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POLICE DEPARTMENT

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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 Axon 2 BWC System.

POLICY: It is the policy of the Albany Police Department that personnel shall utilize BWCs, 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 actions, as well as an investigative aid, and as a training aid to enhance officer performance and safety. BWCs 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.

Axon View – Axon View is a mobile application which allows video playback and live streaming at 30 fps and the ability to add metadata.

Evidence.com – Evidence.com is a cloud based Digital Evidence Management System (DEMS).

Evidence Sync – Evidence Sync is a software program which allows full motion playback and ability to add metadata

I. GENERAL INFORMATION

- 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.** Personnel shall inform persons whom they are in contact with that they are being recorded, if requested.
- D.** Personnel will dock their BWC in the docking/charging station at their station of assignment upon completion of their shift and prior to making relief for the purpose of uploading audio/video data to the BWC server and charging the BWC battery.
 - 1. An area next to the docking stations shall be maintained for the storage of fully uploaded and charged BWCs for the purpose of making available ports within the docking station for those BWCs in need of charging/upload.
- E.** 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.** BWC training should include, but is not limited to:
 - 1) Usage;
 - 2) Limitations;
 - 3) Activation;
 - 4) Deactivation;
 - 5) Reviewing and tagging;
 - 6) Docking;
 - 7) Placement; and
 - 8) Retention/request periods.
 - 3. All sworn supervisors shall also receive training in relation to the usage of reviewing capabilities for administrative purposes.
 - a.** Shift sergeants must review two (2) separate random videos per officer in their command/per month for the purpose of identifying training needs and or compliance with department policy and procedure.
 - b.** Shift Lieutenants must review one (1) random video per sergeant under their command/per month for the purpose of identifying training needs and or compliance with department policy and procedure.
 - c.** All BWC reviews will be documented on Albany Police Department BWC Audit Report, APD Form #432.
 - d.** While conducting audits, supervisors should also make a note within the notes section of the video on Evidence.com
- F.** Employees assigned a BWC are responsible for ensuring the BWC remains mounted in a position to allow the recording of an encounter or incident and is in good working order.
 - 1. Personnel who require the use of a pacemaker shall notify the department

for the purpose of obtaining a nonmagnetic mount as to not interfere with its operation.

G. Prior to beginning their shift, personnel assigned a BWC will ensure its readiness by conducting a pre-shift operational inspection. Personnel shall also inspect BWC's at the conclusion of each shift to ensure system integrity.

1. When conducting the pre-shift inspection, the officer shall activate the BWC and verbally state the date, time, and that a pre-shift inspection and test are being conducted.

H. Maintenance:

1. Firmware updates are provided from Axon and occur periodically. When an update is available the BWC will receive the update through the docking station after any audio/video evidence is uploaded from the device.

2. Use a soft, damp cloth to clean the surface.

3. Do not use harsh cleaners or solvents and do not use Windex or similar type cleaners on the camera lens.

4. Do not immerse the BWC in water or place the lens under running water. BWCs are water resistant, not waterproof.

I. Any problems preventing the use of the unit during the shift will be reported to the officer's immediate supervisor as well as a member of the Computer and Technology Unit (CTU) at support@albany-ny.org and a notation made in the station blotter.

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, including personnel assigned to D.A.R.T. shall be required to utilize a BWC while engaged in pre-planned interdiction activities, including search warrants.

1. It shall be at the discretion of the detective/officer or their supervisor as to whether a BWC shall be utilized when conducting activities other than pre-planned interdictions, such as door-to-door canvasses or off-site interviews. However, once a BWC is activated, the procedures outlined in this policy apply and must be adhered to.

2. Furthermore, it shall be noted that BWCs shall not be activated while in any of the detective offices, unless otherwise directed to do so by a supervisor or enforcement action is being taken.

D. K-9 officers shall utilize a BWC while engaged in an enforcement action.

E. Spare BWCs will be kept at stations if the need arises to replace a defective or malfunctioning BWC.

1. Supervisors will be able to assign spare BWC within evidence.com

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.

