

	Portales Police Department Standard Operating Procedure & Policy	SOP #	216.00
		Date Revised:	
		OPR. #	
42427 US Hwy. 70 Portales NM, 88130	Body Worn Cameras	Effective Date	
(575) 356-4404		Approval:	Christopher Williams, Chief of Police

This policy statement and the procedures there under are intended for Portales Police Department use only. The policies, procedures, and regulations are for internal agency administrative purposes and are not intended to create any higher legal standard of care or liability in evidentiary sense than is created by law. Violations of internal agency policies, procedures, regulations, or rules form the basis for disciplinary action by the agency. Violations of law form the basis for civil and/or criminal sanctions to be determined in the proper judicial setting, not through the administrative procedures of the agency.

I. STATEMENT OF PURPOSE

The purpose of this policy is to establish guidelines related to the use of body-worn cameras (BWCs), requiring all commissioned Portales Police Department officers to 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 BWC, the management of the video evidence and practical operational requirements. It is the purpose of this policy to provide commissioned officers with guidelines and is not intended to describe every possible situation in which BWCs must be used.

II. DEFINITIONS

“Body-worn camera”

An electronic device worn on a person’s body that records both audio and video data. “Body-worn camera” does not include a dashboard mounted camera or a camera intended to record clandestine investigation activities.

“Law enforcement or investigative encounter”:

- (a) An enforcement stop;
- (b) A dispatched call;
- (c) A field interrogation or interview (consensual encounters);
- (d) Use of force;
- (e) Execution of a warrant;
- (f) A traffic stop, including:
 - a. A traffic violation;
 - b. Stranded motorist assistance; and
 - c. Any crime interdiction stop; or
- (g) Any other contact that becomes adversarial or otherwise requires law enforcement action after the initial contact in a situation that would not otherwise require recording.

“Non-Law Enforcement/Investigative Encounter”

The following situations are not considered investigative encounters and shall not require initiation of BWC –everyday interactions with the public that are not part of a call for service or otherwise involve a law enforcement function. Examples include community outreach or general conversations with the public. However, if any non-investigative encounter becomes adversarial after the initial contact or otherwise presents the officer with the possibility of transitioning into a “Law Enforcement/Investigative Encounter” the officer shall engage their BWC as soon as it is safe to do so.

“Uniformed Officer”

Commissioned personnel who are outwardly displaying clothing that clearly identifies themselves to the public as law enforcement. These publicly identifiable officers are the members of the agency who routinely interact with the public and wear the department issued Class A, B or C uniform.

“Non-Uniformed Officer”

On-duty commissioned personnel who are not identifying themselves to the public as law enforcement and whose primary duty is not to routinely interact with the public and often carry out their duties in plain clothes or a covert manner.

“Confidential Informant (CI) and/or Confidential Source”

A cooperating individual requiring anonymity who provides useful information, directed assistance, or both that enhances criminal investigations and furthers the mission of the agency.

III. POLICY

It is the policy of the Portales Police Department that all Uniformed Officers shall wear a Department issued BWC while on duty or performing law enforcement functions, and shall activate their BWC when responding to a call for service or at the initiation of any other law enforcement or investigative encounter and continue to record until the conclusion of the event. Non-Uniformed Officers shall wear a Department issued BWC when they have prior knowledge that they will be exposed to a known or potential Law Enforcement or Investigative Encounter

Personnel will not tamper, alter, manipulate or otherwise obstruct or interfere with any BWC recordings. This includes intentionally positioning or obscuring the BWC so that the law enforcement or investigative encounter is not captured by the camera. Such intentional acts will result in disciplinary action to include up to termination.

All videos recorded by a BWC are the exclusive property of the City of Portales and Portales Police Department and shall be retained in the prescribed manner by the Department for not less than one hundred twenty (120) days.

IV. RESTRICTIONS

Recording devices shall not be used to record:

- A. Encounters with undercover personnel or confidential informants.
- B. Personal activities or private conversations of Portales Police Department or other law enforcement personnel that do not involve calls for service or any other law enforcement or investigative encounter.
- C. Conversations between Portales Police Department personnel without all parties being aware of the fact that it is being recorded, unless authorized by the Chief of Police or prior consent or acknowledgement by other personnel to the recording.
- D. Conversations between law enforcement personnel that involve confidential information, case strategy or tactics.
- E. Conversations with medical personnel while not in the presence of other members of the public, suspects or victims.
- F. If the immediate activation of the BWC is not feasible due to immediate risk to the safety of an officer or others, the officer will activate the BWC at the first available opportunity when the immediate threat has dissipated and it is safe to do so. In such situations, the officer will document on Intra-Office Memorandum, in detail the immediate risk that prevented activation.
- G. The BWC may be deactivated during a conversation with a sensitive victim of a crime, a witness of a crime, or an individual who wishes to report or discuss criminal activity, if:
 - a. The individual who is the subject of the recording requests that the officer deactivate the officer's body-worn camera; and
 - b. The officer believes that the value of the information outweighs the value of the potential recording **and records the request by the individual to deactivate the body-worn camera.**

V. PROCEDURES

- A. Administration
 - 1. Officers shall complete Department approved training specific to their issued equipment. Training will include but not be limited to state law, Department policy, media capture and storage, system security, audit trails, evidence, and proper positioning, use, care and maintenance of the device.
 - 2. Officers shall keep all BWCs entrusted to them in a safe and serviceable condition. While off duty, the BWC shall be kept charged and available for use.
 - 3. BWCs shall be downloaded daily as per established Departmental policy.

