



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-8 (Formerly 1-39)

Effective: 12/20/2023 Review: 12/20/2023 Replaces:05/02/2022

## 2-8 USE OF ON-BODY RECORDING DEVICES

### Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

#### A. Related SOP(s)

- [1-87 Scientific Evidence Division \(Formerly 5-5\)](#)
- [2-1 Uniforms \(Formerly 2-06\)](#)
- [2-19 Response to Behavioral Health Issues](#)
- [2-46 Response to Traffic Crashes](#)
- [2-52 Use of Force: General](#)
- [2-57 Use of Force: Review and Investigation of Department Personnel](#)
- [2-69 Informants \(Formerly 2-04\)](#)
- [2-70 Execution of Search Warrants \(Formerly 2-16\)](#)
- [2-80 Arrests, Arrest Warrants, and Booking Procedures \(Formerly 2-14\)](#)
- [2-82 Restraints and Transportation of Individuals \(Formerly 2-19\)](#)
- [2-84 Body Cavity and Strip Searches \(Formerly 2-20\)](#)
- [3-30 Line Inspection Process \(Formerly 3-42\)](#)
- [3-41 Complaints Involving Department Personnel \(Formerly 3-22 and 3-43\)](#)

#### B. Form(s)

Lieutenant's Inspection Form  
PeopleSoft Monthly Line Inspection Form

#### C. Other Resource(s)

N.M. Const. art. II, § 24 Victim's Rights  
NMSA 1978, §§ 14-2-1 to 14-2-12 Inspection of Public Records Act  
NMSA 1978, §§ 31-26-1 to 31-26-16 Victims of Crime Act  
NMSA 1978, § 43-1-10 Emergency Mental Health Evaluation and Care

#### D. Rescinded Special Order(s)

SO 22-62 Amendment to SOP 2-8 Use of On-Body Recording Devices; Audio Recordings  
SO 23-42 Amendment to SOP 2-8 Use of On-Body Recording Devices; TFO Mandatory Recording Events

### 2-8-1 Purpose

The purpose of this policy is to enhance public trust and to promote constitutional policing and professionalism through the consistent use of on-body recording devices (OBRD).

### 2-8-2 Policy



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It is the policy of the Albuquerque Police Department (Department) to establish and communicate clear guidelines regarding the appropriate use of OBRDs.

**N/A** **2-8-3** **Definitions**

A. Buffer Mode

A pre-recording mode in which the OBRD is powered on and has not been activated to record. The operation LED (light) will blink green. The OBRD captures video but no audio.

B. Certificate for Evaluation (CforE)

A document, completed by a qualified, licensed mental health professional which certifies that an individual person, as a result of a mental disorder, presents a likelihood of harming themselves or others, and that immediate detention is necessary to prevent such harm, which may include grave passive neglect. All Certificates for Evaluation expire seventy-two (72) hours after they are issued, unless explicitly stated otherwise.

C. Community Caretaking Function

The community caretaking function encompasses police duties that do not involve conduct related to crime solving or the enforcement of law, and which are motivated by the intention of providing aid. These functions include acting under the emergency aid doctrine, the impoundment and inventory doctrine, and the public servant doctrine.

D. Confidential Informant (CI)

A paid or unpaid individual who is providing information to the Department and who, for reasons of personal safety or other valid considerations, requests that their identity be kept confidential. For the purposes of this policy, Confidential Informants are not considered members of the public.

E. Constitutional Policing

At its most fundamental definition, constitutional policing is legal policing. Law enforcement agencies and sworn personnel are obligated to uphold the U.S. Constitution, state constitution, court decisions, and the law. Constitutional policing promotes a keen awareness of the civil liberties of society. It is the responsibility of the police to actively protect people's constitutional rights in every interaction and maintain the consent of the people. True constitutional policing goes above and beyond the letter of the law. By seeking to protect people's rights during every encounter, police can improve community relations, build public trust, and promote police legitimacy and procedural justice.

