

Mobile Audio Video System

XXX.1 PURPOSE AND SCOPE

The San Leandro Police Department has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems with Automatic License Plate Readers that integrate with the departments Body Worn Camera Devices to provide records of events that assist officers in the performance of their duties, as well as the potential to improve community relations by assisting the department in efforts to enhance professionalism, increases accountability and improve transparency.

This policy provides guidance on the use of these systems.

XXX.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.

Automatic License Plate Readers – Camera systems that automatically capture vehicles, license plates, in addition to location, date and time. (Refer to Lexipol Policy 418)

Body-Worn Camera Device (BWC) - A mobile audio and video recording device accompanied by a specific data recording and retrieval system used by law enforcement to record police department members and public interactions. (Refer to Lexipol Policy 426)

De-Activate – Any process that causes the MAV system to stop recording.

Fleet Services System – Electronic system utilized to document pre-shift inspections of patrol vehicles.

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, microphone, recorder and monitor.

MAV system coordinator -The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings.

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

XXX.2 POLICY

It is the policy of the San Leandro 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, efficiently and ethically.

Only members who have acknowledged this policy and received training in its use are authorized to use the MAV system.

XXX.3 MEMBER RESPONSIBILITIES

XXX.3.1 Pre-Shift Inspections

Prior to going into service, each member who is assigned to a MAV equipped vehicle will log into the system and be responsible for making sure that the MAV is in good working order during their pre-shift inspection by:

- a) Manually turning the system on and off
- b) Ensuring the following automatic activations are operational:
 - 1. Emergency Lights
 - 2. Rear Door Activation
 - 3. Vehicle Mounted Gun "unlock" button
- c) Ensuring their BWC is synced with the MAV System

These pre-shift inspection videos shall be labeled as "inspection" in Evidence.com

XXX.3.2 Malfunctioning MAV

If the MAV is not in working order or malfunctions at any time, the member shall promptly report the failure to their supervisor.

If the system malfunction cannot be rectified, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service. In this instance, the appropriate notation shall be made in the Fleet Services System.

XXX.3.3 Documenting MAV Recordings

Members shall document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned, or the member deactivated the recording. Members shall include the reason for deactivation.

XXX.3.4 MAV Downloads

The Department MAV equipment automatically downloads recorded audio and video when the police unit is at or near the station. The Officer assigned to the unit does not have to download any digital media on the MAV police unit systems.

XXX.3.5 Accessing and Labeling MAV Videos

After setting up an online account with Axon, members will then be able to access their individual videos through Evidence.com. Additionally, members will be able to access videos via their smartphone or a station computer.

Members shall label videos in accordance with the procedures put in place for body worn cameras in Lexipol Policy 426 via their smartphone or Evidence.com.

XXX.4 ACTIVATION OF THE MAV

The MAV system is programmed to automatically record when:

- a) the unit's emergency lights are activated in position 2 (steady red light) or 3 (full emergency lights),
- b) the vehicle exceeds speeds of 80 MPH,
- c) the vehicle is involved in a collision,
- d) either rear door is opened, or
- e) the vehicle mounted gun "unlock" button is pressed.

The MAV system remains on until it is turned off manually.

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.

Members shall activate their MAV in any of the following situations:

- a) All dispatched calls for service
- b) All field contacts involving actual or potential criminal conduct, these include but are not limited to:
 - 1. All enforcement and investigative contacts including stops and field interview (FI) situations
 - 2. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
 - 3. Self-initiated activity in which a member would normally notify the Communications Center
- c) At the direction of a supervisor

If the event develops after the member is outside of their vehicle, there is no expectation that the member return to their vehicle to activate their MAV. At no time is a member expected to jeopardize his/her safety in order to activate the MAV or change the recording media. However, the MAV shall be activated in situations described above as soon as reasonably practicable.

In an effort to diffuse situations, officers are encouraged to notify the public when the MAV is activated and recording. Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording.

Requests by members of the public to stop recording should be considered using this same criterion. Recording shall resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

XXX.4.1 CESSATION OF RECORDING

Once activated, the MAV system shall remain on continuously until the incident has concluded or the member has left the scene of the incident. 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.

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)

XXX.4.2 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required for personal conversations between officers unrelated to an event or incident, 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.

XXX.4.3 SUPERVISOR RESPONSIBILITIES

Supervisors shall determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation shall be made by the officer in the “Fleet Services System.”

On a weekly basis, supervisors shall validate that:

- a) Beginning and end-of-shift recording procedures are followed.
- b) Members annotate the video files in Evidence.com in accordance with procedures outlined in Lexipol Policy 426.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, serious use of force, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician 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.

In cases of emergency or other law enforcement necessity, a supervisor can authorize any department member to take a MAV screen shot using a department issued mobile device or camera and disseminate the captured information to appropriate personnel.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Supervisors may view the MAV system remotely to monitor a developing situation, such as a chase, 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 view the MAV system for the purpose of monitoring the conversations or actions of an officer.

XXX.5 REVIEW OF MAV RECORDINGS

The review of MAV recordings shall follow the same procedures as outlined in Lexipol Policy 426 for the review of recorded media files.

XXX.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.

XXX.7 IDENTIFICATION AND PRESERVATION OF MAV RECORDINGS

Recordings of the following should be retained for a minimum of seven years :

- a) Incidents involving a use of force by an officer
- b) Officer-involved shootings
- c) Incidents that lead to the detention or arrest of an individual
- d) Recordings relevant to a formal or informal complaint against an officer or the San Leandro Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution

Records of access and deletion of recordings are to be retained in Evidence.com audit report for seven years after each incident occurs

Officers shall not erase, alter, modify or tamper with MAV recordings. In the event of an accidental activation of the BWC, the recording employee may request that the BWC file be deleted. In such an event, the recording employee shall submit an e-mail request with sufficient information to locate the BWC file to the Professional Standards and Training Unit Lieutenant. The Professional Standards and Training Unit Lieutenant shall review the file and shall ensure there are no integrity concerns, policy violations, and the recording has no administrative or evidentiary value. The Professional Standards and Training Unit Lieutenant will make a recommendation to the Chief of Police, who will make the final determination. If the request is approved, it shall be forwarded to the System Administrator for action. The reason for the deletion will be annotated within the notes section of Evidence.com.

In the event that an accidentally recorded video features an employee in a setting, such as a restroom or dressing room, and the employee expresses a concern that the video could contain nudity or other potentially private or personal content, the Professional Standards and Training Unit Lieutenant will ensure that the video in question is reviewed by a person of the same sex as the individual featured in the recording and ensure the video is not viewed by other personnel and is deleted.

XXX.7.1

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.

XXX.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 record for no more than 30 seconds prior to video activation. Additionally, the MAV system may not be configured to record audio data, which occurs prior to video activation.
- c) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- d) With the exception of law enforcement radios or other emergency equipment, when the MAV system is activated, the use of external electronic devices such as cellular phones should be limited, so as to minimize any electronic interruptions to the MAV.

XXX.9 MAV SYSTEM COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- a) Establishing a system for downloading, storing and security of recordings.
- b) Designating persons responsible for downloading recorded data.
- c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- d) Establishing a system for labeling and categorizing data according to the type of incident captured.
- e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- g) Maintaining logs of access and deletions of recordings.

XXX.10 Use of Video Recordings for Training

MAV recordings may be used to train Department employees with the approval of the Professional Standards and Training Unit Lieutenant and only after notification of the employees involved in the recorded incident.

XXX.11 Learning Period

The Department recognizes there will be a learning period with this new technology, therefore, violations related to non-activations by members during the first 90 days the system is activated will be treated as training points.

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