


CARLSBAD POLICE DEPARTMENT

POLICY & PROCEDURES

Policy No.: 2-004	Last Modified: December 29, 2016	Effective Date: April 30, 2015	Page No.: 1 of 6
Subject: In-Car and Wearable Audio/Video Equipment		Approved by: 	
NMLEA Standard(s):		Last Review: December 30, 2016	

PURPOSE

It is the intent of this policy to provide personnel within the Carlsbad Police Department guidelines in the operation, use, and maintenance of issued in-car and wearable audio/video equipment

POLICY

In-car and wearable audio/video equipment has proven to be an invaluable tool for prosecution of law enforcement related offenses. The use of this equipment can assist agencies in real-time evaluations of officer performance as well as a unique training tool. In order to achieve compliance with the operation and care of this equipment, officers shall follow the procedures for in-car and wearable audio/video systems and equipment as set forth in this policy.

APPLICABILITY

This policy applies to all commissioned police personnel and animal control personnel of the Carlsbad Police Department, who are issued in-car and/or wearable audio/video equipment, performing law enforcement or animal control duties for the City of Carlsbad.

PROGRAM OBJECTIVES

This agency has adopted the use of in-car and wearable audio/video recording systems in order to accomplish several objectives, including:


- A. Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and testimony in court.
- B. The enhancement of this agency's ability to review probable cause for arrest, arrest procedures, officer and suspect/citizen interaction, and evidence for investigative purposes, as well as for officer evaluation and training.
- C. Documenting criminal and crash scenes or other events that include the confiscation and documentation of evidence or contraband.

OPERATING PROCEDURES

Officers shall adhere to the following procedures when utilizing in-car and/or wearable audio/video equipment:

CARLSBAD POLICE DEPARTMENT


POLICY & PROCEDURES

Policy No.: 2-004	Last Modified: December 29, 2016	Effective Date: April 30, 2015	Page No.: 2 of 6
Subject: In-Car and Wearable Audio/Video Equipment		Approved by: 	
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- A. In-car audio/video equipment installed in department vehicles is the responsibility of the officer assigned to that particular vehicle. Wearable audio/video equipment is the responsibility of the officer it is assigned to. The maintenance of the equipment will be done according to the manufacturer's recommendations.
- B. Prior to the beginning of each shift, officers shall ensure their in-car and wearable audio/video equipment is properly worn and working properly.
- C. Officers shall record all police related public interaction, to include but not limited to:
 1. Consensual encounters or field interviews;
 2. Interviews and interaction with victims, suspects or witnesses;
 3. Traffic stops;
 4. Field sobriety tests;
 5. Any enforcement action;
 6. Transportation and interaction with arrested persons;
 7. Transportation of any person, male or female;
- D. It is the intent of the department to place a high priority on recording the above stated events however, nothing in this policy is intended to prevent or delay an officer from acting during a rapidly evolving situation where their immediate action is necessary.
- E. Officers shall also use their in-car and wearable audio/video equipment to record the circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.
- F. Where possible, officers should ensure that the in-car and wearable audio/video equipment is operating in order to record public interactions. In so doing, they will ensure that:
 1. The audio/video system is positioned and adjust properly to record events;
 2. The in-car or wearable audio/video system is **NOT** deactivated or stopped until the enforcement action and all accompanying contact is completed;
 3. Their portable wireless microphone is activated in order to provide narration with the audio/video recording to explain the reason for their current or planned enforcement action;
 4. They are not required to inform the public that audio and video recording equipment is being used, however, shall promptly advise so if/when asked;
 5. They refrain from muting the microphone during a contact or incident unless the conversation is between officers and does not actively involve any participant (non-law enforcement) of the call.

CARLSBAD POLICE DEPARTMENT

POLICY & PROCEDURES

Policy No.: 2-004	Last Modified: December 29, 2016	Effective Date: April 30, 2015	Page No.: 3 of 6
Subject: In-Car and Wearable Audio/Video Equipment		Approved by: 	
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- G. Officers are encouraged to inform their supervisor of any recorded sequences that may be of value for training purposes. Selection of audio/video used for training will be determined by the Chief of Police or his/her designee.
- H. Officers will note in incident, arrest and all related reports when video/audio recordings were made during the incident in question. If there is any break in recordings, officer fails to record, or the event is not recorded due to unforeseen, operational malfunction, the officer will annotate the reason for the absence of recordings.
- I. Civilians **WILL NOT** be allowed to review any recordings while on-scene. All audio and video recordings will be considered evidence and treated as such according to department policy.
- J. All in-car and wearable audio/video recording systems used by department personnel shall only be that which is issued by the department. Personally owned recording equipment is not authorized.
- K. The department reserves the right to limit or restrict an officer from viewing any audio/video files that recorded any suspicious activity from the officer or those files documenting officer-involved shootings.
- L. Any requests for deletion of portions of recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or his/her designee in accordance with State record retention laws. All requests and final decisions shall be kept on file.
- M. Audio and video recordings shall not be replacements for written reports.

