

TOPEKA POLICE DEPARTMENT
General Order

Order Number 41.3.8
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Subject: Digital Recording and Control

References: CALEA Chapter 41

By Order of the Chief of Police
Ronald L. Miller

PURPOSE

The Department uses digital recording and control equipment for the following purposes:

1. To document events;
2. To assist with reports;
3. To assist with court testimony;
4. To enhance training; and
5. To protect and defend against civil litigation and allegations of misconduct.

DEFINITIONS

- D1 MAV** – In-car Mobile Audio Video system.
- D2 COBAN** – Brand of MAV system used in some department cars.
- D3 Digital Patroller** – Brand of MAV system used in some department cars.
- D4 Taser Axon** - Brand of body worn video system.
- D5 Evidence.com** - Online web-based secure digital storage facility for Taser Axon video that is accessible to personnel based upon a security clearance.
- D6 Evidence Transfer Manager (ETM)**- Docking station for Taser Axon systems that uploads data to Evidence.com and re-charges the battery.
- D7 Digital Recorder** – Personally owned or department issued digital voice recorder.
- D8 iRecord** - Digital video/audio recording system used for recording interviews conducted in interview rooms.

REGULATION

A. GENERAL GUIDELINES AND AUTHORITY FOR USE OF AUDIO AND VIDEO EQUIPMENT =41.3.8.b

1. Department authorized digital recording devices and recordings are the exclusive property of the Topeka Police Department.
2. Topeka Police Department employees will not release, disseminate, or copy any video or audio recordings except as outlined in the policy below.
3. Officers shall adhere to the operational objectives outlined in this policy to maximize effectiveness and integrity of video and audio evidence and documentation.
4. If audio or video equipment is not functioning properly the officer will notify a supervisor and either complete an I.T. help desk ticket or submit a request for replacement depending on the type of equipment.
5. Department review
 - 1) The media recordings will not be routinely or randomly reviewed to monitor officer performance.
 - 2) The aforementioned restricted review is not intended to limit or restrict the Department's review as part of an official investigation, including DAR reviews, pursuit reviews, matters referred to PSU, complaints, early intervention inquiries, civil claims or other administrative investigations.

B. OPERATING PROCEDURES

1. COBAN MAV SYSTEM OPERATION

- a. Ensure the proper alignment, focusing, and positioning of the in-car video equipment.
- b. Ensure the microphone pack is charged and tested.
- c. Officers shall enter both their logon and password to sign into the camera system. If two officers are assigned to a unit both will sign into the system.
- d. The Coban system should be utilized to record the following types of incidents when practical: **=41.3.8.a**
 - 1) Traffic stops;
 - 2) Pursuits;
 - 3) Vehicle searches;
 - 4) Confrontational citizen contacts;
 - 5) Defensive action situations;
 - 6) Statements made by subjects;
 - 7) Advising of Miranda rights;
 - 8) During interviews; and
 - 9) Other legitimate law enforcement contacts.
- e. Upon conclusion of a recorded event officers will classify the event based on system prompts and enter the following applicable information into the MAV system:
 - 1) Suspect/subjects name;
 - 2) Case or citation number;
 - 3) Drivers' license number;
 - 4) License plate; and
 - 5) Description note field.
- f. At shifts conclusion officers shall sign off the camera system and bring the vehicle to the underground parking area to allow a wireless upload of the video data.
- g. In addition to manually recording an event the system has automatic event triggers that activate the record mode and they include a 30 second pre-record of event:
 - 1) Vehicle exceeds 80 MPH;
 - 2) Lights and/or siren are activated; and
 - 3) Vehicle is involved in an accident.
- h. Data collected by system:
 - 1) Date and time;
 - 2) Vehicle number;
 - 3) Brake Indicator;
 - 4) Speed Indicator;
 - 5) Use of emergency lights; and
 - 6) Use of siren.

