

VILLAGE OF WALDEN

POLICE DEPARTMENT

ONE MUNICIPAL SQUARE
WALDEN, NEW YORK 12586

Jeffry Holmes
Chief of Police

GENERAL ORDER

NO: 14.20

Issue Date: 10/27/2014	Effective Date: 10/27/2014
Revises: 12/27/2015, 01/04/2016	CALEA:
Subject: Body Worn Camera Policy	
Distribution: All Personnel	STATE:
Reevaluation Date: 1/01/2019	Page: 1 of 12
Issuing Authority: Chief Jeffry Holmes	

PURPOSE:

This Department procedure establishes guidelines for Department members using body worn cameras and procedures for preserving the digital media.

I. POLICY:

- A. Law enforcement's use of in-car cameras and body worn cameras has proven effective in reducing violent confrontations and complaints against officers. Cameras provide additional documentation of police/public encounters and may be an important tool for collecting evidence and maintaining public trust. There is also a learning curve that comes with using body-worn cameras. Video cannot always show the full story nor does it capture an entire scene. The use of cameras does not reduce the requirement to provide thorough written documentation. Persons reviewing recordings must also be cautious before conclusions are reached about what the video shows.

II. DEFINITIONS:

- A. Body Worn Camera (BWC) - A camera worn on an individual officer's person that records and stores audio and video.
- B. BWC Program Administrator (Operational Support) - Police Department program administrator for the Prima Facie camera system with full access to user rights and sets user access and parameters.
- C. Digital Evidence - BWC files, including photographs, audio recordings and video footage, captured by a BWC and stored digitally.

- D. Prima Facie's Evidence Transfer Manager (ETM) - A portable multi-ported docking station installed at the Police Station. The ETM simultaneously recharges the BWC while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to our server.

III. PROCEDURES:

- A. All Officers and Supervisors shall wear a BWC while on patrol. If multiple Officers and/or Supervisors are working and there is not enough BWC's the Supervisor will assign the BWC's. This will also include special events, traffic details, ETC.

- B. Officer Safety takes Precedence over Recording Events.

Officer safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.

- C. General

1. Only authorized personnel shall use or be in possession of a BWC device. This means only members of this police department who have been trained to use the BWC device shall use or be in possession of it. No member will lend the BWC device to anyone else without direct permission from the Chief of Police or his designee.
2. BWC equipment is for official use only and shall not be utilized for personal use.
3. Officers shall not tamper with or dismantle any hardware or software component of any BWC device.
4. The use of any other personal recording device for the same purpose is not authorized without permission of the Chief of Police or designee.
5. All digital evidence collected using the BWC is considered a record of the Village of Walden Police Department and is for official use only.
6. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this procedure is strictly prohibited except as required by law. Public release of digital evidence is prohibited unless approved by the Chief of Police or their designee.

7. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a secondary recording device such as video camera, cell phone or other device to record or capture digital evidence from the Village of Walden Police Department is strictly prohibited.

D. BWC Modes of Operation

1. The BWC system operates on rechargeable battery power for up to eight hours of continuous buffering and records up to five hours of continuous video and audio media. The user can view recordings on the system itself. The program administrator can add metadata to monitors, computers, and smart phones by downloading a specific software application. Viewing or adding metadata will not alter the video recording as it is protected with multiple layers of encryption on the aforementioned devices, the BWC itself and from Safety Vision Prima Facie.
2. Buffering Mode is when a BWC is on but has not been activated to record both sound and video. While in the buffering mode, the camera will continuously record only video in 10 second loops.
3. Event Mode is when the Event button is activated and the camera is recording both audio and video. The buffered video captured directly before the event will be saved and attached to the event in permanent memory. Repeated pressing of the Event button turns the recordings on and off and creates separate media segments.

E. Storage

When not in use, the BWC devices shall be stored in the department docking station or given to a supervisor.

F. Pre-shift inspection

1. Officers shall inspect their assigned BWC devices daily to ensure there is no visual damage and the device is in working order.
2. Visual damage shall be logged via department e-mail to a supervisor with detailed information of the damage.
3. Inoperable equipment shall be immediately taken out of service and turned over to a supervisor.

G. Camera Position

Officers shall wear the BWC above the midline of their torso or on a shoulder cuff which is in a position that provides for effective recording.

H. Equipment Repair, Replacement, and Maintenance

1. When a BWC malfunctions, the officer will notify his or her supervisor.
2. The officer will note the nature of the malfunction via department e-mail.
3. This procedure will be followed for all BWC related equipment and accessories.

I. Advisements about Recording

1. Private citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. Therefore, officers are not required to give notice they are recording. However, if asked, officers shall advise citizens they are being recorded.
2. Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.
3. Officers and supervisors involved in the investigation of a complaint against a member of the police department must inform complainants and witnesses they are being recorded.

