
	Onondaga County Sheriff's Office Written Directive	
	<u>Body Worn Camera and</u> <u>Patrol Vehicle Camera</u> <u>Guidelines</u>	
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I. POLICY

The use of Body Worn Cameras and in-car Patrol Vehicle Cameras provides persuasive documentary evidence, helps defend against civil litigation and allegations of Deputy misconduct, and enhances public trust in the Office by providing greater transparency into Deputies actions. Recording law enforcement interactions with the public provides valuable information for Deputy accountability and effective criminal investigations. Any member that is issued a Body Worn Camera or assigned to a vehicle equipped with an in-car Patrol Vehicle Camera is required to adhere to the protocols outlined herein.

II. OBJECTIVE

This directive will establish guidelines on recording, storing, retaining, releasing, and maintaining data from Body Worn Cameras and in-car Patrol Vehicle Cameras. The use of both camera systems will assist in gathering evidence, promoting transparency and providing an objective record of the incident.

III. DEFINITION

- A. "Body Worn Cameras" (BWC) - small cameras, typically attached to a sworn member's clothing, helmet, or sunglasses that maximize the camera's ability to capture video and audio data of the sworn member's law enforcement related activities.
- B. "Sworn Member" - any OCSO sworn member that has been assigned a body worn camera, and is approved to utilize said technology.

- C. "Sheriff's Office Administrator" - a sworn police department member who has full access to and user rights within the data storage system. He or she can assign and track equipment, control passwords, oversee needed repairs, delete non-evidentiary recordings, conduct audits and quality control reviews, and act as a liaison to BWC representatives.
- D. "Enforcement Related Activity"- Situations during a sworn member's official duties that include, but are not limited to:
 - 1. Calls for service.
 - 2. Detentions of persons or stops of vehicles.
 - 3. Search warrants.
 - 4. Arrests.
 - 5. Investigatory activities and field interviews.
 - 6. Confrontational/adversarial citizen contacts.
 - 7. At a sworn member's discretion, if they feel a situation could result in an issue where recording would be beneficial.
 - 8. Voluntary or involuntary transports of persons in OCSO vehicles.

IV. PROCEDURES - BODY WORN CAMERAS

A. Devices

- 1. Body worn cameras shall be worn by those sworn members that have been issued such technology in a manner that maximizes the camera's ability to capture video footage of the deputies' activities.
- 2. Personnel shall only use BWC's approved and issued by the Sheriff's Office.
- 3. All sworn members who will use or otherwise be involved with BWCs shall receive training to include, but not limited to:
 - a. Activation, deactivation.
 - b. Upload procedures.
 - c. Proper maintenance.
 - d. The agency's policy and procedures on covered practices of a BWC

B. Recording

1. When to activate the body worn camera

a. Assigned sworn members of the Uniform Division shall be required to activate their BWC audio and video functions:

1.) Prior to arrival on dispatched calls.

2.) Upon engaging in or initiating a law enforcement related activity that occurs while the member is on duty or while participating in approved secondary employment (uniform and non-uniform details) unless:

a.) There is an immediate threat to the sworn member's safety, making BWC activation an impractical step delaying a sworn member safety action.

b.) Turning on the body worn camera would be impracticable and place the sworn member in a tactical disadvantage.

c.) When activating the BWC could delay a sworn member's response to the safety needs of a citizen during a critical Incident.

d.) During the course of activation the BWC malfunctions.

e.) Rationale outlined in items "a" through "d" above shall be explained and documented in a written memorandum to the members' supervisor.

b. School resource officers will utilize body worn cameras based on the policies of their assigned school district.

c. Assigned sworn Police Division members assigned to security duties at the Civic Center or other County Facilities shall utilize body worn cameras in accordance with this procedure.

2. Sworn members shall document in all reports, the presence of video captured by a BWC during the course of any law enforcement related activity.

