



Policy and Procedures

MOBILE VIDEO RECORDERS

424.1 PURPOSE AND SCOPE

The Murray County Sheriff's Office has equipped each marked patrol car with a Mobile Video Recording (MVR) system. The MVR is designed to assist and compliment patrol deputies in the performance of their duties. The MVR is used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the deputy's report.

424.1.1 DEFINITIONS

Recorded Media – Audio-video signals recorded on any of several storage devices, including, but not limited to, analog tape (VHS, SVHS, Hi 8mm), digital tape (DV), or other portable digital storage devices (CD, DVD, hard drive, flash card, etc.)

In-Car Camera System and Mobile Video Recorder (MVR) – These are synonymous terms and 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.

Supervisor – As used in this policy refers to licensed peace officers appointed with responsibility to serve as supervisor.

MVR Technician (Investigator) – Personnel, licensed or civilian, trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

Degaussing – Electronic cleansing by overwriting, erasing and/or destruction of electronic storage media of analog and digital recording media that returns the media to its original state so it is ready for the imprinting of new images.

Activate – Any process that causes the MVR system to transmit or store video or audio data.

Law Enforcement Operator (LEO) – Primarily, a licensed peace officer, but on occasion may be a non-licensed representative of the Office, who would be authorized and assigned to operate MVR equipped vehicles to the extent consistent with Minn. Stat. §169.98.

MGDPA – The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

424.2 POLICY

Deputies should test the MVR system operation in accordance with manufacturer specifications and consistent with training at the start of each shift. Testing includes:

- (a) Remote audio transmitter is functional and has an adequate power source.
- (b) Connected to the recording equipment.
- (c) The transmitter can remotely activate the system.
- (d) The view of all cameras shall be free of obstruction.
- (e) All camera lenses shall be operational.
- (f) Camera facing intended direction.
- (g) Recording mechanism capturing both audio and video information.
- (h) System plays back both audio and video tracks.

424.3 DEPUTY RESPONSIBILITIES



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The MVR system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded, the video will also record. Law enforcement operators are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.

424.3.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation where the system may be used. Although there are many situations where the use of the MVR system is appropriate. In addition to the required situations, a deputy may activate the system any time a deputy believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The activation of the MVR system is required in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct, within video or audio range, which include:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops).
 - 2. Priority responses
 - 3. Vehicular pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Prisoner transports
 - 9. Non-custody transports
 - 10. Pedestrian checks
 - 11. DWI investigations including field sobriety tests
 - 12. Consensual encounters
 - 13. Crimes in progress
 - 14. Responding to an in-progress call
 - 15. Medical incidents attended to by members of the Office
- (b) All self-initiated activity in which a deputy would normally notify Dispatch.
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:
 - 1. Family violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons
- (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 deputy believes that a recording of an incident would be appropriate.

424.3.2 CESSATION OF RECORDING



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Once the MVR system is activated it shall remain on and shall not be turned off 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:

- (a) The LEO is simply waiting for a tow truck or a family member to arrive or other similar situations.
- (b) The incident or event is of such duration that the MVR may be deactivated to conserve recording times.
- (c) The LEO does not reasonably believe that deactivation will result in the loss of critical documentary information.
- (d) The intention to stop the tape has been noted by the LEO either verbally or in a written notation.

424.3.3 WHEN ACTIVATION NOT REQUIRED

Activation of the MVR system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

424.3.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, officer-involved collisions), a supervisor shall respond to the scene and ensure that the Sheriff, Chief Deputy, or General Investigator removes the recorded media. The Sheriff, Chief Deputy or General Investigator should ensure the media is recovered and retained appropriately, often as evidence. Copies may be distributed to investigators as appropriate to the investigation.

Supervisors may activate the MVR 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 MVR system for the purpose of surveillance regarding the conversations or action of a deputy.

424.4 ACTIVATION OF THE MVR

All recording media, recorded images and audio recordings are the property of the agency and subject to the provisions of the MGDPA. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required under the MGDPA, Peace Officer Disciplinary Procedures Act or other 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 the agency MVR technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing by investigators, staff, training personnel, and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.

Recordings may be reviewed in any of the following situation.

- (a) For use when preparing reports or statements.
- (b) By a supervisor investigating a specific act of deputy conduct.
- (c) By a supervisor to assess deputy performance.
- (d) To assess proper functioning of MVR systems.



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- (e) By an Office 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 Office personnel who requested to review their own recordings.
- (g) A deputy who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment.
- (h) By court personnel through proper process or with permission of the Sheriff or designee.
- (i) By media personnel or other third parties consistent with an MGDPA request (Minn. Stat §13.01 et seq.).
- (j) To assess possible training value.
- (k) Recordings may be shown for the purposes of training value. If any involved deputy objects to the showing of recording, his/her objection will be submitted to staff to determine if the training value outweighs the deputy's objection for not showing the recording.

Employees desiring to view an MVR recording shall submit a request in writing to the Sheriff or Chief Deputy.

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

424.5 REVIEW OF MVR RECORDINGS

Any incident that was recorded with either the video or audio system shall be documented in the deputy's report. If a citation was issued, a notation shall be placed on the back of the records copy of the citation that the incident was recorded.

