



2-8 USE OF ON-BODY RECORDING DEVICES

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2-8-1 Purpose

This policy is intended to provide officers with instructions on when and how to use On-Body Recording Devices (OBRDs) so that officers may reliably record their contacts with the public.

This policy is intended to provide officers with clear guidelines for the use, management, storage, retrieval, and supervision regarding On-Body Recording Devices (OBRDs) so that officers may reliably record their contacts with the public.

2-8-2 Policy

The Department is committed to promoting constitutional policing while and making the best use of its resources to capture evidence by utilizing the evolving technology of On-Body Recording Devices (OBRD) in all appropriate circumstances. This commitment is designed to promote officer safety, strengthen community trust, and document events to assist with investigations and training. All recordings captured by Department-issued OBRDs are the exclusive property of the Department and subject to disclosure under the law.

This policy is intended to achieve a reasonable balance between the benefits of using OBRD devices and an individual’s reasonable expectation of privacy. Although this policy identifies those situations in which activation of the OBRD is mandatory, Department personnel have discretion to manually activate the device any time an officer believes it would be appropriate or valuable to document an incident. In exercising this discretion, personnel should be aware



of, and sensitive to an individual's reasonable privacy expectations. The OBRD may only be activated for legitimate law enforcement purposes.

2-8-3 References

- A. New Mexico State Statute § 14-2-1, Inspection of Public Records Act (IPRA)
- B. City of Albuquerque Administrative Instruction 1-7.

2-8-3 Definitions

A. Directed Action

Any overt action focused on the subject or structure that may evoke a response.

B. Evidence

A digital recording captured by an OBRD which may contain evidence of criminal conduct by an individual or evidence of officer conduct which does not conform to Departmental standards and procedures.

Recordings that contain content known at the time of the recording to be associated with criminal activity, which are then assigned a case number and are annotated as evidence in the property section of the report by the submitting Department personnel.

C. On-Body Recording Device (OBRD)

A recording device equipped with internal memory for storage of video and audio content which can be uploaded to a dedicated server or cloud-based storage repository. Issued by the Department that is affixed to the body.

D. Uniformed Department Personnel

Refers to Department personnel in a Department authorized uniform displaying a Department patch.

Department personnel who wear a Department-authorized uniform which displays a Department patch.

E. Buffer Mode

A precording mode where the OBRD is powered on and has not been activated to record.



F. **Event Mode**

A mode which is activated by the officer pressing the "record" button at which time the OBRD records audio and video.

G. **Feasible**

An action is feasible when it can be done or carried out reasonably to achieve an arrest or lawful objective without increasing risk to the officer or other persons.

H. **Evidence.com**

A cloud based storage repository for OBRD recordings which is accessible only by authorized personnel.

I. **Mute Function**

A function of the OBRD which allows for the continued visual recording of an event without the corresponding audio.

2-8-4 Procedures

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I. Wearing the OBRD

1. All uniformed Department personnel (except crossing guards) shall will wear Department-issued OBRDs while on duty or performing law enforcement activities. Department personnel performing routine administrative duties, such as working at a desk, attending meetings, or providing testimony are not required to wear an OBRD.

Investigations sworn personnel, Area Command Investigations Unit sworn personnel, and other non-uniformed Department personnel are not required to wear OBRDs during routine administrative duties, such as working at a desk, attending meetings, and providing testimony. However, while working in a law enforcement capacity, those non-uniformed personnel shall wear their OBRD and comply with this policy.

2. Certain undercover operations and/or investigations conducted by officers may be exempt from wearing an OBRD if doing so would jeopardize the safety of the officer. An exemption from wearing an OBRD shall only be made after written permission is granted from the involved officer's supervisor at the rank of lieutenant or above.

During these operations and investigations, if an officer takes an enforcement action, or engages in a mandatory recording incident, they will still be required to wear an OBRD to record the incident.



