

TITLE: USE OF RECORDING EQUIPMENT

CHAPTER: 2-14

EFFECTIVE DATE: 01/01/2019

REVISION DATE:

CHIEF OF POLICE: MCCASLIN, BRAD

SIGNATURE: _____

Brad McCaslin

NOTE:

This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this policy is to establish a procedure for the proper use of all recording equipment utilized by Angel Fire Police Department personnel as well as the storage and management of the recordings.

II. POLICY

It is the policy of the Angel Fire Police Department to use the Taser Axon Body Camera and portable audio recording equipment for purposes of, including but not limited to: capturing evidence for use in criminal prosecutions, training, evaluation of work performance, etc.

III. APPLICABILITY

This policy applies to all personnel issued the Taser Axon Body Camera and portable audio recording equipment.

IV. REFERENCES

29-1-16 NMSA 1978

V. DEFINITIONS

A. AFPD – Angel Fire Police Department

B. TABC – Taser Axon Body Camera

C. Portable Recorder – Department issued audio recording device that is small enough to be carried on an officer's person.

VI. PROCEDURE

A. TABC and portable recording equipment is to be utilized by AFPD commissioned personnel to collect evidence for the prosecution of criminal violations, training, evaluating work performance, protection against false allegations, and other uses as approved by supervisors, The TABC will be utilized to document traffic stops and citizen encounters.

B. General Guidelines – The Department has adopted the use of the TABC and portable audio recording systems in order to accomplish several objectives, including but not limited to:

1. Collect evidence by assisting with accurate documentation of events, actions, conditions, and statements made during arrests and critical incidents, thereby enhancing officer's reports, evidence collection, and court testimony.
2. Enhance the Department's ability to review procedures and probable cause for arrest, officer-suspect interaction, and use for officer evaluation and training.
3. Protect officers from false claims of improper conduct and other frivolous claims.

C. Operational Procedures for TABC and Portable Recording Equipment

1. Personnel **SHALL** adhere to the following procedures when utilizing TABC and portable recording equipment.
 - a. TABC is the responsibility of the officer that it is issued to and will be maintained according to the manufacturer's recommendations and Department procedures.
 - b. All officers are **required** to carry their issued portable recorder while on duty. This includes the TABC.
 - c. At the beginning of each shift, officers **SHALL** determine whether their TABC and portable recorders are working properly and shall notify their immediate supervisor of any problems as soon as possible.
 - d. In addition, officer with TABC **SHALL** ensure that the camera is properly positioned and adjusted to record events.
 - e. The officer **SHALL** also ensure that the TABC remains in standby mode during the entire shift.
 - f. Officers utilizing digital recorders, with optional recording quality settings, **SHALL** use a setting that provides adequate audio clarity.
 - g. The officer **SHALL** also activate the TABC while responding to an incident with emergency equipment activated.
 - h. The TABC may be manually shut down during non-enforcement activities such as protecting accident scenes, roadblocks, etc.
 - i. The TABC and/or portable recording equipment **SHALL NOT** be deactivated until the incident / encounter is completed. If the equipment is deactivated before the incident / encounter is completed, the officer shall inform their supervisor of the reasons and document it on an Offense/Incident Report, if appropriate.

D. Officers shall use the TABC and portable recorder in the following manner:

1. The TABC will be used while conducting traffic enforcement. The portable recorder shall be used to capture all audio interactions between an officer and person(s) should the TABC malfunction or quit working for any reason. Deviations from this will be reported to a supervisor and documented by the officer on an Offense/Incident Report, if appropriate.
2. During traffic enforcement, the TABC shall be used until the enforcement action is concluded, and the officer completes his/her contact with the occupants. In the event that the traffic stop leads to an arrest of one or more occupants, the recording shall continue until the prisoner(s) is properly restrained in a transport vehicle. If the prisoner is cooperative and non-combative, the recording may be stopped. Recording equipment shall be reactivated if the prisoner becomes uncooperative and/or combative. This shall be documented in the Offense/Incident Report. Nothing in this section precludes an officer from recording throughout transport and processing of cooperative prisoners at his/her discretion (e.g. male officer transporting female).
3. The TABC shall be used to document contact with persons when answering all calls for service and during all law enforcement-related encounters and activities that occur while the officer is on duty.
4. The portable recorder and/or the TABC shall be used to document custodial interrogations in their entirety, including Miranda Warnings.
5. The TABC shall be used to document search warrant operations from the time of entry until the area is secured.
6. The TABC shall be used to document the arrest of persons from the time initial contact is made until the prisoner is secured in a transport vehicle. The TABC shall be reactivated if the prisoner becomes uncooperative and/or combative while being transported or while at a temporary holding facility. The TABC shall remain activated until the prisoner is no longer in the officer's custody. This shall be documented in an Offense/Incident Report.

