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| **FARMINGTON POLICE DEPARTMENT****Policy And Procedure** |
|   | **Policy Number:**241-14 | **Effective Date:**03/02/2020 |  |
| **Subject:**In-Car & Body-Worn Video Cameras |
| **Approved By:****Steven D. Hebbe, Chief Of Police** |

**PURPOSE:**

The purpose of this policy is to establish guidelines for the use, management, storage, and retrieval of audio-visual recordings by in-car and body-worn video systems.

**POLICY:**

It is the policy of the Farmington Police Department to utilize in-car video cameras in department owned marked vehicles, and body-worn video cameras to collect audio-visual evidence of criminal activity, evaluate employee performance and as a training tool for department employees.

**PROCEDURE:**

The use of in-car and body-worn video cameras to accomplish the following:

1. Provide an accurate depiction of events for courtroom presentation;
2. Accurately capture statements and events during the course of an incident or investigation;
3. Enhance the employees’ ability to document and review statements and actions for report writing purposes and courtroom preparation;
4. Provide an impartial measurement for self-critique and field evaluation; and
5. Assist in the ongoing training of department employees and police recruits.

The following incidents shall be audio and video recorded on a body-worn:

1. All investigative encounters and calls for service, both in person and by telephone, including follow-up investigations. Telephonic contact must be on speaker so both sides of the conversation can be audially recorded.
2. All emergency responses in which the patrol vehicle's emergency lights are activated;
3. All motor vehicle pursuits;

1. All prisoner transports;
2. All crimes in progress;
3. The reception of citizen complaints or feedback on police employee performance.

**In-Car and Body-worn Video Systems Activation Protocols:**

Employees who operate a vehicle that has an in-car camera must activate their in-car and body worn cameras when observing a traffic violation, municipal code violation, criminal activity or other observed emergency situations which require action. Employees shall activate their in-car and body-worn camera system prior to making an investigative telephone call, and when an incoming call regarding an investigation is received.

Regarding dispatched calls for service, employees should consider activating their body-worn camera well before arriving on scene in order to prevent the employee from becoming distracted and forgetting to activate the camera should a dynamic situation occur upon arrival. If, upon review, it is determined an employee had an adequate opportunity to activate their body-worn camera prior to arrival on scene, but they failed to do so, it shall be considered a violation of this policy.

The Department recognizes that employees may be placed in situations which are stressful, rapidly evolving and unpredictable. There may be circumstances in which an employee may not be able to immediately activate their body-worn camera. In such cases the employee shall as soon as practicable and when safely able to, activate their body-worn camera.

As a matter of routine, all employees who wear a body-worn camera shall use the body-worn camera to record any of the aforementioned events or incidents. In as much as the additional, simultaneous use of the in-car camera system offers multiple advantages to accomplishing the stated purposes of this policy, employees shall use both the body-worn and in-car recording systems simultaneously. Employees shall make every reasonable attempt to utilize the in-car camera system and body-worn camera whenever citizen contacts originate or occur near the police vehicle. Not all citizen and investigative contacts can be video, or audio recorded based upon circumstances outside of an employee’s control. For example: unanticipated events requiring police intervention when neither the employee nor the department vehicle is equipped with recording equipment and such incidents are outside of the employee’s routine duties and job assignment. It is not the intention of this policy to deny police services based upon the unavailability of recording equipment with which to record such services.

When the in-car and body-worn video cameras are activated, employees shall ensure that the video, as well as the audio portion, is activated to ensure that all events are properly documented. Employees are encouraged to use the audio portion of the recording to narrate events as they occur to provide the best evidence for courtroom presentation. To ensure functionality of all camera systems, a monthly inspection is completed by sergeants and documented on monthly vehicle inspection form according to policy 299-02, *Vehicle Policy*.

Employees are encouraged, when possible, to review their camera recordings when preparing written documentation of events in order to ensure the accuracy and consistency of events.

Employees shall ensure the volumes from other electronic devices within the police vehicle (radios, CD players, etc.) are turned off when the back seat of their police vehicle is occupied. This does not apply to police radios.

**In-Car Video Systems:**

All in-car video equipment shall be installed in a manner which ensures the system will be activated automatically when the vehicle’s emergency lights are activated, manually by the employee via their body-worn camera, and manually by the employee from within the department vehicle.