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3. Department personnel shall use only Department-issued OBRD, not personally- owned OBRD, while performing law enforcement activities, functioning within the scope of their duties.
4. Uniformed and non-uniformed Department personnel shall position their OBRD forward facing, worn openly in a prominent location, and affixed at the belt level or above in a position and manner consistent with the manufacturer's recommendations.
5. The An OBRD shall should be placed on the officer's body to maximize the camera's ability to capture an incident. Certain exceptions may be made for on-duty plain clothes officers, to be determined by their supervisor.
6. Department personnel wearing an OBRDs shall keep the OBRD in the buffer/prerecord mode, if equipped with this function, unless performing routine administrative duties within a government facility.

J. Using the OBRD

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1. Department personnel shall activate OBRDs only in conjunction with official law enforcement activities duties.

NA

2. It is recommended that officers inform individuals they are being recorded during their initial contact; however, they are not mandated to do so.

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3. Department personnel shall inform arrestees that they will be recorded, unless informing them would be unsafe, impractical, or impossible.

NA

4. Department personnel who are not involved in direct interactions with witnesses, victims, or suspects and who are performing duties, including but not limited to scene security, crime scene investigation/evidence collection, supervision, guard duty, or holding a perimeter, shall not be required to record these activities.

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5. For all mandatory recording incidents identified below:
 - a. Department personnel shall will activate the if event mode of their OBRDs while en route to an at the beginning of the incident. and prior to exiting the patrol car, if possible.
 - b. If the immediate activation of an the OBRD is not feasible due to immediate risk to the safety of the Department personnel or others, then the Department personnel will shall activate the OBRD at the first available opportunity when it is safe to do so.
 - c. Department personnel may cease recording when they reasonably determine that an the incident has concluded, based on information



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available to the personnel at the time. Deciding when the incident has concluded will depend on the type of incident and individual circumstances, but, typically, the incident has concluded when Department personnel terminate contact with the individual or they have cleared the scene.

NA

6. This policy is intended to achieve a reasonable balance between the benefits of using OBRD devices and an individual's reasonable expectation of privacy. Although this policy identifies those situations in which activation of the OBRD is mandatory, Department personnel have discretion to manually activate the device any time an officer believes it would be appropriate or valuable to document an incident. In exercising this discretion, personnel should be aware of, and sensitive to an individual's reasonable privacy expectations. The OBRD may only be activated for legitimate law enforcement purposes.
7. Officers should not record in locations where individuals may have a reasonable expectation of privacy (such as in private residences, restrooms, locker rooms, hospitals, or in the presence of medical personnel) unless, However, Department personnel will record in these locations if the encounter is subject to mandatory recording as set forth below or if such recording would further a legitimate law enforcement purpose. the totality of the incident leads Department personnel to believe that recording is appropriate.

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8. Mandatory Recording Incidents

Subject to the limitations in this policy, Department personnel shall use Department-issued OBRDs to document the incidents listed below:

- a. All use of force encounters, including contacts leading up to the use of force, when Department personnel can reasonably foresee a use of force may occur.
- b. All encounters with individuals who are the subject of a stop based on reasonable and articulable suspicion or probable cause.
- c. Traffic stops and DWI investigations.
- d. Arrests, including contacts leading up to the arrest, when Department personnel can reasonably foresee an arrest occurring.
- e. Vehicle searches, unless conducted at tow yards, APD facilities, or other law enforcement activities.
- f. Search warrants of structures from the time of entry until the location has been secured.
- g. Emergency evaluations (i.e. pickup orders)
- h. Contacts with subjects who (1) are not complying with officers' commands; (2) appear to pose a current threat to themselves or others; or (3) are known to the officer to have a history of being a threat to themselves or others based on either personal knowledge or notification from an APD resource.
- i. Any other legitimate law enforcement contact where the Department personnel believe that recording an incident would further a legitimate law



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enforcement objective. be appropriate or valuable. In these contacts, the Department personnel shall balance the law enforcement objectives and need to record against the individual's expectation of privacy, particularly with respect to sensitive victims.

