


**Attachment #71**

**Pittsburgh Bureau of Police- PVRD Policy**

<b>PBP FORM 290</b>  <b>PITTSBURGH BUREAU OF POLICE</b> <i>"...accountability, integrity and respect."</i>		<b>SUBJECT:</b> <b>"MOBILE VIDEO/AUDIO RECORDING EQUIPMENT (MVR)"</b>		<b>ORDER NUMBER:</b> <b>69-1</b>
		<b>PLEAC STANDARD:</b> <b>NONE</b>		<b>PAGE 1 OF 5</b>
<b>ISSUE DATE:</b> <b>4/15/2012</b>	<b>EFFECTIVE DATE:</b> <b>4/15/2012</b>	<b>ANNUAL REVIEW DATE:</b> <b>NOVEMBER</b>	<b>RESCINDS:</b> <b>COP 10-005</b> <b>COP 12-002</b> <b>ACA 11-013</b> <b>ACA 11-018</b>	<b>AMENDS:</b> <b>NONE</b>

## **1.0 POLICY**

1.1 This policy establishes guidelines and procedures for the utilization of Mobile Video/Audio Recording (MVR) equipment. Additionally, this policy establishes procedures for the retention, duplication, storage, and purging of recordings from MVR equipment, and the procedures to be followed by MVR Custodial Officers for the retention, duplication, storage, and purging of recordings.

## **2.0 PURPOSE**

2.1 The use of the MVR equipment will allow the Pittsburgh Bureau of Police (PBP) to accomplish many goals including, but not limited to, the following:

- 2.1.1 Allow members to more accurately document events, actions, conditions, and statements made during incidents.
- 2.1.2 Enhance a member's ability to prepare reports and present court testimony.
- 2.1.3 Improve the training capabilities of the PBP.
- 2.1.4 Assist the PBP with investigations of alleged misconduct.
- 2.1.5 Protect the PBP and its members from civil liability resulting from wrongful accusations of misconduct.

## **3.0 DEFINITIONS**

3.1 Mobile Video/Audio Recording (MVR) Equipment – all cameras, accessories, docking stations, etc. related to the in-car cameras.

3.2 MVR Custodial Officers – Computer Crime Unit personnel

## **4.0 PRE-OPERATIONAL PROCEDURES**

4.1 Members shall not use the MVR equipment until they have received the proper training.

- 4.1.1 The Training Academy will maintain a record of all trained personnel.
- 4.1.2 The Training Academy shall be responsible for providing training and remedial training for the MVR.

4.2 Operational problems with or damage to the MVR equipment shall be immediately reported to the member's supervisor.

4.2.1 The member must also immediately send an e-mail message to City Information Systems (CIS) Help Desk explaining the problem with the MVR equipment. The message must be copied to the PBP Fleet Sergeant, the Commander of Support Services, and the member's supervisor.

4.2.2 The member must note any MVR operational problems or damage on their running sheet.

4.2.3 Damage to MVR equipment must also be reported to the member's duty location Commander by means of a PBP Form #4.10 "Special Report".

## **5.0 MOBILE VIDEO/AUDIO RECORDING OPERATIONS**

5.1 Utilization: Members operating MVR-equipped vehicles will ensure the following types of incidents are recorded:

- 5.1.1 Traffic and criminal enforcement stops.
- 5.1.2 In-progress Vehicle and Crimes Code violations.
- 5.1.3 Police vehicle pursuits.
- 5.1.4 Patrol vehicle travel and movements when emergency lights or siren are activated.
- 5.1.5 Fatal crash or major crime scenes, as necessary, to document the scene.
- 5.1.6 Prisoner transport (mandatory for patrol wagons, optional for patrol sedans).
- 5.1.7 Any other incident the member deems appropriate while acting in the performance of his/her official duty.

5.1.8 When it is safe to do so, officers should record the following:

- 5.1.8.1 Pat downs
- 5.1.8.2 Obtaining consent to search
- 5.1.8.3 Search incident to arrest
- 5.1.8.4 Standardized Field Sobriety Test/DUI stops

5.1.9 Members assigned to a MVR equipped vehicle who are trained to use the MVR, shall log into the MVR system at the beginning of their tour of duty using their individually assigned key FOB and shall carry the audio transmitter throughout their tour of duty.