3. Discretionary recording

a. Sworn members shall have the latitude to continue or discontinue recording in situations wherein legitimate law enforcement interests outweigh an individual's reasonable expectation of privacy. Situations include, but are not limited to:

- 1.) Conversations with confidential informants.
 - 2.) Conversations with law enforcement personnel that involve case tactics or strategy.
 - 3.) Places where privacy concerns override law enforcement purpose such as, but not limited to locker rooms and restrooms.
 - 4.) A potential witness who requests to speak to a sworn member confidentially or desires anonymity.
 - 5.) A victim or witness who requests that he or she not be recorded and the situation is non-confrontational.
 - 6.) A victim who requests that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation.
- b. Sworn members should attempt to avoid recording people who are nude or when sensitive human areas are exposed unless considerations are outweighed by a legitimate law enforcement interest.
- c. Sworn Members shall not record in the interior of medical, mental health, counseling, or therapeutic facilities unless for the following specified law enforcement purposes:
- 1.) Crimes in progress,
 - 2.) Taking resistant arrestees into custody.
 - 3.) Ongoing or impending uses(s) of force.
 - 4.) Recording an allegation of misconduct against a member of the Office.
 - 5.) Supervisory interviews of arrestees for use of force investigations and arrest screenings.
- d. Sworn members of any specialized unit or service (including but not limited to SWAT, SIU, Bomb, Dive, Crisis Negotiations, Navigation, Aviation, etc.) or any sensitive special assignment or detail, shall not record operational briefings unless directed to do so by a supervisor.
- e. Sworn members are not required to wear or use Body Worn Cameras while engaged in undercover activities, decoy operations, plainclothes surveillance, or other non-uniform and covert police activities.

- f. Sworn members shall make every effort to not record victims of a sexual offense.
- g. All supervisors assigned to the Criminal Investigations Division shall have the authority to determine if sworn members under their command shall wear BWC during, or record any portion of, any investigation or operation under their command.
- h. All supervisors or command level members of any specialized unit (including but not limited to SWAT, SIU, Bomb, Dive, Crisis Negotiations, Navigation, Aviation, etc.) shall have the authority to determine if sworn members under their command shall wear BWC during, or record any portion of, any operation or official duty under their command.

4. Deactivation of recording

- a. Sworn members shall have the discretion to terminate the recording when the enforcement related activity has concluded.
- b. If a BWC has been activated and during the course of enforcement related activity the legitimate law enforcement interests for recording no longer outweigh an individual's reasonable expectation of privacy, the sworn member shall document either in writing or verbally on camera the reason for deactivating.
- c. When explosive devices are present, radio waves or the BWC could trigger an explosive device. Therefore, BWCs should not be used where an explosive device may be present.
- d. The Sheriff's Office shall prohibit recording other law enforcement personnel during routine, non-enforcement related activities.
- e. If a BWC or Car Camera is activated for testing purposes or is auto-activated by another member's testing of their equipment, recording may be discontinued.

C. Recording Statements

1. Proper documentation shall be made anytime the BWC captures a video statement from a suspect. The video statement shall not take the place of a written statement where applicable.
2. If a sworn member is in an approved interview room with audio-video recording, which is functioning properly, the BWC shall be turned off.
3. Documentation to include:

- a. All required Sheriff Office reports.
 - b. CPL 710.30 form when necessary. Failure to notify the District Attorney's Office of the recorded interview could prevent its use in court.
- D. Failure to record when legitimate law enforcement interest is present
- 1. If a sworn member fails to activate, chooses to terminate the BWC recording or the BWC malfunctions, the sworn member will articulate in a written report:
 - a. Why a recording was not made.
 - b. Why a recording was interrupted.
 - c. Why a recording was terminated.
 - 2. Watch supervisors will review all necessary documentation of a sworn member's failure to record an incident.
 - 3. Incidents where sworn members fail to activate body cameras may result in progressive discipline.

