

BODY-WORN CAMERAS			
<input type="checkbox"/> new: <input type="checkbox"/> rescinds: <input checked="" type="checkbox"/> amends: All previous		cross-reference: SUNY-Wide Body Worn Camera Policy accreditation standards: NYSLEAP Standard(s)	
effective date: January 15, 2020	amend date: December 28, 2022		

I. POLICY STATEMENT

This policy is intended to provide officers with instructions on when and how to use body-worn cameras so that officers may reliably record their contacts with the public in accordance with their official duties and the law. The SUNY Cortland University Police respects the privacy of community members and takes pains to balance privacy against safety needs. Cameras are a tool that assists the University Police in maintaining order and fostering a proper learning and living environment. By visually and audibly recording specific interactions for law enforcement purposes, cameras protect community members by serving as deterrents to inappropriate behavior and police officers from false accusations.

II. PURPOSE

It is the policy of the SUNY Cortland University Police that officers shall activate the body-worn camera (BWC) when such use is appropriate for the proper performance of their official duties, where the recordings are consistent with the law and this policy. This policy does not govern the use of surreptitious recording devices used in undercover operations. The body-worn camera equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of this agency.

III. DEFINITIONS

- A. **Body-Worn Cameras (BWC or BWCs)-** Small video cameras issued by the University Police and affixed to personnel’s uniforms in a manner that maximizes the camera’s ability to capture video and audio data of law enforcement-related activity. This term does not include any form of electronic recording devices worn by personnel while acting in an undercover capacity.
- B. **BWC Recordings-** Include audio, video, images, data, and metadata recorded, captured, and uploaded by the BWC.
- C. **Camera Activation-** Action that causes the body-worn camera to begin recording.
- D. **Camera Deactivation-** Action that causes the body-worn camera to stop recording.
- E. **Docking Station-** This is a charging, docking, and data transfer unit.

- F. **Event Mode-** When the camera is actively recording video and audio.
- G. **Pre-event Mode-** Mode in which a BWC is powered on but has not been activated to record audio and video. When configured to do so, a camera may be continuously recording video only (no audio) for a predetermined period of time so that the pre-event video can be included when a camera is activated (placed in event mode).

IV. PROCEDURES

A. Training

Police personnel who are assigned body-worn cameras must complete an agency-approved training program provided to ensure proper use and operations as well as the access and dissemination of BWC recordings.

1. Training will include a review of this policy and associated procedures to include relevant legal issues.
2. Refresher training will be provided as needed, but no less than bi-annually.

B. Issuance

Body-worn cameras shall be used only in conjunction with official law enforcement duties or other official activities when in the performance of duty and in conjunction with department policy and procedure.

Personnel are responsible for the proper care and use of their assigned BWC and all associated equipment.

1. Prior to the pre-shift briefing, members will retrieve the assigned body-worn camera from the docking station and:
 - Power on and inspect the body-worn camera and perform an inspection for proper battery life, damage, or malfunction. Any malfunctions shall be properly reported to a supervisor, and another functioning BWC will be obtained, if available. If unavailable, assigned personnel will note, in writing, to their supervisor that during the inspection, an issue was uncovered and no replacement BWC was available for that shift.
 - Position the body-worn camera on the outermost garment to facilitate the optimal recording field of view, generally in the center of the chest, using the mounting hardware provided.
2. The body-worn camera equipment is the responsibility of the individual officer, and they are responsible for ensuring the camera remains powered on, operational, and positioned as trained.
3. Department members will utilize the department-issued and authorized body-worn camera only when on duty to record official activity. The use of any non-department-issued recording devices is strictly prohibited.

4. Members will immediately notify the shift supervisor, the Assistant Chief, the Chief of Police, or their designee if no supervisor is on duty of any issues with their BWC or if personnel were unable to comply with the above directive.
5. At the end of the tour, personnel are responsible for returning their BWC to the assigned docking station for data transfer and charging.

C. Activation

This policy is not intended to describe every possible situation in which personnel should or should not record the interaction. Personnel will activate the recorder anytime it is required and should activate it anytime they believe it would be appropriate or valuable to have a recording of an incident. Personnel should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to them that such privacy may outweigh any legitimate law enforcement interest in recording. When exceptions are encountered, sound judgment and proper documentation are warranted.

