

Use of Portable Recorders

450.1 PURPOSE AND SCOPE

The Peoria Police Department has provided each of its sworn members with access to portable recorders for use while on-duty. These recorders are intended to assist officers in the performance of their duties by providing an unbiased record of a contact.

450.1.1 DEFINITIONS

Definitions related to this policy include:

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

450.2 UNIFORMED OFFICER RESPONSIBILITIES

Prior to going into service, each uniformed officer will be responsible for making sure that he/she is equipped with a Department-issued portable recorder in good working order.

Each officer shall be responsible for maintaining his/her own recordings until the media is either full or placed into evidence/safekeeping.

450.3 NON-UNIFORMED OFFICER RESPONSIBILITIES

Any officer assigned to non-uniformed positions may carry a Department-issued portable recorder at any time the officer believes that such a device may be beneficial to the situation.

Each officer shall be responsible for maintaining his/her own recordings until the media is either full or placed into evidence/safekeeping.

450.4 ACTIVATION OF THE PORTABLE RECORDER

Members of the Department are encouraged to activate their recorders any time the member reasonably believes a recording of an on-duty contact with a member of the public may be of future benefit.

- At no time should a member jeopardize his/her safety in order to activate a recorder or change the recording media.
- Members of the Department are prohibited from utilizing Department recorders and recording media for personal use.
- No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or during a criminal investigation when authorized by the Chief of Police or designee.

Custodial interrogations shall be recorded, see the Investigation and Prosecution Policy for detail.

450.4.1 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

Peoria Police Department

Policy Manual

Use of Portable Recorders

in their entirety, without editing or alterations, and shall not be destroyed without a judge's order.

450.5 EMERGENCY INTERCEPTION OF COMMUNICATIONS

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

- 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,
- 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).

450.5.1 SURREPTITIOUS USE OF THE AUDIO 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 of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.

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

450.6 RETENTION OF RECORDING MEDIA

At any time that an officer records any portion of a contact which he/she reasonably believes constitutes evidence in a criminal case, other than an interception of communications as identified in this Policy, the officer shall record the related case number and book the recording media into evidence or download the file in accordance with current procedure for storing digital files.

Recording media placed into evidence shall be retained through the final disposition of the related criminal case.

450.6.1 NON-CRIMINAL MATTER

At any time that an officer reasonably believes a recorded contact may be of benefit in a non-criminal matter (e.g., a hostile contact), the officer may book the recording media into safekeeping or download the file in accordance with current procedure for storing digital files.

- Under such circumstances, the officer shall notify a supervisor of the existence of the recording as soon as reasonably practicable.
- Recording media that has been placed into safekeeping shall be retained for a period of time no less than required by this department's records retention schedule.

Once any recording medium has been filled, the officer shall place it into safekeeping or download the file in accordance with current procedure for storing digital files. It shall be retained for a period of no less than 180 days or the period dictated by this department's records retention schedule, whichever is longer.

Peoria Police Department

Policy Manual

Use of Portable Recorders

450.7 REVIEW OF RECORDED MEDIA FILES

Recorded files may be reviewed in any of the following situations: By a supervisor investigating a specific act of officer conduct.

- By a supervisor investigating a specific act of officer conduct.
- Upon approval by a supervisor, any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- By the person who originally recorded the incident.
- Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- By the media with permission of the Chief of Police or a designee.
- In compliance with a proper public records request unless an authorized exception exists

450.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

450.8 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Records Release and Security Policy or for other authorized legitimate department business purposes.

450.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, 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, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- By media personnel with permission of the Chief of Police or the authorized designee.
- In compliance with a public records request, if permitted, and in accordance with the Records Release and Security Policy.