

Attachment #59

Coer D'Alene Police Department- PVRD Policy

Digital Multimedia Equipment

446.1 PURPOSE AND SCOPE

Audio, video and photographic equipment may be issued to, or accessible by, members of this department in order to provide audio and/or visual recordings or images of their contacts and activities. These recordings or still images are intended to assist members in the performance of their duties by providing an unbiased audio or video recording, and/or still image of a contact or incident.

Although this policy is in the Patrol Operations section of the Policy Manual, it is applicable to all sworn and non-sworn members utilizing this type of equipment in the performance of their duties during any investigation.

446.2 SURREPTITIOUS RECORDING OF MEMBERS

No member of this department shall surreptitiously (*secretly*) audio or video record any other member without the expressed knowledge and consent of all parties unless:

- By a supervisor investigating criminal or administrative incidents involving a member; or
- With authorization of the Chief of Police or his designee.

This policy shall apply to any type of audio or video recording device, including but not limited to, cellular telephones or any other personal communication device, whether or not the device is owned by the department, or personally owned or obtained by the member.

446.3 AUDIO AND VIDEO RECORDING DEVICES

The following types of audio and video recording devices may be issued to members, made available to members, or installed in department vehicles:

- Mobile Video System
- Body Worn Video Camera
- Digital Audio Recorder
- Digital Still Image Camera
- Digital Handheld Video Camera
- Fixed/Stationary Video Camera

446.4 MOBILE VIDEO SYSTEMS

446.4.1 MOBILE VIDEO SYSTEMS

Mobile video systems are installed in some department vehicles. At the beginning of each shift, members operating a vehicle with a video system shall check the system to make sure it is properly working. If the system is malfunctioning, the member shall properly note the information on the vehicle inspection checklist and notify his supervisor and the Equipment Specialist as soon as practical.

If the system malfunctions at any time during the member's shift, the member shall notify his supervisor and the Equipment Specialist as soon as practical.

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All audio devices assigned to a video system will be placed into the designated charging or storage area at the end of the member's shift.

446.4.2 OPERATION OF MOBILE VIDEO SYSTEMS

Due to ever changing technology and vendors, mobile video systems may periodically change and therefore the operation of various systems may differ. Members who routinely operate department vehicles that have mobile video systems installed shall familiarize themselves with the proper operation of the systems currently in use by this department.

446.4.3 REQUIRED ACTIVATION OF MOBILE VIDEO SYSTEMS

This policy is not intended to describe every possible situation where the system may be used, however there are many situations where the use of the system is appropriate. In addition to any required situations, members may activate the system anytime it is believed its use would be appropriate and/or valuable to document an incident.

It is understood that in some circumstances it is not possible to capture images of the incident due to certain conditions or location of the camera; however, the audio portion of the video system should still be activated in these instances, and the member should note in the incident report why the actual incident may not have been captured on video.

Additionally, it is recognized members are expected to make split second decisions during rapidly changing circumstances. In the event a member is not able to activate the video system, the member shall document in the incident report the reasons why the system was not activated.

At no time should a member jeopardize his safety in order to activate a mobile video system if timing and circumstances dictate otherwise.

The activation of the mobile video system is required in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within audio or video range of the system, which includes:
 - 1. Traffic stops;
 - 2. Vehicle pursuits;
 - 3. Suspicious persons or vehicles;
 - 4. Arrests;
 - 5. DUI investigations, including field sobriety evaluations when practical;
 - 6. Consensual contacts;
 - 7. Responding to an in-progress call where the video recording may aid in the apprehension and/or prosecution of a suspect;
 - 8. Any other contact that becomes adversarial after the initial contact; or
 - 9. Any other circumstances where the member believes that a recording of an incident would be beneficial.

- (b) Once the video system is activated, it shall remain on until the incident has concluded. For the purposes of this section, conclusion of an incident has occurred when, and if applicable:
 - 1. All arrests on scene have been made;
 - 2. All interviews on scene have been completed;

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3. All arrestees have been transported to the jail, police department or other designated location; or
4. The member no longer has contact with a suspect, victim or witness on scene.
 - (a) Recordings may cease if the member is:
 1. out of audio and video recording range;
 2. simply waiting for something or someone, such as a tow truck or family member, or during similar situations in which continued activation of the system would not be reasonable.

