

Poulsbo Police Department

Policy Manual

Video/Audio Recording Device

446.1 Purpose and Scope

The Poulsbo Police Department has equipped Officers with Video/Audio recording devices (VARD). The intent of these devices is to assist officers in the performance of their duties by allowing them to record and provide records of events. This policy provides guidance on the use of these systems and software.

The use of video and audio recordings will be for the purpose of recording evidentiary data to assist in the enforcement and prosecution of federal, state and local statutes. It will also be used to provide an accurate record of an incident for investigative purposes, risk management, civil liability defense and enhancement of officer safety.

446.1.1 Definitions

Definitions related to this policy include:

Video/Audio Recording Device (VARD) – any device which records and retains audio and/or video data.

System Supervisor – Supervisor(s) designated by the Chief of Police to administer and manage the VARDs, software, and evidence captured by the system.

System Administrator – Department Supervisors assigned by the System Supervisor to have some system administrative rights and are tasked with reviewing and sharing evidence with outside agencies.

Armorer – Officer(s) assigned by the System Supervisor and tasked with maintaining and uploading all log data for the department's TASER Conducted Electrical Weapons (CEW) and Body Cams, as well as assigning those pieces of equipment and tracking their serial numbers and assignments.

TASER Body Camera (TBC) – A VARD designed to be worn by an officer in order to capture, store, and retain until upload, video and audio data.

Off – Body Camera is completely off and unable to record.

Standby (buffering) Mode – Body camera is continuously recording video into a built in hardware buffer, set at ~30 sec. When camera is switched to active mode, the VARD will "capture" and retain the prior 30 seconds of video only, no audio.

Poulsbo Police Department

Policy Manual

Active Mode – Body camera is actively recording both audio and video and storing the information into the internal memory, retaining it there until it can be securely uploaded into evidence.com.

Evidence Transfer Manager (ETM) – A docking station which simultaneously charges and uploads the TASER Body Camera data.

Evidence Sync Software – TASER software installed on a department computer used to manually upload stored data on a TASER Body Cam or Conducted Electrical Weapon (CEW).

Evidence Mobile App – A TASER software application intended to be loaded onto a Smartphone device. The software's purpose is to allow the user to capture evidence as an audio file, digital photo, or video file and then securely upload the files to a secure server for storage.

Axon Mobile App – A TASER software application intended to be loaded onto a Smartphone device. The software's purpose is to allow the user to remotely view and tag video data captured on the TASER Body Camera.

Evidence.com – an online web based digital media storage facility. The virtual warehouse stores digitally encrypted data such as digital photos, audio files, and video file in a highly secure environment. Department personnel can securely access this virtual warehouse through the Evidence.com website and view, catalogue, manage, download, and share stored data.

446.2 Policy

It is the policy of the Poulsbo Police Department to use audio and video recording technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

446.3 Officer Responsibilities

Prior to going into service, each uniformed officer assigned to patrol or traffic shall:

1. Properly equip himself/herself to record audio and video in the field and ensure they have adequate recording media for the entire duty shift.
2. Ensure only Poulsbo Police Department issued equipment is being used.
3. Make sure the equipment is in good working order, if not; notify a supervisor as soon as possible.
4. During their shift make sure they operate all equipment in accordance with manufacturer's instructions and department training.
5. Be required to wear, or have near them, their department issued TBC while on duty.
6. Clearly document the use of a VARD in their Police Report.

Poulsbo Police Department

Policy Manual

Non-uniformed officers are not required to activate a VARD device while conducting normal investigative functions. However, if a non-uniformed officer on duty chooses to use a VARD they must additionally include on the recording the advisement to the subject they are an officer with the Poulsbo Police Department.

446.4 Activation of TASER Body Camera (TBC)

Officers will physically activate and deactivate the recording process in accordance with manufacturer's procedures.

Whenever reasonably practicable, and as soon as possible, officers shall inform any citizen being recorded an audio recording is being made. The officer shall also ensure such advisement informing the person(s) is also recorded in accordance with RCW 9.73.090(1)(c).

