

DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL		
CHAPTER 241	MOBILE AUDIO AND VIDEO RECORDING	
	Effective: 5/01/2023	Commissioner Approval: 
	Authorities: AS 01.10.060(a)(7) ; AS 18.65.050 ; AS 18.65.080 ; AS 18.66.160 ; AS 18.70.020-030 ; AS 22.20.100-120	
	Applicability: ALL DEPARTMENTAL EMPLOYEES	
	Special Instructions: Click here to enter text.	

241.100 INTRODUCTION

- A. Purpose.** The purpose of this policy is to provide guidance regarding the use of mobile audio and video recording equipment (MAVR) that includes hand-held devices, body-worn cameras and vehicle equipped video devices. It does not prohibit the use of other DPS issued recording devices in conjunction with video or cameras.
- B. MAVR limitations.** DPS recognizes that MAVRs provide only a two-dimensional perspective with limited vantage points of an incident. Consequently, no employee will ever rely solely upon the review of video recordings as the basis for discipline against an employee. Instead, DPS shall review and consider all available evidence (including witness statements, employee interviews, forensic analysis, documentary evidence, etc.), prior to imposing discipline against an officer. There shall be no use of artificial intelligence (AI) to review MAVR footage.
- C. Other relevant chapters.** This policy does not govern the use of recording devices in connection with undercover operations or surreptitious recordings of DPS employees under OPM Chapters 222, 226 and 101.360(W). The use of DPS MAVR devices shall be in accordance with OPM Chapters 101.360, 118, 203, 212, 235 and 236.

241.300 USES

- A. Proper use of MAVR devices.** While on duty, officers shall make every effort to record with MAVR devices their interactions with the public during traffic enforcement, citizen complaints, arrests, situations that the officer believes would generate an incident in ARMS, or other situations where the officer believes it would be beneficial to have a digital recording.
- B. Off-duty.** DPS MAVR devices shall not be used while off-duty unless an officer initiates an incident due to emergency circumstances or witnessing criminal activity.
- C. Activation amnesty.** No officer will be subject to discipline for failing to activate the camera for any reason for the first month or sixteen (16) shifts, whichever occurs later, after he or she is assigned to wear a MAVR.

241.310 OBJECTIVES

Primary objectives.

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1. To enhance officer safety.
2. To preserve visual and audio information of scenes, events, and statements for use in current and future investigations.
3. To enhance the officer's ability to document police-citizen contacts, arrests, and critical incidents.
4. To enhance the accuracy of officer reports and testimony in court.
5. To provide an impartial measurement for evaluation during officer training, self-critique, coaching, and mentoring.
6. To enhance the agency's ability to review probable cause for arrests.
7. To enhance the public's trust by accurate representations of officer-public interactions in the form of video and audio recordings.

241.320 PROCEDURES

- A. Only DPS issued recording equipment is to be used.** In the event of the technical malfunction (dead battery, user bumped the switch off, or other technical failure) of a DPS issued device, an alternative device may be used on a limited basis.
- B. Manufacturer's guidelines.** Recording equipment shall be operated in accordance with the manufacturer's guidelines and DPS training and policies.
- C. Activation of MAVR devices.** Officers shall begin recording as soon as practical during a given situation and continue to record until the completion of the event, to include the recording of statements. Activating the recording prior to contacting the public is recommended.

When recording using a personal audio recorder or other recording device that does not capture meta data, if feasible, the officer will state their name, date, time, and information related as to the purpose of the recording. This information aids in later identifying the correct recording file once it is uploaded or copied.

- D. DPS property.** All captured information (data, images, video, audio, and metadata) is the sole property of DPS. Accessing, copying, or releasing recordings by unauthorized employees to non-law enforcement personnel or for non-law enforcement purposes is prohibited. Members of the public and other entities may gain access to MAVR recordings through the Alaska Public Records Act and discovery in criminal, civil, and administrative proceedings.
- E. Training.** DPS-approved training is to be completed prior to using video recording devices in an effort to ensure proper device use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of devices and compliance with this policy.
- F. Inspections.** Officers shall inspect their MAVRs for any physical damage and to ensure the devices are fully charged, powered and operational.

