

---

## Body Cameras

### 424.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of Axon Body Cameras by members of this office while in the performance of their duties. This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Oneida County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

### 424.2 POLICY

The Oneida County Sheriff's Office may provide members with access to body cameras for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public.

### 424.3 DEFINITIONS

**System Administrator** - The Sheriff or the authorized designee should designate a coordinator responsible for establishing procedures for the security, storage and maintenance of data, recordings, accessing data recordings, logging or auditing access, transferring, downloading, tagging or marking events.

**Body Camera** - A device capable of recording audio and video that is worn by a police officer.

**Evidence.com** - The online web-based digital media storage facility accessed at [www.evidence.com](http://www.evidence.com). The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in highly secure environment. The digital recordings are accessible to authorized personnel based upon a security clearance and maintain an audit of user activity.

**Tag/Tagging/Labeling** - A label assigned to identify video and audio recordings; to label, identify or recognize with a title/case number/category.

**Dock** - Is a docking station that simultaneously recharges the Axon Body Camera and uploads all data captured from the body camera point of view during the operators shift to Evidence.com.

**Reassign** - to reassign "ownership" of a recording to another member.

**Sharing/Manage Access** - The transfer/sharing or allowing access of videos through Evidence.com to other department member or partner agency's such as the Oneida County District Attorney's Office.

**Supervisor** - For the purpose of this policy is anyone carrying the rank of Corporal and above or an OIC.

## *Body Cameras*

---

### **424.4 MODES OF OPERATION**

**Normal (Buffering) Mode** - In the “normal” mode the Body Camera will be turned on to the “On” position and shall be configured to record for 30 seconds prior to an event. Audio is not recorded during buffering.

**Event Mode** - To activate a member will push the Event Button twice. In “event” mode the Body Camera will save the buffered video (30 seconds) and continue recording audio and video for the life of the battery. Pressing the “function” button quickly and releasing (upper left side of the camera) will place a marker on the media segment for later viewing and download to Evidence.com.

**Mute Option** - To activate this option, press and hold the function button, on the upper left side of the camera, for three seconds. A blinking blue light will flash once activated. During the mute function video will continue to record without audio. Members may use this option when authorized by a supervisor. To deactivate this function press and hold the Function Button for another three seconds.

**Stealth Mode** - A setting a member can turn on through their device settings which disables the cameras' indicator lights and sounds

### **424.5 MEMBER PRIVACY EXPECTATION**

All recordings made by members on any office-issued device at any time, and any recording made while acting in an official capacity of this office, regardless of ownership of the device it was made on, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### **424.6 MEMBER RESPONSIBILITIES**

Each body camera is assigned and configured for use by the individually assigned deputy. Therefore, no deputy shall use a body camera not assigned to them. supervisor shall order an officer to utilize a body camera not assigned to them. The body camera shall be worn and utilized by the assigned employee EVERY time the employee is performing any law enforcement duties to include their normal working schedule, any outside details, outside employment (in uniform), overtime assignments and assignments directed by a supervisor including those deputies assigned to DSS.

At the start of their shift, members will ensure that their assigned body camera is working properly. If the body camera is malfunctioning/damaged/lost the member will promptly report this to his/her supervisor.

Uniformed Members will attach their assigned body camera to their chest area with one of the mounting systems provided. The camera will be worn in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable. The member will ensure

# Oneida County Sheriff's Office

## Policy Manual

### *Body Cameras*

---

that that the camera's view is not obstructed by any items such as jackets or other equipment and to ensure that the camera is positioned properly to capture an incident fully.

Body cameras will not be remotely activated. The only exception would be activation induced by a Tasing.

Members WILL document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member de-activated the recording and the reason for the deactivation

The following circumstances will allow a deputy to return the body camera to (Buffering) or (Mute):

**When the deputy is directed or authorized by a supervisor or an Investigator on the scene (.ie when on the scene of an incident for an extended period of time and your activity is not vital to the investigation. ie: Sitting in a patrol car at an accident scene for long durations and away from the scene or persons involved).**

While outside the booking room at the LEB while processing a suspect, away from the person

#### **424.7 ACTIVATION OF THE BODY CAMERA**

.This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members will turn the camera “on” and place the body camera in Normal (Buffering) Mode after leaving the Law Enforcement Building or Field Office. They will not do this prior to leaving the building, unless some circumstance requiring activation arises (.ie person in custody, interview or interrogation of a subject, etc.). If an interview is to be conducted at the LEB the member should interview the person(s) in an area away from other members. If this is not practicable the recording member must make every effort to advise other members that their body camera is activated.

At the end of the shift and before entering the Law Enforcement Building or Field Office, members will deactivate (turn off) their body camera, unless circumstance requiring activation arises.

