Number: 113.005 Effective Date: 04/01/2015

Reference: Use of Recording Devices & On-Officer Recorder

Affected Personnel: All Personnel Revision Date: 04/24/2015

NMLEA Standards:

**I. Policy:**

In order to better serve the community it shall be the policy of the Roswell Police Department to record contacts in which certain arrests have been made, portions of search warrants, or those contacts with the public that could result in complaints against department personnel.

**II. Use of Recording Devices:**

 A. Personnel can never know when a contact may need to be recorded. Officers shall use their issued recording devices (Audio or OVR) during the following circumstances; unless extenuating circumstances exist. If recorder is not used, the reason will be documented in the report.

 1. All dispatched calls, the recorder should be started prior to exiting the vehicle, preferably prior to arrival.

 2. All self-initiated calls, the recorder should be started as soon as practical, preferably prior to contact.

 3. During the execution of a search warrant in an uncontrolled environment, the recorder should be started prior to arrival.

 4. Those contacts where there is reason to believe a complaint could result.

 5. Officers will record all traffic stops.

 **III. Disposition of Recorded Contacts:**

 A. Any recording that is of evidentiary value will be stored in accordance with

 established procedures.

 B. In situations where there is reason to believe that a compliant may be made,

 the recording will be stored in accordance with established procedures and

 shall be maintained for 90 days.

 C. Every 90 days Officers should audit the storage location and remove any

 recording that does not have evidentiary value to preserve storage space.

**IV. Officer Responsibilities:**

A. All uniformed officers will be required to carry the issued recorder while on

 Duty.

 B. Personnel will ensure that the issued recorder is functioning properly, and has

 adequate batteries for the entire shift.

 C. Personnel will bring to the attention of their immediate supervisor any

 malfunction of the recorder, or the need for replacement batteries. Arrange-

 ments will be made to repair or replace the recorder.

**V. Supervisor Responsibilities:**

A. Supervisors will regularly check recorders during line inspections.

 B. Supervisors will ensure that recording of any incident described above are

 indicated in the appropriate report(s). If there is no recording, the report will

 include a detailed explanation of the incident and actions taken by both

 officer(s) and offender(s). There should be very few exceptions to not using

 a recording device. A pattern of disregarding policy shall be grounds for

 discipline.

**VI. On-Officer Video Recorder:**

**Anyone issued a Body Camera must adhere to the following policy:**

 A. The Roswell Police Department is committed to the belief that On-

 Officer Video is an important and valuable tool for law enforcement.

 On-Officer Video is essentially video/audio documentation of a police

 Officers’ investigative and enforcement activities from the perspective of

 the officers’ person. The use of on-officer video is expected to promote

 officer safety, result in greater transparency, more effective prosecution,

 and improved protection against false allegations of excessive use of force,

 misconduct or racial profiling.

 B. Audio or video recordings of investigative or enforcement actions are evidence

 and subject to rules of disclosure. It is in the best interest of justice that the

 department regulates and controls all forms of evidence collection and

 storage.

 C. The On-Officer Video Recorder will be used by all Patrol officers’ and Patrol

 Sergeants. Any other available units will be disseminated and used per needs

 of the Roswell Police Department.

 D. It will be the Officers’ duty to have an alternate audio recording device

 available for use when off duty when in uniform or in his/her unit since the

 On-Officer Video Recorder is required to stay at the Roswell Police

 Department while the officer is off duty.

**VII. Definitions Related To This Policy**

A. On-Officer Video Recorder (“OVR”)- Department terminology used to refer to

 the AXON Flex System individually worn by officers that captures audio/video

 signals and includes at a minimum a camera, microphone, recorder and

 monitor.

 1. The use of portable video recording system provides documentary

 evidence for criminal investigations, internal or administrative

 investigations, and civil litigation. Officers shall utilize this device in

 accordance with the provisions in this general order to maximize the

 effectiveness of the audio/video documentation to achieve operational

 objectives and to ensure evidence integrity.

a. Video Recording- The electronic recording of visual images with

 or without audio component.

 b. Audio Recording-The electronic recording of conversation or

 other spoken words.

 c. AXON Flex System-An audio/video recording system developed

 by Taser International which is currently authorized as the sole

 means of overt on-officer video recording.

 d. EVIDENCE.COM-Online web-based digital media storage facility

 The virtual warehouse stores digitally encrypted data in a highly

 secure environment accessible to personnel based on security

 clearance.

e. Evidence Transfer Manager (“ETM”)-a router with built-in docking

 stations physically installed at a police department work site. The

 ETM simultaneously recharges the device while uploading all

 digitally encrypted data to EVIDENCE.COM.

 f. Media or Data-For the purposes of this policy, includes photo-

 graphs, audio recordings and video footage captured by the OVR

 system. The media is stored digitally.

**VIII. Activation Required**

 A. On-Officer Video Recorders shall be utilized to record all encounters with the public. Such encounters would be described as the following types of events whenever possible: traffic stops; pursuits vehicle searches; physical or verbal confrontations; use of force incidents; statements made by subjects; victims and witnesses; advising an individual of their Miranda rights; during interrogations; or other legitimate law enforcement contacts. Officers will have to be able to articulate why On-Officer Video Recorder was not used for any contact with the public.

 B. In addition to the required situations, officers may activate the system any time

 He/she believes its use would be appropriate and/or valuable to document an

 incident. In some circumstances it is not possible to capture images of the

 incident due to conditions or location of the camera however the audio portion

 can be valuable evidence and is subject to the same activation requirements

 as the OVR. The activation of the OVR system is required in any of the

 following situations; Officer will be required to document all use or none use of

 OVR in their report.

