

## Body-Worn and In-Car Camera Systems

### 420.1 PURPOSE AND SCOPE

This policy is intended to provide officers with instructions and guidelines on when and how to use the Body-Worn and In-Car Camera (BWC/ICC) systems. Syracuse Police Department has adopted the use of these systems to accomplish the following objectives:

- (a) To enhance officer safety.
- (b) To document statements and events during the course of an incident.
- (c) To enhance officers' ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation and presentation.
- (d) To preserve visual and audio information for use in current and future investigations.
- (e) To provide a tool for self-critique and field evaluation during FTO training.
- (f) To enhance public trust by preserving factual representations of interactions between officers and members of the public in the form of recorded media.
- (g) To assist with the defense of civil actions against officers and Syracuse City.
- (h) To assist with the training and evaluation of officers.

BWC/ICC recordings, however, provide a limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, officer interviews, forensic analyses and documentary evidence, when evaluating the appropriateness of an officer's actions.

This policy does not apply to undercover operations, wiretaps or eavesdropping (surreptitious or concealed devices). It also does not apply to interviews or interrogations conducted at the Syracuse Police Department while utilizing other dedicated recording systems.

Additional guidance regarding the use of body-worn cameras during the execution of a warrant is found in the Warrant Service Policy.

#### 420.1.1 DEFINITIONS

The following definitions relate to terms used within this policy:

**Activate** - The mode in which the BWC/ICC is on and is actively recording an event. Once activated from the Standby mode, thirty seconds of video prior to activation will be captured in addition to video and audio recorded upon activation.

**Biweekly** - Every other week.

**Body Worn Camera (BWC)** - A video recording device that is carried by, or worn on the body of, a law enforcement officer and that is capable of recording the operations of the officer.(Utah 77-7a-103(1)(a). The WatchGuard body camera system is the only department authorized and approved BWC. This BWC definition does not include surreptitious recording devices used in investigative operations.

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**Body Worn Camera/In-Car Camera Program Administrator** - A command level sworn position responsible for the oversight and management of the BWC/ICC program, which includes inventory management, training, deployment, system evaluation, policy review, internal auditing, procedure review and evaluation, and coordination with the BWC/ICC Systems Administrator.

**Body Worn Camera/In-Car Camera Systems Administrator** - A civilian professional specialist position responsible for management of the BWC/ICC Program technology and maintenance of the hardware and software systems.

**Categorization** - The process whereby an employee categorizes a video for evidentiary or information purposes resulting in the recording being retained based on an established retention schedule, and assigned the appropriate SYPD incident number to the recording.

**Deactivate** - When the BWC/ICC is placed in Standby mode, which ends the recording session.

**Evidence Library** - The web-based media storage facility that stores digitally encrypted video and audio recordings from the camera systems. The data is accessible to authorized personnel and maintains an audit trail of all user activities.

**Evidence Transfer Machine (ETM)** - A docking station that facilitates the secure uploading of all data captured by the controller to media storage while simultaneously recharging the camera and controller systems.

**In-Car Camera (ICC)** - Refers to any departmentally installed system that captures audio and video recordings, that is capable of installation in a vehicle, and that includes at minimum: camera, recorder, and display.

**Standby Mode** - The mode in which the BWC/ICC is turned on but not actively recording an event.

#### **420.2 POLICY**

It is the policy of the Department that all sworn officers, with the exception of command personnel and some Support Services Division personnel, will be issued a BWC. Additionally, it is the policy of the Department that assigned marked patrol vehicles will be equipped with an ICC system. These systems are to be utilized while engaged in the performance of official duties or during those times when the assigned officer is engaged in uniformed outside overtime details that have been arranged and approved by the Department.

The captured data from the BWC/ICC systems will be handled and stored through a web-based, digital storage facility known as Evidence Library.

#### **420.3 MEMBER PRIVACY EXPECTATION**

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

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#### **420.4 GENERAL PROCEDURES**

##### **420.4.1 BODY-WORN CAMERA DEVICES**

The BWC devices will be issued by the Patrol Division Commander. The Patrol Division Commander, or designee, will identify a unique identification number for each device and track the device and assigned officer through Evidence Library. Only BWC devices issued by the Department will be allowed to be used during the course of official police duties.

