



GENERAL ORDER

No. 534

Subject: Body Worn Cameras		
Issuing Authority: Chief of Police	Effective Date: 05/20/2024	Cancel Date: 06/01/2016
NYS Accreditation Standards:		

- I. **PURPOSE:** The purpose of this policy is to establish procedures for the use of body worn cameras by officers of the Village of North Syracuse Police Department.
- II. **POLICY:** It is the policy of the Village of North Syracuse Police Department to, whenever possible, use body worn cameras to document officer's interaction with the community to include, but not limited to, all enforcement related activities, order maintenance, conflict resolution, or any other officer and/or citizen-initiated interaction. Body worn cameras can improve documentation and evidence collection, increase transparency during citizen encounters, strengthen internal and external accountability, provide training opportunities, enhance officer safety, and provide an objective documentation of an incident.
- III. **DEFINITIONS:**
 - A. **Body-Worn Cameras (BWC)** – small cameras, typically attached to an officer's clothing, helmet or sunglasses that maximize a camera's ability to capture a video and audio record of the officer's law enforcement activities.
 - B. **Agency Administrator** – An agency administrator has full access to and user rights within the data storage system. He or she can assign and track equipment, control passwords, oversee needed repairs, delete non-evidentiary recordings, conduct audits and quality control reviews and act as a liaison with BWC representatives.
 - C. **Enforcement Related Activity** – Situations during an officer's official duties that include, but are not limited to:
 1. Calls for service.
 2. Police/citizen contacts.
 3. Traffic Stops.
 4. Search warrants.
 5. Arrests.
 6. Investigatory activities.
 7. Confrontational/adversarial citizen contacts.
 8. Any situation where recording would be beneficial to the officer or the agency.
 - D. **Interactions** - An interaction with the community will be considered any form of in-person communication or direct involvement with member(s) of the community within that an officer reasonably believes would require them to act within the context of their official duties.
- IV. **PROCEDURES:**
 - A. **GENERAL**

1. At the beginning of the shift, officers shall retrieve a BWC from the charging rack, if not issued, and log on to the camera using the designated software and computer. The officer must also pair the BWC up with their assigned patrol vehicle's camera, if applicable. At the end of each shift, the officer will place the used camera in a charging/data download rack.
2. Body-worn cameras shall be worn by uniformed officers in a manner that maximizes the camera's ability to capture video footage of the officer's activities and is not blocked by any other equipment or garments.
3. Police personnel shall only use BWC's issued or approved by the agency.
4. Officers may choose to notify subjects that they are being recorded, if they believe doing so would further their law enforcement objectives; however, New York State law only requires that one party consent to a recorded contact.
5. All agency personnel who will use or otherwise be involved with BWC's shall receive training to include, but not limited to:
 - a. Activation.
 - b. Deactivation.
 - c. Upload procedures.
 - d. Proper maintenance.

B. RECORDING

1. Officers (primary and any back-up officers) shall activate their BWC audio and video functions prior to engaging in any enforcement related activity while the officer is on duty (they are encouraged to engage their cameras upon dispatch/response) unless:
 - a. There is an immediate threat to the officer's safety, making BWC activation an impractical step delaying an officer's safety action.
 - b. Turning on the body worn camera would be impracticable and place the officer in a tactical disadvantage.
 - c. When activating the BWC could delay an officer's response to the safety needs of a citizen during a critical incident.
 - d. During the course of activation, the BWC malfunctions.

NOTE: If any of the above incidents occur, rationale outlined in section a-d above shall be documented and explained.

2. Officers should also document in all reports the presence of video captured by a BWC during the course of any enforcement related activity.

NOTE: BWC recordings are not a replacement for written reports.

3. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

C. DISCRETIONARY RECORDING

1. Officers shall have the latitude to continue or discontinue recording in situations where a legitimate law enforcement interest outweighs an individual's reasonable expectation of privacy. Situations include, but not limited to:
 - a. Conversations with confidential informants.
 - b. Conversations with all law enforcement personnel that involve case tactics or strategy.
 - c. Supervisory discussions.
 - d. Outside agency consult (CPS, Hospital Staff, DSS; where sensitive information may be discussed).
 - e. A potential witness who requests to speak to an officer confidentially or desires anonymity.
 - f. A victim or witness who requests that he or she not be recorded and the situation is not confrontational.
 - g. A victim who requests that they not be recorded as a condition of cooperation and the interests of justice require such cooperation.
 - h. Officers should attempt to avoid recording people who are nude or when sensitive human areas are exposed unless considerations are outweighed by a legitimate law enforcement interest.
 - i. When victims or witnesses are reluctant to provide testimony while the officer's BWC is recording to include but not limited to interviewing a sexual assault victim, a young child, or a person who is in a state of undress or being present in a locker room or bathroom facility where there is an expectation of privacy. (Nudity or partial undress that is associated with an incident under investigation such as fighting, assaulting or menacing an officer or other person may be recorded.)

