

# AIRWAY HEIGHTS POLICE DEPARTMENT

ORIGINATION	TITLE	CHAPTER NO.
Chief of Police	Personal Cameras	51
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## 51.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings.

## 51.2 POLICY

The Airway Heights Police Department may provide members with access to portable recorder, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

## 51.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

## 51.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department and that the recorder is in good working order. Uniformed members should wear the recorder in a conspicuous manner. Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. When using a recorder, the assigned

member shall record his/her name, employee number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

## **51.5 ACTIVATION OF THE RECORDER**

Members should activate the recorder during all enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

Absent a court order, no member of this department may record a face to face conversation without first informing everyone present, including the party to the conversation, that the conversation is being recorded, except as provided in RCW 9.73.090.

### **Airway Heights Police Department**

Policy Manual

Use of Audio/Video Recorders

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

## **51.5a SURREPTITIOUS USE OF THE AUDIO RECORDER**

Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090 and RCW 9.73.210. Members shall not surreptitiously record another department member without a court order or unless lawfully authorized by the Chief of Police or Authorized designee.

## **51.6 PROHIBITED USE**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty, whether the recording was created with a department-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Member are prohibited from using personally owned recording devices while on-duty without the express consent of the Patrol Sergeant. Any member who use a personal owned recorder for department-related activities shall comply with the provisions of the policy, including retention and release requirements.

Recording shall not be used by any member for the purpose of embarrassment or ridicule. Any member who may have questions regarding the application of this policy is encouraged to seek clarification form supervisory personnel.

## **51.6.1 RETENTION OF RECORDINGS**

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the files in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report. Any time a member reasonably believes a recorder contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording. Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

## **51.7a RETENTION REQUIREMENTS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention scheduled but in no event for a period less than 180 days.

## **51.8 RELEASE OF RECORDINGS**

Recording made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purpose.

## **51.9 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource. However, Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the Authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

