
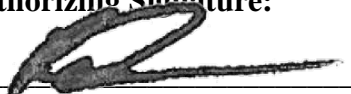


DEMING POLICE DEPARTMENT

	Policy Name: BODY-WORN CAMERAS Policy#-DPD 14A NMMLEPSC Standard OPR.14.01	
	Effective Date: 05/07/18	Reviewed Date: 05/07/18 Revision Date:
<input checked="" type="checkbox"/> Sworn Personnel <input type="checkbox"/> Civilian Personnel <input type="checkbox"/> All Personnel	Authorizing Signature:  Chief of Police	

I. PURPOSE

The purpose of this General Order is to establish procedures for the proper use of recording devices as well as the storage and management of digital recordings.

II. 2. POLICY

It is the policy of the Deming Police Department (DPD) to use recording devices for the purposes of, but not limited to documenting citizen contacts, capturing evidence for use in criminal prosecution, training and evaluating work performance, and protection against false allegations of misconduct.

III. APPLICABILITY

This General Order applies to all employees. This General Order supersedes all previous versions.

IV. REFERENCES

- 29-1-16 NMSA 1978
- 32A-2-14 NMSA 1978
- Inspection of Public Records Act (IPRA) Section 14 Article 2 NMSA 1978
- 1.19.8 NMAC (New Mexico Administrative Code)
- General Order 203 Domestic Family Disturbance
- Current contractual agreement between the City of Deming and the Deming Police Officers' Association (Contract)

V. DEFINITIONS

BWC – Body Worn Camera. The VIEVU Cameras or other similar devices that are issued by the department.

Records Management System (RMS) – A data entry system that collects and manages digital audio and photo evidence to simplify the acquisition and archiving of field and lab gathered digital evidence.

Recording Device – Any device capable of creating and storing audio and/or video recordings.

LGRRDS – Local Government Records Retention and Disposition Schedule for New Mexico Municipalities. 1.19.8 NMAC

VI. PROCEDURES

- A. Uniformed commissioned employees and Codes Officers shall carry a properly functioning department issued recording device on their person at all times while on duty. If issued a BWC, the BWC shall be used as the primary recording device. Commissioned employees in a plain clothes or undercover assignment do not have to carry a recording device but shall have a recording device available to them.
- B. Recording devices capable of capturing video shall be worn in a location that allows the device to capture images of what is in front of the officer.
- C. Employees shall immediately notify their supervisor of any malfunction of the recording device or the need for replacement parts.
- D. Officers shall record all citizen contacts to include those listed below. Recording devices shall be activated as soon as practical, consistent with officer safety. Once activated, recording devices shall be used for the remainder of the citizen contact. If the recording is stopped during the citizen contact, the officer will note on the recording and/or in a police report the reason the recording was deactivated. Officers shall record:
 - 1. Domestic dispute investigations and standbys per General Order 203 Domestic Family Disturbance.
 - 2. Calls involving a mentally ill or emotionally disturbed person.
 - 3. During all search and arrest warrant services.
 - 4. Anytime the potential for a use of force exists. This includes but is not limited to calls for service regarding: affrays, disorderly subjects, uncooperative shoplifters, and weapons calls.
 - 5. All custodial interrogations of adults and/or juveniles in accordance with 29-1-16 and 32A-2-14 NMSA 1978 unless another method of electronic

recording of the interrogation is available, such as an interview room equipped with audio and/or visual recording equipment.

6. During all arrests, when practical, until the prisoner is secured in holding cell or released to the Luna County Detention Center for hold. Recording should continue and/or resume if the prisoner is or becomes uncooperative and/or combative. Nothing in this section precludes an officer from recording throughout transport and processing of cooperative prisoners at his/her discretion (e.g. transporting a prisoner of the opposite sex).
 7. Any type of encounter not mentioned above in which a recording would prove useful in later judicial and/or administrative proceedings such as a citizen alleging dissatisfaction with police response.
 8. Anytime a supervisor directs an employee to use a recording device.
- E. Employees are not required to disclose to the public the fact that recording equipment is in use.
- F. Employees may use their recording devices for documentation purposes at crime and accident scenes, or other on-duty events as the employee deems appropriate.
- G. Employees shall not utilize recording devices in the following situations:
1. At any closed court proceedings or hearings.
 2. At any location legally authorized to limit recording and/or recording devices (i.e. hospitals, bathrooms) unless there is a police related incident.
- H. Employees are prohibited from recording their conversations with other employees without the other employee's knowledge by any means. Exceptions include authorized criminal or administrative investigations, and/or where the labor Contract provides for such tape recording, or on any City telephone lines which are automatically recorded.

VII. DISPOSITION OF RECORDINGS

- A. Audio, image, and video recordings shall either be downloaded to the VIEVU program or other similar system prior to going off-duty unless a supervisor authorizes an extension to this deadline.
- B. All evidence entered into VIEVU shall be noted in an offense/incident report.
- C. Officers with BWC's shall label all video recordings downloaded into the VIEVU program with the proper category, case number (when applicable), and location of

incident. Officers shall label the video recordings on or before their next duty day.

- D. Employees shall not destroy or alter any type of recording unless authorized by statute, policy, and with permission of the Chief of Police.
- E. Recordings shall not be released to another criminal justice agency, excluding the District Attorney's Office for disclosure, without approval of the Chief of Police. When recordings are released, the department shall maintain the original recording and provide the requesting agency with a duplicate unless there are specific reasons for releasing the original recording. If an original recording is released, the department shall retain possession of a duplicate copy.
- F. Recordings are property of DPD and shall not be reviewed by unauthorized persons. Unauthorized persons include members of 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. Employees shall not post recordings to any social media website.
- G. Recordings are subject to release under the Inspection of Public Records Act (IPRA). Any IPRA request must go through the official release of records procedure through the City of Deming.

VIII. RETENTION OF RECORDINGS

- A. All non-evidentiary recordings shall be retained for ninety (90) days from the date the recording was submitted. This retention and destruction meets all Local Government Records Retention and Disposition Schedules for New Mexico Municipalities (LGRRDS) and is pursuant to City Council Resolution No. 15-212.
- B. All evidentiary recordings shall be retained as part of the case file and will be kept and destroyed according to the LGRRDS.

IX. SUPERVISORY RESPONSIBILITIES

- A. Routinely inspect recording devices to ensure they are functioning properly.
- B. Arrange for replacement or repair of any issued recording device that is not functioning properly.
- C. Supervisors shall randomly review recordings to assist in the periodic assessment of an employee's performance and the recording devices performance. Supervisors will determine whether the recording device is being fully and properly utilized, if downloads are taking place in a timely manner, if BWC videos are labeled appropriately, and if any material on a

recording may benefit personnel in training. It is within a supervisor's discretion to review recordings more frequently.