D. DEACTIVATION OF RECORDING

1. Officers shall have the discretion to terminate the recording when the enforcement related activity has concluded.
2. If a BWC has been activated, and during the course of the enforcement related activity, the legitimate law enforcement interest for recording no longer outweighs an individual's reasonable expectation of privacy, the officer shall document either in writing or verbally on camera the reason for deactivating.
3. When explosive devices are present, radio waves or the BWC could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

E. Restriction of Using BWC

1. BWCs shall only be used in conjunction with official law enforcement duties. Officers may not use the BWC to record in the following situations unless there is an immediate law enforcement need, or they are directed by supervisory personnel:

- a. Communications with other police personnel, including but not limited to roll-call briefings, supervisory counseling sessions, or internal discipline. This is not referencing on-scene discussions during the course of an investigation.
- b. Encounters with undercover officers or confidential informants.
- c. Personal activity, both on and off-duty. Officers may not possess the Body Worn Camera, associated equipment, or accessories while off-duty.
- d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room. Every effort should be made to ensure that BWC are turned off inside law enforcement facilities such as police stations, a jail or booking facility and courts during official judicial proceedings unless it is necessary to record interactions with subject or if authorized by a supervisor.
- e. Any training personnel receive or take part in, such as firearms, defensive tactics or classroom sessions, unless authorized by the Chief of Police.

F. RECORDING STATEMENTS

1. Proper documentation shall be made anytime the BWC captures a video statement from a suspect. The video statement shall not take the place of a written statement where applicable.
2. If an officer is in an approved interview room with audio-visual recording, which is functioning properly, the BWC shall be turned off.

G. REQUIRED DOCUMENTATION

1. CPL 710.30 form, when necessary. Failure to notify the District Attorney's Office of the recorded interview could prevent its use in court.
2. Failure to record when legitimate law enforcement interest is present.
3. If an officer fails to activate the BWC, fails to record the entire contact, interrupts the recording, or the BWC malfunctions, the officer shall document in writing:
 - a. Why a recording was not made.
 - b. Why a recording was interrupted.
 - c. Why a recording was terminated.
4. Shift supervisors will review all necessary documentation of an officer's failure to record an incident.

H. STORAGE AND RETENTION

1. Officers shall be responsible for properly tagging each recorded event with the appropriate type or classification of activity as referenced below.
2. Downloads should occur at the end of the officer's shift, or any time the BWC storage capacity is nearing its limit.
3. Each agency, in coordination with the district attorney's office, shall establish a system to classify data based upon the type of event or incident captured in the recording. The recommended incident classifications are as follows:
 - a. Traffic enforcement. (Including warnings)

- b. Arrests.
- c. Driving While Intoxicated.
- d. Special Victims. (Domestic disputes, sexual assaults, child victim, etc.)
- e. Drugs/Narcotics.
- f. General Felony. (Assaults, Burglaries, Weapons, Mischief, Grand Larceny, etc.)
- g. General Misdemeanor.
- h. Transport.
- i. Field interview.
- j. Agencies may also wish to include categories that serve their administrative needs, in addition to those listed above. Those categories needed to document incidents that may or may not have been part of a criminal case. These may include:
 - i. Persons in Crisis.
 - ii. Internal Affairs.
 - iii. Officer Injuries.
 - iv. Use of Force.
 - v. Dealing with persons known to police.
 - vi. Other categories as determined by the agency and District Attorney's Office.

4. All BWC data relating to a criminal incident should be considered a digital record and processed in accordance with departmental policy.

5. Each data file will include searchable information including, but not limited to:

- a. Date and time the video was captured.
- b. Incident type.
- c. Incident number. (if applicable)
- d. Assigned officer.

6. Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a confrontational citizen contact); the officer should promptly notify a supervisor of the existence of the recording. The supervisor shall notify the system administrator so that the event can be properly preserved.

I. MEASURES TO PREVENT DATA TAMPERING

1. All video, audio and data captured by the BWC, irrespective of the content, are at all times the property of the Village of North Syracuse Police Department. Officers may not copy, publish, share or disseminate any audio, video, image or data to anyone except as authorized. Furthermore, officers may not edit, delete or alter any video or audio captured by the BWC.

2. The agency will maintain an audit system which shall monitor who accessed recorded data, when and for what purposes, if applicable.