446.4.4 REVIEW OF MOBILE VIDEO SYSTEM RECORDINGS

Recordings may be reviewed by members in any of the following situations:

- (a) By a Supervisor:
 1. Investigating a citizen complaint against a member;
 2. Conducting an administrative investigation;
 3. Conducting an audit;
 4. Approving a related report; or
 5. Gathering information that may be useful for any presentation or report for the Department, City Administration, Mayor and Council, or other approved person or group upon authorization of the Chief of Police or his designee.
- (b) By a Detective who is participating in an official investigation and such review is needed in furtherance of the investigation.
- (c) By members who need to review their own recordings in order to write a police report or prepare for court.
- (d) By any technical personnel, upon authorization of a Division Commander, for the purpose of trouble shooting equipment malfunctions.
- (e) Upon authorization of the Chief of Police or his designee, recordings that may serve a valuable purpose in a training environment may be used when the recording is no longer needed as evidence in a criminal or civil proceeding.
- (f) At no time shall any recording be used or shown for the sole purpose of curiosity, entertainment or personal use.

446.4.5 DOCUMENTING MOBILE VIDEO SYSTEM USE

Any incident that was recorded with a mobile video system shall be documented in the member's related report. If the video and/or audio system malfunctioned during the time of the incident, the member shall document that fact as well in any related report.

446.4.6 MOBILE VIDEO STORAGE AND INTEGRITY

Video and/or audio data recorded via a mobile video system will be uploaded into VIPER, either manually by the member or automatically, depending on the type of video system in use.

If the recording is related to an arrest, or an active investigation that may require follow-up investigation as soon as possible, the recording shall be uploaded prior to the member going off duty.

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Any other recording will be uploaded no later than the day before the member is going on scheduled days off, vacation, training or any other time off from his normal work week schedule.

446.5 BODY WORN VIDEO CAMERAS

446.5.1 BODY WORN VIDEO CAMERAS

Body worn video cameras may be issued to sworn members. At the beginning of each shift, members who are issued a body worn video camera will check the camera to make sure it is properly working. If the camera is malfunctioning and the problem can not be immediately remedied, the member shall notify his supervisor and the Information Technology (I.T.) Sergeant as soon as practical.

If the camera malfunctions at any time during the member's shift, the member shall notify his supervisor and the I.T. Sergeant as soon as practical.

A body worn video camera that is inoperable shall not continue to be worn by the member during their shift. It shall be maintained by the member until contacted by the I.T. Sergeant, or until otherwise notified.

446.5.2 WEARING OF BODY WORN VIDEO CAMERAS

Members who are issued body worn video cameras and assigned to the Uniformed Patrol Division shall wear and use the camera while on duty in accordance with any other provisions of this policy. The only exceptions to not wearing the camera when on duty is if the camera has malfunctioned or upon approval of the Watch Commander.

The camera shall be worn in a manner and position as authorized by the Operations Division Commander. Generally, the camera will be worn on the front torso of the member, along the button/zipper line of the uniform shirt or jacket. If the camera is wireless, there are times it may be beneficial for the member to remove the camera from their body and use it in a hand-held manner or place it in a stationary location to get the best field of view of what needs to be recorded.

446.5.3 OPERATION OF BODY WORN VIDEO CAMERAS

Due to ever changing technology and vendors, body worn video cameras may periodically change and therefore the operation of various body worn video cameras may differ. Members shall familiarize themselves with the proper operation of any camera issued to them.

446.5.4 REQUIRED ACTIVATION OF BODY WORN VIDEO CAMERAS

This policy is not intended to describe every possible situation where the body worn video camera may be used, however, there are many situations where the use of the camera is appropriate. In addition to any required situations, members may activate the camera anytime it is believed its use would be appropriate and/or valuable to document an incident.

It is understood that in some circumstances it is not possible to capture video images of the incident due to certain conditions or how the camera is positioned on the member's body in relation to what should be recorded; however, the audio portion of the camera should still be able to capture data that may be useful. The member shall note in any related incident report why the actual incident was not video recorded.

