

GENERAL PROVISIONS
CHAPTER 2, SECTION 28



HOBBS POLICE DEPARTMENT
POLICIES & PROCEDURES

EFFECTIVE DATE 05/01/2017	REVISION DATE NA	<i>Specialized Equipment (Body-Worn Cameras, In-Car Cameras, Computers, Tablets, Etc...)</i>
NM ACCREDITATION STANDARD NA		

I. STATEMENT OF PURPOSE

The purpose of this policy is to establish guidelines related to the use of body-worn cameras (BWCs) and in-car cameras (ICCs), so officers may reliably record their official law enforcement contacts with the public in accordance with policy and the law. This policy provides a framework for the use of the two systems, the management of the video evidence and practical operational requirements. It is the purpose of this procedure to provide officers with guidelines and is not intended to describe every possible situation in which a BWC system must be used.

II. POLICY

It is the policy of this Department that all officers shall activate the BWC and in-car camera 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.

III. PROCEDURES

A. Administration

1. Officers shall complete a department approved training specific to their issued equipment. Training will include but not be limited to case law, department policy, media capture and storage, system security, audit trails, evidence, privacy concerns and proper positioning, use, care and maintenance of the device. No officer shall use a BWC that was not issued by the Department in their official capacity.
2. Employees shall keep all BWCs entrusted to them in a safe and serviceable condition. Loss, damage or unserviceable condition of BWCs shall be reported by the employee to their Supervisor as soon as possible. Employees may be required to pay for the repair or replacement of equipment that is damaged or lost because of negligence or intentional damage and may face disciplinary action.

B. Officer Operation Requirements

1. Prior to shift, officers will test the BWC operation in accordance with manufacturer specifications and department training.

a. BWC testing includes the following:

- i. Ensuring the device is properly secured within the outermost garment of the uniform and that it is not obstructed by other equipment or clothing. Once properly secured, an audible response will be heard verifying the assigned officer's name and indicating the device is on.
 - ii. Depress the status button on the Bluetooth Device. The BWC will provide an audible status of the device to include battery life and storage capacity.
2. Any time the BWC is not functioning properly, it will be removed from service. Any problems with the equipment shall be immediately reported to a supervisor. It will be the officer's responsibility to ensure the device is delivered to the appropriate custodian so repairs or exchanges can be completed as quickly as possible. In the event that the device is taken for repair, a replacement device will be made available.
 3. At the end of the officer's shift, the BWC will be secured and charged.

C. Uploading and Storage

1. Uploading and storage of audio/video recordings are automated through a cellular or Wi-Fi connection. Recordings are stored on a cloud-based system allowing it to be immediately secured and accessible.

D. Activation of the BWC

1. Officers will utilize their BWC during all official citizen contacts in the course of their duties including calls for service, traffic stops, arrests, searches and all interactions with inmates inside the jail. Consideration will be given in cases involving heightened urgency, legitimate concern for officer safety and/or equipment malfunctions. Any circumstance that prevents the activation of the BWC or device failure will be noted in the officer's report narrative.
2. Officers shall not interrupt, pause or mute the recording of any incident until their direct involvement in the incident is concluded.
3. Officers shall not record confidential informants. If the officer finds it necessary to cease recording during an incident, the officer will clearly justify the reason in the report narrative.
4. BWCs may be used to supplement recorded interviews for CID in a controlled environment, video recordings of crime scenes and pre-search warrant videos on vehicle or residences. They are not intended to be used as a replacement for interview room recordings.

E. Classification and Retention of Recordings

1. Classification of video is important and directly related to its retention. Officers shall classify each video at the conclusion of the recording and enter any related CAD/Report number(s). Classification is accomplished in two ways:

- a. Automated – Generally, videos initiated as a result of a dispatched call for service will be automatically classified as a result of the CAD integration. Officers should manually change classifications if necessary.
 - b. Manual – Videos initiated manually will need to be classified manually.
2. All video will be retained for a minimum of one year or as follows:
- a. Video that results in a formal complaint against the department, or an officer of the department, shall be retained for a minimum of three years.
 - b. Any video that is part of a criminal incident or administrative complaint will be retained for two years after all appeals, and court orders are exhausted.
 - c. Requests for deletion of recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or designee. All requests and final decisions will be kept on file.
 - d. Any video not covered in the areas listed above will be retained as prescribed in NMAC 1.19.8.807.