As a courtesy, officers should also inform other first responders arriving on scene they are being recorded.

446.4.1 Prohibited/Cautious Activation of TBC

TBC's shall not be activated:

1. To surreptitiously record any conversations of any member of this police department or any other law enforcement agency except with a court order for the purpose of conducting a criminal investigation.
2. To record a situation where it is apparent the officer intentionally activated the TBC for no other reason than to ridicule an officer or citizen.
3. In any workplace areas where a reasonable expectation of privacy exists, such as locker rooms, restrooms, etc.
4. To record a self initiated response to an Aid call. Calls for service which specifically go out to Fire and Rescue with no request for law enforcement shall not be recorded.

Officers should take care not to record video of:

1. Law enforcement sensitive data which is visible on computing devices or documents.
2. Log in information on any law enforcement or department owned equipment.
3. Law enforcement personnel assigned to sensitive positions such as narcotics or under cover positions.
4. Confidential informants.

If a recording is intentionally or unintentionally made of any of the above, the officer shall notify a supervisor and flag the video in evidence.com as soon as possible.

Poulsbo Police Department

Policy Manual

446.4.2 When TBC Activation Is Not Required

Activation of a Body Cam is not required when:

1. Exchanging information with other officers or during breaks, lunch periods, or when not in service.
2. Conducting casual contact with the public where no reason to believe a recording of the event would be in the best interest of the public and/or the City of Poulsbo.

446.4.3 Required Activation of VARD

This policy is not intended to describe every possible situation in which the VARD may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

The VARD system shall be activated in any of the following situations:

1. Any advisement of Miranda and/or subsequent questioning.
2. Non-custodial contacts (Terry Stops) or Field Interviews (consensual contacts).
3. Response, arrival, and investigations of in-progress calls for service.
4. Any self-initiated enforcement activity such as traffic stops, DUI/DWLS stops.
5. Domestic Violence investigations.
6. Execution of search warrants; vehicle searches; searches incident to arrest; and building searches to include Ferrier warnings when applicable.
7. Any activity or event which has a high degree of probability to result in civil litigation, such as:
 - a. Motor Vehicle Accident (MVA) where there is serious injury or death.
 - b. MVAs, personal injuries, or property damage as a result of any City employee's actions or inactions.
8. All transports involving persons of the opposite sex.
9. Transports of the same sex whenever:
 - a. The subject is believed to be under the influence of alcohol or any drug.
 - b. The officer believes there may be any physical or mental issues with the subject.
 - c. The subject is acting irrationally, emotional, angry or argumentative.
 - d. Prior to transport, the subject attempted to flee, fight, or resist in any way his/her apprehension.
 - e. Any use of force was used prior to transport.
10. In situations where recording would normally not be required but the subject becomes adversarial after the initial contact.
11. Any other circumstance where the officer believes a recording of the event would be appropriate and useful for criminal prosecution and/or risk management.

Poulsbo Police Department

Policy Manual

446.4.4 Cessation of Recording

Once activated, the Body Cam should remain on during the primary phase of an event. For the purposes of this section, the primary phase of an event is the portion of an incident which occurs before it is brought under control, stabilized and initial investigation is complete.

The Body Cam may be turned on and off as events occur during the secondary phase as the officer deems appropriate and necessary. The secondary phase is defined for the purposes of this section as investigative, medical, or logistical activity which occurs after the primary phase has concluded.

Recordings may pause during the primary phase only if:

1. Two or more officers remove themselves from the immediate presence of any suspects, victims, or witnesses in order to confer with each other for the purpose of safely sharing information and developing a course of action. When officers conduct such a conference, they must record their intentions and recording must restart prior to re-contacting any of the involved persons.
2. An officer leaves the scene of the event.