G. *Supervisor notification.* Malfunctions, damage, loss, and thefts of MAVRs as well as issues with the devices are to be brought to the attention of a supervisor as soon as reasonably possible so that a replacement device may be procured.

H. *Failed recording.* If an officer fails to activate their MAVR device or a technical malfunction occurs, the officer will document in the incident report, or in their trooper notebook if there is no ARMS incident, the reason a recording was not made. A technical malfunction is not grounds for corrective or disciplinary actions. If, however, after the activation amnesty period, a supervisor finds a pattern of an officer failing to make recordings as specified above, that may result in additional training, corrective action or discipline.

I. *Interview room and telephone contacts.* MAVRs do not need to be utilized when other digital recording methods are being used during interviews that take place in an interview room equipped with operational video recorders, or, when audio/electronic devices are being used for telephone contacts and interviews.

J. *Recording interruption.* If an unintended interruption occurs in the recording, the officer will document the reason for the interruption in the incident report. If an officer feels it is necessary to stop recording, the officer will verbally indicate their intent to stop recording before stopping the device, and upon reactivation of the recording device, state that the recording was restarted and the time.

Employees are authorized to remove their MAVR device or power them off in situations during:

1. Communications with other police personnel or government employees where facts and circumstances of a criminal case are being discussed;
2. When on break or otherwise engaged in personal activities;
3. In any location where the employee has a reasonable expectation of privacy, such as an employee restroom or locker room, or their personal residence;
4. Communication with persons with whom the officer has a privileged relationship (e.g., attorney, spouse, clergy member, therapist, employee's medical or union representative).

K. *No expectation of privacy.* While it is generally implied that words and/or actions performed in the presence of a police officer have no expectation of privacy, if a person asks, the officer will inform the person they are being recorded. If the officer discloses that a recording is running, and a person requests deactivation, the officer will inform the person that DPS policy requires recording of contacts, unless otherwise prohibited by this policy.

L. *Documentation of recordings.* The person who creates a recording is to note in the written incident report narrative, citation, or written warning narrative that the recording was made. If the person is not able to prepare a written incident report (i.e. injury, absence, etc.), the member's supervisor should assign that task so a report is completed without unnecessary delay. Recordings are not substitutes for written reports.

M. *Recordings to be preserved.* Recordings made that relate to a criminal prosecution shall be saved, copied, and logged properly into Property & Evidence and retained according to the [State of Alaska Records Retention and Disposition Schedule](#) for DPS. Recordings made in connection with traffic stops that result in issuance of a citation and are not criminal in nature, and that are not relevant to reasonably foreseeable or pending civil litigation, are to be retained until final adjudication of the traffic case. All other recordings of citizen contacts that are not preserved in Property and Evidence are to be uploaded, saved, and filed at the appropriate, approved storage location for the officer and preserved for at least 180 days. After 180 days, the event will be automatically purged from the storage location unless litigation is pending or future litigation is reasonably anticipated and the files will be relevant to that litigation. Because storage of such evidence requires significant state resources and it is not feasible for officers to determine whether litigation is reasonably foreseeable with respect to every preserved recording, DPS adopts the following guidelines for when an officer should reasonably anticipate litigation. An officer should reasonably anticipate litigation if the officer is notified of a request from a state agency, state employee, or a third party to preserve the evidence for use in a potential criminal or civil suit or if the recording may be evidence of an injury or of conduct that could be the basis for a claim or defense in a legal action against DPS or the State of Alaska (examples of situations that could be the basis for a claim or defense include when the driver makes a false accusation or if the driver falls on an icy state road). The general deadline (“statute of limitations”) for filing a civil lawsuit against an officer or the department is two years following the date of an event. [AS 09.10.070](#). Otherwise, consult the Department of Law to determine how long to retain the recording. If an existing recording that is subject to a Public Information Act request is received, the recording must be retained until it is provided without redactions or all opportunities to appeal the denial of all or part of the recording have been administratively and judicially exhausted.

