



Use of Recording Equipment	
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Date Implemented: April 15, 2020	Revised:

- I. **Purpose:** The purpose of this policy is to establish guidelines related to the use, management, storage, and retrieval of the audio and video recordings from the mobile audio-visual recorder (MAVR), aka: body-worn camera or body-worn computer (device containing Visual Labs application). The Alamogordo Police Department (APD) recognizes that audio and video recording of contacts between APD personnel and the public which provides a record of events.
- II. **Policy:** It is the policy of the APD to use MAVR equipment including but not limited for the following reasons: capturing evidence for the use of prosecutions, training, or evaluation of work performance.
- III. **Applicability:** This policy applies to all personnel issued MAVR.
- IV. **Definitions:** For the purpose of this policy the terms body-worn camera, body-worn computer device (device containing Visual Labs application) are synonymous and hereinafter will be referred to as MAVR. A MAVR consists of a body-worn cell phone with an integrated camera/audio system. MAVR files, including photographs, audio recordings and video footage are stored digitally on the device until the device connects to the server. The MAVR offers two live recording options: video/audio recording and audio only recording.
- V. **Procedure:**
 - 1. MAVR and Digital Video Management Systems (DVMS) are to be utilized by APD personnel for the purposes of collecting evidence for the prosecution of criminal violations, training, evaluating work performance, protection against false allegations, and other uses approved by the Chief of Police. MAVR will be utilized to document citizen encounters including but not limited to: traffic stops, calls for service, etc.



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2. Personnel shall not remove, dismantle or tamper with any hardware or software components of the MAVR system unless specifically directed to do so by a system administrator.
3. Accessing, copying, forwarding or releasing any MAVR data for any purpose other than for release to the District Attorney's, the City of Alamogordo Legal Department or official law enforcement use is strictly prohibited, unless otherwise directed by law.
4. Personal computer equipment and software programs shall not be utilized when making copies of MAVR data. Using a secondary device such as a video camera, cellular device or any other electronic device to record or capture MAVR data or files is strictly prohibited.

VI. Operation and Use:

1. Personnel shall only use MAVR that have been provided by APD. MAVR will be assigned to all sworn personnel and only be used for official law enforcement.
2. The following personnel are required to log in on Visual Labs, keep their assigned cellular device on their person, and utilize their assigned MAVR upon the start of their assigned shift, no matter the assigned uniform of the day: Sergeants, Detectives, School-Resource Officers (SRO's), Patrol Officers, K-9 Officers, and the CIT Officer.
3. Lieutenants, Captains, Deputy Chief and the Chief of Police shall log in on Visual Labs, keep their assigned cellular device on their person, and utilize their assigned MAVR when responding to calls for service.
4. Personnel, at the beginning of shift, shall determine if their MAVR is working properly. An on-duty supervisor shall be notified immediately of any problems.
5. Personnel shall ensure the MAVR camera is properly positioned and adjusted to record events.



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6. All sworn personnel serving a search warrant should utilize a MAVR unless the use of the MAVR compromises the identity of undercover officers, places an officer or member of the public in significant risk, harm, or jeopardizes tactics.
7. Agents assigned to the Narcotics Unit (e.g. White Mountain Drug Task Force) are exempt from deploying a MAVR unless otherwise directed by a supervisor. MAVR shall be activated whenever enforcement action is taken.
8. Animal Control Officers will activate their assigned MAVR during calls for service.
9. Any other employee may be assigned a MAVR as deemed appropriate when their supervisor reasonably believes such use would be beneficial and within all policies, state, and federal laws.
10. Under no circumstances will a conversation between APD employees be covertly recorded without all parties to the conversation knowing the conversation is being recorded. The only exception to this rule will be the instances involving a criminal or Internal Affairs investigation of APD personnel.
11. **Activation:** The MAVR shall be activated to record during all field contacts involving actual or potential violations of law, to include:
 - a) Public contacts, whether a call for service or an investigative nature
 - b) Traffic stops
 - c) Suspicious vehicles or persons
 - d) Arrests
 - e) While operating a vehicle in a manner that requires activation of its emergency lights or siren
 - f) During tactical activities, including the execution of search or arrest warrants
 - g) During warrantless searches of individuals, vehicles, buildings, and other places
 - h) During the initial inventorying of seized money or any high value property
 - i) If not already activated, the MAVR shall be activated to record any encounter that becomes adversarial after initial contact or in any situation that the officer believes its use would be appropriate or valuable to document the incident or encounter



