

Mobile Audio/Video

423.1 PURPOSE AND SCOPE

The Santa Monica Police Department has designated marked patrol cars equipped with Mobile Audio/Video (MAV) recording systems to provide records of events and assist officers 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 transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio/Video (MAV) system - Synonymous terms which 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, audio recorder and monitor.

MAV System Administrator - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have 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.

423.2 POLICY

It is the policy of the Santa Monica 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

Members shall perform a test of the in-car camera system prior to going in service for each shift and verify the system is properly recording video and audio. Members discovering malfunctioning equipment shall notify their immediate supervisor. The receiving supervisor shall ensure the MAV System Administrator is promptly notified of the malfunction.

Each member shall properly equip him/herself with any Department-issued audio and/or video recorders. Members shall be responsible for maintaining any video/audio equipment issued to them, and shall ensure the equipment is:

- (a) Fully charged prior to the start of each shift.
- (b) Synchronized with the vehicles in-car camera system.
- (c) Properly worn to ensure the clear reception of audio.

Members working uniformed details or assignments in which the vehicle is a primary component of their duties shall use vehicles equipped with in-car cameras. All members using vehicles equipped with in-car cameras shall utilize the in-car camera system and ensure they are accurately logged

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into the corresponding system. Supervisors may assign vehicles equipped with the in-car camera system as necessary.

Members shall ensure the windshield and camera lens are free of debris and that the front camera provides a clear and unobstructed forward view capable of capturing a vehicle in front of the police vehicle, including occupants and approaching officers. Officers may use the zoom feature when applicable. Under normal circumstances, the zoom should be maintained at the level affording the widest field of view.

423.4 ACTIVATION OF THE MAV

The in- car camera system activates automatically video when any one of the following conditions exist:

- (a) Activation of the solid/steady red take down light.
- (b) The vehicle exceeds a specific speed limit as determined by the Chief of Police.
- (c) The vehicle is involved in a traffic collision of sufficient force to cause activation.
- (d) The officer manually activates the system.

Upon activation of the system, a pre-determined amount of pre-activation video, without audio, which has been captured in a temporary buffer, will be stored with post-activation video and audio. 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.

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. A member may activate the system any time the member believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident on an in-car camera due to certain conditions or the location of the camera (i.e. the MAV equipped vehicle is parked on the street, but the radio call is inside an apartment complex). However, any audio/video recordings may become valuable evidence and therefore, MAV activation is subject to the same activation requirements as the Portable Audio/Video Recorders (see Policy Manual § 423 Portable Audio/Video Recorders). The MAV system should be activated in any of the following situations:

- (a) Enforcement encounters where there is a reasonable suspicion that the person is involved in criminal activity or a violation of law, which includes, but is not limited to the following field contacts:
 - 1. Traffic stops (i.e. traffic violations, stranded motorist assistance and all crime interdiction stops)

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2. Priority responses
 3. Vehicle pursuits
 4. Suspicious vehicles
 5. Arrests
 6. Vehicle searches
 7. Physical or verbal confrontations or use of force
 8. Pedestrian checks
 9. DWI/DUI investigations including field sobriety tests
 10. Consensual encounters
 11. Crimes in progress
 12. Responding to an in-progress call
- (b) All self-initiated activity in which a member would normally notify Public Safety Communications Center.
- (c) Assessment or evaluation for a psychiatric hold per Welfare and Institutions Code § 5150.
- (d) Conducting any of the following searches of a person and/or property:
- (a) Incident to arrest
 - (b) Cursory
 - (c) Probable cause
 - (d) Probation/Parole
 - (e) Consent
 - (f) Inventory
- (e) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
1. Domestic violence calls
 2. Disturbance of peace calls
 3. Offenses involving violence or weapons
- (f) Any other circumstance where the member believes that a recording of an incident would be appropriate and is not otherwise prohibited by the provisions of Department policy.
- (g) Any other contact that becomes adversarial after the initial contact if the situation would not otherwise require recording.
- (h) Upon order of a higher ranking member

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Members shall be sensitive to the dignity of all individuals being recorded. Members are to exercise sound judgment and exercise discretion when the respect for privacy indicates that discontinuing audio/video recording is prudent because it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in the recording. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

Requests by members of the public to stop recording should be considered using the activation criteria listed above; however, if the employee believes the contact remains consistent with the activation criteria, the employee shall continue to record the contact.

