

Portable Body Worn Cameras (BWC) and Mobile Audio/Video (MAV) Recorders

422.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable (Body Worn Cameras – BWC) and Mobile Audio/Video (MAV) recording devices by members of this department while in the performance of their duties.

BWC/MAV recordings are intended to assist and compliment officers in the performance of their duties. When these systems are used to record enforcement activities, they can provide a valuable visual and audio record of the incident. It is anticipated this evidence will:

- Provide a more transparent record of encounters with law enforcement;
- Assist members in report writing;
- Provide evidence in criminal investigations; and,
- Protect officers from unfounded allegations of misconduct.

Portable Body Worn Cameras (BWC) and Mobile Audio/Video (MAV) recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to interviews or interrogations conducted at any Monterey Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

422.1.1 DEFINITIONS

Definitions related to this policy include:

- A. “Activate” - Any process that causes the BWC or MAV system to transmit or store video or audio data in an active mode.
- B. “Body Worn Camera (BWC) and Portable Audio Video Recorder System” – Synonymous terms which refer to any system that captures audio and video signals, that is mounted on an officer’s person that captures audio and video signals.
- C. “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.
- D. “Recorded Media” - Audio-video signals recorded or digitally stored on a storage device or portable media.
- E. “Officer – Involved Critical Incident” – is any incident in which a Peace Officer (Officer), acting under color of authority, is directly involved in the following:
1. Any discharge of a firearm by an Officer which proximately causes the death of, or injury to another.

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2. An intentional use of any other deadly or dangerous weapon by an Officer which proximately causes the death of, or injury likely to produce death to another.
3. An intentional act on the part of the Officer which proximately causes the death of, or injury likely to produce death to another.
4. Any death of a person while in custody, or under Officer control.

422.2 POLICY

The Monterey Police Department may provide members with access to BWC and MAV recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

422.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

Members are prohibited from using personally owned recording devices while on-duty.

422.4 MEMBER RESPONSIBILITIES

Body Worn Camera (BWC) Portable Recorder

Prior to going into service, each sworn member working in a uniformed capacity will be responsible for making sure that he/she is equipped with a BWC portable recorder issued by the Department, and that the recorder is in good working order at the beginning of their shift. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable. The recorder will be positioned in a location that will facilitate an optimum recording field of view. This location may vary from officer to officer based upon his/her specific uniform and body composition.

Note: This section is inclusive of all uniform types (i.e. bicycle patrol, CAT, Special Events, etc.), but is not meant to include members working as detectives unless otherwise engaged in a preplanned operation.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Mobile Audio/Video (MAV) In-Car Recorder

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At the start of each shift, members utilizing vehicles equipped with a MAV should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

The MPDs BWC/MAV system is configured to automatically capture the user's unique identification when the officer logs into the system and the date and time of each recording. Each member is responsible for ensuring that their assigned BWC is uploaded during their shift as needed or at the completion of their shift, or at any time the device's memory is deemed to be full.

The MAV system automatically downloads recordings to the network server via a secure access point anytime officers arrive at the MPD. (§832.18 (b)(1) & (2) PC)

Members should 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 should include the reason for deactivation.

422.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors will ensure that officers utilize the BWC/MAV according to these policy guidelines.

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, this will be documented in the Daily Shift Report (DSR).

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, Officer-Involved Critical Incidents, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, or BWC/MAV Coordinator (or their designee) 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 have the ability to immediately address citizen concerns by viewing video captured by the officer's body-worn camera prior to contacting the citizen. At no time, except at the direction of the Chief of Police or their designee, shall the supervisor allow the citizen to view the file footage.

In those circumstances where a concern is addressed with no further action required, supervisors shall document this in the Daily Shift Report (DSR). This allowance is independent of the complaint process, and supervisors are reminded to abide by the policy relating to the complaint process.

At reasonable intervals, supervisors should validate that beginning and end-of-shift recording procedures are followed.

422.4.2 DOCUMENTING BWC/MAV USE

Members should not use the fact that a recording was made as a reason to write a less detailed report. BWC/MAV video cannot substitute for the collection of physical evidence such as

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fingerprints, documents, photographs or other important evidentiary items that are considered part of the criminal investigation. These items must be properly collected and booked into evidence.