F. Restrictions on Using BWC

Department issued BWCs will be used only in the course of authorized, lawful duty. Officers shall not utilize their department issued BWC for unofficial or personal use, and officers shall not utilize non-Department issued BWCs.

1. Officers shall not indiscriminately record events or people that are not the subject of a call for service or investigation, and shall not allow the BWC to record their entire shift.
2. Officers shall not record members of this department surreptitiously without authorization from the Chief or his designee.
3. Officers have the ability to download useful applications on their BWC; however, all applications will require a written request by the officer justifying the use of the application, and the request will be submitted to the Chief of Police prior to download.
4. Officers shall not download or install any social media application (e.g. Facebook, Instagram, Snapchat, Twitter, etc...).

G. Review of BWC Recordings

1. All BWC recordings are the property of the Department. Dissemination outside of the department is strictly prohibited, except to the extent permitted or required by law, and only with written authorization from the Chief of Police or designee. Recordings may be reviewed in the following situations:

- a. During preparation of reports, criminal complaints or statements;
 - b. By a supervisor investigating a specific act of officer conduct and/or to assess officer performance;
 - c. By the user to assess proper functioning of the BWC;
 - d. By any agency investigator who is participating in an official investigation, such as a personnel complaint, administrative review or criminal investigation;
 - e. An officer who is captured on, or referenced in a video or audio recording may review and use the recording for any purpose relating to his/her duties as a police officer;
 - f. By court personnel through proper process, or with permission of the Chief of Police or designee;
 - g. By the media through proper process, or with permission of the Chief of Police or designee;
2. Recordings may be shown for training purposes. Officers are encouraged to notify supervisors of videos that would benefit future training.
 3. In no event shall any recording be reviewed or shown for the purpose of ridicule or embarrassment to any officer, civilian employee or another person.
 4. Recordings that are subject to, or potentially evidence in an administrative or internal affairs investigation will not be reviewed by any officer unless authorized by the Chief of Police or designee.

H. Documenting BWC Camera Use

1. Any incident that is recorded shall be documented in the officer's incident report.

I. Requests for BWC Video

1. Upon proper request, a copy of the original video will be made for use as authorized by this policy through download or shared file.
2. Redaction of video may be conducted to protect privacy as directed by the Chief of Police or designee.
5. Official requests for copies of recorded media shall be completed in accordance with Hobbs Police Department Rules and Regulations, Chapter 5, Section 13 – Property and Evidence Control.
6. Requests to view media that has not been entered into evidence will be evaluated on a case by case basis by the Chief of Police or designee.

J. In-Car Computers, Tablets, or Other Electronic Device

1. Messages transmitted from electronic devices are received by the person you are sending them to and the main computer. This means there is a record of every transmission and the content (text) of the message. These messages are subject to release to the public, courts, etc. All employees must take this into consideration and ensure that all transmissions are of a professional nature.
2. Drinks and other liquids shall not be placed in an area where they can be spilled or leak on the computer.
3. Efforts should be made to keep electronic devices from getting too hot during warm weather.
4. The lid/screen must remain closed while the vehicle is in motion. This will prevent the operator from working on the computer while driving and will help ensure that the lid does not become an airbag-induced projectile in the event of an accident.

K. In-Car Camera Systems

1. The in-car camera system is designed to provide an audio/video record of events as they happen from the viewpoint of the unit. Officers shall adhere to the following procedures when utilizing mobile video recording (MVR) equipment.
2. MVR equipment installed in a vehicle is part of the vehicle package and is the responsibility of the officer assigned to that vehicle and will not be removed from the vehicle without approval of the officer's supervisor. Installation and removal of MVR equipment will only be done by authorized personnel as designated by the department. MVR equipment will be maintained according to manufacturer's recommendations.
3. Prior to each shift, officers shall determine whether the MVR equipment is working satisfactorily. They shall bring any problems to the attention of their supervisor.
4. The MVR system must be in the RECORD mode during any traffic stop or emergency run. In addition, the MVR may be engaged at the discretion of an officer to record other citizen contacts.
5. Officers shall ensure that audio is recorded in conjunction with their video recording.
6. Officers should ensure that the video camera is properly positioned and adjusted to record events.
7. Officers shall not intentionally tamper with or in any manner alter MVR media.

L. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWCs and ICCs utilize them in accordance with the policy defined herein.
2. At least monthly, supervisors will randomly review recordings to ensure that equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.