**SUMMARY:**

This policy is taken from the Artesia, New Mexico, Police Department’s Standard Operating Procedures Manual. The Department maintains a video recording system inclusive of in vehicle cameras, body worn cameras and the software and hardware needed for successful operations. Use of in vehicle/body worn cameras provide unbiased documentation of law enforcement activities including traffic enforcement, public contacts, emergency responses and critical incidents. These recordings may increase the level of detail in police department records, reports and employee testimony, thereby providing valuable information to the judicial system. While utilizing body-worn cameras, the department will maintain confidentiality and privacy interests of persons and employees consistent with state and federal laws. The use of this system also helps to improves community relations, transparency and public confidence in the performance of law enforcement functions.

**DOCUMENT TEXT:**

Artesia Police Department
General Order # OPR49

Subject: Mobile Video Recording System

**OPR49.01 PURPOSE:**

The purpose of this order is to provide the Artesia Police Department with policy and procedure for the use, management, storage, and retrieval of audio-visual recordings produced by the mobile video recording system. This policy, utilized in conjunction with the system, is designed to ensure:

* compliance with Federal Law and State Statute (regarding the use of in-field recording devices),
* the protection of citizen rights
* the ability to safeguard the City, Police Department and its Officers from malicious or capricious allegations of malfeasance from alleged negligent and/or criminal acts by officers acting under the color of law.

**OPR49.02 DEFINITIONS:**

A. CAMERA DOCKING STATION – a physical device where body worn cameras are docked in order to download captured video/audio files, charge the camera’s battery and download updates to the camera. The docking station is connected to the Department’s network via a hardwire connection.

B. EVIDENCE TECHNICIAN -- Personnel trained in the identification, collection, storage and processing of evidence to include digital evidence collected, stored, redacted, distributed and destroyed using the Mobile Video Recording System.

C. LAW ENFORCEMENT ENCOUNTER – any interaction between a member of the public and a Police Officer which is official in its context and is supported by the authority vested the officer via: the oath of office, law or ordinance, or policy. This includes telephone conversations.

D. MVR-Mobile Video Recording System – A System utilized to capture video and audio recordings of certain interactions between sworn officers and the public. The system includes all the hardware and software needed to fulfill the requirements of the law and this policy and will normally include:

* body worn cameras,
* in-vehicle cameras,
* support hardware for the cameras,
* the software needed to process the digital files captured and allowing authorized individuals to view, document/identify, redact and save the video/audio files,
* the program utilized to store the digital files as evidence in order to maintain evidential efficacy of the files.

E. PEACE OFFICER – Any full-time salaried or certified part-time officer who by virtue of office or public employment is vested by law with the duty to maintain the public peace. Consistently referred to as officer(s) throughout this order.

F. PSU-Professional Standards Unit -- personnel who will investigate incidents and complaints filed against officers and civilian employees of the Department.

G. SUPERVISOR -- Sworn and Non-sworn Personnel officially appointed responsible for a departmental component.

H. WIRELESS SYSTEM -- a system by which Mobile Video Recordings are uploaded wirelessly from the vehicle’s Mobile Data Computer (MDC) after required meta data is attached to identify each data file as required by evidence handling policies. The recordings are sent directly to the digital evidence program with corresponding authentication hash values.

**OPR49.03 POLICY:**

It is the policy of the Artesia Police Department that all officers (as defined above) will wear and use the MVR equipment to record, with both audio and video and in their entirety, law enforcement encounters between officers and the public as described in this procedure. The recordings will be stored, managed and retrieved in accordance with the established procedures as well.

**OPR49.04 PROCEDURE:**

OPR49.05 PROGRAM OBJECTIVES:

 A. The objectives of the Mobile Video Recording Program are:

 1. To enhance officer safety.

 2. To accurately capture statements and events during an incident.

 3. To enhance the officer’s ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation and presentation.

 4. To provide an impartial measurement of self-critique and field evaluation during incident review, debrief and new officer training.

 5. To capture visual and audio information for use in current and future investigations.

 6. To provide unbiased documentation of Law Enforcement activities.

7. To replace the requirement that officers (as defined above) use a pocket digital recorder to record conversations.

B. The program is not to be used to violate confidentiality and privacy interests of persons and employees consistent with state and federal laws.