At no time is a member expected to jeopardize his/her safety in order to activate or deactivate the MAV system. However, the MAV system should be activated in situations described above as soon as practicable.

423.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes 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 a sworn officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

423.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers 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 or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

423.4.4 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, including notification of the MAV Administrator.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 - 1. The date/shift members were assigned to a vehicle equipped with the MAV system.
 - 2. The log should include the serial number of the member and the identifier of the vehicle used during their respective shift.

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- (c) Ensure new members are trained on how to operate the MAV systems.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, Department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV Administrator or designee, or crime scene investigator 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.

Supervisors may activate the MAV system remotely from actively recording MAV system(s) in order to monitor a developing situation, such as a pursuit, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of a sworn officer.

423.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Absent authorization from the Chief of Police or designee, dissemination of any Department MAV recordings outside of the agency is strictly prohibited except in accordance with a valid court order or existing 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 MAV Administrator. 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.

A member may review audio/video files as doing so relates to:

- (a) His/her involvement in an incident for the purposes of preparing official reports and completing a criminal investigation.
- (b) When exigent circumstances occur, such as an employee being injured, and reviewing the video would facilitate identifying the suspect or providing other pertinent information.
- (c) Before providing courtroom testimony or for a courtroom presentation.
- (d) During the course of preliminary investigations of alleged misconduct or reports of meritorious conduct where such recordings would be beneficial in reviewing the member's performance.
- (e) Providing a statement pursuant to any administrative investigation.

A supervisor may review audio/video files as doing so relates to:

- (a) Where performance concerns are identified, these concerns are to be discussed with the affected employee in accordance with existing Department policies.
- (b) When a supervisor is conducting the preliminary investigation concerning a use of force or vehicle pursuit, he/she shall review the audio/video recordings of the members who were directly involved or who were witnesses.

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- (c) A supervisor may have the ability to immediately resolve a citizen complaint(s) by reviewing audio/video recordings. In those circumstances where a complaint is resolved with no further action needed, the supervisor shall document the circumstances in a Department memorandum and forward the memorandum to the Professional Standards Section: Internal Affairs Unit. This will allow Professional Standards personnel to capture and track incidents that are resolved by the audio/video system.
- (d) Based on an allegation of misconduct, Internal Affairs shall review the recorded incident and may, if necessary, release other copies of the video captured by the in-car camera system during the course of a personnel investigation.
- (e) It shall be deemed a violation of this policy for any supervisor/manager to review recordings for the sole purpose of searching for violations of Department policy not related to a specific complaint or incident not associated with the assessment of employee performance as indicated elsewhere in this policy.

Criminal Investigation Detectives may review audio/video files as doing so relates to:

- (a) When conducting a criminal investigation, CID detectives shall notify the MAV Administrator to restrict the public disclosure of the audio/video file, as necessary.
- (b) CID detectives shall determine whether the audio/video file is of evidentiary value and process it in accordance with established protocols for technology-based evidence.
- (c) CID detectives shall notify the MAV Administrator to remove the access restriction when the criminal investigation is closed.

The Department may also review recording for the following purposes:

- (a) To assess proper functioning of MAV systems.
- (b) To assess possible training value.

While recordings may be shown for training purposes, if an involved member objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the member's objection. In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

423.6 DOCUMENTING MAV 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. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

423.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be uploaded into a secure, centralized storage system maintained by the MAV Administrator. All recording media that is not booked as evidence will be retained for a minimum of three years after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

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423.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. 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 the authorized 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.

423.7.2 MAV RECORDINGS AS EVIDENCE

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

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 for 120 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV Systems Administrator or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (e) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV Systems Administrator.

423.9 MAV SYSTEM ADMINISTRATOR RESPONSIBILITIES

The MAV System Administrator is responsible for:

- (a) Ordering, issuing, storing, and erasing all recorded media.
- (b) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (c) Ensuring that an adequate supply of recording media is available.

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- (d) Managing the storage of long-term storage of media that has been deemed to be of evidentiary value in accordance with the Department evidence storage protocols and the records retention schedule.

423.10 TRAINING

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