

SURPRISE POLICE DEPARTMENT

PORTABLE VIDEO MANAGEMENT SYSTEM				OPS-50
DATE ISSUED 07-01-13	DATE EFFECTIVE 08-01-13	REVISE DATE N/A	CALEA STANDARDS MET YES	PAGE 1 of 8

I. PURPOSE

The purpose of this policy is to establish procedures for the Portable Video Management System (PVMS), which includes a portable digital recording device (PDRD) designed to record the audio and video of field activity in the course of official police duties.

II. POLICY

The policy of the Surprise Police Department is to use the PDRD in order to provide documentary evidence that includes, but is not limited to, criminal investigations, civil litigation and allegations of officer misconduct. Members shall utilize this device in accordance with the provisions of this policy in order to maximize the effectiveness of audio/video documentation to achieve operational objectives and protocols and to ensure the integrity of evidence.

III. PROCEDURE

- A. Unauthorized use, duplication and or distribution of PDRD files is prohibited.
- B. Only trained members shall operate PDRD equipment.
- C. Members shall not remove, dismantle or tamper with any hardware/software component or part of the PDRD.
- D. Members will use only PDRD equipment provided by the Surprise Police Department.
- E. All members assigned a PDRD shall activate his/her camera prior to making contact in any of the following incidents:
 - 1. Traffic stops and citizen contacts.
 - 2. Impaired driver investigations.
 - 3. Vehicle pursuits and Failure to Yield incidents.
 - 4. Accident scenes.
 - 5. All calls for service.
 - 6. Transportation of any prisoner(s) or citizens for any reason.
 - 7. All searches (persons, vehicles, structures, probation/parole, etc.).
 - 8. Statements made by subjects, victims, and witnesses.
 - 9. Advising an individual of his/her Miranda rights.
 - 10. During interviews or interrogations.
 - 11. Service of a search or arrest warrant.
 - 12. Any time an officer feels it is appropriate to record.

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- F. Once activated, the recording shall not be intentionally terminated until the conclusion of the incident.
- G. Members are not required to advise or obtain consent from a private person when:
 - 1. In a public place.
 - 2. In a location where there is an expectation of privacy (e.g., inside a building or dwelling) but the officer is lawfully present.
- H. All members assigned a PDRD are prohibited from intentionally activating to record a conversation in any of the following incidents:
 - 1. Members will not intentionally record conversations of fellow employees, with or without their knowledge, during routine, non-enforcement related activities, to include:
 - a. While on breaks.
 - b. Report writing.
 - c. Discussing a case with other members.
 - d. During other administrative functions.
 - e. During general discussions with members.
 - 2. As soon as practical, members will advise other Department members and/or other criminal justice personnel (prosecutors, judges, or other law enforcement personnel) prior to beginning recording using a PDRD.
 - 3. The PDRD will not be activated in places where a reasonable expectation of privacy exists, such as dressing rooms or restrooms.
 - 4. Members shall not record confidential informants or undercover officers.
 - 5. Members will not allow citizens to review the recordings.
 - 6. Members who access, copy or release PDRD recordings for other than official law enforcement purposes are subject to corrective action.
- I. Request for Deletion of Accidental Recording
 - 1. In the event of an accidental activation of the PDRD and the resulting recording is not of investigative or evidentiary value, the member may request that the PDRD file be deleted by submitting a

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memorandum request with sufficient information to locate the PDRD file through the chain of command to their Division Commander who shall review the file, endorse the request and forward to the System Administrator.

- a. The memorandums will be retained by the System Administrator.

IV. RESPONSIBILITIES

A. System Administrator

1. The System Administrator shall be designated by the Chief of Police or designee and shall have oversight responsibilities to include, but not limited to, the following:
 - a. Operation and user administration of the system.
 - b. System evaluation.
 - c. Training.
 - d. Policy and procedure review and evaluation.
 - e. Coordination regarding system related issues.
 - f. Ensure PDRD files are secured and maintained in accordance with public records retention guidelines.
 - g. Ensure PDRD files are reviewed and released in accordance with federal, state, local statutes and Department policy ADM-31, Records Management and Accountability.

B. Members utilizing the PDRD shall be responsible for the following:

1. Ensuring the battery is fully charged and operating properly at the beginning of their shift.
2. Monitoring system effectiveness.
3. Working with the System Administrator to assess the system's effectiveness and to make recommendations for operational improvements and revisions to policy and procedure.
4. Documenting every use of a PDRD on one of the following:
 - a. Appropriate Incident/Accident Report.
 - b. A notation on a citation.
 - c. On the arrest report or juvenile record.

