

BIDDEFORD POLICE DEPARTMENT Standard Operating Procedure

**SOP
Number
09-04**

Mobile Video Recording System

Effective Date: June 13, 2018	CALEA Standards: Version 6.4 - 41.3.8
Rescinds: SOP 09-04 published May 22, 2017	Mandatory MCJA: N/A
Date Approved: June 4, 2018	Next Review Date: June 13, 2019
Approved By: Chief Roger P. Beaupre	Distributed To: All Sworn Officers, ACO, & PCO

PURPOSE

The purpose of this policy is to provide Biddeford Police Department officers with guidelines for the use of the Mobile Video Recording (MVR) and Body Worn Camera (BWC).

POLICY

It is the policy of the Biddeford Police Department to use the BWC and MVR to record calls for service, police related contacts with the public, traffic, and criminal/civil violations when such equipment is at the disposal of involved officers. Recording of police interaction has demonstrated to be of value in the prosecution of traffic violations and other offenses; and in the review of citizen complaints and for use as a training tool. In order to maximize the use of authorized recording equipment, officers assigned BWC and MVR shall follow the procedures set forth in this policy.

DEFINITIONS

PROCEDURES

A. MAINTENANCE

1. At the beginning of their shift, officers are responsible for inspecting the BWC and MVR units they are assigned and shall report missing or any malfunction or problem utilizing the Report of damaged/stolen/missing agency equipment form.
 - a. The Chief of Police has designated the Special Services Commander (SSC) to maintain all BWC and MVR equipment and will:
 - i. Maintain the equipment in accordance with the manufacturer's guidelines.
 - ii. Coordinate the service of the unit by an outside trained technician.
 - iii. The SSC or designee will make arrangements for necessary service that is to be performed by other than Department personnel. Such personnel should be approved or recognized by manufacture unless otherwise approved by the Chief of Police;
 - iv. The SSC will maintain service records for all BWC and MVR units.

B. PROCEDURES

1. TRAINING



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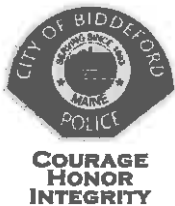
- a. Each officer will receive training on the proper use of the BWC and MVR Systems before he/she is authorized to operate it.
- b. Training will be provided by an authorized department trainer or vendor that will consist of the following:
 - i. A review of the department SOP on the use of the BWC and MVR;
 - ii. As needed, a review of the training manual and/or video provided by the manufacture;
 - iii. An orientation and hands-on review of the video recording systems and its associated components;
 - iv. Practical exercises to demonstrate competency may be completed; and,
 - v. For new officers, a written record of the training will be part of the Field Training Program and be properly documented.

2. PREPARING FOR OPERATION

- a. At the beginning of their shift, patrol officers shall sign out a BWC from the docking station located in the police station. If the officer is assigned a police cruiser, he/she will be required to sign into the MVR.
- b. The MVR unit will be manually powered up if not automatically done so when starting the cruiser.
 - i. Press MENU and select officer (ONLY the individual officer). If a double unit, only one officer can be selected. The unit is now ready for use.
- c. Insert the BWC into the docking base in order to synchronize with the MVR, allowing for the appropriate identification and download of related incident recordings.
- d. The BWC and MVR units should be tested prior to being used for service. Tag the event as "test".
 - i. There may be times when an officer is not afforded the time to complete a "test" due to call for service, the officer will need to check the functionality as soon as time allows.
- e. Officers shall wear the BWC in a location that best provides an unobstructed view of person(s) with whom the officers comes in contact. The proper positioning of the BWC will enable the BWC to capture the best recording possible of the officer's scene and interactions with persons on that scene.

