	PARADISE VALLEY POLICE GENERAL ORDER **Audio and Visual Recording**	Order Number **41.4** Date **May 29, 2015**

41.4 Deployment and Use of Audio and Visual Recording Equipment

Documentation of an officer's daily encounters with members of the public is an important and valuable resource for law enforcement; it can be expected to promote officer safety, enhance effective prosecution and enhance transparency of the Department's patrol operations and other programs. At the same time, such recording must be done in a manner that respects the public's reasonable privacy expectations.

Use of this technology provides for audio/video ("AV") documentation of a police officer's enforcement and investigative activities from the perspective of the officer's person. Audio or video recordings of enforcement or investigative actions are evidence and are to be treated as such.

The deployment of the audio/video devices is not intended to interfere with normal operations and patrol procedures. Officers will not endanger themselves at any point for the sake of AV device functioning.

All AV files, data and images recorded by the Department are the exclusive property of the Department. Any personal use of audio or video recordings captured is prohibited and shall only be used for Department purposes. Any exception to this policy must have prior written approval by the Chief of Police.

AV systems allow for the accurate documentation of police-citizen contacts, arrest and critical incidents. The systems will also enhance the accuracy of the officer's reports and court room testimony.

The Department recognizes that AV systems alone cannot capture the entire incident that occurred. Therefore, the use of AV systems does not reduce the requirement by officers to provide thorough and timely written documentation of the incident. It is important to emphasize that conclusions about an incident should not be reached until all written and AV data is reviewed.

41.4.1 System Description

The Department will deploy recording devices capable of recording audio only or both audio and video. Such devices may be worn on the body, hand carried, or mounted on equipment or vehicles.

Officers will use only those audio/video recording devices that have been issued by the Department. The wearing or use of personal audio/video recorders is prohibited. Audio-only recording devices must utilize digital media

41.4.2 General Operation

Officers assigned an AV device, excluding standard audio recorders, shall be trained in the system's operation; an officer shall not carry an AV device for which the officer has not received training. Officers shall operate all AV devices in compliance with policies and training.

Prior to utilizing an AV device, the officer shall inspect the device for any physical damage and ensure the device is in working order. Any problems impacting the use of the AV device will be reported to the officer's immediate supervisor. Officers shall begin each shift with adequate recording media for the entire shift assignment.

The supervisor will ensure that any device needing service is reported to the Support Services Lieutenant and PD IT support staff and shall supply the officer with a different device or vehicle, if one is available.

41.4.3 Activation of AV Devices

A. The purpose of an AV device is to document contacts between officers and members of the public, collect evidence that can be used in the prosecution of criminal offenses, allow for supervisory review, and obtain recordings that may assist in Department training

The AV devices used by officers is a body worn camera and in-car AV systems capable of recording both audio and video of the officer's actions from the perspective of the officer's person or vehicle.

Vehicle equipped with in-car cameras may also be assigned to an officer.

The officer shall engage the in-car camera system when required by this policy, even though the

officer is wearing the body worn camera.

Officer shall not be required to activate the AV system when engaged in conversations with individuals with whom the officer is in a “privileged” relationship (e.g. attorney, clergy, etc.)

B. Officers shall activate AV device(s) to record the following event(s). The AV device shall be activated as soon as practical given the circumstances:

1. All law enforcement related contacts, including those involving actual or potential criminal conduct, contacts where the officer believes there is a potential for a citizen complaint, or contacts where the officer believes there is a potential for Town liability or a situation that may cause litigation for the Town within video or audio range and all calls for service, including but not limited to:

a. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
b. Emergency responses
c. Vehicle pursuits
d. Suspicious vehicles
e. Arrests and transports
f. Vehicle searches
g. Requests for consent
h. Physical or verbal confrontations or use of force
i. Investigative detentions
j. Consensual contacts
k. DUI investigations including field sobriety tests
l. Domestic violence calls
m. Statements made by individuals in the course of an investigation or complaint
n. Witness and suspect interviews
o. Advisements of *Miranda* rights
p. Seizure of evidence
q. High Risk entries
r. Warrant service

2. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

3. Any other law enforcement contact where the officer believes that a recording of an incident would be appropriate. In exercising this discretion, officers should be aware of and sensitive to the reasonable privacy expectations of members of the public.

4. AV recording shall not be used for the purpose of intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.

5. Officers conducting interviews or interrogations in designated areas that have equipment designed to record AV for the purpose of documenting the interview or interrogation will not be required to use body worn cameras when the area's AV equipment is activated and working properly.

C. Additional arriving units to a scene will begin recording as soon as practical.

D. Once an AV device is activated it shall remain on and shall not be turned off until the investigative or enforcement contact or incident has concluded. For purposes of this section, conclusion of an incident has occurred when an officer has terminated contact with an individual, cleared the scene of a reported incident, or has completed transport of a civilian or an arrestee. In any instance in which cessation of the recording prior to the conclusion of the incident may be permitted (see subsection E below) the officer shall include in the Department Report of the incident the reason for ceasing the AV recording.

E. Exceptions to activation:

1. There may be circumstances where the respect for an individual's privacy or dignity outweighs the need to record an event (e.g. – a victim traumatized following a violent assault). Where an officer believes such circumstances exist, or that use of video recording would impede or limit the cooperation of a victim or witness during an investigative contact, or when a victim requests not be recorded, an officer may deactivate the recording device. The victim's request, when that occurs, shall be recorded prior to deactivation. When appropriate, officers

may employ an alternative means of operating the AV device, or may use a different AV device (for example, an audio rather than an AV device).

2. Department members shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically for the purpose of documenting a sting, drug purchase/sale or other undercover operation in furtherance of a criminal investigation.