Members should document the existence of a recording in any report or other official record of the contact, when the incident requires a reporting record per policy. If no police report is filed for the recorded encounter, then the reason(s) should be recorded on the citation, CAD event or Field Interview documentation process. Members shall ensure recorded incidents are properly tagged in the recording system.

Anytime the recording is terminated prior to the end of the encounter, the reason(s) should be documented both on the BWC/MAV recording before deactivation and in the subsequent police report. If no police report is filed for the recorded encounter, then the reason(s) for the early termination should be recorded on the citation, CAD event or Field Interview documentation process.

Members will document anytime they become aware that the recording malfunctioned, in the same manner.

Personnel involved in Officer-Involved Critical Incidents shall notify the responding supervisor of any recordings of the critical incident. The supervisor shall take immediate physical control of the BWC/MAV, download the recording as soon as practical and assign the recording to the Officer-Involved Critical Incident category.

422.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the BWC or MAV recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder shall be activated in any of the following situations:

1. All field contacts involving actual or potential criminal conduct including:

- Investigative and Enforcement contacts,
- Stops/Detentions,
- Field Interview (FI) situations / Citations,
- Arrests (this includes taking or attempting to take persons into custody, i.e., an arrest, foot pursuit, protective custody of mentally disturbed person, etc.)
- Verbal or Physical confrontations,
- Use of force,
- Suspicious vehicles,
- Searches (persons, vehicles, homes, probation, PRCS, consent, etc.),
- Service of search or arrest warrants

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- Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording,
 - Preplanned Operations (regardless of assignment)
2. Traffic stops including, but not limited to;
 - Traffic violations,
 - Stranded motorist assistance,
 - DUI Investigations including field sobriety tests,
 - All crime interdiction stops
 3. When en-route to a call for service that would require activation.
 4. Emergency Vehicle Responses (Code 3 driving)
 5. Pursuits (vehicle, bike, foot, etc.)
 6. Interior rear-facing MAV activation
 - The rear-facing interior MAV shall be activated prior to placing persons in the back seat of a police vehicle equipped with an interior MAV (this does not apply to department members being transported for business purposes).
 7. Statements
 - Suspect statements
 - Witness/Victim statements (refer to Victim and Witness Statement section of this policy)

Officers shall activate BWC/MAV recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

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 should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. Officers shall not be required to activate or deactivate their BWC/MAV based solely on the requests or demands of a citizen, but rather rely on their training and this policy to direct their use of the BWC/MAV systems.

At no time is a member expected to jeopardize his/her safety in order to activate a BWC/MAV recorder. However, the recorder shall be activated in situations described above as soon as reasonably practicable. Additionally, the Department recognizes human performance limitations during particularly stressful, critical situations. As such, officers shall activate their BWC/MAV while en-route to a call for service. This will ensure the entire event is captured on the BWC/MAV.

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The BWC/MAV system is integrated and designed to start recording on both devices whenever; the patrol unit's emergency lights are activated, the speed of the patrol vehicle exceeds 80 mph, the gun release is activated, or there is a collision. The system remains on until it is turned off manually. The BWC/MAV system can also be activated manually and should be activated manually by the officer whenever appropriate.

422.5.1 WHEN NOT TO ACTIVATE THE BWC OR MAV RECORDER

Personnel are not required to activate the camera system during routine, incidental contact with a citizen, (i.e. giving directions or lunch breaks).

Members will not knowingly activate the body-worn camera in the following circumstances:

1. A potential witness who requests to speak to an officer confidentially or desires anonymity (refer to Victim and Witness Statement section of this policy).
2. A victim or witness who requests that he or she not be recorded and the situation is not confrontational (refer to Victim and Witness Statement section of this policy).
3. A victim who requests that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation (refer to Victim and Witness Statement section of this policy).
4. During tactical briefings, or the discussion of safety and security procedures that occur away from the scene of an investigation or enforcement encounter (i.e. a nearby staging location or Command Post).
5. Strip Searches.
6. Public or private locker rooms, changing rooms, restrooms, unless taking the police action as outlined in the "activation" section of this policy.
7. Doctor's or lawyer's offices, unless taking the police actions as outlined in the "activation" section of this policy.
8. Medical or hospital facilities, unless taking the police actions as outlined in the "activation" section of this policy.
9. Other places where individuals unrelated to the investigation are present and would have a reasonable expectation of privacy, unless taking the police actions as outlined in the "activation" section of this policy.
10. To surreptitiously record any department member without their consent, a court order, or unless lawfully authorized by the Chief of Police or designee for the purposes of a criminal investigation.
11. The monitoring of persons based solely upon the person's political or religious beliefs or upon the exercise of the person's constitutional rights to freedom of speech and religious expression, petition and assembly under the United States and California Constitutions, or because of the content or viewpoint of the person's protected speech is prohibited.

