

## Portable Audio/Video Recorders

### 425.1 PURPOSE AND SCOPE

- A. 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. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment. Commonly, these devices are referred to as, but not limited to, Body Worn Cameras (BWC), Vehicle Mounted Cameras (VMC), or Digital Audio Recorders (DAR). This policy refers to all these types of recording devices as a Portable Audio/Video Recorder(s) (PAVR or PAVRs).
- B. This policy does not apply to lawful surreptitious audio/video recording or the interception of communications for authorized investigative purposes or Undercover investigations .
- C. Information captured from PAVRs is limited. PAVRs do not create a record of an incident that includes all information. An audio or video recording does not capture everything a member may sense or take into account when dealing with an incident. Additionally, everything depicted on a recording may not have been seen, heard, or perceived by a member at the time of the incident. PAVRs, and the recordings they produce are limited by the device's capabilities and the environment in which a recording is made

### 425.2 POLICY

- A. The Sahuarita Police Department may provide members with access to a PAVR, capable of audio or video recording or both, for use during the performance of their duties. The use of a PAVR is intended to enhance the mission of the Department by accurately capturing investigative and enforcement contacts between members of the Department and the public. Members will only use PAVRs and digital storage systems approved for use by the Department.
- B. An SPD Lieutenant and the Special Operations Sergeant shall serve as the PAVR Program Administrators. The Lieutenant and Special Operations Sergeant shall manage all duties and aspects of the recordings and associated equipment and technology as assigned by the Chief of Police. Certain duties or control of recordings may be assigned to other SPD members, to include civilian staff.
- C. Members shall receive Department approved training prior to utilizing a PAVR.
- D. The use of a personal PAVR is prohibited unless expressly authorized by the Chief of Police or the Chief's designee. Any member who uses a personally owned recorder for law enforcement or department-related activities shall comply with the provisions of this policy, including retention and release requirements.

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#### **425.3 MEMBER PRIVACY EXPECTATION**

- A. All recordings made by members acting in an official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders of any type.
- B. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

#### **425.4 MEMBER RESPONSIBILITIES**

- A. Prior to going into daily service, each uniformed member will be responsible for making sure that they are equipped with a Department-issued and properly functioning BWC and DAR. If any of these recorders is not in proper working order or malfunctions at any time, the member shall promptly report the failure to an on-duty supervisor and obtain a functioning device as soon as practicable.
- B. Any member assigned to a non-uniformed position may carry a Department approved PAVR any time the member or their supervisor, believes that such a device may be useful in the performance of their official duties.
- C. When using a PAVR, the assigned member shall record his/her name, SPD identification number and the current date and time at the beginning or the end of a PAVR recording (i.e. use of a DAR). 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.
- D. Members are expected to document the existence of a PAVR recording in any police report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the PAVR for the purpose of logistical, administrative, privacy, or tactical reasons. Members are expected to include the reason for deactivation.

#### **425.5 ACTIVATION OF THE PORTABLE AUDIO/VIDEO RECORDER**

- A. This policy is not intended to describe every possible situation in which the PAVR should be used, although there are many situations where its use is appropriate. In situations involving unexpected immediate threats, or similar situations where it is unsafe, members are expected to activate a PAVR as soon as it can be done safely.
- B. Additional members who arrive and are participating at an incident or investigation are expected to begin recording with their PAVR as soon as practicable. The fact that other members at the scene or at an investigation may be recording via their PAVRs does not alleviate an member from complying with this policy. Participating in an incident includes members on scene who are there to provide security or are conducting other actions and are in a position where their PAVR may record audible or video evidence that is valuable to the incident. Participating also includes members who are interacting with victims, suspects, witnesses, or involved others. Members shall wear or carry a PAVR as instructed during training on the specific device and in a manner that produces a quality and accurate recording of an incident.