Employee safety shall be the primary consideration for placement and use of the system components within the department vehicle. Employees will be provided with adequate training on the operation of the in-car and body-worn video equipment prior to use.

Prior to the start of each shift, all employees assigned an in-car and/or body-worn camera shall perform a pre-operational inspection of their equipment to ensure the in-car camera and body-worn cameras are operational and functioning properly. Body-worn cameras shall be checked out and assigned to employees prior to the start of their shift. In addition, employees shall sync their body-worn camera to their respective in-car camera prior to their pre-operational inspection. This is accomplished by docking the assigned body-worn camera into the in-car base and ensuring the left LED blinks green 3 times. The employee should also verbally state that they are conducting a test and then check to make sure the video has recorded to their in-car camera system. IT will periodically check the functionality of the system and report any issues to the Administrative Lieutenant.

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 whether the patrol unit will be placed into service with an inoperable camera system. If it is determined the vehicle will go into service with an inoperable camera system, dispatch will be notified. The on-duty supervisor will make a notation of the vehicle unit number and camera status through Department email to the Administrative Lieutenant and member of the IT Division to have the system fixed or replaced.

**Body-Worn Camera Systems:**

All body-worn cameras shall be worn on or near the center of the chest. On patrol uniforms, this can be accomplished by clipping the cameras to the loop located between the buttons on the center of the chest. If there is no loop on the uniform shirt, the camera should be attached as closely to the center of the chest as possible.

Employees will be provided with adequate training in the use and operation of the body-worn camera equipment prior to use.

Prior to the start of each shift, all employees assigned a body-worn camera shall ensure the camera has been downloaded and is fully charged as per their training. Body-worn cameras must be downloaded and charged at an approved download station at the Farmington Police Department (located in patrol briefing and detectives).

In addition, employees utilizing a body-worn camera shall conduct a minimum of one functionality test daily. This function test shall be comprised of a brief recording, a download of the recording and a review of the video to confirm the body camera is operating properly. When possible and appropriate, employees should make every reasonable attempt to conduct this functionality test at the beginning of their respective work day and prior to going in service for work. When the employee is issued an in-car camera system, this functionality test should be conducted in accordance with the in-car video systems guidelines.

Before going into service, any malfunction of the body-worn camera system shall be reported to the on-duty supervisor. If a malfunction occurs while on-duty, it shall be reported to dispatch and the on-duty supervisor immediately, whenever reasonably feasible to do so. If the system cannot be placed into service through basic trouble shooting procedures, the officer shall checkout a different camera from the approved download station and contact the IT Division to have the system fixed or replaced.

**In-Car Digital Video Evidence:**

Employees shall not attempt to erase, alter, modify, or tamper with any digital recording or digital recording equipment. Manually turning off the power to the camera system when off-duty is not considered tampering.

The current in-car digital camera system utilized by the Farmington Police Department records and temporarily stores events onto a USB flash drive and an internal hard drive. The USB flash drive is locked within the mobile video recorder. Employees shall not attempt to access or remove this USB Flash Drive. All recorded material is transferred wirelessly from the vehicle to the system server. The only personnel with key access authorized to remove this USB Flash Drive are the video system administrator, assistant administrator, or authorized repair personnel. Employees shall not attempt to download or obtain video recordings from the mobile video recorder or compact flash card.

All wireless transfers of recorded material from the mobile video recorder/flash memory card will be conducted at the Farmington Police Department wireless access locations. The only exceptions are routine maintenance, repair, or troubleshooting efforts conducted by authorized City of Farmington Police IT staff and/or in-camera system administrators and designees.

All non-wireless transfers of recorded incidents, (i.e., removal of flash memory card for maintenance and/or malfunction) will be conducted only by authorized personnel.  An in-car camera system administrator, assistant or Chief's designee are the only personnel that are authorized to remove the flash memory card for manual computer transfer of recorded material.

When a USB Flash Drive is removed for manual transfer of recorded material for any reason, the WatchGuard Evidence library Records the manual download alleviating the need for filling out the  [In-Car Camera Maintenance and/or Media Manual Removal Form](https://powerdms.com/client/link/1499/document/?id=185007) .

