

CONNECTICUT STATE POLICE AND
MASHANTUCKET PEQUOT GAMING ENTERPRISE
VIDEO/AUDIO TAPE EVIDENCE PROTOCOL

The purpose of this protocol is to define a process for securing and transferring video or audio¹ tapes or other media² to be used in investigations conducted by the Connecticut State Police or in a criminal prosecution in a court of competent jurisdiction. The media referenced herein are maintained by employees of the Mashantucket Pequot Gaming Enterprise Security Department or the Mashantucket Pequot Tribal Surveillance Department at the Mashantucket Pequot Gaming Enterprise property (hereinafter collectively "MPGE"). The MPGE Surveillance and Security operations are conducted pursuant to the Final Mashantucket Gaming Procedures, 56 Fed. Reg. 24996, May 31, 1991, and regulated by both the Mashantucket Pequot Gaming Commission and the National Indian Gaming Commission pursuant to Minimum Internal Control Standards, 25 C.F.R. Part 542.

When MPGE captures an image or language on video or audio tape or other media and such image or language relates to an investigation or criminal prosecution in which the Connecticut State Police and the Mashantucket Pequot Tribe have a mutual interest, the following protocol will be utilized to secure such and transfer such media.

1. As soon as practicable, a State Trooper will review the media with MPGE.
2. If it is determined by the State Trooper that the media contains information that is pertinent to the investigation or prosecution, MPGE will immediately take the original media out of service.
3. The State Trooper will submit a written request delineating specific reasons for the media, via a State Police request form (Attachment A), for a copy of the original media and that the original media be retained by MPGE as evidence.

¹ Tapes of audio recordings are used in limited circumstances, for example in the soft count rooms and the bingo facilities.

² With modern technology, video and audio tapes may be replaced by compact or digital discs. Accordingly the word "media" will be used to refer to any form or format of technology used to capture or replicate the image or language.

4. As soon as possible thereafter, MPGE will produce a VHS copy or other agreed media and release the media to a State Trooper as soon as possible, who shall acknowledge the receipt of the copy by signing an MPGE acknowledgement letter (Attachment B).

The MPGE custodian of the media will sign a Certificate of Authenticity (Attachment C) certifying that the copy is a true and accurate copy of the original media.

5. MPGE will secure and retain the original media as evidence as follows:

a. The original media will be stored in a secure and locked location ("Storage") so as to maintain control of the media and ensure that there is no handling/tampering/altering of the original media;

b. The original media shall be recorded in a log book documenting the following:

- (1) Date and time media was placed INTO Storage;
- (2) Person who placed media into Storage;
- (3) Any person(s) who has had access to Storage (Date/Time/Reason);
- (4) Date, time and reason media was logged OUT of Storage;
- (5) Person who took media from Storage; and
- (6) When requested by the prosecuting attorney of the court of jurisdiction, MPGE will provide the original media to the said court via the State Police, in aid of prosecution of the case under investigation.

6. Upon completion of the investigation or prosecution, the original and copy of the media shall be returned to the MPGE.

This protocol is agreed to by both the Connecticut State Police and Mashantucket Pequot Tribe and the Mashantucket Pequot Gaming Enterprise by the signature of their undersigned representatives.

Lt. Stephen P. Castagliuolo
Commanding Officer, Casino Unit
Connecticut State Police

Date

Patrice H. Kunesh
MPTN-MPGE Legal Counsel

Date

LIST OF ATTACHMENTS

Attachment A – State Police Request Form

Attachment B – MPGE Acknowledgement Letter

Attachment C – Certificate of Authenticity

ATTACHMENT B

[Date]

[Officer]
Connecticut State Police
[Address]

Re: Request for security tape

Dear [Officer]:

This letter shall acknowledge receipt of your [letter or fax] dated [date] wherein you have requested a certain videotape from the Mashantucket Pequot Gaming Enterprise, Department of [Security or Surveillance]. The Mashantucket Pequot Gaming Enterprise, an arm of the Mashantucket Pequot Tribal Nation, is providing the enclosed videotape pursuant to the judicial principle of comity. Provision of the video pursuant to this request shall in no way be deemed a waiver of the Mashantucket Pequot Gaming Enterprise's immunity from suit or consent to further participation in this matter.

Further, it is understood that this videotape may only be used for the purpose of your investigation and/or prosecution.

Please acknowledge your acceptance of the above terms and your receipt of the videotape by signing below.

Very truly yours,

[Responding Department]
[Amondo Sebastian
Director of Security]

Or
[Timothy Bohr
Manager of Surveillance]

Officer []
Connecticut State Police

ATTACHMENT C
CERTIFICATE OF AUTHENTICITY

I hereby confirm and acknowledge the following:

1) I am employed by the Mashantucket Pequot Gaming Enterprise d/b/a Foxwoods Resort Casino ("Gaming Enterprise") as the Director of [Security or Surveillance]. The performance of my duties includes responsibility for maintaining [security or surveillance] records at the Gaming Enterprise.

2) The videotape(s) attached hereto is (are) true and accurate copies of the actual records, made in good faith, and maintained by the Gaming Enterprise.

3) This videotape was created in the ordinary course of business of the Gaming Enterprise. Such videotapes are kept in the ordinary course of the Gaming Enterprise's business.

I certify that the foregoing is true and accurate, to the best of my knowledge and belief.

SIGNED THIS DAY OF , 2002.

[Responding Department – Security or
Surveillance]
Mashantucket Pequot Gaming Enterprise
d/b/a Foxwoods Resort Casino