

## NIAGARA FALLS POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE: 09/18/2013	SUBJECT:  In-Car Cameras; Recording, Storage, Release and Destruction	Number 310.00 (NYSLEAP O-48-1. O-42-2)
RESCINDS: 12/08/2008		Number of pages  6

I. PURPOSE:

- A. The purpose of this policy is to provide the members of the Niagara Falls Police Department a guideline for secure and uniform methods for using in-car video recording devices and for the storage, release, re-use and/or destruction of the recordings.

II. POLICY:

A. Use of In-Car Audio/Video Cameras:

1. Department Equipment and Personal Equipment

- a. Only department owned recording equipment should be used by employees of the Niagara Falls Police Department. Recordings generated on department owned equipment are considered department property. Recordings can not be altered, modified or destroyed without the permission of the Superintendent of Police or in accordance with policy and procedures.
- b. Officers should be aware that images or recordings captured on your personal devices while you are in the line of duty could be considered evidence and as a result be legally subject to subpoena and/or public records requests.

2. General Usage - Maximizing the use of audio/video recordings:

- a. Aim and Focus - Position and adjust the camera where necessary to record events. At night remove "Auto Focus" and set "Manual Focus" to 30 feet away.
- b. Monitor - Ensure that the audio/video equipment is not deactivated until the recorded contact is complete.

- c. Video/Audio equipment will be activated once emergency lights are activated. The video / audio equipment will remain activated until the conclusion of the event.
  - d. Wireless Microphone - The wireless microphone should remain in the charger in the off position when not in use. Officers will attach the microphone to their person whenever they exit their patrol car, in a manner to maximize efficiency of the device.
3. Disclosure/ Demands to Cease Recording:
- a. If asked, officer will inform an individual(s) that the police contact they are involved in is being recorded.
  - b. The recording of the event, situation, or circumstance will not be interrupted/terminated base upon any request/demand from individuals(s) involved.
  - c. The interruption or termination of the recording of an event will only be done with the expressed knowledge and consent of the supervisory officer.
  - d. All other polices regarding vehicle stops and citizen encounters should be followed.
4. Privileged Communications:
- a. Privileged communications as defined by New York State and Federal Law shall not be monitored and/or recorded.
- B. In-Car Cameras:
1. Operational Use:
- a. Officers who are operating patrol vehicles with functioning recording equipment will record traffic stops, pursuits, crash and criminal investigations, and all other public contacts occurring within the operating range of the camera.
  - b. Officers will also record other events, situations and circumstances including but not limited to armed encounters, acts of physical violence, and felonious activity.

- c. Back-up officers arriving to assist should make a reasonable effort to position their cruiser so that their on-board audio/video equipment can be used to record the events.
  - d. To reduce audio interference during the recoding of a traffic stop, pursuit, or incident, non-work related audio equipment ( e.g AM/FM radio) should be turned off prior to activating audio/video recording equipment.
2. Officer Responsibility- Inspection, Maintenance, and Repair:
- a. Prior to each work shift ensure that the audio/video equipment is working properly. Testing includes:
    - 1. Activating the belt microphone.
    - 2. Making a brief audio recording ( e.g. testing 1,2,3...)
    - 3. Play back the recording on the monitor to ensure that the audio/video components are operable.
  - b. Any equipment failures must be immediately reported to the shift supervisor so that they can make the necessary arrangements to have the equipment repaired. The equipment should remain in the patrol vehicle unless removed by an authorized individual to make repairs.
  - c. It is not necessary to take a vehicle out of service because of a non functional camera.
- C. Use of In-Car Video/Audio Recording Systems:
- 1. In-car video/audio equipment systems are useful in recording events and incidents. However, video recordings should not be used to replace still photography when documenting investigations. Use still photography to document events for evidentiary purposes and process in accordance with department policy.
- D. Officer Responsibility, Identification and Storage of Hard Drives:
- 1. Officers and other employees are responsible for:
    - a. Ensuring that audio/video hard drives are not altered.

- b. Assuring that there is adequate room on hard drive to record their tour of duty.
    - c. Assuring that only hard drives issued by the Niagara Falls Police Department are used in their machine.
  2. Hard Drive Removal:
    - a. Hard drives should remain in the recorder until they are full, or until such time as they need to be removed to make a copy of a specific incident contained on the card.
    - b. Cards should only be removed from the recorder by the shift supervisor or the designee of the Superintendent of Police.
    - c. After removing the hard drive, it should be placed in the appropriate envelope, sealed and labeled as instructed. The envelope should then be secured for the NFPD Office of Professional Standards.
  3. Storage:
    - a. Blank or extra cards will be stored at the police desk area and should only be used when they are needed to replace a card that is being removed from the recording device to have the information copied.
- E. Recordings Used as Evidence:
  1. Processing:
    - a. The Traffic Commander shall have access to a secure, dedicated computer to download, view and store data from hard drives. The hard drives will automatically date and time stamp each individually recorded event. Once the information from the hard drive has been downloaded, the hard drive will be cleaned. This computer will also be used to make DVD copies of specific incidents.
  2. Storage:
    - a. Video recordings will be saved onto the department computer for a minimum of a three month period. However, due to the limited storage capacity of the computer's hard drive, after three months, videos will be overwritten or deleted as space is needed, or as the OPS Commander directs.

- b. Upon receiving a request to preserve a recording for an evidentiary purpose or other necessary purpose, the NFPD will create a DVD copy of the recording in question for the requesting person/agency. A DVD copy of the recording will also be given to the officer so that it can be stored in the case packet, when applicable.
  3. Viewing:
    - a. Display of evidentiary recording contents shall be limited to NFPD employees and/or those specifically designated by the Niagara County District Attorney's office, or designated by a court order.
  4. Exceptional Incidents:
    - a. Unusual or exceptional incidents related to law enforcement activities generate the interest of many. Employees shall not permit unauthorized persons the opportunity to review any recording without the authorization of the Superintendent of Police or designee. If allowed, this could result in unnecessary pre-trial publicity and compromise future court proceedings.
- F. Use of Recordings for Purposes Other than Evidence:
1. Recordings generated by the Niagara Falls Police Department (other than ones of an evidentiary nature) which are being retained on the department's computer system, are subject to Public Records Law.
  2. Reproduction of recordings generated by the Niagara Falls Police Department without authorization of the Superintendent of Police or designee is prohibited.
  3. At the direction of the Superintendent of Police, video recordings may be saved for the following reasons:
    - a. Officer safety review;
    - b. Satisfying media requests;
    - c. Public information requests;
    - d. Training;

- e. Possible civil litigation;
  - f. Investigation of citizen complaints;
  - g. Any other reason deemed necessary by the Superintendent.
4. Storage and Security:
- a. Any recording saved or copied for legitimate law enforcement or administrative purposes shall be stored in a secure area accessible only to authorized department employees.
5. Recordings that may be used as a training aid:
- a. A supervisor will view such recording;
  - b. If the recording may be of value for training and is not needed as evidence, the supervisor may request a copy of the recording for the Superintendent or Training Director.
  - c. If approved, a copy of the video recording shall be made to be used for training purposes only.
- G. Media/ Public Records Requests:
- 1. Copying or reproduction of any video recording generated by the NFPD without the authorization of the Superintendent or designee is strictly prohibited. The release of video to the media will only be done by the Superintendent of Police or designee.
  - 2. All requests for video recordings should be made in writing to the Superintendent of Police.