

**SILVER BAY POLICE DEPARTMENT  
IN-CAR CAMERA POLICY**

**POLICY #D-8**

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**I. PURPOSE**

The purpose of this policy is to establish uniform guidelines, which Silver Bay Police Officers shall follow, for the use, management, access, retention, handling of evidence, degaussing storage and retrieval of audio-visual media recorded by in-car video systems.

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**II. POLICY**

It is the policy of the Silver Bay Police Department, through the use of MVR system, to document law enforcement interaction with the public by providing evidence in the judicial system, internal review, or review by the public through formal request by completion of the “Information Disclosure Request Form” adopted by the City of Silver Bay.

The primary function of the MVR system is for officer safety and not to initiate disciplinary action against the officer, although the data collected on the MVR system may be used as evidence relating to a complaint of misconduct made against a peace officer by any person present at the scene of an incident, when such complaint could result in additional training, counseling, or disciplinary action in accordance with agency policy.

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**III. DEFINITIONS**

- A. Recorded Media** — Means 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.).
- B. 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.
- C. Supervisor** — Licensed peace officers appointed with responsibility to serve as a supervisor.

- D. MVR Technician** — Personnel, licensed or civilian, that are 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.
- E. 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.
- F. Activate** — Any process which causes the MVR system to transmit or store video or audio data.
- G. Law Enforcement Operator (LEO)** — Primarily, a licensed peace officer, but on occasion may be a non-sworn representative of the agency, who would be authorized and assigned to operate MVR equipped vehicles to the extent consistent with Minnesota Statute 169.98.
- H. MGDPA** — The Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.
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## **IV. PROCEDURES**

### **A. OPERATIONAL OBJECTIVES**

The Silver Bay Police Department has adopted the use of the MVR system to accomplish the following objectives:

1. To enhance officer safety
2. To accurately document statements and events during the course of an incident
3. To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation
4. To provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training
5. To preserve visual and audio information for use in current and future investigations

6. To enhance the public trust by preserving objective factual representations of officer-citizen interactions in the form of video and audio recordings made via an in-car camera system, and
7. To identify training needs

## **B. GENERAL PROCEDURES**

The Silver Bay Police Department shall ensure that the MVR system is properly installed according to the manufacturer's recommendations.

1. MVR equipment shall automatically activate when emergency equipment (lights, sirens) is operating, or an LEO can start recording when they are outside their vehicle via a wireless transmitter. The system may also be activated manually from the control panel affixed to the interior of the vehicle.
2. Placement and operation of system components within the vehicle shall be based on officer safety requirements and manufacturer's recommendations.
3. All peace officers of the Silver Bay Police Department shall receive training and instruction on the use and operation of the MVR system.
4. The agency will establish and maintain a method for the public to view recorded events to the extent that such data is classified as public under the MGDPA.
5. The agency will ensure officers, investigators, and prosecutors have access to the recorded events according to agency specific method for making the recordings accessible within the criminal justice system.
6. The MVR System shall be configured to minimally record for 30 seconds, prior to an event. An agency has the discretion to increase the pre-event record time.
7. The MVR System may not be configured to record audio data occurring prior to activation.

## **C. MANDATORY MVR RECORDING**

To the extent practical, without compromising officer safety, the MVR system shall be activated and/or operated under the following circumstances and conditions:

1. Traffic stops (to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Responses involving the use of lights and/or sirens

3. Vehicle pursuits
4. Arrests
5. Physical or verbal confrontations or use of force
6. Prisoner transports
7. Crimes in progress
8. Any situation where a non prisoner is in the vehicle and being transported (child, elderly person or someone having a medical event)
9. Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded
10. Peace officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation
11. When the MVR is activated, peace officers shall ensure the audio portion is also activated so all events are properly documented.
12. Any other activities when in the LEO's judgment it would be beneficial to do so.

#### **D. OPERATIONAL PROTOCOLS**

The peace officers of the Silver Bay Police Department shall adhere to the following operational protocols:

1. Law enforcement operators 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.
2. Law enforcement operators may have access to review the recordings when preparing written reports or statements of events to help ensure accuracy and consistency of accounts.
3. With the exception of law enforcement radios or other emergency equipment, law enforcement operators shall not use other electronic devices within the law enforcement vehicle in order to intentionally interfere with the capability of the MVR System to record audio data.

4. Law enforcement operators shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor, MVR technician, or agency approved designee may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this policy.
  5. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued or authorized by the MVR technician
  6. MVR recordings shall be considered evidence, designated by the LEO for the appropriate retention and be submitted to the agency approved designee to ensure that the recording is retained in accordance with the agency's policy.
  7. When the MVR is activated to document an event, it shall not be deactivated until the event has been concluded unless:
    - a. The incident or event is of such duration that the MVR may be deactivated to conserve recording times
    - b. The LEO does not reasonably believe that deactivation will result in the loss of critical documentary information
    - c. The intention to stop the tape has been noted by the LEO either verbally or in a written notation
  8. LEO's shall export MVR events when the memory card is three-quarters (3/4) full, properly within MVR management system to allowing for adequate recording time of an officer's shift.
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## **V. RESPONSIBILITIES**

### **A. OFFICER RESPONSIBILITIES**

The peace officers of the Silver Bay Police Department shall have the following responsibilities for the use and operation of the MVR system.

