

**NIAGARA FALLS POLICE DEPARTMENT
GENERAL ORDER**

EFFECTIVE DATE: 03/12/2015	SUBJECT: Wearable Video Recorders (Body Cameras)	Number 310.10
RESCINDS: None Previous		Number of pages 6

I. PURPOSE

The purpose of this policy is to set forth guidelines for the use, management, storage, retrieval and purging of audio-visual media recorded by wearable video recorders. (WVR's).

II. POLICY

Wearable Video Recorders (WVR) will be used to assist Department personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident. Additionally, to maximize effectiveness of the WVR and maintain integrity of evidence and related documentation, all personnel utilizing these devices shall adhere to the procedures outlined within this policy.

III. DEFINITIONS:

- A. Audio Recording: The electronic recording of conversation or other spoken words.
- B. Evidentiary Value: Evidence that may have a bearing on the outcome of a criminal, civil, or internal investigation and/or court proceeding.
- C. Law Enforcement Action: For purposes of this policy, it is defined as:
 - 1. Officer taking someone into physical custody;
 - 2. Officer using force;
 - 3. Officer engaged in a traffic stop;
 - 4. Officer taking a deathbed confession; or,
 - 5. Officer taking a victim or suspect statement in any criminal matter (see exceptions described below).
 - 6. Officer engaged in a search of person except:

- a. Searches conducted at NFPD Booking because they are already recorded in-house.
- D. Visual Recording: The electronic recording of visual images with or without audio component.
- E. Wearable Video Recorder (WVR): Any system which captures and records audio and visual signals that is capable of being individually worn by officers and includes a recorder, microphone and paired monitoring device.
- F. WVR Administrator: The Information Technology/Communications Lieutenant.
 - 1. The WVR Administrator shall be the custodian of all WVR evidence.

IV. CONFIDENTIALITY

- A. All recording media, images, and audio are property of the Niagara Falls Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy.
- B. Under no circumstances will any member of the Niagara Falls Police Department make a personal copy of any recorded event.
- C. Any video copies created by the WVR Administrator shall be for official law enforcement purposes and shall be clearly marked with a disclaimer that further copies are not authorized.

V. PROCEDURE

- A. Equipment
 - 1. Department issued WVR's are intended for official Departmental use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units shall result in disciplinary action.
 - 2. Officers shall use only those WVR's issued to them by the Department. The wearing of personal video recorders, or cameras assigned to other officers, is not authorized.
 - 3. All WVR's shall be fully charged and operational before use.
- B. Uniformed Officer Responsibility

1. Prior to beginning a shift, any officer who is assigned a WVR shall conduct an operational inspection of the device.
 - a. Any problems preventing the use of the unit during the shift shall be reported to the Desk Lieutenant.
 - b. All operational problems with WVR's shall be handled by the WVR Administrator.
2. The WVR shall be worn in a manner as to provide an unobstructed camera view of officer/citizen contacts. Officers shall wear the device in place of the shoulder microphone at the front of the body armor, on the non-weapon side.
3. Officers shall activate the device prior to or while taking any "law enforcement action" (as previously defined).
 - a. Every officer on a scene with a WVR shall activate it and leave it on for the duration of the incident.
 - b. At no time shall an officer jeopardize his/her safety or the safety of another in order to activate their WVR.
 - c. While taking a victim statement, the WVR may be turned off at the victim's request.
 1. If the use of a WVR during an interview will interfere with the gathering of facts and investigative information, or otherwise hinder the communication process, it shall not be used.
4. Officers may voluntarily activate the WVR during each citizen encounter related to a call for service or other police activity, except when prohibited by this policy.
 - a. An officer does not have to disclose that the WVR is activated. However, if a subject asks, the officer shall inform the subject of the WVR activation.
5. Exceptions:
 - a. WVR's must be turned off when appearing before a judge.
 - b. Unless taking "law enforcement action" (as defined above),

officers shall ensure their WVR's are turned off when inside any medical facility in order to protect the privacy of patients, their medical treatment and information.

- c. WVR's shall not be activated during any strip search.
 - d. WVR's shall not be activated while conducted interviews involving sex crimes.
6. Officers shall dock the equipment properly at the end of their shift.
7. All recordings shall be considered evidence and chain of custody procedures shall apply. The following procedures are to be used during the uploading process:
- a. Upon activating the WVR and making a recording, the recording officer shall upload the evidence by docking the WVR at one of the provided docking stations and uploading the video and/or photographs by following the on screen instructions. All recordings shall be uploaded the next time the officer is at NFPD headquarters during their shift.
 - b. Once the video has imported properly the computer will then prompt the officer to delete the evidence still stored on the WVR. The officer should delete the video off of the WVR at this time.
 - c. A dock will be maintained at the Officer's workstation outside the Ready Room as well as in the Officer workstation in the Booking Division.
 - d. If the evidence consists of photographs which must be uploaded into the Impact System, the Officer will make a copy of that Incident Report and forward the report to the IT Division, who will be responsible for importing the data into the appropriate case file.
8. Department personnel shall not intentionally erase, alter, reuse, modify or tamper with audio-video recordings.
9. Officers preparing incident reports are to ensure that they include the following information in the report:
- a. All police personnel on the scene,

- b. The names of police personnel wearing WVR's,
- 10. Officers may view recorded video prior to making any statement or report concerning the matter.
- 11. In the event a WVR malfunctions during a recorded event or is accidentally deactivated, the officer wearing the device shall write a report detailing the circumstances.
- 12. In the event of theft or loss of a WVR, the immediate supervisor shall be immediately notified and a report filed.
 - a. The Shift Commander shall immediately notify the WVR Administrator and the Superintendent of Police through appropriate channels.
 - b. The Office of Professional Standards shall investigate all WVR theft/loss incidents.
- C. Non-Uniformed Officer Responsibility:
 - 1. Any officer assigned to a non-uniformed position may carry a department issued WVR at his/her supervisor's discretion.
 - 2. The same procedures for activation, logging, and reporting shall be followed as those for uniformed officers.
- D. Citizen Complaint:
 - 1. In the event a WVR recording is related to a complaint filed by a citizen or another member of the NFPD, the WVR Administrator shall turn over a copy of the recording to the OPS Commander or designee without delay.
- E. Supervisor Responsibility:
 - 1. Supervisors shall ensure officers use assigned WVR's per Department policy.
- F. Video Evidence
 - 1. Officers requesting videos for trials and hearings must make such request through the WVR Administrator at least five (5) business

days prior to the appearance date. (Situations outside the officer's control will be handled on a case-by-case basis.)

2. All requested videos must be picked up in person and the person receiving the video must sign a log acknowledging receipt.

G. Video Purge

1. Videos shall be purged from the server after 90 days from the date of upload by the WVR Administrator, unless;
 - a. The recording is part of a criminal case. In this event, the recording shall be purged once the statute of limitations has expired or the case has been disposed of, whichever is sooner.
 - b. The recording is part of an internal investigation. In this event, the recording shall be purged when the case has been closed. The WVR Administrator shall ensure that a copy of the recording is provided to the OPS Commander for the master file on the case.
 - c. A Notice of Claim for a civil action has been filed against the City of Niagara Falls, the NFPD or any member. In this event, the recording shall be maintained until advised otherwise by the City Law Department.
 - d. A recording officer may request that the WVR Administrator maintain a recording for longer than 90 days if he/she has a concern about future litigation or issues related to the recording.