3. ACTIVATION OF IN-CAR VIDEO

- a. The MVR unit can be activated by six (6) different methods:
 - i. Activation of the emergency lights;



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- ii. Pressing of the RECORD button;
- iii. Crash Detection;
- iv. Patrol speed reaches or exceeds speed as determined by the Chief of Police;
- v. Activation of the BWC or;
- vi. Activation of wireless microphone.
 - a. The wireless microphone will not be needed when the BWC is utilized.

b. Event Tagging

- i. Once a recording has been stopped an event tag screen is displayed. Select the most appropriate event tag from the list.
 - ii. Event Tags are pre-determined and range from 30 days to 220 days of storage and are automatically purged from the Evidence Library. Therefore, it is critical to properly categorize the event.
 - iii. When multiple units record an event, be sure to tag the video appropriately. Example: if assisting an officer at an Operating under Influence (OUI) arrest the event should also be tagged as an OUI.
- c. At the conclusion of the shift, the officer will "Logout" of the MVR located under the officer menu. The MVR units will automatically and wirelessly download when the cruiser is parked at the police station parking lot.
- d. At the conclusion of the shift, the BWC will be placed back in the download docking cradle to allow for automatic download. The School Resource Officer will only be required to return the BWC into the download docking cradle when the internal storage exceeds 75 percent and another BWC unit will be signed out.

4. WHEN THE BWC AND MVR (IF EQUIPPED) WILL BE USED:

a. PATROL

- i. The recording of suspected felony or misdemeanor crime, OUI, Domestic Violence, Disorderly Complaints, traffic violations, calls for service, or any other potential police related contact with the public.
- ii. Calls for service where the audio/video conversation may help aid the prosecution or otherwise in any case.
- iii. The cabin camera will be used when transporting a prisoner. It will also be used when transporting a person that requires a medical evaluation. It is recommended that it is used on all other police related transports.
- iv. If an officer fails to activate a BWC and/or MVR, or fails to record the entire contact, the officer shall document the reasons for doing so.



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b. CRIMINAL INVESTIGATIONS DIVISION, STREET CRIMES UNIT AND DV INVESTIGATOR

- i. It is highly recommended that the BWC be used during the anticipated execution of search and arrest warrants or during critical incidents when the recording may provide valuable audio/video evidence. There is nothing that prevents an officer from signing out a BWC to be used in accordance of this SOP.

c. SCHOOL RESOURCE OFFICER

- i. The BWC will be worn and activated while investigating calls for service and any police related contact with the public.

d. ANIMAL CONTROL

- i. The BWC will be worn and activated while investigating animal complaints to include contact with the suspect/complaint and police related contact with the public.

e. PARKING ENFORCEMENT

- i. The BWC will be worn and activated to record parking violations and police related contact with the public.

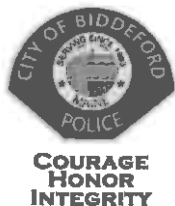
f. OUTSIDE DETAIL

- i. When working an outside detail, all officers will sign out a BWC. Officers will activate their BWC to record law enforcement activities that are related to the detail and any other police related contact with the public.
- ii. Outside details may consist of but not limited to:
 - a. LaKermesse
 - b. Traffic enforcement details
 - c. Sporting events
 - d. Or any other event deemed necessary by the Chief of Police

5. NOTIFICATION OF RECORDING

- a. When a person inquires whether recording device is in use the officer will inform him/her of its use.
- b. An officer is not required to cease recording an incident or scene because of a request of any non-member of the Biddeford Police Department.

6. DEACTIVATION OF BWC AND/OR MVR



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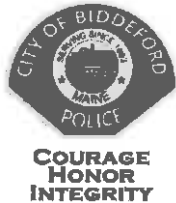
- a. Unless the officer deems it otherwise appropriate for safety, investigative or other lawful and legitimate purposes, the BWC and MVR equipment should generally not be used:
 - i. Discussion involving law enforcement tactical, confidential information, and strategic policy, procedures, briefing, or plans;
 - ii. For encounters with undercover officers and confidential informants;
 - iii. If it is necessary to discuss issues or concerns with an employee, supervisor, doctor, nurse, or paramedic in private;
 - iv. A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational.
 - v. While conducting an Intoxilyzer test, due to the likelihood of radio frequency (RF) interference;
 - vi. While appearing before an officer of the court.
- b. Details regarding the reason for any deactivation will be documented.
- c. When an officer entering a healthcare facility and the hospital may have restrictions as to when the BWC can be utilized due to HIPAA regulations. The body camera will be utilized during crimes in progress (e.g., altercations, assaults, etc.) or is interacting with a witness or suspect.
- d. In situations where an officer's body camera is activated, the officer must take reasonable steps to avoid recording people other than arrestee, suspect or witness.

