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CITY OF LOS ANGELES
HARBOR DEPARTMENT

OFFICE MEMORANDUM

July 11, 2018

To	From
	ENGINEERING
	ENVIRONMENTAL MANAGEMENT
	FINANCIAL MANAGEMENT
	GOODS MOVEMENT
	GRAPHICS
	HUMAN RESOURCES
	INFORMATION TECHNOLOGY
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	PORT PILOTS
XX	PORT POLICE X
	RISK MANAGEMENT
	TRADE DEVELOPMENT
	WATERFRONT/COMM REAL ESTATE
	WHARFINGERS

SPECIAL ORDER 18-06

TO: All Port Police Personnel

SUBJECT: Modification to Policy 446 Mobile Audio/Video

Effective immediately, revised Policy 446 shall be implemented. Policy 446 has been revised in order to update direction regarding use of mobile audio and video recording equipment, and storage and handling of recorded media.

All staff are directed to read and be familiar with the attached policy which will be incorporated into the Policy Manual at its next publication.



THOMAS E. GAZSI
Chief of Police

TEG:GPC:ng

Mobile Audio/Video

446.1 PURPOSE AND SCOPE

This policy provides guidance on the use of Mobile Audio Video (MAV) recording systems installed in marked patrol cars.

446.1.1 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, microphone, recorder and monitor.

MAV technician - 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.

446.2 POLICY

It is the policy of the Los Angeles Port Police 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.

446.3 OFFICER RESPONSIBILITIES

At the start of each shift, officers shall test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

At the end of shift, each officer will follow the established procedures for providing to the department any recordings or used media or any other related equipment.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

446.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. 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.

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446.4.1 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. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system shall be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 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 an officer would normally notify the Communications Center
- (c) 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
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate.

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446.4.2 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 an 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).

446.4.3 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.

446.4.4 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 Communications Center.

At reasonable intervals, supervisors should validate that recordings are appropriately tagged as needed for evidentiary purposes and for ease of locating incidents of note.

The operation of MAV systems by probationary employees should be assessed and reviewed by the FTO Sergeant no less than biweekly.

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 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.

Supervisors may activate 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 activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

446.5 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. Members shall not record, create or retain duplicate or personal copies.

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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 technician or forensic media staff. 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.

Officers may be required to provide public safety statements without the opportunity to view recordings prior to giving the statement.

In incidents involving the use of deadly force, officers shall not be allowed to view recordings unless authorized; see Section 446.6. When there is evidence of misconduct, officers shall not be allowed to view recordings until authorized to do so by a supervisor. Under no circumstances shall any recordings be used or shown for the purpose of ridiculing or embarrassing an employee.

Any review of recorded audio or video is to be documented in writing in a manner that captures the date and time of the review, the reason for the review, and the individuals involved in the review. In circumstances when approval for review is required, the name of the individual granting approval for the review is also to be documented.

Review of recordings will be permitted as follows:

(a) Officers:

1. For investigatory or tactical reference during an ongoing investigation or public safety response.
2. Prior to submitting to an administrative interview.
3. When preparing crime of arrest reports. Viewing recordings should not be a reason for officers to write a less detailed report.
4. At the beginning of shift to test the functioning of the system and to review start of watch information.
5. With prior supervisor approval, when an officer who is captured on or referenced in the video or audio data requests to review such data for any purpose relating to his/her employment.

(b) Supervisors:

1. When investigating a specific act of officer misconduct or meritorious conduct.
2. When assessing officer performance.
3. To assess proper functioning of the system.

(c) Other Department Personnel:

1. Investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.
2. Training staff with prior supervisor approval to assess possible training value. If an involved officer objects to showing a recording for training purposes, his/her objection will be evaluated by the chain of command.

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3. Staff responding to public records requests after approval from the Chief of Police and in conformance with the records release and security policy. All such recordings should be reviewed by the custodian of records prior to public release.
 4. Other department personnel, with supervisor approval, who request to review recordings for official purposes.
 5. Technicians to assess proper functioning of the system.
 6. System managers to perform audit functions of the system or its use.
- (d) Outside Personnel:
1. Court personnel or prosecutorial agency through proper process and with permission from the Chief of Police or authorized designee.
 2. Media representatives through proper process and with permission from the Chief of Police or authorized designee.

446.6 REVIEW OF RECORDING IN INCIDENTS INVOLVING DEADLY FORCE

If an officer is involved in a use of deadly force incident, the officer shall not review any recordings until authorized by the Command Duty Officer. Once authorized, the officer shall review the recording. An officer may have an employee representative present during the review of the recording. Additionally, an officer may elect to review the recordings without an investigator or supervisor present. The separating and monitoring of officers involved in a deadly force incident shall be maintained during the review of recordings and review shall not occur jointly among involved employees.

The supervisor that responds to the scene of a deadly force incident shall ensure that the recording is stopped when appropriate and maintain chain of custody control over the recording device or media until it is transferred to investigators or until given other direction by the Command Duty Officer. Supervisors shall not view recordings unless directed to do so by investigators or the Command Duty Officer.

446.7 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.

446.8 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of five years per LAHD records retention policy after which time it will be erased, destroyed or recycled in accordance with the established records retention procedures (Government Code § 34090.6).

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446.8.1 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 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.

446.8.2 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 Los Angeles Port Police should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

446.9 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 30 seconds prior to an event in the buffer.
- (c) The MAV system shall not be configured to permanently record audio data occurring prior to activation.
- (d) 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.
- (e) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (f) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (g) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

446.10 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Maintaining the archive and storage of recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician shall:

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1. Ensure it is stored in a secure location with authorized controlled access.
 2. Make the appropriate entries in the chain of custody log.
- (c) 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.
- (d) Assigning all media an identification number prior to issuance to the field:
1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording storage space is available.
- (f) Managing the 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.

446.11 TRAINING

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