1. Personnel **will activate their BWC without unnecessary intentional delay upon being dispatched on a call.**
2. BWC will be activated prior to citizen engagement during a self-initiated stop.
3. BWC will be immediately activated as directed by this policy, except when an immediate threat to the officer's life or safety makes activating the BWC impossible or dangerous, the officer shall activate the camera at the first reasonable opportunity to do so.
4. **After completing the initial pre-shift test, personnel must have their BWC in standby mode at all times unless outlined by this General Order.**

B. Once activated, the BWC shall record the entire incident until completion unless directed otherwise by a supervisor or is outlined in this policy. Supervisor shall document why they are instructing personnel to turn BWC off. If a supervisor directs an officer to stop recording an incident for a reason that is not in accordance with the Department's General Orders, such supervisor's actions shall be investigated by OPS.

C. If an officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the officer will be required to document the reason on an Investigation Report. If an officer fails to activate the BWC or there is an interruption in the recording then OPS shall investigate the incident and the officer may face disciplinary action up to and including termination.

D. While inside department buildings, personnel shall turn off their BWC unless enforcement action is necessary.

1. This does not pertain to those personnel assigned to the desk position for their tour of duty. BWC use is authorized for public interactions.

E. Criminal uses of BWC data.

1. Evidence;
2. Statements/Oral admissions; and
3. Miranda warning documentation.

F. Administrative uses of BWC data.

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

3. Training purposes.

G. BWCs shall be utilized in the following situations:

- 1. All calls for service, unless outlined below in Section III-I;**
- 2. When in emergency vehicle operation mode;**

3. All pursuits;
4. All transports;
5. All enforcement actions, to include but not limited to:
 - a. Arrests;
 - 1) BWC can be turned off once in Central Booking.
 - 2) During prisoner watches, BWCs shall be placed in standby mode and must be activated if any enforcement action is taken.
 - b. Traffic stops;
 - c. Street encounters;
 - d. Foot pursuits;
 - e. Emotionally Disturbed Person calls; and
 - f. Any use of force situation
6. When administering Standardized Field Sobriety Tests;
7. 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;
8. Any situation at the direction of a supervisor;
9. Street level "show up" identification procedures; and
10. Hospital settings, when enforcement action is being taken and as deemed necessary by the officer.

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

1. Criminal investigations;
2. DWI related;
3. Miscellaneous;
4. OPS investigations;
5. Traffic Violations;
6. Arrest;
7. Use of force;
8. Injury to officer or suspect; and
9. Video test.

a. A default category for pending review exists within the BWC server. Videos that are not properly tagged will be left in this category until properly tagged. Supervisors should routinely monitor this section in order to prevent untagged videos.

i. While tagging videos, personnel shall also include the incident number and a title on the audio/video file within Evidence.com

I. BWCs shall not to be utilized for the following:

1. To deceitfully record other department personnel for nefarious purposes;
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;
10. Traffic control posts, unless enforcement action is necessary; and
11. Personal use.

J. BWCs may be utilized in the following 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, i.e. parades, festivals, unless enforcement action is necessary.

9.10. To document misconduct or violations of these rules of Department personnel.

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

IV. AUDIO/VIDEO DATA

A. Prior to BWC footage being uploaded to the BWC server, the officer may review the footage on Axon View or Evidence.com for the purpose 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, unless prior authorization is obtained from their immediate supervisor.
2. Copies of any BWC footage are not authorized.

B. Upon approval by Command Staff, Training personnel may be able to review

BWC footage for the purpose of identifying training needs.

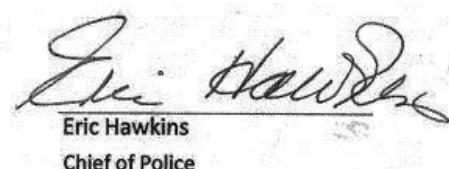
- C. Every time a video file is reviewed, an audit trail is generated with the video file for tracking purposes.

V. AUDIO/VIDEO FILE PRESERVATION

- A. Personnel shall request that specific audio/video files be preserved by submitting an Albany Police Department Audio/Video Preservation Request Form, APD Form # 431 to the Office of Professional Services via departmental mail.
- B. If an officer makes a request for video/audio captured from their BWC and there is video/audio captured of the same incident by another officer's BWC, a separate request for file preservation must be completed.
- C. Supervisors must request that digital video/audio files be preserved in the event of:
 1. The receipt of a civilian complaint and/or notice of claim;
- D. 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 per the department's current retention schedule.
- 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.
- E. Beginning August 13, 2018, this General Order shall be reviewed every six (6) months until further notice.



Eric Hawkins
Chief of Police