**Wearable Digital Video Evidence:**

Employees shall not attempt to erase, alter, modify, or tamper with any digital recording or digital recording equipment. Employees found to be in violation of this could face discipline up to and including termination. Employees are also prohibited from deactivation of a body-worn camera until the conclusion of a law enforcement or investigative encounter.

**Inappropriate Incidents and Situations to Record:**

The Farmington Police Department recognizes there are specific situations where body-worn camera recordings should not be made and specific situations where the use of body-worn cameras is not appropriate. These may include, but are not limited to, the following:

1. During communications with other law enforcement personnel unrelated to official duties;
2. Encounters with undercover employees or confidential informants;
3. When on break or otherwise engaged in non-work related activity;
4. In restrooms, locker rooms, or other places where there is a similar expectation of privacy and there is no legal reason to be present;
5. When conducting tactical planning
6. In order to capture discussions between individuals with privilege, such as attorneys, members of clergy, peer/mentor support counselors and medical professionals

The Farmington Police Department values the privacy of its employees and recognizes there are circumstances where employees should be protected from in-car and body-worn camera recordings in both on and off duty capacities. The following is a list that includes circumstances and events which should not be recorded in order to protect the dignity of the individual or compromise the privacy of the specific event, but not limited to those outlined herein:

1. When the employee is a victim of a crime and a different jurisdiction is conducting the investigation;
2. Humanitarian and charitable hospital visits, church visits, and domestic violence shelters;
3. Line of Duty Death funerals and ceremonies;
4. Post Line of Duty Death meetings, duty assignments and responsibilities;
5. Critical Incident Stress Management debriefing and defusing sessions;
6. Employee Assistance Program related contacts, situations, consultations or meetings;
7. Or other unlisted circumstances which may be categorized as such.

If a question or doubt arises as to whether or not to make a recording, the employee should consult with their supervisor and, if necessary, consult with their respective lieutenant.

Should one of the aforementioned situations be recorded, the employee should notify their direct supervisor as soon as possible after the recording is made to commence safeguarding privacy and to initiate mitigation measures. The supervisor should in turn notify by email the Administrative Lieutenant and the IT Supervisor of the recording and the circumstances surrounding the situation. The IT Supervisor will secure and lockdown the recording. The Administrative Lieutenant will submit in writing a formal request for redaction of the specific time frame in question or deletion of the video to the Chief and Deputy Chief for approval. If approved, the written documentation will be retained in accordance with applicable retention laws and the video will be either redacted or deleted by the Administrative Lieutenant. If denied, an action plan will be implemented by the Administrative Lieutenant and IT Supervisor to safeguard the video from unnecessary viewing and distribution.

**Digital Video Evidence Storage and Release:**

Material downloaded onto the camera system server will remain in the server's memory for a period designated by the Evidence Library retention rules and assigned category for each video, but not less than 120 days. The digital material is archived to a designated back-up storage area in the WatchGuard server system.

All recorded material that resides on the server or is archived to designated backup memory in the storage nodes, will only be viewed by accessing the manufacturer’s proprietary viewing software program. This program is available to all authorized personnel on any of the Farmington Police Department's networked computers.

All requests for recorded material will be submitted to the City of Farmington City Clerk's office per the New Mexico Public Records Act.  Once approved by the City Clerk, the request is forwarded to the Professional Standards Lieutenant for department approval and release.

Personnel are prohibited from surfing or viewing an employee’s video without the permission of the Chief of Police, or their designee, without a valid reason.

**Random Audits:**

Random audits shall be done by supervisors to ensure both in-car and body-worn cameras are functioning properly. Every two weeks the supervisor shall watch an in-car and body-worn video from each employee they supervise, as well as their own videos. The results of the audit will be sent to the divisional lieutenant prior to the end of the second week. All deficiencies will be documented in an email and addressed with the employee.

**Scope and Limits of Technology:**

The camera is a vital tool that serves many purposes (such as evidentiary value, capturing events that are outside the field of the employees view, low light conditions where visibility is limited, etc.). This does not mean the equipment is infallible. Nothing is this policy will constitute a violation if the equipment fails to produce a viable recording (or any recording at all) if the employee followed this policy and the equipment did not record through no fault of their own.