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9. Non-recording incidents

Department personnel shall not use OBRDs to document in these circumstances:

- a. Encounters with undercover Department personnel or confidential informants.
- b. Personal activities or private conversations of Department personnel that do not involve calls for service or contact with individuals.
- c. Conversations between Department personnel if parties are where the other party is unaware that it will be they are being recorded, except in undercover investigations of Department personnel involved in alleged criminal conduct.
- d. Conversations between Department personnel that involve case strategy or tactics. The mute function of the OBRD can be used for this purpose, but must be documented in the incident report and/or OBRD recording.
- e. DWI checkpoints, unless a driver is confrontational with Department personnel, refuses to stop, refuses to roll down the window, and/or produces any type of information visually or verbally that indicates he or she will not willingly comply with Department personnel's lawful commands.
- f. Locations where recording is prohibited by law, unless permission is obtained to record, such as in the FBI building or restricted areas in Department of Energy research facilities.

NA

10. If Department personnel inadvertently record any of the encounters listed above in nonrecording incidents, they must first contact their immediate supervisor. Then they may follow the redaction procedures listed below. The original video recording cannot be altered.

NA

11. Individuals may request that an officer stop recording them. Department personnel shall not stop recording in response to an individual's request if the recording is required by this policy or it is determined that if the Department personnel deem that continued recording will further a legitimate law enforcement purpose. is necessary. If the recording is not mandatory, the Department personnel may evaluate the situation and, when appropriate, may honor the individual's request.

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12. The individual's request to stop recording shall should be captured by documented with the OBRD. In the event that it is not reasonably possible to record the individual's request with the OBRD, Department personnel shall document the request via the CAD system, or a report.



NA

13. During tactical activations, tactical personnel units may turn off their OBRDs during planning and decision-making.

Due to the extended duration of tactical activations and in order to conserve battery life, tactical units may turn off their OBRDs when not conducting directed action, based on the information available to the officer at that time. OBRDs shall be activated during directed action, which may elicit a response from the subject.

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C. Training Requirements

All Department personnel who are authorized to use OBRDs must complete mandatory training to familiarize themselves with the devices and with Departmental procedures prior to using them. Department personnel shall receive periodic refresher training on updated technology, policies, and the benefits of the devices.

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D. Viewing, Accessing, and Sharing OBRD Recordings

1. Department personnel will be assigned access to the digital storage application appropriate to their rank and duties.
2. Department personnel may review their own OBRD recordings to assure the assist quality and accuracy in of their reporting and investigations. reports and for investigatory interviews. For specific procedures involving an officer-involved shooting, see the guidelines in SOP 7-3 – Force Investigation Team (FIT).
3. Department personnel may view, download, redact, and share OBRD recordings only for legitimate law enforcement purposes and for authorized administrative review purposes.
4. Department personnel will not delete OBRD recordings unless deletion is consistent with this policy and SOP 2-73 - Submission of Evidence, Confiscated Property, and Found Items.
5. All recordings shall be shared digitally via the Department's digital storage application unless otherwise approved by the Department.

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E. Management of OBRD Recordings

1. All Department personnel shall upload recordings to evidence.com the Department's digital storage application prior to the end of the Department personnel's subsequent shift.
2. In the event the uploading of recordings extends beyond the subsequent scheduled shift, immediate supervisors may authorize overtime or



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compensatory time and shall notify the watch commander of this via e-mail.

