

	<p style="text-align: center;">SILVER CITY POLICE DEPARTMENT</p> <p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	Distribution	General Order Number
		ALL PERSONNEL	5.26
		Original Issue Date	Reissue/Effective Date
		MM/DD/YY	MM/DD/YY
<p>Order Title:</p> <p>BODY WORN CAMERAS</p>		Accreditation Standard:	Section
			5
		Section Title	
		PATROL FUNCTIONS	
<p>Rescinds: 4.610.1</p>		<p><i>Chief Freddie Portillo</i></p> <p>Freddie Portillo, Chief of Police</p>	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of this policy is to establish Silver City Police Department guidelines and limitations for the use and management of body-worn camera systems.

II. POLICY

The Silver City Police Department is committed to the belief that on-officer audio/video system is an important and valuable tool for law enforcement. On-officer video is essentially audio-video documentation of a police officer's investigative and enforcement activities from the perspective of the officer's person. The use of on-officer video is expected to result in greater transparency, more effective prosecution, and improved protection against false allegations of excessive use of force, misconduct or racial profiling.

The use of body-worn camera systems provides documentation of law enforcement interaction with the public by providing recorded evidence of actions, conditions and statements that may be used for court proceedings, internal review, or review by the public through formal request. Goals of a body-worn camera system include officer safety, to accurately document events during the course of an incident, to provide prosecutors with the best evidence for court proceedings, and to determine the accuracy of complaints made against Silver City Police Department officers. The Silver City Police Department will utilize the Body Cam by Provision, DC300, or other designated camera system.

III. DEFINITIONS

Internal Dedicated Server with Network Attached Storage Software: A secure video file management system required for downloading, storing, and retrieving video files recorded with the Body Cam by Provision, DC300, or other designated camera system.

Body Cam by Provision, DC300, or other designated: A body-worn audio/video recording system primarily consisting of a camera and an internal battery pack.

IV. PROCEDURES

A. GENERAL

The Silver City Police Department has authorized the use of body-worn camera systems. The Department will use the camera systems to document events and capture data, which will be preserved in a secure server at the Silver City Police Department. Once captured, these recordings cannot be altered in any way, and are protected with multiple layers of encryption. The Silver City Police Department has adopted the use of body-worn camera systems to accomplish the following objectives:

1. To enhance officer safety.
2. To accurately document statements and events during the course of an incident.
3. To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/testimony.
4. To preserve visual and audio information for use in current and future investigations.
5. To provide an impartial measurement for self-critique and field evaluation during officer training or coaching and mentoring sessions.
6. To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.

B. OPERATIONAL USE

1. Body-worn cameras shall be operated in accordance with the manufacturer's guidelines and Silver City Police Department training and policies.
2. The body-worn cameras shall be worn at all times by the assigned officer.
3. Prior to each shift, officers shall inspect the body-worn camera for any physical damage and to ensure the system is fully charged and operational. Only fully charged and operational systems shall be used.

4. Malfunctions, damage, loss, or theft of any part of the body-worn camera shall be immediately reported to a supervisor.
5. Officers shall position the body-worn camera in a manner to facilitate optimum recording field of view, while also ensuring the ability to safely activate the camera prior to, or during an incident.
6. While it is generally implied that words and/or actions performed in the presence of a police officer have no expectation of privacy, if asked the officer will inform the person they are being recorded. This should be documented in the officer's report.
7. This policy is not intended to describe every possible situation in which a body-worn camera should be used. Sound judgment and discretion shall dictate when a body-worn camera is activated; however, officers should record the following types of incidents unless unsafe, impossible or impractical to do so:
 - a. Vehicle and pedestrian investigative detentions and stops;
 - b. Field Sobriety Test
 - c. Investigative Interviews
 - d. Observed unlawful conduct;
 - e. Use of force;
 - f. High-risk situations;
 - g. Advising an individual of Miranda rights;
 - h. Statements made by suspects, victims, or witnesses;
 - i. Vehicle searches;
 - j. K-9 deployments;
 - k. Physical arrest of persons;
 - l. Observed items of evidentiary value;
 - m. Service of a search warrant;
 - n. An encounter initiated by a private person (flag down);
 - o. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording;
 - p. Any other circumstances where the officer believes recording an incident would be appropriate.
8. The camera should generally be used during incidents that create reasonable suspicion in the mind of a reasonable police officer that a crime has been committed, is being committed, or will be committed in the future.
9. Officers, who do not activate their body-worn cameras in situations where they were required to as outlined above, may be subject to discipline. If a citizen complaint is made and the officer does not activate his body-worn camera as required, it will be a factor examined when determining final

resolution of the investigation.

10. Once a body-worn camera is activated, it shall not be intentionally turned off until the incident has reached a conclusion. If it becomes necessary to discuss issues surrounding an investigation with a supervisor or another officer in private, the officer may turn off their body-worn camera; thereby preventing their private conversation from being recorded.
11. The use of a body-worn camera does not replace the need for required documentation. All incident/supplemental reports shall be completed, regardless of the video that has been captured.
12. Whenever an officer records an incident or any portion of an incident, which that officer reasonably believes will likely lead to a citizen complaint, the officer shall immediately bring it to the attention of his/her supervisor.
13. In situations requiring a report and/or citation, officers **SHALL** document the use of a body-worn camera in the following manner:
 - a. Within the synopsis **AND** narrative portions of an incident report.
 - b. Within a supplemental report.
 - c. As a notation on a citation.
14. Officers wearing a body-worn camera may use the system to capture statements from victims, witnesses, and suspects in place of utilizing a digital recorder. The use of a body-worn camera for such purposes shall be documented in the same manner as above.
15. Once video is captured and downloaded, the software system will automatically assign a number to the data file and place the date file in the officer's assigned file.

