



# Norwich Police

General Order: 512

Subject: **Body-worn Camera Systems** [revised: 12/01/2019]

Authority: RV Marsh, Police Chief

Date: 03/30/2017

- I. **PURPOSE:** The purpose of this order is to establish uniform guidelines for the use of body-worn cameras (BWC's), so that members of the Norwich Police Department may reliably record their contacts with the public.
- II. **POLICY:** It is the policy of the Norwich Police Department that Officer's will activate the body-worn camera (BWC) when such is appropriate and within the proper performance of his or her official duties and when the recordings are consistent with this policy and the law. This policy does not govern the use of surreptitious recording devices used during undercover operations.
- III. **OBJECTIVES:** The Norwich Police Department has adopted the use of the BWC to accomplish several objectives, including but not limited to the following:
- A. BWC's allow for accurate documentation of police officer-public contacts, arrests and critical incidents. They also serve to enhance the accuracy of police officer reports and testimony in court.
  - B. Audio and video recordings enhance our ability to review probable cause for arrest, Officer and suspect interaction, evidence for investigative and prosecutorial purposes and to provide additional information for officer training.
  - C. BWC's may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
- IV. **DEFINITIONS:**
- A. **"Body-worn Cameras"** (BWC) – small video cameras, typically attached to the Officer's outer most clothing, helmet or sunglasses that maximizes the cameras ability to capture video and audio data of a police officer's law enforcement related activities.
  - B. **"Agency Administrator"** – Agency Administrators have 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. The Chief of Police and the Deputy Chief of Police will be the Agency Administrators for the Norwich Police Department.
  - C. **"Enforcement Related Activity"** – Situations during an officer's official duties that include, but are not limited to:
    - 1. Calls for service;
    - 2. Traffic stops;
    - 3. Vehicle and foot pursuits;
    - 4. Vehicle searches;
    - 5. Search warrants;
    - 6. Use of force situations;

7. Arrests;
8. Investigatory activities; and
9. Confrontational/adversarial citizen contacts

## **V. PROCEDURES:**

### **A. Training:**

1. Officers will only use BWC's issued or approved by the Chief of Police or his designee.
2. Officers will not utilize the BWC recording system until they have received the proper training, which will consist of, but not limited to:
  - I. A review of the system, its functions, proper usage, activation and deactivation;
  - II. A review of the user manual and Norwich Police Department policy governing its use;
  - III. A hands-on review of the BWC recording system;
  - IV. The retention, the storage features and procedures for placing data into evidence.

### **B. Placement:**

Officers shall wear the BWC on or near the center of their uniform shirt, jacket, or outer most garment, utilizing one of the issued mounting devices. The BWC shall not be worn or attached to any other part of the uniform without approval from the Chief of Police or his designee. The BWC shall be worn in such a manner that it is not covered nor obstructed by clothing or other equipment.

### **C. Operational Procedures:**

1. Anytime the BWC is used, it shall be properly documented on any citation and/or written reports that are generated due to the incident or encounter. BWC recordings are not a replacement for written reports.
2. Whenever it is possible to do so, the BWC will be utilized to record all enforcement related activity while the officer is on duty, unless:
  - I. There is an immediate threat to the Officers safety;
  - II. Turning on the BWC would be impracticable and place the Officer in a tactical disadvantage;
  - III. When activating the BWC could delay an Officer's response to the safety needs of a citizen during a critical incident; or
  - IV. During the course of activation, the BWC malfunctions.
3. Officers will obtain consent prior to recording interviews with non-confrontational crime victims, crime witnesses and/or members of the community who wish to report or discuss criminal activity in their neighborhood, but who may be reluctant to speak on camera.
4. Officers may record individuals who are picketing or engaged in a peaceful protest or demonstration.
5. Once the BWC has been activated, the recording shall not be terminated until the event in question has been concluded, the Officer has left the scene, or a supervisor has authorized (on camera) that a recording may cease. If for some unforeseen reason the recording is stopped, the Officer shall document the reason in the written incident report.
6. There will be times when, due to the complex nature of law enforcement work, exigent circumstances and the immediate safety of the Officer prevent the activation of the BWC. In these situations, the Officer shall document the reason for their inability to activate their BWC.

7. Anytime that an Officer uses the BWC to secure a video statement from a suspect, this too shall be documented in the appropriate incident report as well as on a CPL 710.30 Notice form when the Officer intends to use the video/audio recording in the prosecution of the defendant. The video statement shall not take the place of a written statement where applicable.
8. Officers may utilize their BWC while working a special detail outside of their normal schedule.
9. If an Officer fails to activate, chooses to terminate the BWC recording, or the BWC malfunctions when legitimate law enforcement interest is present, the Officer will articulate in a written report to their shift supervisor:
  - I. Why a recording was not made;
  - II. Why a recording was interrupted;
  - III. Why a recording was terminated.
10. Shift supervisor(s) or OIC's will review all necessary documentation of an Officer's failure to record an incident and will report the findings to the Deputy Chief of Police.

