

SURPRISE POLICE DEPARTMENT

PORTABLE VIDEO MANAGEMENT SYSTEM				OPS-50
DATE EFFECTIVE 08-01-13	LAST REVISED DATE N/A	NEW REVISED DATE 03-12-15	CALEA STANDARDS MET YES	PAGE 1 of 10

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. Officers 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. PHILOSOPHY

Portable Digital Recording Devices (PDRD) is intended to capture unbiased accounts of police and citizen interactions. Audio and video recordings will provide officers with the ability to review incidents prior to completing Department reports, document the collection of evidence, enhance officer training, prevent and resolve complaints brought by the public and strengthen police transparency, performance and accountability.

IV. GENERAL CONSIDERATIONS

- A. Video footage obtained from the PDRD may not depict everything in an officer's field of vision at the time of an incident. Additionally, everything depicted on video footage may not have been seen by the officer at the time of the incident.
- B. Digital evidence captured by the PDRD is not all inclusive. The system captures a less broad and less detailed image than the totality of the human senses. An officer's recollection of specific details may be different than what is captured in digital evidence. Officers should review digital evidence prior to completing reports when necessary to ensure accuracy. Officers shall review digital evidence prior to providing testimony at hearings, trial or depositions.
- C. Officer safety takes precedence over recording events and shall be the primary consideration when contacting citizens or conducting vehicle

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stops.

- D. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this policy is strictly prohibited. Public release of digital evidence is prohibited unless approved by the Chief of Police or designee.
- E. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a personal recording device such as a video camera, cell phone or other device to record or capture digital evidence from a PDRD is strictly prohibited.
- F. Officers shall not use the PDRD in place of digital photographs for evidentiary purposes (e.g., a traffic accident, crime scene, etc.).
- G. Officers shall prepare thorough and detailed incident reports. "Refer to video" or similar language shall not be utilized as a substitute.
- H. Not all situations can be identified as to when officers should or should not record; therefore, an officer's good judgment must always be used in addition to policy.

V. PROCEDURE

- A. Unauthorized use, duplication and or distribution of PDRD files are prohibited.
- B. Only trained officers shall operate PDRD equipment.
- C. Officers shall not remove, dismantle or tamper with any hardware/software component or part of the PDRD.
- D. Officers will use only PDRD equipment provided by the Surprise Police Department.
- E. All officers assigned a PDRD shall activate the device to record all contacts with citizens in the performance of their official duties (e.g., calls for service, traffic incidents, etc.). Officers shall also activate their PDRD during emergency or pursuit operations. Officers are reminded to turn on the PDRD prior to arrival or start of contact (e.g., when observing a violation or upon arrival at a call) to record the event in its entirety.
- F. Once activated, the recording shall not be intentionally terminated until the conclusion of the incident.

1. Recording Exceptions

- a. Activating the PDRD in the midst of a dynamic event (e.g., pursuit) will only be expected if/when it can be done safely.
- b. If during the course of an investigation an officer needs to

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meet with a supervisor or other officer to discuss investigatory strategies outside the presence of those citizens involved in the incident, the camera may be turned off. Prior to turning the camera off a comment should be recorded explaining that the camera will be turned off for this purpose. Once the discussion is complete and the officer is back with the citizen, the camera will be turned back on.

b. Officers shall not record confidential informants or undercover officers.

- G. While working off-duty assignments within the City of Surprise, officers who have been assigned a PDRD are not required, but are strongly encouraged, to wear and utilize the device in accordance with the provisions of this policy. Any time spent obtaining or returning the device to the Department is not compensable time.
- H. Officers will not allow citizens to review the recordings.
- I. Officers shall not access, copy or release PDRD recordings for other than official law enforcement purposes.
- J. The PDRD will not be activated in places where a reasonable expectation of privacy exists, such as dressing rooms or restrooms.
- K. Officers are not required to 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.
- L. Officers shall advise citizens they are being recorded, when practical, as a means to de-escalate contacts with community members and provide an accurate account of events.
1. Consensual contacts (e.g., 713s) do not require an admonition to the citizen that they are being recorded; officers may do so at their discretion.
- M. Personal Conversation Recording Prohibitions
1. Officers will not intentionally record conversations of fellow members, with or without their knowledge, during routine, non-enforcement related activities, to include:

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- a. While on breaks.
- b. During 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, officers will advise other Department members and/or other City employees, criminal justice personnel (prosecutors, judges, or other law enforcement personnel) prior to beginning recording using a PDRD.

N. 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, officers may request that the PDRD file be deleted by submitting a 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.

VI. 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.

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- 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. Officers 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. Working with the System Administrator to assess the system's effectiveness and to make recommendations for operational improvements and revisions to policy and procedure.
3. Documenting every use or non-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.
 - d. On a field interview card.
 - e. Spillman call notes attached to an incident, (e.g., self-initiated activity).
 - f. Any accidental activation should be handled as outlined in Section IV.M.
4. Proper care of all Department property and/or equipment assigned to them in accordance with ADM-42 Inventory/Control of Department Issued Property.
5. Immediately reporting any loss of, or damage to, any part of the PDRD equipment to the System Administrator through the chain of command.

VII. OPERATING THE PDRD

- A. Officers shall test PDRD equipment prior to going into service to ensure the unit is properly charged (steady green light).
- B. Officers shall appropriately position the camera on their uniform or equipment to facilitate the recording.
- C. Manual activation is required to activate the PDRD.
- D. Officers shall upload PDRD data files no later than at the end of each shift at an upload/charging docking station:

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1. To ensure storage capacity is not exceeded, and
2. To view uploaded audio/video.

E. Once the data is uploaded in its entirety, officers will tag the segments of evidentiary value and label each with the assigned incident number in accordance with the protocol for data storage software.

1. It is recommended that officers periodically tag and categorize audio/video files throughout their shift to ensure the device is working correctly.

VIII. OFFICER, SUPERVISORY AND INVESTIGATORY REVIEW OF PDRD

- A. Once uploaded to the server, officers 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). The Department may also conduct reviews of PDRD data as part of an overall quality assurance program to identify training needs, recognize exceptional performance and ensure compliance with Department policy.
- C. Each and every time a member reviews a PDRD file, the member shall 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.

IX. PDRD FILE REQUESTS

- A. Department 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-Department Requests

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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 record.
3. All PDRD recordings shall be retained in accordance with Arizona records retention laws and shall be categorized in the database in the following categories:

01: No action taken, training	90 days
02: Traffic stops, field interview, detention	1 year
03: Pursuits	2 years
04: Use of force	2 years
05: Internal affairs records	Until manually deleted
06: Criminal investigation – misdemeanor	3 years
07: Criminal investigation – felony	10 years
08: Homicide or felony sex offense	Until manually deleted
09: Critical incident	2 years
Uncategorized	Until manually deleted
Pending review	Until manually deleted
Unmatched	Until manually deleted

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

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D. Copying Procedures

1. A copy of the PDRD file can be made by members requiring a PDRD file as evidence in City/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 of all criminal court action. In addition, the City Attorney's office must approve any use of a PDRD file that captures an incident

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involved in civil litigation.

X. REPAIR PROCEDURES

- A. Officers 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 officer's contact number.

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