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Chief of Police

# ALBANY, NEW YORK

## POLICE DEPARTMENT

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1789

### MOBILE DIGITAL VIDEO/AUDIO RECORDING EQUIPMENT GENERAL ORDER NO: 3.3.10

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<b>Issuing Authority:</b> Chief Eric Hawkins	<b>Page:</b> 1 of 12

**PURPOSE:** The purpose of this policy is to establish procedures for the use of the Mobile Digital Video/Audio Recording Equipment (herein after referred to as Mobile DVRs) installed in Department Vehicles. This Department currently utilizes the Arbitrator Mobile DVR System and the COBAN Mobile DVR System.

**POLICY:** It is the policy of the Albany Police Department that personnel shall utilize Mobile DVRs, and the resulting video/audio files, in a manner that is in accordance with applicable laws and the procedures set forth in this policy. Mobile DVR 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 an investigative aid, and as a training aid to enhance officer performance and safety. In order to maximize the utility of this equipment in these and related areas, officers shall follow the procedures set forth in this policy.

#### I. ARBITRATOR MOBILE DVR

- A. When an officer is assigned as the operator of a police unit containing an Arbitrator Mobile DVR, the following shall be completed:
  - 1. Check the operability of the Mobile DVR at the beginning of every tour of duty as part of the daily unit inspection. This inspection shall be documented on an [Albany Police Department Daily Unit Inspection Sheet, APD Form # 333](#) shown on pages 10 and 11 of this order. During this inspection the following shall be completed:
    - a. The camera angle shall be checked to ensure that the camera is properly aimed;
    - b. The vehicle’s windshield shall be checked to ensure that it is clean and free of debris; and
    - c. The GPS antenna, located on the rear deck of the passenger compartment, shall be checked to ensure that it is free of any obstruction that might hinder its ability to communicate with the GPS satellites.

2. Officers shall then test the DVR video/audio recording capability to ensure that it will properly record by completing the following:
  - a. Login to the Mobile Data Terminal (MDT) and open the Arbitrator software application.
    - i. A “live video” screen will appear in the application showing the current camera angle and system control buttons.
  - b. Activate the vehicle’s light bar to the second position, ensuring that the camera is recording, and state the following:
    - i. The Date and Time;
    - ii. “System Test;”
    - iii. The Unit Number; and
    - iv. The Officer’s Name.
  - c. Stop the recording by use of the software or by holding the record button on the camera in for several seconds. Wait until the “busy” light turns off.
  - d. Exit the vehicle with the wireless microphone unit, push the talk button on the wireless microphone unit and state the following:
    - i. The Date and Time;
    - ii. “System Test;”
    - iii. The Unit Number; and
    - iv. The Officer’s Name.
      - 1) The wireless microphone unit must be removed from the charging station and powered on (toggle switch located on bottom) for the wireless record function to work.
      - 2) The wireless microphone must be powered on and clipped to the officer’s duty belt or worn on the officer’s clothing prior to the commencement of routine patrol.
      - 3) A bank of extra battery packs are available at each station.
  - e. Stop the recording by use of the software or by holding the talk button in on the wireless microphone for several seconds.
  - f. Press the auto zoom button on the camera once and ensure that the camera temporarily zooms in and then back out to a wider angle.
    - i. The automatic zoom feature shall be utilized when affecting a traffic stop to capture a close-up of the subject vehicle’s license plate.
    - ii. The camera will automatically zoom back out to capture a wider field of view.
    - iii. In order for this feature to work properly, the officer must ensure that the camera is properly aimed.
  - g. Complete the recording operability check by playing back the “test”

video/audio that was captured and ensure that the video and audio was captured.

3. If it is found during this inspection that the DVR is malfunctioning, the following shall be completed:
  - a. The officer's immediate supervisor and the Communications dispatcher shall be notified of the malfunction;
  - b. An entry shall be made in the station blotter;
  - c. An entry shall be made on the Daily Unit Inspection Sheet regarding the nature of the malfunction; and
  - d. If the unit or part of the unit is visibly damaged, the officer shall also complete an Intra-Departmental Correspondence (IDC) and a Standardized Incident Report (SIR) detailing the damage and any other pertinent facts.
4. In the event of a malfunction, the supervisor shall arrange for the Computer and Technology Unit (CTU) to inspect the unit.
5. If the unit requires servicing by Motorola, CTU shall arrange for the services required.
6. If the DVR is not able to be fixed and a reserve vehicle with an operable DVR system is available the officer will operate the reserve unit.
7. When the Mobile DVR first powers on (with the startup of the vehicle), the default setting automatically turns the interior microphone on. Officers may turn the interior microphone off during routine patrol, and back on as needed, via the Arbitrator software's on-screen menu.
8. The Arbitrator Mobile DVR will default to the standby mode after power-up and when not actively recording. However, once the camera has been activated to record from the standby mode, it will capture approximately thirty (30) seconds of video (only) prior to activation.