N. *Recording distribution.* Recordings are not to be copied, shared, or otherwise distributed outside standard interagency routing and distribution practices without prior authorization of a Detachment Commander.

O. *Training opportunities.* Recordings that may be of value for training purposes should be brought to the attention of a Detachment Commander. Such recordings are to be handled in a manner that protects the integrity of investigations, criminal prosecutions, civil litigation, and administrative actions. Generally, recordings may be used for training purposes only after all investigations, litigation, and administrative matters are closed. Additionally, prior to any recordings being used for training purposes, the Detachment Commander will notify all involved officers. If an involved officer objects to the use of the recording for training, the Detachment Commander will determine whether other training resources exist that serve the same purpose. Only in circumstances where there is no other reasonable training resource should the recording be used for training over the objection of an involved officer. If an involved officer objects to the use of the recording for training, then the recording shall not be used.

P. *Deadly force review.* A commissioned member involved in a deadly use of force incident, whose actions were recorded, shall not be allowed to review the recording(s) prior to their formal interview. The formal investigative interview will adhere to the provisions set forth in OPM 118.620. PSEA members are reminded of Article 7.03 (A) of the Agreement.

Q. *Maintaining evidence.* Unless appropriate to further an investigation, non-authorized civilians shall not be allowed to review recordings at scenes.

R. *Inadvertent and innocuous recordings.* When it's discovered that a recording continued to capture a private circumstance (i.e. utilizing the restroom) unrelated and innocuous to the evidentiary value of an incident, a redacted copy removing the recording of the private circumstance may be provided where state attorneys are made aware of the content of the redacted portion and the redaction is documented.

S. *Pre-event capture.* Pre-event recording is a feature that allows the MAVR to capture footage for a pre-determined amount of time prior to the activation of the camera (e.g., the time period the camera records to memory prior to the camera being turned on). Pre-event recording time will be sixty (60) seconds of video only.

T. *Live view activation.* Live view features may be employed during extenuating circumstances only. Live view activation requires Division Director or Detachment Command approval will be required but may be waived for number one (1) below for activation. An officer shall be notified via radio or cellular communications, when available, that their MAVR is being accessed for live view. Live view is authorized in the following situations:

1. Officer not answering welfare checks on either radio or cellular communications and there is concern for the officer's safety;
2. SERT incidents, with consent of SERT commander;
3. Felony level crimes in-progress; or
4. Other circumstances deemed necessary by the Division Directors.

U. *Recording after the act (RATF).* A recording after the fact (RATF) shall not be made absent Detachment Commander approval. When such approval is given, the employee and association will receive notification prior to the creation of the RATF. No RATF shall be made prior to the member and Association receiving notice of the complaint pursuant to Article 7.02 of the Agreement. Any RATF that contains activities outlined in 241.320(J)(1-4) shall be redacted in accordance with section 241.320 (R).

V. *Mounting of MAVRs:* MAVRs shall be mounted to the outermost garment on the upper portion of the officer's torso area. MAVRs shall be worn in such a manner as to ensure the optimal unobstructed view of the officer's interactions.

241.330 PUBLIC DISSEMINATION

A. *Alaska Public Records Act requests for MAVR recordings.* MAVR recordings are public records as defined by the Alaska Public Records Act (APRA) and shall be released using the statutory and regulatory guidelines of the APRA and DPS OPM Chapter 206. Any redactions made to MAVR recordings for public dissemination shall be completed by commissioned or professional staff trained in video and audio redactions. Staff processing Alaska Public Records

Act requests shall use OPM Chapter 206 to determine what, if any, redactions should be made to MAVR recordings.

