



GENERAL ORDER

No. 465

Subject:

Body Worn Cameras

Issuing Authority:

Chief of Police

Effective Date:

03/05/2024

Supersedes:

- I. **PURPOSE:** The purpose of this policy is to provide officers with guidelines for the use of body worn cameras. Video and audio recording equipment have demonstrated to be valuable tools in the prosecution of criminal offenses. In addition, video recordings can be used as a powerful training tool and offer liability protection for the agency and its members.
- II. **POLICY:** It is the policy of the Town of Manlius Police Department to utilize Body Worn Camera (BWC) recording equipment whenever possible to achieve our law enforcement objective. The procedures set forth in this order shall apply to uniformed members of the Field Services Section, unless a plain clothes officer legitimately believes that a law enforcement purpose exists to utilize a BWC.
- III. **DEFINITIONS:**
 - A. **BODY WORN CAMERA (BWC)** - A device capable of recording audio and video that is worn by a police officer.
 - B. **DOCK** - A network connected device to which the BWC will be plugged into so that the recorded audio/video footage can be downloaded. It also serves as a location for charging of the BWC.
 - C. **DATA STORAGE LOCATION** – A local server or online cloud-based storage location for all recorded activities. Access to the stored media will be through assigned credentials that prevent unauthorized access.
 - D. **ENFORCEMENT RELATED ACTIVITY** - Situations during an officer's official duties that include, but are not limited to:
 1. All citizen contacts.
 2. Calls for service.
 3. Traffic stops.
 4. Search warrants.
 5. Arrests.
 6. Investigatory activities.
 7. Confrontational/adversarial citizen contacts.
 8. At the officer's discretion, if they feel the situation could result in an issue where recording would be beneficial.
- IV. **PROCEDURE:**
 - A. **DEVICES**
 1. BWC's shall be worn by applicable officers in a manner that maximizes the camera's ability to capture video footage of the officer's activities.

2. Personnel shall only utilize department owned and issued BWC's.

B. RECORDING

1. Field Services Section personnel shall activate their BWC upon engaging in any enforcement related activity while the officer is on duty unless:
 - a. There is an immediate threat to the officer's safety.
 - b. Turning on the BWC would be impractical and place the officer at a tactical disadvantage.
 - c. When activating the BWC could delay an officer's response to the safety needs of any person.
 - d. During the course of activation, the BWC malfunctions.

Note: Officers shall activate the BWC as soon as practical in these instances.

2. Community Support Unit (CSU) personnel may utilize a BWC when such use would be beneficial.
3. School Information Resource Officers (SIRO's) are tasked with having frequent contacts with students, staff, school administrators and parents. It is neither practical, nor desirable to record every citizen contact conducted by a SIRO. The primary purpose of these recordings shall be to protect the student, staff administrators and SIRO from misunderstandings or misrepresentations.
 - a. The SIRO should record the following contacts unless, a legitimate law enforcement reason exists not to do so:
 - i. Arrests.
 - ii. Use of Force Incidents.
 - iii. Complaint Response.
 - iv. Interrogation of juvenile suspects or defendants.
 - v. Student Transports.
 - vi. Any circumstance in which a citizen becomes confrontational, or the SIRO believes may lead to a complaint against the officer.
 - b. In all other contacts the SIRO will use discretion in making the decision to record. Some situations in which a SIRO may choose to record are:
 - i. Contacts in a private or one-on-one setting where the SIRO believes it will serve the best interest of the student, staff, school administrators or the SIRO; or,
 - ii. Situations that cannot be categorized in which the SIRO believes it will serve the best interest of the student, staff, school administrators or the SIRO; or,
 - iii. Situations involving individuals who have previously made a complaint against the SIRO or who have stated they intend to do so.

4. The video captured on a BWC shall not take the place of police photographs documenting a scene.
5. The presence of video captured by a BWC during the course of any enforcement related activity shall be documented in a police report.

C. DISCRETIONARY RECORDING

1. Officers shall have the discretion to stop recording when a legitimate law enforcement interest dictates, situations when a recording may be stopped include but are not limited to:
 - a. Conversations with confidential informants or undercover officers that may put the subject in danger.
 - b. Conversations with law enforcement personnel that involve case tactics or strategy that, if revealed, would compromise the integrity of the investigation.
 - c. A potential witness requests to speak to an officer confidentially or desires anonymity.
 - d. A victim or witness requests that they not be recorded as a condition of cooperation and the interests of justice require such cooperation.
 - e. When a suspect stated that they will not speak about their participation in an offense while being recorded.
 - f. When explosive devices are present, BWC's should be turned off if the officer is in proximity to the device. Note: The Axon body camera does not transmit any radio waves. This recommendation is being made because the camera is an electrical device.
 - g. SIRO's shall have the discretion to stop recording when they believe it is in the best interest of the student, staff, administrator, SIRO or when a legitimate law enforcement reason exists to do so.
2. BWC recordings shall not be stopped during an incident other than when a legitimate law enforcement interest dictate.
3. Whenever a recording is stopped the officer shall document the reason for stopping the recording in a police report.

D. PROHIBITED VIDEO RECORDINGS

1. Recording devices shall not be utilized to record non-work-related personal activities and will not be activated in the TMPD headquarters or substations where a reasonable expectation of privacy exists, such as in locker rooms or restrooms.
2. The recording devices will not be activated to record conversations of or with fellow employees without their knowledge during routine, non-enforcement related activities.
3. The recording devices will not be activated to record conversations with a subordinate while conducting counselling or during an internal affairs interview without the subordinate's knowledge.