**D. DISCRETIONARY RECORDING:**

1. Officers have the latitude to continue recording in situations where a legitimate law enforcement interest outweighs an individual's privacy. Such situations include, but are not limited to:
  - I. To respect the dignity of others, Officers will try to avoid recording videos of person(s) who are nude or when sensitive human body parts are exposed;
  - II. The BWC shall not be used to record the Officer's personal activity;
  - III. The BWC shall not be activated in places where a reasonable expectation of privacy exists, such as dressing rooms, restrooms, in hospital/emergency room settings where sensitive patient information is in plain view, or any other location where the use of recording devices is prohibited;
  - IV. Officers are prohibited from recording other agency personnel during routine, non-enforcement-related activities unless recording is required by a court order or is authorized as part of an administrative or criminal investigation;
  - V. Officers are prohibited from recording inside any court room or building of the New York State Unified Court System;
  - VI. Officers shall not record conversations with other law enforcement personnel that involve case tactics or strategy;
  - VII. Officers shall not record undercover officers and/or confidential informants;
  - VIII. Officers shall not record victims of sex crimes;
  - IX. Officers shall not record strip searches of suspects;
  - X. A victim who requests that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation;
  - XI. A victim or witness who requests that he or she not be recorded, and the situation is not confrontational;
  - XII. When explosive devices are present, radio waves of the BWC could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.
2. If a BWC has been activated and during the course of an enforcement related activity the legitimate law enforcement interest for recording no longer outweighs an individual's privacy, the

Officer will document in writing and, if possible, verbally on camera the reason for deactivating the BWC.

3. Any Officer found to be utilizing the BWC in violation of this policy will be subject to the disciplinary process.

#### **E. EVIDENTIARY PROCEDURES:**

1. At the end of each daily shift, Officer's shall connect their BWC to the Axon Docking Station. Once docked, the BWC's will automatically begin uploading the videos recorded during the most recent shift. Recordings will be uploaded to the Evidence.com cloud-based storage system.
  - A. Once the Officer's video evidence has been fully uploaded to Evidence.com, Officers will log into Evidence.com using their username and password.
  - B. Officers are responsible for ensuring that each of their videos are properly labeled with:
    - I. **Title:** *NPD Case number*
    - II. **ID:** *Officer's Badge number*
    - III. **Category:** *dropdown choices* – see **Addendum**
  - C. Officers shall ensure that all their BWC videos are properly labeled by the end of their last tour of duty, prior to their scheduled past days/days off.
1. The release of information requested through a public records request (FOIL) will be subject to the same statutory exemptions from disclosure as any other Norwich Police Department record.
2. Officers will not make copies of any recording for their personal use and are prohibited from using a recording device (such as a cellular telephone camera or secondary video camera) to record media from the BWC unit or Evidence.com.
3. Officers will immediately report any loss of, or damage to, any part of the BWC equipment via written notice to their immediate supervisor.
4. All video, audio and data captured by the BWC, irrespective of the content, are at all times the property of the Norwich Police Department. Norwich Police Department personnel may not copy, publish, share or disseminate any audio, video, image or data to anyone except as authorized by the Chief of Police or his designee. Furthermore, personnel may not edit, delete or alter any video or audio captured by the BWC without authorization of the Chief of Police or his designee.
5. Anytime an Officer reasonable believes a recorded contact may be beneficial in a non-criminal matter (e.g., a confrontational citizen contact), the Officer should promptly notify their immediate supervisor of the existence of the recording.

[revised: 12/01/2019]

#### **D. NORWICH POLICE DEPARTMENT'S REVIEW/ACCESS TO DATA:**

1. Digital recordings captured by the BWC shall not be randomly reviewed for the sole purpose of discipline. Supervisors may, in good faith, review digital recordings captured by an Officer in order to:
  - I. Investigate alleged misconduct reports or meritorious conduct;
  - II. Such recordings would be beneficial in reviewing an Officer's performance; and
  - III. Such recordings are of value as training tools.
2. Prosecutors will be permitted to review video, audio and data captured by the BWC as it pertains to their investigations.

3. A supervisor may review a specific incident contained in a digital recording for the purposes of training, critique, administrative inquiries or any other articulable reason.
4. A Norwich Police Department supervisor assigned to conduct an internal affairs investigation shall be provided access by a system administrator to view and download any digital recording(s) associated with the investigation being conducted.
5. Officers may review their own recordings and view any other shared digital recording from other Officers who were on the scene of an incident for the purposes of report writing, court preparation, administrative inquiry preparation and/or training purposes.
6. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video recording.
7. Any Detective assigned to a formal Norwich Police Department criminal investigation may review digital recording(s) of a specific incident. It is expected that the assigned Detective will review all available digital recordings as part of a complete and thorough investigation. *The request to view or download any digital recording associated with the investigation shall be made through an Agency Administrator.*

**E. PUBLIC DISCLOSURE OF DATA:**

1. Any and all disclosure of BWC data must be consistent with the Norwich Police Department'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 may be reviewed by the City Attorney.
2. When BWC data is disseminated outside of the Norwich Police Department, the reason and identity of the authorized requesting person or agency and the rationale used for determining why or why not data is released, will be documented.
3. Civilians will not be allowed to review the recordings at any scene.

**F. RETENTION SCHEDULE:**

1. The Norwich Police Department's retention schedule for the BWC digital data files shall be in compliance with the minimum standards required by the NYS Archives Records Retention and Disposition Schedule CO-2, which states:
  - I. All law enforcement data captured from a mobile recording device must be retained for a minimum of six months regardless of whether or not the data is evidentiary or non-evidentiary.
  - II. If a determination is made that video data has evidentiary value in an on-going investigation, court proceeding or appeals process, the data shall be retained through the pendency of the case.
  - III. The established retention schedule can be extended beyond the six-month minimum as necessary.
2. 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.

3. If no extension of video data retention is required, the recordings may be destroyed in accordance with the Norwich Police Department's retention procedures and with the approval from an Agency Administrator.
4. If a BWC recording is deemed to be useful as a training tool, the recording may be kept for as long as practicable.
5. Refer to **Addendum A** (attached to this policy) for a complete list of BWC digital data files retention schedule.

Acknowledge below:
