



**CHANDLER POLICE  
DEPARTMENT  
GENERAL ORDERS**  
*Serving with Courage, Pride, and  
Dedication*

Order

**E-07 DIGITAL RECORDING DEVICES**

Subject

**100 Procedures**

Effective

**01/08/17**

**Summary**

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This order addresses the use of digital devices designed to record audio and video information. Images and audio captured by digital devices are used to enhance investigations, capture evidence and provide transparency of law enforcement activities and encounters with the public. The electronic evidence aids in prosecution of criminal cases and in resolving professional standards matters, and civil lawsuits against the City of Chandler, the Department, or any of its employees. The recordings can be useful for preparing offense reports, testifying in court, protecting officers from false allegations of misconduct, and providing a source of training materials for incident debriefing or performance evaluations. Please note that all digital recordings have limitations, and may not be an exact replica of the activities and nuances present in every circumstance. There are a number of factors to consider when reviewing and using any recording.

**A. POLICY**  
[41.3.10]

The purpose of this order is to establish guidelines for the appropriate use of digital recorders as well as the submission, storage, retrieval, review, and deletion of digital recordings

**B. DEFINITIONS**

1. **APPROVED DIGITAL RECORDER:** A digital audio and/or video recording device owned and assigned by the department for use by officers to document police related incidents
2. **BODY WORN CAMERA (BWC):** An approved digital audio-video recorder worn by the officer at or above shoulder height
3. **DIGITAL RECORDER:** Unless otherwise limited by its context, digital recorder includes any digital audio and/or video recording device used by officers to document police related incidents (includes BWC)
4. **DIGITAL EVIDENCE:** Includes any and all video, audio, still images, and recordings made during the course of or in furtherance of official duties
5. **CASUAL OR INFORMAL CONTACT** – Incidental contact with a citizen outside of law enforcement activity or a call for service.

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**C. GUIDELINES**

**APPLIES TO ALL DIGITAL RECORDERS** used in the course of official duties, whether the device is owned by the department or privately owned

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1. **APPROVED DIGITAL RECORDERS ARE ASSIGNED** by the department and maintained by the officer. Prior to each shift, officers will inspect the digital recorder for any physical damage and ensure it is in proper working order. Report and document (GO B-18.100) any damage or malfunction. The immediate supervisor contacts the precinct admin supervisor to secure a replacement or repair.
2. **USE ONLY APPROVED DIGITAL RECORDERS** assigned by the department. However, if an approved digital recorder fails or is

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unavailable, and the officer reasonably determines audio and/or video recording is crucial to preserving evidence, the officer may use an unapproved recording device. Such recordings are subject to the same preservation, retention and disclosure requirements as those recordings made with approved digital recorders.

3. **PROFESSIONAL STANDARDS SECTION (PSS) SUPERVISOR** reviews quarterly a random sampling of BWC recordings of various shifts to ensure policy and procedure is being followed and documents the findings. Additional recordings may be reviewed if random sampling indicates either a department wide problem or problem with one of the officers.
4. **DURING ANY AUTHORIZED AUDIO OR VIDEO** recording, officers shall have the discretion to inform subjects when they are being recorded. The decision is based on officer safety considerations, privacy concerns, ability to investigate or obtain statements/evidence, and whether it is impractical to inform the subject.
5. **CONTINUE TO PREPARE REPORTS** in the same manner as prior to the implementation of the body worn camera system and not substitute “refer to video” for a detailed and thorough report
6. **NOTATE THE REASON** in the General Offense report any time the recording is stopped before completing the interaction or a recording was not started when one is required by policy. Make a notation in CAD when a report is not required.
7. **ALL PERSONNEL ASSIGNED A BWC** shall wear it in conjunction with working in their primary duty role or in a uniform extra duty capacity

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#### **D. BODY WORN CAMERAS (BWC)**

Officers assigned and equipped with body worn cameras shall activate them as follows:

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1. **MANDATORY ACTIVATION:** Unless an exception applies, officers **shall** activate their BWC when an encounter is **reasonably anticipated to result in enforcement action**, including but not limited to
  - a. Dispatched and self initiated calls for service that may reasonably result in law enforcement action.
  - b. Traffic stops
  - c. Code 3 driving, vehicle pursuits and failure to yield incidents
  - d. Detention, arrest, and searching of prisoners
  - e. Use of force incidents
  - f. Anytime an officer deems it is appropriate to record
2. **UNLESS AN EXCEPTION** or restriction applies, officers shall continue recording while actively investigating or taking enforcement action. If a break in recording occurs, document the reason for the interruption in their General Offense Report.
3. **BE COGNIZANT OF THE CAMERA’S LOCATION**, especially when utilizing jackets, traffic control vests, personal protective equipment, or any other equipment that may hinder video and / or audio capture
4. **GENERALLY, DO NOT RECORD informal** or **casual** encounters with members of the public. Officers should consider that recording people in

some circumstances may inhibit sharing neighborhood information or developing strong ties between members of the community and officers.



