

# Personal Video Recorder

## Draft Policy

### **POLICY**

The use of a Personal Video Recording (PVR) system provides objective documentary evidence, transparency of police operations, as well as protecting the officer and the department from civil litigation and allegations of misconduct.

When utilizing these devices officers shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness of the PVR and the integrity of evidence and related video documentation.

Commonly, operators of the PVR system should make every effort to document citizen contacts, traffic stops, searches of vehicles, premises and persons, or anytime the officer is acting in an official capacity while interacting with members of the public. If it is safe and practical to do so, officers should activate the PVR while approaching the scene or as soon as practical when interacting with members of the public.

### **PURPOSE**

To establish a uniform policy for the operation of the Bainbridge Island Police Department's PVR system, and to institute retention, review, accountability protocols.

### **PROCEDURES**

#### **Retention**

All recorded imagery will be stored and retained by the Department for at least 90 days, or until all criminal, civil or administrative cases to which the recordings are relevant have been adjudicated. This time maybe extended at the request of an officer or supervisor.

At the time imagery is originally recorded, Officers are responsible for notifying a supervisor when data needs to be archived beyond 90 days. Supervisors will have the ability to move data to disk or mark data to be saved permanently on the server for investigative purposes. Within the initial 90 day period, detectives can also notify the supervisor or officer of the need to archive imagery required for case investigation/prosecution.

Recordings moved to DVD will be entered as evidence, to maintain the imagery's integrity through a documented chain of custody, and placed in an evidence locker (2-copies.)

### **Department Review**

Imagery recorded by an officer and retained by the department **will not** be routinely or randomly reviewed to monitor an officer's performance. A supervisor may conduct a review of an officer's recorded imagery only in the event of a specific personnel complaint, criminal investigation or internal investigation. At no time will the content of a video be used to initiate an internal or criminal investigation. Reviewing imagery for training purposes such as FTO is acceptable. Department personnel are encouraged to review their own recordings. In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee. No officer(s) shall view another officer's recording without the Chief of Police, or their designee, approval.

Prior to a review, the involved officer and the Bainbridge Island Police Officer's Guild (Guild) will be provided notice of the review. The involved officer and their Guild representative will be given the opportunity to be present during the review by the supervisor.

Officers need to notify their supervisors of recorded events that may have value for training purposes or in the officer's opinion might result in a citizen complaint or claim of damages.

### **Officer Responsibilities**

Prior to going into service officers (who choose to wear the PVR System) will ensure that the equipment is charged and working properly. Any problems should be brought to the supervisor's attention. Officers are encouraged to place the camera in a position (either in the patrol car or on their uniform) that will allow the recording of traffic stops, citizen contacts, arrest or any other police operation. Officers should activate the camera prior to making contacts or traffic stops unless it is impractical to do so due to the urgency of the situation.

At the end of a shift, officers will download the data into the appropriate file and place the camera back in the officer's area to be recharged. Once the PVR system is downloaded, the camera is cleared and data can only be retrieved from the computers server.

During contacts, the officer will advise the person that they are being recorded as soon as it is practical. The PVR camera should not be deactivated during contacts. If there is an equipment failure resulting in a deactivation, the officer will notify his/her supervisor and the reason for the deactivation. If a subject or subjects state that they do not wish to be recorded, the officer **will not** deactivate the camera. Officers only have to notify a subject that they are being recorded.

When there are multiple PVR system equipped officers on scene at an incident all PVR systems should record the incident. The primary unit will be responsible for documenting that the incident was recorded. Other officers at the scene who recorded the incident will be required to complete a supplement report and note on the dispatch call log that they recorded imagery of the event.

Prior to taking any suspect into custody officers should activate their respective PVR, if they have not already been activated. Additionally, when a suspect is read their Miranda Warning it should be recorded on the PVR.

When an officer interviews either a suspect or witness, with their permission, the officer shall utilize their PVR to capture the interview.

During a shift officers may review portions of the video/audio recording, e.g., to verify an identification, a vehicle license number or to review an incident for statement accuracy. Officers will not make copies of any recording for personal use.

Officers will document in the narrative of their report that there is corresponding imagery evidence. Officers should categorize what that imagery consists of, e.g. scene investigation, field sobriety tests, interviews, etc. Officers should notify their supervisors that there is relevant imagery to a specific call or contact so that the supervisor can preserve that file in the archival system.

Camera Maintenance and Care: Routine maintenance and care of the video system is the responsibility of the individual officer the PVR is issued to. Each officer will ensure that the system is kept clean and in working order, that the rechargeable battery is fully charged when reporting for duty each work day, and the video files are regularly downloaded

### **Supervisor Responsibilities**

Supervisors will have knowledge of and address the following issues:

Officers have completed the department's PVR training program prior to using the equipment.

Officers follow established policies and procedures for the use and maintenance of the equipment, handling of the recordings, and the completion of all necessary documentation.

Notification of required repairs of damaged equipment or non-functional equipment is provided in a timely manner.

Equipment is adequately secured to prevent it from being misplaced or misappropriated.

Notification to the relevant training cadre of recorded imagery that contains noteworthy training material.

Identify and preserve imagery that will be used in a criminal prosecution or potential civil litigation.

### **Support Staff Responsibilities**

Insure that outdated files are purged on a quarterly basis.

Prepare, record and log imagery that is burned to disc.

Maintain chain of custody documentation for imagery that is burned to disc.

### **Information Technology Responsibilities**

Assist with server space, program management, and consult with department staff on technology issues that may arise.