

**CROOKSTON POLICE DEPARTMENT
BY ORDER OF THE CHIEF OF POLICE**

POLICY

NUMBER: 113

DATE ISSUED February 01, 2001	EFFECTIVE DATE Immediate	RETENTION/MODIFICATION Until Modification
SUBJECT In-Car Audio/Visual Recording		CHIEF OF POLICE T. Motherway
REFERENCE		CITY ATTORNEY C. Fitzgerald

I. PURPOSE

The purpose of this policy is to establish uniform guidelines for the operation and use of patrol vehicle installed audio/visual-recording equipment. A retention schedule and procedures for the classification of video evidence are also addressed.

II. POLICY

The primary purpose of an in-car camera and recording system is the collection of evidence of criminal activity for use in the prosecution of those who violate the law. The department encourages the use of the provided cameras for this purpose. Video evidence may also be used as a training aid, to protect officers against allegations of misconduct, or to provide documentation for disciplinary action against an officer if warranted. Video tapes will be provided to all officers who will be expected to make use of them when ever operating a squad so equipped.

III. PROCEDURE

A. General Use

1. As the primary purpose is the documentation of evidence officers should record all traffic stops, pursuits, all emergency vehicle operation, and any other incident that may be of value. As the camera is set to record on activation of emergency lighting this will in general be automatic.
2. Once recording begins, officers should continue recording until the incident comes to a natural conclusion. Officers are not required to stop recording at a subject's request, however The Officer may discontinue recording at his own discretion. Officers must be able to articulate a sound reason for turning the recorder off prior to the conclusion of any emergency incident.
3. Officers are to inform those who ask, that a camera is in operation and they are being recorded.
4. Audio/visual recordings generated in the course of an officer's duties are the exclusive property of the Crookston Police Department and will not be available for any use, except as provided in this policy.
5. No officer will rewind; erase, reuse, or otherwise tamper with recorded tapes except in accordance with the provisions of this policy.

6. When an incident has been recorded Officers will refer to the existence of the recording in the incident report filed.

7. The Officer will keep a log indicating significant incidents recorded on the tape. The Officer should develop a referencing system to match tapes and logs to each other.

B. Custody, control, and re-use of videotapes.

1. Every tape must be adequately marked with the following information:
 - a. The name and badge number of the officer recording the tape.
 - b. The date the tape was first used by the officer.
 - c. When filled, the date of the last recorded incident, and
 - d. A reference designator matching the tape to a tape log to be kept by the officer
2. The Officer is responsible for the safekeeping of his tape, installing it at the start of the shift and removing it at the conclusion. Officers will use a tape until it is filled to capacity. The tape is original evidence; copies of specific portions may be made for distribution to the prosecuting authority but the officer will hold the original until filled.
3. Tapes that have been filled to capacity and contain no recording of an incident that will be required held as evidence may be reused no sooner than 90 calendar days after the recording of the last incident recorded. Tapes having value other than evidentiary may be held longer than 90 days before reuse with the consent of a supervisor.
4. When a tape contains a record of an arrest or other significant incident the tape constitutes evidence and as such the legal rules and department policies regarding the custody of evidence apply. The Officer in charge of the tape must maintain a proper chain of custody for the taped evidence.
 - a. The investigating officer will retain all tapes unless the prosecuting attorney requests it be given to his custody. (In most cases a copy of the specific incident should be sufficient.)
 - b. Tapes will be retained for 90 calendar days after they are no longer needed as evidence, then re-used with supervisor approval.
 - c. The prosecuting attorney may request tapes be held longer if continuing judicial review (appeal) is likely.
 - d. If the tape is requested by another law enforcement agency for investigative purposes a copy of the specific incident will be provided.
5. Audio/video tapes are government data and as such their use is controlled by the Minn. data Practices Act, section 13.82 "Comprehensive Law Enforcement Data".

C. Duplication

1. Copies of tapes, or copied portions containing specific incidents will be provided to prosecutors at their request at no charge.

2. Upon the approval of the Chief of Police persons authorized to receive copies of a taped incident under the Data Practices Act may be given a copy of the taped incident. A fee covering the cost of the tape and a reasonable charge for the time required to make the copy will be determined and assessed.
3. Copies of tapes or specific taped incidents will not be released to any party if they are part of an ongoing investigation, except under subpoena or directive of the prosecuting attorney.
4. No copy of any tape or specific taped incident may be sold or used for any private purpose, not covered by this policy, by any employee of this agency.