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Additionally, it is recognized that members are expected to make split second decisions during rapidly changing circumstances. In the event a member is not able to activate the camera, the member shall document in the related incident report the reasons why the camera was not activated.

At no time should a member jeopardize his safety in order to activate a body worn video camera if timing and circumstances dictate otherwise.

The activation of the body worn video camera shall be used in any of the following situations: *(It is understood that members may also be operating a vehicle with a mobile video system, but the mobile video system may not be able to capture important video recordings if the violator or incident ends up out of field of view, i.e. a traffic stop that result in a foot pursuit, therefore the body worn video camera may be able to capture additional video recordings).*

- (a) All field contacts involving actual or potential criminal conduct within audio or video range of the camera, which includes but is not necessarily limited to:
 - 1. Traffic stops;
 - 2. Vehicle pursuits;
 - 3. Foot pursuits;
 - 4. Building searches;
 - 5. Investigations inside a business or residence;
 - 6. Interviews with suspects and/or victims;
 - 7. Suspicious person or vehicles;
 - 8. Arrests;
 - 9. DUI investigations, including field sobriety evaluations when practical;
 - 10. Consensual contacts;
 - 11. Immediate arrival at an in-progress call where the video recording may aid in the apprehension and/or prosecution of a suspect;
 - 12. Any other contact that becomes adversarial after the initial contact; or
 - 13. Any other circumstances where the member believes that a recording of an incident would be beneficial.

- (b) Once the camera is activated, it shall remain on until the incident has concluded. For the purposes of this section, conclusion of an incident has occurred when, and if applicable:
 - 1. All arrests on scene have been made;
 - 2. All interviews on scene have been completed;
 - 3. All arrestees have been transported to the jail, police department or other designated location; or
 - 4. The member no longer has contact with suspect, victim or witness on scene.
 - (a) Recordings may also cease if the member is:
 - 1. simply waiting for something or someone, such as a tow truck or family member, or during similar situations in which continued activation of the system would not be reasonable.

446.5.5 REVIEW OF BODY WORN VIDEO CAMERA RECORDINGS

Recordings may be reviewed by members in any of the following situations:

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- (a) By a Supervisor:
 - 1. Investigating a citizen complaint against a member;
 - 2. Conducting an administrative investigation;
 - 3. Conducting an audit;
 - 4. Approving a related report; or
 - 5. Gathering information that may be useful for any presentation or report for the Department, City Administration, Mayor and Council, or other approved person or group upon authorization of the Chief of Police or his designee.
- (b) By a Detective who is participating in an official investigation and such review is needed in furtherance of the investigation.
- (c) By members who need to review their own recordings in order to write a police report of prepare for court.
- (d) By any technical personnel, upon authorization of a Division Commander, for the purpose of trouble shooting equipment malfunctions.
- (e) Upon authorization of the Chief of Police or his designee, recordings that may serve a valuable purpose in a training environment may be used when the recording is no longer needed as evidence in a criminal or civil proceeding.
- (f) At no time shall any recording be used or shown for the sole purpose of curiosity, entertainment or personal use.

446.5.6 DOCUMENTING BODY WORN VIDEO CAMERA USE

Any incident that was recorded with a body worn video camera shall be documented in the member's related report. If the camera malfunctioned during the time of the incident, the member shall document that fact as well in the report.

446.5.7 BODY WORN VIDEO CAMERA STORAGE AND INTEGRITY

Video and/or audio data recorded via a body worn video camera will be uploaded into VIPER.

If the recording is related to an arrest, or an active investigation that may require follow-up investigation as soon as possible, the recording shall be uploaded prior to the member going off duty.

Any other recording will be uploaded no later than the day before the member is going on scheduled days off, vacation, training or any other time off from his normal work week schedule.

446.6 DIGITAL AUDIO RECORDERS

446.6.1 DIGITAL AUDIO RECORDERS

Digital audio recorders are issued to all full-time sworn members.

UNIFORMED MEMBERS

Members assigned to the Uniformed Patrol Division shall carry their issued digital audio recorders on their person during their shift and it shall be used in accordance with this policy.