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12. 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).

13. While officers are engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g. spouse, attorney, police peer counselor, labor representative, minister, etc.).

Note: A privileged conversation does not include a conversation with another officer or supervisor while actively engaged in a call for service, investigation, or enforcement encounter.

422.5.2 VICTIM AND WITNESS STATEMENTS

When conducting an investigation, the officer shall attempt to record the crime victim or witness' statement with the BWC/MAV. The recording may be valuable evidence that contributes to or compliments an investigation. While evidence collection is important, the Department also recognizes it is important for officers to maintain credibility with people wanting to share information with law enforcement.

On occasion, an officer may encounter a reluctant crime victim or witness who does not wish to make a statement on camera. In these situations, the officer should continue to develop rapport with the individual while balancing the need for evidence collection with the individual's request for privacy.

Should the officer use discretion and not record the crime victim or witness statement with the BWC/MAV, the officer shall document the reason for not fully recording the statement with the BWC/MAV.

422.5.3 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

422.5.4 CESSATION OF RECORDING

BWC/MAV recordings shall not be intentionally terminated until the conclusion of the encounter, nor shall cameras or microphones be intentionally covered or blocked to reduce the ability of the device to capture video or audio data while the device is activated.

Exception: in very limited situations members may deactivate while still assigned to a call as long as he/she has cleared the scene and is no longer involved in the care and/or custody of a prisoner or another person.

422.5.5 EXPLOSIVE DEVICE

Many recorders, including BWC/MAV transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

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422.6 PROHIBITED USE OF PORTABLE RECORDERS (§ 832.18 (B)(3) & (8) PC)

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings are the property of the Department and shall be retained at the Department.

All data collected by a recorder is considered to be a law enforcement investigatory record and exempt from disclosure under Government Code § 6254(f).

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

422.6.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

422.7 TAGGING, IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members shall tag these in accordance with procedure and document the existence of the recording in any related case report, citation, CAD or Field Interview process.

See attachment: [4220 BWC-06-28-18 MAV Tagging Procedure.pdf](#)

422.8 REVIEW OF RECORDED MEDIA FILES

All file viewing is for law enforcement use only and subject to a right to know and need to know basis.

Recordings may be reviewed in any of the following situations:

(a) When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings.

(b) Supervisors are authorized to review relevant recordings any time they are;

- Conducting administrative investigations,
- Investigating alleged misconduct,
- Reviewing reports of meritorious conduct,
- Reviewing a Use of Force
- Reviewing a Pursuit

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- To assist in resolving a matter of fact
 - To assess proper training value. (The Chief of Police or her/his designee may authorize the use of recordings for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Chief of Police or his/her designee to determine if the training value outweighs the officer's objection. In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.)
 - To assess proper functioning of recorder systems
 - To conduct periodic audits of the BWC/MAV activity to verify compliance of this policy.
- (c) Supervisors may view body-worn camera files to evaluate the performance of an officer in the Field Training Program and while on probation.
- (d) By an officer who is captured on or referenced in the recording and is reviewing the data for any purpose relating to her/his employment (ex., to prepare official reports, to prepare for court testimony or other legal processes, to prepare for an administrative interview).
- (e) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (f) To review as part of a criminal case they are assigned to investigate.
- (g) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (h) By media personnel with permission of the Chief of Police or the authorized designee.
- Due to the heightened privacy concerns associated with a recording, any recording disclosed to the media may be edited to preserve the privacy of individuals unrelated to the case who were captured by the recording when they had a reasonable expectation of privacy.
 - When appropriate, court orders preventing or limiting the dissemination of the recording shall be secured prior to distribution.
 - The Monterey Police Department shall notify involved Departmental personnel in the event the MPD releases any recording(s) to the media.
- (i) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
- (j) At the discretion of the Chief of Police or his/her designee

Supervisors who inadvertently discover policy violations will continue to have discretion to resolve the violation with training or informal counseling. Should the policy violation rise to the level of more formal discipline, the supervisor will adhere to policies set forth in the policy manual.