 C. All field contacts involving actual or potential conduct, within video or audio

 range, which includes:

 1. all contact with the public

 2. all self-initiated activity in which an officer would normally notify

 the dispatch center

 3. any call for service involving a crime where the recorder may aid

 in the apprehension and/or prosecution of a suspect

 4. any other circumstance where the officer believes that a

 recording of an incident would be appropriate. Examples:

 a. Domestic Violence calls

 b. Disturbance of peace calls

 c. Offenses involving violence or weapons

 d. Arrests

 e. DWI Investigations, including field sobriety tests

 f. Search Warrants

 g. Pedestrian Checks

 h. Consensual encounters

**IX. Activation Not Required**

A. To respect the dignity of others, law enforcement personnel outfitted with OVR

 equipment will try to avoid recording videos of persons who are nude or when

 sensitive human areas are exposed. The OVR shall not be used to record non

 -work related personal activity and will not be activated in places where a

 reasonable expectation of privacy exists, such as locker rooms, dressing

 rooms, or restrooms. The OVR will not be intentionally activated to record

 conversations of fellow employees without their knowledge during routine, non

 enforcement related activities.

 B. Activation of the OVR system is not required when exchanging information

 with other officers, when not in service, or actively on patrol. No member of this department may surreptitiously record a conversation of any other member of this department without expressed knowledge and consent of all parties.

**X. Officer Responsibilities:**

A. Prior to going into service, each uniformed officer will be responsible for making sure that he/she is equipped with a departmentally issued video/audio recorder in good working order. Officers shall have the recording device on their person in a location with the ability to safely activate the recorder prior to or during a contact.

 B. Personnel utilizing the OVR shall be responsible for the following:

 1. Ensuring the battery is fully charged daily and operating properly

 2. Immediately reporting unresolved equipment malfunctions/problems to their supervisor

 3. Monitoring system effectiveness and making recommendations for operational improvement and policy revision

 C. Once video is captured, officer shall identify OVR files by noting the case number and other pertinent information via MCT, smart phone or the Evidence.com website within the OVR data file.

 D. Officer utilizing the OVR will make sure the unit is placed in the docking station to be charged and downloaded at the end of every shift.

**XI. Supervisory Responsibilities:**

A. Supervisors will ensure officers utilize the OVR according to policy guidelines.

 B. In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

 C. Supervisor will ensure that all OVR are placed in the docking stations at the end of every shift.

 D. Each supervisor will conduct an audit of at least five recordings weekly that have been downloaded by officers on their said shift. Supervisor will log audit into the Sergeants Log.

**XII. Review of Video Files**

 A. Once uploaded to the server, sworn personnel may view their own audio/video data (e.g. to verify an identification, a vehicle license number or to review an incident for statement accuracy) at a department desktop computer by logging onto Evidence.com and documenting the reason for access in the “NOTES” section prior to viewing any data.

 B. Officers shall dock their issued camera for automated upload of OVR data files daily at the end of their shift at the docking station to ensure storage capacity is not exceeded and/or to view uploaded audio/video.

 C. Evidence.com automatically time/date stamps and records each access by officer name.

 D. Reviewing a video file requires documenting the specific reason for access on the video file pages in the “NOTES” field prior to reviewing unless exempted by the Chief of Police.

E. Recordings may be reviewed in any of the following situation:

 1. By supervisor investigation a specific act of officer conduct.

 2. By a department detective after approval of a supervisor who is participating in an official investigation, such as personnel complaint, administrative inquiry or a criminal investigation.

 3. By department personnel who request to review their own recordings.

 4. By court personnel through proper process or with permission of the Chief of Police or his/her designee.

 5. By media personnel with permission of the Chief of Police or his/her designee.

 6. Recordings may be shown for the purpose of training value. If an involved officer objects to the showing of recording, his/her objection will be submitted to staff to determine if the training value outweighs the officers’ objections for not showing the recording.

 F. Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized.

 G. Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked as evidence will be retained for a minimum of 120 days after which time it will be erased, destroyed, or recycled.

 H. Unauthorized use, duplication, and/or distribution of OVR files are prohibited. Personnel shall not make copies of any OVR file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record OVR files.

 I. All recorded media, images and audio are property of the Roswell Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.

 J. Officers are prohibited from utilizing department recorders and recording media for personal use. Employees shall not obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information obtained by a video/audio recording. Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., YouTube, Facebook etc..)

**VIII. Public Record**

A. It is the goal of this policy to support and promote openness in government by releasing non-confidential video recordings to the public upon request. The policy must also ensure that the privacy of victims, witnesses and suspects is maintained whenever possible. This policy will not affect the release of recording pursuant to a court order or subpoena. All requests related to the release of on-officer video recording shall be processed through the Roswell City Clerk.

 B. Recording that are not part of an ongoing investigation or non-commerical use may be charged for in accordance with established public record fee schedules. Fee schedule will be $50.00 per CD/Digital Copy plus $50.00 per hour for video redactions.

 C. Recordings that contain legitimate confidential information be redacted in the same manner. Challenges to redactions pursuant to public records requests shall be referred to the City Attorneys’ Office.

 D. It is the goal of this policy to comply with the Public Information Act but at the same time respect an individuals’ privacy and 4th Amendment Rights. No video will be released of the interior of an individuals’ home or dwelling and the interior of an individuals’ vehicle since the right of privacy extends to those.