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At the beginning of each shift, uniformed members will check their recorder to make sure it is properly working. If the recorder is malfunctioning at the beginning of the shift and the problem can not be immediately remedied, the member shall immediately notify his supervisor. The member shall also notify the Equipment Specialist as soon as practical.

If the recorder malfunctions at any time during the member's shift, the member shall notify his supervisor and Equipment Specialist as soon as practical.

NON-UNIFORMED MEMBERS

Sworn members assigned to any non-uniformed assignment may carry their issued recorder and use the recorder whenever the member believes a recording would be beneficial, unless their Supervisor requires its use otherwise.

446.6.2 ACTIVATION OF DIGITAL AUDIO RECORDERS

Members are encouraged to activate their digital audio recorders at any time the member believes a recording of a telephone or field contact with a citizen would be of value to the reason for the contact, arrest, investigation or prosecution. Additionally, in the event that a uniformed member assigned to patrol duties does not have access to a body worn video recorder or mobile video system, or if the same are inoperable, their digital audio recorder shall be activated under the same requirements as outlined in Policy 446.4.3 and 446.5.4, applicable. It is recognized that members are expected to make split second decisions during rapidly changing circumstances. In the event a member is not able to activate the digital audio recorder, the member shall document in the related incident report the reasons why the recorder was not activated.

Citizen complaints against members frequently involve instances where there is no audio or video recording of the contact between the member and the complainant. A supervisor taking and/or investigating the complaint will many times have to rely solely on after the fact statements from the member, complainant and witness(es) to assist the supervisor in coming to a final conclusion. The complainant and/or witness(es) may not always tell the complete truth or will exaggerate about what what the member may or may not have done. Having an audio recording of the contact can often times help exonerate the member and clear them of any wrong doing.

At no time should a member jeopardize his safety in order to activate a digital audio recorder if timing and circumstances dictate otherwise.

446.6.3 REVIEW OF DIGITAL AUDIO RECORDINGS

Recordings may be reviewed by members in any of the following situations:

- (a) By a Supervisor:
 - 1. Investigating a citizen complaint against a member;
 - 2. Conducting an administrative investigation;
 - 3. Conducting an audit;
 - 4. Approving a related report; or
 - 5. Gathering information that may be useful for any presentation or report for the Department, City Administration, Mayor and Council, or other approved person or group upon authorization of the Chief of Police or his designee.
- (b) By a Detective who is participating in an official investigation and such review is needed in furtherance of the investigation.

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- (c) By members who need to review their own recordings in order to write a police report of prepare for court.
- (d) Upon authorization of the Chief of Police or his designee, recordings that may serve a valuable purpose in a training environment may be used when the recording is no longer needed as evidence in a criminal or civil proceeding.
- (e) At no time shall any recording be used or shown for the sole purpose of curiosity, entertainment or personal use.

446.6.4 DOCUMENTING DIGITAL AUDIO RECORDER USE

Any incident that was recorded with a digital audio recorder shall be documented in the member's report. If the recorder malfunctioned during the time of the incident or at any time was intentionally turned off, the member shall document that fact as well in the report.

446.6.5 DIGITAL AUDIO RECORDING STORAGE AND INTERGRITY

Audio recordings will be uploaded into VIPER.

If the recording is related to an arrest, or an active investigation that may require follow-up investigation as soon as possible, the recording shall be uploaded prior to the member going off duty.

Any other recording will be uploaded no later than the day before the member is going on scheduled days off, vacation, training or any other time off from his normal work week schedule.

446.6.6 DIGITAL STILL IMAGE CAMERA & DIGITAL HANDHELD VIDEO CAMERA

Digital cameras for taking still images, or digital handheld video cameras, may also be issued to or made available to members for their use in providing a visual documentation of an incident.

Procedures for reviewing, documenting and uploading data shall be the same as outlined in this Policy for the mobile video and body worn video systems.

446.6.7 FIXED VIDEO CAMERAS

Fixed, or stationary, video cameras may be installed either visibly or covertly in assigned interview rooms within the department. This type of video system will generally be used to video record interviews with suspects, victims or witnesses.

Procedures for reviewing, documenting and uploading data shall be the same as outlined in this Policy for the mobile video and body worn video systems.