F. Contact



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Any direct interaction with the public during a law enforcement encounter, including phone calls and direct personal interaction. Contact begins with the initial encounter and does not conclude until all intended interactions with the individual terminate. Contact continues through transports until custody is transferred to another entity.

G. Investigative Encounter

Engagement with community members, individuals, or entities in order to gather information, evidence, or intelligence, which often involves interviews, questioning, searches, and surveillance, to determine if further enforcement actions, such as arrests or citations, are necessary based on the gathered information.

H. Event Mode

A mode where the OBRD records audio and video.

I. Evidence.com

A cloud-based storage repository for OBRD recordings accessible by authorized personnel.

J. Guard Duty

Department personnel assigned to monitor an individual at a medical facility.

K. Law Enforcement Encounter

Any interaction by Department personnel with individuals who are the subject of stops, detentions, and/or pat-downs based on reasonable suspicion or probable cause; any action by Department personnel for the purposes of enforcing laws and/or maintaining order; and any time Department personnel are acting pursuant to the community caretaker doctrine.

L. On-Body Recording Device (OBRD)

A video and audio recording device issued by the Department.

M. Plainclothes Officer

Any on-duty sworn personnel who are not wearing their duty uniform but are carrying their Department badge and firearm. For the purpose of this policy, shall include any clothing in which personnel are not required to wear body armor in accordance with SOP Uniforms.



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N. Prisoner Transport Duty

Department personnel assigned to the Prisoner Transport Unit (PTU) and who have the sole responsibility of transporting individuals, including Department personnel who work overtime with the assigned duties of transporting individuals at the direction of a PTU supervisor.

O. Scheduled Shift

The pre-determined shift which personnel are assigned. This will most often coincide with the hours assigned on personnel's time sheet as normal work hours.

P. Sync Cable

A cable that allows data transfer and charging of an OBRD

Q. Uniformed Personnel

Sworn personnel who wear a Department-authorized uniform. For the purpose of this policy, shall include any clothing in which personnel are required to wear body armor in accordance with SOP Uniforms.

**6** 2-8-4 **Rules**

**5** A. All uniformed and plainclothes sworn personnel, Police Service Aides (PSA), Crime Scene Specialists (CSS), PTU personnel, and all uniformed personnel shall wear a Department-issued OBRD while on-duty. Exceptions to wearing the OBRD include:

1. Written approval by the Chief of Police, which will be limited to Department personnel who do not routinely interact with the public and only when those personnel are not engaging in law enforcement or investigative encounters with the public, including any mandatory recording events. Notwithstanding this exception, all Department personnel shall record mandatory recording events.
2. During training, unless required to wear the OBRD for training purposes;
3. Bomb Squad personnel, while actively working a scene with suspicious or hazardous items; and
4. Any duty assignment where sworn personnel do not carry a Department-issued badge and firearm, including restricted duty, administrative assignment, or administrative leave.

**7** B. Location of OBRD

1. Uniformed Personnel, PSA, CSS, and PTU Personnel



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- a. The OBRD shall be worn forward facing on the outermost garment at chest level, in a position intended to maximize the OBRD's ability to record.
2. Plainclothes Officer
  - a. The OBRD shall be worn forward facing at the beltline or above, or at chest level, in a position intended to maximize the OBRD's ability to record.
3. Class A Uniform Dress Uniform and Honor Guard
  - a. The OBRD may be worn at the beltline when wearing Class A Dress Uniform/Command Staff Dress Uniform in accordance with SOP Uniforms or when wearing the Honor Guard uniform.
- C. While on-duty, the OBRD shall be in buffer mode, unless Department personnel are working in an administrative capacity. Department personnel working in an administrative capacity are still required to activate their OBRD for mandatory recording events.
- D. Department personnel shall ensure their OBRD is functioning properly at the beginning and end of each shift.
  1. Any malfunctions of the OBRD shall be immediately reported to a supervisor.
- E. Department personnel shall only use their Department-issued OBRDs.
- F. Timelines for Uploading OBRD Footage
  1. Incidents Involving a Use of Force
    - a. By the end of the employee's shift during which the use of force incident occurred, Department personnel shall upload OBRD footage capturing all use of force incidents in which they witnessed force, ordered force, used force, or were otherwise involved as directed by a supervisor.
      - i. If Department personnel are not physically capable of uploading their OBRD footage by the end of their shift during which the use of force incident occurred, the employee's immediate supervisor or their designee shall ensure that the OBRD footage from the affected employee's OBRD is uploaded by the end of the employee's shift during which the use of force incident occurred.
  2. Incidents That Do Not Involve a Use of Force
    - a. Department personnel shall upload OBRD footage by the end of their next scheduled shift as long as there are no incidents involving a use of force as described in Paragraph 1 above.



