

# Syracuse Police Department

## Body Worn Cameras (Draft Policy Manual)

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### BODY WORN CAMERAS (Draft)

#### 424.1 PURPOSE AND SCOPE

- A. This policy provides guidelines for the use of Body Worn Cameras (“BWCs”) by Officers of the Syracuse Police Department (the “Department”) while in the performance of their duties.
- B. The goal of the BWC program is to enhance public trust in the Department by providing greater transparency into officer actions. Recording law enforcement interactions between officers and members of the public provides valuable information for officer accountability and effective criminal investigations.
- C. This policy does not apply to mobile audio/video recordings, dashboard cameras, interviews or interrogations conducted at any Department facility, authorized undercover operations, wiretaps or concealed listening devices.

#### 424.2 POLICY

- A. The Department will assign each officer in the Uniform Bureau, including Sergeants, with a BWC for use during the performance of their duties.
- B. For purposes of this policy, a law enforcement activity is any activity where the officer is on duty and is pursuing a law enforcement objective or purpose. Law enforcement activities generally include activities such as calls for service, detentions/stops of persons and vehicles, field interviews, service of warrants, arrests, transports, pursuits, all investigatory activities, and any use of force. Law enforcement activities do not include administrative duty time or on-duty activities that do not involve civilian interaction, except as otherwise specified in this policy.
- B. An officer assigned to secondary employment is considered on duty for purpose of this policy, and shall use the Department-assigned BWC during the secondary employment shift consistent with this policy.

#### 424.3 OFFICER RESPONSIBILITIES

- A. Prior to going into service, each officer is responsible for ensuring that the officer is equipped with their assigned BWC, and that the BWC is charged and in good working order. If the BWC is not in working order or if the officer becomes aware of a malfunction

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at any time, the officer shall promptly report the failure to their supervisor and obtain a functioning device as soon as reasonably practicable. The supervisor shall document any instance where an officer is on-duty without an operational BWC in an Interdepartmental Memo.

- B. Officers shall wear the BWC in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.
- C. Officers assigned a BWC shall turn the device into the ON position for the officer's entire shift.
- D. Officers shall document the existence of a recording in any report or other official record of the contact, including any instance where the BWC malfunctioned or the officer de-activated the recording. Officers shall include the reason for de-activation.
- E. Officers shall place their BWCs into docking stations at the end of their shift and shall not remove BWCs from the Department facility while off duty.

#### **424.4 ACTIVATION OF THE BWC**

- A. A BWC that is in the ON position is not recording until activated. Therefore, officers must activate the BWC immediately at the start of each law enforcement activity, unless it is not safe and feasible. Where immediate activation is not safe and feasible, the officer shall activate the BWC as soon as possible.
- B. Once activated, the BWC shall remain activated continuously until the entire law enforcement activity concludes, or until the situation no longer fits the criteria for activation.
- C. Recording of a law enforcement activity is required even if the event is out of view of the camera.
- D. The following law enforcement activities shall always be recorded:
  - 1. Dispatched calls, starting before the officer arrives on the call to ensure adequate time to activate the BWC;
  - 2. Vehicle and pedestrian stops;
  - 3. On-view infractions and criminal activity;
  - 4. Investigatory stops and arrests;
  - 5. Other investigatory activities;
  - 6. Searches and inventories of vehicles, persons, or premises;

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7. Handling and counting of currency;
  8. Transports (excluding ride-alongs and passengers for meetings);
  9. Following or riding in ambulances or medic units that are transporting persons involved in an event to a medical facility;
  10. Vehicle and foot pursuits;
  11. Questioning victims, suspects, or witnesses (This does not include conversations with persons merely wishing to pass on information about general criminal activity not tied to a specific event);
  12. Interviews by supervisors in the course of a use of force investigation.
- E. Recording may be stopped during administrative duty time including significant periods of inactivity such as report writing or other prolonged breaks where the officer is not directly participating or interacting with the public.

#### **424.5 ACTIVATION DURING SPECIAL OPERATIONS**

- A. Officers shall activate BWCs during raids, search warrant executions, and arrest warrant executions, and continue to record in accordance with this policy.
- B. Officers assigned to crowd control situations, including protests, demonstrations, and civil disorder situations, shall record unless otherwise directed by the Chief of Police or their designee.
- C. Officers assigned to a Command Post shall not record with a BWC in a Command Post.

#### **424.6 PROTECTING PRIVACY AND DIGNITY**

- A. There may be circumstances when the respect for an individual's privacy or dignity outweighs the need to record a law enforcement activity. In these circumstances, the officer is permitted to exercise limited discretion to decide to not record or cease recording. This discretion may only be applied when a reasonable officer would conclude that such privacy interests outweigh any legitimate law enforcement interest in recording. Such circumstances may include natural death scenes, death notifications, child victim interviews, cultural or religious objections to being recorded, and when the use of BWC would impede or limit the cooperation of a victim or witness.
- B. Requests by the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

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- C. An officer who exercises discretion to not record due to privacy interests shall document this decision in the incident report, and articulate the facts and circumstances that led to this decision.