V. PROCEDURE - PATROL VEHICLE CAMERAS

A. The Sheriff's Office Responsibilities

- 1. The Sheriff's Office shall ensure that in car video camera systems are properly installed in patrol vehicles according to the vehicle and video camera system manufacturer's recommendations.
 - a. The in car video camera system shall be installed to ensure the system will automatically activate when the patrol vehicles emergency lights are activated.
 - b. The in car video camera system shall be installed as to be manually activated by pressing a button mounted on the in car video camera system's control panel or by other automatic systemic recording "triggers".
 - c. In the event there are not enough in car video cameras for the entire fleet, the Uniform Division Commander shall be responsible for selecting which vehicles will be equipped with the systems.
 - d. The Sheriff's Office Staff Development Section shall ensure that all sworn Police Department Deputies have successfully completed in-service training in the use of the in car video camera system to include but not be limited to : unit set-up procedures and nomenclature, testing of the equipment,

operation and documentation of equipment use and recording evidence procedures.

- e. The Sheriff's Office Staff Development Section shall ensure that Sheriff's Office IT Section Staff are trained in administering and maintaining the various in car video camera systems.

B. Deputy's Responsibilities

1. Deputies shall ensure that the in car video camera system is operated in accordance with the manufacturer's recommended guidelines as well as departmental training and policy.
2. At the beginning of each shift, the Deputy's shall perform an inspection to ensure that the in car video camera system is functioning properly in the following areas:
 - a. Verify that the video camera is facing the proper direction.
 - b. Verify that the system is capturing both audio and video information.
 - c. Deputies shall immediately report any equipment problems in writing through their chain of command to the Patrol Commander. All repairs and adjustments will then be arranged by the Sheriff's IT section.
 - 1.) When feasible, the Deputy should drive a different patrol vehicle if the video camera system is not functioning properly.
 - d. Prior to operating any patrol vehicle, Deputies shall ensure that the in car video camera system is powered on and ready to record.
 - e. Upon activation, the video system will not be turned off until the conclusion of the member's involvement in the incident unless authorized under circumstances outlined elsewhere in this policy.

C. Supervisor's Responsibilities

1. Supervisors shall ensure that Deputies operate the video camera system in accordance with the manufacturer's recommended guidelines as well as departmental training and policy.
2. Supervisors shall conduct periodic reviews of in car video camera system video footage, following the same procedure as for Body Worn Camera footage to:
 - a. Assess officer performance.

- b. Assess proper functioning of the in car camera system.
- c. Determine if the car camera system is being operated properly.
- d. Identify recordings that may be appropriate for training.

D. Sheriff's Office IT Responsibilities

- 1. Ordering new and replacement in car video camera system components.
- 2. Assigning components of the video camera system to patrol vehicles.
- 3. Ensure the proper functionality and repair of any installed units.

E. Records Responsibilities

- 1. Ensuring proper retention of stored media, as outlined in this policy or applicable law(s).
- 2. Facilitate release of stored media, pursuant to approved FOIL requests or court order, as outlined by this policy or applicable law(s).

F. General Guidelines

- 1. The following incidents require mandatory audio video recording and Deputies shall not turn off any component of the in car video camera system during these incidents:
 - a. Traffic stops.
 - b. Vehicle Pursuits.
 - c. Prisoner Transports.
 - d. Driving While Intoxicated Investigations.
 - e. Emergency responses whether or not emergency lights and sirens are activated.
- 2. Deputies may manually record any other incident that they feel should be recorded.
- 3. Deputies shall be afforded the opportunity to review recordings when preparing reports to ensure accuracy and consistency of reports.

4. Deputies shall ensure that excluding the police radio, the volume of other electronic devices within the police vehicle does not interfere with in car video camera system recordings.
5. There shall be no tampering with or disabling of any component of the in car video camera system.