2. DIGITAL PATROLLER MAV SYSTEM OPERATION

- a. Ensure the proper alignment, focusing, and positioning of the in-car video equipment.
- b. Ensure the microphone pack is charged and tested.
- c. Officers will utilize the generic logon and password to sign into the system.
- d. The Digital Patroller system should be utilized to record the following types of incidents when practical: **=41.3.8.a**

- 1) Traffic stops;
 - 2) Pursuits;
 - 3) Vehicle searches;
 - 4) Confrontational citizen contacts;
 - 5) Defensive action situations;
 - 6) Statements made by subjects;
 - 7) Advising of Miranda rights;
 - 8) During interviews; and
 - 9) Other legitimate law enforcement contacts.
 - e. Upon conclusion of a recorded event officers will classify the event based on system prompts.
 - f. At shifts conclusion officers will upload video to the server by connecting the servers wired connection to the Digital Patroller connection in the trunk of the vehicle.
 - g. In addition to manually recording an event the system has automatic event triggers that activate the record mode and they include a 30 second pre-record of event:
 - 1) Vehicle exceeds 80 MPH;
 - 2) Lights and/or siren are activated; and
 - 3) Vehicle is involved in an accident.
 - h. Data collected by system:
 - 1) Date and time;
 - 2) Vehicle number;
 - 3) Brake Indicator;
 - 4) Speed Indicator;
 - 5) Use of emergency lights; and
 - 6) Use of siren.
3. TASER AXON DIGITAL VIDEO SYSTEM
- a. Only those officers who have completed approved training will be allowed to operate Axon systems.
 - 1) Each Axon system is issued to one individual officer who shall maintain all the assigned equipment.
 - b. Officers will inspect the Axon system and ensure it is working properly prior to each shift. Systems that are not functioning will not be worn.
 - c. Modes of Operation
 - 1) Normal (buffering) Mode - the Axon system continuously loops video for 30 seconds. Records video only (no audio) while buffering.
 - 2) Event Mode - when activated the system saves the buffered video, and continues recording video and audio for approximately 8 hours depending on settings and battery charge.
 - d. The Axon system should be utilized to record the following types of events, whenever practical: **=41.3.8.a**
 - 1) Traffic stops;
 - 2) Pursuits;
 - 3) Vehicle searches;
 - 4) Confrontational citizen contacts;
 - 5) Defensive action situations;
 - 6) Statements made by subjects;
 - 7) Advising of Miranda rights;
 - 8) During interviews; and
 - 9) Other legitimate law enforcement contacts.
 - e. Once the situation stabilizes, if it is necessary to discuss issues or concerns with another officer or supervisor in private, the Axon system may be turned off.
 - 1) The intention to stop the recording should be noted by the officer verbally on the Axon system.
 - 2) As soon as the private conversation is completed, the Axon system should be returned to Event Mode. Officers should remember that when it is turned back on the prior 30 seconds of video will be saved but not the audio portion.
- f. Officers will mark each Axon video captured with one of the categories available on the system.
- 1) If there is a case number associated with the event that the officer has recorded video/audio, that number shall be attached to the video/audio clip.
- g. Officers shall document in reports or citations if the Axon system was utilized during the incident.
- h. Officers may review portions of a recording to assist with an investigation and complete reports. This can be done directly from the wireless smart phone or through Evidence.com.
- i. When an incident arises that requires the immediate retrieval of Axon media for chain of custody purposes (serious crime scenes, officer involved shootings, Department involved motor vehicle accidents or others as determined by supervisors) a supervisor shall respond to the scene and secure the Axon system.
- j. Media storage for the Axon system
- 1) At the end of shift officers shall place the Axon system into the Evidence Transfer Manager (ETM) for charging and uploading of media to Evidence.com; and
 - 2) The Axon system will not be removed until media has been completely uploaded and the battery fully recharged.
- k. Prohibited uses
- 1) The Axon system shall not be used to record personal activity;
 - 2) The Axon system will not be activated in places where a reasonable expectation of privacy exists, such as dressing rooms or restrooms;
 - 3) The Axon system will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities;
 - 4) The Axon system shall not record confidential informants or undercover officers; and
 - 5) Officers will try to avoid recording individuals who are not wearing clothes or when sensitive human areas are exposed.
4. DIGITAL CAMERA OPERATION
- a. At the start of each shift officers will ensure sufficient battery life for the shift. Officers will replace weak batteries with rechargeable batteries only, and place the low-level batteries in the charger.
 - b. Officers will verify a Digital Media Storage device (DMS) is in the camera and a spare DMS device is in the camera case.
 - c. Officers will photograph their name, date and case number on a piece of paper before each incident's photograph or series of photographs.
 - d. DMS cards will be submitted to CSI for evidence retention and placement on the department's intra net.
5. IRECORD
- a. Any officer may choose to use the interview rooms and record interviews.
 - b. Activation of the recording device is done by selecting the appropriate system for the interview room in use.
 - c. The interviewer should confirm that the recording is active before the interview and that the recording has stopped upon completion.