1. It shall be the responsibility of the peace officers assigned to the patrol vehicle to ensure the MVR system is:
  - a. Functional and the in-car camera and audio transmitter has adequate power or 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 the intended direction
  - g. Recording mechanism capturing both audio and video tracks
  - h. Exporting MVR events to MVR management system

2. It shall be the responsibility of the peace officer assigned to the patrol vehicle to report all malfunctions, damage, or theft of in-car camera equipment to the immediate supervisor prior to placing the unit into service. A peace officer reporting a malfunction, damage or theft of the MVR system shall do so through email upon discovering the problem. The email shall include the suspected cause of the failure, any recommendations for corrective action.

## **B. SUPERVISOR RESPONSIBILITIES**

The Chief of Police and Sergeant for the Silver Bay Police Department shall have the following responsibilities, as related to the MVR system and the audio and video recordings produced.

1. Supervisors after receiving notification of malfunctioning equipment shall ensure the MVR system is updated and/or repaired in a timely manner.
2. Supervisors shall conduct periodic reviews of officer assigned media in order to periodically:
  - a. Assess officer performance
  - b. Assure proper functioning of MVR equipment
  - c. Determine if MVR equipment is being operated properly
  - d. Identify recordings that may be appropriate for training
3. Supervisors shall conduct bi-weekly reviews of personnel who are newly assigned MVR equipment, in order to ensure compliance with agency policy. These reviews shall continue until such time as the supervisor believes the new operator is competent in the use of the MVR system.
4. When an incident arises that requires the immediate retrieval of the recorded media (serious crime scenes, agency shootings, agency involved crashes, etc.), a supervisor will ensure that the recorded media is properly removed by a supervisor, MVR technician or crime scene investigator. Once removed the recorded material shall be placed into evidence and copies provided to authorized personnel.

## **C. MVR TECHNICIAN RESPONSIBILITIES**

The Chief of Police and Sergeant for the Silver Bay Police Department may assign personnel to be the MVR Technician and those assigned personnel shall have the following responsibilities.

1. The MVR technician is responsible for the ordering, issuance, retrieval, storage, degaussing, and duplication of all recorded media.
2. The MVR technician shall be responsible for collecting all completed media or for oversight and verification of wireless downloaded media.

3. The MVR technician(s) who are responsible for degaussing recorded material may only do so for the following reasons:
    - a. Pursuant to court order
    - b. In accordance with established retention policies
  4. The MVR technician shall be responsible for the following:
    - a. Long-term storage of media deemed to be of evidentiary value consistent with the agency's evidence storage protocols and retention schedule
    - b. The degaussing and re-issuance of all other media deemed to be of no evidentiary value consistent with the agency's document retention requirements
  5. The MVR Technician is responsible for: Administering User Rights, Adding and Deleting users, Password control, after receiving such permission from the Chief of Police or Assistant Chief of Police.
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## **VI. RECORDED MEDIA HANDLING & ACCESS**

### **A. MEDIA ACCESS**

The following guidelines shall be used for release of recorded media by the Silver Bay Police Department.

1. 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 under the MGDPA, Peace Officer Disciplinary Procedures Act or other applicable law and without written authorization of the agency's chief executive or his or her designee.
2. 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 Chief of Police, Sergeant or MVR Technicians.
3. When 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.
4. At the conclusion of the trial proceedings or as otherwise authorized by the prosecutor's office for which the media was required, all copies shall be submitted to the MVR technician for further storage.

5. An officer 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.

## **B. HANDLING OF EVIDENCE**

The following guidelines shall be used in the handling of recorded media by the Silver Bay Police Department.

1. The MVR equipment will be used in the prosecution of those who violate the law, and to provide objective information concerning police/citizen contacts.
2. Recordings containing data which 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 agency, in conjunction with the Attorney General's Office.
3. When a recording contains evidence for a case which is being investigated by another agency, that agency shall be provided a duplicate copy of the recording with the approval of the Chief of Police or designee.
4. At the time imagery is recorded, officers are responsible for identifying and marking that which needs to be archived beyond 90 days. Typically, this shall be done by marking the video with one of the following titles from the camera menu: Traffic Stop Citation, Traffic Stop Warning, Domestic, or Miscellaneous.
5. Peace officers shall notify, as soon afterwards through email or in writing, the MVR Technicians, Chief of Police or Sergeant of any recorded media that needs to be included in the departmental case file or records management system used by the Silver Bay Police Department.



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**VII. SUPERVISORS SIGNATURES**

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Cole W. Ernest  
Chief of Police

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Sergeant

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**VIII. EFFECTIVE DATE:**

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**IX. REVISED DATE:**

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**DATE REVIEWED**

**SIGNATURE**