

## Mobile Audio Video

### 446.1 PURPOSE AND SCOPE

The Palo Alto 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.

#### 446.1.1 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.

### 446.2 POLICY

It is the policy of the Palo Alto 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.

### 446.3 OFFICER RESPONSIBILITIES

- (a) The use of the MAV system is mandatory as outlined in this policy.
- (b) Each officer shall sign onto the system by selecting their name from the drop down menu on the MAV system. Prior to going into service, each officer will ensure that the equipment is functioning properly.
- (c) Required procedures include checking the power source, checking connections to the recording equipment AND checking that the system is recording both audio and visual information (including a remote activation test).
- (d) Any malfunction of the MAV shall be reported immediately to a supervisor. If a vehicle is kept in service without an operational MAV, a notation shall be made to Dispatch via radio transmission.
- (e) The supervisor will ensure that Technical Services Staff is notified of any system malfunction that requires repair or maintenance.

# Palo Alto Police Department

## Policy Manual

### *Mobile Audio Video*

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- (f) The officer may view MAV recordings in the field during their shift.
- (g) There may be some situations where the officer desires to have a particular recording flagged with a case number, but that recording is of something other than one of the scenarios listed in Policy Manual §446.61. In that case, the officer shall notify the authorized Department personnel to mark video recording for retention, and authorized Department personnel will mark the recording to be held.
- (h) MAV recordings containing arrests, assaults, physical or verbal confrontations, vehicle pursuits, vehicle searches in which contraband is recovered, driving while intoxicated or under the influence arrests, or any prisoner transport shall be treated as evidence and held for use in criminal prosecution.
- (i) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a MAV custodian or designee may erase and reissue previously media.

#### 446.3.1 BODY WORN CAMERAS

When assigned for use, body worn cameras shall be used in accordance with all aspects of the Department's MAV policy. The video and audio captured by these devices will be retained in a similar manner and for the same amount of time as video and audio files captured under the in-car MAV system.

#### **446.4 ACTIVATION OF THE MAV**

(a) Activation of the MAV is automatic when:

- The patrol vehicle's emergency lights (position #2 or #3), siren, or PA (public address system) are activated.
- The rear door of a K9 vehicle is opened.
- The rear door of a patrol vehicle is opened.
- The crash indicator is activated.
- The patrol vehicle attains a speed of 80 MPH.

(b) The system remains on until turned off manually while the ignition is on. Turning off the ignition will initiate the system's shutdown 30 minute timer which will have to be bypassed if a longer recording is desired with the ignition off.

(c) The officer worn microphone automatically turns on when the system is activated, recording both audio and video. The microphone will be worn at or above the waist on the outer layer of the uniform (ie. duty belt or epaulet).

(d) The MAV system has pre-event recording capability and will record events prior to manual or automatic activation of the MAV into a memory buffer. 30 seconds of video only pre-event recording is saved upon activation of the system. Additional "after the fact" video only is recorded onto the system's hard drive. It is available for retrieval until overwritten.

## *Mobile Audio Video*

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(e) The in-car microphone is automatically activated when a recording is activated.

### 446.4.1 REQUIRED 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 should be activated 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)
  - 2. Code 3 responses
  - 3. Vehicle pursuits
  - 4. Suspicious vehicles
  - 5. Arrests
  - 6. Vehicle searches
  - 7. Physical or verbal confrontations or use of force
  - 8. Pedestrian checks
  - 9. DWI/DUI investigations including field sobriety tests
  - 10. Consensual encounters
  - 11. Crimes in progress
  - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify the Communications Center
- (c) Surveillance for law enforcement purposes during the course of an ongoing or potential investigation.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

### 446.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the the officer's involvement in the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all

## *Mobile Audio Video*

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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.

