

**CORRALES POLICE DEPARTMENT
POLICIES AND PROCEDURES**

POLICY NO: 2-53	SUPERSEDES: All Prior	EFFECTIVE DATE: February 25 th , 2020	PAGE NO: 1 of 6
SUBJECT: Recording Devices		APPROVED BY: Chief Victor Mangiacapra III	
<i>Review Date: February, 2025</i>			

PURPOSE:

To establish guidelines on the usage of recording devices by Department personnel.

POLICY:

It is the policy of the Corrales Police Department to utilize audio/video recording devices only for official capacities.

PROCEDURE:

Audio/Video recording devices may be utilized by police officers solely for the purposes of:

1. Recording statements for use in investigating criminal and traffic cases;
2. In the course of any investigation as an aid to ultimate arrest and apprehension;
3. Documenting citizen contacts.

The use of recording devices by employees to record conversations with other Department personnel is prohibited without their prior knowledge and consent, unless otherwise authorized by the Chief of Police.

Department issued recording devices will be properly maintained and any malfunctioning device will be reported to a supervisor, who will arrange for the repair or replacement of the device. Personally owned recording devices, such as tape/digital recorders and smart phones, may only be used with authorization from the Chief of Police.

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In-Car Video Cameras:

The Corrales Police Department may utilize in-car video cameras in patrol vehicles to collect audio-visual evidence of criminal activity, to evaluate officer performance, and as a training tool for police officers. The use of in-car video cameras is intended to accomplish the following:

1. To provide an accurate depiction of events for courtroom presentation;
2. To accurately capture statements and events during the course of an incident or investigation;
3. To enhance the officer's ability to document and review statements and actions for report writing purposes and courtroom preparation;
4. To provide an impartial measurement for self-critique and field evaluation; and
5. To assist in the ongoing training of police officers and police recruits.

General Procedures:

All in-car video equipment shall be installed in a manner which ensures the system can be activated automatically when the vehicle's emergency lights are activated, manually by the officer via a wireless transmitter, and manually by the officer from within the police vehicle.

Officer safety shall be the primary consideration for placement of the system components within the vehicle and the use of the equipment. Officers will be provided with adequate training in the use and operation of the in-car video equipment prior to use.

Prior to the start of each shift, all officers assigned an in-car video camera shall perform a pre-operational inspection of their equipment to ensure the video camera and wireless microphone are operational and functioning properly.

Any malfunctions of the in-car camera equipment shall be reported to the immediate supervisor prior to the patrol unit being placed in service. The supervisor shall then make the determination as to whether the patrol unit will be placed into service with an inoperable camera system.

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Incidents, which should be recorded when a patrol vehicle is equipped with a video camera, include but are not limited to:

1. Traffic stops;
2. Pedestrian contacts;
3. Emergency responses during which emergency lights on the patrol vehicle are activated;
4. Motor vehicle pursuits;
5. Prisoner transports;
6. Crimes in progress; and
7. Any other situation or event that the officer deems appropriate to record.

When the in-car video camera is activated, officers shall verify that the audio recording portion is also activated to ensure that all events are properly documented. Officers are encouraged to use the audio portion of the recording to narrate events as they occur to provide the best evidence for courtroom presentation.

Officers are encouraged to review their in-car camera recordings when preparing written documentation of events in order to ensure the accuracy and consistency of events.

Officers shall ensure the volume from other electronic devices within the police vehicle (such as the car stereo) is off when the in-car video system is activated. *This does not apply to police radios.*

Video and Audio Evidence:

Officers shall not attempt to erase, alter, modify, or tamper with any video or audio recordings or recording equipment.

In-car camera system video and audio recordings are downloaded onto the Department computer server when the patrol vehicle is parked at the police station. When an officer's in-car camera system has recorded an event which will likely require future viewing, such as a DWI arrest or vehicle pursuit, the supervisor shall be notified and subsequently request that the Evidence Custodian save the recording on a digital video disc (DVD). The DVD will be properly labeled and included in the case file pertaining to the incident. Copies of the DVD may be furnished to the Village Prosecutor or District Attorney's Office, as well as others in accordance with the Inspection of Public Records Act.