7. The portable recorder shall be used optionally for documentation purposes at crime and accident scenes, or other events, such as the seizure of evidence or contraband during the execution of search warrants.
 8. Any type of encounter not mentioned above in which a recording would prove useful in later judicial/administrative proceedings such as an encounter with the public that becomes adversarial after the initial contact.
 9. Officers are not required to disclose to the public the fact that recording equipment is in use.
- E. Officers who are assigned TABC and are involved in a pursuit shall, as soon as practical, classify the recording as a pursuit. The recording of the pursuit will be retained indefinitely.
- F. Under no circumstances will a conversation between AFPD employees be recorded without all parties to the conversation being aware of the fact that the conversation is being recorded. The only exception to this rule will be the instances involving the criminal investigation of Department personnel.
- G. Officers **SHALL NOT** erase, reuse, or in any manner alter recordings or recording media, except as authorized by this policy. When the recording is no longer needed for court proceedings or Departmental purposes, it may be deleted.
- H. Officers shall ensure that they have an adequate supply of recording media to last the duration of their shift.
- I. All media containing recordings shall be properly labeled and identified with the Officer's name, date(s) of the recording(s), and any other pertinent information prior to being submitted with related documentation.
- J. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
- K. Officers shall note in Offense/Incident Reports when audio and/or video recordings are made of the incident in question.
- L. Procedure for Control and Management
1. Recordings with evidentiary value for court proceedings shall be safeguarded by downloading them into a file folder labeled with the case number and then moving that file onto the departments secure digital evidence server under X: Drive.
 2. Officers may store all other recordings in the officer's file that is maintained on the police department's server under X: Drive.
 3. All recordings made during an officer's shift **SHALL** be properly downloaded and properly stored prior to the end of the officer's shift.
 4. Recordings that are part of an incident report **SHALL** be documented on the property and evidence section of the report management system.
 5. Recordings shall not be released to another criminal justice agency without approval of the Chief or his/her designee. When recordings are released, the Department shall maintain the original and provide the other agency with a duplicate unless there are specific reasons for releasing the original recording.
 6. Recordings of non-evidentiary value not scheduled for court proceedings or departmental use shall be maintained for at least one-hundred eighty (180) days from the date the recording was made, after which they may be deleted and/or destroyed.

7. Recordings are the property of the Angel Fire Police Department and shall not be viewed by unauthorized persons. Unauthorized persons include the media, family, friends, and other employees not involved in a supervisory or investigatory capacity. Employees are not authorized to copy or release recordings without supervisory approval. Members of the media requesting to view recordings must go through the normal release of records procedure.
8. All recordings deemed to be of value for training purposes should be forwarded to the Lieutenant once they are no longer needed for court proceedings.

M. Supervisory Responsibilities

1. Supervisory personnel who manage employees with TABC or portable recording equipment shall ensure the following:
 - a. All employees follow established procedures for the use and maintenance of the equipment, handling of the recordings, and accurate completion of required documentation.
 - b. Supervisors shall randomly review recordings on a bi-weekly basis to assist in the periodic assessment of an employee's performance, to determine whether the recording equipment is being fully and properly utilized, and to identify material that may benefit others in training. It is within the supervisor's discretion to review the recordings more frequently.
 - c. TABC and portable recording equipment is inspected during line inspections to ensure proper functioning.
 - d. Non-functioning or damaged equipment is repaired or replaced.
 - e. An adequate supply of recording media is available for officer use.
 - f. All media containing recordings of evidentiary value are properly stored.
 - g. Recordings are not released to or viewed by unauthorized persons.