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- i. Department personnel who have scheduled days off beyond their scheduled shift weekends shall upload OBRD footage prior to starting their time off from work.
  - ii. Department personnel who do not report to work for their next scheduled shift due to an unanticipated need to take leave shall upload their OBRD footage upon returning to work.
- b. Department personnel shall ensure their immediate supervisor or their designee has access to their OBRD in order for the OBRD footage to be uploaded.
- 3. Department personnel who do not have daily-recorded footage shall dock their OBRDs at least once per workweek to charge the batteries and complete firmware updates by using Department-approved equipment. Department personnel may do this by using a docking station or a Department-issued sync cable and computer.
- 4. Department personnel shall upload their OBRD footage using a Department-approved upload method.
- 5. Department personnel who have scheduled training shall upload their OBRD footage by the end of their first day of training.

**7** G. Department personnel shall verify the OBRD videos that they have uploaded have been properly categorized in Evidence.com at least once per month.

**3** H. While Department equipment prevents the manipulation or deletion of an original OBRD video, Department personnel are nonetheless prohibited from intentionally manipulating or deleting an original OBRD video.

**6** **2-8-5 Mandatory Recording**

- A. Department personnel shall activate their OBRD for any call for service that involves a law enforcement encounter, for any other law enforcement encounters that involve contact with community members, and for any investigative encounters involving community members.
- B. For all mandatory recording events, Department personnel shall activate their OBRD prior to contact with individuals, except during emergency situations that require immediate action to preserve life or safety. At the first available opportunity, Department personnel shall activate their OBRD immediately.
- C. Examples of mandatory recording events include, but are not limited to:
  - 1. Law enforcement encounters;
  - 2. Traffic crashes;



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3. Pursuit by motor vehicle;
4. Use of force encounters and any encounter with an individual who is known to be combative, or who becomes adversarial after the initial contact;
5. Arrests;
  - a. Department personnel shall inform individuals who have been arrested that they are being recorded unless doing so would be unsafe, impractical, or impossible.
  - b. If an individual who has been arrested is taken to a medical facility, Department personnel should seek to record their interaction with the individual who has been arrested only.
6. Detention and transport of individuals based on a CforE for emergency evaluation and care in response to behavioral health issues;
7. Incidents involving individuals known to have a behavioral health disorder or who are in a behavioral health crisis;
8. Community caretaking encounters;
9. Searches;
  - a. Vehicle searches performed without a warrant from the time the vehicle is entered until the search is concluded. Service of search warrants of vehicles will be consistent with SOP Scientific Evidence Division and SOP Execution of Search Warrants (refer to SOP Scientific Evidence Division and SOP Execution of Search Warrants for sanction classifications and additional duties);
  - b. Service of search warrants of structures from the time of entry until the location is cleared and secured to allow the warrant to be executed. During the execution of the search warrant, the search will be consistent with SOP Scientific Evidence Division and SOP Execution of Search Warrants (refer to SOP Scientific Evidence Division and SOP Execution of Search Warrants for sanction classifications and additional duties); and
  - c. When a search of a person is conducted, the OBRD shall be used through the entirety of the search.
    - i. When sworn personnel are present for a body cavity search being conducted by qualified medical personnel pursuant to a search warrant, sworn personnel shall position their camera to collect audio data only. Sworn personnel shall verbally record the reason for not capturing visual data. Once the body cavity search is over and the individual is clothed, sworn personnel shall resume recording audio and visual.
10. Prisoner transport duty; and

