

# SLPD POLICY DRAFT -- PORTABLE VIDEO RECORDING SYSTEM

---

## I PURPOSE

- A. To provide policy and procedures for use of the Portable Video Recording System (PVRS), including both audio and video recording of field activity in the course of official police duties.
- B. The use of the portable video recording system provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Personnel shall utilize this device in accordance with the provisions in this general order to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

## II DEFINITIONS

### A. **PERSONNEL**

Any uniformed (Class "B" and "C" which includes the bicycle uniform) personnel employed with the San Leandro Police Department.

### B. **ROUTINE**

During the regular course of one's duties.

### C. **PVRS Device**

The Portable Video Recording System is an on-officer video camera.

## III POLICY

- A. Unauthorized use, duplication, and/or distribution of PVRS files are prohibited. Personnel shall not make copies of any PVRS file for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to record PVRS files. All recorded media, images and audio are property of the San Leandro Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.
- B. The PVRS shall not be used to record non-business related activity and shall not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms.
- C. Only trained personnel shall operate PVRS equipment.
- D. All personnel who are assigned a PVRS shall wear the device during any regular shift, any overtime shift and when the Chief of Police or their designee deem it appropriate to wear. Personnel will use only the PVRS issued and approved by the Department. The wearing of any other personal video recorder is not authorized.
- E. Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the PVRS.

## SLPD POLICY DRAFT -- PORTABLE VIDEO RECORDING SYSTEM

---

- F. There are many situations where the use of the PVRS is appropriate. This policy is not intended to describe every possible circumstance. Personnel may activate the system any time they feel its use would be appropriate and/or valuable to document an incident. Unless it is unsafe or impractical to do so, personnel should consider activating their PVRS cameras prior to making contact in any of the following incidents:
1. Enforcement encounters where there is a reasonable suspicion the person is involved in criminal activity. This includes, but is not limited to dispatched calls as well as self-initiated activities.
  2. Probation or parole search.
  3. Service of search or arrest warrant.
  4. Vehicle pursuits (as soon as practical).
  5. K9 deployments, i.e., cover officers, perimeter officers, etc.
  6. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require taping.
- G. Personnel may activate the PVRS before or during any other incident at their discretion.
- H. During activation, the recording should not be intentionally terminated until the conclusion of the encounter.
- I. Personnel shall not activate the PVRS recording functions in any of the following incidents:
1. To record any personal conversation of or between another department member or employee.
  2. Personnel taking a report or conducting a preliminary investigation who reasonably believe no criteria for an activation are present.
  3. Personnel meeting with any Confidential Informants.
- J. Sworn personnel are not required to obtain consent from a private person when:
1. In a public place.
  2. In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where personnel are lawfully present and engaged in the performance of official duties).
- K. Personnel are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.
- L. SWAT personnel who are issued a PVRS and are engaged in an active SWAT entry shall defer to the SWAT supervisor or incident commander for direction on the activation of the PVRS.
- M. C.I.D. personnel who are issued a PVRS and who are preparing to engage in a probation, parole, arrest or search warrant entry shall wear the PVRS on their outer vest carrier. They should also consider activating their PVRS cameras prior to making such entry and should maintain recording until the situation becomes static. CID should also consider using a PVRS when they deem necessary during the course of any investigation.

# SLPD POLICY DRAFT -- PORTABLE VIDEO RECORDING SYSTEM

---

## IV RESPONSIBILITIES

### A. System Administrator

The System Administrator is designated by the Chief of Police and has oversight responsibilities to include, but not limited to, the following:

1. Operation and user administration of the system
2. System evaluation
3. Training
4. Policy and procedure review and evaluation
5. Coordination with IT regarding system related issues
6. Ensure PVRs files of evidentiary value are secured and maintained for a minimum of one year. Ensure all other routine files (routine files are any file that is not assigned a report number) are secure and maintained for 90 days.
7. Ensure PVRs files are reviewed and released in accordance with federal, state and local statutes and the City of San Leandro/San Leandro Police Department retention policy.

### B. Supervisory:

1. Supervisors will ensure officers utilize the PVRs according to policy guidelines.
2. Managers may conduct periodic audits of recordings to ensure adherence to policy, assess performance and for training purposes. Audits will be fair and impartial.
3. A monthly audit log shall be retained and submitted to the Professional Standards and Training Lieutenant.
4. The POA President or his/her designee may review the audit log with reasonable notice through the Chief of Police's office to ensure the audits are conducted fairly. At no time will the audit log be duplicated or distributed.

### C. Personnel utilizing the PVRs are responsible for the following:

1. Ensuring the battery is fully charged and operating properly.
2. Immediately reporting unresolved equipment malfunctions/problems to their supervisor.
3. Documenting the use of the PVRs on one of the following:
  - a. On the police report/CAD entry.
  - b. As a notation on a citation.
  - c. On a Field Contact card
4. Once video is captured officers should identify PVRs files:
  - a. When assigned, noting the SLPD case number in the Case ID Field.
  - b. Entering a title. The title should include sufficient information to identify the file, such as crime code, suspect name, location, event, etc.
  - c. Selecting the appropriate category(s).
  - d. The information may be entered via hand held device, Mobile, or SLPD computer work station before the end of the shift.

