



DEPARTMENTAL
GENERAL
ORDER

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16 Mar 11

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Evaluation Coordinator:
Research and Planning Division
Commander

Index as:

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16 Sep 11

Portable Video Management
System

Automatic Revision Cycle:
2 Years

PORTABLE VIDEO MANAGEMENT SYSTEM

The purpose of this order is to set forth Departmental policy and procedures for the Portable Video Management System (PVMS), which includes a portable digital recording device (PDRD) designed to record both audio and video of field activity in the course of official police duties.

The use of the PDRD provides documentary evidence for criminal investigations, civil litigation, and allegations of officer misconduct. Officers shall utilize this device in accordance with the provisions of this order in order to maximize the effectiveness of audio/video documentation to achieve operational objectives and protocols and to ensure the integrity of evidence.

I. POLICY

- A. Unauthorized use, duplication, and/or distribution of PDRD files are prohibited.
- B. Only trained sworn personnel shall operate PDRD equipment.
- C. Personnel shall not remove, dismantle or tamper with any hardware/software component or part of the PDRD.
- D. Information Technology Unit (ITU) is designated as the Custodian of Record for all PDRD data files.
- E. All involved¹ officers shall activate his/her camera prior to making contact in any of the following incidents:

¹ An involved officer, for the purpose of this order, includes the primary officer and all cover officers.

1. Any investigative encounter to confirm or dispel a suspicion that the person may be involved in criminal activity. This includes detentions, vehicle stops, walking stops and consensual encounters (contacts).
 2. A probation/parole search; and
 3. Service of a search or arrest warrant.
- F. Officers may activate the PDRD before/during any other incident at their discretion.
- G. Once activated, the recording shall not be intentionally terminated until the conclusion of the encounter.
- H. Officers shall not use the PDRD recording functions to record any personal conversation of or between another member/employee without the recorded member/employee's knowledge.
- I. Officers are not required to advise or obtain consent from a private person when:
1. In a public place; or
 2. In a location where there is an expectation of privacy (e.g., inside a building or dwelling) but the officer is lawfully present.

II. RESPONSIBILITIES

A. System Administrator

The System Administrator is designated by the Chief of Police and has oversight responsibilities to include, but not limited to, the following:

1. Operation and user administration of the system;
2. System evaluation;
3. Training;
4. Policy and procedure review and evaluation;

5. Coordination with OPD ITU regarding system related issues;
 6. Ensure PDRD files are secured and maintained for a minimum of five (5) years; and
 7. Ensure PDRD files are reviewed and released in accordance with federal, state, local statutes, and Departmental General Order M-9.1, PUBLIC RECORDS ACCESS.
- B. Personnel utilizing the PDRD shall be responsible for the following:
1. Ensuring the battery is fully charged and operating properly;
 2. Reporting unresolved equipment malfunctions/problems to the ITU;
 3. Monitoring system effectiveness; and
 4. Working with the System Administrator to assess the system's effectiveness and to make recommendations for operational improvements and revisions to policy and procedure.
 5. Document the use of a PDRD on one of the following:
 - a. On the appropriate offense report;
 - b. As a notation on a citation;
 - c. On the Consolidated Arrest Report or Juvenile Record;
 - d. On a Field Contact card; or
 - e. In CAD, via laptop, in the "Comment" section.

III. OPERATING THE PDRD

Procedures

- A. Officers shall test PDRD equipment prior to going into service to ensure the unit is properly charged (steady green light).
- B. Officers shall position the camera on their uniform or equipment, as the primary location, to facilitate the recording; however, the Patrol vehicle mount may be temporarily utilized to facilitate recording while in the vehicle.
- C. Manual activation is required to activate the PDRD.
- D. Members shall upload PDRD data files during their shift at an upload station located at the PAB/Eastmont Substation Report Writing Rooms:
 - 1. To ensure storage capacity is not exceeded; and/or
 - 2. To view uploaded audio/video.

IV. OFFICER, SUPERVISORY, AND INVESTIGATORY REVIEW OF PDRD

- A. Once uploaded to the server, sworn personnel may view their own audio/video data (e.g., to verify an identification, a vehicle license number or to review an incident for statement accuracy) at a Department desktop computer by logging onto the server and documenting the reason for access on the video file page prior to viewing.
- B. Supervisors/commanders conducting internal investigations, OIG staff conducting audits, active Field Training Officers, and the FTO Coordinator may view PDRD files to investigate allegations of misconduct or evaluate the performance of a subordinate.

Reviewing a PDRD file requires documenting the specific reason for access on the video file page in the ADD COMMENTS field prior to viewing unless exempted by the Chief of Police or designee.

V. PDRD FILE REQUESTS

A. Departmental Requests

Department requests, to include requests from the District Attorney's Office, Office of the City Attorney, and the Citizen's Police Review Board for a PDRD file for investigative purposes, shall forward a written request via email with sufficient information to locate the PDRD file to the ITU email at PDRD@oaklandnet.com.

B. Non-Departmental requests

All other requests for a PDRD file shall be accepted and processed in accordance with the provisions of DGO M-9.1, PUBLIC RECORDS ACCESS.

NOTE: A request for a PDRD file from the Public Defender's Office shall require going through discovery from the DA, a subpoena, or a public record's request.

C. Request for deletion of accidental recording

In the event of an accidental activation of the PDRD and the resulting recording is of no investigative or evidentiary value, the officer may request that the PDRD file be deleted by submitting an email request with sufficient information to locate the PDRD file to the ITU Commander who shall review the file, endorse the request, and forward to the System Administrator.

D. Copying Procedures

A copy of the PDRD file can only be made by ITU personnel in accordance with the provisions of this order.

E. Investigators conducting criminal or internal investigations shall:

1. Advise the System Administrator to restrict public disclosure of the PDRD file in criminal or internal investigations, when necessary.
2. Document the reason for access by entering the RD number (criminal) or IAD case number (internal) on the PDRD file ADD COMMENT field prior to viewing.

3. Review the file to determine whether the PDRD file is of evidentiary value and process in accordance with established protocols.

The PDRD file shall be duplicated to the IAD server as evidence for internal investigations.

4. Investigators (criminal/internal) shall notify the System Administrator to remove the access restriction when the criminal/internal investigation is closed.

- F. A PDRD file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a PDRD file for such purpose may come from any source.

1. A person recommending utilizing a PDRD file for training purposes shall submit the recommendation through the chain-of-command to the Training Section Commander.
2. The Training Section Commander shall review the recommendation and determine how best to utilize the PDRD file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g., General Order, Training Bulletin, Officer Safety Bulletin, Line-up Training, or In-Service Training).

- G. Sworn personnel requiring a PDRD file as evidence in Traffic/Superior Court shall forward an email request for a copy of the PDRD file to the ITU at PDRD@oaklandnet.com.

Upon receipt of the PDRD file from the ITU, requesting personnel shall:

1. Enter the PDRD media into evidence with the court; or
2. Return the PDRD media to the ITU drop box located outside room 911 for destruction.

VI. REPAIR PROCEDURES

- A. Personnel shall immediately report any recognized problems with the PDRD to their immediate supervisor.

- B. Upon notification, the supervisor shall contact the ITU or forward an email to the ITU (PDRD@oaklandnet.com) stating the problem/malfunction, and include your contact number.

By Order of

Anthony W. Batts
Chief of Police

Date Signed: _____