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Body-Worn Cameras (BWC):

The department will issue BWCs, to the extent available, to all Patrol personnel to accomplish several objectives. The primary objectives are as follows:

1. 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.
2. Audio and video recordings also enhance this agency's 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.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

When and how BWCs are used:

4. BWCs will be activated when handling calls for service and prior to (or as soon as practical) law enforcement related encounters, provided that the activation does not interfere with officer safety or the safety of others.
5. BWCs will be activated during arrests and use of force encounters.
6. BWCs will be activated for the duration of traffic stops.
7. BWCs will be activated when responding to an emergency call or engaged in a vehicle pursuit.
8. BWCs will be activated during a foot pursuit if practical and safe to do so.
9. BWCs will be activated during the execution of search warrants.
10. Officers may activate the BWC to record contacts with citizens in the performance of official duties.
11. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or the individuals.
12. Officers may obscure the BWC view or stop recording due to patient privacy concerns or when dealing with a victim or subject who is unclothed or partially unclothed.
13. Civilians shall not be allowed to review the recordings at the scene.

Procedures for BWC Use:

14. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must carry and use the equipment unless otherwise authorized by supervisory personnel.
15. Police personnel shall use only BWCs issued by this department, unless otherwise authorized by the Chief of Police or designee. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
16. Police personnel who are assigned BWCs will receive training in the use of the equipment from their supervisor or designee to ensure proper use and operations.

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17. 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.
18. 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 that a replacement unit may be procured.
19. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
20. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval from the Chief of Police or designee.
21. Officers are encouraged to inform their supervisor of any recordings that may be of value for training or other purposes.
22. 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.
23. Requests for deletion of portions of the recordings (e.g., in the event of an inadvertent personal recording) must be submitted in writing and approved by the Chief of Police or designee. All requests and final decisions shall be kept on file.
24. 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.
25. Officers shall turn their assigned BWC in to the Evidence Custodian or designated supervisor on the last day of their work week for the review of video files and retention of recordings with evidentiary value.
26. Officers are to notify the Evidence Custodian or designated supervisor of video files which should be retained, such as those pertaining to arrests, use of force encounters or traffic stops which are likely to result in the filing of a Citizen Complaint.

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:

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

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Storage:

31. Video recordings with evidentiary value, such as those pertaining to arrests or incidents involving the use of force, or otherwise requested by the officer or a supervisor, shall be downloaded onto a secure department computer by the designated supervisor or Evidence Custodian. Video files are copied onto a digital video disk, thumb drive or similar external storage device as needed for dissemination to the District Attorney's Office, Internal Affairs Investigator, or other parties in accordance with New Mexico Inspection of Public Records Act (IPRA) requests.
32. Video recordings with evidentiary value are retained in accordance with relevant Department policies pertaining to Property and Evidence Management (GOPP 2-17) and Records and Reporting Requirements (GOPP 2-66).
33. Video recordings with no known evidentiary value are not retained.
34. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
35. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Chief of Police or designee.
36. 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. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

Supervisory Responsibilities

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

Limitations

38. A camera mounted on a fixed point on an officer will capture a limited perspective and should not be considered a complete representation of an officer's entire view or vantage point; the BWC will not always be pointed in the same direction as the officer's line of sight.
39. An officer may experience different psychological and/or physiological affects when presented with life-threatening situations that recorded camera footage may not reflect or capture.
40. A camera will not record the sensory cues an officer is trained and accustomed to observing during human interaction, such as the sudden tense grip of a suspect or visual cues that alert an officer that a suspect is about to flee.
41. An event might not be recorded in its entirety due to the inability of the officer to activate the BWC when an event unfolds rapidly, when officer safety issues preclude the activation of the BWC, when there is mechanical failure of the BWC or when an officer's location inhibits the field of view for the BWC.

Requests for copies of recorded material shall be made and processed in accordance with the New Mexico Inspection of Public Records Act.