



City of Santa Fe New Mexico


Memorandum



Date: September 3, 2020

To: Quality of Life Committee and Governing Body

Via: Andrew Padilla, Chief of Police (9-3-20)

From:  9/3/20
Paul Joye, Deputy Chief of Police

RE: Prohibited Police Activities Bill

ITEM AND ISSUE:

Proposed ordinance to prohibit certain police activities, to include no-knock warrants, as well as requiring the use of body-worn cameras during the execution of any search warrant.

BACKGROUND AND SUMMARY:

Recent national events have compelled the Santa Fe Police Department to look internally, to review our Department's policies and procedures as they compare to best or preferred national practices. After an internal audit regarding the Department's use of No-Knock Warrants, it was noted that SFPD has not conducted any No-Knock Warrants in at least ten years. Further, the Santa Fe Police Department has been using and have had policy in place for Body-Worn Cameras since 2016.

Due to the fact that situations, locations, and individuals involved in criminal activity are both potentially highly volatile and unpredictable, it remains in the best interest of the SFPD as well as the citizens of Santa Fe to continue the use of proper search warrant executions and Body-Worn Camera utilization. Putting such measures into city ordinance supersedes department policy, and would ensure that our department continues with these preferred and best practices as we move forward into the future of public safety.

The attached ordinance prohibits SFPD from the use of No-Knock warrants within the municipal boundaries of the City of Santa Fe. Further, this ordinance requires that all law enforcement officers participating in the execution of a search warrant be equipped with Body-Worn Cameras, and to have those cameras activated for the entire duration of the search warrant execution. Last, this ordinance requires that all recorded data from Body-Worn Cameras be retained for five years following the execution of the search warrant. This goes above and beyond what is currently mandated by state or federal laws, and again ensures that as a Department, we continue to strive for compliance with preferred and best practices.

ACTION REQUESTED:

The attached proposed ordinance has been reviewed and is supported by the administration of the Santa Fe Police Department. The request for the Governing Body to review and pass the attached ordinance.

ATTACHMENTS:

Proposed Ordinance 20-7: Prohibited Police Activities
Fiscal Impact Report

underscored material = new
[bracketed material] = delete

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

AN ORDINANCE

**CREATING A NEW SECTION 20-7 SFCC 1987 TO PROHIBIT CERTAIN POLICE
ACTIVITIES, INCLUDING NO-KNOCK WARRANTS, AND REQUIRING THE USE OF
BODY-WORN CAMERAS DURING THE EXECUTION OF ANY SEARCH WARRANT.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. A new Section 20-7 of SFCC 1987 is hereby ordained to read:

20-7 PROHIBITED POLICE ACTIVITIES.

20-7.1 Short title; purpose.

A. This section as the Prohibited Police Activities Ordinance.

B. The purpose of this Section is to protect the safety of the residents of the city of Santa Fe by establishing specific restrictions and limitations on the execution of search warrants by the Santa Fe police department.

20-7.2 Definitions.

Body-worn camera means an electronic video and audio recording device that is placed on the front of a law enforcement officer's uniform and used to record interactions between law

1 enforcement officers and members of the public.

2 *No-knock warrant* means any search warrant that a judge issues that allows those
3 executing the warrant to do so without knocking and announcing themselves and their purpose at
4 the premises.

5 **20-7.3 Use of no-knock warrants prohibited.**

6 No member of the Santa Fe police department or any other authorized public safety
7 official shall seek, execute, or participate in the execution of a no-knock warrant at any location
8 within the municipal boundaries of the city of Santa Fe.

9 **20-7.4 Use of body-worn cameras.**

10 A. All law enforcement officers participating in the execution of a search warrant
11 shall be equipped with an operating body-worn camera.

12 B. Prior to the execution of any search warrant, each law enforcement officer
13 present at the premises to be searched must activate their body-worn camera recording equipment
14 and may not deactivate the equipment until the completion of the execution of the warrant.

15 C. All data recorded by the body-worn cameras must be retained for five (5) years
16 following the execution of the search warrant. The recorded data shall be stored in a separate
17 electronic file category designated for this purpose.

18 APPROVED AS TO FORM:

19 
20 _____
21 ERIN K. McSHERRY, CITY ATTORNEY

FISCAL IMPACT REPORT**General Information:**(Check) Bill: X Resolution: _____Short Title(s): Prohibited Police ActivitiesSponsor(s): Mayor WebberReviewing Department(s): Police DepartmentStaff Completing FIR: Paul Joye Date: 8/17/2020 Phone: 955-5355Reviewed by City Attorney:  Date: Sep 10, 2020Reviewed by Finance Director:  Date: Sep 9, 2020**Summary:**The bill prohibits the use of no-knock warrant executions within the City of Santa Fe, and requires the use of body-worn cameras throughout any search warrant executions.**Departments Affected:**Police Department.**Consequences of Not Enacting Legislation:**The Santa Fe Police Department will continue to operate in accordance with its policies and procedures as they pertain to body-worn cameras and search warrant executions. An internal review of SFPD cases shows that SFPD has not conducted a no-knock warrant in at least ten years. SFPD has been utilizing body-worn cameras in accordance with a policy in place since 2016. Currently, SFPD anticipates that the Department has the capacity to store body-worn camera footage for up to five years under the current format and policy.**Conflict, Duplication, Companionship, or Relationship to Other Legislation:**None identified.**Performance and Administrative Implications:****Fiscal Implications:**There are potential fiscal implications to this bill, to the extent that requiring all officers on scene to have their body-worn cameras activated for the duration of the execution may require a purchase of extra body-worn cameras to ensure that there are enough cameras available on scene in the event that activated cameras run out of battery life or run to capacity and are no longer able to record new footage. There are also potential financial considerations that may have to be taken to ensure that there remains sufficient storage space on our server to allow for storage of these videos for 5 years, as video quality increases accompanied by the requirement to record at all times while "on scene," to include individual officer "down-time" or time in which they are not actively participating in the execution of the search warrant (scene security, holding a perimeter, etc.). Under the current policy, officers do not have a requirement to have body-worn cameras activated during times in which officers are not actively assisting or engaged in the execution of a search warrant, which is supported by our current storage system.**Fiscal Impact** Check here if no fiscal impact

Expenditures

Expenditure Type	FYE __	FYE __	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
<u>Personnel and</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Benefits*</u>							
<u>Capital Outlay</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Contractual/</u>	\$ _____	\$ _____	\$ _____		_____	_____	
<u>Professional Services</u>							
<u>Operating</u>	\$ _____	\$ _____	\$ _____		_____	_____	\$ _____
<u>Total:</u>	\$ _____	\$ _____	\$ _____				\$ _____

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

There is not an estimated expenditure associated with the bill, though additional digital storage capacity may be needed in the future.

Revenue

Revenue Type	FYE __	FYE __	FYE __	Recurring (R) or Non-recurring (NR)	Fund
General Fund	\$ _____	\$ _____	\$ _____	_____	_____
Special Revenue	\$ _____	\$ _____	\$ _____	_____	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$ _____	\$ _____	\$ _____	_____	_____
Total	\$ _____	\$ _____	\$ _____		

Revenue Narrative:






Prohibited Police Activities

Final Audit Report

2020-09-10

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