request policy, Policy 810, and comply with RCW 9.73.090.