On July 31, 2018, the Davis City Council, in accordance with the Surveillance Technology Ordinance, adopted the following Mobile Video Recording (MVR) Use Policy (26.07.030 Davis Municipal Code)

I. POLICY

It is the policy of the Davis Police Department to use audio-visual recorded media to provide additional evidence of criminal activity, to provide training opportunities for police officers, and to maintain public trust and citizen confidence in police procedures.

II. PROCEDURE

A. Definitions

In-Car Camera System and Mobile Video Recording are synonymous and defined as any in-car equipment that captures audio and visual signals.

B. Officer Responsibility

1. Inspection of MVR equipment shall be the responsibility of the officer assigned to that vehicle and shall occur at the beginning of the officer’s shift prior to placing the vehicle in service. The assigned officer shall perform an inspection to ensure the MVR is performing in accordance with the manufacturer recommendations.

2. The officer shall inspect the following equipment to insure that it is operational:

   a. Remote Audio Transmitter:
      1. Ensure adequate power source
      2. Ensure it is connected to the recording equipment
      3. Ensure that remote activation is functioning

   b. Camera Lens:
      1. Windshield and camera lens are free of obstructions
      2. Camera facing intended direction

   c. Recording mechanism is capturing both audio and visual information and system plays back both audio and visual tracks.

3. Any malfunction of the in-car camera equipment shall be reported to the immediate supervisor prior to the unit being placed in service and the officer shall send an email to the PDIS email group clearly stating the malfunction. The supervisor shall assign the officer to a unit containing a functioning MVR. If the supervisor is unable to provide the officer with
a unit that has a functioning MVR and the vehicle is placed in service without an operational MVR, the officer shall contact dispatch and advise the dispatcher, via audio radio transmission, that the MVR is not operational. The dispatcher will make a notation on the officer’s unit history for the day.

4. In the event that the inoperable MVR is located in a canine vehicle, the canine officer should continue to use their assigned vehicle and notify their supervisor and dispatch, via audio radio transmission, that the MVR is not operational. The dispatcher will make a notation on the officer’s unit history for the day.

5. Damage or theft of the MVR shall be immediately documented and reported to the immediate supervisor. The officer shall send an email to the PDIS email group clearly stating what the damage is.

6. Unless exceptional circumstances exist, it is expected that the following incidents will be both audibly and visually recorded:

   a. Generally, any incident or event in which audio/video documentation would likely have evidentiary value. Such circumstances include, but are not limited to:

      1. Traffic stops/contacts, including pedestrian and bicycle stops/contacts
      2. Vehicle pursuits
      3. Crimes in progress
      4. Arrests, contacts/field interviews, field investigative detentions

   b. Any situation or event that the officer, through training and experience, believes audio/video recording/documentation would be prudent and beneficial for evidentiary or administrative purposes.

7. In general, once the MVR is activated, officers are expected to continue recording until the incident has concluded, recording is no longer relevant, or there is no apparent value to continued recording.

   - A MVR may not be turned off during a use-of-force incident until the event has fully stabilized and never while in the presence of any person threatened with or subjected to force.
   - If the MVR is in use during any other situation, and it becomes necessary to discuss issues or concerns with another officer or supervisor in private away from any person who is being detained and/or in custody, the MVR may be turned off. The intention to stop the recording will be noted by the officer verbally before switching the device off. When the private conversation has ended, the MVR recording is expected to resume.

8. Officers shall ensure the volume from other electronics devices within the police vehicle such as; radios, CD players etc, are turned down when the MVR is activated (this does not apply to police radios.)

9. When the officer detects that the recording time remaining on the media is less than 1 hour they should, when practical, return to the police department to the designated area and download the media via WiFi technology.

C. Supervisors Responsibilities

1. Supervisors informed of a malfunction of the equipment shall ensure that PDIS was notified by email or in person.
2. When an incident arises that requires the retrieval of the recorded media (serious crime scene, departmental shooting, departmental accidents, etc) a supervisor shall ensure that the recorded media is downloaded prior to putting the vehicle back into service.

D. Evidence Technician’s Responsibilities

1. Responsible for duplicating the recorded media after receiving a request from the involved officer.

2. Responsible for all long-term storage of media deemed to be of evidentiary value in conjunction with departmental regulations for the storage of evidence and the department retention schedule.

F. Reviewing and Media Duplication

The primary purposes of the MVR system are to provide a depiction of events for courtroom presentation, enhance the officer’s ability to document and review statements and actions for report purposes and provide an impartial measurement for self-critique for the officer, therefore, the following personnel will have review and/or copying access to the recorded media:

1. Officers will have review access to recorded media downloaded from their assigned patrol car. An officer will not have review access to the recorded media of other officers, unless it is necessary for an investigation. Officers should periodically view their videos to insure that their equipment is functioning correctly. This shall be done at least once per work week. The audit log will display that officers are following this procedure.

2. The Evidence Technician will have review access and copying access for all MVR systems. The access will be used for the express purpose of copying MVR recordings for evidence.

3. Supervisors and FTO’s will have review and copying access rights for training, administrative purposes, and evidentiary purposes.

4. An officer’s MVR recordings may be made available for roll call training with the permission of the Police Chief.

5. The digitally recorded media and all recorded images are the property of the Davis Police Department and dissemination outside the agency is strictly prohibited without specific authorization of the Police Chief or their designee, except as otherwise provided for under Policy & Procedure 4.13-A, Release of Video Evidence, which requires the release of certain video evidence.

6. To prevent damage to or alteration of the original recorded media, it shall not be copied or viewed from any device not approved by the departmental media technician.

G. Media Retention

Pursuant to Section 34090.6(a) of the California Government Code, “…the head of a department of a city or city and county, after one year, may destroy recordings of routine video monitoring…This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.”

“Routine video monitoring” as defined by Section 34090.6(c) “means video taping by a video or electronic imaging system designed to record the regular and ongoing operations of the departments described in subdivision (a), including mobile in-car video systems…”
It is the policy of the Davis Police Department to maintain mobile video recorded media for the minimum one year period proscribed by law.

Darren Pytel
Police Chief

Created:
09/05

Revised:
01/06: Addition of Section III.C.5. Revision of III.C.8. and III.F.3.
06/08: Changes to II, B 8, 9 and F
05/10: minor changes to recording contacts
06/18: minor edits to make consistent with BWC policy
08/18: minor edits for City Council approval

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