Access to the body-worn camera system is logged automatically with the date, time and name of person viewing the files. Chief of Police

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422.9 BWC/MAV SYSTEM COORDINATOR

The MPD may utilize a server which is managed, owned and housed by City of Monterey Information Technology professionals. The MPD may also utilize a secure cloud-based solution which is managed by an experienced and reputable third-party vendor.

The Chief of Police or the authorized designee shall appoint a member(s) of the Department to coordinate the use and maintenance of BWC/MAV 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 BWC/MAV audio/video recording devices.
- (d) Establishing a system for tagging 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.
- (h) Training

At reasonable intervals, the BWC/MAV System Coordinator (or their designee) should validate that logs reflect the proper chain of custody, including:

1. The tracking number of the BWC/MAV system media.
2. The date it was issued.
3. The law enforcement operator or the vehicle to which the BWC/MAV was issued.
4. The date it was submitted.
5. Law enforcement operators submitting the media.
6. Holds for evidence indication and tagging as required.
7. Ensure that the date and time being recorded accurately reflects the actual date and time.

422.9.1 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.

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(b) The BWC/MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The BWC/MAV system may not be configured to record audio data occurring prior to activation.

(d) Officers shall not erase, alter, reuse, modify or tamper with BWC/MAV recordings. Only the BWC/MAV System Coordinator or their designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(e) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the BWC/MAV Coordinator or their designee.

422.9.2 DELETION OF ACCIDENTAL RECORDING

In the event of an activation of a BWC/MAV where the resulting recording contains personal and/or private conversations of an officer unrelated to any ongoing criminal or internal affairs investigation, or otherwise has no valid official purpose, and which has no apparent evidentiary or investigatory value, an officer may request for the deletion of the accidentally recorded BWC/MAV file by submitting a written request to the BWC/MAV Coordinator. If the Chief of Police or their designee determines that the BWC/MAV recording contains personal and/or private conversations of an officer unrelated to an ongoing criminal or internal affairs investigation, or otherwise has no valid official purpose, and which has no apparent evidentiary or investigative value, it may be deleted after sixty days.

In the event of an activation of a BWC/MAV where the Chief of Police or their designee, determines that a BWC/MAV recording contains personal and/or private conversations or images of any individual unrelated to an ongoing criminal or internal affairs investigation, or otherwise has no valid official purpose, and which has no apparent evidentiary or investigatory value, it may be deleted after sixty days.

422.10 RETENTION OF RECORDINGS

Recordings of the following "Evidentiary Data" should be retained for a minimum of two years (§ 832.18 (b)(A)(B)(C) & (c)(1) PC):

- Officer-Involved Critical Incident or Homicide
- Major Incident
- Use of Force
- Arrest of Individual (minimum data retention of four years)
- Citation
- Detention of Individual
- Search
- Crime (investigating any type of crime)
- Complaint (informal or formal)

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- Confrontational encounter

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 (Penal Code § 832.18).

Recordings relating to Internal Affairs Complaints (externally or internally generated) shall be retained in accordance with Penal Code § 832.5, or until the matter has been resolved, whichever is later.

Officer-Involved Critical Incident Data: All data concerning a critical incident shall be retained permanently. Major Incident Data shall initially be retained permanently, but during the first two weeks of every year, the Investigations Division Commander or his/her designee shall conduct an audit of all Major Incident Data. Any recordings that no longer need to be maintained permanently shall be re-tagged as Crime, allowing for removal after two years. Circumstances allowing for re-tagging could include the adjudication of the case or the statute of limitations being reached with no arrest or charges filed.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

All other recordings "Non-Evidentiary Data" should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 60 days after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule. (Penal Code § 832.18)

422.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

422.11 TRAINING

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

Attachments

4220 BWC-06-28-18 MAV Tagging Procedure.pdf

**MONTEREY POLICE DEPARTMENT
PROCEDURE 4220
BODY WORN CAMERA (BWC) / MOBILE AUDIO/VIDEO (MAV) TAGGING
PROCEDURE**

I. PURPOSE

The purpose of this procedure is to clearly identify how BWC/MAV recordings are to be "tagged." All BWC/MAV recordings shall be "tagged" in accordance with this procedure.

