**GENERAL STANDARD**

The body-worn-camera (BWC) is an “on-the-body” audio and video recording system assigned to each MOS as a means of documenting police activity. The purpose of this policy is to establish guidelines related to the use, management, storage and retrieval of the data stored on the departmental issued BWC that will foster transparency, promote accountability and trust, and preserve RRPD’s unique relationship with the citizens of Rio Rancho. Although the use of BWC technology offers the opportunity for RRPD to document valuable evidence and document law enforcement interaction, this policy also recognizes limitations of the recording devices used by officers and will allow officers the opportunity to provide supplemental statements and reports when appropriate and in accordance with the provisions of this policy, in an effort to complete thorough and accurate investigations.

It is the policy of the RRPD to further the mission of the Department, promote public trust, and enhance service to the community by accurately documenting events, actions, conditions, and statements made during citizen encounters, evidence collection, investigations, traffic stops, arrests, other incidents, and to help ensure officer and public safety.

**DEFINITIONS**

**STANDBY Mode:** The BWC continuously loops a video recording for up to 30 seconds before the recording is started manually by an MOS or automatically by other mechanical means. While buffering, only video (not audio) is recorded.

**EVENT Mode**: Once activated by pressing the EVENT button, the BWC saves the recorded buffered video and continues to record both audio and video.

**Evidence Transfer Manager (ETM):** Docking unit used to recharge and upload previously recorded audio and video (stored media) from the BWC. The ETM automatically transfers all stored media to either a computer-based or cloud-based repository, depending on an MOS’s access rights.

**Repository:** An online, cloud-based digital media storage bank. All media uploaded is stored in a highly secure environment, accessible only to authorized personnel.

**Evidence Sync:** Computer desktop or Mobile Data Terminal (MDT) application that allows users to view captured media from their BWC via a standard USB cable. Users may also tag, categorize, add notes, and/or case/CAD numbers to captured media and will allow for upload to evidence disks. MOS, who were not granted access to the repository, shall utilize this system to enter evidence.

**Department Program Administrator:** The program administrator will maintain the integrity and efficiency of the data management and file retention systems. The Department Program Administrator shall be selected by the Chief of Police or designee.

**Serious Use of Force:** For the purpose of this policy, a serious use of force is force used by an officer that results in serious injury or death to an individual.

**Evidentiary Recordings:** Recordings that contain images and sound that may be used for evidence based prosecution and/or for civil court proceedings. This may include, but is not limited to, felony stops and arrests; incidents involving injuries or death; criminal investigations; incidents involving use of force; vehicle pursuits; and execution of warrants.

**Non-Evidentiary Recordings:** Non-evidentiary recordings are those that do not necessarily aid in an investigation or prosecution, which include found property, traffic stops, motor vehicle crashes, alarm calls, and citizen contacts where no crime has occurred (other than a traffic citation).

