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## GENERAL INFORMATION

### **ENS MESSAGE: Part 2- 1\Photos, Videos, Audio Recordings taken by Officers/Employees; RULE 15; Disclosure of Evidence**

Effective immediately, officers/employees must preserve all audio recordings, photographs, videotapes or similar materials they have created on personally owned equipment or have in their possession that have not been properly impounded or transferred to the Forensic Imaging Unit. This includes any of these materials created while on duty, while working off-duty and engaging in law enforcement activity (e.g. arrest or *Terry* stop), or created for a work related matter.

Officers/employees are further directed to not transfer, modify, alter or otherwise change the current condition of any audio recordings, photographs, videotapes or similar materials.

The Department is working diligently to draft a policy and procedure to address the use of personal recording devices and will provide it to officers/employees within the next 30 days. **Accordingly, officers/employees may continue to use their personal recording devices for the next 30 days but should do so only when absolutely necessary.** The use of the device and evidence obtained must be properly documented in the applicable departmental report or other generated departmental form. Officers/employees who choose to impound video and audio recording evidence must ensure that the evidence is assigned an incident number.

Officers/employees are directed to review all subpoenas, as well as any notices of claims or summons and complaints (civil lawsuits) they have been served to determine if there are any pending cases in which they have created any audio recordings, photographs, videotapes or similar materials reference that case. If so, officers/employees should immediately notify the prosecutor or attorney handling the lawsuit and make them aware of the audio recordings, photographs, videotapes or similar materials.

Officers/employees are reminded that they may continue to use their Department issued tape recorder on any work related contact, pursuant to current Department policy. These tapes must be preserved and provided pursuant to all discovery/disclosure requirements.

The Department is working to ensure officers/employees have the equipment necessary to address the concerns that have been raised regarding this issue. As part of these ongoing efforts the Department has identified digital recorders that can be used if personally owned, as long as the SmartMedia card is used solely in that recording device and used solely for work related purposes. The SmartMedia card cannot be used in any computer or other device that is not provided by the Department for the purpose



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of downloading the SmartMedia card. This is mandated in order to protect the Department computer network from viruses and other threats that can be introduced from using the SmartMedia card in any prohibited device. The personally owned audio recorders that can be used are as follows:

- Olympus DS2000
- Olympus DS2200
- Olympus DS2400
- Olympus DS3300
- Olympus DS3400
- Olympus DS5000

Over the next 30 days, personnel from the Technical Services Division will work to expand the above list. Thank you for your understanding and patience through this process.