



TOWN OF SENECA FALLS POLICE DEPARTMENT
GENERAL ORDER



GENERAL ORDER #: 451	RESCINDS: 09/24/13
SUBJECT: Body Worn Camera (BWC)	NYS ACCREDITATION:
EFFECTIVE DATE: 06/28/2017	
BY ORDER OF: Stuart W. Peenstra, Chief of Police	

I. PURPOSE

To establish uniform guidelines for the use of the Body Worn Camera, (from this point on Body Worn Camera will be referred to as BWC). The system will be used to document various events, and at the end of the user’s shift, the captured data will be preserved in a web-based digital storage facility, Evidence.com. Once captured, these recordings cannot be altered in any way and are protected with multiple layers of encryption.

II. Definitions

- A. “Body-Worn Cameras” (BWC)** - small video cameras, typically attached to an officer’s clothing, helmet, or sunglasses that maximizes the camera’s ability to capture video and audio data of the officer’s law enforcement related activities. (06/06/2017)
- B. “Agency Administrator”** – An agency administrator has full access to and user rights within the data storage system. He or she can assign and track equipment, control password, oversee needed repair, delete non-evidentiary recording, conduct audits and quality control reviews, and act as a liaison with BWC representatives. (06/06/2017)
- C. “Enforcement Related Activity”** – Situations during an officers official duties that include, but are not limited to : (06/06/2017)
 - 1. Calls for service;
 - 2. Traffic stops;
 - 3. Search warrants;
 - 4. Arrest;
 - 5. Investigatory activities;
 - 6. Confrontational/adversarial citizen contacts.
 - 7. Pursuits (foot & vehicle);
 - 8. Vehicle searches;
 - 9. Use of Force situations;
 - 10. Statements made by a subject(s);

11. Victim, and witnesses;
12. When advising an individual of their Miranda Rights;
13. Interrogations;
14. Other legitimate law enforcement contacts. (06/06/2017)

III. PROGRAM OBJECTIVES

The Seneca Falls Police Department has adopted the use of the BWC to accomplish the following objectives:

- A.** To enhance officer safety.
- B.** To accurately capture statements and events during the course of an incident.
- C.** To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- D.** To provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training.
- E.** To capture visual and audio information for use in current and future investigations.
- F.** To enhance the public trust by preserving accurate representations of officer citizen interactions in the form of video and audio recording.

IV. TRAINING

- A.** Officers will not utilize the system until they have received proper training.
- B.** Training will consist of, but will not be limited to:
 1. A review of the system, its functions, its usage and its activation and deactivation.
 2. A review of the user manual and agency policy.
 3. A hands-on review of the system.
 4. The retention and storage of the video and the procedures for placing them into evidence.
- C.** Normal (Buffering) Mode – The BWC continuously loops video recording for up to 120 seconds (actual loop time for our office to be established as 30 seconds). Records video only (no audio) while buffering.

- D. Event Mode – In the Event Mode, the BWC saves the buffered video and continues recording audio and video for up to eight (8) hours. Quickly double pressing the Event button turns the recording on holding the event button down turns it off. This is done with the “Function Button”. (06/06/2017)

V. Recording

A. When to activate the body-worn camera (BWC): (06/06/2017)

1. Officers will be required to activate their BWC audio and video functions upon engaging in any legitimate Law Enforcement contact that occurs while the officer is on duty, unless:
 - a. There is an immediate threat to the officer’s safety;
 - b. Turning on the body worn camera would be impracticable and place the officer in a tactical disadvantage;
 - c. When activating the BWC could delay an officer’s response to the safety needs of a citizen during a critical incident; or
 - d. During the course of activation the BWC malfunctions.

VI. OPERATIONAL PROTOCOLS and DISCRETIONARY RECORDING – (06/06/2017)

It will be the responsibility of each officer to activate the system during law enforcement encounters with the public. Once the system has been activated, it will not be deactivated until the event has concluded.

