



2-114 HANDHELD BACKSCATTER IMAGING SYSTEM (X-RAY)

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 1-17 Aviation Division (Formerly 4-9)
- 2-70 Execution of Search Warrants (Formerly 2-16)
- 2-71 Search and Seizure Without a Warrant (Formerly 2-17)

B. Form(s)

None

C. Other Resource(s)

- 49 C.F.R. Part 15 Protection of Sensitive Security Information
- 49 C.F.R. Part 1520 Protection of Sensitive Security Information
- VIKEN Detection: HBI Backscatter Imager User's Guide Revision 3.0 (June 2020)

D. Rescinded Special Order(s)

None

2-114-1 Purpose

The purpose of this policy is to establish the requirements for the operation, maintenance, and handling of the Handheld Backscatter Imaging System (X-ray) for the Albuquerque Police Department (Department) Explosive Detection Canine Team (EDCT) personnel.

2-114-2 Policy

It is the policy of the Department to use the X-ray device to enhance public safety in a manner that takes into consideration the privacy rights of individuals as established by the United States Constitution and the New Mexico Constitution, including the Fourth Amendment and applicable federal, state, and local laws. Department personnel shall obtain a warrant anytime it is necessary to do so, consistent with SOP Execution of a Search Warrant and SOP Search and Seizure Without a Warrant.

It is also the policy of the Department to operate the X-ray device only under the circumstances set forth in this Standard Operating Procedure (SOP). Furthermore, the X-ray device shall only be operated by trained and qualified Department personnel assigned to EDCT.



N/A

2-114-3 Definitions

A. Constitutional Policing

At its most fundamental definition, constitutional policing is legal policing. Law enforcement agencies and officers 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.

B. Contact

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.

C. Operator

EDCT personnel who have completed the required X-ray device training.

7 2-114-4 Procedures

A. Training Requirements

1. The X-ray device shall only be deployed by a trained X-ray device operator.
2. Operators shall receive additional mandatory training following a system upgrade or policy change.

B. General use of the X-ray Device

N/A

1. The X-ray device may be used by operators for Department related duties as an additional resource for detection at their discretion, consistent with Standard Operating Procedure (SOP) Aviation Division.
2. The X-ray device shall not be operated in a manner that presents an undue risk to a person or property, such as:
 - a. Using the X-ray device to scan people; and
 - b. Purposely pointing the X-ray device at anyone.



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3. Upon completion of using the X-ray device, it shall be returned to the EDCT Sergeant's office prior to the end of the operator's shift.
 - a. The X-ray device shall be stored in the EDCT Sergeant's office when not in use.
4. Upon making contact with an individual who may claim ownership of the property to be scanned by Department personnel, the operator shall adhere to the privacy rights of individuals as established by the United States Constitution and the New Mexico Constitution, including the Fourth Amendment and applicable federal, state, and local laws, consistent with SOP Execution of a Search Warrant and SOP Search and Seizure Without a Warrant. This is done to enhance public trust and promote constitutional policing.

REDLINED



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B. Form(s)

None

C. Other Resource(s)

49 C.F.R. Part 15 Protection of Sensitive Security Information

49 C.F.R. Part 1520 Protection of Sensitive Security Information

VIKEN Detection: HBI Backscatter Imager User's Guide Revision 3.0 (June 2020)

D. Rescinded Special Order(s)

None

2-114-1 Purpose

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C. Operators

EDCT personnel who have completed received the required X-Ray X-ray device training.

7

2-114-4 Procedures

A. Training Requirements

1. The ~~X-Ray~~ X-ray device shall only be deployed by a trained X-ray device operators trained in the use and operation.
2. Operators shall receive additional mandatory training following a system upgrade or policy change.

B. General use of the ~~X-Ray~~ X-ray Device device

N/A

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- a. The ~~X-Ray~~ X-ray device shall be stored in the EDCT Sergeant's office when not in use.
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