- d. If trained, it is the responsibility of the interviewer to copy the interview to disc. If not trained in copying the video to disc, the interviewer should contact trained personnel to request a disc be made.
 - e. All detectives will be trained in iRecord use and copying of video to disc.
 - f. A copy of evidentiary interviews should be submitted to TPD Property. Other copies may be made at the discretion and needs of the interviewer.
6. **AUDIO RECORDER OPERATION**
- a. The Topeka Police Department will provide mini-recorders for officers use at their request.
 - b. Officers who choose to carry their personal recorders must turn in the Department issued recorder, and understand they will not be reimbursed for damages or loss to their personal recorder.
 - c. At the start of each shift officers will ensure recorders have a minimum of 1/3 battery life remaining. Replacement batteries are available in the equipment room.
 - d. At the start of each shift officers will test the recording audio quality.
 - e. Officers should use the recorder on citizen contacts when the MAV is not available.
 - f. Department owned damaged recorders will be turned in with a memorandum of explanation, and officers will submit a replacement request.
- C. SUPERVISOR RESPONSIBILITIES**
- 1. Enforce policy and procedure governing the use of all digital recording and control equipment.
 - 2. Review mobile video recordings to address training needs and ensure policy compliance.
 - 3. Will document on their activity sheet any system failures reported to them.
 - 4. Supervisors who believe a recording has a training value shall notify Training Staff.
 - a. Training staff will determine if the recording has a training value and receive approval from the Chief of Police prior to using it in a training setting.
- D. MEDIA RECORDING CONTROL AND DISSEMINATION**
- 1. Original recordings shall not be released from police custody.
 - 2. Coban and Digital Patroller video retention process. =41.3.8.c
 - a. Video will be kept on Department servers for a period of 90 days before the video is written over.
 - b. Video that is evidence requires the officer or supervisor to complete a CSI work request to transfer the media to a disc.
 - c. CSI will create the disc and place it in property.
 - 3. Taser Axon video retention process =41.3.8.c
 - a. Axon video/audio is retained on Evidence.com according to the classification assigned by the officer and does not require separate disc copies made for the property room.
 - 1) If taser media requires copying to a disc it may be done through a work request to CSI or other administrative personnel with download rights may also create discs.
 - b. Media retention schedule for each classification on Evidence.com will be set as follows:
 - 1) No Evidentiary Value - 90 days;
 - 2) Training - 90 days;
 - 3) Incident Report - 1 year;
 - 4) Mental Health (CIT) - 1 year;
 - 5) Potential Complaint - 180 days;
- 6) Traffic Stop - 1 year;
 - 7) Contacts and Detentions - 3 years;
 - 8) Pursuits - 5 years;
 - 9) DUI - 5 years;
 - 10) Arrests - 5 years;
 - 11) Defensive Actions - 5 years; and
 - 12) Evidence - 5 years
4. Media requests from District or City Attorney Offices.
- a. Department media shall be considered "closed" records under the Kansas Open Records Act.
 - b. Requests for viewing or duplicating recordings should include specific information such as type incident, date, time, location, etc. and must come from the District or City Attorney offices.
 - c. CSI will make a copy of the specific segment recording requested and send it to the appropriate office. Duplicate recording labels will indicate Topeka Police Department, the date of duplication, and a statement that further duplication or distribution without express written consent of the District or City Attorney offices is prohibited.
5. Officers will notify a supervisor when they believe a recorded event may hold training value.

BY ORDER OF THE CHIEF OF POLICE



RONALD L. MILLER