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## **41.40 Deployment and Use of Audio and Visual Recording Equipment Including Body Worn Cameras**

### **41.40.1 General**

- A. Audio/Video (AV) Documentation of an *officer's* daily encounters with members of the public is an important and valuable resource for law enforcement; it can be expected to promote *officer* safety, enhance effective prosecution and enhance transparency and accountability of the *Department's* operations.


Use of this technology provides for audio/video documentation of a police *officer's* enforcement and investigative activities from the perspective of the *officer's* person.

Audio or video recordings of enforcement or investigative actions are *evidence* and are to be treated as such.

AV recordings allow for additional documentation of police-public contacts, *arrest* and *critical incidents*. They also are intended to enhance *officer's reports* and testimony in court. Video and audio recordings may not depict everything in an officer's field of vision or range of hearing at the time of an incident. Additionally, everything depicted on AV recordings may not have been seen or heard by the officer at the time of the incident.

Information captured by the AV recordings is not all inclusive. These devices capture 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 on an audio or visual recording.

- B. AV recordings enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
- C. The deployment of the audio/video devices is not intended to interfere with normal operations and patrol procedures. *Officers will* not endanger themselves at any point for the sake of AV device functioning.
- D. AV recording must be done in a manner that respects the public's reasonable privacy expectations.

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- E. Audio or video recordings of enforcement or investigative actions are evidence and are to be treated as such. All AV audio, video, data, images and metadata captured, recorded or otherwise produced by the equipment is the exclusive property of the Department and is for official use only.

#### **41.40.2 Policy**

It is the policy of this department that officers shall activate AV equipment when such use is appropriate to the proper performance of official duties, where the recordings are consistent with this policy and the law. This policy does not govern the use of surreptitious AV devices used in undercover operations.

#### **41.40.3 System Description**


The *Department* will deploy recording devices capable of recording audio only or both audio and video. Such devices *may* be worn on the body, hand carried, or mounted on equipment or vehicles.

*Officers* will use only those recording devices approved for use by the *Department*. The wearing or use of personal audio/video recorders is prohibited.

#### **41.40.4 General Operation**

*Officers* assigned an AV device *shall* be trained in the device's operation; an *officer* *shall* not carry an AV device for which the *officer* has not received training. *Officers* *shall* operate all AV devices in compliance with policies and training. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

Prior to utilizing an AV device, and throughout the officer's on-duty time, the *officer* *shall* inspect the device for any physical damage and ensure the device is in working order. Any problems impacting the use of the AV device *will* be reported immediately to the *officer's* supervisor. *Officers* *shall* begin each shift with adequate recording media for the entire shift.

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The *supervisor* will ensure that any device needing service is reported to the Support Services Commander and PD IT support staff and *shall* supply the *officer* with a different device or vehicle, if one is available.

Officers shall wear or carry AV devices as instructed during training on the specific device.

#### **41.40.5 Activation of AV Devices**

- A. The primary function of an AV device is to document contacts between officers and members of the public. The primary AV device that will be used by *officers* is a body worn camera (BWC), capable of recording both audio and video of the *officer's* actions from the perspective of the *officer's* person. If a body worn camera is not available, the officer shall wear or carry an audio recording device, if available.

*Vehicles equipped with in-car cameras may also be assigned to an officer. Whether or not an officer is wearing a body worn camera, the officer shall engage an in-car camera when the event that is occurring may be captured by the camera.*

- B. *Officers shall* activate the AV device, as soon as practicable given the circumstances, to record all contacts with members of the community that occur in the performance of official duties. In situations involving unexpected immediate threats, or similar situations where it is unsafe, officers will only be expected to activate the AV device if/when it can be done safely.
- C. Additional arriving units to a scene will begin recording as soon as practical.
- D. Once an AV device is activated it shall remain on and shall not be turned off until an investigative or enforcement contact or incident has concluded. For purposes of this section, conclusion of an incident has occurred when an officer has terminated contact with an individual, cleared the scene of a reported incident, or has completed transport of a civilian or arrestee. In any instance in which cessation of the recording prior to the conclusion of the incident *may* be permitted (see subsection E below) the *officer shall* include in the *Department report* of the incident the reason for ceasing the AV recording.
- E. 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 incident, officers should use the mute function if practicable, or when





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necessary the camera may be turned off. Prior to using the mute function or turning the camera off a comment should be recorded explaining that the use of the mute function or that the camera will be turned off for this purpose. Once the discussion is complete and the officer is back with the citizen, the mute function will be deactivated or the camera will be turned back on.