3. Department personnel shall ensure that recordings are properly categorized and accessible. Recordings shall be labeled with the following information classified according to:
 - a. type of incident or event captured in the footage,
 - b. date,
 - c. time, and
 - d. Department personnel.
4. Department personnel, including both primary and back-up officers, shall submit all OBRD recordings for storage digital media recorded in accordance with this policy and defined as evidence, in the following manner:
 - a. Enter the case number in the following format: For 'AP151234567,' enter as '15-1234567.'
 - b. Choose a category from the presented list.
 - c. Make an electronic tag into the designated evidence system.
 - d. Add the entry into the property section of the report.
5. Department personnel shall add the "120 Day Delete" category to non-evidentiary recordings that are uploaded or imported into the Department's digital storage application.
6. If the initial category chosen was a mistake or if additional information justifies re-categorizing a recording, Department personnel will re-categorize recordings as appropriate.
7. Evidentiary recording will be maintained by APD based on the statute of limitations or in Evidence.com until the case is resolved.

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F. Duties of Personnel

1. Department personnel shall take these actions regarding OBRDs: be responsible for ensuring that their assigned OBRD is functioning properly at the beginning and end of each shift, according to the manufacturer's instructions.

Ensure that OBRDs assigned to them are functioning properly at the beginning and end of each shift, according to the manufacturer instructions.
 - a. Department personnel shall report immediately any improperly functioning, lost, stolen or damaged OBRD related equipment to a supervisor.
 - b. Department personnel shall not be responsible for verified equipment failure during an incident causing a lack of recordation in a



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circumstance required by this policy, if the OBRD had no signs of functioning improperly prior to the incident.

2. Articulate on an OBRD recording or in writing their reasoning for not activating their OBRD before required incidents, for not recording the entire contact, or for interrupting the recording. Department personnel shall also document why a recording was not made, why a recording was interrupted, or was stopped.
3. Supervisors

In addition to the above responsibilities, supervisors will perform these duties:

- a. Test OBRDs monthly to ensure they are in proper working order and document this on the monthly inspection report.
- b. At least on a monthly basis, ensure personnel are using the systems appropriately and in accordance with policy, and identify areas in which additional training or guidance is needed.
- c. Review complete recordings of assigned personnel listed in any misconduct complaint made to field supervisory personnel or Area Command personnel "at the scene," or later by telephone, writing, voice mail, or other method, which would not normally be assigned to Internal Affairs.
- d. Review all recordings of assigned personnel involving injuries, uses of force, shows of force, or foot pursuits.
- e. Additionally review at least two videos per month of each officer under their direct supervision. Sergeants shall review each video in its entirety should spend approximately 7-10 minutes reviewing each video, and, and may advance or fast forward the video to target review of interactions that could be helpful in ongoing evaluation and supervision, as described below. Sergeants shall document the review, including what portions of a video were reviewed. Sergeants will use any feedback obtained from these reviews for the officers in their employee work plans. Sergeants shall target the following topics in the videos they review:
 - i. constitutional policing;
 - ii. officer conduct (showing respect toward and acting professionally in dealing with the public);
 - iii. domestic violence response;
 - iv. tactics, including officer safety;
 - v. recognizing signs of person in crisis and treating them with dignity;
 - vi. initial contacts with subject(s) during calls for service including the circumstances giving rise to the encounter and legal basis for the stop;
 - vii. for encounters that end in arrest, the entire encounter from initial contact to the subject being placed in a patrol vehicle;
 - viii. interaction with subject(s) during investigative detention or pat downs



- for weapons;
 - ix. interaction and communication with subject(s) in crisis;
 - x. interaction with occupants during vehicle stops; and
 - xi. interaction with offenders and victims during investigative phase of call for service.
- f. 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 OBRDs.
- g. Supervisors shall refer assigned personnel for investigation if they intentionally or repeatedly fail to activate their OBRDs during incidents required to be recorded. Intentional or otherwise unjustified failure to activate an OBRD when required by APD policy shall subject the Department personnel to discipline.