**STANDARDS AND PROCEDURES**

1. General Use Procedures
   1. Authorized BWCs shall be activated when responding to calls for service, and prior to (or as soon as practical) law enforcement related encounters and activities involving the general public, provided that the activation does not interfere with officer safety or the safety of others.
      1. MOS will activate the BWC while responding to an emergency call (Code-3) and while engaged in a vehicle pursuit.
      2. MOS will activate the BWC during a foot pursuit when it is both practical and safe to do so in accordance with sub-section F (6) of this policy.
      3. During search warrants, the BWC shall be activated during contact with any suspects or witnesses, or when such contact is likely to occur.
         1. The BWC shall be activated during the initial warrant service (approach, clearing, and initial walk-through).
         2. Once the scene is secure and if there is no other contact or anticipated contact with suspects or witnesses, the BWC may be placed in STANDBY mode.
      4. During tactical operations, the BWC will be activated during contact with any suspects or witnesses, or when such contact is likely to incur.
         1. The BWC will also be activated when any actions, such as deploying any type of munitions, maneuvering to positions, approaches, clearing, etc.
         2. If there is little or no likelihood of contact with suspects or witnesses the BWC may be placed in STANDBY mode.
   2. All audio, images and media associated with the BWC are the property of the RRPD and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the express written consent of the Chief of Police or designee.
   3. Special duties and assignments.
      1. Officers assigned to Task Force positions and not immediately supervised by Department personnel will adhere to the governing policies and procedures for that agency when determining whether to utilize BWCs.
      2. It will be the responsibility of the supervisor overseeing Department specialized units or plain clothes details to determine the applicability of BWC usage that may jeopardize the safety of an MOS or member of the public.
         1. Once covert/plaint clothes officers are effecting an arrest or have identified themselves BWCs should be activated.
      3. Officers temporarily posted to a specialized assignment and/or duty will be required to follow the BWC policy for that position in determining the applicability of this policy.
      4. MOS engaging in overtime details or special assignments shall adhere to this policy while fulfilling those duties in any capacity for the RRPD.
   4. Medical facilities, Ambulances, and Patient Privacy.
      1. Officers may record ambulance transports when they are present for law enforcement purposes.
      2. MOS shall not record in the common areas of medical facilities except when recording an event in accordance with sub-section A (1) of this policy.
      3. When MOS are in hospitals or medical facilities pursuant to sub-section A (1) of this policy, they shall continue to record and make every effort to provide patients with privacy such that they do not record patients during medical or psychological treatment or evaluations by clinicians or similar medical professionals. When recording in hospitals or other medical or psychiatric facilities, MOS shall be careful to avoid, when possible, recording persons other than the suspect, complainant, and witnesses. However, MOS may continue to record interaction with a combative suspect until medical or psychiatric staff has control over the individual.
2. MOS Responsibilities
   1. MOS shall not use the BWC until they have successfully completed all required training on the inspection, activation, use, storage and uploading of all recorded media from the BWC.
   2. All MOS in uniform shall have an operational BWC affixed to their uniform while on duty (on duty includes court and MVD hearings). Exceptions to this include training events while an officer is in a specialized unit uniform (SWAT, CNT, etc.), however, the BWC must be available.
      1. Wear and use directives may be overridden by the Chief of Police or designee with regard to plainclothes assignments.
      2. Officers assigned to plain clothes or detective position shall be required to comply with this policy only when conducting investigations or following up on incidents described in sub-section A(1).
      3. Officers assigned to the Department front desk or assigned to duty determined by the Chief of Police or designee to be within an exception to the BWC requirement, will not be required to activate their BWC unless the officer determines that activation is appropriate and will lead to the collection of evidence or will document events consistent with this policy.
   3. MOS are to ensure the following when assigned to use the BWC:
      1. The BWC has no signs of damage and is functioning properly. Any apparent damage, malfunction or loss shall immediately be brought to the attention of the Shift Supervisor and shall be documented by the MOS assigned to the device; such documentation shall include the date and time of the noted damage, malfunction or loss of equipment.
      2. BWCs shall be properly affixed to the MOS’s uniform at the start of the MOS’s duty or shift in accordance with Departmental regulations and manufacturer’s guidelines. The BWC will be worn for the entire shift or duty assignment, and shall be worn in a manner that maximizes the camera’s ability to capture video footage of the MOS’s activities.
      3. To record all situations directed by this policy, the MOS shall maintain the BWC in a constant state of operational readiness. Operational readiness means that the BWC has adequate battery life / available storage, and remains properly affixed to the MOS’s uniform. In the event that the BWC’s memory is full or that the BWC’s battery is displaying a diminished capacity prior to the end of the officer’s regular shift, the officer shall immediately advise their shift supervisor. The shift supervisor shall facilitate a replacement as soon as possible.
      4. MOS are responsible for the care and maintenance of the BWC while assigned to them. The BWC shall be operated and maintained according to the manufacturer’s instructions and recommendations.
      5. MOS shall only use a BWC that has been issued and approved by the Rio Rancho Police Department. The use of personal video recording devices is not authorized and any deviation requires prior approval from the Chief of Police or designee.
      6. MOS shall document the use of BWC in reports, in accordance with current standards and procedures.