1. Mandated Recording

- Personnel are responsible for BWC activation prior to engaging in any police action with the public, including, but not limited to: criminal and non-criminal calls for service, arrests or detentions, prisoner transports, uses of force, searches, traffic stops, motor vehicle accidents, interviews, dealing with persons behaving in an erratic manner, and all encounters that have the potential to be confrontational or have become adversarial.
- When safe and practical, personnel shall activate their BWC when the decision is made to initiate a traffic stop or prior to an encounter with the public to permit recording of the events leading up to the stop or encounter.
- In the event of an unanticipated or exigent law enforcement-related activity, personnel should activate the BWC as soon as it is safe and practical to do so after taking necessary steps to preserve human life, health, and safety.
- Failure to record when required must be reported to a supervisor and documented in a written report, including reasons why a recording was not made, interrupted, or deactivated.
- If the BWC is equipped with the functionality to automatically activate, personnel shall not intentionally interfere with that function.

2. Temporary Deactivation

- Personnel may temporarily deactivate or delay activation when speaking with individuals providing confidential information or while interviewing crime victims of a sensitive nature.
- Prior to temporarily deactivating their BWC, personnel shall record an announcement of the deactivation and the reasons why they are taking that action.

- Once the above situations have ceased and personnel have re-engaged in the law enforcement-related activity, the BWC recording must be reactivated.

3. Prohibited Recording

Personnel shall not have their BWC activated in the following locations **unless the footage is required to further a law enforcement purpose:**

- Entering or inside the station.
- Inside a medical or mental health facility.
- Inside a correctional facility.
- Inside a court facility.
- Inside a place of worship.
- Inside a domestic violence shelter.
- Inside a restroom, locker room, or area with a similar expectation of privacy.

Personnel shall not have their BWC activated:

- While conducting or observing a strip search.
- While with undercover officers or confidential informants.
- When being counseled by a supervisor.
- During any shift, incident, or tactical briefing.
- During training.
- During communications with other law enforcement personnel unrelated to official duties.
- When on break or otherwise engaged in personal activities or administrative duties.

4. Special Circumstances for BWC Activation

- When personnel are assigned to a special event or detail, they shall follow instructions provided by the supervisor who has been designated Incident/Detail Commander or equivalent.
- In the event that personnel engage in police action as described above, they shall immediately activate their BWC as soon as it is safe and practical to do so after taking necessary steps to preserve human life, health, and safety.

5. Outside Agencies

- When a BWC is activated during a law enforcement action involving another law enforcement agency, personnel shall, when practical and safe to do so, notify the other agency that the incident is being recorded.

6. Notification of Activation

- While notice to the public is not required, there may be incidents where personnel should announce that they are recording the interaction. If they believe that an individual may have privacy concerns about having the interaction recorded, or the announcement may improve compliance or assist in de-escalation, they shall announce the incident is being recorded.
- A notification is not required if personnel believe that it is not safe or practical.
- In the event that personnel are asked if the interaction is being recorded, they shall promptly provide a truthful response.

University Police-issued BWCs will only be used to capture or collect information for the purposes specifically authorized by this policy. Any other use is prohibited.

D. Deactivation

1. Except where temporary deactivation or non-activation of the BWC is permitted, as stated above, personnel shall continue to record uninterrupted until the encounter with the public has concluded. Examples of when the law enforcement-related activity may be considered concluded include the following:
 - The victim and/or witness contact has concluded.
 - All suspects stopped have been released or left the scene, or an arrestee has arrived at the station for processing.
 - Once a person is in custody, transport is completed, and personnel are in an area where the interactions are recorded by another device.
2. In situations where the BWC is maintained in Event Mode, and there is a reasonable concern regarding BWC battery life or recording capacity, personnel shall contact a supervisor for approval to deactivate the BWC.

E. Documentation

1. In all applicable narratives, personnel must document the presence of video captured by a BWC during any law enforcement-related activity.

2. Personnel shall make proper written documentation anytime the BWC captures a statement from a defendant.
 - Proper documentation will include all required UPD reports and a CPL 710.30 when necessary.
 - The BWC recording will not take the place of an in-depth written statement, where applicable.
3. Personnel shall ensure that all BWC recordings are appropriately labeled and tagged as trained.
 - Based on the circumstances surrounding an incident, a supervisor may require that personnel upload and label BWC recordings prior to the completion of their shift.
 - Personnel are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

F. Viewing of BWC Recordings

1. All access to BWC data (images, sounds, and metadata) by personnel, unless otherwise set forth below, must be specifically authorized by the Chief of Police or their designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
2. Personnel shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or their designee.
3. Requests for deletion of portions of recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or their designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
4. In the performance of their duties, personnel may view the following BWC recordings:
 - Their own BWC recordings to assist in the official preparation of reports, except under those circumstances specified later in this policy.
 - With the authorization specified in (section (F) 1 above), BWC recordings of other personnel if the viewing is in furtherance of an investigation, preparation of a case, or other official purposes.
5. Where any active threat of death or serious physical injury to the public and/or personnel exists, personnel may view the BWC recordings as soon as practical without the authorization specified above and make appropriate notifications which may include advising dispatch to broadcast pertinent information and/or advising a supervisor. Once the active threat of death or serious physical injury to the public

and/or personnel has ceased, the department may exercise its right to limit or restrict personnel from viewing BWC recordings.

6. If personnel are the subject of a criminal investigation, official administrative investigation, suspected of wrongdoing, involved in an officer-involved shooting, or an incident related to the death of a person that is subject to investigation by the New York State Attorney General Office of Special Investigations pursuant to New York State Executive Law § 70-b, or other serious use of force incident, or is a witness to such events the department reserves the right to limit or restrict personnel from viewing their video file. Notwithstanding the following, personnel will be permitted to review their own BWC recordings related to an incident two (2) hours prior to providing a compelled administrative statement, if available.
7. A supervisor may access the BWC recordings of the personnel they supervise for the following purposes:
 - To evaluate the performance of personnel.
 - To review an incident to identify training opportunities.
 - To assist in the investigation of an allegation of personnel misconduct.
 - Ensure that BWC recordings are properly labeled and tagged.
 - To ensure compliance with this policy.
8. BWC recordings shall not be used solely for the purpose of searching for grounds for employee discipline.
9. Any additional access to BWC recordings will be in accordance with law or at the direction of the Chief of Police or the Chief Administrative Officer of the Institution to which the Chief of Police reports.
10. After a Notice of Discipline is served on personnel, a copy of any relevant BWC recordings related to the Notice of Discipline will be provided to the personnel.
11. BWC recordings will be accessed, reviewed, and used by UPD personnel only in the performance of their official duties and in compliance with this policy or other UPD policies and directives.

G. Dissemination of BWC Recordings

1. The Chief of Police, or their designee, shall develop a procedure for ensuring that BWC recordings that contain evidence pertinent to criminal prosecution are submitted to the authority responsible for prosecuting that case.
2. The Chief of Police, or their designee, shall develop a procedure for ensuring that BWC recordings that will be released will be redacted, in collaboration with SUNY Office of General Counsel, as necessary

3. Any further release of BWC recordings will be in compliance with the law or at the direction of the Chief of Police or the Chief Administrative Officer of the Institution in which the Chief of Police reports in consultation with the SUNY Office of General Counsel.
4. The Institution may be compelled by law in an administrative or legal proceeding to disseminate BWC recordings to the requesting parties. Such dissemination will be in consultation with the SUNY Office of General Counsel. These proceedings can include Freedom of Information Law requests, subpoenas, audits, or other third-party requests. In addition, SUNY may use BWC recordings, in any circumstance, where necessary, to defend the officer, campus, or university.
5. Any dissemination or release of BWC recordings without the express consent of the Chief of Police or the Chief Administrative Officer of the Institution in which the Chief of Police reports is strictly prohibited.
6. Personnel are prohibited from editing, altering, erasing, duplicating, copying, sharing, or otherwise distributing in any manner BWC recordings without authorization of the Chief of Police and for a legitimate departmental purpose.

H. Security, Retention, and Storage

1. The Chief of Police shall ensure that BWC recordings are securely stored in a manner and duration in accordance with applicable law.
2. Retention of BWC Recordings:
 - BWC recordings will be temporarily stored on the individual BWC until placed into the docking station for uploading to storage.
 - All BWC recordings captured by personnel will be retained for a minimum of 6 months (180 days) and then automatically purged unless there is a legal obligation or departmental interest in a longer retention period.
 - BWC recordings that are considered evidence or potential evidence related to a criminal proceeding, and those deemed relevant and material to any other enforcement or administrative matter, will be retained in accordance with the UPD's evidence and record retention policies.

BY ORDER OF
Mark T. DePaull
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Chief of Police