Deputies may turn off their body camera during an interview/interrogation when another recording device is being used such as in the CID room or as directed by a supervisor.

Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

**The body camera shall be activated (Event Mode) upon receipt of any call for service, before answering the radio. They will keep the body camera in event mode until they clear the call for service, unless advised otherwise by a supervisor or an investigator.**

The recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview situations.
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.

# Oneida County Sheriff's Office

## Policy Manual

### Body Cameras

---

- (c) Self-initiated activity in which a deputy would normally notify Dispatch.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Members 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 the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of 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.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

Members working at Court Security Unit or County Office Building Unit will be required to turn their body camera on to Normal (Buffering) Mode at the beginning of their shift and leave in this mode for the entire shift unless an event occurs requiring the activation of the recorder.

#### 424.7.1 CESSATION OF RECORDING

The following circumstances will allow a deputy to return the body camera to (Buffering) or (Mute):

**When the deputy is directed or authorized by a supervisor or an Investigator on the scene (.ie when on the scene of an incident for an extended period of time and your activity is not vital to the investigation. ie: Sitting in a patrol car at an accident scene for long durations and away from the scene or persons involved).**

#### 424.7.2 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

New York law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission. Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

#### 424.7.3 EXPLOSIVE DEVICE

Many portable recorders, including body cameras emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

#### 424.8 PROHIBITED USE OF BODY CAMERAS

New York law permits an individual to surreptitiously record (in a way that attempts to avoid notice or ) any conversation in which one party to the conversation has given his/her permission. Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation. The Body Camera WILL NOT be activated:

# Oneida County Sheriff's Office

## Policy Manual

### Body Cameras

---

- To record conversations of or with fellow employees without their knowledge during routine, non-enforcement related . Unless conducting official law enforcement business that requires the body camera operator to use the system.
- To record personal activity, conversations, or non-law enforcement related activities
- To intentionally or willingly record confidential informants or undercover officers.
- In locker/dressing rooms, restrooms, LEB, Field Office, where a member has a reasonable expectation of privacy unless conducting official law enforcement business that requires the body camera operator to use the system
- Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule. Members are prohibited from using office-issued body cameras for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity. All recordings made by members on any office-issued device at any time, and any recording made while acting in an official capacity of this office, regardless of ownership of the device it was made on, shall remain the property of the Sheriff's Office. Members shall have no expectation of ownership interest in the content of these recordings.

#### **424.9 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To identify and preserve recordings, members will download, tag or label these in accordance with the following procedure and document the existence of the recording in any related case report. After each recorded event the deputy will have to identify the recording. The member should use "Sync" on an agency computer or they may use a cell phone, if they choose, to identify their recording (Evidence. Com may be used in some circumstances). However at no time will a member copy an event or partial event (screenshot/photograph) using their cell phone or other device. The following three classifications: Title, ID and Category will be used to identify a recording:

**Title:**Members For DWI arrest, members will title with DWI, Subjects name. For other complaints members may add the subject's name and or the location or type of incident ( Burglary, Domestic, etc)

**ID:** If the incident has a case number then enter the case number, i.e. "17-12345". there is no case number, BEO

**Category:** A list of categories that will be used from a drop down box within SYNC or Evidence. Com. Each Category has a specific retention time assigned. The categorization of the videos should be completed by the end of your shift.

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule.

## *Body Cameras*

---

### **424.10 BODY CAMERA DOCKING PROCEDURES**

At the end of the operator's shift and once the videos have been properly titled identified and categorized, the body camera will be placed into a docking station. It may be necessary and supervisory approval is needed for members to take their body camera with them at the end of their shift. All videos should be downloaded (docked) prior to leaving the office.

Once the body camera is placed in a docking station, it will automatically start downloading recordings from the camera to Evidence.com. The data is considered impounded at this point and the camera shall be cleared of existing data.

The body camera system cannot be removed from the docking station until all the data has been uploaded. (Camera light turns green)

At **NO TIME** shall any agency personnel other than the issued member of the body camera manipulate another member's body camera. The only exceptions to this are members of:

- OCIS
- Issued agency member's Corporal, Sergeant, Lieutenant, Captain or Chief Deputy
- ID Investigators

### **424.11 SUPERVISOR RESPONSIBILITIES**

The shift supervisor will advise the System Administrator by email of any malfunction/damage/lost body cameras. The malfunctioning/damaged body camera will be securely kept (ie. Sergeants Office) until it is turned over to a system administrator.