      7. MOS shall properly categorize BWC incidents. The categorization establishes the retention period of the videos as well as if the video is evidentiary or non-evidentiary. If an encounter (such as a traffic stop) results in a report being generated, the videos shall be categorized as appropriate and the case number placed under the ID Number heading.
         1. The minimum retention period for any video captured on BWC is 120 days from the day it was captured.
      8. Whenever a case number is drawn for an incident, MOS shall enter the case number under the ID Number heading. All MOS present at the incident shall enter the case number under the ID Number heading, not just the case officer.
      9. For non-report cases, the MOS may enter the Computer Aided Dispatch (CAD) number in the ID Number section. Only numbers are authorized in the ID Number section (no letters or special characters).
      10. The Title Heading may be used by the MOS to assist in identifying cases, but is not a mandatory field to be used.
      11. MOS shall place the BWC into the ETM at least once every duty day.
          1. This requirement may be waived by the on-duty supervisor for up to, but no longer than, three calendar days; unless the BWC contains footage that is critical to a criminal investigation and/or is needed for a Supervisor’s Review, Use of Force Review, or Pursuit Review, or is related to an incident that is likely to result in media attention.
          2. If the MOS was involved in a pursuit, use of force, or other serious incident, or the MOS believes a complaint will result from a citizen contact, the BWC must be uploaded without unnecessary delay.
          3. When BWC footage is needed to further a criminal investigation, it shall be uploaded as soon as practical at the direction of the MOS’s supervisor or the Criminal Investigations Division.
          4. In the event that a MOS intends to be away from duty (leave, etc.) for more than two days, the BWC shall be uploaded prior to the end of shift on the last duty day prior to the anticipated absence. This does not include regularly scheduled days off.
      12. It is recommended MOS make every effort to keep the BWC affixed on their person while traveling to and from home, in the event the MOS is involved in or required to take some form of enforcement action en route. MOS must have a BWC available any time they operate a Department vehicle.
      13. MOS who utilize the ETM, and who may have inadvertently activated the BWC during non-law enforcement related activity, can send an email request through their Chain of Command to have the recording deleted from the repository. The original email and subsequent approval or denial will be retained by the Department Program Administrator. The Department Program Administrator shall be the only person other than the Chief of Police who has authority to delete such BWC recordings.
      14. Deactivation of a body-worn camera prior to the conclusion of a law enforcement or investigative encounter is prohibited.
   4. MOS shall not:
      1. Remove, dismantle, or tamper with any hardware or software component or part associated with the BWCs or related applications;
      2. Destroy, delete, disseminate, edit, alter, modify, tamper with (except when redacting BWC recordings for official purposes), upload to social media, or otherwise use BWC recordings without written permission from the Chief of Police or designee.
      3. Copy or download a BWC recording without written approval from their supervisor and the written approval shall be maintained by the supervisor and the Department Program Administrator. MOS shall only share BWC recordings for official law enforcement purposes;
      4. MOS shall be permitted to view an archived BWC recording in preparation for an imminent court proceeding.
      5. Record, view, download, or convert any BWC recording for personal use;
      6. Intentionally use any other MOS’s assigned BWC. If an MOS inadvertently uses another MOS’s assigned BWC, they shall notify their direct supervisor immediately via email;
      7. Record conversations of RRPD personnel during routine, non-enforcement related activity;
      8. Intentionally or willingly record confidential informants or undercover MOS unless the case officer approves such recordings;
      9. Use any other electronic device or other means to intentionally interfere with the capability of the BWC;
   5. During the recording of an incident, MOS will not disengage the BWC until the entire incident has been recorded. In the event of an arrest, the incident is concluded when the subject is transported and booked. During periods of no direct contact with the arrestee; completing paperwork, etc., the BWC may be deactivated. Any contact or interaction with the arrestee shall be recorded with the BWC.
   6. Stored video and audio data from a BWC shall not be used to create a database or pool of mug shots; or be used as fillers in photo arrays; or be searched using facial recognition software, unless an identified suspect remains at large or has been taken into custody and such identification is necessary to aid in prosecution.
3. Officer, Supervisory, and Investigatory Review
   1. Serious Incidents and Reviews.
      1. In the event of a use of force, vehicle pursuit or in-custody death, all BWC recordings shall be uploaded as soon as practical by the lead detective, designated sergeant or assigned task force investigator. The BWC shall remain with the officer until collected for evidentiary purposes by an investigator,a supervisor, or when the MOS is directed to upload a recording to the ETM. This is to maintain the chain of custody for evidentiary purposes.
      2. Once the officer’s initial statement has been submitted, the appropriate investigator may show the officer his/her audio/video upon request. This will occur prior to the conclusion of the interview process. The officer will be given the opportunity to provide additional information to supplement his/her statement in both verbal and written form and may be asked additional questions by the investigator.
   2. Investigation of an MOS
      1. MOS who are the subject of a criminal investigation may only view their own audio/video recordings at the direction of the Chief of Police or designee.
      2. MOS who have received notice that they are the target or a witness in an Internal Affairs investigation, may only view their own audio/video recordings at the direction of the Office of Professional Standards.
   3. Investigators conducting criminal or administrative investigations shall:
      1. Advise the system administrator, IPRA personell, and the affected MOS’s chain of command that public disclosure of the BWC recordings is restricted due to ongoing criminal or internal investigation;
      2. Review the file to determine whether the BWC recordings are of evidentiary value and process the recordings in accordance with this policy;