1. There will be times when, due to the nature of law enforcement, exigent circumstances prevent the officer from activating the system.
 2. Failure to record when legitimate law enforcement interest is present:
 - a. If an officer fails to activate, chooses to terminate the BWC recording or the BWC malfunctions, the officer will articulate in a written report;
 1. Why a recording was not made;
 2. Why a recording was interrupted;
 3. Why a recording was terminated.
 - b. Shift supervisors will review all necessary documentation of an officer’s failure to record an incident.
 3. No officer will record a victim of a sex offense (Child or Adult).
- A. To respect the dignity of others, employees will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed.
- B. A potential witness who requests to speak to an officer confidentially or desires anonymity.

- C. A victim or witness who request that he or she not be recorded and the situation is not confrontational.
- D. A victim who request that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation.
- E. The BWC will not be used to record personal activity.
- G. The BWC will not be activated in places where a reasonable expectation of privacy exists, such as dressing rooms, restrooms or locker rooms.
- H. The BWC will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.
- I. Employees will not record informants or undercover officers.
- J. Conversations with all law enforcement personnel that involve case tactics or strategy.
- K. Employees will avoid recording individuals who are picketing or engaged in a protest or First Amendment demonstration, unless an obvious violation of criminal law is occurring.
- L. 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.
- M. Officers will test the equipment to ensure it is operating properly. If problems are encountered with any component of the system, the BWC will not be used. The employee will immediately notify a supervisor and the malfunction will be documented.
- N. Whenever an officer obtains a video statement it will be documented in the Incident Report.
- O. When the BWC is used in any investigation or during a traffic stop, this fact will be documented on any citation and/or report generated regarding the contact. (06/06/2017)

MAINTENANCE - (06/06/2017)

- A. Officers will inspect and test the BWC prior to each shift in order to verify proper functioning and will notify their supervisor of any problems.
 - 1. Officers will ensure the unit is properly charged before going into service.
 - 2. Problems will be noted utilizing the Seneca Falls Police Department damaged equipment form, and taken out of service.
 - 3. Officers will immediately report any loss or missing part of the system equipment to a supervisor. The officer will document this on an incident report and fill out the Loss/Missing Seneca Falls Police Department Property Form. (06/06/2017)

B. Device log and identification procedures (06/06/2017)

1. Documentation will be maintained entered into Spillman to identify which BWC is assigned to each officer.
2. Necessary documentation and supervisory notification will be made if at any time during an officer's shift when a functioning BWC is not available for use.

C. Equipment malfunction procedures

1. When equipment is inoperable, it will be exchanged for operable equipment at the earliest opportunity.
2. Officers will leave written notification for the Chief of Police at the end of his/her shift of any equipment malfunction. (06/06/2017)

VII. EVIDENTIARY PROTOCOLS MEASURES TO PREVENT DATA TAMPERING – (06/06/2017/

A. Officers will not allow citizens to review the recordings.

B. The release of information requested through a public records request will be subject to the same statutory exemptions from disclosure as any other departmental records. All video, audio and data captured by the BWC, irrespective of the content, are at all times the property of the Seneca Falls Police Department. Officers will not copy, publish, share or disseminate any audio, video, image or data to anyone except as authorized. Furthermore, officers will not edit, delete or alter and video or audio captured by the BWC. (06/06/2017)

C. An audit system that monitors who accesses recorded data, when and for what purpose will be instituted. (06/06/2017)

D. When the Seneca Falls Police Department authorizes a third-party to act as its agent in maintaining body camera footage, the agent will not be permitted to independently access, delete, view or alter any video footage without the express written consent of the Seneca Falls Police Department administrator or the Chief of Police. (06/06/2017)

E. Officers will have the ability to review their recordings to insure accurate written reports but will not be able to alter anything that has been recorded. A 710.30 notice must be prepared if the officer intends to use any of the defendant's statements for prosecution.