E. PRIVACY CONCERNS

1. Despite a citizen's request to stop a BWC recording due to privacy concerns, an officer may deny the request if there are specific and articulable facts that warrant the continuous recording.
2. SIRO's shall be especially aware of privacy concerns within the school setting and shall have the discretion to stop the recording when they believe it is in the best interest of those involved no matter the subject of the recording.
3. In order to respect the dignity of others, officers will try to avoid recording persons who are nude or when sensitive human areas are exposed unless there is a legitimate law enforcement reason to continue recording.
4. Whenever a recording is stopped the officer shall document the reason for stopping the recording in a police report.

F. RECORDING STATEMENTS

1. Whenever a BWC captures a video statement from a suspect, victim or witness that is pertinent to the case it shall be documented in a police report. The video statement shall not take the place of a written statement from a suspect, victim or witness.
2. If an officer is in an approved interview room with properly functioning audio-visual recording, the BWC shall be stopped.
3. Complete a Pre-Trial Notice (CPL 710.30 form) and issue a copy to the defendant whenever the statement(s) of a suspect are recorded using a BWC and an arrest has occurred.

G. RETENTION PROCEDURES

1. The uploaded media shall be under the direct authority of the Administrative Division Commander. The primary storage medium shall be WatchGuard Evidence Library. Local copies shall be obtained through an officer's chain of command.
2. An officer may retain video from their assigned BWC for the following retention categories:
 - a. UTT/Violation Arrest.
 - b. Misdemeanor Arrest.
 - c. Felony Arrest.
 - d. No Arrest.
3. Officers shall categorize their BWC recordings for retention through the in-car system display, WatchGuard Evidence Library, or a verbal request through a supervisor.

4. Officers shall not edit, alter, erase, duplicate, copy, tamper with, delete, share or otherwise distribute in any manner BWC recordings without prior authorization from the Chief of Police or their designee.
5. Requests to delete portions of the recordings must be submitted in writing and approved by the Chief of Police or their designee.
6. No recording shall be downloaded or copied for unauthorized reasons. Copies or links to view the video may only be made available through a supervisor.
7. Officers are encouraged to inform their supervisor of any recording that may be of value for training purposes.

H. RETENTION CATEGORIES AND DURATION

1. Retention categories and the storage duration of the categories shall be determined in consultation with the Onondaga County District Attorney's office. The below listed categories shall be retained in accordance with the New York State MU-1 records retention schedule:
 - a. UTT/Violation Arrest recordings – 1 year.
 - b. Misdemeanor Arrest recordings – 3 years.
 - c. Felony Arrest recordings – 5 years.
 - d. No Arrest recordings – 1 year.
 - e. All other retention categories, or when prevent purge is selected (e.g. complaint investigation, etc.), until manually deleted.

I. REVIEW PROCEDURES

1. Officers will be permitted to review BWC video of an incident in which they were involved for the purposes of:
 - a. To assist in accurate report writing.
 - b. Conducting a criminal investigation.
 - c. Preparing for courtroom testimony or courtroom presentation.
 - d. Providing testimony pursuant to an administrative inquiry.
 - e. Assisting the officer in professional development.
2. Supervisors may review BWC video retained in a restricted category for the following purposes:
 - a. Conducting a preliminary personnel complaint investigation.
 - b. Conducting an internal affairs investigation.
 - c. Assisting an officer in professional development and or training.
3. Officers involved in serious use of force incidents may be authorized to view BWC video prior to providing any statement or report. This authorization will be granted in consultation with the Onondaga County District Attorney's Office

and/or the Office of the New York Attorney General. Serious use of force includes but is not limited to:

- a. Officer involved shootings.
- b. Use of vehicle.
- c. Impact weapon strikes to the head.
- d. Any other force that causes serious physical injury or death.

J. DISCLOSURE OF RECORDINGS

1. All requests for BWC video from the District Attorney's Office will be complied with as soon as reasonably possible.
2. Requests for BWC video from other law enforcement agencies will be evaluated on a case-by-case basis.
3. All public requests for disclosure of BWC data shall be processed in accordance with the guidelines set forth in General Order #228 "Media Guidelines."
4. The only exception will be during exigent circumstances where the immediate viewing of BWC video by a civilian may further an investigation and will not jeopardize safety.
5. Any BWC video released or viewed by a member of the public must first be reviewed by a supervisor and authorized by the Chief of Police or their designee.

K. UNAUTHORIZED USE

1. Unauthorized access or release of BWC data is prohibited.

L. INSPECTION AND MAINTENANCE

1. Officers shall inspect their issued BWC daily to ensure there is no damage and that the BWC is functioning correctly.
2. If a BWC is found to be malfunctioning, the officer shall utilize a spare BWC and if necessary complete an electronic ARF listing the specific BWC equipment and the nature of the malfunction.
3. Maintenance and repairs of BWC's shall be performed/coordinated as necessary by the Administrative Division Commander or their designee.

M. ADMINISTRATIVE DUTIES

1. The Administrative Division Commander, or their designee, shall be responsible for:
 - a. Administering the WatchGuard Evidence Library, including granting permission to designated supervisors.
 - b. Administering any other data storage accounts, including granting permissions to designated supervisors.
 - c. Ensuring proper procedures are followed in the review, release and retention of BWC data.

- d. Documenting an annual review of at least 5 retained videos recorded at different times throughout the year to ensure it has not been tampered with.
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- e. Coordinating with I.T. support and the BWC manufacturer regarding system related issues.

N. TRAINING

- 1. Prior to fielding all officers shall receive training in the use and maintenance of BWC's.
- 2. All newly hired or transfer officers shall receive training in the use and maintenance of BWC's during the Field Training Program.
- 3. In addition to the training indicated above, supervisors shall receive additional BWC training regarding the following topics:
 - a. Uploading and downloading BWC video.
 - b. Preserving/retaining BWC video in accordance with this order.

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