12. Personnel, upon activation of their MAVR, will continue to record until the conclusion of their involvement in an event. Personnel will use reasonable judgement in determining when to deactivate or mute their MAVR. Example, officers may deactivate the MAVR when they have secured a prisoner and are completing paperwork outside the presence of the prisoner, unless the prisoner is combative, agitated or otherwise uncooperative. Example, officers may mute the MAVR to have a conversation with other personnel.

13. Discretionary Video Recording:

- a) Employees shall remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears that such privacy outweighs any legitimate law enforcement interest in recording.
- b) Employees should be mindful of HIPAA laws and consider the audio only option on the MAVR. Recording should start or resume when privacy is no longer an issue.
- c) Discretionary recording is authorized when:
 - i. A witness or victim verbally or in any manner unequivocally refuses to provide a statement if recorded with the MAVR or requests confidentiality and the encounter is a non-confrontational one. These interviews should be audio recorded with the MAVR audio only recording option.
 - ii. Being a victim of domestic violence or sexual assault or a similar act does not alone exempt an employee from being required to activate their MAVR. In general, these cases should be recorded, and an exigency must be present and memorialized if the MAVR is not activated.
 - iii. Recording would risk the safety of a confidential informant, citizen informant, or an undercover officer.
 - iv. Personnel should not record while inside a jail, detention, or prison facility unless the officer is engaged in an enforcement activity other than that related to booking, detention, or incarceration of the suspect at the facility.

14. Personnel, within 5 calendar days, are required to label their video recordings, audio recordings, photographs. Personnel will enter the incident report number in the "Caption" box. Example: 20-1 or 20-12345. Should a recording not amount to the generation of an incident report, personnel shall label their traffic stops, consensual encounters, etc. with the First and Last Name of the subject contacted. Example: John Doe.



Personnel should additionally “tag” their recording with an appropriately depending on the nature of the recording (e.g. arrest misdemeanor, arrest felony, or K-9 deployment).

15. Retention: Personnel will enter the following retention length when labeling their video recordings, audio recordings, and photographs:

- a. 1 year-subject selects court option on traffic citation
- b. 1 year-all charges not listed in subsection “c”
- c. 3 years-DWI’s, domestic related offenses (e.g. battery on a household member, criminal damage against a household member, etc.) and felony charges into Magistrate and District Court
- d. Indefinite-homicide or suspicious deaths; officer involved shootings or other uses of force resulting in injury
- e. An officer will contact their immediate supervisor if they are uncertain how long to retain a recording
- f. All video recordings, audio recordings, and photographs not assigned a retention will be retained for 90 days

16. Supervisory activation and accessing live feeds: A supervisor will be prompted to document a reason within the Visual Labs system for remotely activating or accessing any personnel’s live recording. A supervisor is strictly prohibited from activating or accessing a live feed without the consent of personnel unless they believe there is a life safety concern (e.g. officer held hostage, unresponsive officer). Supervisors may still be able to respond to the officer’s location faster than signing onto the system. Supervisors should utilize the “silent override” option if they believe the audible activation of the MAVR could jeopardize safety.

17. Supervisor Roles: Supervisors will randomly view at least two (2) videos or audio recordings from every officer under their supervision every month. Any minor issues, such as offering bad advice, etc. should be handled through a conversation with that officer. Any recording that raises major concerns should be communicated up the chain of command in order to determine how to specifically address.

Date

Chief of Police