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- C. The PAVR (BWC) shall be activated during any of the following situations:
  - 1. All enforcement and investigative contacts including pedestrian stops or contacts and field interview (FI) situations
  - 2. Vehicle pursuits and all Code-3 (lights and siren) driving. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
  - 3. Self-initiated activity in which a member would normally notify Dispatch or Communications.
  - 4. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- D. Members involved in an incident where serious injury or death occurs, or where a Board of Inquiry or Administrative Investigation/Inquiry may be convened (e.g. an officer-involved shooting) shall not stop the recording until directed to do so. In such circumstances, the recording shall only be stopped at the direction of the Incident Commander (rank of lieutenant or higher) when the scene has been secured. As soon as practicable, the Incident Commander shall provide direction to stop the recording of any PAVR worn or used by an involved member. In such an incident, the PAVRs shall be secured by an investigative detail.
- E. A PAVR shall not be activated in places where privacy would be expected, such as locker/dressing rooms or restrooms, except in the official performance of a law enforcement function. This does not preclude a member from using a PAVR to obtain potential evidence during an investigation within these types of areas. When possible, members should take care to avoid recording exposed areas of the body that could cause embarrassment or humiliation, such as an exposed breast, groin, etc., unless necessary for the investigation. In situations in which evidence needs to be documented, but also requires greater privacy, members may utilize a DAR that allows for audio-only recording.
- F. Recordings of interviews may be invaluable for capturing physical evidence and an individual's demeanor, as well as for hindering potential recantation. Consideration may be given, however, not to initiate and/or stop recording in circumstances where the person being interviewed refuses to be recorded. Members are reminded that a person may be revealed as a suspect at any point of an investigation and appropriate recording protocol may change. Requests by members of the public to stop recording should be considered using this same criterion. Any request not to be recorded shall be recorded and members should indicate on the recording the reason(s) they are about to stop recording and document the same in their reports. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.
- G. Members shall only record a minor child (under 18 years of age) during or as part of a law enforcement investigation or incident, 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 ARS 13-602 or other applicable law.

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### **425.6 CESSATION OF RECORDING**

- A. Once activated, the PAVR should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording shall be stopped (audio and video) during significant periods of inactivity such as report writing and other breaks from direct participation in policing the incident, to include when briefing or debriefing supervisors or others about an incident. PAVR recording shall be re-initiated when returning to policing actions as described in 425.5 of this policy.

### **425.7 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

- A. Arizona law permits an individual to surreptitiously record any conversation in which one party to the conversation has given their permission.
- B. Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation and in accordance with their official duties.
- C. Members shall not surreptitiously record another SPD member or Town employee, outside the parameters of a criminal investigation or policing incident, without a court order unless lawfully authorized by the Chief of Police or the Chief's authorized designee.

### **425.8 EXPLOSIVE DEVICE**

- A. Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

### **425.9 PROHIBITED USE OF PORTABLE RECORDERS**

- A. Members are prohibited from using department-issued PAVRs and recording media for personal use or to record conversations between suspects and their attorneys, undercover officers, confidential informants, critical incident debriefing, daily briefings, or while testifying in court.
- B. When using a PAVR in a hospital, medical facility, psychiatric facility, or other medical facility, care should be taken not to record any conversations between doctors and patients, or record any medical records or medical equipment that is showing medical conditions (such as an EKG machine). If a member is unsure about whether to use a recording device, the member should ask for direction from a supervisor.
- C. Members are prohibited from making personal copies, or providing access to non-Department members of any Department recordings created while on-duty or while acting in any Department member's official capacity. Members shall not alter, destroy, purposely damage, lose give away, loan, or hide a Department PAVR or associated equipment. Members shall not alter, or cause to be altered, a PAVR recording from its original form, unless it is done in accordance with a Department-approved redaction process and which maintains the original evidential PAVR recording.

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- D. Members are prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recording devices or recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department or in a Department approved digital storage system. Recordings shall be retained at the Department or in a Department-approved digital storage system. Recordings may be utilized for training personnel, with authorization of a member of command staff, or for other purposes as determined by the Chief of Police. Recordings shall not be used by any member for the purpose of embarrassment, harassment, intimidation, or ridicule.

