



# **Fishers Police Department**



## **General Order 31**

Mobile Video/Audio Recording System (MVS)

CALEA Standards 41.3.8

### **PURPOSE<41.3.8a>**

Establish guidelines for the use of mobile video/audio recording system (MVS) equipment installed in departmental vehicles

### **POLICIES<41.3.8a>**

It is the policy of this agency that police personnel, when operating a city owned vehicle equipped with a Mobile Video System (MVS) will activate in accordance to this policy. The system, where possible, will be activated to record events, situations, and circumstances including but not limited to; traffic stops, vehicle pursuits, emergency runs, vehicle searches, prisoner transportation, courtesy transportation, armed encounters, acts of physical violence, criminal conduct, domestic disturbances, mental health details and civil disorders.

Mobile Video/Audio Recording Systems (MVS) will be used to support the mission of the department and assist department members in the performance of their duties by providing an accurate and unbiased recording of interactions between police members and the public.

It is not the policy of the Police Department to require officers to cease recording an event, situation, or circumstance solely at the request of anyone other than the officer or police supervision.

#### **A. Installation and Configuration of MVS**

- a. Installation and configuration of each MVS shall be performed by the vendor or agency personnel authorized only by the Chief of Police.
- b. MVS equipment installed within the Police Department shall be maintained by the City Information Technology Department (IT). The IT Department will be responsible for computer related operating equipment and the operation of backend software related to the MVS.

#### **B. Inspection, Maintenance and Repair <41.3.8e>**

- a. Officers responsible for operating an MVS shall inspect their MVS prior to each shift and report any deviations in the operating condition, appearance, or suitability for its intended use to a supervisor.
- b. Once a supervisor has received notification of a problem with an MVS a work order shall be submitted to 3475 to repair the system.

- c. Once the authorized individual has received the request, he/she shall coordinate the repair. If a video system is taken out of service, notification will be made to the officer's supervisor(s) and the officer may be assigned a pool car at the discretion of the supervisor.
- d. Supervisors shall conduct quarterly documented inspections of officers' MVS equipment to determine whether the equipment is fully operational and being properly used.

**C. Training on the use of the MVS <41.3.8f>**

- a. Officers will be trained on MVS prior to or upon being issued department owned vehicle equipped with MVS.
  - 1. Documented instruction pertaining to agency policy on the use of the MVS equipment and the laws relating to use of audio video recorders shall be provided by supervisors, FTO's, and/or IT personnel.
  - 2. Documented instruction and hands-on operation of the MVS and its associated components followed by practical application by the officer to demonstrate competency of use shall be provided under the direction of the officer's supervisor, FTO, and/or IT personnel.

**D. MVS Activation Criteria <41.3.8b>**

- a. MVS activation will occur with one or all of the following:
  - 1. Axon- Event Mode record button on the forward or rear facing MVS pressed twice- Manual Activation
  - 2. Axon and Emergency light activation at slide switch position 2 and 3 (Full front and rear lights) – Automatic Activation
  - 3. Axon- In the event of a crash – Automatic Activation
  - 4. Axon- Rifle or Shotgun rack unlock triggered in the patrol vehicle- Automatic Activation
  - 5. Axon- Taser safety deactivation (on applicable models)- Automatic Activation
- b. Vehicles equipped with Axon - When outside of the vehicle, the Axon BWC serve as the microphone for the MVS and shall be left on during contact with subjects while the MVS is recording. The Axon BWC may be muted during conversations between officers and supervisors as well as discussions with other public safety officials cooperating with Law Enforcement personnel. (Prosecutors, Coroner, etc.) If the BWC or Mic Pack is to be muted, officers must record on either system why they are muting prior to muting. The reason for muting of either system must also be documented in the officer's report.
- c. The Axon MVS can be activated manually at the officer's discretion for activities that do not require emergency lights and in accordance with these procedures by pressing the event mode button on either the forward facing or rear passenger facing camera

- d. All officers present during a traffic stop shall have their MVS and BWC activated for the duration of the stop.
- e. Officers are prohibited from covertly recording other police personnel with either MVS or BWC device without a court order or without the direction of the Chief of Police subsequent to an authorized official investigation.

