Use of Portable Recorders

450.1 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 Mobile Vehicle Recorders (§451).

450.1.1 DEFENITIONS

Portable Recorder (PR) – Body worn portable camera which captures both audio and/or video HD or SD recordings. The camera can clip to an Officer's uniform.

450.2 POLICY

The [redacted] Police Department may provide members with access to portable recorders, 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.

Portable recorders are an effective tool to preserve factual representations of officer-citizen interactions. They are also effective in capturing video evidence for use in criminal and internal investigations, enhance officer training, and to ensure public trust.

450.2.1 APPROVED DEVICES

During the performance of their duties, members may only use portable audio or audio/video recording devices which have been previously approved of, in writing, by the Chief of Police or his/her designee.

The Patrol Lieutenant shall maintain a list of devices approved under this section.

450.3 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.

450.4 MEMBER RESPONSIBILITIES

Prior to going into service, when a portable recorder is available, 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 employee number 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.

450.5 ACTIVATION OF THE PORTABLE RECORDER

Members shall activate the recorder during the course of any law enforcement activity, calls for service, 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. [redacted]

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 shall be activated in required situations as soon as practicable.

450.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER

Nevada law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (NRS 200.650).

Members shall not surreptitiously conceal himself or herself on the property or premises of another and record through a window, door, or opening of a building or structure that is used as a dwelling, unless the member is conducting a criminal investigation or surveillance. (NRS 200.603)

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order or authorization of the Chief of Police.

For the purpose of this policy, it shall be presumed that any individual contacted by a member of the department wearing a conspicuously mounted portable recorder will have knowledge that such contact is being recorded.

450.5.2 PROHIBITED USE OF PORTABLE RECORDERS

Members shall not use portable recorders for gathering evidence to be used for the issuance of a traffic citation for a violation of NRS chapters 484A to 484E. (NRS 484A.600)

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.

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.

Recordings 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 from supervisory personnel.

450.6 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 document the existence of the recording in the related incident report.

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.

Members should download the file, in accordance with the procedure section of this policy for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

450.6.1 RETENTION REQUIRMENTS

The [redacted] Police Department will retain all recordings for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 90 days. The retention schedule is found in the procedural section of this policy (§450.9).

450.7 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Records Release and Security Policy (§810), or for other authorized legitimate department business purposes.

The character of a recording may change from non-public to public. As a general guidance for release of portable recorder audio/video please note the following:

(a) Evidence is not a public record;

(b) Video recordings (photographs) of juvenile offenders are confidential pursuant to NRS §62H;

(c) Audio/video recordings obtained within a non-public area (home or non-public area of a business) are not public record. (Wilson v. Layne, 526 U.S. 603, 614 (1999);

(d) Photographs of police officers may not be released by the department unless the officer has consented in writing. NRS §289.025;

(e) Audio/video recordings obtained depicting a victim of a sexual assault in such a way that their identity may be ascertained is not public record. NRS §200.3771;

(f) Video containing data of the report or investigation of abuse, neglect, exploitation or isolation of older persons or vulnerable persons are not public record. NRS §200.5095

(g) Any other laws making the identity of the person(s) depicted confidential;

(h) Any other privacy concerns giving the person(s) depicted a legitimate privacy interest in not having audio/video data released.

450.8 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. And in accordance with section 450.7

(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 and Security Policy. And in accordance with section 450.7

450.9 PROCEDURE

When preparing to upload media from the portable recorder, the member must follow the appropriate uploading instructions for the type of portable recorder being used. The [redacted] Police Department currently issues "Vievu" body cameras to officers for compliance of this policy.

450.9.1 UPLOADING "VIEVU" BODY CAMERA MEDIA

Recorded video from the body camera is uploaded onto the Vievu VERIPATROL Client software as follows:

(a) Connect body camera to the camera's supplied download USB cable.

(b) Turn on the camera.

(c) Login to the VERIPATROL Client software and click on the "Download Videos from Camera button at the bottom.

(d) Categorize each video under the 7 available categories (490.9.2).

(e) Assign a case number if necessary, and add comments if necessary.

The recording is then accessible at any time through the Vievu VERIPATROL software for review. The member is not able to edit, or delete the recording.

The member can make a copy of the video via the Vievu software. When making a copy, the software logs that the member made a copy. The software will also require the member to enter a purpose of the copy.

450.9.2 RETENTION SCHEDULE

(a) The member must categorize the recording when uploading it to the server. There are seven (7) categories available to place the recording. The seven (7) categories and their associated retention schedule are listed below:

1.	Crime Incident	6 months
2.	Civil Incident	6 months
3.	Arrest Misdemeanor	1 year
4.	Arrest Felony	3 years
5.	Interview	90 days
6.	Traffic	90 days
7.	Other	90 days

450.9.3 LOCKING DOWN OF RECORDING

Any recording of a use of force incident which results in death or bodily injury, or any recording which the member believes needs to be retained longer than the required

minimum retention period, will be locked down via the VERIPATROL software. Once the recording is locked down, it cannot be deleted or removed.