





**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 (e.g., talking to District Attorney off the record, talking to another trooper, speaking to victim who will only make a statement if not recorded), 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.

**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.

**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 in a timely manner (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.

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- 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.
- P. *Deadly force review.*** A commissioned member involved in a deadly force or other use-of-force incident, whose actions were recorded, shall not be allowed to review the recording(s) prior their formal interview.
- 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.

### 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 may proactively release MAVR recordings associated with officer involved shootings or other critical incidents before an investigation or criminal court proceedings is complete. 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. 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. You may convert a copy of the digital file in another format such as a Wave file, but you must maintain a copy in the original format. MAVR recordings for evidentiary purposes must not be altered in any way. All body-worn camera and vehicle equipped video recordings are to be transferred to the DPS central digital video evidence repository as often as practical, at least quarterly.

**D. Frequency of MAVR downloads.** All body-worn camera 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. Digital File Name.** For consistency, digital recording files will be named in the following format:

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

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

**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. 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 information 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.

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Supervisors and FTOs during their FTEP duties are strongly encouraged to randomly, and regularly, review recordings to:

1. Evaluate employee performance;
2. Ensure the equipment is operating properly;
3. Confirm that commissioned members are using devices appropriately and in accordance with this policy; and
4. Identify any areas in which additional training or guidance is needed to implement this policy

**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.
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)

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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.

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