



Merced Police Department
Policy Manual

Portable Video Recording System

000.1 PURPOSE AND SCOPE

The Merced Police Department has provided each of its sworn members with access to Video/audio recorders for use while on-duty. These recorders are intended to assist officers in the performance of their duties by providing an unbiased video/audio record of a contact.

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.

000.2 OFFICER RESPONSIBILITIES

Prior to going into service, each uniformed officer will be responsible for making sure that he/she is equipped with a departmentally issued video/audio recorder in good working order. Officers shall have the recording device on their person in a location with the ability to safely activate the recorder prior to or during a contact.

- (a) 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:
 - i. On the police report/computer entry.
 - ii. As a notation on a citation.
 - iii. On a Field Contact card
- (b) Once video is captured officers shall identify PVRs files by noting the case number and other pertinent information via MDC, smart phone or the Evidence.com website within the PVRs data file.
- (c) Officers are prohibited from utilizing department recorders and recording media for personal use. Employees shall not obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information obtained by a video/audio recording. Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., You-Tube, Facebook).

000.3 SUPERVISORY RESPONSIBILITIES

Supervisors will ensure officers utilize the PVRs according to policy guidelines.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

000.4 ACTIVATION OF THE PVRs

This policy is not intended to describe every possible situation where the system may be used however here are many situations where the use of the PVRs system is appropriate. In addition to the required situations, officers may activate the system any time he/she believes its use would be appropriate and/or valuable to document an incident. In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera however the audio portion can be valuable evidence and is subject to the same activation requirements as the PVRs. The activation of the PVRs system is required in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct, within video or audio range, which includes:
 - 1. Search Warrants
 - 2. Probation/Parole Searches
 - 3. Arrests
 - 4. Pedestrian checks
 - 5. DUI investigations including field sobriety tests
 - 6. Consensual encounters
- (b) All self-initiated activity in which an officer would normally notify the Dispatch Center
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any other circumstances where the officer believes that a recording of an incident would be appropriate

- (f) 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.

Once the PVRs system is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses, victims, etc. have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or other similar situations.

000.5 WHEN ACTIVATION NOT REQUIRED

Activation of the PVRs system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service, or actively on patrol.

Penal Code § 632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however Penal Code § 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

No member of this department may surreptitiously record a conversation of any other member of this department without the expressed knowledge and consent of all parties

000.6 REVIEW OF PVRs FILES

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.

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.

Recordings may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific act of officer conduct
- (b) By a department detective after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (c) By department personnel who request to review their own recordings
- (d) By court personnel through proper process or with permission of the Chief of Police or his/her designee
- (e) By media personnel with permission of the Chief of Police or his/her designee
- (f) Recordings may be shown for the purposes of training value. If an involved officer objects to the showing of recording, his/her objection will be submitted to

staff to determine if the training value outweighs the officer's objection for not showing the recording.

000.7 VIDEO MEDIA STORAGE AND INTEGRITY

Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed, or recycled (Government Code § 34090.6).

000.7.1 COPIES OF VIDEO RECORDINGS

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in Policy Manual § 000.6

000.8 PERSONALLY OWNED PVRs

Employees may purchase and use their own video/audio recorders, employees choosing to use a personally owned system shall adhere to this policy.

- (a) Employees will notify their supervisors that they have a personally owned recording device and will surrender the device upon demand of a supervisor.
- (b) All recordings made while working in any capacity as a Merced Police employee are subject to review by the Merced Police Department.
- (a) Employees need to submit recordings of an evidentiary value as evidence when using a personally owned video/audio recorders.