N/A

N/A



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- a. Department personnel assigned to prisoner transport duty shall activate their OBRD prior to any direct contact with an individual, including any contact with and movement of individuals, transfer of custody, searches, and transports.
  - i. Within the Prisoner Transport Center (PTC), once an individual is secured in a cell and direct contact has terminated, Department personnel may stop their OBRD since the PTC is monitored by surveillance cameras.
  - ii. Department personnel shall keep their OBRD in buffer mode while on-duty and assigned to prisoner transport duty.
  - iii. Transports made in a PTU transport van equipped with a solid partition preventing direct view or interaction with prisoners shall not require Department personnel to record the event.

11. Guard duty.

- a. Department personnel shall record their contact with the individual whom they are assigned to monitor. If there is no direct interaction with the individual, Department personnel shall not be required to activate their OBRD; however, Department personnel shall keep their OBRD in buffer mode.
- D. For mandatory recording events consistent with 2-8-5-A, once an OBRD is activated it shall not be deactivated until all intended contact with the individual(s) is terminated.
1. Any time a mandatory recording event is not captured in its entirety, Department personnel shall document the justifiable reason why it was not recorded in a Uniform Incident Report when one is required. When no Uniform Incident Report is required, Department personnel shall document the justifiable reason in the Computer-Aided Dispatch (CAD) system.
- E. When a mandatory recording event involves a telephone call only, Department personnel may use a digital audio recorder to attain higher audio quality. Department personnel shall upload digital audio recordings consistent with 2-8-4 F.

**6** 2-8-6 **Prohibited Recording**

- A. Department personnel shall not activate their OBRD:
1. During any investigative interactions involving a CI;
  2. During personal activities and private conversations between Department personnel that do not involve calls for service or do not involve any other law enforcement or investigative encounters with a community member;
  3. At locations where recordings are prohibited by law, unless permission is obtained to activate their OBRD;





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4. In sensitive areas, such as restrooms or locker rooms, unless the encounter is a mandatory recording event; and
5. When serving as a Task Force Officer (TFO) and participating in a Federal Agency investigation, except during the following circumstances:
  - a. When participating in a pre-planned attempt to serve an arrest warrant;
  - b. When participating in a pre-planned arrest;
  - c. During the execution of a search or seizure warrant or court order; and

In these circumstances, Department personnel shall ensure the recording does not intentionally capture:

- i. Undercover personnel;
- ii. Confidential informants;
- iii. Confidential sources;
- iv. On-scene witness interviews; or
- v. On-scene civilian personnel assisting law enforcement, pursuant to the current MOU.

- 7** B. In the event personnel inadvertently record a prohibited recording incident, Department personnel shall categorize the video as "Restricted".

**N/A 2-8-7 Discretionary Recording**

- A. For non-mandatory recording events, unless prohibited from recording, Department personnel shall have the discretion to activate their OBRD when they reasonably believe it would be appropriate or valuable to document circumstances. In exercising this discretion, Department personnel should balance the need to record with legitimate privacy concerns.
- B. During privileged conversations with legal counsel while seeking legal advice;
  1. Department personnel may deactivate their OBRD while obtaining legal advice.
  2. Department personnel shall activate their OBRD once legal advice has been provided.
- C. Discretionary recording is allowed when a scene is being processed by investigative units or the Scientific Evidence Division (SED) in which the scene is secured and absent of public contact.

