

	Clovis Police Department Policies & Procedures		Policy No: III.30 Issued/ Revised:09/20/18
	Title: III Patrol Operations	Chapter: 30 Body Worn Cameras AMENDED	Division Review: Field Services

I. Purpose: To establish procedures intended to provide officers with direction on when and how to use body-worn cameras (BWCs) so officers may reliably record their contacts with the public.

II. Policy: It is the policy of the Clovis Police Department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations. **(New Mexico Standard OPR.14.01.A)**

III. References: New Mexico Municipal Law Enforcement Professional Standards Council, First Edition 2002, Amended June 2007. **Amended December 2017.**

IV. Definitions: **None**

V. Procedures: **Administration**

The Clovis Police Department shall adopt the use of the BWC to accomplish several objectives. The primary objectives are as follows:

- BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
- Audio and video recordings also enhance our ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
- The BWC may also be useful in documenting crime and accident scenes or other events which include the confiscation and documentation of evidence or contraband.

When and How to Use the BWC

Officers shall activate the BWC to record all contacts with citizens in the performance of official duties. Whenever possible, officers should inform individuals they are being recorded. The BWC shall remain activated until the event is completed to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see Restrictions).

If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated. (New Mexico Standard OPR.14.01.C)

Civilians shall not be allowed to review the recordings at the scene.

Procedures for BWC Use

BWC equipment is issued primarily to uniformed personnel or as authorized by the Chief of Police. Officers who are assigned BWC equipment shall use the equipment unless otherwise authorized by supervisory personnel.

All Police personnel shall use only BWCs issued by the Clovis Police Department.

Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance and to incorporate changes, updates, or other revisions in policy and equipment.

BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible, so a replacement unit may be issued. (New Mexico Standard OPR.14.01.B)

Officers shall inspect and test the BWC prior to each shift to verify proper functioning and shall notify their supervisor of any problems.

Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his or her designee. (New Mexico Standard OPR.14.01.G.H)

Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes. (New Mexico Standard OPR.14.01.G)

If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file. (New Mexico Standard OPR.14.01.G)

Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.

Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

Restrictions on Using the BWC

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

- Communications with other police personnel without the permission of the Chief of Police;
- Encounters with undercover officers or confidential informants;
- When on break or otherwise engaged in personal activities; or
- In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

Storage

All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.

The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Clovis Police Department. All images and sounds recorded by the BWC are the exclusive property of the Clovis Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

All access to BWC files must be specifically authorized by the Chief of Police or his or her designee, and all access is to be audited to ensure only authorized users are accessing the data for legitimate and authorized purposes.

The BWC recordings shall be maintained on the network server for a minimum period of 120 days. All BWC recordings involved in the conduct of a criminal investigation will be immediately placed on the DIMS system and processed as evidence. Recordings containing information that may be of value for case prosecution or any criminal or civil proceedings shall be safeguarded as any other forms of evidence. As such, the BWC recordings will be subject to the same security and chain of evidence detailed in departmental evidence policies. (New Mexico Standard OPR.14.01.D.E.F)

Media Duplication and Distribution

Officers will not duplicate recordings for personal use. Dissemination outside of the agency is strictly prohibited without specific written authorization of the Chief of Police.

Recordings which are classified as public record pursuant to the New Mexico Open Records Act will only be released upon the presentation of a valid request. Only those portions of recording relevant to the incident will be reproduced and furnished as requested. (New Mexico Standard OPR.14.01.H)

Any portion of a recording that may be used to subject an employee to departmental disciplinary action may become a part of the employee's personnel file.

Supervisory Responsibilities

Supervisory personnel shall ensure officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.

At least monthly, supervisors will randomly review BWC recordings to ensure the equipment is operating properly and officers are using the devices appropriately and in accordance with this policy and to identify any areas in which additional training or guidance may be required. (New Mexico Standard OPR.14.01.G)

Audio, video recording and photography by media and the public

Recording video and audio is available to most every person with cellular devices. Officers may be engaged by members of the public who insist on videoing, audio recording, or photographing Officers, during their official duties. During contact, Officers may not seize the persons recording device or demand the recording stop. There may be exceptions to this (mass casualty events, acts of terrorism, etc.). During these contacts Officers may have cause to identify the persons recording the incident as their recording may be of value as witness to the incident. If the person is not cooperative, the Officers should ensure they have recorded the contact with their Body Worn Camera, if available or with their audio recorder. If during this contact a member of the public or media interferes with an investigation, actions may be taken against that member of the public or media. (New Mexico Standard OPR.15.01)