5.2 Legal Requirements: Member shall abide by the following legal requirements governing the use of MVR equipment.

- 5.2.1 Members shall not use MVR equipment unless acting in the performance of their official duties, whether on-duty or working authorized secondary employment details.
- 5.2.2 Members shall only use Bureau issued MVR equipment, which has been approved for use in accordance with the Pennsylvania Bulletin.
- 5.2.3 Members shall ensure that the visual or audible warning system of the vehicle is activated, or the member is otherwise clearly identifiable as a law enforcement officer. This requirement is satisfied if the member is in uniform and operating a marked patrol vehicle.
- 5.2.4 Only oral communications occurring in close proximity to the member may be recorded. This legal requirement is satisfied by the current range settings of the wireless microphone.
- 5.2.5 Member shall inform all individuals identifiably present as soon as reasonably practicable, that their oral/video communications will be or have been intercepted and recorded.
- 5.2.6 MVR equipment shall not be used to record oral communications inside the residence of any individual unless the member is in fresh pursuit of the individual and deactivation of the MVR equipment would create a risk to officer safety.

5.3 Additional Requirements: Members shall abide by the following additional requirements governing the use of MVR equipment.

- 5.3.1 When more than one member is assigned to a MVR equipped vehicle, the operator of the vehicle shall carry the audio transmitter and log into the MVR system.

5.3.2 When the recording function has been activated to record an incident, it shall not be deactivated until the incident has been completed. Members are encouraged to narrate the video recording during a recorded incident, which will assist in establishing probable cause for enforcement action and assist in report writing.

5.3.3 Members shall not erase or alter MVR recordings.

5.3.4 Upon completion of an assigned shift, member shall ensure the audio transmitter is placed in the docking station.

5.4 Officers shall not respond to an emergency call for service with the emergency lights in Mode 1. Mode 1 shall only be used when the vehicle is stationary. Mode 2 or 3 shall be used when the vehicle is in motion.

5.5 Officers shall not reposition the cameras to face an actor being transported in the police vehicle.

5.6 Each officer that is trained to use the MVR will be issued a key FOB. Officers are responsible for their assigned FOB.

5.6.1 If the camera FOB is damaged, it will be sent to Computer Operations. The Computer Operations Liaison Unit will ensure that the FOB is replaced.

5.6.2 Lost, stolen, or damaged camera FOBs shall be reported on a Lost/Stolen/Damaged Uniform or Equipment Claim, PBP Form 81.1.

## **6.0 DUPLICATION/RETENTION OF MOBILE AUDIO/VIDEO RECORDINGS**

6.1 Any and all data and recordings provided by the MVR equipment will be considered investigative materials.

6.2 Any and all data and recordings created by the MVR equipment are the exclusive property of the PBP. Members will not duplicate, copy, or otherwise possess any such data or recordings for any personal reason.

6.3 Mandatory Duplication/Retention: The following types of incidents recorded on MVR equipment shall be duplicated, retained, and processed as evidence by the MVR Custodial Officer in accordance with this regulation as soon as practicable. Duplication will be done automatically by the recording device.

6.3.1 Incidents which may result in the filing of misdemeanor or felony charges.

6.3.2 Incidents which are likely to become the subject of civil litigation against the PBP or its personnel, including, but not limited to, patrol vehicle crashes, pursuits, critical incidents, incidents involving use of force, and incidents involving verbal complaint(s) against the PBP or its personnel.

6.4 Requests for Duplication/Retention: Any member who believes that duplication and retention of a recording of a nature not specified by this regulation is advisable (e.g., for use in a summary proceeding involving a serious traffic violation or training), shall notify the MVR Custodial Officer as soon as possible. MVR Custodial Officers shall evaluate each request in accordance with this regulation. Members are advised, per this regulation, that all recordings maintained on the MVR equipment will be purged no later than 31 days from the date of the last recording.

6.4.1 All requests for duplication/retention are to be requested on PBP Form #69.10, "Mobile Video/Audio Recording Request Form" found in the Police Officer's Toolkit on the I drive. The completed form must be sent to the Computer Crime Unit.

## **7.0 ZONE COMMANDER DUTIES AND RESPONSIBILITIES**

7.1 Zone Commanders shall ensure that a sufficient number of MVR recordings are reviewed each month to ensure that members under their command are following PBP policies and procedures.

7.2 Zone Commanders must document such reviews on PBP Form #69.20, "Commander's Monthly Mobile Video/Audio Recording Review Report", found in the Supervisor's Toolkit on the I drive. This form is to be submitted by the 15<sup>th</sup> of each month with the other monthly reports.

