

Geneva Police Department GENERAL ORDERS		BODY WORN CAMERAS	
<input checked="" type="checkbox"/> new: <input type="checkbox"/> rescinds: <input type="checkbox"/> amends:		cross-reference: Accreditation/Recognition standards: NYS L.E.A.P.: 43.1, 47.2; 47.5	
effective date: 5.29.19	issue/amend date: 8.15.19 / 10.8.20 / 7.28.21		

I. PURPOSE	The purpose of this General Order is to establish and describe policies and procedures for implementation, training, and utilization of body cameras. The system will be used to document various events in an effort to enhance Officer and public safety, public trust and provide transparency.
II. DEFINITIONS	<p>A. “Body Worn Cameras” (BWC): Small video cameras, typically attached to an Officer’s clothing, helmet or sunglasses, that maximizes the camera’s ability to capture video and audio data of the Officer’s Law Enforcement related activities.</p> <p>B. Agency Administrator: An Agency Administrator has full access to the user rights within the data storage system. He or she can assign and track equipment, control passwords, oversee needed repairs, delete non-evidentiary recordings, conduct audits and quality control reviews, and act as a liaison with BWC representatives.</p> <p>C. Police Related Activities: For the purpose of the General Order, police related activities are calls for service, including but not limited to:</p> <ol style="list-style-type: none"> 1. Arrests and booking process. 2. Arraignments. 3. Prisoner and civilian transports. <ol style="list-style-type: none"> 1. This does not include interns or civilians on a ride-along. 4. Involuntary detentions pursuant to the NYS Mental Hygiene Law. 5. Vehicle pursuits. 6. Foot pursuits. 7. Street stops of persons. 8. Traffic stops of vehicles and bicycles. 9. Interviews of cooperative victims, witnesses and persons with knowledge, including at the police department. 10. Any use of force. 11. Motor vehicle accident investigations. 12. Completing a directed patrol, special attention, house checks and property checks. 13. Conducting a neighborhood canvass.

<p>III. POLICY</p>	<p>A. It is the policy of the Geneva Police Department that sworn Officers shall carry and use only those body cameras issued by the Department. The Geneva Police Department has adopted the use of the AXON video recording system to accomplish the following policy goals:</p> <ol style="list-style-type: none"> 1. To enhance Officer Safety. 2. To accurately capture statements and events during the course of an incident. 3. To enhance the Officer’s ability to document and review statements and actions for both internal reporting requirements and for courtroom presentation. 4. To provide an impartial measurement for self-critique and field evaluation for new Officer training. 5. To capture visual and audio information for use in current and future investigations. 6. To enhance the public trust by preserving factual representation of Officer-citizen interactions in the form of audio and video recording.
<p>IV. EQUIPMENT</p>	<p>A. All sworn personnel will be issued an assigned BWC, which will be identified by its serial number.</p> <p>B. Multi-port BWC docking stations will be located in the Muster Room for use by Police Officers. The Sergeant’s Office will have a multi-port docking station. The Chief of Police, Lieutenants, Detectives and CLO will have single port docking stations.</p>
<p>V. TRAINING</p>	<p>A. Geneva Police Department personnel who have been assigned a BWC must complete a department approved training program to ensure the proper use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates or other revisions in policy and equipment.</p>
<p>VI. OPERATIONAL PROTOCOLS</p>	<p>A. Geneva Police Department personnel will only use the BWC issued by the Geneva Police Department.</p> <p>B. The BWC equipment is the responsibility of the officer and will be used with reasonable care to ensure proper functioning. Equipment malfunctions will be brought to the attention of the Officer’s supervisor as soon as possible so that a replacement unit may be procured.</p> <p>C. Officers will inspect and test the BWC prior to each shift to verify that it is charged, functioning properly and does not contain data from a prior shift. Officers will notify their supervisor of any problems with a BWC.</p> <p>D. Officers will affix the BWC to the outermost garment of their uniform in the center of the torso, and in accordance with their training. While processing an arrested subject, the BWC will be placed in a manner to view the arrested subject in the holding area by removing the BWC from the Officer’s garment and placed on a shelf or other object while the Officer is not in direct contact with said arrested subject, e.g.; same room. When an Officer is fingerprinting a subject, the Officer is to remove the BWC and place it on the counter next to the Livescan to record the fingerprinting process. When an Officer is in direct contact with the arrested subject, the BWC is to be worn by the Officer. This includes but is not limited to taking the arrested subject to use the bathroom and completing property forms.</p> <p>E. When Officers activate their BWC’s, they should do so as soon as it is safe and practical, preferably as soon as they are dispatched to a call and prior to exiting the police vehicle. Officers will record all contact with persons in the course of performing police related activities, until the completion of the incident or upon deciding to end the recording in accordance with the provisions of this General Order.</p>

