
Mobile Audio Video Procedure

446.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, management, storage and retrieval of information recorded by the in-car Mobile Audio & Video (MAV) recording system. The Department has equipped patrol vehicles with MAV equipment. The MAV is designed to assist officers in the performance of their duties by providing a visual and/or audio record of the encounter. The record is designed to provide objective visual/audio documentation of the incident being recorded.

446.2 TRAINING

Department personnel will not use the MAV until they have completed training in the proper use of the system. Department personnel with specific training in the use of MAV equipment will conduct the training.

446.3 OFFICER RESPONSIBILITIES

At the beginning of their shift, an officer will receive a blank MAV hard drive. Each officer shall sign onto the system by selecting their name from the drop down menu on the MAV system.

Prior to going into service, each officer will insert a hard drive into the MAV unit prior to turning the MAV system on and insure that the equipment is functioning properly. Required procedures include checking the power source, checking connections to the recording equipment and checking that the system is recording both audio and visual information (including a remote activation test). Any malfunction of the MAV shall be reported immediately to a supervisor. In the event of a malfunctioning unit, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service. If a vehicle is placed into service without an operational MAV, a notation shall be made to Dispatch via radio transmission. The supervisor will ensure that Technical Services Staff are notified of any system malfunction that requires repair or maintenance.

The officer may view MAV recordings in the field during their shift. If necessary, the officer may retrieve the hard drive from the MAV system prior to the end of their shift for upload and review at the approved MAV workstation to assist in follow-up investigation or writing a report. Prior to resuming patrol duties, the officer is responsible for returning the original or a replacement hard drive to the MAV system in their patrol vehicle.

At the end of their shift, the officer shall log off the MAV system, retrieve the hard drive, and deposit it into the secured MAV recording lock-box for uploading into the system by authorized Department personnel. There may be some situations where the officer desires to have a particular recording flagged with a case number, but that recording is of something other than one of the scenarios listed in Policy Manual §446.61. In that case, the officer shall attach a copy of the CAD incident to the hard drive, and authorized Department personnel will append the case number to that recording. If a recording covers one of the scenarios listed in Policy Manual §446.61, no copy of the CAD incident is necessary. MAV recordings containing arrests, assaults, physical or verbal confrontations, vehicle pursuits, vehicle searches in which contraband is recovered, driving while intoxicated or under the influence arrests, or any prisoner transport shall be treated as evidence and held for use in criminal prosecution.

Palo Alto Police Department

Policy Manual

Mobile Audio Video Procedure

Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a MAC custodian or designee may erase and reissue previously media.

446.4 MAV CUSTODIAN RESPONSIBILITIES

The Technical Services Division (TSD) has overall responsibility for the MAV system and shall serve as custodian of these records. All MAV recordings shall be retained in accordance with California Government Code (CGC) §34090 and CGC §34090.6 for a period of not less than two years. Release of MAV recordings shall be conducted in accordance with Penal Code §1054.5 (discovery requests for criminal prosecution), CGC §6250 (California Public Records Act) and in accordance with Policy Manual §810 (Release of Records and Information).

The MAV custodian or designee shall assign a system-generated unique identifier (ID) number to all new hard drives. The MAV custodian or designee shall ensure there are a sufficient number of clean and prepped hard drives available for field personnel at all times. All retrieved MAV recordings will be uploaded into the MAV server within the same day as recording during normal business hours and on the first business day following a weekend or holiday.

The MAV custodian or designee shall ensure the MAV server is backed up weekly to DVD and that recordings are accessible on-line by officers for a period of not less than 180 days for the date of recording. All routine requests by authorized department personnel for on-line access to MAV recordings for court preparation or other official business, outside the normal on-line access period, will be handled within 24 business hours of the request. If an emergency need to access these recordings is required, the Technical Services Division On-Call Technician can be contacted for immediate restoration and access.

The MAV custodian or their designee shall be responsible for the retrieval, storage, backup and duplication of all MAV recordings. Recordings not identified as evidence will be retained for a period of two years, at which time they will be purged.

MAV recordings will be stored on a separate and secure server. Any MAV recordings or hard drives that necessitate being individually booked into evidence shall be handled in accordance with Policy Manual §610 - Property Procedures.