**F. Advising members of the public about recording:**

1. Private individuals do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence.
2. When practical, officers should advise subjects they are being recorded. Doing so often acts as a means to de-escalate contacts with community members.
3. If asked by a citizen, officers shall advise they are being recorded.
4. Officers are not required to initiate or cease recording an event, situation, or circumstance solely at the demand of a citizen.
5. Consideration may be given to accommodating a suspect's request or demand to stop recording in return for their cooperation, if/when their cooperation is beneficial to the investigation.

**G. While working off-duty assignments within the Town, officers who have been assigned an AV device are required to wear and utilize the device in accordance with the provisions of this policy.**

#### **41.40.6 Failure to Activate; Exceptions to Activation**

- A. If an officer fails to activate the AV equipment, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
- B. There may be circumstances where the respect for an individual's privacy or dignity outweighs the need to record an event (e.g. – a victim traumatized following a violent assault). Where an officer believes such circumstances exist, or that use of video



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recording would impede or limit the cooperation of a victim or witness during an investigative contact, or when a victim requests not to be recorded, an officer may deactivate the recording device. The victim's request, when it occurs, shall be recorded prior to deactivation. When appropriate, officers may employ an alternative means of operating the AV device (such as in audio only mode), or may use a different device (for example, an audio rather than an AV device).

- C. Department members shall not record known 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. When handling calls for service or incidents involving the treatment of individuals at a medical facility, officers may be required to restrict use of AV recorders in accordance with facility privacy protocols. Where facility protocols do not allow for the recording of an event for which recording would otherwise be required, an officer shall document the reasons for the failure to activate the AV recording device.
- E. Body worn cameras shall not be used for purpose of conducting departmental administrative investigations, including undercover/plainclothes operations, without the approval of the Chief. This requirement shall not restrict the routine access to or review of AV recordings by supervisors when investigating complaints of misconduct or performing audits.
- F. Officers involved in an incident where serious injury or death occurs, or where an officer involved shooting has occurred, shall not stop the recording. In such circumstances, the recording shall only be stopped at the direction of the first supervisor on-scene or the Incident Commander. The device will be secured by the investigative detail upon their arrival at the scene. Any involved officer(s) will turn their AV device over to a supervisor on scene prior to viewing or listening to any recording of the incident. Except as provided by [A.R.S. §38-1116](#), an involved officer shall not view or listen to any recording of the incident, including but not limited to, another officer's AV device or non-departmental devices.



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#### 41.40.7 Documentation

When an AV device is used to record any event, investigation or contact, this fact *will* be documented on any citation and/or any *report* prepared regarding the event. When preparing a *Department report*, in connection with an investigation or police event, the *officer shall* indicate that a recording was made.

AV recordings are intended to supplement *departmental reports*. Submitted *reports* are still required to comprehensively capture the totality of the event, investigation or contact.

#### 41.40.8 Use of AV Recordings

A. In general, AV recordings *may* be used to:

1. promote *officer* safety.
2. document statements and events during the course of an incident.
3. enhance the *officer's* ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
4. preserve visual and audio information for use in current and future investigations.
5. provide an impartial measurement for self-critique and field evaluation during *officer* training.
6. enhance the public trust by preserving factual representations of *officer-community* interactions in the form of video and audio recordings.

B. Civilians shall not be allowed to review the recordings at the scene.

C. With approval of the *Chief of Police* or his designee, AV recordings *may* be used for advanced *officer* training. Officers are encouraged to inform a supervisor of any recordings that may be useful for training.





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- D. *With the exception of officer involved shootings or other critical incidents, department personnel may generally review their own digital recordings for report writing and/or training purposes.*
- E. *An investigator who is designated by the Chief of Police and participating in an official Department investigation of a personnel complaint, claims investigation, administrative inquiry, or criminal investigation, may review specific incidents contained on recordings.*
- F. *A supervisor may review a specific incident contained on a recording for the purpose of training, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulable reason.*