**VI. OPERATIONAL
PROTOCOLS (CONT.)**

F. Mandatory use of the BWC:

1. Officers will activate the BWC immediately upon engaging in any police related activity that occurs while the Officer is on duty, unless;
 - a. There is an immediate threat to the Officer's safety.
 - b. Turning on the BWC would be impracticable and/or would place the Officer in a tactical disadvantage.
 - c. Activating the BWC could delay an Officer's response to the safety needs of a citizen or fellow officer.
 - d. The BWC malfunctions during activation.
2. If an Officer cannot immediately activate his/her BWC due to one of the exceptions listed in subsections a, b or c above, the Officer will activate his/her BWC as soon as is it is reasonably safe and practical to do so.
3. If an Officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the Officer will document the reason why in any report that is completed regarding the incident.

G. Optional Use of the BWC:

1. While driving or riding during routine patrol.
2. While at a traffic point, unless a negative citizen interaction occurs.
3. While conducting parking enforcement with no civilians directly present.
4. While performing walk-up requests for information or assistance, such as directions.

H. Officers will not record with BWC's while in patient care areas of a health care facility, unless the patient becomes adversarial with the Officer or the Officer is engaged in police related activities, such as Mental Health Arrest and Calls for Service. If so, the Officer will record for law enforcement purposes only, and will attempt to avoid recording any patient/doctor conversations, or discussions with attorneys, peer support counselors, doctors, or other medical or legal personnel. If any protected conversations are recorded, the Officer will note this in the report for any need of future video redaction.

I. Officers may not use the BWC to record in the following situations unless there is an immediate law enforcement need, or they are directed by supervisory personnel:

1. During encounters with undercover Officers or confidential informants.
2. During covert or undercover operations.
3. At victim support or advocacy agencies.
4. During training the Geneva Police Department personnel receive or take part in that does not require the use of the BWC.
5. When victims or witnesses are reluctant to provide testimony while the Officer's BWC is recording. Officers will document these situations in any report they complete about the contact.

J. Any Officer assigned as the Court Liaison Officer will not utilize the BWC unless having to take direct action due to an incident that occurs in the courtroom. The Officer will not record regular court proceedings.

**VI. OPERATIONAL
PROTOCOLS (CONT.)**

K. Prohibited use of the BWC's:

1. Officers may not use BWC's to record:
 - a. Strip searches.
 - b. Cavity searches.
 - c. Internal investigation proceedings.
 - d. Communications with other police personnel, including but not limited to roll-call briefings and supervisory counseling sessions.
 - e. In Courts during official judicial proceedings, when not accompanying an in-custody prisoner.
 - f. During meetings with Judges or prosecutors.
 - g. Inside law enforcement facilities such as police stations, a jail or a booking facility, unless accompanying or retrieving an in-custody prisoner.
 - h. In any location where individuals have a reasonable expectation of privacy, such as restroom or locker room, unless the Officer is responding to such location as a Call for Service or investigation.
 - i. Officers will avoid recording persons who are picketing or engaged in a protest or First Amendment demonstration, unless an obvious violation of criminal law is occurring.
 - j. Personal activity.

L. Officers do not have to inform individuals that they are being recorded. If an Officer feels it will help to de-escalate a situation, an Officer may announce the presence of the BWC.

M. Officer Responsibilities:

1. Officers will note in all incident, arrest and related reports when recordings were made by a BWC during the incident. **BWC recordings are not a replacement for hand written reports.**
2. Officers shall keep the BWC powered on at all times, during their shift, to ensure the BWC is ready to record when needed and/or required. BWC shall not be powered on until after roll call is completed.
3. In the event that a particular recording is required for any court proceeding, it is the Officer's responsibility to notify a Geneva Police Department Body Camera System Administrator in writing requesting a copy of the stored data for that purpose. The Administrator will complete a supplemental report that a copy of the video recording was made and turned over to whoever requested such recording.
4. Officers will download and tag every video recorded by the issued BWC as soon as practical after the completion of each recording. If exigent circumstances exist that will not allow this, the downloading and tagging must still be completed as soon as practical.

