

# Mobile Audio Video

## 423.1 PURPOSE AND SCOPE

The Olympia Police Department has vehicles equipped with Mobile Audio Video (MAV) recording systems to provide records of events and assist members in the performance of their duties. This policy provides guidance on the use of these systems.

### 423.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MAV system to record, transmit and store video and audio data in an active mode.

**Mobile Audio Video (MAV) system** - Refers 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.

**MAV technician** - Personnel certified or trained in the operational use, storage, retrieval methods, and procedures, of MAV systems.

**Evidence Custodian (pertaining to MAV systems)** - Personnel certified or trained in the operational use, duplicating methods, storage, retrieval methods and procedures of MAV systems including having a working knowledge of video forensics and evidentiary procedures.

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

## 423.2 POLICY

It is the policy of the Olympia Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

## 423.3 MEMBER RESPONSIBILITIES

At the start of each shift, members should log into the MAV system in accordance with department operating procedures and training.

Periodically throughout their shift, members should submit MAV for upload. Members should ensure MAV is submitted at the end of their shift unless otherwise approved by the shift supervisor.

If the system is malfunctioning, the member shall notify their supervisor to determine if the vehicle should be taken out of service. The supervisor may elect to have the vehicle remain in service.

## 423.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit is manually turned on, the vehicle's emergency lights are activated, rifle mount is unlocked, shotgun mount is unlocked, ECW

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is activated, and may activate upon impact. Other agencies' Axon devices may also activate the MAV system.

The MAV system is set to audio and video record simultaneously. No MAV system sound recording device may be intentionally turned off by any member during the recording of an event (RCW 9.73.090(1)(c)).

The member shall inform any person, when reasonably safe and feasible, that an audio and video recording is being made and shall make the attempt to ensure said advisement is recorded (RCW 9.73.090(1)(c)).

#### 423.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate.

In some circumstances, it is not possible to capture images of the event due to conditions or the location/direction of the camera. Members shall make every reasonable effort to activate the MAV system in the following circumstances:

- (a) Arriving at any dispatched or on-viewed call for service with in-person contact.
- (b) Law enforcement activities including, but not limited to:
  - 1. Traffic stops (to include stranded motorist assistance)
  - 2. Priority responses
  - 3. Vehicle pursuits
  - 4. Suspicious vehicles
  - 5. Arrests or detentions
  - 6. Vehicle searches when practical
  - 7. Physical or verbal confrontations or use of force
  - 8. Field interviews
  - 9. DUI investigations including field sobriety tests
  - 10. Collision investigations in the field
  - 11. During any transport, excluding the Crisis Response Unit (CRU) and Familiar Faces.
- (c) If feasible, any contact that becomes adversarial after the initial contact in a situation that would otherwise not be recorded (may include phone contacts).
- (d) Any other circumstance where the member believes a recording of a contact or event would be appropriate.

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At no time is a member expected to jeopardize their safety in order to activate a MAV system. The MAV system should be activated in required situations prior to exiting the patrol car or as soon as practicable.

No member will be subject to discipline for failing to activate the MAV system for any reason for the first month or 16 shifts, whichever occurs later, after the employee is assigned to drive a vehicle equipped with a MAV system. Evidence of a failure to activate a MAV system during the amnesty period shall not be used or considered for discipline. This amnesty period will apply again in the event a member who previously was assigned to an assignment with a MAV system but is off duty for an extended period of four months or more restarts the amnesty period.

After the conclusion of the amnesty period, members will be subject to progressive disciplinary action for failure to activate the MAV system as prescribed by this policy.

#### 423.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded, or the member has completed their involvement in the call and cleared the scene (RCW 9.73.090(1)(c)). For purposes of this section, conclusion of an incident has occurred when all on scene arrests have been made, arrestees have been transported and all witnesses and victims on scene have been interviewed. Recording may cease if a member is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

#### 423.4.3 WHEN ACTIVATION IS NOT REQUIRED

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

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order (RCW 9.73.090).

#### 423.4.4 MAV CONSIDERATIONS DURING BOMB RESPONSES

Consistent with the Response to Bomb Calls policy, members should leave their MAV equipped vehicles outside of the perimeter when investigating bomb threats or suspicious packages under the same circumstances where utilization of electronic devices capable of transmitting and receiving radio frequency energy could potentially cause a detonation.