      3. Notify the system administrator and affected chain of command when the access restriction is no longer necessary and when the criminal and/or administrative investigation is closed.
   4. Supervisor Responsibilities
      1. When an incident arises that requires the immediate retrieval of BWC media for chain of custody purposes (including, but not limited to serious crime scenes, officer-involved shootings, use of force, in-custody death, vehicle pursuit, or others as determined by policy/supervision), a supervisor shall respond to the scene and ensure the BWC remains affixed to the MOS in the manner it was found and that the BWC data remains uncompromised. The Incident Commander may approve the removal of the BWC by supervisory personnel.
      2. BWC recordings may be reviewed in order to ensure that equipment is operating properly, that MOS are using the devices appropriately and in accordance with this policy, and in order to identify any areas in which additional training or guidance is suggested.
      3. A supervisor may review BWC recordings when investigating a specific act of misconduct, to ensure subordinates are complying with this directive, and to assess officer conduct.
      4. A supervisor may review BWC recordings when an MOS has been placed on a performance improvement plan within the evaluation system in order to address identified behavioral or performance deficiencies. The performance observed shall be documented and maintained by the supervisor conducting the review.
      5. A supervisor may review BWC recordings of probationary MOS. Such a review may be documented in a Daily Observation Report.
      6. A Field Training Officer (FTO) may review another officer’s BWC recording while they are on OJT for the purpose of evaluating training, performance, and any training deficiencies. The review of the BWC recording will be documented on the Daily Observation Report.
      7. Any recordings necessary for supervisor, use of force, pursuit, and/or crash reviews or internal affairs investigation will be categorized “pending review”. Once the review is complete and a file copy of the BWC footage is made, the “pending review” category will be removed and the original category will be retained.
4. Requests for the BWC Recordings by the Public
   1. Items stored in the Repository are evidence and will only be released in accordance with the rules for evidence, Department Standards and Procedures, or as a result of an Inspection of Public Records Act (IPRA) request.
      1. Any discovery requests by defense attorneys will follow the same procedures as with other evidence.
      2. The evidence may be shared with prosecuting attorneys and other agencies involved with the case.
      3. Evidence from open cases may be released in accordance with IPRA unless the information contained will compromise an ongoing investigation.
      4. Case agents may allow persons to view videos after consultation with the prosecuting attorney. If sensitive or personal information of someone other than the viewing party is on the video, redaction should be considered as necessary. The viewing of the video shall be done under the supervision of the lead detective assigned to the case, the Department Program Administrator, or supervisor. A copy of the video will not be released.
      5. Videos and recordings provided under IPRA shall be redacted and only released by the City Clerk.
   2. MOS who receive a request to review BWC footage shall immediately notify their direct supervisor, who in turn will notify the Administrative Services Manager or designated Department Records Custodian to meet the requirements of IPRA.
      1. The person making the IPRA request will be referred to the City Clerk who will coordinate fulfillment of the request.
      2. The Administrative Services Manager or Department Records Custodian may consult with the City Attorney in order to determine if any portion of the recording should be redacted and if any other privacy concerns exist.
      3. The supervisor shall conduct a review of the recording in order to determine that viewing it would not compromise the safety of any other subject, techniques utilized by law enforcement not for public knowledge, or privacy issues regarding juveniles or victims of crimes in accordance with state law.
5. Data Management and File Retention
   1. Dual systems will be in place for managing evidence. All MOS have access to an ETM where the BWC is docked and all of its contents are uploaded to a secure server. In the event ETM’s are offline or unavailable, MOS may use applications recommended by the maker of the BWCs to ensure a proper upload is accomplished to the secure server.
   2. Recordings are either evidentiary or non-evidentiary recordings. The officer’s supervisor and/or the Department Program Administrator may conduct an audit to ensure recordings are tagged appropriately with the case number and category:
      1. Evidentiary Recordings
         1. Evidentiary Recordings shall be retained until the case is fully adjudicated. The Evidence Room technician(s) or Program Administrator will delete the videos along with the other case evidence in accordance with applicable laws and the Department’s Evidence and Property Control policy.
         2. The time period for recordings involving homicide, sexual assault and child abuse shall be indefinite or upon explicit written approval from the District Attorney and/or City Attorney via an Ex Parte order from the responsible court.
      2. Non-evidentiary recordings
         1. Should the category change to one involving a crime, the MOS shall re-categorize the recordings to Evidentiary immediately upon learning of the change. This includes traffic crashes or stops that result in a criminal investigation.
         2. The time period for retention of Non-evidentiary recordings shall be 120 days in accordance with applicable state law.
         3. Recordings used to aid in training may be recorded and stored separate and apart from the repository. The usage of such recordings shall be documented and approved by the Training Unit and continued retention approved by the Chief of Police or designee.
   3. Access to all BWC stored media shall be restricted to authorized users, and the viewing of any BWC footage will be restricted to legitimate law enforcement purposes.
   4. Any request for BWC media made from outside the Rio Rancho Police Department shall comply with the records disclosure, records management policies of the Department and the New Mexico Inspection of Public Records Act (IPRA). Recordings provided under IPRA will be redacted in accordance with applicable local, State, and Federal rules and directives.
6. Limitations