3. When handling calls for service or incidents involving the treatment of individuals at a medical facility, officers may be required to restrict use of AV recorders in accordance with facility privacy protocols. Where facility protocols do not allow for the recording of an event for which recording would otherwise be required, an officer shall document the reasons for the failure to activate the AV recording device.

4. Body worn cameras shall not be used for purpose of conducting departmental administrative investigations, including undercover/plainclothes operations, without the approval of the Chief. This requirement shall not restrict the routine access to or review of AV recordings by supervisors when investigating complaints of misconduct.

5. Officers involved in an incident where serious injury or death occurs, or where an officer involved shooting has occurred, shall not stop the recording. In such circumstances, the recording shall only be stopped at the direction of the first supervisor on-scene or the Incident Commander. The device will be secured by the investigative detail upon their arrival at the scene.

6. Officers may temporarily mute the audio portion of a recording when they are not in contact or conversing with the public when they deem it necessary however, it should be resumed as soon as practicable. The video portion of the video shall not be paused until the incident has concluded.

41.4.4 Documentation

When an AV device is used to record any event, investigation or contact, this fact will be documented on any citation and/or any report prepared regarding the event. When preparing a Department Report, in connection with an investigation or police event, the officer shall indicate that a recording was made.

AV recordings are intended to supplement Departmental reports. Submitted reports are still

required to comprehensively capture the totality of the event, investigation or citizen contact.

41.4.5 Use of AV recordings

A. In general, AV recordings may be used to:

- promote officer safety.
- document statements and events during the course of an incident.
- enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- preserve visual and audio information for use in current and future investigations.
- provide an impartial measurement for self critique and field evaluation during officer training.
- enhance the public trust by preserving factual representations of officer citizen interactions in the form of video and audio recordings.

B. With approval of the Chief of Police or his designee, AV recordings may be used for advanced officer training.

C. Department personnel may generally review their own digital recordings for report writing and/or training purposes. In the event of an officer involved shooting or other critical incident, review of the AV recordings prior to the officer making a statement to investigators will be permitted if the recording is from that officer's body worn camera.

D. An investigator who is designated by the Chief of Police and participating in an official department investigation of a personnel complaint, claims investigation, administrative inquiry, or criminal investigation, may review specific incidents contained on recordings.

E. A supervisor may review a specific incident contained on a recording for the purpose of

training, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulable reason.

41.4.6 Limitations on use

A. The recording devices are intended to document contact with citizens and enforcement action. The devices are not intended to document contact between department members, although some such recording may be unavoidable. In no event may Department recording devices be used for personal use.

B. Department employees shall not make surreptitious recordings of conversations with other Department employees unless previously approved by the Chief of Police. An AV device, whether or not Department issued, will not be activated for the purpose of recording conversation(s) of fellow employees with or without their knowledge during routine, non-enforcement related activities.

C. Members shall not activate the recording function during the following activities (unless an incident/contact requiring recording occurs):

- While on employee breaks
- While writing a report
- When discussing a case with other members
- During other administrative functions
- During general discussions with other members

D. An AV device shall not be activated in places where a high level of privacy is expected, such as locker/dressing rooms or restrooms, unless exigent circumstances necessitate activation.

E. Citizens may review the recordings only with the specific approval of a supervisor. Any such viewing shall be documented in a Department Report.

F. Accessing, viewing, copying, or releasing an AV recording for other than official law enforcement purposes is strictly prohibited. Employees shall not erase, alter, reuse, modify, destroy, abuse, or tamper with AV recordings or devices.

G. In no event shall any recording be used or shown for the purpose of officer ridicule or

embarrassment. This includes submission of any portion of a video recording to a media organization, unless previously authorized by the Chief of Police.

H. Any release of an audio and/or video will be pursuant to and follow the procedures for a public records request, discovery, or other lawful mandate.

41.4.7 Retention of recordings

All AV recordings are potentially evidence and shall be handled as such. At minimum, officers shall download the data from their AV device at the end of their shift. Once data is uploaded into the system in its entirety, officers will tag the files of evidentiary value with the case number.

41.4.8 AV Recordings Management

A. Department Program Administrator

The Administrative Lieutenant shall maintain oversight of the AV recording equipment selection, acquisition, implementation, and any systems related to its use. The Administrative Lieutenant shall maintain all records and information related to the AV program, and shall act as a liaison for any issues.

B. Record retention and deletion

1. Recordings not attached to a case or investigation will be purged after 12 months. An AV recording that is related to a case or investigation, or which has been designated for retention by a command level officer, shall be maintained until permission to destroy it has been received from the appropriate prosecution agency or command level officer. Recording retention shall comply with existing state record retention laws and evidence retention protocols.

2. In the event of an unintentional activation of AV recording equipment during non-enforcement or non-investigative activities (e.g. - restroom or meal break, other areas where reasonable expectation of employee privacy exists) a department member may request recording deletion. A written request detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the member's commander. If approved, the actual deletion requires two-party authorization. One of those parties will be the member's immediate supervisor; the other will be the Administrative Lieutenant. The deleted record shall be removed

from the general database of recordings, downloaded to other media and stored separately by the Administrative Lieutenant. All records related to any request for the deletion shall be maintained by the Administrative Lieutenant. Such recording shall be destroyed as provided in the general destruction protocol.

41.4.9 Public Record Requests

AV recordings captured as part of a Department employee's duties shall be the property of the Police Department and shall be considered a record of the Police Department. Such recordings may be subject to public records requests. Prior to releasing any AV recordings, the Department will ensure all State laws are observed and proper redaction is completed. In some cases, the Town Attorney or the Maricopa County Attorney's Office may be consulted prior to release.

Any questions relating to redaction shall be directed to the Support Services Lieutenant.