



Robert Sears
Acting Chief of Police

ALBANY, NEW YORK

POLICE DEPARTMENT

165 HENRY JOHNSON BOULEVARD
ALBANY, NEW YORK 12210



1789

BODY WORN CAMERAS GENERAL ORDER NO: 3.2.15

Issue Date: November 6, 2017	Effective Date: November 6, 2017
Revision Date: November 6, 2017	CALEA: 41.3.8
Volume 3: Operations	Chapter 2: Uniforms and Equipment
Distribution: All Personnel	NYSLEAP: N/A
Issuing Authority: Acting Chief Robert Sears	Page: 1 of 9

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 Body 2 BWC System.

POLICY: It is the policy of the Albany Police Department that sworn personnel shall utilize BWC's, 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. BWC 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 BWC's for the purpose of making available ports within the docking station for those BWC's 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. This training should include but not limited to:
 - 1) Usage;
 - 2) Limitations;
 - 3) Activation;
 - 4) Deactivation;
 - 5) Review 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, Form #432](#), shown on page 8 of this order.
 - 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 an operational inspection. Personnel shall also inspect BWC's at the conclusion of each shift to ensure system integrity.
1. When conducting the pre and post shift inspection, the officer shall activate the BWC and verbally state whether a pre or post shift inspection is being conducted, the date, time and that a test is being performed on the unit.
- 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. BWC's 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 operate a BWC during the entirety of their shift.
- B.** All Neighborhood Engagement Unit (NEU) officers shall be required to operate a BWC during the entirety of their shift.
- C.** All detectives and officers assigned to plain clothes patrols shall be required to operate a BWC while engaged in field operations or active enforcement actions.
- D.** K-9 officers shall operate a BWC while engaged in an enforcement action.
- E.** Spare BWC's 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 immediately 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.

- B.** Once activated, the BWC shall record the entire incident until completion unless directed otherwise by a supervisor or is outlined in this policy.

- 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.

- 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.** BWC's must be utilized in the following situations:
 - 1. All calls for service, unless outlined in Section III I;
 - 2. When in emergency vehicle operation mode;
 - 3. All pursuits;
 - 4. All enforcement actions, to include but not limited to:
 - a. Arrests;
 - b. Traffic stops;
 - c. Street encounters;

- d. Foot pursuits;
 - e. Emotionally Disturbed Person's calls; and
 - f. Any use of force situation
 - 5. When administering Standardized Field Sobriety Tests;
 - 6. 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;
 - 7. Any situation at the direction of a supervisor;
 - 8. Prisoner transports; and
 - 9. Street level "show up" identification procedures.
- H. Recordings captured on BWC's 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. BWC's shall not to be utilized for the following:
 - 1. To deceitfully record other department personnel;
 - 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. BWC's may be utilized in these 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.
- K. If a BWC is utilized, it shall be documented on the report completed 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 Form, APD Form #431shown](#) on page 9 of this order, to the Office of Professional Services via

departmental mail.

- B.** If an officer makes a request for video/audio captured from their unit and there is video/audio captured of the same incident by another unit, another request for file preservation must be done for the other unit's video/audio files.
- 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 uploaded to Evidence.com at the end of each shift.
- B.** All downloaded digital audio/video files are scheduled to be held for a period of one hundred twenty (180) days, unless the video is tagged for retention as outlined in section V C or a request is received for further retention of the file.
- 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 video/audio 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 November 6, 2017 this General Order shall be reviewed every six (6) months until further notice.



Robert Sears

Acting Chief of Police

ALBANY, NEW YORK
POLICE DEPARTMENT
165 HENRY JOHNSON BOULEVARD
ALBANY, NEW YORK 12210



1789

Albany Police Department
BWC Audit Report

Reviewed Member: _____

Date: _____

Reviewing Member: _____

Incident Number Reviewed:	Category Number:	Notes:

Video Categorization:

- 1. Report Call
- 2. Street Encounter
- 3. Traffic Stop
- 4. Miscellaneous
- 5. Domestic Incident
- 6. EDP Call
- 7. Detail
- 8. Other

*Supervisors completing this report need only denote the number in column three as for the video categorization.

Reporting Supervisor
(Signature/PIN)

APD Form #432



Robert Sears

Acting Chief of Police

ALBANY, NEW YORK
POLICE DEPARTMENT
165 HENRY JOHNSON BOULEVARD
ALBANY, NEW YORK 12210



1789

Albany Police Department
Audio/Video Preservation Request

Officer: _____ **Date:** _____ **Time:** _____
Incident #: _____ **Unit #:** _____ **Actual vehicle unit:** _____

Audio/Video Preservation Type:	Reason For Preservation:	Notes:
BWC		
Mobile DVR		
Central Booking		

Purpose of request for preservation:

- | | | |
|---------------------------|--------------------------------------|--|
| 1. Arrest | 6. Training Aid | 11. Civilian Complaint / notice of claim |
| 2. Evidence | 7. Critical Incident | 12. Other (explain in notes section) |
| 3. Criminal Investigation | 8. DWI Related | |
| 4. Outside Agency | 9. Use of force | |
| 5. Foil Request | 10. Injury to officer and/or suspect | |

*Officers completing this report need only denote the number(s) in column two as for the reason for making the request for file preservation.

*Completed forms shall be delivered to OPS via fax (518-462-8018) and intradepartmental mail.

Requesting Officer
(Signature/PIN)

Supervisor Approving
(Signature/PIN)