EQUIPMENT INSPECTION AND MAINTENANCE

- A. Officers responsible for operating in-car and wearable audio/video 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. If a problem is found during operation, a deficiency report shall be completed and forwarded to the appropriate person for correction. The deficiency report form is found in the forms appendix of this manual.
 - 2. Officers will not attempt any repair of the in-car or wearable video equipment.
 - 3. All keys belonging to the in-car video system shall be maintained by a designated supervisor. It is recommended that all supervisors obtain a copy of a key in order to facilitate any emergency removal of audio/video evidence.

CARLSBAD POLICE DEPARTMENT

POLICY & PROCEDURES

Policy No.: 2-004	Last Modified: December 29, 2016	Effective Date: April 30, 2015	Page No.: 4 of 6
Subject: In-Car and Wearable Audio/Video Equipment		Approved by: 	
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4. Field Training Officers (FTO) will be responsible for training new officers in the operation of the in-car and wearable audio/video equipment and will document that training. FTO's will also be responsible for ensuring their trainee has been inputted into the video equipment system.
5. All audio and video recording equipment, installed or portable, and any and all devices associated with the recording equipment is property of the City of Carlsbad. All recordings shall remain in the sole custody of the Carlsbad Police Department, unless used in court as evidence or obtained legally by lawful order.
6. Only standard issued equipment from the designated manufacturer shall be used to store recorded events on (jump drives, flash drives, USB's, etc.). These drives shall never be removed by the officer.
7. Disabling any in-car or wearable audio/video equipment and/or altering, duplicating or destroying any recordings is prohibited, except when done by authorized personnel.
8. The assigned officer will be responsible for monitoring the storage on the equipment's hard drive. Should the hard drive become full and fail to upload, it is the responsibility of the assigned officer to notify the appropriate designee for correction.

AUDIO/VIDEO EVIDENCE AND MANAGEMENT

- A. All in-car and wearable audio/video will be uploaded to the corresponding server and maintained there according to set parameters with each identified event. Officers are responsible for properly labeling each event. These events will be purged from the server after the designated time has elapsed. The events have been identified and maintained as:
 1. Arrest – 180 Days
 2. Assault – 90 Days
 3. Domestic – 180 Days
 4. Drug Charge – 180 Days
 5. DUI – 180 Days
 6. Evading – 180 Days
 7. Injury – 180 Days
 8. Interview – 90 Days
 9. Motorist Assist – 15 Days
 10. Suspicious Vehicle – 30 Days

CARLSBAD POLICE DEPARTMENT

POLICY & PROCEDURES

Policy No.: 2-004	Last Modified: December 29, 2016	Effective Date: April 30, 2015	Page No.: 5 of 6
Subject: In-Car and Wearable Audio/Video Equipment		Approved by: 	
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- 11. Traffic Accident – 90 Days
- 12. Traffic Citation – 90 Days
- 13. Traffic Warning – 15 Days
- 14. Unknown – 30 Days
- 15. Vehicle Pursuit – 180 Days

- B. All recordings containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence. As such, these recordings will:
 - 1. Be subject to the same security restrictions and chain of evidence safeguards as detailed in this agency's evidence control policy;
 - 2. Not be release to another criminal justice agency for trial or other reasons without having a duplicate copy made and returned to safe storage;
 - 3. Will not be released to other than bona fide criminal justice agencies without prior approval of the designated command officer.
- C. Officers will be responsible for copying their own recorded video/audio events and for the submission into evidence.
- D. Shift supervisors will continually review audio/video from each member of their shift to verify recording equipment is working properly and to ensure the proper conduct of officers during their encounters with citizens.

RESTRICTIONS

- A. In-car and wearable audio/video recording systems shall be used only in conjunction with official law enforcement duties. The in-car and wearable cameras shall not generally be used to record:
 - 1. Communications with other department personnel.
 - 2. Encounters with undercover officers or confidential informants.
 - 3. When on break or otherwise engaged in a personal capacity.
 - 4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

CARLSBAD POLICE DEPARTMENT

POLICY & PROCEDURES

Policy No.: 2-004	Last Modified: December 29, 2016	Effective Date: April 30, 2015	Page No.: 6 of 6
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STORAGE

- A. In-car files are downloaded automatically and without any prompting. Other systems maintained by the Carlsbad Police Department that require downloading by the officer shall be done so at the end of each shift.
- B. Files should be securely stored in accordance with State records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution.

