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## PORTABLE AUDIO/VIDEO RECORDERS

### 702.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Audio Video Procedure policies).

#### 702.1.1 DEFINITIONS

Definitions related to this policy include:

**Portable recorder** - Any compact device used for the recording of audio or audio and video data.

### 702.2 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

#### 702.2.1 RECORDING OF COMMUNICATIONS

Officers may use a recorder to record wire or oral communications in compliance with a court order (ARS § 13-3012). Upon expiration of the order, the officer designated in the court order shall provide the issuing judge all documents and other information pertaining to the communications pursuant to state law. Intercepted communications shall be maintained in their entirety, without editing or alterations, and shall not be destroyed without a judge's order.

### 702.3 EMERGENCY INTERCEPTION OF COMMUNICATIONS

An officer may conduct an emergency interception of wire or oral communications if (ARS § 13-3015):

- (a) The officer reasonably determines that an emergency situation exists that involves immediate danger of death or serious physical injury to any person and requires a communication be intercepted,

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- (b) Grounds to ultimately obtain a valid warrant exists and the officer has been specially authorized in writing by the attorney general or county attorney to intercept the communication (ARS § 13-3010).

#### **702.4 ACTIVATION OF THE PORTABLE RECORDER**

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media.

##### **702.4.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

Arizona law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (ARS § 13-3012).

Members may surreptitiously record any conversation during the course of an investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not intentionally record confidential informants or undercover officers unless the recording is com

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

##### **702.4.2 CESSATION OF RECORDING**

Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

##### **702.4.3 EXPLOSIVE DEVICE**

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

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### **702.5 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Audio or video recording devices shall not be used in department locker rooms, restrooms or any other place w

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

### **702.6 RETENTION OF RECORDINGS**

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact, complaint), the member should promptly notify a supervisor of the existence of the recording.

#### **702.6.1 RETENTION REQUIREMENTS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule.

### **702.7 DELETION OF UNINTENTIONAL RECORDINGS**

In the event of an unintentional activation of the on-officer video system during non-enforcement or non-investigative activities (i.e. restroom, meal break or other areas where reasonable expectation of privacy exists), an officer may request recording deletion. A memorandum detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the Chief of Police. If approved, the actual deletion requires two-party authorization. One of those parties will be the Chief or their designee; the other will be an on-officer video administrator.

### **702.8 REVIEW OF RECORDINGS**

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.