Supervisors will ensure members utilize the body cameras according to policy guidelines. Each supervisor will be responsible for conducting at least TWO random monthly compliance audits/checks of body camera recordings for every deputy under their command. Supervisors will make a "note" on this video to show the purpose of viewing the video. The purpose for the checks/audits is to:

- ensure that deputies are using their body cameras when required
- ensure the videos are properly labeled/categorized in accordance with the ID procedures.
- ensure that the footage captured by the body camera is only being reviewed by deputies for official police purposes (checking audit trail).

A "Body Camera Compliance/Audit" form will be filled out by each Squad Supervisor for each member under his/her command. If a deputy is not in compliance with this policy, a description of what the issue is and what corrective measure was taken must be documented on this form or an additional form may be attached if more space is needed.

**Non-Compliance:** In the event a deputy is found to be in non-compliance with the use, or lack thereof (multiple calls without any body camera activation) then the auditing supervisor shall

# Oneida County Sheriff's Office

## Policy Manual

### *Body Cameras*

---

commence an investigation to attempt to ascertain if the officer is intentionally disregarding this policy.

During compliance checks, if content is discovered that amounts to possible misconduct by deputies, such content will not be acted upon through disciplinary process unless it amount to gross misconduct or an unlawful act. Content found outside of gross misconduct or unlawful acts will be addressed through training. Officer safety issues found through compliance checks should be addressed

Supervisors are to review members' recordings only as outlined in this policy or directed to by the Sheriff or his designee. A note must be posted for each video reviewed explaining the reason for the review ( audit, personal complaint, etc)

Supervisors shall ensure all videos are appropriately titled, identified and categorized on a daily basis.

Supervisors may have the ability to immediately resolve citizen complaints by reviewing video captured by the body camera. In those circumstances where a complaint is resolved, supervisors shall add an additional category of "Personnel Complaint" to the video and make appropriate notes in the notes section. Supervisors are encouraged to advise civilian complainants that audio and video was likely captured during their encounter with an officer and that filing a false complaint is punishable by law

Supervisors shall not arbitrarily review recordings for the sole purpose of searching for violations of the procedural manual or law, not related to a specific complaint or incident.

It shall be the supervisor's responsibility to monitor system effectiveness and make recommendations for operational improvement and policy revision.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would Be beneficial in reviewing a member's performance. When an incident arises that requires the immediate retrieval of the digital recording (i.e.: investigations pertaining to use of force, in-custody deaths, or any potential criminal investigation of an officer) supervisors will take possession of the body camera and upload all video regarding the incident to Evidence.com via agency designated computer.

#### **424.12 ACCESSING AND SECURITY**

All recordings are the property of the Oneida County Sheriff's Office.

Requests for copies of video MUST be approved by the Sheriff, Undersheriff or his/her designee pursuant to lawful process. The only exception would be requests by court personnel, who are otherwise authorized to review evidence in a relate case. (.ie District Attorney's Office).

DWI related offenses that are cases of this agency will be shared with the District Attorney's Office automatically (DWI Bureau Chief). The arresting deputy is responsible for ensuring that the videos are shared with the DA's Office.

# Oneida County Sheriff's Office

## Policy Manual

### *Body Cameras*

---

Any outside agencies requesting video will need to be authorized by the Sheriff or his/her designee. The video will not be released to any agency other than the requesting agency. If the DA's office requests this footage, they will be advised to contact that other agency to obtain anything related to that case.

Public Inquiries (FOIL Requests): All media and Freedom of Information (FOIL) requests for Portable Audio/Video Recorders Body Camera recordings will be forwarded to the office of the Sheriff or his/her designee.

Media requests will be sent to the Sheriff or the authorized designee. The release of requested digital media through a written public records request will be subject to the same statutory exemptions in reference to disclosure, with permission of the Sheriff or his/her designee.

All recordings should be reviewed by the Sheriff or his/her designee prior to public release. Recordings that unreasonably violate a person's sense of dignity should not be publicly released unless disclosure is required by law or order of the court (Public Officers Law § 89).

Copies shall be made for official purposes only. Shall not be altered, shortened, changed, edited, or in any way modified from it's originally submitted format to ensure authenticity.

#### **424.13 RETENTION OF RECORDINGS**

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 180 days.

##### **424.13.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

#### **424.14 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report. Deputies will not substitute "refer to video" for a detailed and thorough report). Recorded files may also be reviewed by members.

Members may review video recorded by any member of this office, with approval from a supervisor. The purpose for such a review would be when they are participating in an office investigation, such as a personnel complaint, administrative investigation or criminal investigation.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance.

Recorded files may also be reviewed:

# Oneida County Sheriff's Office

## Policy Manual

### *Body Cameras*

---

- (a) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Sheriff or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Sheriff or his/her designee prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court (Public Officers Law § 89).