

USE OF AUDIO/VIDEO RECORDERS

425.1 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.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see Mobile Audio Video Policy #446).

425.1.1 TASER AXON FLEX PORTABLE RECORDER

This policy is for the use of TASER Axon Flex portable recorder. The use of microphones and recording equipment is further described in Mobile Audio and Video Use #446

425.2 POLICY

The Wentzville Police Department will provide members with access to portable recorders and the TASER Axon Flex, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

425.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and will not be considered private, regardless of whether those recordings were made with department-issued equipment or not.

425.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a TASER Axon Flex recorder, issued by the Department, and that the recorder is in good working order. Each uniformed officer will inspect the TASER Axon Flex to ensure that there is no physical damage to the unit and that it powers on correctly. Uniformed officers will have the following mounting options.

- (a) Wearing the recorder on the collar using the collar mount provided by the Department.
- (b) Uniformed officers are allowed to mount the TASER Axon Flex recorder on eye glass frames using a Department provided mount. The above described methods of deployment of the TASER Axon Flex are the only approved manner the TASER Axon Flex will be worn unless otherwise authorized by Command Staff.
- (c) Wearing the Taser Axon Head Mount

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

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When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Each member is responsible to maintain custody and control of their assigned TASER Axon Flex recorder and to report any malfunctions or damage to their supervisor as soon as reasonably possible.

425.5 ACTIVATION OF THE TASER AXON FLEX RECORDER

Members WILL activate the TASER Axon Flex recorder during all enforcement stops and field interview situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends.

At no time is a member expected to jeopardize his/her safety in order to activate a TASER Axon Flex recorder. However, the TASER Axon Flex recorder should be activated in required situations as soon as practicable.

Some examples of when the TASER Axon Flex recorder will be deployed are as follows: pedestrian and vehicle stops, consensual encounters, calls for service, and on view events.

425.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER AND THE TASER AXON FLEX RECORDER

Missouri law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (§ 542.402, RSMo). 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.

NOTE: Members of the Department should always be cognizant of the fact that all encounters are being recorded. That recording will include their conversations and actions. Members of the Department are heretofore notified that all recordings of any officer made during contact with the public may be used by the Administration of this Department for any purpose.

425.6 PROHIBITED USE OF THE TASER AXON FLEX RECORDER AND OTHER RECORDING DEVICES

Members are prohibited from using department-issued TASER Axon Flex recorder for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized

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legitimate department business purposes. All such recordings made by the TASER Axon Flex recorder shall be retained at Evidence.com. Recordings made with other equipment will be downloaded, copied and entered into evidence in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. 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.

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

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

425.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact, using the TASER Axon Flex Recorder, that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and document the existence of the recording in the related case report. All recordings recovered using the TASER Axon Flex Recorder will be downloaded and stored at Evidence.com.

Each member will capture the following information and log it into Evidence.com:

- Members will place the report number of the incident in the CASE IDENTIFICATION FIELD.
- Members will place the incident classification in the CATEGORY FILED.
- Members will place the location of the incident in the PLACE AND LOCATION FIELD.
- Members may place any case notes in the NOTES FIELD

Any time a member records any portion of a contact, using other recording devices, that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy 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), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

SUPERVISORS will copy and attach any recordings that are made during a *Use of Force incident* to the *Use of Force report* before that report is forwarded up the chain of command. Supervisors will review all documents (i.e. the incident report and the use of force report) against the information recovered from the TASER Axon Flex recorder to determine if inconsistencies between the reports

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and the video files exist. Should a supervisor notice a trend in inconsistencies, that supervisor will immediately make notification up the Chain of Command.

425.7.1 RETENTION REQUIREMENTS

Upon completion of shift, all officers will secure their TASER Axon Flex in the ETM docking station. Each officer will be responsible for viewing and marking pertinent data on all video that they generate prior to their assigned days off unless exigent circumstances exist and a supervisor authorizes a deviation from this order.

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 60 days.

425.8 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.

425.9 REVIEW OF RECORDED MEDIA FILES

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

Supervisors are authorized to and will 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. Supervisors will use recordings captured by the Taser Axon Flex recorder as documentation of positive and negative employee conduct as it relates to evaluations, commendations and disciplinary actions.

Recorded files may also be reviewed:

- (a) 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.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Release and Security Policy.