VI. STORAGE & RETENTION

A. Downloading procedures

1. When practicable, data shall be downloaded in accordance with current procedure for storing digital files. Downloads should occur at the end of the sworn member's watch, or any time the BWC storage capacity is nearing its limit.
2. The Sheriff's Office, in coordination with the District Attorney's Office, shall establish a system to classify data based upon the type of event or incident captured in the recording. The recommended incident classifications are as follows:
 - a. Traffic. (not including DWI's)
 - b. Driving. While Intoxicated.
 - c. Special Victims. (Domestic disputes, sexual assaults, child victim, etc.)
 - d. Narcotics.
 - e. General Felony. (Assaults, Burglaries, Weapons, Mischief, Grand Larceny, etc.)
 - f. General Misdemeanors.
 - g. Homicide.
 - h. In addition to those listed above, the department may add categories that serve administrative needs. These categories may be added to document and train on incidents that may or may not have been part of an arrested case.

These may include:

- 1.) Persons in Crisis.
- 2.) Internal Affairs.

- 3.) Sworn member Injuries.
 - 4.) Subject Management.
 - 5.) Other categories as determined by the Sheriff.
3. All BWC data relating to a criminal incident should be considered digital evidence and processed in accordance with Sheriff's Office policies.
 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 the BWC identifier of assigned sworn member.
 5. Any time a sworn member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a confrontational citizen contact); the sworn member should promptly notify a supervisor of the existence of the recording.

B. Measures to prevent data tampering

1. All video, audio and data captured by the BWC, irrespective of the content, are at all times the property of the Onondaga County Sheriff's Office. Sworn members may not copy, publish, share or disseminate any audio, video, image or data to anyone except as authorized. Furthermore, sworn members may not edit, delete or alter any video or audio captured by the BWC.
2. When a law enforcement agency authorizes a third-party to act as its agent in maintaining body camera footage, the member shall not be permitted to independently access, delete, view or alter any video footage without the express written consent of the department administrator or Sheriff's designee.

C. Retention schedule

1. Sheriff's Office retention schedule shall be in compliance with the minimum standards required by the New York State Archives. This shall include the minimum retention dates as follows. (note: NYS Archives local government retention and disposition schedule; CO-2, MU-1 and MI-1, require law enforcement data captured from a mobile recording device be retained for a minimum of six months regardless of whether or not the data is evidentiary or non-evidentiary)
 - a. Evidentiary data shall be retained for a minimum of 6 months.

- 1.) If a determination is made that video data has evidentiary value in an on-going investigation, court proceeding or appeals process, the data shall be retained through the pendency of the case.
 - 2.) The established retention schedule can be extended beyond the six months minimum as necessary.
- b. Non-evidentiary data shall be retained for a minimum of 6 months.
2. Any BWC data determined to have value in long term investigative, administrative or civil proceedings should be appraised for archiving in accordance with applicable statutory timeframes.
 3. If no extension of video data retention is required, the recordings may be destroyed in accordance with the Sheriff's Office retention procedures. Automatic deletions from the database, based on video classification/ categorization, shall occur via Evidence.com 180 days from the time of recording.
 4. If a recording is deemed to be a useful training tool, the recording may be kept for as long as practicable.

F. Media Duplication

1. All recording media, recorded images and audio recordings originating from Sheriff's Office recording devices are the property of the Onondaga County Sheriff's Office. Duplication or dissemination of any recording media, recorded images or audio recordings is strictly prohibited without the specific written authorization of the Police Department Chief or his designee. This shall include any recordings utilized for training purposes, investigative purposes, internal or staff review. Requests for video footage shall be made in writing to the Police Department Chief or his designee.

VII. ACCESS

A. Permitted review of footage

1. Sworn members will be permitted to review only video footage of an incident in which they were involved in for purposes of:
 - a. Conducting a criminal investigation.
 - b. Preparing for courtroom testimony or courtroom presentation.
 - c. Providing testimony pursuant to an administrative inquiry.

