

Mobile Video Recorder (MVR) POLICY

2-06 POLICY

The use of a Mobile Video Recorder (MRV) system provides a method to document law enforcement activity through the audio and visual recording of officer involved incidents as they are occurring. The primary purpose of a mobile audio/video recording system is for officer safety and to document statements and events during the course of an incident.

PURPOSE

The purpose of this policy is to establish guidelines for the use and management of audio-visual media.

SCOPE

This directive applies to all members of the Cherokee Nation Marshal Service

2-06. 01 DIRECT USE

1. Deputy Marshal's will inspect the Mobile Video Recorder (MRV) for any physical damage and to ensure the device is in working order at the beginning of the shift. Any problems with the MVR will be reported to the Mobile Video Recorder (MVR) Coordinator as soon as practical.
2. The Mobile Video Recorder (MRV) shall be worn at all times that the officer may become involved in an enforcement situation, unless otherwise directed by Lieutenant Level or higher command or outside their normal patrol functions.
3. The Mobile Video Recorder (MRV) shall be utilized during all investigative contacts, (i.e. pedestrian and vehicle stops, consensual encounters, calls for service, on-view events)
4. Deputy Marshal's shall place the Mobile Video Recorder (MRV) in the Event Mode as soon as practical during a given situation.
5. Once in the Event Mode, Deputy Marshal's shall continue to record until the completion of the event, or they have left the scene (this includes recording of statements)
6. Additional arriving units to the scene shall place their Mobile Video Recorder (MRV) in the event mode as soon as practical, and continue to record until the completion of the event, or they have left the scene
7. Officers should not use the Mobile Video Recorder (MRV) to surreptitiously record conversations that are not investigative in nature.

Recording of Statements

Sworn department members may make surreptitious recordings of conversations when the conversation is part of a criminal investigation or part of a non-criminal public contact in which there is no expectation of a “confidential communication”.

When a recording has been made in a formal criminal investigation (on Flagged Event) the recording will be retained as part of the case and booked into evidence regardless of its evidentiary value.

If the Department Member is preparing a Flagged Event Report in connection with the investigation, the following details of the recording will be included in that report:

- a. An indication that a recording was made
- b. The Date and time of the recording
- c. The person (s) recorded
- d. The reason for the recording

Whenever an officer believes that a recorded contact may lead to a citizen complaint, he/she should bring the recording to the attention of his/her supervisor as soon as possible. If no Crime Report or supplementary report is being prepared, the above details will be reported to the Executive Director of the Cherokee Nation Marshal Service, via the chain of command, by memorandum.

Members will not make surreptitious recordings of conversations with other Department members except when necessary in a criminal investigation.

This section does not prohibit the tape recording of an interrogation where there is no expectation of privacy.

8. The Mobile Video Recorder (MRV) shall not be used to record non-work related personal activity and will not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms. The Mobile Video Recorder will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities. In addition, mobile video recording of individuals who are picketing or engaged in a protest or First Amendment demonstration will be avoided unless an obvious violation of criminal law is occurring or if the law enforcement operation is in the same vicinity for other legitimate law enforcement purposes.
9. Employees shall not record confidential information's or undercover officers.

10. The Mobile Video Recorder (MVR) will not be used for Department Administrative Investigations (without the express consent of the Office of the Marshal).
11. Continual non-usage or a refusal to utilize the Mobile Video Recorder (MVR) will result in progressive disciplinary action. Deputy Marshal's are expected to utilize this equipment for the protection of the department and the officer against unnecessary or frivolous complaints or lawsuits.

2-06. 02 MEDIAL STORAGE

1. The Mobile Video Recorder (MVR) will be placed in the Evidence Transfer Machine (ETM) for data transfer.
2. The Medial Captured via the Mobile Video Recorder (MVR) will only be downloaded to Evidence.com
3. Video and audio captured via the Mobile Video Recorder (MVR) will be used for official purposes only.
4. The headset, camera and earpiece will be assigned and maintained by the individual officer.
5. Officers may use media captured via the Mobile Video Recorder (MVR) to assist with the investigation.
6. Officers may use media captured via the Mobile Video Recorder (MVR) to complete reports.
7. Officers may use media captured via the Mobile Video Recorder (MVR) for training purposes, with proper authorization from the investigative unit assigned to the case.
8. Media captured via the Mobile Video Recorder (MVR) will be accessed through www.evidence.com

Exceptions: Field Training Officers may use media captured via the Mobile Video Recorder (MVR) to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR).

2-06. 03 REPORTING

1. The use of the Mobile Video Recorder (MVR) will be recorded in all incident reports and in the notes on all citations.

2. All digital media captured using the Mobile Video Recorder (MVR) will be considered a record of the Cherokee Nation Marshal Service. Accessing, copying or releasing any media for other than official law enforcement purposes is strictly prohibited and subject to discipline.
3. Medial files will be maintained in accordance with record retention schedule, which requires retention of these records for 30 days.

ORDER

EFFECTIVE IMMEDIATELY, ALL OFFICERS ASSIGNED A MOBILE VIDEO RECORDER (MVR) WILL ADHERE TO THE ABOVE POLICY.