The following basic limitations or constraints should be taken into consideration when viewing BWC recordings:

* 1. A camera mounted on a fixed point on an officer will have limited perspective and should not be considered 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;
  2. 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;
  3. A camera will not record the sensory cues an officer is trained to observe during human interaction, e.g. the sudden tense grip of a suspect or visual cues that alert an officer that a suspect is about to flee;
  4. Normal human reaction time, especially during stressful situations, may not be accurately depicted as human reaction tends to be slower than the live speeds at which a camera captures
  5. An event may not be recorded in its entirety due to the inability of an officer to start the BWC when an event unfolds rapidly, officer safety issues preclude it, mechanical failure of the BWC, or an officer’s concealed location precludes an open field of view for the BWC.
  6. The Rio Rancho Police Department recognizes there are certain circumstances where officers in a proactive (non-dispatched) capacity may become involved in a situation requiring immediate action to prevent injury, make an arrest and/or prevent the destruction of evidence or escape. When these situations occur, officers should activate the BWC if doing so does not place them or others in danger. If the immediate activation of the BWC is not feasible due to an immediate risk to the safety of the officer or others, the officer will activate the BWC at the first available opportunity after the immediate threat has abated. Supervisors will closely review documentation of such incidents to ensure exigent circumstances did in fact exist.

1. This procedure is to be used in conjunction with Department standards, orders, values and other relevant policies and procedures.