B. *Recordings associated with active court proceedings or open investigations.* Absent exigent circumstances, MAVR recordings that are associated with active criminal, civil, or administrative court proceedings, or open criminal investigations should not be released until the court proceedings and/or investigation is closed.

C. *Release of critical incident MAVR recordings.* In consultation with the Commissioner's Office and applicable Division Directors the Public Information Office (PIO) may proactively release MAVR recordings associated with officer involved shootings or other critical incidents before an investigation or criminal court proceedings are complete. PIO will notify the member and applicable Associations prior to public release. Criminal investigator interviews with the involved officers, witnesses, and victims should be completed prior to the public release.

241.340 STORAGE AND ACCESS OF RECORDINGS

A. *Video storage.* Video files from MAVR devices shall be uploaded to and stored in CJIS-compliant servers hosted on a remote network. MAVR devices will be sent to a location with adequate internet connectivity when local connectivity issues dictate and a spare MAVR device is available; if an extra MAVR device is unavailable, video files shall be downloaded to a dedicated and approved electronic storage device for future upload to the identified CJIS-compliant server within a reasonable amount of time. Officers will be instructed by their supervisor as to what constitutes an approved electronic storage device. MAVR video files shall be encrypted, both in transit and at rest.

B. *Prohibitions on storage medium.* Absent unusual circumstances, body-worn camera or vehicle equipped video recordings shall not be stored on a computer, laptop, tablet, or similar device that is connected to the DPS computer network other than to temporarily transfer the digital file(s) to an approved storage device.

C. *Transferring recording files.* Employees must verify that MAVR recordings have been successfully transferred to an approved storage device or server before deleting the digital file from the recording device. When transferring the digital recording from the device, the recording must be kept in its original format for evidentiary purposes. Employees may convert a copy of the digital file in another format such as a Wave file, but they must maintain a copy in the original format. MAVR recordings for evidentiary purposes must not be altered in any way. All MAVR and vehicle equipped video recordings are to be transferred to the DPS central digital video evidence repository as often as practical, and at least quarterly.

D. *Frequency of MAVR downloads.* All MAVR and vehicle equipped video recordings shall be securely downloaded on the quickest frequency possible as determined by the Detachment Commander or post supervisor. The frequency of downloads shall be determined by the geographical location, access to download stations for DPS MAVR devices and uninterrupted access to an approved storage device. DPS recognizes there are circumstances that may not allow an officer access to a DPS MAVR download site such as remote calls for service, delays in

travel or incidents requiring service beyond a scheduled shift. Downloads shall occur as soon as possible but no later than at the end of the duty week.

E. Categorization/Tagging and Digital File Name. Many MAVRs automatically capture metadata such as date, time, officer, vehicle, etc. while allowing for categorization/tagging or naming after the fact, either through the device or in a digital evidence management system.

For consistency, digital recording files not captured with a device capable of categorizing/tagging or naming, either through the device or digital evidence management system, will manually name each file in the following format:

Incident # [or date if none] - PERM ID- identification info

For example, [AK1506000-XYZ0-suspect contact] or [08152015-XYZ0-911 call]

All MAVR recordings shall be named and/or categorized/tagged before the end of their shift. If the employee is not able to name and/or categorize/tag MAVR recordings (i.e. injury, absence, etc.), the member's supervisor should assign that task so tagging is completed without unnecessary delay.

F. Officer access. Officers shall have access to their recordings in the DPS approved storage repository to copy recordings for completion of incident reports, investigations, evidentiary discovery to the Department of Law and to prepare for court testimony. Officers may have access to another officer's recording if the recording captured that officer's audio or video of the officer's actions during an incident, and the incident is not a deadly use of force incident. No officer shall access another officer's recordings unless the recordings are provided for investigations or court testimony with the exception of FTOs (in the course of their duties during FTEP), supervisors, the chain of command, DPS personnel making use of force reviews, officer involved shooting reviews and BlueTeam complaints, and DPS personnel processing public records requests. In the event the video captures content as described in 241.320.R, the employee shall notify their direct supervisor of the recording for the Detachment Commander to determine redaction and/or access control to the video.