# SLPD POLICY DRAFT -- PORTABLE VIDEO RECORDING SYSTEM

---

## V OPERATION

- A. Personnel should make every effort to test PVRs equipment prior to going into service and ensure the unit is charged.
- B. Personnel shall position the camera on the front of their uniform to facilitate optimum recording field of view.
- C. The PVRs must be manually activated.
- D. Personnel should dock their issued camera for automated upload of PVRs data files daily at the end of their shift at the docking station to ensure storage capacity is not exceeded and/or to view uploaded audio/video.

## VI REVIEW OF PVRs FILES

- A. Although the data captured by the PVRs is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis. Employees authorized under this policy may review video according to the provisions of this policy.
- B. Once uploaded to the server, personnel may view their own audio/video data at a department desktop computer and documenting the reason for access in the "NOTES" section prior to viewing any data. Access is automatically time/date stamped and records each access by name.
- C. An employee may review PVRs files as it relates to their involvement in:
  - 1. An incident for the purpose of completing a criminal investigation and preparing official reports.
  - 2. Prior to courtroom testimony or for courtroom presentation.
  - 3. In the event of a critical incident:
    - a. All PVRs recordings shall be uploaded to the server as soon as practicable.
    - b. During this critical incident, the initial interview of an Involved Officer should occur before the officer has reviewed any audio/video recordings of the incident. An Involved Officer will have the opportunity to review recordings after the initial statement has been taken. Should the Investigators decide not to allow the officer(s) to view the recordings prior to the initial interview; the involved officer(s) attorney(s) may have the opportunity to review the recordings prior to the initial interview. Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by an Involved Officer. If the investigator shows any audio/video recordings to an Involved Officer after the initial interview, the investigator has the discretion to admonish an Involved Officer about the limitations of audio/video recordings.

## SLPD POLICY DRAFT -- PORTABLE VIDEO RECORDING SYSTEM

---

The following is an example of an admonishment that would be appropriate in a case involving video evidence:

In this case, there is video evidence that you will have an opportunity to view after you have given your initial statement. Video evidence has limitations and may depict the events differently than you recall, and may not depict all of the events as soon or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The “frame rate” of video may limit the camera’s ability to capture movements normally seen by the human eye.

Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident.

Investigators may ask an Involved Officer to view the incident scene during a “walk through”. The investigator will determine the timing of the “walk-through”, however, it should not occur prior to the initial statement of an Involved Officer. Only one involved officer at a time will be permitted to do a “walk-through” of the scene.

4. For potential training purposes.
5. Personnel may only view video that they actually appear in, viewing other personnel’s video that does not have audio/video involving them is not accepted without the approval of the Chief or Police or designee.

### **VII PVRS FILE REQUESTS**

- A. Department Requests, to include requests from the District Attorney’s Office or City Attorney’s Office, shall forward a written request via e-mail with sufficient information to locate the PVRS file to the System Administrator.
- B. Non-Department Requests
  1. All other requests for a PVRS file shall be accepted and processed in accordance with federal, state and local statutes and Departmental policy (court cases, subpoena’s, public records act., etc.) as set forth in Lexipol Policy #810 (Release of Records and information).
  2. Media inquiries and/or requests shall be received and processed in accordance with Lexipol General Operations #346 (News Media Relations).
  3. When practical, personnel will be advised, prior to any release, of video under the F.O.I.A. (Freedom of Information Act) and the guidelines consistent with Lexipol Policy #810.
- C. Request for Deletion of Accidental Recording  
In the event of an accidental activation of the PVRS, the recording employee may request that the PVRS file be deleted by submitting an e-mail request with sufficient information to

## SLPD POLICY DRAFT -- PORTABLE VIDEO RECORDING SYSTEM

---

locate the PVRS file to the Operations Division Captain and who shall review the file, approve or deny the request, and forward to the System Administrator for action.

### D. Copying Procedures

1. A copy of the PVRS file can be requested in accordance with the provisions of this order.
2. The employee shall make a written request to the System Administrator and must include the reason for the request.
3. The System Administrator shall log the request.

E. Investigators conducting criminal or internal investigations shall advise the System Administrator to restrict access/public disclosure of the PVRS file in criminal or internal investigations, when necessary.

F. A PVRS file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a PVRS file for such purpose may come from any source as outlined below:

1. A person recommending utilization of a PVRS file for training purposes shall submit the recommendation through the chain of command to the Operations Captain or designee.
2. If an involved officer or employee objects the showing of a recording, his/her objection will be submitted to staff to determine if the employee's objection outweighs the training value.
3. The Operations Captain or designee shall review the recommendation and determine how best to utilize the PVRS file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g., General Order, Training Bulletin, Officer Safety Bulletin, briefing or other training).

## VIII REPAIR PROCEDURE

- A. Personnel should immediately report any problems with the PVRS to their immediate supervisor.
- B. Upon notification, the supervisor shall contact the System Administrator or designee stating the problem or malfunction.