II. BWC/MAV PROCEDURE FOR TAGGING DATA

A. Member(s) shall select one of the following tags for recordings they are involved with (definitions are found in MPD policy), selecting only one tag, listed in priority (if an event includes several of the listed categories, select the one listed highest on the list) as follows (§ 832.18 (b)(A)(B)(C) & (c)(1) PC):

- Officer-Involved Critical Incident or Homicide - "OFFICER INVOLVED" (Permanent)
- Major Incident – "MAJOR INCIDENT" (5 years)
Sexual assault, arson, robbery, aggravated assault; attempted crimes involving these categories, any critical incident identified by a supervisor. See section III A, for annual review guidelines.
- Use of Force – "USE OF FORCE" (6 years)
- Arrest of Individual – "ARREST OF INDIVIDUAL" (5 years)
- Citation (citation issued) – "CITATION" (3 years)
- Detention of Individual – "DETENTION" (3 years)
- Search (any type of search) – "SEARCH" (3 years)
- Crime (investigating any type of crime) – "CRIME" (3 years)
- Confrontational encounter – "CONFRONTATION ENCOUNTER" (3 years)
- Other – "OTHER" (2 years)
- Test recording – "TEST RECORDING" (60 Days)

B. Members will review their recordings to ensure the tagging is correctly labeled.

C. Other "Tags" will appear as selections on BWC/MAV devices, but are only for MPD Administrative Use, and are the following:

- Complaint – "COMPLAINT" (6 years)
 - Any member who becomes aware of a complaint (informal or formal) will immediately advise a supervisor. The supervisor will ensure that the system administrator or their designee is aware of the complaint to "tag" the event in the system as "Complaint."

- Civil Matter – “CIVIL” (10 years & updated)
 - Any matter that is identified by the City Risk Manager or City Attorney as a Civil Matter will be “tagged” by the BWC/MAV System Coordinator (or their designee) as “Civil Matter.”
- Non-Disclosure – “NON-DISCL” (60 days)
 - If a member reasonably believes any of the following apply they should immediately notify their supervisor who will advise the BWC/MAV System Coordinator (or their designee) who will determine if the recording should be “tagged” as “non-disclosure.”
 - A complainant, victim or witness has requested non-disclosure.
 - A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
 - Disclosure may be an unreasonable violation of someone’s privacy.
 - Medical or mental health information is contained.
 - Disclosure may compromise an undercover officer or confidential informant.

III. INVESTIGATIONS DIVISION REVIEW OF “MAJOR INCIDENT” RECORDINGS

- A. During the first two weeks of every year, the Investigations Division Commander or his/her designee shall conduct an audit of all recordings maintained in the “MAJOR INCIDENT” category. Any recordings that no longer need to be maintained permanently shall be re-tagged as “CRIME”, allowing for their removal after a minimum of 3 years.

Circumstances allowing for the re-tagging of recordings could include: the adjudication of the criminal case and disposition from the DA’s office allowing for the destruction of evidence; the statute of limitations for a particular case being reached and no arrest made or charges filed.

MONTEREY POLICE DEPARTMENT

TO: ALL PERSONNEL
FROM: DAVID J. HOBER, CHIEF OF POLICE
DATE: MARCH 15, 2018
SUBJECT: MEMO 18-008
UPDATED BWC/MAV PROCEDURE

BACKGROUND

This memo will outline the updated procedure for logging BWC/MAV videos, related to MPD Lexipol policy 422.

ANALYSIS

The following tag has been added to the WatchGuard video tagging system:

MAJOR INCIDENT –

Homicide, sexual assault, arson, robbery, aggravated assault; attempted crimes involving these categories, any critical incident identified by a supervisor.

ORDER

Effective immediately, use the 'Major Incident' tag when logging a BWC/MAV video that applies to one of the above listed crimes. Lexipol policy 422 and the associated procedure 4220 will be changed during the next policy update.

