


State University Police Department

	SUBJECT Body Worn Camera Policy	GENERAL ORDER NUMBER 441.70
	DCJS STANDARDS	EFFECTIVE DATE 2/27/2020
	IACLEA STANDARDS	REVISION DATE
	CALEA STANDARDS	REVIEW DATE
	APPROVAL Daniel M. Vasile, Chief of Police <i>Daniel M Vasile</i>	

1. POLICY

It is the policy of The New York State University Police that officers shall activate the Body Worn Camera (BWC) when such use is appropriate for the proper performance of their official duties and where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations. The Body Worn Camera equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of this agency.

2. PURPOSE

This policy is intended to provide officers with instructions on when and how to use Body Worn Cameras so that officers may reliably record their contacts with the public in accordance with their official duties and the law. The New York State University Police respects the privacy of community members and takes pains to balance privacy against safety needs. Cameras are a tool that assist University Police in maintaining order and fostering a proper learning and living environment. By visually and audibly recording certain interactions by members and the public for official law enforcement purposes cameras protect community members by serving as deterrents to inappropriate behavior and police officers from false accusations .

3. OBJECTIVES

- a. Body Worn Cameras allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
- b. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.



State University Police Department

- c. The Body Worn Camera may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

4. PROCEDURE

a. Training

- a. Police personnel who are assigned Body Worn Cameras must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

b. Use

- a. Body Worn Cameras shall be used only in conjunction with official law enforcement duties or other official activities and in conjunction with Department Policy and Procedure.
- b. Prior to roll call retrieve the assigned Body Worn Camera from the docking station and:
 - 1. Inspect the Body Worn Camera to ensure that the battery is fully charged and the device is operational. Officers shall inspect and test the Body Worn Camera prior to each shift in order to verify proper functioning and shall immediately notify their supervisor of any problems
 - 2. Position the Body Worn Camera on the outermost garment to facilitate the optimal recording field of view, normally in the center of the chest, using the mounting hardware provided.
- c. Body Worn Camera equipment is the responsibility of each individual officer and will be used with reasonable care to ensure proper functioning.



State University Police Department

- d. Utilize the Department issued and authorized Body Worn Camera only when on-duty to record official activity.
 - 1. The use of any non-department issued recording device is strictly prohibited.
 - e. Immediately notify the shift supervisor if at any point during your tour of duty the Body Worn Camera is not functioning properly, becomes damaged or is otherwise inoperable or lost. This notification shall be made verbally and documented in writing.
 - f. At the end of the tour the Body Worn Camera is to be returned to and properly stored in its assigned docking station for transfer.
 - g. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
- c. Notice to the public that a Body Worn Camera is in use.
- a. As soon as is reasonably practical, notify members of the public that the interaction is being recorded, unless notification could compromise the safety of any person or impede an investigation.
 - 1. Suggested notification: "Sir/Ma'am I am wearing a body camera and this encounter is being recorded."

Consent is not required to start or continue recording.

- d. When and How to Use the Body Worn Camera
- a. Officers shall activate the Body Worn Camera as soon as is feasible and safe to do so after taking necessary police action to preserve human health and safety. At no time should proper tactics be compromised to begin a recording.
 - b. Officers shall activate the Body Worn Camera to record all contacts with the public in the performance of official duties.



State University Police Department

- c. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or the individuals.
 - d. The Body Worn Camera shall remain activated until the investigative or enforcement action is completed in order to ensure the integrity of the recording unless the event moves into an area restricted by this policy. (see Section e – I, items 1-5)
 - e. If an officer fails to activate the Body Worn Camera, fails to record the entire contact, or interrupts the recording, the officer shall document, in writing, why a recording was not made, was interrupted, or was terminated.
 - f. Civilians shall not be allowed to review the recordings at the scene.
- e. Restrictions on Using the BWC
- a. BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:
 - 1. Communications with other police personnel without the permission of the Chief of Police;
 - 2. Performance of administrative duties or non-enforcement functions;
 - 3. Departmental meetings or training;
 - 4. Encounters with undercover officers or confidential informants;
 - 5. Interviewing the victim of a sex crime, as soon as the nature of the event becomes apparent;
 - 6. Strip Searches;
 - 7. When on break or otherwise engaged in personal activities;
 - 8. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.



State University Police Department

- f. Documentation of Body Worn Camera recorded event
 - a. Upon completion of a recorded event use the Body Worn Camera management system software to “categorize” or “tag” the nature of the event using the drop-down menu provided.
 - b. When preparing a written report a notation will be made in said written report stating that the event has been captured on a Body Worn Camera recording and list the names of all members present who also may have recorded the event. However, Body Worn Camera recordings are not a replacement for written reports.
- g. Viewing of Body Worn Camera Recordings.
 - a. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Chief of Police or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes
 - b. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner Body Worn Camera recordings without prior written authorization and approval of the Chief of Police or their designee.
 - c. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or their designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
 - d. In the performance of their duties members may view the following Body Worn Camera recordings:
 - 1. Their own Body Worn camera recordings;
 - 2. Body Worn Camera recordings of other members, if the viewing is in furtherance of an investigation, preparation of a case or other official purpose.



State University Police Department

- e. If an officer is the subject of a criminal investigation, official administrative investigation, suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force incident, or is a witness to such events, the department reserves the right to limit or restrict an officer from viewing their video file. However, prior to making a statement or interrogation in any formal Disciplinary Process the member and or witness will be allowed to view their own recordings at a time and place deemed appropriate by the supervisor in charge of the investigation.

5. ADMINISTRATIVE AND SUPERVISORY FUNCTIONS

- a. Inspect members who are using Body Worn Cameras to ensure that they are properly affixed to their uniform or outermost garment and functioning properly.
- b. Ensure that officers equipped with Body Worn Cameras utilize them in accordance with the policy and procedures defined herein.
- c. Periodically and randomly review Body Worn Camera video to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy.
- d. Periodically review Body Worn Camera video to be able to provide positive feedback and address any performance deficiencies observed and identify any areas in which additional training or guidance is required.
- e. Ensure that proper notations are being made in written reports regarding the activation and availability of Body Worn Camera recordings, not only of the recordings of the investigating officer but also listing the names of all members present who also may have recorded the event.
- f. In the event that a member is involved in an officer involved shooting or other serious use of force incident the supervisor on scene shall, in addition to other necessary actions, obtain and secure the Body Worn Cameras from the members present that may contain relevant video and document which officer had each camera.



State University Police Department

6. STORAGE

- a. All Body Worn Camera files** shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, Body Worn Camera identifier, and assigned officer.
- b. All images and sounds recorded by the Body Worn Cameras are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
- c. All access to Body Worn Camera data (images, sounds, and metadata) must be specifically authorized by the Chief of Police or their designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- d. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

**For the purpose of this document, the term "files" refers to all sounds, images, and associated metadata