#### **424.7 RECORDING PROHIBITIONS AND LIMITATIONS**

- A. Officers shall not record in the interior of restrooms, jails, courtrooms, or grand jury rooms.
- B. Officers 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 use(s) of force;
  - 4. Recording an allegation of misconduct against a member of the Department;
  - 5. Supervisor interviews or arrestees for use of force investigations and arrest screenings.
- C. Officers shall not record a victim of a sex offense.
- D. Officers assigned to the Emergency Response Team (ERT) (e.g. SWAT, Bomb Unit, Crisis Response Unit etc.) shall not record operational briefings unless directed by a supervisor.
- E. Officers may, in their discretion, choose not to record meetings or conversations with compensated confidential informants, street sources, or non-compensated informants.
- F. Officers are not required to wear or use BWCs while engaged in undercover activities, decoy operations, plainclothes surveillances, or other non-uniform and covert police activities.
- G. BWCs shall not be used where an explosive device may be present.

#### **424.8 DOCUMENTATION OF BWC RECORDINGS**

Officers will document the existence of pertinent BWC recordings in various Department reports and forms in accordance with training. When a BWC is utilized during a law enforcement activity, officers shall note the following statement on the first line of the narrative section of the incident report: "This incident was captured on a Body Worn Camera". Officers shall also note on the arrest and other related reports when recordings were made during the incident in question. BWC recordings are not a replacement for written reports.

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#### **424.9 PROHIBITED USE OF BWCs AND RECORDINGS**

- A. Officers are prohibited from using BWCs for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.
- B. Officers are prohibited from using BWCs while off duty.
- C. Officers shall not duplicate or distribute BWC recordings, except for authorized legitimate Department business purposes. All such recordings shall be retained at the Department.
- D. Officers shall not post BWC recordings on the internet, social media sites, or distribute to the media, or otherwise disseminate BWC recordings in any way.
- E. Officers are prohibited from using personally owned recording devices for law enforcement purposes.
- F. Recordings shall not be used by any officer for the purpose of embarrassment, harassment or ridicule.
- G. Officers shall not alter, tamper with, delete, damage, or destroy any BWC or BWC recording or attempt to do the same unless assigned as a BWC Program Coordinator and specifically authorized to do so by Department policy.

#### **424.10 RETENTION OF RECORDINGS**

All recordings shall be retained for the applicable period set forth in the Department's Record Retention Schedule, but in no event for a period less than 180 days.

#### **424.11 RELEASE OF BWC FOOTAGE**

Requests from outside the Department for the release of BWC recordings shall be processed in accordance with the Disclosure of BWC Recordings Procedure.

#### **424.12 REVIEW OF BODY WORN CAMERA VIDEOS**

- A. Officers may review and use BWC recordings only for official Department duties, which include the following:
  - 1. Officers may view BWC recordings from their assigned BWC if available to assist in accurate report writing.

**NOTE:** The purpose of using BWC recordings in writing reports is to maximize the accuracy of the report – not to replace the officer's independent recollection and perception of an event.

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2. Conducting criminal investigations;
  3. Conducting supervisory duties;
  4. Preparing for testimony relating to their official police duties;
  5. Training upon approval of the Commanding Officer of the Training Division, the Commanding Officer of a Specialized Unit, or the Chief of Police or their designee;
  6. Assist with training and evaluation in the Department's Field Training and Personnel Evaluation Programs;
  7. Performing other official SPD duties as authorized by Department policy or by the Chief of Police or their designee.
- B. Supervisors/Command staff may review BWC recordings:
1. To review an officer's performance and/or professional development;
  2. To facilitate training of an officer;
  3. To Investigate meritorious conduct or reports of misconduct.
- C. Department Investigations of Officers:
1. Department personnel assigned to the Office of Professional Standards ("OPS") will be given direct access to the BWC System and are authorized to access and copy BWC recordings as needed to perform their duties.

**NOTE:** Prior to being disciplined for performance issues or misconduct, officers will be permitted to view any BWC footage that was used by the Department in its investigation of the conduct, as well as specific BWC footage that the Officer believes is reasonably related to their performance issue or misconduct that is the subject of the Department investigation.

#### **424.13 PROGRAM & POLICY COMPLIANCE**

- A. At least on a monthly basis, command officers or supervisors will randomly review five BWC recordings per subordinate to ensure that the equipment is operating properly, that the officers are using the devices appropriately and in accordance with policy, and to identify and document any areas in which additional training or guidance is required.
- B. If any deviation from policy is discovered, the supervisor's findings will be documented on an Inter-Department Memo and forwarded up the chain of command.

#### **424.14 OFFICER PRIVACY EXPECTATION**

All recordings made by officers on any Department-issued device at any time, and any recording made while acting in an official capacity of this Department, regardless of ownership of the

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device it was made on, shall remain the property of the Department. Officers shall have no expectation of privacy or ownership interest in the content of these recordings.

#### **424.15 BWC PROGRAM COORDINATOR**

A. The Chief of Police or the authorized designee will designate a coordinator responsible for:

1. Establishing procedures for the security, storage and maintenance of data and recordings;
2. Establishing procedures for accessing data and recordings;
3. Establishing procedures for logging or auditing access;
4. Establishing procedures for transferring, downloading, tagging or marking events.