

# AUDIO-VIDEO RECORDING

## 447.1 PURPOSE AND SCOPE

The Lake Havasu City Police Department is committed to the belief that on-officer video is an important and valuable tool for law enforcement. On-officer video is essentially audio-video documentation of a police officer's investigative and enforcement activities from the perspective of the officer's person. The use of on-officer video is expected to result in greater transparency, more effective prosecution, and improved protection against false allegations of excessive use of force, misconduct or racial profiling.

Audio or video recordings of investigative or enforcement actions are evidence, and subject to rules of disclosure. It is in the best interest of justice that the Department regulates and controls all forms of evidence collection and storage.

### 447.1.1 DEFINITIONS

**Agency Administrator** - EVIDENCE.COM system administrator(s) with full access to user rights.

**End User** - AXON user with individual account access rights to EVIDENCE.COM.

**TASER AXON FLEX** - An On-officer audio-video system currently authorized as the sole means of overt on-officer audio-video recording.

**ETM (Evidence Transfer Machine)** - A server with built-in docking stations physically installed at the police department. The ETM simultaneously recharges the device while uploading all digitally encrypted data. The ETM then transfers the data to EVIDENCE.COM.

**EVIDENCE.COM** - Online Web-based digital media storage facility. The virtual warehouse stores digitally encrypted data in a highly secure environment accessible to personnel based on security clearance. The Lake Havasu City Police Department account is accessed at <https://lakehasupd.evidence.com>

**Media or Data** - includes photographs, audio recordings and video footage. The media is stored digitally.

## 447.2 GENERAL PROCEDURES

(a) Officers are only authorized to audio or video record investigative and/or enforcement activities using departmentally assigned equipment and following the procedures proscribed within this order.

(b) Audio or video recording devices shall not be used in department locker rooms, restrooms or any other place where there would be a reasonable expectation of privacy.

(c) Employees shall not intentionally record 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) On-officer video recording devices will only be used for department administrative investigations with the express consent of the Chief of Police.

(e) Whenever an officer believes that a recorded contact may lead to a citizen complaint, he/she should bring the recording to the attention of his/her supervisor as soon as possible. If no crime report or supplementary report is being prepared, details of the contact may be documented via information report or memorandum.

(f) Members will not make surreptitious recordings of conversations with other department members except when necessary in the course of a criminal investigation or for department administrative investigations with the express consent of the Chief of Police.

### **447.3 AXON/EVIDENCE.COM-SPECIFIC PROCEDURES**

(a) The AXON shall be worn at all times that the officer may become involved in an enforcement situation.

(b) The AXON shall be utilized during all investigative or enforcement contacts. (I.e.: pedestrian and vehicle stops, consensual encounters, calls for service, on-view events).

(c) Officers shall place the AXON in the Event Mode as soon as practical at the onset of a given situation.

(d) Once in the Event Mode, officers shall continue to record until the completion of the event, or they have left the scene (this includes recording of statements).

(e) Additional arriving units to a scene shall place their AXON in the event mode as soon as practical, and continue to record until the completion of the event, or they have left the scene (this includes recording of statements).

(f) AXON systems will be assigned with priority given to each of the primary patrol shifts based on quantity of operational units in the department's inventory.

#### **447.3.1 AXON MEDIA STORAGE**

(a) The AXON will be placed in the Evidence Transfer Machine (ETM) at the end of shift for charging and uploading

(b) The media captured via the AXON will only be uploaded to EVIDENCE.COM.

(c) Each event must be categorized according to event type so that proper retention periods will be applied.

(d) Video and audio captured via the AXON will be used for official purposes only.

(e) Officers may use media captured via the AXON to assist with investigations.

(f) Officers may use media captured via the AXON to complete reports.

(g) Officers involved in any significant use of force incident or accident causing injuries will be permitted, but will not be required, to review their own on-officer video or audio recordings prior to providing a recorded statement or completing reports. Witness officers will only be allowed to review on-officer video if it can be determined that their on-scene position would allow them to contemporaneously perceive events in question from the same perspective as the on-officer video-equipped officer.

(h) Officers may use media captured via the AXON for training purposes, with proper authorization from the investigative unit assigned the case.

1. **Exceptions:** Field Training Officers may use media captured via the AXON to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR).

### **447.4 REPORTING**

(a) The use of the AXON will be recorded in all incident reports and in the notes on all citations.

(b) All digital media captured using the AXON will be considered property of LHCPD. Accessing, copying or releasing any media for other than official law enforcement purposes is strictly prohibited and subject to discipline.

#### **447.5.1 DELETION OF UNINTENTIONAL RECORDINGS**

(a) In the event of an unintentional activation of the AXON system during non-enforcement or non-investigative activities, IE: restroom or meal break, other areas where reasonable expectation of privacy exists; officers may request recording deletion. A memorandum detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the Chief of Police. If approved, the actual deletion requires two-party authorization. One of those parties will be the Chief or their designee; the other will be an agency AXON/EVIDENCE.COM Administrator.

#### **447.6 CRIMINAL JUSTICE SYSTEM: DISCLOSURE PROCEDURES**

(a) Recordings that contain audio or video of legitimate confidential nature will be redacted or obscured from downloaded copies of the original data file in EVIDENCE.COM. The original data file will remain complete and cannot be manipulated by system administrators or users. Following arrest or initiation of prosecution for felony or misdemeanor crimes, either the arresting officer, detective or, (for follow up disclosure requests) system administrator, will download a segmented copy of the original data file from EVIDENCE.COM. Markers will be created to identify redacted sections and will include a brief description of the reason the information is excluded. The redacted video file and marker descriptions will then be written to DVD or other portable media and provided to the prosecuting attorney. Upon release to Defense, challenges to redacted information will be handled via a two step process:

1. **Step One** – Defense communicates their intent to challenge and legal justification(s) to the prosecuting attorney in writing.

2. **Step Two** – If the prosecuting attorney agrees that the challenge is justified, the section may be released following consultation with the law enforcement agency head or designee. If the prosecuting attorney disagrees with the justification for the challenge and/or if the law enforcement agency head requests further review, the prosecuting attorney will advise Defense that a motion for an In Camera Hearing before a judge of appropriate jurisdiction will be required if Defense wishes to challenge the redaction further.

(b) Examples of legitimate confidential information include, but are not limited to; confidential informants or undercover officers revealed; tactical plans discussed; audible or visible information from investigative criminal history checks or criminal intelligence files; victim/witness personal identifiers, addresses, phones, etc.

#### **447.7 PUBLIC RECORDS REQUESTS**

(a) Pursuant to Arizona Public Records statutes and the Privacy and Security Act, it is the goal of this policy to support and promote openness in government by releasing non-confidential video recordings to the public upon request. The policy must also ensure that the privacy of victims, witnesses and suspects is maintained whenever possible. This policy will not affect the release of recordings pursuant to a court order or subpoena.

(b) Recordings that are not part of an ongoing investigation or non-commercial use may be charged for in accordance with city policy.

(c) Recordings that contain legitimate confidential information as described in section 42.1.8 above will be redacted in the same manner. Challenges to redactions pursuant to public records requests shall be referred to the City Attorney's Office.