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1789

BODY WORN CAMERAS
GENERAL ORDER NO: 3.2.15

Issue Date: Draft	Effective Date: Draft
Revision Date: Draft	CALEA: 41.3.8
Volume 3: Operations	Chapter 2: Uniforms and Equipment
Distribution: Sworn & CTU Personnel	NYSLEAP: N/A
Issuing Authority: Acting Chief Robert Sears	Page: 1 of 6

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. General

- A.** Employees shall only use a BWC system that has been issued and approved by the department.
- B.** No BWC shall be accessed, viewed, copied, disseminated, or otherwise used by a sworn or non-sworn employee, except for an official purpose specified in this directive.
- C.** When not in use, BWC's shall be stored in the designated docking stations at the station of assignment. The docking stations allow for the units to be charged and for the download of events to the BWC server.
- D.** No employee shall wear or operate a BWC unless they:
 - 1.** Have been authorized to do so by the Chief of Police; and
 - 2.** Have received training on the proper care and use of the device in

accordance with department policy.

a. This training should include but not limited to:

- 1) Usage;
- 2) Limitations;
- 3) Activation;
- 4) Deactivation;
- 5) Review;
- 6) Placement; and
- 7) Retention/request periods.

3. 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.
2. First line supervisors must review two (2) separate videos per officer/per month for the purpose of identifying training needs and or compliance with department policy and procedure.

E. Employees assigned BWC are responsible for ensuring the BWC remains in a position to allow the recording of an encounter or incident and is in good working order.

1. Prior to beginning shift, personnel assigned a BWC will ensure its readiness by conducting an operational inspection. Personnel shall also inspect BWC's at the conclusion of each shift to ensure system integrity.
2. When conducting the pre and post shift inspection, the officer shall activate the BWC and verbally state the date, time and whether a pre or post shift inspection is being conducted, and that a test is being performed on the unit.
3. Any problems preventing the use of the unit during the shift will be reported to the officer's immediate supervisor and a notation made in the station blotter.
4. Officers will dock their BWC for download to the BWC docking station upon completion of their shift and prior to making relief.

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 or active enforcement actions.

1. This is to include personnel assigned to D.A.R.T.
- D. Officers working with a K-9 partner shall utilize a BWC 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. The decision to electronically record an encounter is not discretionary and shall be limited to circumstances requiring activation as outlined in this general order. Personnel shall activate their BWC without unnecessary delay upon being dispatched, in the case of self-initiated events prior to citizen engagement, and/or immediately upon observing circumstances supporting constitutional justification, when feasible.
- B. If an officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the officer shall document in an Investigation Report why a recording was not made, was interrupted, or was terminated
- C. BWC's shall be utilized in the following situations:
 1. All calls for service, unless outlined in Section III B;
 2. When in emergency vehicle 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.
 - e. Any use of force situation
 5. When administering Standardized Field Sobriety Tests;
 6. Any situation the officer feels that the activation of the BWC would serve a legitimate law enforcement purpose, unless prohibited by law or this policy;
 7. Any situation at the direction of a supervisor;
 8. Prisoner transports; and
 9. Street level "show up" identification procedures.

10. Recordings captured on BWC's that are uploaded to the BWC server shall be tagged in the most appropriate category, to include:

- a. Arrest;
- b. Traffic stop;
- c. Use of force;
- d. Show-up identification procedure;
- e. Miscellaneous; and
- f. Pre/post shift test.

D. 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 obvious 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

E. 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.

F. If a BWC is utilized, it shall be documented on the report completed associated with the call, i.e. SIR, Contact Card.

IV. GENERAL PROCEDURES

- A. Prior to BWC footage being uploaded to the BWC server, the officer may review the footage for the purposes of completing any reports associated with the call, unless directed not to by a supervisor.
 - 1. Personnel are only allowed to review the footage captured on their assigned BWC.
- B. Upon approval by Command Staff, Training personnel may be able to review BWC footage for the purpose of identifying training needs.
- C. Criminal uses of BWC data.
 - 1. Evidence;
 - 2. Statements' Oral admissions;
 - 3. Miranda warning documentation;
- D. Administrative uses of BWC data.
 - 1. Review of data for reports and statements;
 - 2. Departmental investigations;
 - 3. Training purposes
- E. Maintenance and inspections of BWC
- F. Once activated, the BWC shall record the entire incident until completion unless directed otherwise by a supervisor or is outlined in this policy.
- G. 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 and/or critical incident;
 - 2. An injury to an officer and/or subject;
 - 3. Use of force situation;

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 the individual BWC device until downloaded to a cloud based storage solution at the end of each shift.
- B. All downloaded digital audio/video files are scheduled to be held for a period of one hundred twenty (180) days, unless the video is tagged for retention as outlined in section V-D or a request is received for further retention of the file.
- C. 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. All FOIL requests will be processed according to current departmental and city directives.
- D. All requests for access to the video files by outside parties will be administered through the Office Professional Standards. Access to the video files will be determined by applicable laws.