Item	RETENTION PERIODS		FORMAT	VITAL	DoR	REMARKS	CITATION
	ACTIVE	INACTIVE					
608-21	C	--	C D E HC	--	PD	Unsolved investigation files (not to include homicide). Destroy when cases reach statute of limitations. Homicide case files retained permanently in 608-03.	See legend on last page GOV 34090
608-22	C	--	C E HC	--	PD	Solved investigation files pending appeal. Destroy when appeals are exhausted and reach statute of limitations.	GOV 34090
609	C	2	C+2 E HC	--	PD	Traffic tickets, radio communications logs, radar calibration records, patrol schedules, daily shift reports, supervisors' reports.	GOV 34090
609-01	P	P	P E HC	--	PD		GOV 34090
609-02	P	P	P D	--	PD		GOV 34090
609-03	C	2	C+2 E HC	--	PD	Press releases, daily schedules, alarm cards and alarm permits, alarm files, case books, routine log files, second hand dealers and pawn slips, subpoena files, field interview cards, cite and release records, repossession and private impounds.	GOV 34090
610	C	2	C+2 E HC	--	PD	Includes emergency protective orders, temporary restraining orders, legal stipulations, orders after hearing, etc. Destroy after law enforcement actions described in PEN 12028.5 are fulfilled and restraining orders are expired for no fewer than two years.	PEN 273.5; PEN 273.6; PEN 646.9; PEN 12028.5; PEN 13700; FIN 6380-6383
610-01	C	--	C E	--	PD	Officer case dictation	GOV 34090
610-02	C	2	C+2 E HC	--	PD	Taxi, massage, film permits	GOV 34090
610-03	C	2	C+2 E HC	--	PD	Retention as defined by criminal case prosecution and following property and evidence destruction regulations.	GOV 34090
610-04	P	P	P HC	--	PD	Daily logs and inmate records	PEN 11120-11127
610-05	C	5	C+5 E HC	--	PD	Arson, sex, and narcotic registration files	GOV 34090
610-06	P	P	P E HC	--	PD	Police reports, court actions, accident reports	GOV 68152(c)(2)
610-07	C	3	C+3 E HC	--	PD	Upon petition local law enforcement records within WIC 826(b) may be destroyed as ordered by the court.	GOV 34090
610-08	C	5	C+5 E HC	--	PD	Uneventful jail, parking lot, lobby	GOV 34090.6
610-09	C	1	C+1 E	--	PD	Recordings to include: Officer Involved Critical Incidents (i.e., OIS, In-custody death) (case files in 608-04) or Homicide (case files in 608-03)	WIC 826(a)&(b); WIC 781(a); WIC 781.5; HSC 11361.5
610-10	P	P	P E	--	PD	Recordings to include: any matter that is identified by the City Risk Manager or City Attorney as a Civil Matter.	GOV 34090.6
610-11	C	10	C+10 E	--	PD	Recordings to include: any matter that is identified as a complaint, administrative investigation, pursuit, fleet safety or use of force (investigation files in 607-04).	PEN 832.18; PEN 799; GOV 34090
610-12	C	5	C+5 E	--	PD	Recordings to include: Major Incidents (Sex Assault, Arson, Robbery, Aggravated Assault, Attempted crimes involving these categories, any incident identified by a supervisor) & Arrest of Individual - destroy when appeals are exhausted and reach statute of limitations.	PEN 832.18
610-13	C	4	C+4 E	--	PD	Recordings to include: Citation; Detention of Individual; Search; Crime (other than identified as Homicide, Major Incident or Arrest of Individual); Confrontational Encounter	PEN 832.5(b); EVID 1045
610-14	C	2	C+2 E	--	PD	Recordings to include non-evidentiary recordings that do not fit in another category	Statutes of specific crimes & Appeal time period
610-15	C	1	C+1 E	--	PD	Recordings to include non-evidentiary Test and Accidental Recordings. *All routine video monitoring must be retained for at least a year or can be destroyed after 90 days if another record is kept (such as a written log noting no events)	PEN 832.18
610-16	C	90 days*	C+90 days*	--	PD	Felony and misdemeanor criminal warrants, served and unserved. Current period ends when warrant is served/executed.	PEN 832.18; GOV 34090.6
610-17	C	2	C+2 E	--	PD		GOV 34090
610-18	C	2	C+2 E	--	PD		GOV 34090
610-19	C	2	C+2 E	--	PD		GOV 34090
610-20	C	2	C+2 E	--	PD		GOV 34090

A/E - After Expiration; Au - Audit; C - While Current/Until Completed; D - Database; DoR - Dept. of Record; E - Electronic/Image; HC - Hard Copy; M - Microfilm; P - Permanent; S - Samples; T - Until Termination