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| NORTHAMPTON POLICE DEPARTMENT Administration & Operations Manual | |  |
| Policy: Mobile Video Recorders | | AOM: O-209 |
| Massachusetts Police Accreditation Standards Referenced: [41.3.8.b] | | Issuing Authority <hr/> Jody Kasper Chief of Police |
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I. Introductory Discussion

The purpose of this chapter is to establish policy and procedures for the Northampton Police Department concerning the use, management, storage, and retrieval of audio/video recordings from mobile digital video recording systems.

II. Policy

- A. It is the policy of the Northampton Police Department that officers using a designated cruiser containing a Mobile Digital Video/Audio Recording System (MVR) will utilize the equipment for only law enforcement purposes including but not limited to, providing and collecting evidence that may be used in the prosecution of those who violate the law. In addition, the provision of police services require numerous contacts between police officers and community members, some of which are made under adverse conditions. The MVR's can be a valuable tool for law enforcement practitioners by documenting their integrity, honesty, and professionalism. In order to protect the department, its officers, and

community members, an accurate record of interactions will be maintained with the use of this equipment.

B. The purpose of the MVR's is the following:

1. To provide an accurate depiction of events for courtroom presentation.
2. To accurately capture statements and events during the course of an incident.
3. To enhance the officer's ability to document and review statements and actions for report purposes and for court preparation.
4. To provide an impartial measurement for self-critique and field training evaluation during recruit training.
5. To be used as an investigative tool to capture visual and audio information and to further existing and future investigations.

III. Procedures

A. Prior to the beginning of each shift, the officer utilizing the MVR unit shall perform a preoperational inspection of the MVR equipment to ensure the MVR unit is operating properly. A part of the preoperational inspection will also include a system login. The inspection shall include the following:

1. Officers will log into their cruiser's MVR, using their name and badge number.
2. Check the Remote Audio Transmitter (microphone) and make sure it is fully charged and functioning.
3. Activating the triggers to ensure that the recording mechanism is recording both video and audio. Screen display will show "lights" and "mic" when the system is operating correctly and recording the event.

B. Officers shall report any and all problems or missing system components with the MVR's immediately to a supervisor. An IT 'ticket' should be generated as soon as possible to notify the Information Technology Department of the system malfunction. The OIC will determine if the cruiser should be taken off line, the cruiser can still be utilized, or if the OIC can troubleshoot the malfunction.

C. The Officer utilizing the MVR shall both video and audibly record the following incidents: [41.3.8.a]

1. All traffic stops.
2. All priority calls.
3. All vehicle pursuits.
4. All detainee transports.
5. All crimes in progress.
6. Any situation or event that the officer, through their training and experience, believes should be audibly and visually recorded.

- D. After recording an event, officers should title the video, using the appropriate event category, listed on the system.
- E. Officers should remember that [MGL. Ch. 272, §99](#) applies to the non-consensual audio recording of persons for use as evidence in any court case. Therefore, officers should inform all persons that they are being both audio and video recorded prior to any dealings with them if possible. This notification does not apply for crimes in progress where notification is impractical.
 - 1. Officers will inform those who ask if the audio/video recording equipment is in use.
 - 2. If a subject refuses to be recorded, advise them that suppression of recorded audio and video will be decided in judicial proceedings.
- F. Officers utilizing the Mobile Video Recording Systems shall audibly and visually record each event entirely, from initial contact upon arrival, to the end of the call. Specifically, while conducting motor vehicle stops, officers shall record from the initial approach of the vehicle through the end of the stop when the vehicle leaves the scene. During any event that is being recorded, officers may temporarily disable the audio recording to confer with each other about the call/stop. Once the conference is complete, officers shall turn the audio recording back on until the event has been completed.

It shall be the officer's responsibility to activate their audio pack every time they exit the cruiser on a motor vehicle stop.
- G. Upon completion of each event, the officers should title the video, using the appropriate event category, listed on the system.
- H. No reproduction of any video or video segment generated by the Northampton Police Department will be permitted, unless approved by the Chief of Police or designee [41.3.8.b]. The export or download of videos is allowed only for law enforcement purposes such as case evidence or training. Screen recording of videos (with a phone camera for example) is prohibited. Officers and system users are only allowed to watch video footage for law enforcement purposes.
- I. The officer shall take precaution to ensure the cruiser is positioned correctly during each motor vehicle stop. The officer shall realize the importance of capturing the widest possible angle, while still maintaining a safe cruiser position, to ensure that nothing happens outside the view of the camera.
- J. Officers will note in any incident, arrest, or related reports, when video/audio recordings were made during the incident in question. This can best be done by creating an evidence tag in the overview section of the report. A Property Number is not necessary as the footage will be retained in the Evidence Library Cloud (ELC).