Officers will be responsible for the care and maintenance of the issued BWC. Additionally, officers will inspect the issued BWC before each shift for any physical damage or malfunctions. At the beginning of each shift, officers assigned a BWC will test the system by recording his or her name, radio number, and current date and time. The officer should then review the file to ensure the system is functioning correctly. The file created by this action shall be categorized as "Officer Training/Equipment Check" with TEST entered in the incident number field.

An officer shall wear the body-worn camera so that it is clearly visible to the person being recorded (Utah 77-7a-104(3)). The BWC shall be affixed to the front of each officer's uniform consistent with SYPD training, and in a manner that no obstructions from body parts, clothing, or gear frequently obscure the camera. The BWC should be positioned to capture the best recording possible of the scene and officer's interactions with persons at that scene.

Any sworn member of the Department shall wear a BWC, provided that a BWC is available, when executing a search warrant. Exceptions are allowed in exigent circumstances where it is not practicable to do so, or when the sworn member is acting as part of a Task Force and the use of a BWC conflicts with the rules, regulations, policies or practices of the Task Force (77-23-210).

The BWC may be powered off, placed in a pocket, or docked in an ETM during activities such as meals, breaks, report writing, or while using locker room facilities. Otherwise, the BWC shall remain in standby mode, unless activated, during the officer's entire shift.

In the event a BWC is damaged or malfunctions, the officer will notify his or her immediate supervisor. The supervisor will make notification to the Patrol Division Commander and the IT Department. If necessary, the Patrol Division Commander will arrange for a replacement device to be issued to the officer as soon as possible. All damage, whether it was accidental or occurred during the course of the officer's regular assigned duties, will be documented by a memo to the officer's immediate supervisor and forwarded through the chain of command.

BWC equipment is not user serviceable, therefore employees shall not attempt to alter, modify, or disassemble the camera or attempt to access the internal storage, files, programs, or configuration of the BWC either wirelessly or by direct connection. Any necessary modifications must be authorized by or completed by the BWC/ICC program administrator and/or system administrator.

The BWC system is designed to activate with the following triggers:

- (a) Manually by pressing the button on the BWC one time.
- (b) Remotely using a synchronized ICC system.

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Once activated, the system should remain on until the officer deactivates it by manually pressing the button on the BWC two times.

#### 420.4.2 IN-CAR CAMERA SYSTEM

The ICC system will be issued by the Department's fleet manager or Patrol Division Commander. ICC systems will be tracked using a combination of information in Evidence Library and the assigned vehicle tracking sheet.

Each officer will be responsible for the care and maintenance of issued ICC equipment and will inspect it periodically for any physical damage or malfunctions. At the beginning of each shift, officers assigned to a vehicle that is equipped with an ICC system will test the system by recording his or her name, radio number, and current date and time. The officer should then review the file to ensure the system is functioning correctly. The file created by this action shall be categorized as "Officer Training/Equipment Check" with TEST entered in the incident number field.

In the event an ICC system is damaged or malfunctions, the officer will notify his or her immediate supervisor. The supervisor will make notification to the Patrol Division Commander, fleet manager and IT Department. If necessary, arrangements for a replacement device will be made as soon as possible. All damage, whether it was accidental or occurred during the course of the officer's regular assigned duties, will be documented by a memo to the officer's immediate supervisor and forwarded through the chain of command.

ICC equipment is not user serviceable, therefore employees shall not attempt to alter, modify, or disassemble the camera or attempt to access the internal storage, files, programs, or configuration of the ICC either wirelessly or by direct connection. Any necessary modifications must be authorized by or completed by the BWC/ICC program administrator.

The ICC system is designed to activate with the following triggers:

- (a) Vehicle's emergency lights are activated.
- (b) Vehicle's siren is activated.
- (c) Vehicle's horn is activated.
- (d) Vehicle reaches speeds in excess of 85 mph.
- (e) Manually using the record button on the ICC mounted display.
- (f) Remotely using a synchronized BWC.

Once activated, the system should remain on until it is turned off manually.

#### 420.4.3 VIDEO FILES AND REPORTS

Officers shall document the existence, or lack thereof, of BWC and/or ICC recordings in any report or other official record, including any instance where the device(s) malfunctioned, were deactivated by the officer, or the officer failed to activate when required. Officers shall select the most appropriate event category, and record the applicable incident number, when logging video files into the Evidence Library.