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5. **EXCEPTIONS TO ACTIVATION:** Officers may decide not to activate a BWC in the following circumstances:

- a. Recording is impossible, impractical, or unsafe. Officers should engage their BWC once the situation allows.
- b. Victim/witness is concerned about retaliation for cooperating with police or refuses to make a video recorded statement
- c. Overriding privacy concerns, such as citizen requests not to be video recorded during consensual encounters either in public or inside private residences, persons in a state of undress, etc.
- d. With approval of a supervisor



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6. **ADVISEMENTS ABOUT RECORDING**

- a. Members of the public do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence
- b. Except for undercover investigations, if asked, officers shall advise subjects they are being recorded. Officers are not required to initiate or cease recording an event, situation, or circumstance solely at the demand of a subject.

**E. RESTRICTIONS:**

The following restrictions apply to all digital recordings, whether audio or video

**OFFICERS SHALL NOT KNOWINGLY:**



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1. Create video recordings in areas where a reasonable expectation of privacy exists such as locker rooms, restrooms, when sensitive medical exams are being conducted, etc. absent a compelling law enforcement interest
2. Record undercover officers or confidential informants absent a valid investigative purpose. The CI may be photographed or recorded for business/criminal justice related investigations.
3. Use an approved digital recorder to record any activities not related to official law enforcement duties
4. Upload, access, copy, or convert digital recordings for any personal use, including onto any type of personal/social media, or for anything other than legitimate law enforcement purposes
5. Make digital recordings in hospital patient care areas except when necessary for official police business
6. Record a minor child, unless the video or voice recording is made during or as part of a law enforcement investigation, or during or as part of a forensic interview in a criminal or child protective services investigation, or as otherwise consented to by the minor child's parent or allowed by A.R.S. Section 1-602
7. Allow citizens to review the recordings in the field unless reasonably necessary for an ongoing investigation. Citizens who want to view recordings may make a public records request. A copy may be provided in accordance with state public records laws.

8. Record city employees except when necessary in a criminal investigation, during official administrative interviews, or as approved by the Chief of Police
9. Record discussions with other officers about case tactics or strategy, either before enforcement action is taken or after the scene is stabilized
10. Record administrative functions including counseling sessions with supervisors or managers
11. Record a critical incident debriefing
12. Record daily briefings
13. Record while attending or testifying during civil or criminal court proceedings or depositions
14. Record while on breaks or during personal activities

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#### **F. DATA REVIEW**

1. **INVESTIGATING OFFICERS** may review all digital media captured during an incident or event:
  - a. To assist with the investigation and completion of reports
  - b. For training purposes
  - c. Before testifying
2. **OFFICERS** may only review their own recorded digital media:
  - a. Before making a statement in an Internal Affairs investigation
  - b. Before making a statement in an officer involved shooting investigation or use of force incident that resulted in serious injury or death, but only after reviewing and signing the appropriate acknowledgment form
3. **SUPERVISORS, PSS, OR COMMAND STAFF** may review digital media to review officer conduct for the purpose of an internal administrative review or investigation, or to investigate an external citizen complaint

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#### **G. STORAGE, RETENTION, AND RELEASE OF DIGITAL RECORDINGS**

1. **ALL DIGITAL EVIDENCE** captured during the scope of an officer's duties, whether on approved or privately owned digital recorders, is property of Chandler Police Department and subject to policies regarding review, reproduction, release, production, retention, deletion, and disposal
2. **DIGITAL EVIDENCE SHALL NOT BE:**
  - a. Deleted except as allowed by this general order
  - b. Altered or tampered with
  - c. Accessed, copied, edited, or released without proper approval or as permitted by law
3. **DISSEMINATION/RELEASE OF DIGITAL RECORDINGS**
  - a. Allowed only under the following circumstances:

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- 1) For criminal justice purposes
- 2) For training purposes only when approved by a division commander after input from the involved employee
- 3) Pursuant to a public records request
- 4) Pursuant to subpoena or court order
- 5) For actual or potential civil litigation
- 6) Others as approved by the Chief of Police

b. **PUBLIC RECORDS REQUESTS:** Digital evidence is subject to release pursuant to public records laws. Exemptions from disclosure are the same as for any other departmental records. The Chief of Police shall designate the person or unit responsible for reviewing the digital evidence and determining whether any portion needs to be redacted prior to release. There are a number of factors to consider when reviewing any recording, which may include limitations and/or information that impacts the content of the recording. The review of any material has variables that may not be evident in the recording. Consider the following factors:

