

Attachment #63

Lake Havasu Police Department- PVRD Policy



**LAKE HAVASU CITY
POLICE DEPARTMENT
GENERAL
ORDER**

Effective Date: 01/01/2011
Revised: 06/24/2011

GO 42.1

SUBJECT: AUDIO-VIDEO RECORDING

42.1.1 BACKGROUND

The Lake Havasu City Police Department is committed to the belief that on-officer video is an important and valuable tool for law enforcement. On-officer video is essentially the progression of moving video documentation of a police officer's investigative and enforcement activities from the patrol car to the officer's person. The use of on-officer video is expected to result in greater transparency for the public, more effective prosecution and improved protection against false allegations of excessive use of force, misconduct or racial profiling.

Some police officers who have recognized the protective function of audio or video recording have voluntarily purchased devices of varying types and made use of them in the field. Audio or video recordings of investigative or enforcement actions are evidence, and subject to rules of disclosure. It is in the best interest of justice that the Department regulates and controls all forms of evidence collection and storage.

42.1.2 DEFINITIONS

- A. Agency Administrator - EVIDENCE.COM system administrator with full access to user rights.
- B. End User - AXON user with individual account access rights to EVIDENCE.COM.
- C. TASER AXON - An On-officer audio/video system consisting of primarily three components: Headcam, ComHub and AXON Tactical Computer.
- D. Headcam- Audio and color video/low light infra-red camera typically mounted on a fitted head bracket. The Headcam unit integrates with the radio earpiece.
- E. ComHub (Communications Hub) - Connects the Headcam, the portable radio and the AXON Tactical Computer. The ComHub consists of a push-to-talk button for radio communications, a single "Event" button used to initiate event recording, user controls for the ATC and a "Privacy" button used to suspend all

audio/video recording capabilities. * The headset, camera, earpiece and ComHub will be maintained by the individual officer to whom they are assigned.

- F. ATC (AXON Tactical Computer) - The ATC connects to the ComHub. It runs on a Linux operating system with touch screen, capable of holding up to eight (8) hours of audio and video media. The 4.3 inch display enables playback and analysis of incident video. The rechargeable battery last for up to 12 hours, depending on usage. Once plugged into the ETM docking station, the ATC will upload digitally encrypted data to the Evidence Transfer Manager (ETM).
- G. ETM (Evidence Transfer Manager) - A server with built-in docking stations physically installed at the command. The ETM simultaneously recharges the ATC while uploading all digitally encrypted data from the device. The ETM then transfers the digitally encrypted data to EVIDENCE.COM.
- H. EVIDENCE.COM - Online Web-based digital media storage facility accessed at <https://prod.evidence.com>. The virtual warehouse stores digitally encrypted data in a highly secure environment accessible to personnel based on security clearance.
- I. Media or Data - includes photographs, audio recordings and video footage. The media is stored digitally.

42.1.3 GENERAL PROCEDURES

- A. Officers are only authorized to audio or video record investigative and/or enforcement activities using departmentally assigned equipment and following the procedures proscribed within this order.
- B. Audio or video recording devices shall not be used in department locker rooms, restrooms or any other place where there would be a reasonable expectation of privacy.
- C. Employees 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.
- D. On-officer video recording devices will only be used for department administrative investigations with the express consent of the Chief of Police.
- E. Whenever an officer believes that a recorded contact may lead to a citizen complaint, he/she should bring the recording to the attention of his/her supervisor as soon as possible. If no crime report or supplementary report is being prepared, details of the contact will be documented via information report or memorandum.
- F. Members will not make surreptitious recordings of conversations with other department members except when necessary in the course of a criminal

investigation or for department administrative investigations with the express consent of the Chief of Police.

42.1.4 AXON/EVIDENCE.COM-SPECIFIC PROCEDURES

- A. Officers will inspect the AXON Tactical Computer (ATC) for any physical damage and to ensure the device is in working order at the beginning of the shift. Software updates and systems checks are performed automatically during the download process in the ETM. The unit will be turned on and inspected to ensure the display and all indicator lights are functioning. Any problems with the ATC will be reported to the AXON Coordinator as soon as practical.
- B. The AXON shall be worn at all times that the officer may become involved in an enforcement situation.
- C. The AXON shall be utilized during all investigative or enforcement contacts. (I.e.: pedestrian and vehicle stops, consensual encounters, calls for service, on-view events).
- D. Officers shall place the AXON in the Event Mode as soon as practical during a given situation.
- E. Once in the Event Mode, officers shall continue to record until the completion of the event, or they have left the scene (this includes recording of statements).
- F. Additional arriving units to a scene shall place their AXON in the event mode as soon as practical, and continue to record until the completion of the event, or they have left the scene (this includes recording of statements).
- G. AXON systems will be assigned with priority given to each of the primary patrol shifts based on quantity of operational units in the department's inventory.