- d. Assisting the sworn member in professional development.
 - e. Assist in training and evaluation in the Field Training and Evaluation Program.
 - f. Assist in accurate report writing and statements.
2. The purpose of viewing BWC and car camera recordings is to maximize the accuracy of the report- not to replace the member's independent recollection or perception of the event.
 3. In addition to the permitted access listed in A. 1. of this section, a sworn member's direct supervisor may also review recordings as it pertains to:
 - a. Investigating reports of alleged misconduct or meritorious conduct.
 - b. Recordings that are of value as training tools.
 4. Patrol Member's direct supervisors will be directed by AXON Performance to review three Body Camera recordings per squad every thirty days. These videos are selected by an algorithm that accounts for OCSO video review configuration and parameters. The algorithm ensures recorded videos are selected randomly and attempt to evenly distribute the review within the squad. Patrol Supervisors will only be presented videos recorded within their assigned group and or watch.
 5. Supervisors shall ensure BWCs are being utilized properly and shall review officer safety issues and public interaction.
 6. The Sheriff's Office shall provide access when applicable to the District Attorney's Office as it pertains to evidence and the prosecution of investigations.
 7. Sworn members may view BWC and car camera video prior to filing a report related to a subject management incident.
 - a. A follow-up supplement report may be filed by the supervisor, providing any explanations related to any discrepancies between the sworn member's recollection and the video images.
 - b. Prior to being disciplined for performance or misconduct, members will be permitted to view Body Camera footage that was utilized in the investigation of the conduct, as well as footage that the member believes is reasonably related to their performance or alleged misconduct that is the subject of the investigation.

- c. The use of profane language will be evaluated on a case by case basis in consideration of the context and circumstances of the encounter.

B. Public disclosure of data

1. Any and all disclosure of BWC data must be consistent with the Sheriff's Office 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 Sheriff's legal counsel.
2. If a FOIL request has been received and due to the material on the recording, redaction is required, a copy of the original recording will be made and any such redacting will be made to the copy only, if the Office is reasonably able to redact the video. The original recording shall not be redacted or modified in any way. Only those individuals authorized by the Sheriff's Office to copy and redact data may perform such tasks. If the redaction cannot be conducted as necessary, the FOIL maybe denied.
3. When BWC data is to be disseminated outside of the Sheriff's Office, the reason and identity of the authorized requesting person or agency and the rationale used for determining why or why not data is released shall be documented.
 - a. Redactions will be consistent with Public Officers Law, Article 6 sections 84-90 and written directive SHR-062.
 - b. Civilians shall not be allowed to review the recordings at any scene, unless exigent circumstances exist and in the furtherance of an investigation it is safe to do so, and only as authorized by a supervisor.

VIII. MAINTENANCE

A. Inspection of the equipment at start of watch

1. Sworn members shall inspect and test the BWC prior to each watch in order to verify proper functioning and shall notify their supervisor of any problems.
2. Sworn members shall ensure the unit is properly charged before going into service.

B. Device log and notification procedures

1. Documentation shall be maintained by the Sheriff's Office to identify which BWC is assigned to each sworn member per watch.

2. Necessary documentation and supervisory notification shall be made if at any time during a sworn member's watch when a functioning BWC is not available for use.

C. Equipment malfunction procedures

1. When equipment is inoperable, it should be exchanged for operable equipment at the earliest opportunity.
2. Sworn member shall notify the department administrator in writing prior to the end of their watch of any equipment malfunctions.

D. Sheriff's Office Administrator duties

1. Sheriff's Office shall designate a police department administrator to have oversight of responsibilities to include, but not limited to:
 - a. Ensuring proper procedures are followed in the downloading, review, release and retention of BWC data.
 - b. Conducting periodic reviews of retained video data to ensure it has not been tampered with.
 - c. Coordinating with IT regarding system related issues.
 - d. Coordinating maintenance and repairs for the BWC.
 - e. Conducting annual review of the policy and procedures contained herein and for making recommendations for any necessary amendments thereto.
 - f. Coordinating review of videos scheduled for destruction.

CALEA 41.3.8