**E. MVS Deactivation Criteria <41.3.8b>**

- a. Deactivation of MVS may only be done:
  - 1. After the officer has gone in service from the detail which resulted in the activation.
  - 2. If after responding to an emergency, the on-scene supervisor determines that a recording of the investigation or citizen contact is not necessary.
  - 3. If the initial recording started due to testing, training, school traffic, part-time work without enforcement action or accidental activation.
  - 4. If involved in activity that is not actively recording footage that could be used as evidence and the officer has a reasonable belief there will be no loss of critical documentary information.
  - 5. At the discretion of a Supervisor (or longest tenured detective on-scene), at the conclusion of any operational event (arrest warrant service, search warrant service, etc.), after the scene has been cleared and stabilized, and if further scene documentation is set to take place by other means (such as scene photography by an E.T. before and after a search). This shall also apply for events and scenes in which Investigations personnel are called-out and for scenes/events which they are to take command and control.
  - 6. The MVS will not be deactivated at any time during any emergency response or while officers are performing a traffic stop. The only exception would be if, during a traffic stop, a supervisor approves deactivation to protect the identity of a witness or confidential informant.
  - 7. If, during an emergency response, an officer is advised that an emergency response is not necessary or is disregarded, the officer may stop the recording after all emergency lights have been turned off.

**F. Storage and Data Uploads of Video on the Axon MVS and BWC <41.3.8d>**

- a) All video associated with Axon MVS and BWC will be uploaded via a secure network to Evidence.com. The recordings are stored and can be viewed on Evidence.com. Evidence.com is a secure encrypted environment with all access tracked by individual user credentials. Department members are reminded not to share their unique access credentials with other users.
- b. All Axon MVS videos, regardless of category, will be uploaded to Evidence.com cloud storage via wireless upload (LTE). The system stores all the MVS videos based on retention settings for the categories in Evidence.com.

- c. Axon/Evidence.com Categories and Video Retention- Videos will be retained according to Indiana State law. (5-14-3-2 through 9)
  - 1. Accident- 3 years
  - 2. Arrest- Until manually deleted
  - 3. Assist- 200 days
  - 4. Axon App Data- Until manually deleted
  - 5. Call Disregarded- 200 days
  - 6. Case Report- 3 years
  - 7. CID Video- 5 years
  - 8. Citation- 2 years
  - 9. Citizen Contact- 200 days
  - 10. Civil Complaint- 200 days
  - 11. Death Investigation- Until manually deleted
  - 12. Disturbance- 200 days
  - 13. Exempt Alarm- 200 days
  - 14. False Alarm- 200 days
  - 15. Forensic Services- Until manually deleted
  - 16. Gone on Arrival- 200 days
  - 17. Investigation- 3 years
  - 18. Lab Photos- Until manually deleted
  - 19. Mental Emotional- 200 days
  - 20. No Citation- 200 days
  - 21. No Report- 3 years
  - 22. Non-Evidentiary Video- 200 days
  - 23. OPO- 2 years
  - 24. Pursuit- Until manually deleted
  - 25. Response to Resistance- Until manually deleted
  - 26. Suspicious Activity- 200 days
  - 27. Tort Claims- 3 years
  - 28. Training- 200 days
  - 29. Verbal Warning- 200 days
  - 30. Written Warning- 200 days

**G. REVIEW OF MVS AND BWC RECORDED MEDIA FILES <41.3.8c>**

- a. If an officer is involved in a critical incident (as defined in General Order 37), the officers and supervisors will refrain from viewing the MVS and BWC recording in the field. This does not preclude the review of the MVS and BWC recording if exigent circumstances are present (description of suspect, vehicle, direction of travel, etc.). The officer will be allowed to review the MVS and BWC recording, along with CID investigators, prior to being interviewed.
- b. Although the MVS and BWC are not a replacement for a well-written report, officers may refer to the video recording as a resource for the purpose of completing a criminal investigation and preparing official reports.
- c. Officers may review MVS and BWC files prior to court room testimony or for court presentation.
- d. During the course of a complaint investigation against an officer, the officer may review all associated MVS and BWC recordings prior to making any statement.
- e. All non-departmental requests for MVS and BWC recorded media must be accompanied by a completed “Request for Public Records” form. The request

will be reviewed by Records Staff and released to the requestor in compliance with state law and this policy. Depending on the nature of the public records request of video, the request may be sent to City Legal prior to release to the requestor.

