

BERKELEY POLICE DEPARTMENT

DATE ISSUED: June 24, 1996

GENERAL ORDER V-10

SUBJECT: USE OF VIDEOTAPING EQUIPMENT

PURPOSE

- 1 - This order sets forth policies and guidelines governing the use of videotaping equipment for recording crowd and police activities at public events and preservation and documentation of evidence at crime scenes.

POLICY

- 2 - It is the duty of the Berkeley Police Department to protect the constitutional rights of freedom of speech and assembly during public gatherings and events. These procedures are to be implemented in a manner consistent with this duty and not as to infringe on these rights. Therefore, the policy of the Berkeley Police Department is to video tape public gatherings:
 - a. to gather evidence of criminal activity by members of the public; or
 - b. to use for training purposes; and
 - c. to film actions taken by the members of the Police Department.
- 3 - It is also the duty of the Berkeley Police Department to insure all available methods are employed to insure the adequate and consistent gathering and documentation of crime scene evidence during the investigation of serious crimes.
- 4 - Videotaping shall not be used solely for the purpose of gathering information on individuals or organizations engaged in lawful activities.

PROCEDURES

- 5 - The Crime Scene Investigation Unit Sergeant shall be in charge of all video camera equipment and the coordination and supervision of training of those employees assigned to use this equipment.
 - a. The CSIU Sergeant or his/her designee will insure the equipment is maintained in good working order, including re-charging batteries and any necessary repairs.
 - b. Employees assigned to video tape evidence at crime scenes or record public events shall first be required to attend a POST certified Crime Scene Videotaping course and complete in-house training specific to the care and operation of the department's equipment.
- 6 - The on-duty Patrol Lieutenant or the Inspector in-charge of any criminal investigation shall request the assignment of these trained employees through the CSIU Sergeant or his/her designee on-duty.

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- a. The CSIU Sergeant will be responsible for maintaining a current "call-up" list of all trained employees in the Communications Center and the Patrol Lieutenants office.
 - b. It is recommended that a two-person team be deployed for crime scene and evidentiary documentation purposes.
 - c. The first priority shall be to detach on-duty personnel from their current assignment to a videotaping task. When this is not possible, the call-up list will be utilized.
- 7 - During a public event, the use of the videotaping equipment shall be at the discretion of the Event Commander.
- a. Whenever possible, the Crowd Liaison Officer shall notify the demonstration organizers that the police department may use videotaping equipment to document the event.
 - b. When using videotaping equipment at public events, employees shall be in uniform. A minimum of two persons shall be deployed as a team when videotaping these events. The team may be larger if conditions warrant.
 - c. Following the event, the videotapes shall be routed to the Internal Affairs Bureau and held for one (1) year.
 - d. If criminal acts are under investigation, the videotapes shall be placed in evidence as documentation pending case development.
- 8 - Requests for copies of the videotapes will be honored. Administrative and videotape cassette costs will be paid by the person requesting the copy.
- a. Actual duplication of the videotape will be processed by the Personal & Training Bureau.

QUALIFICATION AND SELECTION PROCESS

- 9 - Those employees designated to use departmental videotaping equipment for crime scene or public event documentation shall meet the following qualifications:
- a. Sworn or non-sworn full-time employees of the Berkeley Police Department.
 - b. Each employee shall have completed the required training program specific to their job classification or rank, such as the FTO Program for sworn officers, or the minimum "on-the-job" training required of non-sworn positions. It is not necessary for an employee to have completed the appropriate probation period.

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- c. Selected employees shall complete the required training specific to crime scene videotaping procedures and care and handling of the Department's equipment, as described in section 4b above.
- 10 - The selection process shall adhere to the policy set forth in General Order P-15 effective with the date of this order.