J. RETENTION SCHEDULE

1. The retention schedule shall be in compliance with the minimum standards required by the New York State Archives. This shall include the minimum retention dates as follows (*note: NYS Archives local government retention and disposition schedule; CO-2, MU-1 and MI-1, require law enforcement data captured from a mobile recording device be retained for a minimum of six months regardless of whether or not the data is evidentiary or non-evidentiary*).
2. Records containing evidentiary value shall be retained for a minimum of six (6) months.
3. If a determination is made that video record has evidentiary value in an on-going investigation, court proceeding or appeals process, the data shall be retained through the pendency of the case.
4. The established retention schedule can be extended beyond the six (6) month minimum as necessary.
5. Records containing non-evidentiary data shall be retained for a minimum of six (6) months.
6. Any BWC data determined to have value in long term investigative, administrative, or civil proceedings should be appraised for archiving in accordance with applicable statutory timeframes.
7. If no extension of video data retention is required or requested, the recordings shall be destroyed as indicated above with approval from the Agency Administrator.
8. If a recording is deemed to be useful as a training tool, the recording may be kept for as long as practicable.

K. ACCESS

1. Officers will be permitted to review only video footage of an incident in which they were involved in for purposes of:
 - a. Conducting a criminal investigation.
 - b. Preparing for courtroom testimony or courtroom presentation.
 - c. Providing testimony pursuant to an administrative inquiry.
 - d. Assisting the officer in professional development.
2. In addition to the permitted access listed in Section K1, Supervisors may also review recordings as it pertains to:
 - a. Investigating alleged misconduct reports or meritorious conduct.
 - b. Whenever such recordings would be beneficial in reviewing an officer's performance.
 - c. Recordings that are of value as training tools.
 - d. Prosecutors will be permitted to review video footage as it pertains to their investigations.
3. Officers are not authorized to view BWC video prior to filing a report related to a use of force incident, as it is important to document the officer's perceptions based on their actual recollection of the incident.

4. An officer will be authorized to view a BWC recording of the incident immediately after their report has been written and filed. A follow-up supplement report may be filed by the supervisor, providing any explanations related to any discrepancies between the officer's recollection and the images on the video.
5. If an officer is suspected of serious wrongdoing, or involved in an officer-involved shooting, or other serious use of force, the Chief of Police reserves the right to restrict the officer and other personnel from reviewing the record. Due to the possibility of Grand Jury preparations, at no time shall an officer involved in such an incident be allowed to review the video file without authorization from the agencies liaison to the District Attorney's Office with concurrence of the Chief of Police.

L. PUBLIC DISCLOSURE OF DATA

1. Any and all disclosure of BWC data must be consistent with the agency's record release policy and applicable statutes regarding, but not limited to, evidence discovery and disclosure pursuant to the Freedom of Information Law (FOIL). Any requests for such data should be reviewed by the agency's legal advisor. FOIL fees may apply based on the municipal FOIL Fee Schedule.
2. If a FOIL request has been received and due to the material on the recording, redaction is required, a copy of the original recording will be made and any such redacting will be made to the copy only. The original recording shall not be redacted or modified in any way. Only those individuals authorized by the agency to copy and redact data may perform such tasks with additional fees included.
3. When BWC data is disseminated outside of the agency, the reason and identity of the authorized requesting person or agency and the rationale used for determining why or why not data is released, shall be documented.
4. Civilians shall not be allowed to review the recordings at any scene, unless exigent circumstances exist and in the furtherance of an investigation, it is safe to do so.

M. MAINTENANCE

1. Body-worn cameras equipment should be inspected by the member prior to each shift and should be used with reasonable care to ensure proper functioning. Equipment damage or malfunctions shall be brought to the attention of the member's supervisor as soon as possible and the unit should be taken out of service until any issues have been resolved.
2. Officers shall ensure the unit is properly charged before going into service.

N. EQUIPMENT MALFUNCTION PROCEDURES

1. When equipment is inoperable, it should be exchanged for operable equipment at the earliest opportunity.
2. Officer will leave written notification for the Agency Administrator at the end of their shift of any equipment malfunctions.

O. AGENCY ADMINISTRATOR DUTIES

1. Agencies shall designate an Agency Administrator to have oversight of responsibilities to include, but not limited to:
 - a. Ensuring proper procedures are followed in the downloading, review, release, and retention of BWC data.

- b. Conducting periodic reviews of retained video data to ensure it has not been tampered with.
- c. Coordinating with IT regarding system related issues.
- d. Coordinating maintenance and repairs for the BWC.
- e. Conducting an annual review of the policy and procedures contained herein and for making recommendations for any necessary amendments thereto.
- f. Coordinating a review of videos scheduled for destruction.