J. When and Where to Record

1. Enforcement Related Contacts
 - a. Officers shall use the event mode to record enforcement related contacts. The event mode should be activated prior to actual contact with the citizen, or as soon as safely possible thereafter, and continue recording until the contact is concluded.
 - b. Enforcement related contacts include the following: Traffic stops, field interviews, detentions, arrests, persons present at radio calls who are accused of crimes, and consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter.

- c. Covering another Village employee or law enforcement officer during an enforcement contact, including, but not limited to, Crossing Guards, Parking Enforcement, etc.
 - d. Officers working plain clothes assignments are exempt from this policy, or at the discretion at the supervisor.
- 2. Arrests
 - a. Officers may stop recording in the event mode when the arrestee is cooperative and safely secured inside a police car or law enforcement facility. If an arrestee becomes uncooperative, or if there is some evidentiary purpose, officers should resume recording in the event mode.
 - b. If an officer resumes recording in the event mode, the camera shall remain in event mode until the officer no longer has contact with the subject.
- 3. Suspect Interviews
 - a. Officers are encouraged to fully record suspect interviews when in the field and does not have accessibility to the department interview room. Officers should not stop and start the recording during a suspect interview.
 - b. When recording interviews, officers shall ensure they record any admonishments prior to the start of an interview.
- 4. Private Residences

Private Citizens have a reasonable expectation of privacy in their homes. However, when officers are lawfully present in a home (warrant, consent, or exigent circumstances) in the course of official duties, there is no reasonable expectation of privacy.
- 5. Searches

During the execution of a search warrant, an arrest warrant, a Fourth Amendment waiver search, or a consent search in which the officer is looking for evidence or contraband.
- 6. Special Events

Officer's use of BWCs at special events is at the discretion of the supervisor in charge of the special event.

K. When and Where NOT to record

1. BWCs shall not be used to record non-work related activity.
2. BWCs shall not be used to record in areas or activities such as pre-shift conferences, Department locker rooms, break rooms, or other activities not related to a criminal investigation.
3. BWCs shall not be activated in places where persons have a reasonable expectation of privacy, such as locker rooms, dressing rooms, or restrooms.
4. BWCs shall not be used during Department administrative investigations.
5. When possible, officers should avoid recording exposed areas of the body that could cause embarrassment or humiliation, such as exposed breast, groin, etc.
6. Patient Privacy
 - a. Officers shall not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. Officers shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
 - b. Officers shall not record while in a facility whose primary purpose is to provide psychiatric services unless responding to a radio call involving a suspect who is still present.
 - c. Officers shall not record while inside jail facilities.
7. Victim and Witness Interviews
 - a. Victim and witness interviews will generally not be recorded.
 - b. Domestic violence victims often recant their statements as early as the following morning after a crime. Victims may also make their children unavailable for investigators or court to avoid their providing statements. For these reasons, domestic violence victims with serious injuries, such as strangulation injuries or injuries requiring hospitalization, are

exceptions and their statements should be recorded if the victim is willing. Officers should also record the statements of children of domestic violence victims who are witnesses in these types of cases if the children are willing.

- c. BWC's shall not be used during sex crimes or child abuse investigations to include statements of victims, witnesses, and interactions with parents of victims.

8. Demonstrations

- a. As a general policy, Department personnel should refrain from video recording or photographing peaceful demonstrations.
- b. When there is reason to believe that a planned event has the potential for unlawful activity, Supervisors should make the determination whether visual recording or photographing is appropriate.
- c. During demonstrations, officers should operate cameras in the buffering mode. If officers witness crimes occurring among the demonstrators and/or believe an arrest is likely, they should begin recording in the event mode.

- 9. Generally, officers should not record informal or casual encounters with members of the public. Officers should consider that recording people in some circumstances may inhibit sharing neighborhood information or developing strong ties between members of the community and officers.

L. Documentation of Recorded Events

All recordings shall be documented, such as in an Impact Blotter/Case Report, Tracs citation, ETC.

- 1. Impact Blotter/Case Report - "BWC Recording" shall be recorded in the narrative section of the report.
- 2. Traffic Citations - "BWC Recording" shall be recorded in the local police code box near the top left of all citations.
- 3. Other Reports - "BWC Recording" shall be recorded in the narrative.
- 4. Other Recordings - Non evidentiary recordings, such as inadvertent recordings, recordings initiated for training, or recordings with no associated report shall be documented on

the daily activity blotter, along with an e-mail notifying supervisor of such.

5. Failure to record when legitimate law enforcement interest is present.
 - a. If an officer fails to activate, choose to terminate the BWC recording or the BWC malfunctions, the officer will articulate in written report.
 - I. Why a recording was not made.
 - II. Why a recording was interrupted.
 - III. Why a recording was terminated.
 - b. Shift supervisor will review all necessary documentation of an officer's failure to record an incident.