F. All digital media collected using the BWC is considered a record of the Seneca Falls Police Department. Accessing, copying or releasing any media for other than official law enforcement purposes is strictly prohibited, except as required by law.

VIII. Storage & Retention

A. Downloading procedures (06/06/2017)

1. When practicable, data will be downloaded in accordance with current procedure for storing digital files. Downloads should occur at the end of the officer's shift, or any time the BWC storage capacity is nearing its limit.
2. The Seneca Falls Police Department, in coordination with the Seneca County District Attorney's Office, will establish a system to classify data based upon the type of event or incident captured in the recording.
3. All BWC data relating to a criminal incident will be considered digital evidence and processed in accordance with departmental policy.
4. Each data file will include searchable information including, but not limited to: date and time the video was captured; incident number if applicable; and BWC identifier of assigned officer.
5. Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a confrontational citizen contact), the officer will notify the supervisor of the existence of the recording.

B. Retention Schedule –

1. The Seneca Falls Police Departments retention schedule will be in compliance with the minimum standards required by New York State Archives. This will include the minimum retention dates as follows. (06/06/2017)
 - a. Evidentiary data will be retained for a minimum of 1 year.
 - (i) If a determination is made that video data has evidentiary value in an on-going investigation, court proceeding or appeals process, the data will be retained through the pendency of the case.
 - (ii) The established retention schedule can be extended beyond the 1 year minimum as necessary.
 - b. Non-evidentiary data will be retained for a minimum of 4 months.
2. Any BWC data determined to have value in a long term investigative, administrative or civil processing's should be appraised for archiving in accordance with applicable statutory time frames. (06/06/2017)

3. If no extension of video data retention is required, the recordings may be destroyed in accordance with the Seneca Falls Police Departments retention procedures and with approval from the Chief of Police. (06/06/2017)
4. If recording is deemed to be useful as a training tool, the recording may be kept for as long as practicable. (06/06/2017)
5. At the end of their shift, officers shall place the BWC and battery into their assigned slot on the ETM (docking station). This will allow the data to be transferred from the BWC through the ETM to Evidence.com.

IX. ADMINISTRATOR RIGHTS (06/06/2017)

The Chief of Police will have oversight of responsibilities to include. But not limited to:

1. Administrator rights to all video recordings.
2. Ensuring proper procedures are followed in the downloading, review, release and retention of BWC data;
3. Conducting periodic reviews of retained video data to ensure it has not been tampered with;
4. Coordinating with IT regarding systems related issues;
5. Coordinating maintenance and repairs for the BWC;
6. Conducting annual review of the policy and procedures containing herein and for making recommendations for any necessary amendments thereto; and
7. Coordinating review of video scheduled for destruction. (06/06/2017)
8. Permission may be granted, by the Chief of Police, to others who he has determined it necessary to have access to the system.

ACCESS - (06/06/2017)

A. Permitted review of footage

1. Officers will be permitted to review only video footage of an incident in which they were involved for purposes of:
 - a. Conducting a criminal investigation;
 - b. Preparing for courtroom testimony or courtroom presentation;
 - c. Providing testimony pursuant to an administrative inquiry; and
 - d. Assisting the officer in professional development.

2. In addition to the permitted access listed in Section 1, supervisors may also review recordings as it pertains to:
 - a. Investigating alleged misconduct reports or meritorious conduct;
 - b. Whenever such recordings would be beneficial in reviewing an officer's performance; and
 - c. Recording that are of value as training tools;

B. Public disclosure of data 06/06/2017)

1. Any and all disclosure of BWC data must be consistent with the Seneca Falls Police Departments 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 should be reviewed by the Seneca Falls Police Departments legal advisor.
2. When BWC data is disseminated outside of the Seneca Falls 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.

C. Unauthorized use:

1. Unauthorized access or release of data is prohibited outside the permitted review of footage detailed in Section A. (06/06/2017)