4. Officers shall properly categorize and/or attach the videos per established Departmental Policy.

B. Officer Operation Requirements

1. The BWC should be should be worn on the front of officers uniform and in a manner to best capture events that occur during normal law enforcement encounters.
2. Officers will ensure that the BWCs assigned to them are functioning properly at the beginning and end of each shift according to the instructions of the system's manufacturer and shall report immediately any malfunctioning equipment to their supervisor. Personnel shall not be responsible for verified equipment failure during an incident if the BWC had no signs of malfunction prior to the incident.
3. In the event the BWC malfunctions or otherwise becomes inoperable while at an incident or other qualifying encounter, dispatch will be notified immediately that the BWC has failed.
4. Articulate on a BWC recording and in writing their reasoning for failing to activate their BWC, failing to record the entire contact, or interrupting required recordings.
5. Officers shall not stop a recording by turning off the power instead of the appropriate method to end/stop a recording

C. Activation of Body Worn Cameras

1. BWCs will only be activated in conjunction with official law enforcement duties.
2. Officers will activate their BWC when responding to a call for service, or at the initiation of any other law enforcement or investigative encounter. Any circumstance that prevents the activation of the BWC or device failure will be noted in the officer's report narrative and reported to a supervisor immediately.
3. Officers shall not interrupt, pause or mute the recording of any incident while in direct contact with the public or prior to the conclusion of the law enforcement or investigative encounter. The BWC shall remain activated until the event is concluded in order to ensure the integrity of the recording. Conclusion will depend on the type of incident and individual circumstances. Typically, the incident has concluded when contact with the individual terminates or the scene has been cleared. **It is recommended that an announcement be made that the recording is being terminated prior to deactivation.**
4. Civilians shall not be allowed to view recordings at the scene unless doing so is necessary to further an investigation.

5. BWCs will be in the on or “buffering mode” while officers are in public or at their assigned post and not in direct contact with the public.
6. In accordance with 30-12-1 NMSA, personnel are not required to inform every individual being contacted that the BWC is enabled. Every contact required by this policy to be recorded will be recorded regardless of objections made by the subject(s), except as allowed by this policy. If asked if the officer is recording the officer shall respond with the correct answer.
7. Any violations of this policy by an officer will be addressed in accordance with City of Portales Personnel Policy and Portales Police Department Policy.

VI. REVIEW OF RECORDINGS

1. All BWC recordings are the property of City of Portales and Portales Police Department. Dissemination outside of the Portales Police 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 an officer;
 - f. By supervisors during random compliance checks for compliance with Department policy.

VIII. DOCUMENTING BODY WORN CAMERA USE

Any incident that is recorded and pertaining to an incident or arrest report shall be documented in the narrative portion of the report indicating that the incident was recorded and attached to the media of the report.

IX. REQUESTS FOR BODY WORN VIDEO

Requests for BWC video shall be made in accordance with current Portales Police Department and City of Portales Policy and must be made in writing to the City Clerk.

X. SUPERVISORY RESPONSIBILITIES

1. Supervisory personnel shall ensure that officers equipped with BWCs utilize them in accordance with the policy defined herein.
2. Sergeants, in addition to the above responsibilities, shall:
 - a. Review at least ten (10) random calls for service per month picked from a list of calls their officers responded to for policy compliance and incorporate any knowledge gained from this review into ongoing evaluation and supervision. The Sergeant will be checking for compliance for every policy of the Portales Police Department and City of Portales. The policy review will not be limited to just the body camera policy compliance.
 - b. Will assure that every Portales Police officer on scene was recording and review each officer on scene recording in its entirety. Supervisors shall note if positive feedback and/or training opportunities rise during the reviews.
 - c. Review recordings of assigned personnel listed in any misconduct complaints made directly to the supervisor.
 - d. Review recordings of assigned personnel involving injuries, uses of force, shows or force, or foot pursuits.
 - e. Report equipment problems and seek to have equipment immediately repaired or replaced as needed. Supervisors shall be issued additional equipment in order to temporarily replace defective BWCs.
 - f. Supervisors shall refer assigned personnel, for investigation, who intentionally or repeatedly fail to activate their BWCs for contacts required under this policy to be recorded. Intentional or otherwise unjustified failure to activate a BWC, when required by this policy, shall result in discipline.
 - g. Each review shall be documented on a [call review sheet](#) and every call review sheet will be forwarded to their Lieutenant.
3. Lieutenants shall:
 - a. Review at least two (2) calls for service which each assigned sergeant responded to per month and complete a [call review sheet](#). The Lieutenant will be checking for compliance for every policy of the Portales Police Department and City of Portales. The policy review will not be limited to

just the body camera policy compliance.

- b. Review at least five (5) calls for service from the list of call review sheets he/she receives from the sergeants. If any discrepancies are located on [call review sheet](#), the Lieutenant will note the discrepancies and take appropriate action.
- c. Forward all [call review sheets](#) to the Deputy Chief.

XI. DOWNLOAD AND STORAGE OF VIDEO

All Body Worn and In-Car Camera video shall be downloaded daily and stored in the PD Video server. Each recording that is part of an arrest or reported incident shall be labeled and attached to either the arrest report or incident report by each officer involved or having video of the arrest or incident. Specific procedures are listed below

1. All videos will be downloaded into the individual officer's video folder.
2. Each officer will have a folder for body worn and in-car video
3. Video that has an arrest or incident will be labeled as such by renaming the video as such: Incident number and officer then in-car or body worn. Examples 2020000246DoeBodyWorn or Arrest12345DoeInCar
4. Video not connected does not need labeled/named otherwise.