- K. Officers are encouraged to inform their supervisors of any footage that may be of value for training purposes.
- L. All Officers who are assigned to patrol duties, including traffic or utility assignments, will utilize cruisers with MVR systems. Officers engaged in traffic grant activity, such as “Click it or Ticket” or “Drive Sober or Get Pulled Over”, will use cruisers with MVR systems. Finally, when assigned to a sobriety checkpoint, Officers should utilize a cruiser with an MVR system to capture valuable footage of the Field Sobriety tests being administered.
- M. Officers should review their respective case video on occasion with their respective Sergeants to improve their practices and procedures.

IV. Mobile Video Recorder Supervisor Responsibilities

The Supervisor assigned responsibility for the MVR's, and their designated backup administrator, will provide for the adequate training in and use of the MVR's, as well as the inspection and maintaining. Repairing units, as well as troubleshooting problems, will be handled by the department's information technology representative. Working in conjunction with the IT department, the system administrator of the MVR's will also be responsible for the following:

- A. System administrator(s) shall facilitate the training of ALL personnel who utilize the system. System users will be trained and have an in depth working knowledge of the system. For new employees and new system users, training shall be conducted as part of the documented Field Training and Evaluation Program, or whenever there is a modification to the system, equipment or mandates of use.
- B. Monitor the Evidence Library Cloud (ELC) to make sure all event footage is labeled and an officer is assigned to footage.
- C. No portion of the MVR equipment will be moved or tampered with at any time without expressed permission from the Chief of Police or their designee.

V. Shift Supervisor Responsibility

- A. The Shift Commander or shift OIC shall be responsible for reviewing case footage that has been labeled accordingly in the ELC- Electronic Library Cloud. This will also be part of the case complaint review.
- B. The Shift Commander shall review a minimum of two randomly selected MVR events each month for each officer assigned to their shift and then complete the *Shift Commander Monthly MVR Review Log* for the previous month by the 5th day of the next month. The log should be submitted along with the Shift Commander's Monthly Report.

- C. When a serious incident arises that requires the immediate retrieval of the video footage, a supervisor shall take the cruiser off line and allow for the video to transfer. If the wireless video transfer is not functioning correctly or the cruiser cannot be brought to within the range of the station's Wi-Fi, a supervisor can also access the necessary video via the SD card.
- D. When the Shift Commander or shift OIC conducts a pursuit review, they will make sure that a link to the ELC footage is included in the pursuit evaluation/report.
- E. When the Shift Commander or shift OIC conducts a cruiser crash investigation, they will make sure that a link to the ELC footage is included in the cruiser crash report.

VI. Court Administrator Duties & Discovery Requests

- A. The Court Administrator (CA) will be assigned "Supervisor" level access to the mobile video recorder system. This level of access grants the CA permission to view all mobile video footage and access all "cases" created.
- B. The CA is responsible for dissemination of all mobile video footage for purposes of discovery requests. Dissemination will be completed via two party authentication (access code) or via a secured Watch Guard account. Unsecured methods of sharing video are prohibited.
- C. A hard copy form of the mobile video footage will be created by the CA and retained in cases involving serious felonies, cases of high liability, or at the discretion of the Chief of Police or their designee.

VII. Retention Schedule

- A. Evidentiary Footage: Any footage or video clips that are evidentiary in nature will be added to the corresponding case file in the Evidence Library Cloud (ELC).

Retention: Evidentiary Footage will be retained for 60 days after the court disposition of the case, provided no litigation is pending.

- B. Event Footage: "Event" videos are any dash cam footage that is created as a result of a triggered event. An event is triggered when the emergency light bar is activated by the officer, the microphone is activated, the cruiser is involved in a crash, or the cruiser exceeds a speed of 75 MPH. These event videos (resulting from triggered events) are automatically uploaded into the Evidence Library Cloud (ELC) once the cruiser returns to the station and is within signal range of the transfer antenna.

Examples of “Event” videos include traffic stops following the activation of blue lights, a Code 2 response to a medical emergency, an officer responding with ‘lights and siren’ to a crime in progress, or an MV pursuit.

Retention: Event Footage Videos will be retained for a period of one (1) year and the system will automatically purge events after 365 days.

- C. Non-event Footage: Non-event footage is any footage that the front camera and rear seat camera capture while the cruiser is running. This includes any footage that the officer captures while on patrol and no ‘triggers’ are engaged. The data storage of the hard drive is limited and once full, the non-event video is set to record over the older data files.

Retention: The daily capture of data (non-event footage) is not possible to predict; therefore, a retention schedule for non-event footage is not possible.

*Note: only ‘Event’ files are uploaded to the cloud once the cruiser returns to the station; non-event video files do not.