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ALBANY, NEW YORK

POLICE DEPARTMENT

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1789

BODY WORN CAMERAS GENERAL ORDER NO: 3.2.15

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PURPOSE: The purpose of this policy is to establish procedures for the use of the Body Worn Camera (herein after referred to as BWC) utilized by sworn personnel. This Department currently utilizes the **TBD** BWC System.

POLICY: It is the policy of the Albany Police Department that personnel shall utilize BWC's, and the resulting video/audio files, in a manner that is in accordance with applicable laws and the procedures set forth in this policy. BWC video/audio recordings have proven to be a valuable tool in the prosecution of traffic and criminal offenses, the collection of evidence, the documentation of a subject's action, as well as an investigative aid, and as a training aid to enhance officer performance and safety. BWC are also a tool to ensure accountability and **transparency**. In order to maximize the utility of this equipment in these and related areas, officers shall follow the procedures set forth in this policy.

DEFINITIONS: **Body Worn Camera** – Body worn camera means audio/video recording equipment to be worn on an officer's person.

I. **TBD** BWC TRAINING

A. All sworn members of this department shall be trained on the BWC prior to usage.

B. This training should include but not be limited to:

1. Usage;
2. Limitations;
3. Activation;
4. Deactivation; and
5. Retention/request periods.

C. All sworn supervisors shall also receive training in relation to the usage of reviewing capabilities for administrative purposes.

1. Supervisors will be required to complete monthly audits of each officer

under their command.

II. BWC ASSIGNMENTS

- A.** All officers working in a patrol and traffic safety capacity shall be required to wear a BWC during the entirety of their shift.
- B.** All Neighborhood Engagement Unit (NEU) officers shall be required to wear a BWC during the entirety of their shift.
- C.** All detectives and officers assigned to plain clothes patrols shall be required to wear a BWC while engaged in field operations.
 - 1.** This is to include personnel assigned to D.A.R.T.
- D.** Officers working with a K-9 partner and while engaged in an enforcement action.
- E.** Extra BWC's and batteries will be kept at stations if the need arises to replace a defective or malfunctioning BWC.
- F.** Prior to use, all BWC's shall be tested by the user to ensure proper functioning.
 - 1.** If a BWC is malfunctioning, a supervisor is to be notified and a BWC repair request shall be completed.

III. USES OF THE BWC

- A.** BWC's shall be utilized in the following situations:
 - 1.** All calls for service, unless outlined in Section III B;
 - 2.** When in emergency operation mode;
 - 3.** All pursuits;
 - 4.** All enforcement actions, to include but not limited to:
 - a.** Arrests;
 - 1) BWC can be turned off once in Central Booking
 - b.** Traffic stops;
 - c.** Street encounters; and
 - d.** Foot pursuits.
 - 5.** When administering Standardized Field Sobriety Tests;
 - 6.** Any situation the officer feels is appropriate, unless prohibited by law or this policy;
 - 7.** Any situation at the direction of a supervisor;
 - 8.** Prisoner transports; and
 - 9.** Show ups or other identification procedures.

B. BWC's shall not to be utilized for the following:

1. To deceitfully record other department personnel;
2. To ridicule or embarrass anyone;
3. In a manner that violates law or where prohibited;
4. When interviewing sexual assault victims or juvenile victims;
5. Routine Patrol;
6. For internal police conversations(locker room, squad room, bathroom etc);
7. Other law enforcement meetings;
8. Meetings with advocacy groups, unless enforcement action is necessary;
9. Situations when entering personal residences for routine calls and requested not to record by occupants, unless enforcement action is necessary; and
10. Traffic control posts, unless enforcement action is necessary.
11. Personal use

C. BWC's may be utilized in these situations, at the discretion of the officer or supervisor:

1. When speaking with informants or other sources;
2. Undercover operations (drug buys, surveillance operations, etc);
3. When completing reports when no longer with civilians;
4. Interviewing victims/complainants in a police facility;
5. Snow emergency details;
6. General community policing functions (CPTED and security surveys, bike rodeos, etc);
7. Community meetings;
8. Routine walk up requests (giving directions or other information); and
9. During special events, unless enforcement action is necessary.

IV. GENERAL PROCEDURES

A. Criminal uses of BWC data.

1. Evidence;
2. Statements;
3. Miranda warning documentation;
4. TBD

B. Administrative uses of BWC data.

1. Review of data for reports and statements;
2. Departmental investigations;
3. TBD

C. Maintenance and inspections of BWC

- D. Once activated, the BWC shall record the entire incident until completion unless directed otherwise by a supervisor or is outlined in this policy.
- E. Personnel shall inform parties they are being recorded if requested.

V. AUDIO/VIDEO FILE PRESERVATION

- A. Personnel shall request that specific audio/video files be preserved by submitting an Albany Police Department BWC Preservation Form, APD Form # shown on page of this order, to the Office of Professional Services via departmental mail.
- B. Officers may request that multiple digital/audio files from one work shift be preserved by listing the specific incidents to be preserved on one form.
- C. If an officer makes a request for video/audio captured from their unit and there is video/audio captured of the same incident by another unit, another request for file preservation must be done for the other unit's video/audio files.
- D. Officers must request that digital video/audio files be preserved in the event of:
 - 1. An arrest or unusual and/or critical incident;
 - 2. An injury to an officer and/or subject;
 - 3. The receipt of a FOIL request;
 - 4. The receipt of a civilian complaint and/or notice of claim;
 - 5. The receipt of a notice from any prosecutorial agency, presentment agency, or from court personnel;
 - 6. Incidents that may provide training or evaluative opportunities; or
 - 7. At the direction of a supervisor.
- E. BWC files shall not be altered by Department personnel in any manner, and will be preserved as captured. All digital video/audio files are the property of the Albany Police Department, and are not to be released or displayed without the consent of the Chief of Police or his/her designee.

VI. AUDIO/VIDEO FILE STORAGE AND RETENTION SCHEDULE

- A. The captured video/audio files will be temporarily stored on a secured memory unit, then uploaded from the BWC to a secure server. These files will be stored on a secure department server accessible by Office of Professional Standards (OPS) detectives, Computer Technology Unit (CTU) technicians, and sworn supervisors.
- B. All downloaded digital audio/video files are scheduled to be held for a period of one hundred twenty (120) days on the department server, unless a request is received for further retention of the file.
- C. Digital video/audio files that have been requested for preservation shall be transferred to DVD by a detective assigned to OPS or in his/her absence by a

media technician assigned to CTU.

1. The OPS detective or CTU technician shall also create a master copy which will be processed as evidence, as per current evidence directives.
- D.** Digital video/audio files that have been preserved shall not be released to any person or agency without prior approval from the Chief of Police or his/her designee, and only after a duplicate copy has been retained by OPS.

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