446.5 Tagging Digital Evidence

When a media file is stored into Evidence.com's web server using the Evidence Sync or Evidence Mobile software, the officer recording the media is responsible for tagging the media with three user entered tags in accordance with department approved training. These officer entered tags are:

1. ID – A case number (whether department or outside agency case number), citation number, infraction number, or a sequence number, in same order of priority. If no identifying number is assigned to the data, the ID should be left blank.
2. Title – A short written description of the event. Officers may allow the system to auto input a default title identifier.
3. Category – Categories must be entered by the officer prior to or immediately after uploading into the system. Categories are determined by the Chief of Police and will be entered into the system by a system administrator. Officers may determine to allow data uploaded into the system to be uncategorized by the system as a default. Uncategorized data will be destroyed in 90 days.

446.5.1 Uploading Digital Media to Storage Facility

All digital media captured on a body camera or department issued smart phone shall be uploaded and stored into the departments online web storage account in accordance with manufacturers procedures. Officers will adhere to the following requirements:

Poulsbo Police Department

Policy Manual

1. Officers should download all digital media evidence captured on a department issued VARD by the end of their working shift, if going on days off, they should advise a shift supervisor their data has not been downloaded.
2. Officers shall download any digital media evidence captured on a department issued VARD associated with an in-custody police report, officer use of force events, or any media files the officer should reasonably believe would assist a supervisor in responding to a citizen complaint before the end of their shift.

446.6 Shift Supervisors / System Administrator / System Supervisor Responsibilities

Supervisors shall determine if an officer with a non-functioning VARD should be given a spare if available or put into service without issuing equipment.

System Administrators and System Supervisors should, on a regular basis, ensure:

1. Officers VARD data is being accurately recorded into Evidence.com
2. VARD data is appropriately tagged with a category to ensure proper retention.
3. Outside entities requesting copies of VARD data are given the data in accordance with department policies and procedures.
4. The storage of all digital media on the host website, ensuring data evidence is correctly managed and maintained in accordance with retention rules and policies.
5. At times, and with the Chief of Police's approval, evidence located on Evidence.com's servers may be downloaded onto a physical storage media and entered into the Poulsbo Police Department's physical evidence room. Supervisors must complete a supplemental to the report indicating the transfer and then enter the media with the evidence into the PPD evidence room in accordance with department evidence policies. The evidence may then be deleted from evidence.com servers.

When an incident arises which requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a shift supervisor shall respond to the scene and ensure the appropriate crime scene investigator properly retrieves the recorded media. An on scene department supervisor may choose to view the recorded evidence if it is determined immediate viewing would assist in suspect apprehension or assist in proper medical treatment. The recorded data may need to be treated as evidence and should be uploaded into Evidence.com using manufacturer approved procedures.

446.5 Access to Uploaded VARD Data

All recorded media, recorded images, and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

Poulsbo Police Department

Policy Manual

All recorded media, recorded images, and audio data will be uploaded and stored onto the departments Evidence.com server account. Officer's access to this data will be limited by the software as set by the system administrators. These limitations will be approved by the Chief of Police and based on Officer's assignments and need.

No audio or video recording may be made available to the public until final disposition of any criminal or civil litigation which arises from the event or events that were recorded per RCW 9.73.090(1)(c).

Officers can request in writing a video be deleted. This request should be submitted to the officer's immediate supervisor and then forwarded to the Chief of Police. The Chief of Police will make the determination if the video can be deleted.

Recordings may be reviewed in any of the following situations:

1. For use when preparing reports or statements.
2. By a supervisor investigating a specific act of officer conduct.
3. By a supervisor to assess officer performance.
4. To assess proper functioning of VARD systems.
5. By a department investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
6. By department personnel who request to review recordings.
7. By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment.
8. By court personnel through proper process or with permission of the Chief of Police or his designated System Administrator or System Supervisor.
9. By the media personnel through proper process.
10. To assess possible training value.
11. Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Chief of Police to determine if the training value outweighs the officer's objection.

No audio or video recording may be made available to the public until final disposition of any criminal or civil litigation which arises for the event or events that were recorded RCW 9.73.090(1)(c).

446.6 Training

All officers are required to complete department provided training on the use and care of the equipment, software applications, and Evidence.com website prior to using the system.