

MODEL POLICY – BODY CAMERAS

1.0 PURPOSE

The purpose of this policy is to establish a procedure for the proper use of all recording equipment utilized by (Law Enforcement Agency) personnel as well as the storage and management of the recordings.

2.0 POLICY

It is the policy of the (LEA) to use mobile audio-visual recording equipment for purposes of, including but not limited to capturing evidence for use in criminal prosecutions, training, evaluation of work performance, etc.

3.0 APPLICABILITY

This policy applies to all personnel issued mobile audio-visual recording equipment and portable audio recorders.

4.0 REFERENCES

- A. 29-1-16 NMSA 1978
- B. SB-8 Law Enforcement Body Cameras

5.0 DEFINITIONS

- A. **BWC** – Body Worn Camera - an electronic device worn on a person's body that records both audio and video data.
- B. **DVMS** – Digital Video Management System -Technologically advanced in-car digital video system which provides a higher quality of video and audio recordings.
- C. **MAVR** – Other Mobile Audio-Visual Recording devices in lieu of BWC.
- D. **Portable Recorder** – Department issued audio recording device that is small enough to be carried on an officer's person.
- E. **Law Enforcement / Investigative Encounter** – dispatched call for service, traffic stop, violent crime scene when civilian subjects are present, investigative interviews, motor vehicle accident investigation when participants of the crash are present, encounters with suspicious persons or emotionally disturbed persons, public drunkenness or disorderly conduct, interaction with field contacts, arrests, execution of a warrant, situations in which weapons are actually or alleged to be present, use of force and any non-investigative encounter that becomes adversarial after the initial contact.
- F. **Non-Law Enforcement / Investigative Encounter** – The following situations are not considered investigative encounters and shall not require initiation of BWC – everyday interactions with the public that are not part of a call for service or otherwise involve a law enforcement function. Examples include community caretaking or general conversations with the public. However, if any non-investigative encounter becomes adversarial after the initial contact the officer shall engage their BWC as soon as it is safe to do so.
- G. **Community Caretaking** – A task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime. The "community caretaking" function includes, but is not limited to, participating in

town halls or other community outreach, helping a child find his or her parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or persons presumed missing.

- H. **Uniform Officer** – Commissioned personnel who are outwardly displaying clothing that clearly identifies themselves to the public as law enforcement. These publicly identifiable officers are the members of the agency who routinely interact with the public.
- I. **Non-Uniform Officer** – on-duty commissioned personnel who are not identifying themselves to the public as law enforcement and whose primary duty is not to routinely interact with the public and often carry out their duties in plain clothes or a covert manner.
- J. **A confidential informant (CI) and or confidential sources** – is defined as an individual requiring anonymity who provides useful information, directed assistance, or both, that enhances criminal investigations and furthers the mission of the agency.

6.0 PROCEDURE

Uniform officers are required to record investigative encounters whether or not they are being recorded some other way.

For example: if a DWI officer is recording using the in-car camera, they still need to record the entire encounter on their body camera. This would also be true if an officer is questioning someone in a room that has a camera that is recording. The officer would still be required to record the interview on their body camera.

MAVR, DVMS, BWC, and portable recording equipment is to be utilized by (LEA) 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 MAVR, BWC, and DVMS equipment will be utilized to document traffic stops and citizen encounters. The portable recording equipment will be utilized to document citizen encounters that take place if the BWC is not working.

There are certain circumstances where Officers in a proactive (non-dispatched) capacity may become involved in a situation requiring immediate action to prevent injury, make an arrest and/or prevent the destruction of evidence or escape. When these situations occur, officers should activate their BWC. If the immediate activation of the BWC is not feasible due to immediate risk to the safety of the officer or others, the officer will activate the BWC at the first available opportunity after the immediate threat has abated.

The safety of (LEA) personnel and the public shall always take precedence over the ability to record an incident. However, officers should always make every effort to safely record all applicable incidents. In the event an incident arises where an officer was unable to activate their BWC, this incident should be documented.