M. Entering Metadata

Each recorded segment requires metadata be entered, even if the segments are of the same event. Metadata should be added at the conclusion of the event. In case of a delay, metadata should be added as soon as possible.

N. Impounding Procedures

After verifying the required metadata has been added to all recorded events, officers shall place the BWC onto the docking station or shall give it to their supervisor at the end of their shift. This will allow for the BWC to recharge the battery. The data will also then be transferred from the BWC through the docking station to a secured workstation. The data is considered impounded at this point.

In addition of being secured on the workstation all data that is considered evidentiary or requested by an officer will be burned onto a DVD and added to the case file. A Digital Evidence Request form will be completed by the requesting officer and be attached to the DVD.

O. Accessing Impounded Digital Evidence

1. All those given permission to the secured workstation where the digital evidence is stored may review digital evidence.
2. Digital Evidence can be viewed and/or copied from this location.

P. Retention of Digital Evidence

All recordings related to any criminal proceeding, claim filed, pending litigation, or a personnel complaint, shall be preserved until that matter is resolved and/or in accordance with the law. All other recordings will be kept for a period of 30 days.

Q. Reviewing Impounded Digital Evidence

1. Officers may review their own recordings.
2. Digital evidence captured by the BWC is not all inclusive. The system captures a less broad and less detailed image than the totality of the human senses. An officer's recollection of specific details may be different than what is captured in digital evidence. Officers should review digital evidence prior to completing reports when necessary to ensure accuracy. Officers shall review digital evidence prior to providing testimony at hearings, trial, or depositions.
3. It is NOT the intent of the Department to review digital evidence for the purpose of general performance review, for routine preparation of performance reports, or to discover policy violations.
4. Digital evidence may be viewed for administrative purposes limited to the following:
 - a. Any incident in which a member of the Department is injured or killed during the performance of their duties.
 - b. Any incident involving the use of force by a member of the Department, including canines, which results in injury or death.
 - c. Any in-custody death.
 - d. Any police pursuit.
 - e. When any member of the Department intentionally or unintentionally discharges a firearm at a person regardless whether an individual is struck.
 - f. When any member of the Department not involved in training intentionally or unintentionally discharges an less

lethal weapon at a person regardless whether an individual is struck.

- g. When any member of the Department not involved in training intentionally or unintentionally discharges a Conductive Energy Weapon at a person, including the application of a drive stun.
 - h. Officer involved traffic collisions.
 - i. Prior to the release of recordings in response to a proper legal request (e.g., in response to a subpoena or other court order).
 - j. In preparation for a civil deposition or responding to an interrogatory where the incident arises from the employee's official duties.
 - k. When preparing to testify in a criminal, civil, or administrative proceeding arising from the employee's official duties.
 - l. For investigations undertaken by the Department, for the purpose of proving or disproving specific allegations of misconduct.
 - m. For administrative proceedings, when digital evidence is used by the Department for the purpose of proving or disproving allegations of misconduct, only digital evidence relevant to the investigative scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence by investigators shall be documented as part of the chronological summary of any investigation undertaken by the Department.
5. In situations where there is a need to review digital evidence not covered by this procedure, the chief of police or his designee must approve the request. Each situation will be evaluated on a case by case basis.

R. Discovery of Misconduct

Employees reviewing event recordings should remain focused on the incident or incidents in question and review only those recordings relevant to their investigative scope. If improper conduct is discovered during any review of digital evidence, the person who

discovered the conduct in question shall notify a supervisor. Nothing in this procedure prohibits addressing policy violations.

S. Copying and Releasing Digital Evidence

Digital evidence captured by BWC shall be treated as official records and handled pursuant to existing Department policies and procedures.

T. Use of Digital Evidence for Training Purposes

Officers and supervisors may find it useful, and are encouraged, to review recordings of incidents of which they were involved when beneficial for the purpose of conducting a tactical debrief. When an incident is recorded which may be of value as a training aid for a broad section of the Department, the recording officer or that officer's supervisor should contact the Training Officer who will review the digital evidence to determine the value of the incident for training. If the Training Officer determines the incident would be an appropriate training aid, the Training Officer shall obtain approval from the Chief of Police.

U. BWC Program Administrator Responsibilities

BWC Program Administrators shall be sworn members assigned to the Village of Walden Police Department. BWC Program Administrators are responsible for performing the following duties:

1. Maintain and troubleshoot the BWC units.
2. Maintain a record of assigned BWC and related equipment.
3. Be proactive and able to complete minor repairs.
4. Arrange for the warranty and non-warranty repair of the BWC units.
5. Repair or replace BWC components (cameras, docking stations, etc.).
6. Maintain BWC equipment repair and maintenance records.
7. Update software and system settings as necessary.
8. Train officers on current policy and the proper use of BWC units.

A handwritten signature in black ink, appearing to read "Jeffry Holmes". The signature is written in a cursive style with a long horizontal stroke at the end.

Jeffry Holmes,
Chief of Police