#### 423.4.5 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made.

When a serious incident arises that requires the immediate upload of the recorded media (e.g., serious crime scenes or member-involved collisions resulting in serious injuries of significant damage), a supervisor shall ensure the recorded media is uploaded. This excludes events which are investigated by outside agencies (e.g. CMIIT or OII).

#### **423.5 ACTIVATIONS OF LIVE VIEW**

The use of the "live view" feature shall be activated by another department member when there is an emergency involving the member and where the use of this feature is beneficial in locating or providing aid to the member. The use of live view may be activated when a tactical advantage can be articulated. The use of live view will be included in the electronic log.

#### **423.6 REVIEW OF MAV RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law. Agency personnel shall not access recorded data for personal use.

Agency personnel shall not upload recorded data onto public and social media websites without expressed permission from the Chief of Police, or designee.

MAV recordings will not be routinely or randomly reviewed to monitor member performance. A supervisor may conduct a review of a specific incident when there is an articulable reason justifying such review. Articulable reasons for reviewing a specific incident include but are not limited to:

- (a) To assess properly functioning MAV systems when there is reason to believe that the system is not functioning properly.
- (b) A civil claim has been filed or threatened against the City involving the incident.
- (c) A community member or supervisor complaint has been made against a member regarding the incident.
- (d) The incident included a reportable use of force as described in the Use of Force Policy.
- (e) The incident included a vehicle pursuit.
- (f) The incident included a City-owned or leased vehicle collision.
- (g) The incident involved serious injury or death.

It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.

Recordings may also be viewed in any of the following situations:

- (a) By a department approved investigator who is participating in an official investigation, such as a personnel complaint or a criminal investigation.
- (b) By a member who is captured on or referenced in the video or audio data and reviews and uses such data for any purposes relating to their employment.
- (c) To assess possible training value at the suggestion of the involved member and their supervisor.
- (d) Recordings may be shown for training purposes with approval of the involved members. If an involved member objects to showing a recording, their objection shall be submitted to the Chief of Police, or designee to determine if the training value outweighs the member's objection.

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- (e) Use of force events may be reviewed by the appropriate training team as designated by the Chief of Police after the event has been approved by the Lieutenant. Training team members shall not discuss or disclose the footage of the event outside of a formal training document.
- (f) By a member's legal representative and/or bargaining unit representative who is involved in representing the member in an official investigation, such as a personnel complaint or a criminal investigation.
- (g) By the City Attorney's Office or other legal representative of the City consistent with the articulable reasons above.
- (h) As part of any Public Disclosure Request.
- (i) In connection with any incident that garners unusual media or citizen inquiry consistent with the articulable reasons above.
- (j) Recordings involving use of force, citizen complaints, and internal investigations will be reviewed by the Office of Professional Standards and forwarded to the Police Auditor.

Recordings may be made available to the public as prescribed in the Records Maintenance and Release policy and in accordance with Washington State law (RCW 9.73.090(1)(c), RCW 42.56.240(14)(e) and applicable case law).

When preparing written reports, members should only review their recordings as a resource. Members should not use the fact that a recording was made as a reason to write a less detailed report.

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

Recordings will be provided to the City and County prosecutor's office when requested as part of discovery for a criminal or civil case.

An electronic log of all times a recording is viewed or transmitted shall be maintained and will be accessible to the exclusive bargaining representative of represented members. The log will include the date, time, and reviewer.

All use of force incidents will be reviewed by the Office of Professional Standards and forwarded to the Police Auditor.

#### **423.7 RECORDING MEDIA STORAGE AND INTEGRITY**

All recordings will be stored and retained by the Department in accordance with the law and destroyed at the conclusion of any retention period required by law. The retention may be extended at the request of a member.

Any time an incident is recorded with the MAV system, the file shall be marked within the video software program in accordance with Department procedures to ensure the recording is retained

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in accordance with retention periods. If the incident results in a report, the existence of the video shall be documented in the report.

### **423.7.1 COPIES OF ORIGINAL RECORDING MEDIA**

Original recordings shall remain in cloud storage through the duration of the retention period as required by law. All disseminations will be copies of the original.

### **423.7.2 MAV RECORDINGS AS EVIDENCE**

Members who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the member or against the Olympia Police Department should indicate this in the department approved format.

## **423.8 SYSTEM OPERATIONAL STANDARDS**

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record video for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Members shall not alter, modify or tamper with original MAV recordings. Only the Evidence Custodian may purge MAV recordings pursuant to the retention guidelines as required by law.

## **423.9 TRAINING**

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