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A video recording is a supplemental piece of the case file, not a replacement for a written report; therefore, officers shall not use the fact that a video recording exists as reason to write a less detailed report.

When circumstances do not require a written report, but a recording has been made, the officer shall record the applicable long-term call number and applicable category when logging video files into the Evidence Library.

#### **420.5 ACTIVATION**

This policy is not intended to describe every possible situation where the activation of the BWC and/or ICC is appropriate. In addition to the required situations, an officer may activate the BWC and/or ICC any time the officer believes it would be appropriate or valuable to document the incident.

It is understood that not all situations will clearly start out as necessitating documentation by use of the BWC and/or ICC, nor will all recorded events have a clear ending for which the BWC and/or ICC is no longer required. Officers are expected to utilize ethical and legal discretion when activating and deactivating these systems.

When possible, officers should activate the BWC and ICC before arriving on dispatched calls or engaging in self-initiated activity. The Department recognizes that there are certain circumstances where officers in a proactive (non-dispatched) capacity may become involved in a situation requiring immediate action to prevent injury, make an arrest, prevent the destruction of evidence, or prevent escape. When these situations occur, officers should deactivate the BWC if doing so does not place them or others in danger. If the immediate activation of the BWC is not feasible due to immediate risk to the safety of the officer or others, the officer should activate the BWC at the first available opportunity after the immediate threat has been addressed. Supervisors need to closely review documentation of such incidents to ensure exigent circumstances did in fact exist.

##### **420.5.1 ACTIVATION OF BWC**

Officers shall activate the BWC in the following situations:

- (a) Enforcement stops.
- (b) Dispatched calls requiring an in-person response.
- (c) Field interrogation or interview, including advising individuals of Miranda rights.
- (d) Use of force.
- (e) Execution of a warrant.
- (f) Crime interdiction stops.
- (g) Traffic stops, including stranded motorist assistance.
- (h) During searches of vehicles, personal property, and people.
- (i) During vehicle impounds where an administrative inventory is conducted.
- (j) During the seizure of any evidence.

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- (k) During K9 searches.
- (l) While taking statements.
- (m) Pedestrian or vehicle contacts.
- (n) Any encounter that becomes adversarial.

#### 420.5.2 ACTIVATION OF ICC

If an officer has a vehicle that is equipped with an ICC system, the officer shall activate the system anytime the officer is involved in the following situations:

- (a) Traffic stops.
- (b) Vehicle pursuits.
- (c) Vehicle searches.
- (d) Missing persons.
- (e) While responding to any in-progress, just occurred or any other call for service where the fleeing suspect or vehicles may be captured leaving the crime scene.
- (f) When responding to calls reportedly involving weapons or violence.
- (g) During any other in-person contacts involving actual or potential violations of the law that take place within range of the camera, so long as it is reasonably safe to do so.
- (h) When transporting an individual who is in police custody, or for medical reasons, the rear seat camera and audio recorder shall be activated.

#### **420.6 CESSATION/MUTING OF RECORDINGS**

Once the BWC and/or ICC is activated, the recording should generally not be stopped until the initial incident that warranted the activation has concluded. For the purpose of general guidance, an event has concluded when both of the following apply:

- (a) There officer has completed his or her part of the investigation; and
- (b) There is little possibility that the officer will have further contact with any person involved in the event.

During custodial or hospital transports, the officer may deactivate the BWC to conserve battery life, provided the ICC is activated. For transports, the event concludes when the officer reaches the transport destination and the officer has relinquished custody.

The mute feature on the BWC only works when the side is continuously held down. The BWC becomes unmuted as soon as the side button is released.

When the BWC/ICC is deactivated, or muted, pursuant to one of these exceptions, the officer shall note the reason in a written report (Utah 77-7a-104(10)).

- (a) Upon request from a victim or witness.
  1. The officer shall take into account the overall circumstances and what is most beneficial to all involved before deciding to honor the request. For example, an officer may choose to turn off the BWC if its operation is inhibiting a victim or

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witness from giving a statement. It is up to the officer to determine what is best for the investigation or contact.