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- d. On a field interview card.
 - e. Spillman call notes attached to an incident, (e.g., self-initiated activity).
 - f. Any accidental activations should be handled as outlined in Section III.I.1
- 5. Members are responsible for the proper care of all Department property and/or equipment assigned to them.
 - 6. Members will immediately report any loss of, or damage to, any part of the PDRD equipment to their System Administrator through the chain of command.

V. OPERATING THE PDRD

- A. Members shall test PDRD equipment prior to going into service to ensure the unit is properly charged (steady green light).
- B. Members shall appropriately position the camera on their uniform or equipment to facilitate the recording.
- C. Manual activation is required to activate the PDRD.
- D. Members shall upload PDRD data files no later than at the end of each shift at an upload/charging docking station:
 - 1. To ensure storage capacity is not exceeded.
 - 2. To view uploaded audio/video.
- E. Once the data is uploaded in its entirety, members will tag the segments of evidentiary value and label each with the assigned incident number in accordance with the protocol for data storage software.

VI. OFFICER, SUPERVISORY AND INVESTIGATORY REVIEW OF PDRD

- A. Once uploaded to the server, members may view their own audio/video data (e.g., to verify an identification, a vehicle license number or to review an incident for statement accuracy) at a Department desktop computer by logging onto the server.
- B. Commanders/supervisors conducting internal investigations, PSU staff conducting audits, active Field Training Officers and the FTO Coordinator may view PDRD files when performing official duties (e.g., to investigate allegations of misconduct or evaluate the performance of a subordinate).
- C. Each and every time a member reviews a PDRD file, the employee shall

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document the specific reason for accessing the file on the video file page in the “add notes” field prior to viewing. Any exceptions will be approved by the Chief of Police.

VII. PDRD FILE REQUESTS

A. Departmental Requests

1. To make a Department request (to include requests from the County Attorney’s Office, Office of the City Attorney and the Disciplinary Advisory Board) for a PDRD file, the requester shall forward a written request via email, with sufficient information to locate the PDRD file to the System Administrator.

B. Non-Departmental Requests

1. All other requests for a PDRD file shall be accepted and processed in accordance with the provisions of the Arizona Public Records Law.
2. A request for a PDRD file from the Public Defender’s Office or in a civil action shall require going through discovery from the County/City Attorney, a subpoena or a public records request.

C. Retention and Public Release

1. All PDRD recordings captured using Department equipment shall be the property of the Surprise Police Department and be considered a record of the Surprise Police Department.
2. The release of information requested through a public records request will be subject to the same statutory exemptions from disclosure as any other Department records.
3. Recordings not attached to a case or investigation will be purged per schedule determined by Department policy adopted pursuant to Arizona records retention laws.
4. Prior to releasing any PDRD recordings, members will ensure proper redaction is completed. Members will coordinate the necessary redaction through the System Administrator.
 - a. Members will ensure all non-involved parties are redacted from the PDRD file prior to any public records release.

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- b. Redaction is not necessary for PDRD files provided as evidence to the courts.

D. Copying Procedures

1. A copy of the PDRD file can be made by members requiring a PDRD file as evidence in Traffic/Superior Court. Members shall:
 - a. Enter the PDRD media into evidence with the court.
 - b. Return the PDRD media to Property and Evidence for destruction upon completion of the case.

E. Investigators Conducting Criminal or Internal Investigations shall:

1. Advise the System Administrator to restrict disclosure of the PDRD file when necessary.
2. Document the reason for access by entering the IR number (criminal) or PSU case number (internal) on the PDRD file "add comment" field prior to viewing.
3. Review the file to determine whether the PDRD file is of evidentiary value and process in accordance with established protocols.
4. The PDRD file may be duplicated to the PSU file as evidence for internal investigations.

F. A PDRD file may be utilized as a training tool for individuals, specific units and the Department as a whole. A recommendation to utilize a PDRD file for such purpose may come from any source.

1. A person who recommends utilizing a PDRD file for training purposes shall submit the recommendation through the chain of command to the Training Unit supervisor.
2. If the Training Unit supervisor sees training value in the video, a recommendation will be made through the chain of command to utilize the video in a training capacity.
3. Upon approval, the Training Unit supervisor will determine how best to utilize the PDRD file considering the identity of the person(s) involved, sensitivity of the incident and the benefit of utilizing the file versus other means (e.g., policy and procedure, training bulletin, officer safety bulletin or in-service training).
4. PDRD files can be used in a training capacity only upon completion

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of all criminal court action. In addition, the City Attorney's office must approve any use of a PDRD file that captures an incident involved in civil litigation.

VIII. REPAIR PROCEDURES

- A. Members shall immediately report any recognized problems with the PDRD to their immediate supervisor.
- B. Upon notification, the supervisor shall contact the System Administrator stating the problem/malfunction and include the assigned member's contact number.

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