



Policy Number: 406 – Mobile Audio/Video Recording System

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Approved By: Denis Otterness, Chief of Police

406.1 PURPOSE AND SCOPE

The Montana State University Billings Police Department (Department) has equipped marked law enforcement vehicles with Mobile Audio/Video Recording (MVR) systems to provide records of events and to assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

In-car camera system and MVR system - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder and monitor.

MVR technician - Personnel certified or trained in the operational use and repair of MVR's, duplicating methods and storage and retrieval methods.

Recorded media - Audio/video signals recorded or digitally stored on a storage device or portable media.

406.2 POLICY

It is the policy of this Department to use MVR technology to more effectively fulfill the mission of the Department and to ensure these systems are used securely and efficiently.

406.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing any recordings or used media and any other related equipment. Each officer should have adequate recording media for their entire duty assignment.

At the start of each shift, officers should test the MVR system's operation in accordance with manufacturer specifications and Department operating procedures and training. If the system is

malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

406.4 ACTIVATION OF THE MVR

The MVR system is designed to turn on whenever the vehicle's emergency lights are activated, or when manually turned on by an officer. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

406.4.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

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

1. All field contacts involving actual or potential criminal conduct within video or audio range:
 - a. Traffic stops (including, but not limited to traffic violations, stranded motorist assistance and all criminal interdiction stops)
 - b. Priority responses
 - c. Vehicle pursuits
 - d. Suspicious vehicles
 - e. Arrests
 - f. Vehicle searches
 - g. Physical or verbal confrontations or use of force
 - h. Pedestrian checks
 - i. Driving Under the Influence (DUI) investigations, including field sobriety tests
 - j. Consensual encounters
 - k. Responding to an in-progress call
2. All self-initiated field/enforcement activity in which an officer would normally notify the City/County Dispatch Center
3. Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, including:
 - a. Partner Family Member Assault/Domestic violence
 - b. Disturbance of the Peace or Disorderly Conduct
 - c. Offenses involving violence or weapons
4. Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording

5. Any other circumstance where the officer believes that a recording of an incident would be appropriate

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

406.4.2 CESSATION OF RECORDING

Once activated, the MVR system should remain on until the incident has concluded. For the purpose 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 an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations. If any officer chooses to cease a recording they should audibly record the reason for stopping the recording prior to cessation.

406.4.3 SURREPTITIOUS RECORDING

No member of this Department may surreptitiously record a conversation of any other member of this Department except with a court order, or when lawfully authorized by the Chief of Police, or their designee, for the purpose of conducting a criminal or administrative investigation.

406.4.4 SUPERVISOR RESPONSIBILITIES

Department supervisors should determine if patrol vehicles with non-functioning MVR systems should be placed into service.

At reasonable intervals, supervisors should validate that:

1. Reports reflect the proper usage and chain of custody of media.
2. The operation of MVR systems by new officers is assessed and reviewed regularly.

When an incident arises that requires the immediate retrieval of the recorded media (i.e. serious crime scenes, officer-involved shootings, Department-involved traffic accidents), a supervisor shall be notified and respond to the scene and ensure that the appropriate person properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

406.5 REVIEW OF MVR RECORDINGS

All recording media, recorded images, and audio recordings are the property of the Department. Dissemination is strictly prohibited, except to the extent permitted or required by 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 Department. When reasonably

possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings should be reviewed in any of the following situations

1. Felony offenses
2. Any offense where the suspect is booked into jail
3. Officers are involved in use of force incidents

Recordings may be reviewed in any of the following situations:

1. By officers for use when preparing reports or statements
2. By a supervisor investigating a specific act of officer conduct
3. By a supervisor to assess officer performance
4. To assess proper functioning of MVR systems
5. By Department personnel who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
6. By Department personnel who request to review recordings
7. By an officer who is captured on or referenced in the video or audio data, and reviews and uses such data for any purpose relating to his/her employment
8. By court personnel through proper process or with the permission of the Chief of Police, or their designee
9. By the media through proper process
10. To assess possible training value
11. For training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Chief of Police to determine if the training value outweighs the officer's objection.
12. As may be directed by the Chief of Police or their designee

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any person.

406.6 DOCUMENTING MVR USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report.

406.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored internally. Any recorded media that is not booked as evidence will be retained for a minimum of 180 days or as determined by and in accordance with the established records retention schedule (§ 2-6-1202, MCA).

406.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police, or their designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

406.7.2 MVR RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MVR recording is likely to contain evidence relevant to a criminal offense, or to a potential claim against the officer or against the Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

406.8 SYSTEM OPERATIONAL STANDARDS

- a. MVR system installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- b. The MVR system should be configured to minimally record for 60 seconds prior to an event.
- c. The MVR system may not be configured to record audio data occurring prior to activation.
- d. Officers using digital transmitters that are synchronized to their individual MVRs shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- e. With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MVR-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MVR system.
- f. Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor, MVR technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

406.9 TRAINING

All Department members who are authorized to use the MVR system shall successfully complete an approved course of instruction prior to its use.

(Cancels and Replaces 104.11 - Mobile Video Taping)