

Attachment #78

Vallejo Police Department- PVRD Policy

VALLEJO POLICE DEPARTMENT

GENERAL ORDER: G - 6
SUBJECT: DIGITAL EVIDENCE
DATE: May 22, 2007 (Issued)
June 1, 2011 (Last Revision)

I. POLICY

- A. California Evidence Code Section 1553 includes digital media as an admissible form of evidence. The Department preserves and maintains the quality and integrity of digital evidence, including, but not limited to, images recorded by digital cameras and audio recordings made by digital recorders.
- B. The Department makes available portable digital video recording devices (hereinafter referred to as PDRD) to provide audio and video documentary evidence of official Department activities.
- C. Digital files created on-duty, whether on personal or Department equipment, are Department property and may be subject to Public Records Act disclosure. Digital evidentiary files are maintained and released in accordance with guidelines established for other Department records.
- D. Personnel are not required, but are encouraged, to maintain digital recordings which do not constitute evidence. Such recordings include, but are not limited to, those made to memorialize citizen contacts.

II. DEFINITIONS

- A. *Digital Audio File:* A sound recording captured by a digital audio recorder.
- B. *Digital Image:* An image stored in a numerical form.
- C. *Image:* A physical likeness or representation of a person or thing which is drawn, painted, photographed, or otherwise made visible.

- D. *Image Enhancement*: Any process intended to improve the visual appearance of an image.
- E. *Original Image/Recording*: An accurate representation of the primary image or recording irrespective of media.
- F. *Primary Image/Recording*: The first instance in which an image or audio is recorded onto any media as a separate, identifiable object or objects.
- G. *VeriPic System/ VieVu System*: Software systems accessible at designated workstations and utilized by the Department to store and verify the authenticity of digital images and which provide secure storage of digital audio files.

III. PROCEDURE

A. General

1. Portable digital recording devices may be assigned to members or employees and may be utilized at their discretion, in accordance with this order. Personally-owned devices are also acceptable.
2. Digital images and audio recordings which are evidence in a criminal or other official investigation shall be stored and maintained in accordance with this order.
3. On-duty personnel recording Department activity, whether with Department- or personally-owned equipment, shall provide such recording to a supervisor upon request.
4. On-duty personnel shall not record personal conversations of or between other Department members or employees without that individual's knowledge.

B. VeriPic

1. The VeriPic system shall be utilized to download and store evidentiary digital still images and digital audio recordings. Access to VeriPic is limited to authorized personnel.
2. If the VeriPic system is offline or otherwise unavailable, personnel shall download evidentiary digital images and digital audio recordings to a CD-ROM, which shall be booked into evidence. A notation shall be made on the Property Report that VeriPic was unavailable.

C. Digital Still Cameras

1. Training

Only properly-trained personnel may utilize digital cameras for crime scene documentation.

2. Image Acquisition

a. Photograph the image.

b. Photograph a photo card, including the case number and photographer's name.

b. Photograph a gray card (white-balance mechanism), if appropriate.

c. Complete a Property Report and storage envelope.

3. Image Storage

a. Primary images shall not be saved. Primary images shall be erased after the original image has been archived into the VeriPic System.

b. Original images shall be stored and maintained in an unaltered state. This includes maintaining original digital images in their native file formats.

c. Only duplicates of original images shall be enhanced or used as working copies.

4. Image Processing

a. Image enhancement shall be performed only by authorized personnel, on duplicates of original images.

b. Image enhancement shall be undertaken solely to make an image more viewable.

c. Standard enhancement processes, including, but not limited to, techniques of cropping, dodging, burning, color balancing, and contrast adjustment, may be utilized to achieve an accurate rendering of the event or object.

- d. All enhancements made to an original image shall be accurately recorded and documented in a supplemental report. Documentation shall contain sufficient detail to enable a comparably-trained individual to duplicate the initial results.