**(Suggestion) Immediately be reported to a supervisor and notify dispatch. (note in CAD)*

**(Suggestion) It will be the responsibility of that supervisor to immediately investigate and document the incident in order to ensure the accuracy of events.*

A. General Guidelines – The Department has adopted the use of MAVR, BWC, DVMS, and portable audio recording systems 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.

B. Operational Procedures for BWC, MAVR, DVMS, and Portable Recording Equipment

Personnel shall adhere to the following procedures when utilizing BWC, MAVR, DVMS, and portable recording equipment:

1. BWC Usage
 - a. BWCs shall be worn by all uniformed officers whose primary function is to interact with the public.
 - b. The BWC shall be positioned on the officer's body to maximize the camera's ability to capture an interaction.
 - c. The BWC will be worn throughout the duration of an officer's working hours. Once the BWC is activated, the device will remain activated until the conclusion of the law enforcement activity.
 - d. Officers are required to activate the BWC when arriving at a call for service or initiating any other law enforcement or investigative encounter between an officer and member of the public. (see definition)
 - e. Officers who assist other officers in a backup capacity shall also activate their BWC to record the incidents when red lights and/or sirens are activated or when the officer arrives on the scene, whichever is sooner. The recording shall continue until there is no longer contact with the violator(s)/individual(s) involved.
 - f. Officers will be permitted to power off the BWC during certain encounters including:
 - i. engaging in a lunch break at the officer's private residence;
 - ii. entering a public locker room/restroom;
 - iii. entering a doctor's office/hospital;
 - iv. attending court proceedings;
 - v. or any other provisions prohibited by law.***(List: Add additional exceptions as needed)**
2. BWC, MAVR, and DVMS equipment installed in vehicles is the responsibility of the officer assigned to that vehicle and will be maintained according to the manufacturer's recommendations and Department procedures.

(Suggestion) All officers are **required to carry their issued portable audio recorder while on duty in the event the BWC becomes inoperable or fails to capture the event.*

3. At the beginning of each shift, officers shall determine whether their BWC, MAVR, or DVMS equipment and portable audio recorders are working properly and shall notify their immediate supervisor of any problems as soon as possible.
4. In addition, officers with BWC, MAVR, or DVMS equipment shall ensure that the camera is properly positioned and adjusted to record events.
5. The officer will not disconnect the BWC cable to render the camera inoperable while not in service.
6. Officers will not obstruct the camera's view on the BWC.
7. The BWC, MAVR, or DVMS equipment may be manually deactivated during non-enforcement activities such as protecting accident scenes, crime scenes, roadblocks, etc.
 - a. BWC, MAVR or DVMS equipment shall **NOT** be deactivated while responding to an incident with emergency equipment activated.
 - b. BWC or DVMS equipment shall **NOT** be manually overridden by shutting the system or power supply off.
8. The BWC, MAVR, DVMS, and/or portable recording equipment shall **NOT** be deactivated until enforcement action is completed. If the equipment is deactivated before enforcement action is completed, the officer shall document according to their policy and procedures. Officers are not required to cease recording an event, situation, or circumstances at the demand of any person.
9. Once a situation has progressed beyond the preliminary encounter and has stabilized, if it becomes necessary to discuss the specifics of the event, investigation, or case with another officer or supervisor in furtherance of the investigation, the officer will note this on the video recording and may end the recording. The intention to stop the recording will be noted by the uniformed officer on the BWC. The BWC shall be reactivated if contact is re-initiated with the subject.
10. Officers shall use the BWC, MAVR, and DVMS recorder in the following manner:
 - a. The BWC, MAVR, and DVMS will be used while conducting traffic enforcement. Deviations from this will be documented according to the (LEA) policy and procedures.
 - b. During traffic enforcement, the BWC, MAVR, or DVMS shall be used until the enforcement action is concluded, and the officer completes his/her contact with the occupants.
 - c. Officers shall record investigative interaction with the public when done so telephonically.