7. RESTRICTED USE OF THE BWC AND MVR

- a. Under no circumstances, except those instances involving a criminal investigation of Department personnel, will a conversation between Department employees be intentionally recorded without all parties to the conversation being aware of the fact that it was being recorded.
- b. BWC and MVR will not be intentionally activated to record Department personnel during briefings, meetings, roll calls or while in private spaces such as locker rooms or restrooms where a reasonable expectation of privacy exists.

8. SUPERVISOR RESPONSIBILITIES

- a. Supervisors who become aware of missing equipment shall investigate further to determine its whereabouts. Further, supervisors who become aware of malfunctioning equipment will assure that damaged property form has been completed.
- b. If a cruiser's MVR equipment is malfunctioning, that, in and of itself, need not require the cruiser to be taken out of service, but the supervisor may decide to assign another cruiser to the officer until resolved.



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- c. From time to time Supervisory Staff will randomly review recordings to assist in the periodical assessment of officer performance, determine if the BWC and MVR are being fully and properly used and to acquire material that may be appropriate for training.

C. SYSTEM OPERATION

1. MVR DRIVE CAPACITY METER

- a. The Drive Capacity Meters (DCM) show how much video has been recorded to the hard drive and the USB flash drive.
- b. As the hard drive or USB flash drive fills up, the color of the meter goes from green (0-70% full) to yellow (70-90% full) and finally to red (90-100% full). When the drive is greater than 95% full of recorded video, the user is alerted that the unit is nearing full. When the hard drive is 100% full of recorded video the user is alerted and recording stops until video is transferred off of the 4RE System.
- c. When the DCM reads yellow, the user must report this to the on-duty supervisor or SSC and complete a repair slip, as the video may not transfer as designed.

2. DISCOVERY REQUESTS

- a. If the District Attorney's Office requests to view a video, the Biddeford Court Officer will be responsible for making it available. The court officer will make the video available for viewing by the defendant, or the defendant's attorney, if the District Attorney's Office so instructs the officer.
- b. If the District Attorney's Office requests that a copy of the video be given to the defendant, or the defendant's attorney, then that instruction shall be in writing and a copy filed (Discovery) with the investigative report of the case.
- c. When a copy of a video of a particular case is requested, the Court Officer shall make arrangements that a copy be provided.
- d. The Court Officer will provide to the defendant or the defendant's attorney a duplicate, at no cost. However, a second copy will require a \$5.00 fee.
- e. To compensate for cost of the disc and the required time to copy the information to a new disc there will be a \$5.00 fee, which is subject to change without notice. This fee is applicable to insurance companies, civil attorneys, or other entities that are entitled to have a copy.
- f. Should the defendant, or defendant's attorney request a copy of the recorded video via email, there will no charge. This may change at the discretion of the Chief of Police.

3. DEATH INVESTIGATIONS CONDUCTED BY THE ATTORNEY GENERAL'S OFFICE



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- a. The existence of a video containing an incident involving the death of a person caused by a member of this Department will be reported to the Department of the Attorney General as soon as possible after the investigation begins.
- b. The original video shall be retained by the Biddeford Police Department. The Chief of Police, or his designee, will provide a duplicate of the incident if requested by the Attorney General's Office.

4. INTERNAL AFFAIRS INVESTIGATIONS

- a. The Chief of Police, or his designee who is assigned to investigate any member of the Department, may review the video which is the subject of an internal affairs investigation.
- b. In all use of force complaints and pursuits the BWC and MVR will be reviewed as part of the review process.

5. OTHER REQUESTS FOR COPIES OF RECORDED INCIDENTS

- a. Any audio/video recording made with Department issued BWC and MVR is the property of the Biddeford Police Department.
- b. Any person, other than those previously listed in the procedures of this SOP, who requests a copy of a particular recorded incident, will be directed to the Chief of Police.
- c. A request for a copy of the video will be denied, if the Chief of Police determines that the matter is confidential.