

PORTABLE VIDEO MANAGEMENT  
SYSTEM

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## I. Policy

The Yavapai-Apache Police Department ~~is to~~ will use the Portable Digital Recording Device (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.

## II. Philosophy

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

## III. 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 ~~of~~ the totality of the human sense. 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 the recording ~~of events~~ and shall be the primary consideration when contacting citizens or conducting vehicle stops.
- D. Accessing, copying, forwarding or releasing any digital evidence for other than law enforcement use ~~is~~ contrary to this policy is strictly prohibited.

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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 devices to record or capture digital evidence from a PDRD is strictly prohibited.~~
- F. Officers shall prepare thorough and detailed incident reports. There shall be no substitute such as the language “refer to video” in the officer’s reports.
- G. 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.

**IV. 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 **unless**, authorized **by** their immediate supervisor.
- D. Officers will use only PDRD equipment provided by the Yavapai-Apache Police Department.
- E. All officers assigned to 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, **when it is safe to do so**. 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.

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- 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 meet with a supervisor or other officer to discuss investigatory strategies outside the presence of those citizens involved in the accident, the camera may be turned off. Prior to turning the camera off a component 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.
  - c. Officers shall not knowingly record confidential informants or undercover officers.
- G. While working off-duty assignments, officers who have been assigned PDRD shall wear and utilize the device in accordance with the provisions of this policy.
- H. Officers will not allow citizens to review the recordings without **prior supervisory approval**
- 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.

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~~L. Officers shall advise citizens they are being recorded, when practical, as a means to de de-escalate contacts with community members and provide an accurate account of events.~~

- ~~1. Consensual contacts 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 of the department will not intentionally record conversations of fellow members, with or without their knowledge, during routine, non-enforcement related activities, to include:
  - a. While on breaks.
  - b. During report writing.
  - c. Discussing a case with other YAPD employees.
  - d. During other administrative functions.
  - e. During general discussions with YAPD employees
2. As soon as practical, Officers will advise other Department members and or/ YAN Government employees, criminal justice personnel (prosecutors, judges, or other law enforcement personnel) that a recording of the incident has been preserved.

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 through the chain of command to their supervisor who shall review the file, sign the request and forward the request to the PDRD system administrator.

V. Responsibilities

A. ~~Sergeant~~ Systems Administrator

1. The ~~Sergeant~~ Systems Administrator shall be designated by the Chief of Police or designee and shall have oversight responsibilities to include, but not limited to, the following:

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- 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 the PDRD files are secured and maintained in accordance with public records retention guidelines.
- g. Ensure PDRD files are reviewed and released in accordance with federal, state, local, and tribal statutes and Department policy.

B. Officers Responsibilities

1. Ensure the battery is ~~fill~~ fully charged and operating properly at the beginning of their shift.
2. Work with the Sergeant Systems Administrator to assess the systems effectiveness and to make recommendations for operational improvements and revisions to policy and procedure.
3. Document every use or non-use of a PDRD on one of the following:
  - a. Appropriate Incident/Accident Report
  - c. A notation on a citation.
  - 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 "Recording Exceptions section N".
3. ~~Proper care of all Department property and/or equipment~~

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~~assigned to the officer.~~

4. Immediately report any loss of, damage to, any part of the PDRD equipment to the Sergeant Administrator.

**VI. Operating the PDRD**

- A. Officers shall test the 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 any upload/ charging docking station.
  1. To **Ensure** storage capacity is not exceeded and 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 evidence storage.

**VII. Officer, Supervisory and Investigatory Review of the PDRD**

- A. Once uploaded to the server, officers may view their own audio/video data (e.g., to verify and identification, a vehicle license number or to review an incident for statement accuracy) at a department desktop computer by logging into the server.
- B. Supervisors/Sergeants conducting internal investigations, Criminal Investigators, Field Training Officers or other delegated persons may review the PDRD data in order to investigate allegations of misconduct or evaluate the performance of a subordinate.
- C. The YAPD **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 Departmental policy.

**VIII. PDRD File Requests**

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A. Law Enforcement Department Requests

1. To make a department request (to include requests from the Tribal Prosecutors office, County Attorney's Office, Assistant United States Attorney's Office, Federal Bureau of Investigations, Bureau of Indians Affairs) for a PDRD file, the requestor shall forward a written request with sufficient information to locate the PDRD file to the Sergeant System Administrator.

B. Non-Department Requests

1. All other request for a PDRD shall be accepted and processed in accordance with the provisions of the YAPD policies and procedures.
2. A request for a PDRD file from the Public Defender's Office or from a party in a civil action shall be required to go through the discovery process from the Tribal, State or Federal Attorney, in the form of 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 Yavapai-Apache Police Department and be a considered a record of the Yavapai-Apache Police Department.
2. The release of information requested through a public records request will be subject to the same statutory exemptions as any other Department record.
3. Evidentiary evidence received by the PDRD shall be held as evidence at the YAPD indefinitely, unless it is determined at any time to be no longer needed in accordance with the proper jurisdiction that is using the evidence in prosecution.
4. Non evidentiary evidence-

D. Copying Procedures

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1. A Copy of the PDRD file can be made by members requiring a PDRD file as evidence in Tribal/Federal/State Court.
  - a. Provide copies to the appropriate prosecutors for the case.
  - b. Originals will always stay within the storage system set up for the PDRD at the Yavapai-Apache Police Department.

**E. Investigators Conducting Criminal or Internal Investigations**

1. Advise the System Administrator to restrict disclosure of the PDRD when necessary.
2. Document the reason for access by entering the DR or CI case number into the “add comment section” field prior to viewing.
3. The PDRD file may be duplicated for as evidence for internal investigations.

**F. Training uses for the PDRD**

1. A person who recommends utilizing a PDRD file for training shall submit the recommendation through the chain of command to the Training Sergeant.
2. If the Training Sergeant sees the 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 Sergeant 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.
4. PDRD files can be used in a training capacity only upon completion of all criminal court action. In additions the YAN Attorney General’s Office must approve any use of a PDRD file that captures an incident involved in civil litigation.

**IX. Repair Procedures**



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- A. Officers shall immediately report any recognized problems with the PDRD to their immediate supervisor.
- B. Upon notification, the supervisor shall contact the ~~Sergeant~~ **System** administrator stating the problem/malfunction and which officer is requesting the repair.