2. The reason for deactivating, or not deactivating, the BWC/ICC under these circumstances shall be documented in a written report.
- (b) To engage in a private conversation with a supervisor, attorney, or another officer.
1. When the private conversation is completed, the BWC/ICC will be reactivated, or unmuted, if the situation still falls under a required use.
- (c) When involved in a phone call that has no bearing on the incident being investigated.
- (d) During significant periods of inactivity, such as:
1. When an officer is assigned to a perimeter or static post where he or she is not in contact with individuals or actively part of the incident or investigation; or
  2. When an officer is involved in administrative tasks, such as waiting for a tow truck or family member, or during similar non-confrontational, non-evidentiary situations.
- (e) During a conversation with a victim of a sexual offense, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, or domestic violence, as defined in Section 77-36-1, if:
1. The officer is conducting an evidence-based lethality assessment;
  2. The victim or the officer believes that deactivating the body-worn camera recording:
    - (a) will encourage complete and accurate information sharing by the victim; or
    - (b) is necessary to protect the safety or identity of the victim; and
    - (c) the officer's body-worn camera is reactivated as soon as reasonably possible after the evidence-based lethality assessment is complete.

#### **420.7 PROHIBITED USE/RECORDINGS**

The BWC/ICC systems will only be used in conjunction with official law enforcement duties and shall not be used for any personal reason. BWC/ICC systems shall not be used in the following circumstances:

- (a) During conversations with other City employees not related to current investigations.
- (b) During any encounters with undercover officers or confidential informants if recording could jeopardize their safety or an investigation. Such recordings, when inadvertently captured, shall be designated as protected records and are not subject to disclosure.
- (c) Anytime an officer is engaged in personal activities, such as while on breaks or meals.
- (d) Whenever an individual may have a heightened expectation of privacy, such as restrooms, locker rooms, jails, or hospitals, unless for a direct law enforcement purpose, such as a crime in progress, or if the recording of the location is material to a criminal investigation.

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- (e) During conversations between individuals where the officer is not a party to the conversations, unless the capture would be authorized by law.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

#### **420.8 SUPERVISOR RESPONSIBILITIES**

Supervisors should validate that officers who are assigned a BWC/ICC system are operating the system in a manner consistent with this policy and that the equipment is functioning correctly. To verify that equipment is functioning properly, supervisors should review a TEST file for each officer on a biweekly basis. Additionally, to verify that the systems are being used in a manner consistent with this policy, supervisors should review a minimum of one field activity for each officer on a biweekly basis. These reviews will be documented and forwarded to the appropriate Division Commander prior to the end of each month using the BWC/ICC Video Reviews form.

[See attachment: BWC ICC Videos Review Form.pdf](#)

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall ensure that the recorded media is properly retrieved or otherwise preserved. The recorded media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

#### **420.9 REVIEW OF BWC/ICC RECORDINGS**

- (a) Officers may review their own recordings to verify information or accuracy for their report.
- (b) Officers may review their own recordings for purposes of courtroom testimony or for preparation pursuant to an administrative hearing.
- (c) By supervisors when:
  1. It is deemed necessary to mitigate citizen complaints.
  2. Exigent circumstances exist.
  3. Investigating alleged misconduct or reports of meritorious conduct.
  4. Recordings would be beneficial in assessing an officer's performance.
  5. When investigating a specific act of officer conduct or for quality assurance.
  6. Directed or authorized by the Police Chief or designee.
- (d) Upon approval of a Division Commander, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative inquiry, or criminal investigation.
- (e) By court personnel or prosecution offices through proper process or with permission of the Police Chief or designee.
- (f) By media personnel, with permission of the Police Chief or designee.

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- (g) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information policy.
- (h) When the recording has value for training purposes.
  - 1. If an involved officer objects to the showing of the recording, his/her objection will be submitted to the Police Chief to determine if the training value outweighs the officer's objection for not showing the recording.
- (i) By the Use of Force Review Board.

The Assistant Police Chief, or designee, should review all recordings 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.

#### **420.10 MEDIA STORAGE AND INTEGRITY**

Retention of all records will be maintained in accordance with applicable laws and regulations. Once the legally mandated retention period has been reached for specific recordings, the recordings should be purged from the system unless notice of evidence preservation has been given by means of litigation hold requiring retention of the BWC/ICC system data beyond the legal retention period.

##### **420.10.1 UNAUTHORIZED MANIPULATION OF RECORDINGS PROHIBITED**

Under no circumstances will members edit or attempt to edit, alter, erase, delete, duplicate, copy, record, or distribute by any other means any recordings made with the BWC/ICC system without the prior authorization and approval from the Police Chief or designee. Any redactions or modifications to records may only be made by personnel authorized by the Police Chief, and an original copy of the recording must be maintained at all times.