D. Digital Audio Recordings

1. Evidentiary

- a. Digital audio recordings which constitute evidence shall be downloaded and stored within the Department's VeriPic System and a Property Report completed.
- b. Primary recordings shall not be saved. Primary recordings shall be erased after the original has been archived in the VeriPic System.
- c. The original recording shall be stored and maintained in an unaltered state. Only duplicates of the original recording shall be enhanced or used as working copies.
- d. All enhancements made to an original recording shall be documented in a supplemental report. Documentation shall contain sufficient detail to enable a comparably-trained individual to duplicate the initial results.

2. Non-Evidentiary

Non-evidentiary audio files may be:

- a. Entered into the VeriPic System under an Field Interview (FI) number or a citation number.
- b. Downloaded to a CD-ROM and personally retained. The duration of retention is at the individual's discretion.
- c. Where a retained non-evidentiary audio file is later determined to be evidence, it shall at the earliest opportunity be entered into VeriPic under the corresponding case or citation number and a supplemental report made.

E. Digital Video Recordings

1. The Department utilizes the VieVu portable digital recording device (PDRD). Only trained personnel shall operate Department PDRD's.
2. Digital video recordings which constitute evidence shall be downloaded and stored within the Department's VieVu system and a Property Report completed.
3. The use, duplication, and/or distribution of PDRD files requires prior authorization.
4. Personnel shall utilize their assigned PDRD as follows:
 - a. Personnel may use the PDRD to record a private person, with or without their knowledge, in a public place.
 - b. Members may use the PDRD to record a private person, with or without their knowledge, in a location where the member is lawfully present (e.g., inside a building or dwelling).
 - c. Once a PDRD is activated during an incident or encounter, personnel shall leave the device activated until the reasonable conclusion of that incident or encounter, or until such documentation is no longer necessary, as determined by the member or employee.
 - d. Only Information Systems personnel may add, remove, dismantle or alter any hardware or software component or part of the PDRD.
5. Operation
 - a. Prior to going in service, personnel shall test PDRD equipment to ensure the unit is properly charged.
 - b. Personnel shall position the PDRD to facilitate recording, in accordance with operating instructions. PDRD's are activated and de-activated manually.
 - c. Personnel shall upload PDRD data files at designated VieVu workstations once, at minimum, during any shift in which the device is utilized, to:

1. Ensure storage capacity is not exceeded; and/or,
 2. View uploaded data.
6. Defective devices shall be submitted to the Information Systems Manager, with a written description of the defect, including the serial number of the affected device.

7. Documentation

In addition to any Property Report, personnel utilizing a PDRD shall document its use in the pertinent:

- a. Offense report;
 - b. Citation;
 - c. Arrest Report; or
 - d. In CAD, in the "Comment" section.
8. Data Retention and Release
- a. It is the responsibility of the member or employee downloading a PDRD to identify any digital file associated with an investigation by noting the case number in the "Comments" section and checking the "Never delete this file" box.
 - b. The Information Systems Manager or a designee is generally responsible for the maintenance, retrieval, and retention of PDRD digital files. Files down-loaded to physical media shall be booked into evidence as appropriate and are the responsibility of the Evidence Section.
 - c. Digital files associated with an investigation shall be purged in conjunction with other evidence associated with that case.
 - d. Digital VieVu files not associated with an investigation are automatically deleted from the VieVu system after one year.

9. PDRD File Copy Requests

a. District Attorney/ Vallejo City Attorney

Shall be submitted to the Department Court Liaison Unit in the same manner as other evidence requests.

b. Public Defender/ Private attorney

Shall be submitted to the Department via a written discovery request, a subpoena, or a Public Records Act request.

c. Member or employee

1. Personnel may create copies of PDRD files, for official purposes only, at the time the PDRD is downloaded.

2. Personnel seeking to obtain copies of PDRD files shall submit a written or email request to their supervisor, or to the Information Systems Manager via the chain of command.