OPR49.06 MVR EQUIPMENT INSPECTION AND TRAINING:

 A. Officers responsible for operating MVR equipment shall inspect the equipment prior to use and monitor its performance throughout their tour of duty. Any deviations in operating condition, appearance, or suitability for its intended use shall be reported immediately to a supervisor.

1. The body camera and in vehicle system will be checked for proper

operation and synced at least at the beginning or every shift and at other times when needed. The body camera acts as the microphone for the in-vehicle system so it must be checked for proper synching. The body camera will be charged everyday by placing it in a camera docking station located at the Public Safety Complex. Every officer will be issued two body cameras and are responsible for the upkeep of both. One is to be in the camera docking station while the other is with the officer.

 2. If repair is needed, an equipment repair request letter shall be completed.

 3. Officers will not attempt any repair of MVR equipment.

B. Field Training Officers (FTO) will be responsible for training new officers in the operation of MVR equipment and this policy. The training will be documented using the Field Training Guide in the FTO Manual.

OPR49.07 MVR RECORDING PROCEDURE:

A. MVR equipment will be used to record all law enforcement encounters as defined in OPR49.02C.

1. An employee using any department vehicle with an in-vehicle camera

system shall, at the time of taking possession of, and beginning the use of such equipment for the day, ensure that all recordings made by him are under his name and title within the system. He shall also ensure the system operates correctly and report any incorrect operation through his chain of command to the evidence technician.

1. Officers may position the in-vehicle MVR to better record the

actions involved in the incident. Officers will not remove their body cameras and place them off body to capture video from a specific area.

1. Officers are not required to inform the public that audio and video

recording equipment is being used but may do so if it is believed advising the interaction is being recorded will likely gain cooperation or stop aggressive actions being observed by the officer.

1. Officers shall cease recording incidents only upon completion of their

involvement in the incident or at the direction of a supervisor.

1. Officers will not turn on their MVR and continue to record throughout

the shift thereby recording the general daily activities of the public.

1. Officers will not use the MVR equipment in any way for personal use.

B. To respect the dignity of others, law enforcement personnel outfitted with MVR equipment will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed. The MVR shall not be used to record non work-related personal activity and will not be activated in places where a reasonable expectation of privacy exists, such as: locker rooms, dressing rooms, or restrooms unless enforcement or high liability action is required while in such a place. The MVR will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non enforcement related activities.

C. Activation of the MVR system is not required when exchanging information with other officers, when not in service, or actively on patrol. However, the camera cannot be deactivated to exchange information with other officers during a law enforcement encounter. No member of this department may surreptitiously record a conversation of any other member of this department unless such recording is authorized by the Chief of Police and the purpose is documented.

D. The use of the MVR will be included in the written police report. If the MVR is not used, an explanation will be documented in the report and will be reported to the officer’s immediate supervisor as soon as possible. The officer who failed to record will include in the report a detailed explanation of the incident and actions taken by both officer(s) and offender(s). A pattern of disregarding the requirement to activate cameras shall be grounds for discipline up to and including termination. The willful failure to activate a camera when required, deletion of a video file without proper authorization or tampering with the MVR System to prevent proper function or activation under any circumstances will not be tolerated and shall be grounds for discipline up to and including termination.

E. Throughout the shift, officers shall properly label their recordings of incidents captured by the in-vehicle MVR and upload them to the evidence software utilizing the software loaded on the MDT. Issues with processing videos will be reported as soon as possible for resolution.

F. Recordings captured by the on-body MVR will be uploaded to the evidence software when placed in the cradle at the end of shift or when needed to charge the battery. All recordings must be labeled with the case or incident number and any other fields set as required in the software must be completed.

G. All digital video data captured by the MVR System and uploaded into the evidence system will remain in the system memory for a period designated by the evidence software retention rules and assigned category for each video but must be held for a minimum of 120 days.

OPR49.08 SCOPE AND LIMITS OF TECHNOLOGY:

1. Mobile Video Recorders (body and vehicle mounted cameras) serve many

purposes to the benefit of the Department and public in both the law enforcement process and in maintaining the public trust. This does not mean the equipment is infallible. The failure to activate an MVR due to sudden and unexpected actions which require an officer to act for his own safety or the safety of another will not be deemed a violation of this policy. The failure to capture video that is a result of equipment failure or technical issues with the MVR System will not be deemed a violation of this policy when an officer followed this policy and made the attempt to utilize the system as intended.