#### 425.10 DOCUMENTATION AND MANAGEMENT OF RECORDINGS

- A. Any time a member activates a BWC or utilizes Axon Capture to record any portion of a contact that is connected to any law enforcement case number or citation, the member shall label each recording with the related case or citation number in the "ID" box, place the type of call and location in the "Title" box (i.e., Code 19 at 18680 S. Nogales Hwy.), and then utilize the appropriate drop down category. For traffic stops without a citation or case number, the officer shall put "Traffic" in the ID box, the location of the stop in the "Title" box, and then choose the appropriate drop down category. Members shall transfer all PAVR recordings, in accordance with Department procedure, to the Department's digital evidence storage system and document the existence of the recording in the related case (police) report and the PAVR electronic tracking/cataloging system.
- B. Transfers of recorded data shall occur at or by the end of the member's work shift to facilitate the timely placement of evidentiary recordings into the digital storage system, unless an extension of time, not greater than 24 hours, is approved by a supervisor. Such supervisor approval for a 24-hour extension, should be a rare exception to transferring the recording(s) to the digital storage system at the end of a member's work shift. All PAVRs shall be stored at the SPD and shall not be taken home by an employee unless approved by a supervisor. Such approval to take a PAVR home, should be a rare exception to the member properly storing the PAVR at the department (BWCs charging and downloading in the BWC system and transferring the data to the digital storage system).
- C. Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (i.e., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

#### 425.11 RETENTION REQUIREMENTS

- A. All recordings shall be retained for a period consistent with the requirements of the Department's and State's records retention schedule.
  - 1. These retention schedules are documented in a SPD department memorandum titled PAVR retention schedules and categories which can be located on the SPD H-drive.

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#### **425.12 DESTRUCTION OR DELETION OF RECORDINGS**

- A. Members may request deletion of a PAVR recording that was inadvertently recorded, does not meet the recording requirements, and does not contain material of evidentiary value.
  - 1. Members requesting that a recording be deleted will submit a memorandum of explanation to their supervisor.
  - 2. The affected supervisor will make a determination on if it fits criteria for deletion.
  - 3. If it does fit criteria for deletion, the supervisor shall forward the memo to the Program Administrator for appropriate action. The Program Administrator shall retain all memorandums resulting in deletion of a recording.

#### **425.13 REVIEW OF RECORDINGS**

- A. When preparing written reports, members should review PAVR recordings to assure accuracy. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.
- B. Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct, incidents associated to possible Town liability, or whenever such recordings would be beneficial in reviewing the member's performance.
- C. Recorded files may also be reviewed:
  - 1. By any member of the Department who is assigned an investigative role in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
  - 2. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
  - 3. By media personnel or any person or organization with permission of the Chief of Police or the Chief's authorized designee.
  - 4. In compliance with a public records request, if permitted, and in accordance with law or Town or Department policies.
  - 5. By the Town Attorney or his or her designee in accordance with the law.
  - 6. All recordings should be reviewed by a manager, or an assigned employee, prior to public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of a court with jurisdiction.
  - 7. Members who are directly involved in or are witnesses to the initial stages of critical incidents, such as, but not limited to, an Officer-Involved Shooting (OIS), fatal or near-fatal incident of a person involving police action, or similar event, will not be allowed to review and shall not review, associated PAVR recordings prior to criminal investigative questioning about the incident.

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- D. After criminal investigative questioning, a member may be allowed to view PAVR recordings of the incident and may make an additional statement or provide further clarification if they choose (in accordance with ARS 38-1116).

#### **425.14 POLICY ISSUANCE OR REVIEW**

04/03/2024 - Reviewed by Commander Manny Amado - SP012

04/10/2025 - Reviewed by Commander Renee Carlson - SP328