N. Supervisory Responsibilities:

1. Geneva Police Department supervisory personnel will ensure that Officers' equipped with BWC devices utilize the BWC's in accordance with policy and procedures defined herein.
2. Absent a legitimate purpose, BWC videos will not be reviewed solely to search for misconduct.

VI. OPERATIONAL PROTOCOLS (CONT.)	<p>3. Supervisors may review Officer’s recordings as it pertains to:</p> <ol style="list-style-type: none"> a. Investigating alleged misconduct reports or meritorious conduct. b. Whenever such recordings would be beneficial in reviewing an Officer’s performance. c. Recordings that are of value as training tools.
VII. RETENTION SCHEDULE & STORAGE	<ol style="list-style-type: none"> A. At the end of their shift, Officers will place the AXON Body Camera 2 and battery into an open, or assigned, slot of the docking station. This allows the data to be transferred from the AXON Camera through the docking station to an off-site storage facility known as EVIDENCE.com. B. Officers will 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 his/her designee. All digital media collected by the BWC’s is the sole and exclusive property of the Geneva Police Department. Accessing, copying or releasing files for non-law enforcement purposes is strictly prohibited. C. Recordings will be securely stored in accordance with current department policies and in accordance with New York State Records Retentions Laws (New York Education Law MU-1), and for no longer than useful for purposes of training or for use in an investigation or prosecution. <ol style="list-style-type: none"> 1. If a recording is deemed useful for training purposes, then the recording may be kept as long as practical. 2. All data associated with use of force or deadly physical force incidents, or any other critical incident, shall be kept indefinitely. In addition, the video will be copied to CD and logged into evidence in accordance with departmental policy. 3. The retention schedule is as follows: <ol style="list-style-type: none"> a. Admin Hold – One thousand years. b. Court Security – One year. c. Death Investigation – One thousand years. d. Domestic Incident – Five years. e. Drug Investigation – One thousand years. f. EMS / Fire Response – Three years. g. Felony – One thousand years. h. Major / Critical Incident – One thousand years. i. Misdemeanor – Five years. j. Non-Evidentiary – Three years. k. Overdose – Five years. l. Property Damage MVA – Three years. m. Pending Review – One thousand years. n. Personal Injury MVA – Six years. o. Test Vids – Four weeks. p. Traffic Stops – Three years.

VII. RETENTION SCHEDULE & STORAGE (Cont.)	<p>q. Training – Until manually deleted.</p> <p>r. Use of Force – One thousand years.</p> <p>s. Violation – Three years.</p> <p>t. Uncategorized – Until manually deleted.</p> <p>**Uncategorized videos can only be deleted by a BWC Administrator.</p>
VIII. EVIDENTIARY PROTOCOLS	<p>A. When an arrest or investigation is recorded on a BWC, written documentation noting such will be included in the Incident Report and on the Ontario County District Attorney’s Cover Sheet.</p> <p>B. A staff member designated by the Chief of Police will arrange for a copy of the evidence footage to be transferred to the District Attorney’s Office or produced as required by law.</p> <p>C. The release of audio/video data requested through a public records release request will be subject to the same statutory exemptions from disclosure as any other departmental records.</p> <ol style="list-style-type: none"> 1. Officers will not allow citizens to review any recordings. 2. Officers will not make copies of any recording for their personal use and are prohibited from using a recording device (such as a telephone, camera or secondary video camera) to record any media stored on EVIDENCE.com or the AXON Camera unit. <p>D. The Chief of Police, or his/her designee, is the only authorized person(s) to allow the release or viewing of recordings captured by BWC’s to non-departmental personnel pursuant to the provisions of applicable New York State laws.</p> <p>E. Officers will have the ability to review their recordings to ensure accurate written reports, but will not be able to alter the contents of any audio/video recording that has been recorded. A 710.30 Notice must be prepared, or the District Attorney’s Office notified, that the Officer intends to use any of the defendant’s recorded audio or video recorded statements for prosecutions.</p>
IX. ADMINISTRATIVE REVIEW	<p>A. The Chief of Police will have oversight of responsibilities of the BWC’s.</p> <p>B. The Chief of Police and his/her designee(s) will conduct periodic reviews of retained data for its content and to ensure it has not been tampered with.</p> <p>C. The Chief of Police and his/her designee(s) shall be the only person(s) within the Geneva Police Department to have rights to all recordings stored on EVIDENCE.com.</p> <p style="text-align: right;">Approved By</p> <p style="text-align: right;">MICHAEL J. PASSALACQUA <i>CHIEF OF POLICE</i></p>