42.1.5 AXON MEDIA STORAGE

- A. The AXON will be placed in the Evidence Transfer Machine (ETM) at the end of shift for charging and uploading
- B. The media captured via the AXON will only be uploaded to EVIDENCE.COM.
- C. Each event must be categorized according to event type so that proper retention periods will be applied.
- D. Video and audio captured via the AXON will be used for official purposes only.
- E. Officers may use media captured via the AXON to assist with the investigation.
- F. Officers may use media captured via the AXON to complete reports.
- G. Officers may use media captured via the AXON for training purposes, with proper authorization from the investigative unit assigned the case.

Exceptions: Field Training Officers may use media captured via the AXON to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR).

42.1.6 REPORTING

- A. The use of the AXON will be recorded in all incident reports and in the notes on all citations.
- B. All digital media captured using the AXON will be considered property of LHCPD. Accessing, copying or releasing any media for other than official law enforcement purposes is strictly prohibited and subject to discipline.

42.1.7 DELETION OF UNINTENTIONAL RECORDINGS

- A. In the event of an unintentional activation of the AXON system during non-enforcement or non-investigative activities, IE: restroom or meal break, other areas where reasonable expectation of privacy exists; officers 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 agency AXON/EVIDENCE.COM Administrator.

42.1.8 CRIMINAL JUSTICE SYSTEM: DISCLOSURE PROCEDURES*

- A. *Some of the functionality of EVIDENCE.COM has not been made available in pre-release versions of the software. Specifically, case-specific access permissions are not user-definable to an acceptable level of security. Once this functionality is in place it is expected that disclosure can and should be via case-specific granting of user permissions to prosecutors and defense attorneys. Until then, recordings will be downloaded to DVD or other media and physically provided to appropriate disclosure recipients.
- B. Recordings that contain audio or video of legitimate confidential nature will be redacted or excluded from downloaded copies of the original data file in EVIDENCE.COM. The original data file will remain complete and cannot be manipulated by system administrators or users. Following arrest or initiation of prosecution for felony or misdemeanor crimes, either the arresting officer, detective or, (for follow up disclosure requests) system administrator, will download a segmented copy of the original data file from EVIDENCE.COM. Markers will be created to identify redacted sections and will include a brief description of the reason the information is excluded. The redacted video file and marker descriptions will then be written to DVD or other portable media and provided to the prosecuting attorney. Upon release to Defense, challenges to redacted information will be handled via a two step process:

Step One – Defense communicates their intent to challenge and legal justification(s) to the prosecuting attorney in writing.

Step Two – If the prosecuting attorney agrees that the challenge is justified, the section may be released following consultation with the law enforcement agency head or designee. If the prosecuting attorney disagrees with the justification for the challenge and/or if the law enforcement agency head requests further review, the prosecuting attorney will advise Defense that a motion for an In Camera Hearing before a judge of appropriate jurisdiction will be required if Defense wishes to challenge the redaction further.

- C. Examples of legitimate confidential information include, but are not limited to; confidential informants or undercover officers revealed; tactical plans discussed; audible or visible information from investigative criminal history checks or criminal intelligence files; victim/witness personal identifiers, addresses, phones, etc.

42.1.9 PUBLIC RECORDS REQUESTS

- A. Pursuant to Arizona Public Records statutes and the Privacy and Security Act, it is the goal of this policy to support and promote openness in government by releasing non-confidential video recordings to the public upon request. The policy must also ensure that the privacy of victims, witnesses and suspects is maintained whenever possible. This policy will not affect the release of recordings pursuant to a court order or subpoena.

- B. Recordings that are not part of an ongoing investigation or non-commercial use may be charged for according to city policy.
- C. Recordings that contain legitimate confidential information as described in section IX.2 above will be redacted in the same manner. Challenges to redactions pursuant to public records requests shall be referred to the City Attorney's Office.