**6 2-8-8 Supervisor Responsibilities**

- A. A supervisor shall:



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1. Verify the OBRD of Department personnel under their command is functioning properly by observing the OBRD in buffer mode during monthly line inspections. The operation LED (light) will blink green;
2. Ensure any reported malfunctioning OBRDs are exchanged for a working OBRD upon discovery of the malfunction or that the OBRD is returned to proper working order by the SED. SED is available 24/7 to ensure personnel are equipped with a functioning OBRD;
3. Review the OBRD recordings involving a Level 1 use of force, consistent with SOP Use of Force: Review and Investigation by Department Personnel (refer to SOP Use of Force: Review and Investigation by Department Personnel for sanction classifications and additional duties);
4. Review relevant OBRD recording(s) of any duty-related injuries to sworn personnel listed in a report not resulting in a use of force;
5. Review relevant OBRD recording(s) for sworn personnel involved in a foot pursuit not resulting in a use of force;
6. Review all related OBRD recording(s) for complaints involving Department personnel reported directly to the supervisor;
7. Complete an Internal Affairs Request (IAR) through the Internal Affairs (IA) database web application no later than twenty-four (24) hours after identifying a potential policy violation, consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties); and
8. Perform a monthly video inspection, which will be completed on or before the last day of each month.
  - a. To complete the video inspection, the supervisor shall review two randomly-selected mandatory recording event videos in their entirety for each assigned employee to:
    - i. Ensure personnel are using their OBRD as outlined in this Standard Operating Procedure (SOP);
    - ii. Identify any concerns or deficiencies in training, equipment, tactics, and/or policy;
    - iii. Identify and report policy violations, consistent with SOP Complaints Involving Department Personnel;
    - iv. Identify other areas in which additional training or guidance is needed; and,
    - v. Identify commendable work performance.
  - b. When concerns or deficiencies in training, equipment, tactics, and/or policy are identified, the appropriate documentation shall be made to address the issue.
  - c. When a potential policy violation is identified, the supervisor shall complete an IAR through the IA database web application no later than twenty-four (24)

N/A

N/A

N/A



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hours after identifying the potential policy violation, consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

- d. When commendable work performance, which merits recognition for award nomination is identified, the supervisor shall initiate a request through the IA database web application.
- e. Each video reviewed shall be documented on the Department Monthly Line Inspection form.

B. A lieutenant shall:

- 1. By the last day of the month, complete an OBRD video review and complete the web-based Lieutenant's Inspection Form for videos reviewed by a subordinate sergeant;
- 2. Each month, for two (2) sworn personnel who work under their supervision, conduct an OBRD video review of the same videos that were reviewed by a subordinate sergeant during the same month;
  - a. The lieutenant shall select different sworn personnel each month.
  - b. If a lieutenant does not have any sergeants assigned or does not have sergeants who had videos to review, the lieutenant shall not be obligated to complete this review.
- 3. Ensure the sergeant conducted a proper review and identified any items listed in 2-8-8 of this SOP; and
- 4. When a potential policy violation is identified during their review, initiate an IAR through the IA database web application no later than twenty-four (24) hours after identifying the potential policy violation, consistent with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

N/A

N/A 2-8-9

**Retention and Release**

- A. Any public release of an OBRD and OBRD footage shall comply with the New Mexico Inspection of Public Records Act (IPRA).
- B. All non-evidentiary OBRD videos will be retained for one-hundred-and-twenty (120) days and will then be deleted by the system automatically.

7 2-8-10

**Training Requirements**

- A. All Department personnel must complete mandatory training before using a Department-issued OBRD.



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- B. Department personnel shall receive additional training following a system upgrade or policy change.
- C. Newly promoted supervisors shall receive additional training related to supervisor responsibilities about OBRDs.
- D. The OBRDs and OBRD footage belong to the Department and may be used for training purposes. Any OBRD footage used for training purposes shall be pulled from adjudicated cases. The Department shall not use OBRD footage that would otherwise be protected by N.M. Const. art. II, § 24. Victim's Rights, and the Victims of Crime Act, NMSA 1978, §§ 31-26-1 to 31-26-16, unless the victim provides written consent.