## II. COBAN MOBILE DVR

- A. When an officer is assigned as the operator of a police unit containing an COBAN Mobile DVR, the following shall be completed:
  1. Check the operability of the Mobile DVR at the beginning of every tour of duty as part of the daily unit inspection. This inspection shall be documented on an [Albany Police Department Daily Unit Inspection Sheet, APD Form # 333](#) shown on pages 10 and 11 of this order. During this inspection the following shall be completed:
    - a. The camera angle shall be checked to ensure that the camera is properly aimed;
    - b. The vehicle's windshield shall be checked to ensure that it is clean and free of debris; and
    - c. The GPS antenna, located on the rear deck of the passenger compartment, shall be checked to ensure that it is free of any obstruction that might hinder its ability to communicate with the GPS satellites.

2. Officers shall then test the DVR video/audio recording capability to ensure that it will properly record by completing the following:
  - a. Login to the COBAN terminal and initiate the COBAN software application.
    - i. A “live” video screen will appear in the application showing the current front and rear camera angles and system control buttons.
  - b. Activate the vehicle’s light bar to the second position, ensuring that the front camera is recording, and state the following:
    - i. The Date and Time;
    - ii. “System Test;”
    - iii. The Unit Number; and
    - iv. The Officer’s Name.
  - c. Start the rear camera recording by activating the recording directly from the application screen. Ensure that the rear audio also initiates with the activation of the rear camera and state the following:
    - i. The Date and Time;
    - ii. “System Test;”
    - iii. The Unit Number; and
    - iv. The Officer’s Name.
  - d. Stop the recording by use of the software or by holding the record button on the camera in for several seconds. Wait until the “busy” light turns off.
  - e. Exit the vehicle with the wireless microphone unit, push the talk button on the wireless microphone unit and state the following:
    - i. The Date and Time;
    - ii. “System Test;”
    - iii. The Unit Number; and
    - iv. The Officer’s Name.
    - 1) The COBAN system comes with two (2) wireless microphones. If a unit is being operated as a two (2) person unit, than the first wireless microphone shall be utilized by the primary officer, and the second wireless microphone shall be utilized by the secondary officer.
    - 2) When utilized as a two (2) person unit, both wireless microphones will need to have the above “test” steps completed.
    - 3) The wireless microphone unit must be removed from the charging station and powered on (toggle switch located on bottom) for the wireless record function to work.
    - 4) The wireless microphone must be powered on and clipped to the officer’s duty belt or worn on the officer’s clothing prior to

the commencement of routine patrol.

5) A bank of extra battery packs are available at each station.

- f. Push the “covert interview” button on the wireless microphone and ensure that the rear camera begins recording, the rear audio activates, and the COBAN terminal interface enters into privacy mode.
  - g. Stop the recording by use of the software.
  - h. Press the auto zoom button on the front camera once and ensure that the camera temporarily zooms in and then back out to a wider angle.
    - i. The automatic zoom feature shall be utilized when affecting a traffic stop to capture a close-up of the subject vehicle’s license plate.
    - ii. The camera will automatically zoom back out to capture a wider field of view.
    - iii. In order for this feature to work properly, the officer must ensure that the camera is properly aimed.
  - i. Complete the recording operability check by playing back the “test” video/audio that was captured and ensure that the video and audio was captured.
3. If it is found during this inspection that the DVR is malfunctioning, the following shall be completed:
- a. The officer’s immediate supervisor and the Communications dispatcher shall be notified of the malfunction;
  - b. An entry shall be made in the station blotter;
  - c. An entry shall be made on the Unit Inspection Sheet regarding the nature of the malfunction; and
  - d. If the unit or part of the unit is visibly damaged, the officer shall also complete an Intra-Departmental Correspondence (IDC) and a Standardized Incident Report (SIR) detailing the damage and any other pertinent facts.
4. In the event of a malfunction, the supervisor shall arrange for the Computer and Technology Unit (CTU) to inspect the unit.
5. If the unit requires servicing by Motorola, CTU shall arrange for the services required.
6. If the DVR is not able to be fixed and a reserve vehicle with an operable DVR system is available the officer will operate the reserve unit.
7. The COBAN Mobile DVR will default to the standby mode after power-up and when not actively recording. However, once the camera has been activated to record from the standby mode, it will capture approximately thirty (30) seconds of video (only) prior to activation.

