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| SUNLAND PARK POLICE DEPARTMENT | ADMINISTRATION |
| SUBJECT: <i>Electronic Video/Audio Recording Equipment</i> | NUMBER: <i>OPR.01.01(b)</i> |
| EFFECTIVE DATE: <i>February 2, 2016</i> | REVIEW DATE: |
| AMENDS/SUPERSEDES: | APPROVED: |
| | JAIME REYES Chief of Police |
| NMMLEPSC STANDARDS: | NMSA: |

RECORDING DEVICES

PURPOSE

The purpose of this General Order is to establish procedures for the proper use of recording devices as well as the storage and management of digital recordings.

POLICY

It is the policy of the Sunland Park Police Department to use recording devices for the purposes of, but not limited to documenting citizen contacts, capturing evidence for use in criminal prosecution, training and evaluating work performance, and protection against false allegations of misconduct.

APPLICABILITY

This General Order applies to all employees. This General Order supersedes all previous versions.

REFERENCES

- 29-1-16 NMSA 1978
- 32A-2-14 NMSA 1978
- Inspection of Public Records Act (IPRA) Section 14 Article 2 NMSA 1978
- 1.19.8 NMAC (New Mexico Administrative Code)
- General Order 203 Domestic Family Disturbance

DEFINITIONS

BWC – Body Worn Camera devices that are issued by the department.

ETM – Evidence Transfer Manager. The ETM is the docking station used to upload data and recharge BWC's.

Digital Information Management System (DIMS) – A data entry system that collects and manages digital audio and photo evidence to simplify the acquisition and archiving of field and lab gathered digital evidence.

Recording Device – Any device capable of creating and storing audio and/or video recordings.

LGRRDS – Local Government Records Retention and Disposition Schedule for New Mexico Municipalities. 1.19.8 NMAC

PROCEDURES

- A. Uniformed commissioned employees, Animal Control Officers, and Codes Officers shall carry a properly functioning department issued recording device on their person at all times while on duty. If issued a BWC, the BWC shall be used as the primary recording device. Commissioned employees in a plain clothes or undercover assignment do not have to carry a recording device but shall have a recording device

available to them. Personally owned recording devices may be used with administrative approval for personnel not issued a departmental BWC.

- B. Recording devices capable of capturing video shall be worn in a location that allows the device to capture images of what is in front of the officer.
- C. Employees shall notify their supervisor of any malfunction of the recording device or the need for replacement parts.
- D. Officers shall record the incidents listed below. Recording devices shall be activated as soon as practical, consistent with officer safety. Once activated, recording devices shall be used for the remainder of the citizen contact. If the recording is stopped during the citizen contact, the officer will note on the recording and/or in a police report the reason the recording was deactivated. Officers shall record:
 - 1. Domestic dispute investigations and standbys per General Order 203 Domestic Family Disturbance.
 - 2. Calls involving a mentally ill or emotionally disturbed person.
 - 3. During all search and arrest warrant services.
 - 4. Anytime the potential for a use of force exists. This includes but is not limited to calls for service regarding: affrays, disorderly subjects, uncooperative shoplifters, and weapons calls.
 - 5. All custodial interrogations of adults and/or juveniles in accordance with 29-1-16 and 32A-2-14 NMSA 1978 unless another method of electronic recording of the interrogation is available, such as an interview room equipped with audio and/or visual recording equipment.
 - 6. During all arrests, when practical, until the prisoner is secured in a transport vehicle. Recording should continue and/or resume if the prisoner is or becomes

uncooperative and/or combative. Nothing in this section precludes an officer from recording throughout transport and processing of cooperative prisoners at his/her discretion (e.g. transporting a prisoner of the opposite sex).

7. Any type of encounter not mentioned above in which a recording would prove useful in later judicial and/or administrative proceedings such as a citizen alleging dissatisfaction with police response.
 8. Every Officer shall record every citizen encounter that an Officer has.
 9. Only exception for an Officer not to record a call for service will be, if it is determinate that the nature of call is a sexual assault case that is being investigated.
 10. Anytime a supervisor directs an employee to use a recording device.
- E. Employees are not required to disclose to the public the fact that recording equipment is in use.
 - F. Employees may use their recording devices for documentation purposes at crime and accident scenes, or other on-duty events as the employee deems appropriate.
 - G. Employees shall not utilize recording devices in the following situations:
 1. At any closed court proceedings or hearings.
 2. At any location legally authorized to limit recording and/or recording devices (i.e. hospitals, bathrooms) unless there is a police related incident.
 - H. Employees are prohibited from recording their conversations with other employees without the other employee's knowledge by any means. Exceptions include authorized criminal or administrative investigations, and/or where the labor Contract

provides for such tape recording, or on any City telephone lines which are automatically recorded.

DISPOSITION OF RECORDINGS

- A. Audio, image, and video recordings shall either be entered into DIMS or downloaded to the ETM prior to going off-duty unless a supervisor authorizes an extension to this deadline.

All evidence entered into DIMS shall be noted in an offense/incident report.

- B. Officers with BWC's shall label all video recordings downloaded into the ETM with the proper category, case number (when applicable), and location of incident. Officers shall label the video recordings on or before their next duty day.
- C. Officers with BWC's may review and label their videos using an application for a smartphone but this is not required. Personnel choosing to use the application on a personally owned device will not receive any additional compensation beyond currently approved stipends.
- D. Employees shall not destroy or alter any type of recording unless authorized by statute, policy, and with permission of the Chief of Police.
- E. Recordings shall not be released to another criminal justice agency without approval of the appropriate deputy chief. When recordings are released, the department shall maintain the original recording and provide the requesting agency with a duplicate unless there are specific reasons for releasing the original recording. If an original recording is released, the department shall retain possession of a duplicate copy.
- F. Recordings are property of Sunland Park Police Department and shall not be reviewed by unauthorized persons. Unauthorized persons include members of the media, family, friends, and other employees not involved in a supervisory or investigatory capacity. Employees are not authorized to copy or release recordings

without supervisory approval. Employees shall not post recordings to any social media website.

- G. Recordings are subject to release under the Inspection of Public Records Act (IPRA). Any IPRA request must go through the official release of records procedure through the City of Sunland Park.

RETENTION OF RECORDINGS

- A. All non-evidentiary recordings shall be retained for one hundred and eighty (180) days from the date the recording was submitted, at which time the recording will be destroyed upon the Chief's approval. This retention and destruction meets all Local Government Records Retention and Disposition Schedules for New Mexico Municipalities (LGRRDS) and is pursuant to City Council Resolution No. _____.
- B. All evidentiary recordings shall be retained as part of the case file and will be kept and destroyed according to the LGRRDS.
- C. Any recording deemed to be of value for training purposes may be forwarded to the Professional Development Unit. The recording must no longer be needed for any judicial or administrative proceedings. It is recommended that officers involved in the recording be contacted to inquire about any objection they may have to its use.

SUPERVISORY RESPONSIBILITIES

- A. Routinely inspect recording devices to ensure they are functioning properly.
- B. Arrange for replacement or repair of any issued recording device that is not functioning properly.
- C. Keep an adequate supply of recording device batteries on hand.

- D. Supervisors shall randomly review recordings to assist in the periodic assessment of an employee's performance and the recording devices performance. Supervisors will determine whether the recording device is being fully and properly utilized, if downloads are taking place in a timely manner, if BWC videos are labeled appropriately, and if any material on a recording may benefit personnel in training. It is within a supervisor's discretion to review recordings more frequently.