#### **41.40.9 Limitations on Use**

- A. *In no event may Department recording devices be used off-duty for personal use. BWCs shall be used only in conjunction with official law enforcement duties.*
- B. *The recording devices are intended to document contact with individuals and enforcement action. The devices are not intended to document contact between Department members, although some such recording may be unavoidable.*
- C. *Department employees shall not make surreptitious recordings of conversations with other Department employees unless previously approved by the Chief of Police. An AV device, whether or not Department issued, will not be activated for the purpose of recording conversation(s) of fellow employees with or without their knowledge during routine, non-enforcement related activities.*
- D. *Members shall not activate the recording function during the following activities (unless an incident/contact requiring recording occurs):*
  - 1. *While on employee breaks*
  - 2. *While writing a report*
  - 3. *When discussing a case with other Department members*

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4. During other administrative functions

5. During general discussions with other Department members

- E. An AV device *shall* not be activated in places where a high level of privacy is expected, such as locker/dressing rooms or restrooms, unless the need to obtain audio or visual evidence necessitate activation.
- F. Involved persons *may* review the recordings only with the specific approval of a *supervisor*. Any such viewing *shall* be documented in a *Department report*.
- G. Accessing, viewing, copying, or releasing an AV recording for other than official law enforcement purposes are strictly prohibited. *Employees shall* not edit, erase, duplicate, copy, alter, reuse, modify, destroy, abuse, or tamper with AV recordings or devices. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a personal recording device such as video camera, cell phone or other device to record or capture digital evidence from a BWC device and/or digital evidence storage is strictly prohibited.
- H. In no event *shall* any recording be used or shown for the purpose of *officer* ridicule or embarrassment. This includes submission of any portion of a video recording to a media organization, unless previously authorized by the *Chief of Police*.
- I. Any release of an audio and/or video *will* be pursuant to and follow the procedures for a public records request, discovery, or other lawful mandate.

#### **41.40.10 Retention of Recordings**

- A. *Officers will* dock their body worn camera at the end of each patrol *shift* on the patrol room downloading camera docks.
- B. Officers will need to assure proper auto-tagging of each video. There are two options for labeling videos. Officers have the option to download the "Axon View" app to their phone or at the end of their shift log into Evidence.com at <https://paradisevalleypdaz.evidence.com> and label each interaction.





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- C. For each interaction the Officer needs to add ID (example 2019-1234), title, and category.
- D. If the video is of evidentiary value, *Officers will* then need to add the video into the property section in Aegis attaching it to their *report* just like any other piece of *evidence*.
  - 1. Open the Aegis Mobile case.
  - 2. Select Prop-Gen.
  - 3. List the Property Code as Evidence
  - 4. List the Property Class as Body Camera or Vehicle Camera depending on which type it is.
  - 5. If the video is from a Body Camera enter the description as "BWC –" followed by the ID numbers for all officers who have BWC videos for this incident. If the video is from a Vehicle Camera enter the description as "Vehicle Camera –" followed by the ID numbers for all officers who have Vehicle videos for this incident.

#### 41.40.11 Retention of Recordings

- A. Department Program Administrator

The Support Services Commander shall maintain oversight of the AV recording equipment selection, acquisition, implementation, and any systems related to its use. The Support Services Commander shall maintain all records and information related to the AV program, and shall act as a liaison for any issues.
- B. All access to AV data (images, sounds, and metadata) must be specifically authorized by written policy or by written approval of the AV recordings manager, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- C. Record Retention and Deletion



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1. Recordings not attached to a case or investigation shall be kept *no less than 60 days*. An AV recording that is related to a case or investigation, or which has been designated for retention due to civil litigation, internal investigation, or other basis by a command level officer, shall be maintained until permission to destroy it has been received from the appropriate prosecution agency or command level officer. Recording retention shall comply with the established records retention and destruction schedules and procedures and evidence retention protocols.
2. In the event of an unintentional activation of AV recording equipment during non-enforcement or non-investigative activities (e.g. - restroom or meal break, other areas where reasonable expectation of employee privacy exists) a department member may request recording deletion. A written request detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the member's Commander. If approved, the actual deletion requires two-party authorization. One of those parties will be the member's Commander; the other will be the Chief of Police. The deleted record shall be removed from the general database of recordings, downloaded to other media and stored separately by the Administrator. All records related to any request for the deletion shall be maintained by the Support Services Commander. Such recording shall be destroyed as provided in the general destruction protocol and in compliance with the State public records law.

#### **41.40.12 Public Records Requests**

AV recordings captured as part of a Department employee's duties shall be the property of the Police Department and shall be considered a record of the Police Department. Such recordings are subject to public records requests see G.O. 82.2. Prior to releasing any AV recordings, the Department will ensure proper redaction is completed.

Any questions relating to redaction shall be directed to the Support Services Commander.