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G. Redaction, Retention, and Release of Recordings

1. APD policies shall comply with all existing laws and regulations, including those governing evidence collection and retention, public disclosure of information, and consent. See SOP 2-16 – Records and Administrative Instruction 1-7.
2. Some or all of a recording may be redacted pursuant to applicable laws. Redaction should be narrowly tailored to the appropriate legal exemption from disclosure.
 - a. Only the redacted recording shall be produced to the requesting party.
 - b. There may be instances where the un-redacted recording shall be provided in criminal or civil proceedings.
 - c. IPRA Unit personnel will consult with the City Attorney's Office prior to redacting or exempting recordings from public inspection.
 - d. Redaction does not alter the original footage in the recording.
3. In the event Department personnel inadvertently record a non-recording incident identified above, the following redaction procedures may be followed:
 - a. Notify immediate supervisor of unintentional recording.
 - b. Review recording with the immediate supervisor to determine if it meets criteria detailed in Paragraph B(9) above.
 - c. Recordings in question shall be electronically shared by the immediate supervisor with their lieutenant or equivalent for review and approval.
 - d. If recording contains evidentiary content, only the portion that meets Paragraph B(9) shall be redacted of audio, video, or both by the lieutenant or equivalent. A detailed description stating the reason for



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edit shall be noted in the system for each segment of the recording that is redacted. Redactions will automatically be reflected in the audit trail.

e. If it is determined by the lieutenant or equivalent that the recording does not contain evidentiary content, it may be placed in the "120 Day Delete" category. A detailed description stating the reason for category change shall be noted for each recording that is changed. Descriptions will automatically be reflected in the audit trail.

4. Viewing and downloading OBRD recordings is for criminal investigation and prosecution, administrative investigations, or authorized administrative purposes only.

5. The Department shall retain and preserve non-evidentiary recordings for 120 calendar days. Deleting non-evidentiary videos after 120 calendar days does not imply that the Department personnel did not record the incident, as it is reflected in the audit trail

6. The Evidence Unit shall retain and preserve evidentiary recordings for at least one year and in accordance with state law and this policy.

NA

H. Program Review

This policy will be assigned a review date and will be reviewed on a regular basis.

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Mandated Recordings

SOP 2-8-4(B8)

- a. All use of force encounters, including contacts leading up to the use of force, when Department personnel can reasonably foresee a use of force may occur.
- b. All encounters with individuals who are the subject of a stop based on reasonable and articulable suspicion or probable cause.
- c. Traffic stops and DWI Investigations.
- d. Arrests, including the contact leading up to the arrest, when Department personnel can reasonably foresee an arrest occurring.
- e. Vehicle searches, unless conducted at tow yards, APD facilities, or other law enforcement facilities.
- f. Search warrants of structures from the time of entry until the location has been secured.
- g. Emergency evaluations (i.e. pickup orders)
- h. Contacts with subjects who (1) are not complying with officers' commands; (2) appear to pose a current threat to themselves or others; or (3) are known to the officer to have a history of being a threat to themselves or others based on either personal knowledge or notification from an APD resource.
- i. Any other legitimate law enforcement contact where the Department personnel believe that a recording of an incident would be appropriate or valuable. In these contacts, the Department personnel shall balance the law enforcement objectives and need to record against the individual's expectation of privacy, particularly with respect to sensitive victims.

Non - Recordings

SOP 2-8-4(B9)

- a. Encounters with undercover Department personnel or confidential informants.
- b. Personal activities or private conversations of Department personnel that do not involve calls for service or contact with individuals.
- c. Conversations between Department personnel if parties are unaware that it will be recorded, except in undercover investigations of Department personnel involved in alleged criminal conduct.
- d. Conversations between Department personnel that involve case strategy or tactics.
- e. DWI checkpoints, unless a driver is confrontational with Department personnel, refuses to stop, refuses to roll down the window, and/or produces any type of information visually or verbally that indicates he or she will not willingly comply with Department personnel's lawful commands.
- f. Locations where recordings are prohibited by law, unless permission is obtained to record, such as in the FBI building or restricted areas in Department of Energy research facilities.