



**GLENDALE COMMUNITY COLLEGE DISTRICT  
POLICE DEPARTMENT**

**Gary J. Montecuolo, Chief of Police**

**GENERAL ORDER: 21-003**

**SUBJECT: Portable Audio Video Recorders**

**DATE: October 18, 2021**

## **Portable Audio Video Recording**

**PURPOSE AND SCOPE** - This policy provides guidelines for the use of portable audio/video recording devices by sworn 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. This policy does not apply to interviews or interrogations conducted at any Glendale Community College District Police Department facility, authorized undercover operations, or legally authorized wiretaps or eavesdropping (concealed listening devices).

**POLICY** - The Glendale Community College District Police Department may provide its members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of these recording devices is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

**COORDINATOR** - The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/ video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with legal counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

**MEMBER PRIVACY EXPECTATION** - All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

**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. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable.

Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable. Any member assigned to a non-uniformed position may carry an approved portable recorder. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, GCCD PD identification 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.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

**SUPERVISOR RESPONSIBILITIES** - Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

**ACTIVATION OF THE PORTABLE RECORDER** - This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident. The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. The recorder should be activated in situations described above as soon as reasonably practicable.

**CESSATION OF RECORDING** - Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident. Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

**SURREPTITIOUS USE OF THE PORTABLE RECORDER** - Members of the Department 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 (Penal Code § 633). Members shall not surreptitiously record another department member or without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

**EXPLOSIVE DEVICE** - 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.

**PROHIBITED USE OF PORTABLE RECORDERS** - 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 or while acting in their official capacity. Members are also 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 recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department. Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Police Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable. Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

**PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM** - The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

**IDENTIFICATION AND PRESERVATION OF RECORDINGS** - To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report. A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded 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.

**REVIEW OF RECORDED MEDIA FILES** - When preparing written reports, members should review their recordings as a resource. 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. Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or 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 records release policy.

Prior to the public release of any recording, all recordings shall be reviewed by the Chief of Police. 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 the court.

**RETENTION OF RECORDINGS** - Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incidents involving use of force by an officer
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual

(d) Recordings relevant to a formal or informal complaint against an officer or the Glendale Community College District Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18). All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days. Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18). Clery Act requirements for retention of records shall also apply.

### CATEGORIES FOR RETENTION

Portable video camera footage is important evidence in criminal, civil, and administrative proceedings. In order to properly preserve evidence, Department members are required to properly title and categorize all video camera footage prior to uploading it to Evidence.com. The Evidence.com retention categories have been updated to allow for more efficient categorization. Categories and retention periods are as follows:

UNCATEGORIZED	2 YEARS
DEMONSTRATIONS	3 YEARS
ARREST / INVESTIGATION – MISDEMEANOR	3 YEARS
ARREST / INVESTIGATION- FELONY	7 YEARS
CITIZEN CONTACT	1 YEAR
DEATH INVESTIGATION	UNTIL MANUALLY DELETED
DISPLAY OF FORCE / HANDCUFFING	2 YEARS
EVIDENCE	UNTIL MANUALLY DELETED
MENTAL HEALTH EVALUATION / DETENTION	2 YEARS
MISSING PERSON	3 YEARS
NON-EVIDENTIARY	30 DAYS
PARKING VIOLATION	2 YEARS
PENDING REVIEW	1 YEAR
SEX OFFENSE / KIDNAPPING	20 YEARS
TRAFFIC / PEDESTRIAN STOP	2 YEARS
TRAFFIC COLLISION (NON-FATAL)	3 YEARS
USE OF FORCE / PURSUIT	5 YEARS
VEHICLE INSPECTION	90 DAYS

- **UNCATEGORIZED:** *This is a default for video, which has not been assigned a category. All video should be categorized by the user.*

**DEMONSTRATIONS:** This category is to be used when members of this department are at the scene of a demonstration and it becomes unruly. Officers will only activate the body camera at a demonstration when directed by a supervisor or when the officer will likely take enforcement action.

**ARREST/INVESTIGATION-MISDEMEANOR:** This category is to be used when members of this department are making an arrest for a misdemeanor or investigating a misdemeanor offense.

**ARREST/INVESTIGATION-FELONY:** This category is to be used when members of this department are making an arrest for a felony or investigating a felony offense.

**CITIZEN CONTACT:** This category is to be used whenever a member of this department encounters a citizen during a non-enforcement related contact or call for service. Medical Aid calls will be categorized as a Citizen Contact.

**DEATH INVESTIGATION:** This category is to be used at all death investigation calls for service. This includes any natural appearing death, homicide, or vehicle related death.

**DISPLAY OF FORCE/HANDCUFFING:** This category is to be used whenever a member of this department presented a display of force, such as pointing their service weapon at a citizen, or when someone is detained in handcuffs.

**EVIDENCE: (For Property and Evidence Use Only)** This category is to only be used by employees assigned to property and evidence.

**MENTAL HEALTH EVALUATION/DETENTION:** This category is to be used whenever a member of this department is conducting a mental health evaluation, or present during a mental health evaluation. The members of this department should MUTE their body camera in order to comply with patient privacy. This category should also be used whenever a member of this department detains someone in the field for a mental health evaluation. During this type of contact, the body camera should not be placed in MUTE.

**MISSING PERSON:** This category is to be used whenever a member of this department is investigating or assisting with a missing person investigation.

**NON-EVIDENTIARY:** This category is to be used whenever a member of this department inadvertently activates their body camera.

**PARKING VIOLATIONS:** This category should be used to document parking violations or contacts with the public during parking enforcement.

**PENDING REVIEW:** This category was created by AXON for body camera's experiencing issues during video uploads and is for administrator use only.

**SEX OFFENSE/KIDNAPPING:** This category is to be used whenever a member of this department is investigating a sexual offense or kidnapping.

**TRAFFIC STOP/PEDESTRIAN STOP:** This category is to be used whenever a member of this department is involved with a traffic stop, pedestrian stop.

**TRAFFIC COLLISIONS (NON-FATAL):** This category is to be used whenever a member of this department is involved with a non-fatal traffic collision investigation.

**USE OF FORCE/PURSUIT:** This category is to be used whenever a member of this department is involved in a use of force, vehicle pursuit, or, foot pursuit.

**RELEASE OF AUDIO/VIDEO RECORDINGS** - Requests for the release of audio/video recordings shall be processed in accordance with the appropriate policy regarding release of records.