### **446.4.3 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.

### **446.4.4 SUPERVISOR RESPONSIBILITIES**

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Communications Center and MAV technician

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Videos are marked as required.
- (c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer. Any time remote viewing is activated, a visual indicator will appear on the in-car video screen and the supervisor who initiated the activation will direct dispatch to notify all units that remote viewing is in progress.

### **446.5 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.

# Palo Alto Police Department

## Policy Manual

### *Mobile Audio Video*

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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 MAV technician or forensic media staff. A copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media. The original media is stored and maintained on the Department's server.

Recordings may be reviewed in any of the following situations:

- (a) By the officer themselves for preparation of written reports or follow-up investigations.
- (b) By a supervisor or manager investigating a specific act of officer conduct or to mitigate a potential citizen complaint
- (c) By a supervisor for purposes of improving officer performance
- (d) By a Department employee after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (e) By department personnel who request to review their own recordings in preparation for court testimony
- (f) 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
- (g) By authorized personnel (e.g. District Attorney, supervisor, manger) during discovery/court process. Recordings must be accessed through the proper process (Penal Code 1054.5 - discovery or court order)
- (h) 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 for not showing the recording. Recordings shown for training purposes will be presented in a fair and unbiased manner.
- (i) In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

A first time infraction discovered during routine review of recorded material that is deemed minor in nature by Management, will generally be handled through training and counseling.

The MAV system as configured with five cameras and high quality audio has the capability to capture a significant amount of video and audio when in operation. An individual officer's experience may not include everything captured by the system.

## Mobile Audio Video

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### **446.6 DOCUMENTING MAV USE**

- (a) If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report.
- (b) If a citation is issued, the officer shall make a notation on the back of the officer's copy of the citation, indicating that the incident was recorded.
- (c) In the event of accidental recording, the officer shall submit a request to the MAV custodian for the deletion of the accidentally recorded data.

### **446.7 RECORDING MEDIA STORAGE AND INTEGRITY**

All MAV recordings will be retained in accordance with the established records retention schedule. (Government Code § 34090.6).

#### **446.7.1 COPIES OF ORIGINAL RECORDING MEDIA**

A copy of the original recording media will be made for use as authorized in this policy.

#### **446.7.2 MAV RECORDINGS AS EVIDENCE**

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Palo Alto Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

### **446.8 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 shall be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system shall not be configured to record audio data occurring prior to activation.
- (d) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

### **446.9 MAV CUSTODIAN RESPONSIBILITIES**

- (a) The Technical Services Division (TSD) has overall responsibility for the MAV system and shall serve as custodian of these records.
- (b) All Police MAV recordings, excepting test recordings or accidental activations, shall be retained in accordance with California Government Code (CGC) §34090 and CGC §34090.6 for a period of not less than one year.

# Palo Alto Police Department

## Policy Manual

### *Mobile Audio Video*

---

- (c) Release of MAV recordings shall be conducted in accordance with Penal Code §1054.5 (discovery requests for criminal prosecution), CGC §6250 (California Public Records Act) and in accordance with Policy Manual §810 (Release of Records and Information).
- (d) All retrieved MAV recordings will be uploaded into the MAV server within the same day as the recording unless hindered by equipment or network malfunction or availability.
- (e) Routine and evidentiary MAV recordings on the server are backed up daily on a redundant server so that recordings are accessible online by officers for a period of not less than 365 days from the date of recording.
- (f) All routine requests by authorized department personnel for online access to MAV recordings for court preparation or other official business, outside of the normal online access period will be handled within 2-3 business days of the request.
- (g) If an emergency need to access these recordings is required, the Technical Services Division On Call Technician can be contacted for immediate restoration and access.
- (h) The MAV custodian or their designee shall be responsible for the retrieval, storage, backup and duplication of all MAV recordings in addition to the ongoing maintenance of the systems and association components.
- (i) All MAV recordings will be retained in accordance with the established records retention schedule (Government Code 34090.6)
- (j) MAV recordings will be stored on a separate and secure server.

#### **446.10 TRAINING**

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.