##### **420.10.2 DELETION OR MODIFICATION OF UNINTENTIONAL RECORDINGS**

In the event there is an accidental or unintentional activation of the BWC/ICC system where the recording has no investigative significance or purpose, such as while driving in the vehicle or where a reasonable expectation of privacy exists (restroom, etc.), officers may request a recording deletion. The requesting officer must submit an email to their Division Commander detailing the circumstances of the unintentional or accidental recording. If approved, the information, to include the officer's name, date of the file, deletion or modification date of the file, and reason for deletion, shall be kept by the appropriate Division Commander.

#### **420.11 RETENTION, RELEASE, AND CLASSIFICATION OF RECORDINGS**

##### **420.11.1 RETENTION OF BWC/ICC RECORDINGS**

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule and as required by any applicable federal, state and local law (Code 77-7a-107).

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#### **420.11.2 RELEASE OF BWC/ICC RECORDINGS**

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

#### **420.11.3 CLASSIFICATION OF BWC/ICC RECORDINGS**

Classification of BWC/ICC recordings as public, private, protected or controlled will be made on a case by case basis as provided in state law (GRAMA). As a starting point in making such classifications, recordings taken within a person's home, which capture substantial medical treatment being rendered, or in cases in which a person's privacy interests are clearly implicated - such as being in a state of nudity or after suffering serious injury - are presumptive designated as private. Recordings which take place outdoors or in public places are presumptively designated as public.

A person whose privacy interest is implicated by the record may waive the privacy protections provided by the designation.

A recording may not be eligible for designation as a private record if it was captured within a home or residence, but it also depicts the commission of an alleged crime, records encounters between law enforcement and a person that results in death or bodily injury, records an officer's firing of a weapon, records an encounter that is the subject of a complaint or legal proceeding against the officer or the Department, or if it is a record of an officer-involved critical incident pursuant to state law.

The release of redacted video is encouraged for recordings which are largely public, but contain only a few instances of private information, such as a person telling the officer their social security number or telephone number, or brief images of nudity or injury.

This paragraph does not restrict the City's ability to classify a record as private or protected, if such classification is supported by state law.

This section of policy will not conflict or interfere with the release of recording pursuant to a court order or valid subpoena.

#### **420.12 TASK FORCE AND OUTSIDE AGENCY ASSIGNMENTS**

The Department participates in several outside agency assignments and Task Forces where the use of a BWC might conflict with the rules, regulations, policies or practices of the Task Force or outside agency. In some instances, the use of recording devices of any kind may be prohibited. Administration is sensitive to these key relationships that have been developed with various agencies and will work in conjunction with them regarding the BWCs. As a general rule, officers of the Department assigned to a Task Force will follow the rules of the Task Force regarding the use of BWCs.

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#### **420.13 TRAINING**

Only those officers who have completed department-approved training on the policy, use and operation of the BWC/ICC systems and the Evidence Library system will be allowed to use the applicable devices. At a minimum, this training will include:

- (a) Objectives of the BWC/ICC Program.
- (b) Camera operation.
- (c) Proper placement of the camera.
- (d) Department policy on camera usage.
- (e) Access, storage, and retention rules.

Refresher training shall occur if a trained officer is having issues operating the system, or when a trained officer is not meeting the requirements and expectations set forth in this policy.

#### **420.14 COORDINATOR**

The Assistant Police Chief shall be responsible for periodically reviewing the procedures in this policy to ensure the Department is in compliance with State law (Utah Code 77-7a-102) regarding retention and release of video files and law enforcement use of body-worn cameras.

#### **420.15 NOTICE**

In accordance with Utah 77-7a-105, an officer with a body-worn camera shall give notice, when reasonable under the circumstances:

- (a) to:
  1. the occupants of a private residence in which the officer enters and in which a body-worn camera is in use; or
  2. a health care provider present at a hospital, a health care facility, human service program, or a health care provider's clinic in which the officer enters and in which a body-worn camera is in use; and
- (b) either by:
  1. wearing a body-worn camera in a clearly visible manner; or
  2. giving an audible notice that the officer is using a body-worn camera.

The Police Chief should ensure that this policy is available to the public in written format as well as published to the Department's public website when possible.