424.6 DOCUMENTING MVR USE

Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked in as evidence will be retained for a minimum of 90 days after which time it will be erased, destroyed or recycled.

424.6.1 COPIES OF VIDEO RECORDINGS

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any personal authorized in this policy.

Original video recording media may only be released in response to a court order or upon approval by the Sheriff or designee.

424.6.2 MVR RECORDINGS AS EVIDENCE

Only in exceptional circumstances will original video media be booked into evidence. The exceptions would include a major event, such as a homicide, or as directed by the supervisor or a member of staff. If a video media is booked into evidence, it shall be booked in the same manner as other property and referenced in the case report.

MVR equipment will be used in the prosecution of those who violate the law and to provide objective information concerning law enforcement/citizen contacts.

- (a) Recordings containing data that must be retained in anticipation of pending civil action or are collected as part of an active investigation for the commencement or defense of a pending civil action against the state shall continue to be in the control of the Office.



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- (b) When a recording contains evidence for a case that is being investigated by another agency, that agency shall be provided a duplicate copy of the recording with the approval of the Sheriff or Chief Deputy.

424.7 RECORDING MEDIA STORAGE AND INTEGRITY

- (a) MVR system vehicle installations should be based on officer safety requirements and vehicle and devices manufacturer recommendations.
- (b) The MVR system should be configured to minimally recorded for 30 seconds, prior to an event.
- (c) The MVR system may not be configured to record audio data occurring prior to activation.
- (d) To prevent bleed over and/or noise from other MVRs in systems using low band transmitters (analog), only the primary LEO initiating the contact shall activate his/her audio recorder.
- (e) LEOs using digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used within the law enforcement vehicle in order to intentionally interfere with the capability of the MVR system to record audio data.
- (g) LEOs shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor, Investigator or other approved designee may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by this policy.

424.8 SYSTEM OPERATIONAL STANDARDS

The Sheriff, Chief Deputy or Investigator is responsible for the following:

- (a) Ordering issuance, retrieval, storage, degaussing and duplication of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media, and once collected:
 - 1. Ensure it is stored in a secured location with authorized controlled access.
 - 2. Make appropriate entries in the chain of custody log.
- (c) Degauss of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field.
 - 1. Maintaining a record data base of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Long-term storage of media deemed to be of evidentiary value in accordance with the Office evidence storage protocols and retention schedule (See Attached Retention Schedule).



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RETENTION SCHEDULE

Category	Definition	Retention
<i>Traffic Accident</i>	<i>Investigation involving a crash</i>	<i>7 Years</i>
<i>DWI</i>	<i>Arrest for DWI related purposes</i>	<i>7 Years</i>
<i>Domestic Assault</i>	<i>Investigation, scene and/or arrest for domestic assault</i>	<i>7 Years</i>
<i>Assault</i>	<i>Investigation, scene and/or arrest for assault</i>	<i>7 Years</i>
<i>Drug Charge-Seizure/Forfeiture</i>	<i>Investigation, scene and/or arrest for narcotics</i>	<i>7 Years</i>
<i>Evading</i>	<i>Footage of vehicle refusing to stop</i>	<i>7 Years</i>
<i>Evidentiary Interview/Property</i>	<i>Interview captured on BWC</i>	<i>7 Years</i>
<i>Evidence - Criminal</i>	<i>Arrests or referral for charges</i>	<i>7 Years</i>
<i>Evidence – Force</i>	<i>Fleeing in MV, Use of Force, Taser</i>	<i>7 Years</i>
<i>Evidence – Administrative</i>	<i>Critical Incidents, IA Investigations</i>	<i>7 Years</i>
<i>Evidence – Other</i>	<i>Potential Evidentiary Value - TBD</i>	<i>1 Year</i>
<i>Traffic Stop – Citation</i>	<i>Traffic stop resulting in citation issued</i>	<i>1 Year</i>
<i>Non-Evidentiary Interview</i>	<i>Interview captured on BWC</i>	<i>1 Year</i>
<i>Traffic Stop – No Citation</i>	<i>Traffic stop resulting in no citation issued</i>	<i>90 Days</i>
<i>Suspicious Behavior / Vehicle</i>	<i>Police contact to ID person, suspect or related behavior</i>	<i>90 Days</i>
<i>Motorist Assist</i>	<i>Police contact to assist a motorist</i>	<i>90 Days</i>
<i>Test Recording/Training</i>	<i>System check at start of shift; event may have training value</i>	<i>90 Days</i>
<i>Public Nuisance</i>	<i>Ordinance violations or adversarial encounters</i>	<i>90 Days</i>
<i>Alarm</i>	<i>Response, investigation and scene of alarm</i>	<i>90 Days</i>
<i>Other</i>	<i>CFS that doesn't fit in any other category, not known to have evidentiary value, or unintentional recording</i>	<i>90 Days</i>
<i>Transports</i>	<i>Criminal/Non-Criminal Transports</i>	<i>90 Days Unless Otherwise Specified by a Supervisor</i>
<i>Civil Paper Service</i>	<i>Papers that are served on an individual or entity</i>	<i>90 Days</i>
<i>Assist Other Agency</i>	<i>Assisting other Agency's in an incident</i>	<i>1 Year</i>