- d. Officers are not required to disclose to the public the fact that recording equipment is in use.
11. Officers who are assigned units equipped with DVMS and are involved in a pursuit shall, as soon as practical, categorize the recording as a pursuit. The recording of the pursuit will be retained according to the agency established guidelines.
12. Under no circumstances will a conversation between agency employees be recorded without all parties to the conversation knowing the conversation is being recorded. The only exception to this rule will be instances involving the criminal investigation of Department personnel.
13. Officers shall not in any manner alter recordings or recorded media, except as authorized by this policy. When the recording is no longer needed for court proceedings or Departmental purposes it may be disposed of according to the agency's policy and procedures. The recording is required to be retained for a minimum of 120 days.
14. Officers shall ensure they have an adequate amount of video storage capacity on their BWC, to utilize for the duration of their shift.

**(Suggestion) Individual agencies should include their specific guidelines for download time requirements.*

**(Suggestion) Pending the agency's capability, all media containing recordings shall be properly categorized 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.*

15. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
16. Officers shall note when video, digital, and/or audio recordings are not made of the incident in question.

**(Suggestion) Pending the agency capability, officers should categorize videos.*

Examples:

- a. Traffic
- b. Crashes
- c. DWI
- d. Emergency Response
- e. Pursuit
- f. Use of Force

**(Suggestion - If applicable to the LEA drafting the policy) – Commissioned personnel who operate in plain clothes or “undercover” capacity may be required to use MAVR’s on those occasions during which (LEA) determines that a digital recording may be beneficial for evidentiary value. If practical the recording will include video; however, it may not always be operationally possible to capture the video with a BWC. In these instances, another type of MAVR may be utilized to record the incident surreptitiously and should include audio recordings at a minimum.*

17. Commissioned personnel who normally work in a plain clothes capacity will wear BWC when working in clothing that clearly identifies them as law enforcement. These situations may include security details, search warrants, vehicle blocking maneuvers, fugitive apprehensions, knock and talks, and task force operations. During these times officers should follow the recording parameters defined in law enforcement / investigative encounter.
18. Operational Security
 - a. During tactical operations, commissioned personnel will utilize BWC's to capture the execution of the operation. Officers are not required to activate the BWC during pre-execution activities or if the officer is acting in a role where activating the BWC would compromise officer safety, operational security including, but not limited to, surveillance, perimeter security, or negotiations.
 - b. During security operations for public events, BWC's are only required for uniform personnel who regularly interact with the public. The only incidents required to be recorded by uniform personnel are those defined earlier in this policy as law enforcement / investigative encounters.
19. During surveillance or intelligence gathering operations, agents have discretion not to utilize BWC's if to do so would compromise any of the following:
 - a. Compromise the security, safety, or integrity of an operation.
 - b. Disclose current techniques or procedures for law enforcement investigations.
 - c. Disclose the identity of a confidential informant.
 - d. Personnel should avoid recording other officers that are working in an undercover capacity unless it is required for evidentiary purposes in an ongoing investigation.

C. Procedure for Control and Management

1. Recordings with evidentiary value for court proceedings shall be safeguarded in accordance with the agency's policies and procedures.
2. Recordings shall be released according to the agency's policy and procedures.
3. Recordings not scheduled for court proceedings or departmental use shall be maintained for at least one hundred twenty (120) days from the date the recording was made.
4. Recordings are the property of the (LEA) 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.

D. Supervisory Responsibilities

Supervisory personnel who manage employees with BWC, MAVR, DVMS shall ensure the following:

1. All employees follow established procedures for the use and maintenance of the equipment, handling of the recordings, and accurate completion of required documentation.
2. Supervisors should randomly review recordings to assist in the quality assurance 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. The video review frequency will be determined by the LEA.
3. BWC's, MAVR, DVMS, should be inspected during line inspections to ensure proper functioning.
4. Non-functional or damaged equipment shall be repaired or replaced.