



**MODESTO POLICE DEPARTMENT
GENERAL ORDER**

Number **12.17**

Date: July 24, 2012

I. SUBJECT: PORTABLE VIDEO RECORDING SYSTEM

II. 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. Officers 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.

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 phone camera or secondary video camera to record PVRs files.

All recorded media, images and audio are property of the Modesto 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 work 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. 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.
- F. There are many situations where the use of the PVRs is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, officers 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, officers shall activate 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
 - 5. K9 Deployments
 - 6. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require taping.
- G. Officers may activate the PVRs before or during any other incident at their discretion
- H. During a required activation, the recording shall not be intentionally terminated until the conclusion of the encounter.
- I. Officers shall not use the PVRs recording functions to record any personal conversation of or between another department member or employee without the recorded members/employee's knowledge.
- J. Officers 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 the officer is lawfully present and engaged in the performance of official duties).

- K. Officers 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.

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 secure and maintained for a minimum of 2 years. Ensure all other routine files are secure and maintained a minimum of 1 year.
7. Ensure PVRs files are reviewed and released in accordance with federal, state, local statutes and City of Modesto/Modesto Police Department retention policy.

B. Supervisory

1. Supervisors will ensure officers utilize the PVRs according to policy guidelines.
2. Supervisors may conduct random or directed review of recordings to ensure adherence to policy, assess performance and note videos that may be appropriate for training purposes.

C. Personnel utilizing the PVRs shall be responsible for the following:

1. Ensuring the battery is fully charged daily and operating properly.
2. Immediately reporting unresolved equipment malfunctions/problems to their supervisor.

3. Monitoring system effectiveness and making recommendations for operational improvement and policy revision.
4. Documenting the use of the PVRs on one of the following:
 - a. On the police report/computer entry.
 - b. As a notation on a citation.
 - c. On a Field Contact card.
5. Once video is captured officers shall identify PVRs files by:
 - a. When assigned, noting the MPD 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, MDC, or MPD computer work station via the evidence.com website.

V. OPERATION

- A. Officers shall test PVRs equipment prior to going into service and ensure the unit is properly charged.
- B. Officers shall position the camera on their uniform to facilitate optimum recording field of view.
- C. The PVRs must be manually activated.
- D. Officers shall 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, sworn personnel may view their own audio/video data (e.g. to verify an identification, a vehicle license number or to review an incident for statement accuracy) at a Department desktop computer by logging onto Evidence.com and documenting the reason for access in the "NOTES" section prior to viewing any data. Evidence.com automatically time/date stamps and records each access by officer name.
- C. Reviewing a PVRs file requires documenting the specific reason for access on the video file page in the "NOTES" field prior to viewing unless exempted by the Chief of Police or designee.
- D. An employee may review PVRs files as it relates to:
 - 1. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports.
 - 2. Prior to courtroom testimony or for courtroom presentation.
 - 3. Providing a statement pursuant to an administrative inquiry, including officer involved shooting investigations.
 - 4. For potential training purposes.

VII. PVRs FILE REQUESTS

A. Departmental Requests

Department requests, to include requests from the District Attorney's Office or City Attorney's Office, shall forward a written request via email with sufficient information to locate the PVRs file to the investigating officer or detective.

B. Non-Department Requests

- 1. All other requests for a PVRs file shall be accepted and processed in accordance with federal, state, local statutes and Departmental policy (court cases, subpoena's, public records act, etc.) as set forth in General Order 8.03 Public Information Release.
- 2. Media inquiries and/or requests shall be received and processed in accordance with General Order 1.18 Media Relations.

C. Request for Deletion of Accidental Recording

In the event of an accidental activation of the PVRs where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the PVRs file be deleted by submitting an email request with sufficient information to locate the PVRs file to the Operation Division Commander or designee 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 made by the investigating employee in accordance with the provisions of this order.
2. The investigating employee shall make the requested copy and a second copy that shall be booked into evidence.
3. In the absence of the investigating employee, the Identification Unit may make the requested copy and a second copy that shall be booked into evidence.

E. Investigators Conducting Criminal or Internal Investigations Shall:

1. Advise the System Administrator to restrict access/public disclosure of the PVRs file in criminal or internal investigations, when necessary.

F. Document the reason for access by entering the related file number on the PVRs "NOTES" field prior to viewing, unless exempted by the Chief of Police or designee.

1. Review the file to determine whether the PVRs file is of evidentiary value and process in accordance with established procedures.
2. Investigators shall notify the System Administrator to remove the access restriction when the investigation is closed.

G. 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.

1. A person recommending utilization of a PVRs file for training purposes shall submit the recommendation through the chain of command to the Operations Division Captain or designee.

2. If an involved officer or employee objects to 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 Division 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 shall immediately report any recognized 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.
- C. The System Administrator or designee will report unresolved deficiencies to TASER International via web based support at <http://www.taser.com/support/contact-us> by completing the required information on-line and describing the issue or defect in detail in the "Message" window provided.
- D. Provide the serial number of the unit needing service or repair and identify the unit as a TASER Axon Flex body worn camera or battery pack as appropriate. A TASER representative will contact the MPD PVRs System Administrator for resolution.



BY ORDER OF: Michael G. Harden
Chief of Police

OPR: Operations Division
Drafter: Assistant Division Commander
Replaces:
None
Index as:
Body Worn Camera
Portable Video Recording System
PVRs