#### **H. Access to Software for MVS <41.3.8c>**

- a. The URL for the Evidence.com will be provided to select agency members and on select agency computers.
- b. Each user will have individual access to all his or her MVS videos to review videos for case reporting purposes.
- c. All sworn members may review video on Axon Evidence.com for legitimate law enforcement or agency purposes. Access to the system will be controlled by using network permissions. Reviews of Axon videos in evidence.com are tracked automatically with a time/date stamp and officer's name

#### **I. Creating Case Information for Axon MVS <41.3.8c>**

- a. Video evidence made that is associated with a dispatch call for service should auto-tag with ID# (Case Number), Title and Category. If video evidence is recorded that is not part of a call for service then prior to uploading the video into evidence.com, tag the video with ID# (Case Number), Title (Name of subject or incident) and Category on the in-car computer, a computer at the police station or by using the Mobile Bluetooth Player. Utilizing more than one category may be appropriate.
- b. Auto-tagging occurs when videos uploaded into Evidence.com are merged with data provided by the CAD system (dispatched calls). This merge occurs twice during a 24-hour period. All videos made (in-car and BWC) that are associated with a call for service that dispatch has an officer assigned to will automatically update with a case number, title, and category during the merges as long as the videos are uploaded into Evidence.com within a five day period from the call. For officers who have MVS (in-car) and BWC, once a video is made on a CAD associated call, the officer will need to submit the videos when all three show up on the screen. If an officer only has a BWC and is on a dispatched call for service, he/she needs to upload the video either in a dock station or through SYNC within five days of when the video was made in order for the auto-tagging to work. For times when an officer is not on a call for service or associated with a call in CAD and a video is made, either with MVS including BWC or with BWC alone, the officer will have to manually add meta data. (Example: An officer turns on their emergency lights while directing school traffic and video is made without being associated with a call for service.)
- c. In the event a video is taken that has no evidentiary or administrative value, the officer may list it in the "non-evidentiary video" category. This should not be done if video is made during an arrest, case, or response to resistance.

## **J. Supervisor Review of Video<41.3.8g>**

- a. Supervisors will have the ability to review all videos within Axon Evidence.com software for purposes of audit/review, after action review, complaint investigations, internal investigations, and criminal investigation. Evidence.com and Mobile Vision Software automatically tracks and records all user activities including a complete chain of custody for every video.
- b. During annual inspections, it is the supervisors' responsibility to conduct a documented review of MVS equipment and at least one video/audio recording for each employee with video equipment. All video review will be documented in Evidence.com and on the annual inspection form. Additional documentation may occur on pursuit review forms and use of force notification forms when video is reviewed for those purposes. The purpose of video review is to:
  1. Periodically assess officer performance.
  2. Ensure that audio/video recording equipment is functioning properly.
  3. Determine if audio/video recording equipment is being operated properly.
  4. Identify any material that may be appropriate for training.
- c. Supervisors with newly assigned personnel may conduct more frequent reviews to ensure that the equipment is being operated in a manner consistent with departmental policy. Minor errors in use should be considered training opportunities. Continued violations may require corrective action.
- d. It is not the intent of the system to allow supervisors to conduct searches for unknown disciplinary issues. Use of the system in disciplinary investigations must be associated with a complaint or concern.

## **K. Request for Copies of Videos**

- a. All requests for duplicate copies of MVS videos should be completed by filling out a request and submitting to the forensic services email inbox.
- b. There shall be no unauthorized copying or releasing of audio/video files. All audio/video file copying or releasing will be done in accordance with agency policy.

## **L. Use of MVS Recordings for Training Purposes<41.3.8c>**

- a. Periodically, MVS and or BWC record events which may prove useful as training aids. Therefore, when these cameras record instances that are perceived to be of value as a training aid, the following procedures shall apply:
  1. The officer responsible for generating the audio/video file or a supervisor shall arrange to review the file with the Patrol Commander and Training Coordinator.
  2. Should the audio/video file be considered of value for training purposes, the Patrol Commander or Training Coordinator may authorize a copy of the video be made for training purposes.
  3. This policy is not intended to prohibit an officer from reviewing his/her

own video for evaluation or training purposes (including FTO) from within the system. It is intended to control any video that may be removed from the system for training or other purposes without agency permission.

#### **M. Misuse of MVS Equipment**

- a. Each piece of the MVS equipment shall be used to its fullest capability. No member shall intentionally misuse or deface any part of the MVS.
- b. When possible, all onboard cameras shall be aimed in a position as to capture criminal acts at any time. No officer shall operate his/her vehicle with any item intentionally blocking the view of the camera.
- c. On board vehicle GPS devices shall always remain unblocked and shall not be tampered with at any time unless authorized to do so by the Chief of Police.
- d. Computer software portions of the MVS fall under the same policies set forth in the department policy and shall not be deviated from.

#### **N. BWC and MVS DOCUMENTATION**

If an officer fails to activate his/her MVS or BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why the recording was not made, was interrupted or was terminated as soon as the officer becomes aware that there is not a recording. Appropriate disciplinary action shall be taken against any officer who is found to have intentionally failed to adhere to the recording or retention requirements contained in this policy, or to have intentionally interfered with an MVS or BWC's ability to accurately capture video footage. ■