

## Mobile Audio Video Procedure

### 421.1 PURPOSE AND SCOPE

The Clearfield City Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording 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.

#### 421.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

**In-car camera system and Mobile Audio Video (MAV) system** - Synonymous terms which 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.

**MAV technician** - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, 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.

### 421.2 POLICY

It is the policy of the Clearfield City Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

### 421.3 OFFICER RESPONSIBILITIES

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. Only Clearfield City Police Department identified and labeled media with tracking numbers are to be used.

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

### 421.4 ACTIVATION OF THE MAV

The MAV 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.

#### 421.4.1 ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the 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 MAV. The MAV system shall be activated in any of the following situations:

1. Vehicle pursuits
2. Priority responses
3. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops)
4. Vehicle searches
5. DUI investigations including field sobriety tests
6. Arrests occurring within video range
7. When physical or verbal confrontations or use of force are likely
8. Transporting any individual
9. All field contacts involving actual or potential criminal conduct, within video/audio range of the MAV:

The MAV system should be activated in any of the following situations when within range of the MAV:

1. Suspicious vehicles
2. Pedestrian checks
3. Consensual encounters
4. Crimes in progress
5. Responding to an in-progress call
6. All self-initiated activity in which an officer would normally notify the Communications Center
7. Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
  - (a) Offenses involving violence or weapons
  - (b) Disturbance of peace calls
  - (c) Domestic violence calls

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8. Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
9. Any other circumstance where the officer believes that a recording of an incident would be appropriate

### **421.4.2 CESSATION OF RECORDING**

Once activated, the MAV system should remain on 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 an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

### **421.4.3 WHEN ACTIVATION IS 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.

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 Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

### **421.5 REVIEW OF MAV RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by 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 authorized department members.

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 or for quality assurance
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By a department investigator, after approval of a supervisor, who is 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

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- (g) By an 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 permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Chief of Police to determine if the training value outweighs the officer's objection

Employees desiring to view any previously uploaded or archived MAV recording, besides those recorded on their own MAV system, should obtain permission and access from a supervisor.

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

#### **421.6 DOCUMENTING MAV USE**

To assist with identifying and preserving data and recordings members should download, tag, and classify all recordings in accordance with procedure and document the existence of the recording in any related case report. Officers will document in their report that portable video or audio is available. Recordings will be downloaded at the end of each shift or if approved, at the beginning of the next tour of duty. Each recording will be tagged with the applicable case number, classified by the appropriate title, and have any applicable comments added.

**Classification:** Classification of a recording is the process of selecting the classification title that most accurately represents what is on the recording. The classification applied will determine the retention period of the recording.

**Tagging:** Tagging of a recording is the process of applying a case number, citation number, infraction number, ect which is associated to the recording.

A member should classify all recordings under one of the following classifications:

- (a) Traffic Offense
- (b) DUI Investigation
- (c) Interviews
- (d) 10-39 Response
- (e) Evading
- (f) Jail Transport
- (g) Drug Investigation

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- (h) Junk
- (i) Court Recordings
- (j) Homicide
- (k) Child Abuse
- (l) Sex Offense
- (m) Criminal MIS
- (n) Criminal FEL
- (o) Non-Criminal

In addition to being classified, a case number should also be applied to recordings when the member reasonably believes:

transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an under-cover officer or confidential informant.
- (g) Recorded content contains sound or images from a residence (Utah Code 63G-2-302).
- (h) Recorded content contains sound or images from a hospital, health care facility, human service program or the clinic of a health care provider (Utah Code 63G-2-305).

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

### **421.7 SYSTEM OPERATIONAL STANDARDS**

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.

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- (d) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (e) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings.
- (f) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.