### **III. USES OF THE ARBITRATOR AND COBAN DVR SYSTEMS**

**A. The Mobile DVRs shall be used to capture and record the following:**

1. All emergency mode responses to calls for service (when the light bar and/or siren is activated);
2. All vehicle pursuits;
3. All traffic stops and arrests resulting from traffic stops. While on a traffic stop, the remote microphone shall be recording audio at all times:
  - a. If an officer issues a UTT while their patrol unit's mobile DVR system is not recording due to mechanical failure, the officer shall indicate in the officer's notes section of the UTT that there is no video available.
  - b. When an arrest has Mobile DVR files associated with it, officers shall indicate such on the Arrest Record Report and on [APD Form # 375, DA Initial Document Transfer Check Sheet](#).
4. Standard Field Sobriety Tests administered to drivers believed to be intoxicated (when safe to do so);
5. The transportation of a prisoner, during which time the interior microphone must also be activated:
  - a. While utilizing the Arbitrator Mobile DVR, the camera shall be pointed back towards the prisoner.
  - b. While utilizing the COBAN Mobile DVR, the rear camera shall be activated. During which time, officers shall ensure that the rear microphone activates and begins recording, as well.
6. Any situation that the officer feels is appropriate to document, such as combative groups, unusual or critical incidents, personal injury auto accidents, frisk and searches incident to arrest, etc.;
7. Any situation at the direction of the supervisor;
8. Unless exigent circumstances exist, any street level contact with a citizen that involves an investigatory stop for the purposes of identifying potential criminal activity. In these cases the Mobile DVR should be turned on via the remote microphone pack. It is understood that these cases may only capture audio transmissions as the subject of the stop may be out of the range of the camera.
  - a. Unless asked, officers do not need to inform subjects that they are being recorded as long as the officer is part of the conversation.
  - b. If an officer is not part of the conversation, then they must inform subjects that they are being recorded (for example, two subjects placed in a unit equipped with a Mobile DVR wherein the officer is not present).
9. Record an incident until it is completed, unless directed by a supervisor.

**B. The Mobile DVR shall not to be utilized for the following:**

1. To deceitfully record other Department personnel;

2. To ridicule or embarrass anyone; or
  3. In a manner that violates statutory or case law.
- C. Recordings captured on department DVR systems shall be made available to requesting parties with standing to view them based on use for:
- a. Training purposes;
  - b. Administrative use;
  - c. Investigative purposes; and
  - d. Prosecution/defense attorney requests.
- D. During initial field training, Probationary Officers shall receive training on the use of mobile DVR equipment from their Field Training Officer.
- E. During the promotional process, newly promoted sergeants shall receive training from their Training Sergeant regarding the administrative uses of Mobile DVR systems.

#### **IV. GENERAL PROCEDURES**

- A. The camera systems will activate (record) under the following circumstances:
1. The record button on the front-facing camera is pushed;
  2. The record button on the software application is pushed;
  3. The light bar toggle switch is moved to the second or third positions;
  4. The talk button on the wireless microphone is pushed; or
  5. The vehicle exceeds a speed of 55 miles per hour.
    - a. Officers activating the camera system by exceeding 55 miles per hour shall not stop the recording until they have reached their destination.
    - b. If other conditions exist, as outlined in this policy, that mandate the camera to stay active (recording), the officer shall adhere to those guidelines for recording incidents.
- B. Officers may immediately review the captured video/audio files to assist them in completing reports, to assess their own performance, and for field training via the software application on the terminal.
- C. When possible, recovered evidence shall be displayed to the camera for evidentiary purposes (i.e. open containers, illegal substances, weapons).
- D. Officers shall not alter or tamper with the Mobile DVR software application or any mechanical component of the Mobile DVR systems. This does not include making the necessary adjustments to the front-facing camera, as outlined in this policy.
- E. The GPS feature is an integral part of the system in that it adds certain meta-data to the captured video, such as the GPS location of the police cruiser, speed of the police cruiser, if the light bar is activated, brake usage, and which microphone is recording.