**8.0 ZONE LIEUTENANT AND SERGEANT DUTIES AND RESPONSIBILITIES**

- 8.1 Zone lieutenants and sergeants shall have access to view all MVR recordings from their respective zone.
- 8.2 Each sergeant must review at least five (5) MVR recordings per month from their respective shift based on the group they review for PARS/OMS. They must document such review on their daily activity sheet and highlight with a highlighting marker.
- 8.3 If zone sergeants operate a vehicle equipped with MVR equipment, zone lieutenants must review at least five (5) MVR recordings per month from their respective shift sergeants. They must document such review on their daily activity sheet and highlight with a highlighting marker.
- 8.4 Zone supervisors shall ensure that members have logged into the MVR system. If there are videos that are unassigned due to officers not signing into the MVR system, the supervisors shall go into the MVR system and assign the correct officer to those videos.

**9.0 MVR CUSTODIAL OFFICER REPSONSIBILITIES**

9.1 MVR Custodial Officers shall be responsible for the retention, duplication, storage, and purging of MVR recordings.

**10.0 MOBILE VIDEO/AUDIO RECORDINGS**

- 10.1 MVR Custodial Officers shall ensure that storage media determined to be unserviceable are erased after all incidents have been duplicated. Duplicated incidents shall be retained in accordance with this policy and General Order #36-1, "Evidence Procedures".
- 10.2 MVR Custodial Officers shall ensure that the below-listed recordings on the media are duplicated and stored in accordance with this policy. MVR Custodial Officers shall complete a supplemental report for the applicable incident report when an incident recording is duplicated. Duplicated recordings shall be retained until the case is adjudicated or there is a court order, unless otherwise indicated below:
  - 10.2.1 Recordings requested to be preserved by a member on the recording, a supervisor, or the Office of Municipal Investigations (OMI), where the recording may be necessary for use in any criminal or forfeiture proceeding.
  - 10.2.2 Recordings requested to be preserved by a member on the recording or a supervisor, where the recording may be necessary for use in any summary proceeding involving a serious traffic violation. The duplicated recording shall be destroyed 90 days from the conclusion of all proceedings related to the citation.
  - 10.2.3 Recordings requested to be preserved by a supervisor, the OMI, or the City Law Department, where the recording may be necessary for use in any civil, administrative, or disciplinary proceeding. The duplicated recording shall be retained until destruction is authorized by the requester.
  - 10.2.4 Recordings requested to be preserved by any individual who is a participant on the recording for use in any criminal proceeding. Such requests must be in writing to the Chief of Police, and should contain the date, time, and location of the recording and the names of the parties involved.
  - 10.2.5 Recordings requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding against the PBP or its personnel. Such requests must be in writing, and should contain the date, time, location of the recording, and the names of the parties involved. Notice of the request shall be immediately provided

to the City Law Department and the duplicated recordings shall be retained for a minimum of two years from the date of the incident and shall not be destroyed without the permission of the City Law Department.

10.2.6 Recordings requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding that is not against the PBP or its personnel. Such requests must be in writing to the City of Pittsburgh Law Department, and should contain the date, time, location of the recording, and the names of the parties involved. The recordings shall be duplicated and retained for a period of two years or until a copy of the recording has been Provided to the requester when authorized under PBP policies, whichever comes first.

10.2.7 Recordings that are the subject of a subpoena, court order, or request for pretrial discovery or inspection. Copies of the recording shall be furnished to the requester in accordance with existing PBP policies.

10.2.7.1 In criminal cases, notice shall be provided to the prosecuting attorney.

10.2.7.2 In civil cases against the PBP or its personnel, notice shall be immediately provided to the City Law Department. The duplicated recordings shall be retained for a minimum of two years from the date of the incident and may not be destroyed without the permission of the City Law Department.

10.2.7.3 In civil cases not against the PBP or its personnel, the recordings shall be retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under PBP policies, whichever comes first.

10.2.8 MVR Custodial Officers shall ensure that all recordings on the hard drive are purged 31 days from the date of the last recorded incident, after all required duplications have been made. A request for retention of a recording that has not been preserved after purging of the MVR media cannot be processed.

**11.0 MOBILE VIDEO/AUDIO RECORDING STORAGE**

11.1 The MVR Custodial Officers shall maintain a securable MVR locker/storage area for MVR media.

11.2 The MVR locker/storage area shall be considered a property storage area and shall remain locked, with access being restricted to MVR Custodial Officers.

Approved By:

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Nathan Harper  
Chief of Police

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Date