OPR49.09 SUPERVISOR RESPONSIBILITIES:

1. Shift supervisors will review downloaded video from each squad member at

least twice per month in order to verify that recording equipment is working properly, is being utilized and to ensure the proper conduct of officers during their encounters with citizens.

1. Supervisors will ensure that recordings of any incident are indicated in the

appropriate report(s). If there is no recording, the report supervisor will make sure proper documentation of the incident is included in the narrative section of the report. Failure to record should be very rare and any noticed trends of failures shall be investigated.

OPR49.10 MVR RECORDING USE:

A. Copying or reproduction of any recording, whether from the original or a duplicate thereof, will be conducted only by those employees designated to

handle, distribute, redact and audit video files within the evidence software. Copying or in any other manner obtaining video or images from an official recording for personal use is forbidden.

1. All discovery requests for a copy of a recorded incident are to be accomplished using a request letter. The original request will be made part of the original incident report and retained in records. The Evidence Technician or the Prosecuting Attorney’s Liaison will be the point of contact for all recording requests and retrievals. The Evidence Technician or the Prosecuting Attorney’s Liaison will be permitted a 24-hour turnaround time for submission of the recording(s) following a written request. The District Attorney’s office may utilize the provided portal in of the above process. This will allow direct password access to the evidence data files for use in providing discovery, preparation of the prosecutor’s case and use as evidence in criminal proceedings.

1. The original digital file will be maintained in the system in its unaltered

state until it is purged via the evidence software’s retention rules. In the case of videos files which are evidence in active or serious cases the files must be retained until there is an evidence destruction order issued by the courts and are set as manually delete only within the system. Only the Evidence Technicians may delete these video files in accordance with the order. Original video files related to incidents resulting in complaints or lawsuits will be categorized as PSU Review and maintained until all civil/criminal processes are completed.

B. When an incident or other action that will aid training is recorded, the member having knowledge of the incident or enforcement action should:

 1. Advise the Shift Supervisor via memorandum or copy of the completed written police report.

 2. The Patrol Division Commander or Supervisor in charge of training shall request a copy of the MVR recording for training use.

C. Viewing of another employee’s recordings is prohibited unless the articulatable need exists.

D. All actions taken concerning a recording within the software system are logged, trackable and open for audit using the software's capabilities. These actions include: Opening, viewing, watching, redacting, copying, creating a hard copy, and attempts at altering or deleting. There shall be an articulable need to perform any of these actions.

E. Public records requests for recordings will be handled in accordance with Department policy and procedure and State Statute.

F. The Department will exhibit, display, and demonstrate MVR equipment to all interested parties upon request and at a time and place convenient to the

scheduling requirements of the Department. Requests of this nature shall be directed to and coordinated by the Patrol Division Commander and through the chain of command.

OPR49.11 PUBLIC RECORDS REQUESTS (IPRA)

A. It is the goal of this policy to support and promote openness in government by releasing non-confidential video recordings to the public upon request. The policy must also ensure that the privacy of victims, witnesses and suspects is maintained whenever possible. This policy will not affect the release of recordings pursuant to a court order or subpoena. All requests related to the release of video recordings produced by MVRs shall be processed through either the Artesia City Clerk or the Artesia Police Department.

B. MVR file requests that are not part of an ongoing investigation are requested for commercial use or will create a significant burden on the Department due to the volume of video data requested, may be charged for in accordance with established public record fee schedules. Fee schedule will be $50.00 per CD/Digital Copy plus $50.00 per hour for video redactions.

1. Recordings that contain legitimate confidential information shall be redacted

in order to retain the confidential nature of the information. Challenges to redactions pursuant to public records requests shall be referred to the City Attorneys’ Office.

1. It is the goal of this policy to comply with the Inspection of Public Records Act

but at the same time respect an individuals’ privacy and 4th Amendment Rights. No video will be released without the redaction of the interior of an individuals’ home or dwelling or the interior of an individual’s vehicle as the right of privacy extends to vehicles. All Video showing children, graphic acts of violence, deceased victims of violence or scenes of suicide in which the deceased is visible will be redacted for release via an IPRA request.

OPR49.12 FAILURE TO FOLLOW ORDERS:

1. Action taken for violations of this general order will depend on the degree of

severity, record of the offender and the seriousness of consequences of the action. This may include progressive discipline up to and including termination except where otherwise noted or mandated within this order