## **V. AUDIO/VIDEO FILE PRESERVATION**

- A.** Personnel shall request that specific audio/video files be preserved by submitting an [Albany Police Department Mobile DVR File Preservation Form, APD Form # 431](#) shown on page 12 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.** Mobile DVR 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**

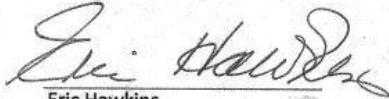
- A.** The captured video/audio files will be temporarily stored on a secured memory unit, then automatically uploaded from the Mobile DVR units when the units are in close proximity to Wireless Access Points (WAPs) located at each police station (and other locations throughout the city) and while the MDT is on. 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 thirty (30) 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.

## VII. REVIEW OF DVR DATA

- A. The media technician assigned to OPS shall be responsible for conducting quarterly audits of the Mobile DVR systems, which will include, but not limited to the WAPS, servers, recording media, and related equipment. The purpose of these audits will be to ensure the systems in place are properly and efficiently functioning.
1. These audits shall be documented on an IDC, delivered to the Chief of Police.
- B. The Commander of OPS, or his designee shall be responsible for conducting a review of DVR captured data quarterly.
1. The purpose of these reviews will be to ensure that department personnel are adhering to the procedures set forth above.
  2. The reviews will be a random sampling of all recording classifications to ensure compliance in all areas.
  3. The sample size should be based on the number of recordings per recording classification.
  4. The review shall be documented on an IDC, delivered to the Chief of Police.



Eric Hawkins  
Chief of Police



# DAILY UNIT INSPECTION SHEET

## TECHNOLOGY

(✓ = intact/functioning, NR = Needs Repair, NA = Not Applicable)

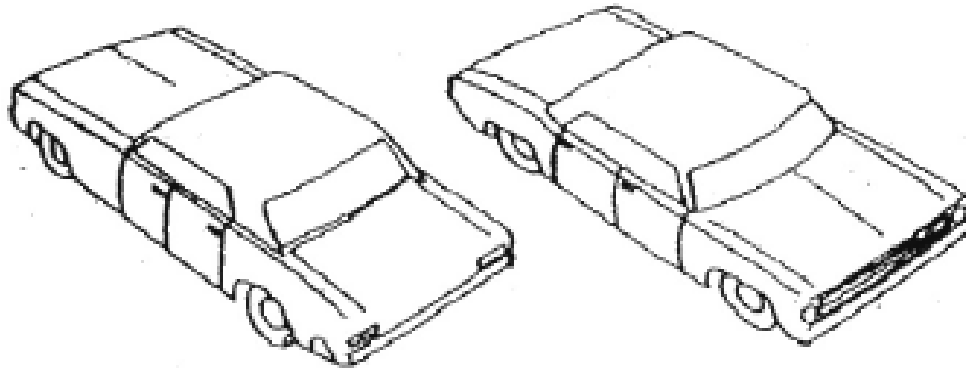
<u>LAPTOP</u>	YES	NO
SCREEN	_____	_____
KEYBOARD	_____	_____
TOUCH PAD	_____	_____
CABLES	_____	_____
MOUNT	_____	_____
SCANNER	_____	_____

<u>PRINTER</u>	YES	NO
ARM REST LATCH	_____	_____
USB CABLE	_____	_____
POWER CABLE	_____	_____
PRINTER MOUNTS	_____	_____

<u>MOBILE DVR</u>	YES	NO
CAMERA	_____	_____
INTERIOR MIC	_____	_____
MIC DOCK	_____	_____
EXTERIOR MIC	_____	_____

<u>LPR</u>	YES	NO
LPR CAMERAS	_____	_____
LPR START-UP GUIDE SHEET	_____	_____

<u>RADAR INSTALLED</u>	YES	NO
TUNING FORK (2)	_____	_____
REMOTE CONTROL	_____	_____
TRANSCIVER	_____	_____
ANTENNA (2)	_____	_____



**D=DENTED      S=SCRATCHED      M=MISSING      B=BROKEN      ✓=OK**

**REMARKS:** IF UNIT REPAIRS ARE REQUIRED, PLEASE EXPLAIN WHAT NEEDS TO BE REPAIRED BELOW

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**SUPERVISOR VEHICLES ONLY**

(✓ = intact/functioning, NR = Needs Repair, NA = Not Applicable)

TWO (2) ROLLS EVIDENCE TAPE	TWO (2) POLY GUARD SHIELDS
FIVE (5) RIOT BATONS	LARGE O.C. CANISTER (FOGGER)
ANIMAL CONTROL POLE	TACTICAL BACKPACK KIT
SPIKE STRIPS	

**OFFICER'S SIGNATURE**

**SHIELD/PIN#**

**SUPERVISOR'S SIGNATURE**

**PIN#**