- 1) A camera does not follow the officer's eyes or see as they see
- 2) There may be subtle and peripheral danger clues not recorded by a camera
- 3) Camera speed differs from the speed of life
- 4) Variations in lighting may impact the human eye and camera differently
- 5) The camera may likely be blocked at times by an officer's body or other obstacle present at a scene
- 6) A camera only records two dimensionally
- 7) There are factors relating to time stamping and delays that may impact precise timing
- 8) Cameras may only be part of the picture and may not be conclusive, and will not replace a thorough investigation

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c. **CASE SUBMITTALS WITH BWC DIGITAL EVIDENCE:** Body worn camera evidence does NOT have to be attached. Check the "Available on Request" box on the County checklist form for county submittals.

d. **CASE SUBMITTALS WITH NON-BWC DIGITAL EVIDENCE:** The case agent and supervisor will ensure a copy of all non-BWC digital evidence is included when the case is submitted to the prosecutorial agency for review and charging

#### 4. **DIGITAL EVIDENCE STORAGE AND RETENTION**

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- a. All recordings will be kept in accordance with adopted retention guidelines
- b. Digital evidence will be retained and stored on the appropriate storage medium as authorized by the department
- c. All digital recordings shall be uploaded by authorized means, preferably by the end of each shift

- d. If a use of force and/or vehicle pursuit is captured on a digital recording device, PSS copies the recording to portable media and makes it available for the applicable administrative review process
- e. When an incident has been recorded and an offense report is generated, the officer shall:
  - 1) Note in the first sentence of the narrative that a portion of the incident was captured by a digital recording system
  - 2) Note the recording in any police document pertaining to the incident, such as use of force or pursuit forms
  - 3) Transfer recorded data onto the appropriate storage medium
- f. Recordings captured during the scope of an officers duties, whether on department approved or privately owned digital recorders, may be subject to release under applicable federal and state laws or pursuant to court rules
- g. **STORAGE OF BWC DIGITAL RECORDINGS:** Digital recordings automatically upload to the server when the camera is placed in the docking station. All recordings should be tagged with the following information in Evidence.com:
  - 1) ID NUMBER – GO number or other identifying incident number
  - 2) CATEGORY – The appropriate category type to ensure the digital recording follows established retention guidelines. Multiple categories may be added to a recording.
  - 3) TITLE – description of the incident and or person interviewed
- h. **STORAGE OF DIGITAL AUDIO RECORDINGS:** Upload audio recordings to V:\Officer\- 1) Criminal Cases – ID Number – GO number or other identifying incident number (e.g., 17-12345 smith)
- 2) Traffic Stops – TSTOP (e.g., tstop jones)
- 3) Subject Stops – SSTOP (e.g., sstop bell 1019 N AZ)

#### **H. DELETION/REDACTION OF BWC DIGITAL RECORDINGS**

- 1. **DELETION OF DIGITAL RECORDINGS:** When a recording is made and has no evidentiary or administrative value, serves no legitimate governmental purpose, and does not constitute a public record (e.g., device inadvertently left on during restroom break or overnight after end of shift) it may be deleted as follows:
  - a. Members requesting a file to be deleted submit a memo of explanation to their commander
  - b. The affected commander makes a determination and forwards the memo to the Technology Manager to complete the request
  - c. The memos are retained by the affected commander
- 2. **RETENTION:** Evidence.com will automatically purge files based on a categories predetermined retention schedule. Officers will receive notice seven days prior to any files being purged.
- 3. **REDACTION:** If digital recordings are required to be redacted prior to release
  - a. The designated person or unit reviews the evidence and removes any portions not subject to release

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- b. If there are questions or concerns about redaction, contact the Police Legal Advisor
- c. After review, upload the redacted copy onto the appropriate storage medium under the applicable GO or street check number and retain for future reference
- d. The redacted version is available to the involved employee(s)

***I. DELETION OF DIGITAL  
AUDIO RECORDINGS***

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Digital AUDIO recordings of incidental contacts not deemed to be evidentiary may be deleted upon completion of an officer's report. Recordings of victim, witness, or suspect statements, or of civil traffic stops or other enforcement contact should not be deleted and should be uploaded per policy to department systems.

***J. TRAINING***

**OFFICERS AND SUPERVISORS SHALL COMPLETE DEPARTMENT-APPROVED TRAINING** prior to deploying a digital recording device, including:

1. Knowledge of department policies and procedures regarding all aspects of proper use of digital recording devices, as well as the storage and retrieval of digital recordings
2. Demonstrated proficiency in the use of the device and the storage and retrieval of the recordings

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***K. SUPERVISORS***

1. Ensure officers utilize the BWC system according to policy guidelines
2. Ensure digital evidence is uploaded to digital evidence storage in a timely fashion
3. When responding to a citizen complaint, record the encounter and are encouraged to advise the member of the public they are recording
4. May have the ability to immediately resolve questions/ concerns or complaints by reviewing video captured by the BWC
5. In the event a formal complaint is made, change the category to restricted and make notes within that category