C. RETENTION OF VIDEO

1. Whenever practical, officers should download video utilizing the Internal Dedicated Server with Network Attached Storage Software. At the end of their shift, officers **SHALL** place the body-worn camera into the docking station. This will allow remaining evidence to be transferred from the system to the server, and for the battery to be charged. The system should not be removed from the dock until the data has been uploaded, and the battery is fully charged.
2. Downloaded data will be retained for 1 year from date of download. The Information Technology Administrator will delete any video after that period

unless otherwise marked. Video marked as evidence will be maintained according to the retention schedule set by the New Mexico State Statute.

D. OPERATIONAL PROHIBITIONS/RESTRICTIONS

1. Officers shall not modify, tamper, dismantle, or attempt to make repairs to the body-worn cameras. Any officer, who intentionally disables or damages any part of the body-worn camera, or who fails to activate or deactivate the system required by this policy without justifiably reason, will be held accountable and subject to internal disciplinary action.
2. Officers will not enable a password protected lock on the device in case a situation arises that another officer or supervisor needs to retrieve recorded evidence from the device.
3. Department-issued body worn cameras are intended for official Departmental use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
4. Officers will typically not allow citizens to review recordings; however, officer discretion is allowed to replay the recording for citizens at the scene in order to mitigate possible complaints.
5. To respect the dignity of others, members utilizing body-worn cameras will make reasonable efforts to avoid recording persons who are nude, or when sensitive areas are exposed.
6. Body-worn cameras **SHALL NOT** be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms unless there is a call for service in that area where law enforcement response is needed.
7. The intentional recording of confidential informants and undercover officers is prohibited, unless authorized by a supervisor.
8. Non-work related personal activity shall not be recorded.
9. Under no circumstances shall any recordings be used or shown for the sole purpose of bringing ridicule or embarrassment upon any person.
10. Officers shall not use body-worn cameras to make surreptitious recordings of other department members, except as necessary in the course of a criminal investigation or for department administrative investigations, and only with the consent of the Chief of Police.
11. Officers **SHALL NOT** make copies of any recording for their personal use

and are prohibited from using a recording device (such as a camera phone or secondary video camera) to record media from the server or any device utilized to view data recorded on body-worn cameras.

12. Officers are prohibited from using their personal phone or smart device for body-worn camera applications.
13. Any uploading or converting digital recordings for use on any type of social media is prohibited.
14. Officers shall not record individuals who are lawfully engaging in a protest or other First Amendment protected right of speech or demonstration, unless there is at least reasonable suspicion of criminal activity, or to serve any other legitimate law enforcement purpose.
15. In incidents involving an officer's use of force (as defined in Use of Force policy 3.01) officers may review their video of the incident before the officer has completed his/her force investigation report. Once the officer has completed his/her use of force report he/she may also view the video with the Supervisor conducting the force investigation. Any discrepancies or additional information determined by the review of the video will be documented and explained by the Supervisor in his/her evaluation of force report.

E. DELETION OF UNINTENTIONAL RECORDINGS

1. In the event of an unintentional activation of the body-worn camera during non-enforcement or non-investigative activities, e.g. restroom or meal break, other areas where reasonable expectation of privacy exists: officers may request recording deletion.
2. Actual deletion will require two-party authorization. One of those parties will be the Chief of Police or designee; the other will be the agency Information Technology Administrator.

F. ACCOUNTABILITY, REVIEW, AND SECURITY

1. All body-worn camera users will be responsible for monitoring system effectiveness and making recommendations for operational improvement and policy revision.
2. The Silver City Police Department will ensure officers, detectives, supervisors, and non-law enforcement court personnel have access to recorded events for legitimate law enforcement purposes or other articulated reasons.

3. Officers authorized under this policy may review video as it relates to:
 - a. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports.
 - b. Prior to courtroom testimony or for courtroom presentation.
 - c. Providing a statement pursuant to an administrative inquiry/investigation.
 - d. For training purposes.
4. A supervisor shall review a specific incidents contained on digital media for the purpose of training, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulated reasons.
5. The Shift Supervisor will randomly select and view three videos from subordinates a week for quality control purposes. The Shift Supervisor will provide feedback/critique to the officer if warranted.
6. Internal Dedicated Server with Network Attached Storage Software automatically time/date stamps each recording and upload of same by the assigned officer name. Uploaded video that is deemed to be evidentiary in nature shall be transferred to the digital disk and placed in the evidence room as soon as practical by the police officer.
7. All digital media collected using body-worn cameras is considered a record of the Silver City Police Department. Access to recordings shall be granted to authorized users only. It is the responsibility of authorized users to keep their user name and password confidential. Accessing, copying, or releasing any recordings for other than official law enforcement purposes is strictly prohibited, except as required by law.
8. Evidentiary copies of digital recordings will be accessed and copied from the Internal Dedicated Server for official law enforcement purposes only.
9. The release of requested digital media through written public records request will be subject to the same statutory exemptions from disclosure as any other department records classified under New Mexico State Statute.
10. The Silver City Information Technology Administrator will conduct quarterly audits to verify and deactivate users who are no longer authorized.

G. SUPERVISORY RESPONSIBILITIES

1. Supervisory personnel shall ensure that officers equipped with body-worn cameras utilize them in accordance with policy and procedures defined herein.

2. Should circumstances require the immediate retrieval of a digital recording (e.g., serious crime scenes, agency shootings, department-involved accidents), a supervisor shall respond to the scene to secure the body-worn camera system and maintain chain of custody.

H. TRAINING

1. The Field Services Commander or his/her designee will maintain the department approved body-worn camera system training curriculum.
2. Only officers who have successfully completed departmentally approved training are authorized to use body-worn cameras.