446.5 MAV MAINTENANCE

It shall be the responsibility of the users to ensure that the MAV equipment is maintained in accordance with the manufacturer's recommendations. Routine maintenance of the MAV system shall be conducted by approved department personnel to ensure the equipment is properly functioning and the recording quality and integrity is maintained at all times.

446.6 ACTIVATION OF THE MAV

Activation of the MAV is automatic when the patrol car's red lights (Unitrol position #2 or #3) are activated. The system remains on until turned off manually. The remote audio portion must be activated manually by each officer and is independent of the video; however, when the remote audio is activated the video will also record. The MAV system has pre-event recording capability and will record events prior to manual or automatic activation of the MAV into a memory buffer. The in-car microphone should only be activated when a suspect is in the vehicle. Pre-event recording will capture video only, unless the in-car microphone is turned on, resulting in both audio and video being captured on the pre-event recording. If the in-car microphone is not activated, audio recording begins when the MAV system is manually or automatically activated. The Department has set the threshold for pre-event video recording at 30-seconds prior to activation.

Palo Alto Police Department

Policy Manual

Mobile Audio Video Procedure

446.6.1 REQUIRED ACTIVATION OF MAV

There are many situations where the use of MAV is appropriate. This policy is not intended to describe every possible situation where the system is appropriate. In addition to the required situations listed below, officers may activate the system if they feel its use would be appropriate and/or valuable to document an incident. Officers shall audibly and visually record the following when they occur within the operational range of the system:

- (a) Any enforcement contacts involving actual or potential criminal conduct, which includes:
 1. All traffic stops (to include but not limited to, traffic violations and all criminal interdiction stops);
 2. Vehicular pursuits;
 3. Code 3 driving;
 4. Suspicious vehicles;
 5. Detention and arrests;
 6. Pedestrian and bicycle stops;
 7. DUI investigations, including field sobriety tests (FST's);
 8. Prisoner transports.
- (b) Self-initiated enforcement action in which an officer believes criminal activity may be occurring and would normally notify Communications.
- (c) Surveillance for law enforcement purposes during the course of an ongoing or potential investigation.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (e) Any other circumstances where the officer feels MAV use would be appropriate.

Once the MAV system is activated, the video recording shall remain on until the incident has concluded (i.e. prisoners are transported). Exceptions are as follows:

- In the event of an extended incident or detail (i.e., traffic control at accident scene) the officer may deactivate the system to conserve recording time;
- Officers may stop the audio recording to protect the anonymity of an informant, confidential source or undercover officer;
- If it becomes necessary to discuss issues surrounding the investigation with a supervisor or another officer in private, officers may turn off the remote transmitter thereby preventing their private audio conversation from being recorded.

The video recording shall not be terminated until the entire field contact has ended or as previously described above. In all instances, the officer shall document the reason for stopping the system, either by orally noting the intention to stop the system or by written notation in the police report.

In the event of an accidental activation outside of the requirements set forth in this section, the recording shall be deleted as set forth in Policy Manual §446.8.

446.6.2 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV is not required when exchanging information with other officers or during breaks, lunch periods, when not in service, or actively on patrol and not doing anything that would otherwise require activation of the system. The MAV (both audio and

Palo Alto Police Department

Policy Manual

Mobile Audio Video Procedure

distributed or disseminated outside of this policy will be edited so that no individual officer(s) may be identified.

446.9.1 COPIES OF RECORDINGS

No recording may be used for any purpose other than those outlined in Policy Manual §446.7. A copy (electronic or other media) of the recording will be made upon proper request to the MAV custodian or any person authorized in Policy Manual §446.7. Release of MAV system recordings shall be provided as outlined in Policy Manual §446.4.

446.9.2 MANDATORY USE OF MAV SYSTEM

The use of the MAV system is mandatory as outlined in this policy. However, the purpose of this policy is to assist officers in the performance of their duties and provide an objective record of Department actions. No disciplinary action for violation of this policy will be proposed except for the covert recording of other police personnel, the unauthorized review or release of recordings or the employee's refusal, either actively or passively, to use the MAV system.