FTOs, supervisors, and the chain of command shall only review MAVR recordings that exist for any officers when the recordings are determined to have captured information specific to the following circumstances:

1. When investigating a complaint of alleged misconduct;
2. When reviewing a use of force;
3. To address specific employee performance issues;
4. To ensure the equipment is operating properly;
5. To review reports of meritorious conduct;
6. At the request of an officer who was wearing a MAVR device;

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7. To identify recordings that would be a beneficial training tool and as a method to identify areas for improvement and recognize good behavior, provided that these recordings shall be used for training only;
8. To review work of subordinate employees as required by the department's OPM manual (OPM 11.310 General Responsibilities of Supervision). Until the department is able to procure automated random sampling software, Command staff at Headquarters may pull random samplings using MAVR serial numbers using a random number generator for review on a monthly basis. MAVR users shall be notified if their serial number was selected for review. This paragraph addresses review of body worn cameras specifically.

Supervisors and FTOs must notify the employee upon randomly reviewing an employee's MAVR recordings. Inadvertent discovery of misconduct during these permitted reviews shall require the supervisor to articulate the purpose of expanding the scope of their review.

G. Access audits. Access is to be audited periodically to ensure that only authorized users are accessing the recordings.

241.350 RETENTION SCHEDULE

A. Recording classification. In addition to the State of Alaska Records Retention and Disposition Schedule, the following retention schedule was created for body-worn camera and vehicle equipped video recordings to balance both the need to retain relevant evidence as long as necessary with limited state resources including storage capacity and staffing. Inadvertent or innocuous recordings in 241.320.R. shall be retained based on the classification of the relevant recording content.

Recordings are to be classified as 1) criminal evidence, 2) civil evidence, 3) violation evidence, or 4) non-evidence.

1. Criminal evidence recordings are those that, because of their nature, are of evidentiary value in criminal investigations and potential criminal prosecutions. Criminal evidence recordings are to be retained for as long as necessary, in light of applicable statutes of limitation, open/closed file status, Department of Law recommendations, court orders, and DPS policies.
2. Civil evidence recordings are those that, because of their nature (i.e. reportable use of force incident), are of evidentiary value in investigations that reasonably could lead to making a claim or filing a lawsuit against the State of Alaska or its employees, including DPS employees, or those involving non-state third parties who have requested that DPS preserve the evidence for litigation. Civil evidence recordings are to be retained for a period of 26 months or until the pending civil litigation is fully resolved, whichever is longer.
3. Violation evidence recordings are those that, because of their nature, are of evidentiary value in instances that resulted in the issuance of non-criminal violation charges/citations. Violation evidence recordings are to be retained for a period of 26 months.

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4. Non-evidence recordings are those, because of their nature, are of no inherent evidentiary value, but nonetheless were made to document citizen contacts. Examples of non-evidence recordings are (1) traffic stops or field contacts where no citation or warning was issued; (2) contacts with citizens to provide routine assistance; and (3) unfounded complaints that result in a “non-reportable” ARMS incidents. Non-evidence files are to be retained for a period of 90 days unless specially marked for a longer retention period. Examples of recordings that should be marked for a longer retention period include contentious citizen contacts and citizen contacts that reasonably can be anticipated will result in a complaint regarding DPS employee conduct. Recordings specially marked for extended retention will be retained for the specified time period or a period of 26 months, whichever is shorter in duration.

241.360 POLICY EVALUATION

A. *Periodic review.* DPS committee members will periodically review this policy for any necessary updates to provisions for procedures, public dissemination, storage and access of recordings and the retention of recordings. DPS committee members will review the body-worn camera program periodically for any necessary changes. DPS will provide PSEA any changes to chapter 241 of the OPM and meet to bargain any required subjects of bargaining prior to implementation. It will be the responsibility of PSEA to articulate any issues they deem as a mandatory subject of bargaining.