



OPERATIONS ORDER

SUBJECT: PILOT PROGRAM - USE OF BODY-WORN CAMERAS	
DATE ISSUED:	NUMBER:
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1. The Department is issuing body cameras to certain uniformed members of the service as part of a voluntary “Body-Worn Camera” (BWC) pilot program. The BWC system has proven to be an effective tool in documenting on-duty-related police activity. The BWC pilot program will be examined to determine whether it contributes to officer safety, provides evidence for criminal prosecutions, helps to resolve personnel complaints and fosters positive relations with the community.

2. Therefore, upon the deployment and training in the voluntary use of the Body-Worn Camera, uniformed members of the service will adhere to the following procedure when so equipped:

PURPOSE To visually and audibly record specific categories of interactions between uniformed members of the service and the public and to retain associated video for a period of time.

SCOPE As part of a voluntary, pilot “Body-Worn Camera” (BWC) system program, the Department is issuing body cameras to certain uniformed members of the service. BWC systems have proven to be an effective tool in documenting on-duty-related activity. The BWC program will be examined to determine whether it contributes to officer safety, provides evidence for criminal prosecutions, helps to resolve personnel complaints and fosters positive relations with the community.

PROCEDURE When a uniformed member of the service is equipped with a “Body-Worn Camera” (BWC):

UNIFORMED MEMBER OF THE SERVICE

1. Prior to roll call:
 - a. Draw the personally assigned BWC from the charging location
 - b. Inspect the BWC to ensure that the battery is fully charged and the device(s) is/are assembled correctly and operational
 - c. Immediately report if a BWC is not functioning properly, becomes damaged or is otherwise unaccounted for to the desk officer and document in **ACTIVITY LOG (PD112-145)**
 - d. Position the BWC on the uniform to facilitate optimal recording field of view.

NOTE *The BWC is only intended to record anything a uniformed member of the service could potentially observe or hear using his or her sense of sight and sound. The BWC is not equipped with night-vision, infrared technology or enhanced audio technology.*

2. Deploy BWC only when personally issued and authorized by the Department to record activity.
 - a. The use of any other recording device is strictly prohibited.

**UNIFORMED
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3. Notify desk officer if a BWC is not functioning properly, becomes damaged or is otherwise unaccounted for at any point during the tour and document in **ACTIVITY LOG**.
4. Dock BWC in the designated location in the Department facility for transfer of data and to charge the battery at end of tour.
5. Document in **ACTIVITY LOG** as well as in the narrative of any Department report (e.g., **UNUSUAL OCCURRENCE REPORT (PD370-152)**, **COMPLAINT REPORT (PD313-152)**, **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, **STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)**, etc.) any time a recording is captured of an incident.
 - a. Include the serial number of the device as well as the date/time of the incident.
6. Activate BWC prior to initiating, or as soon as practical after initiating, the following police actions:
 - a. All enforcement encounters where there is at least reasonable suspicion the person(s) has committed, is committing or may be involved in criminal activity consistent with *P.G. 212-11*, “*Stop and Frisk*.” This includes, but is not limited to, self-initiated stops and radio runs
 - b. All enforcement encounters where there is reason to believe that the individual is committing a violation/petit offense for which a summons may be issued (e.g., TAB summons, ECB summons, Criminal Court summons, etc.)
 - c. All vehicle stops
 - d. Taking or attempting to take an individual into custody (e.g., arrests, protective custody of an emotionally disturbed person, etc.)
 - e. All incidents involving the use of force
 - f. Any public interaction, regardless of context, that escalates and becomes adversarial, so long as it is not one of the prohibited situations in step “8” below
 - g. All interior vertical patrols of non-Housing Authority buildings and Housing Authority buildings conducted pursuant to *P.G. 212-59*, “*Vertical Patrol*” and *P.G. 212-60*, “*Interior Vertical Patrol of Housing Authority Buildings*.” The BWC must be activated upon entering the building and will not be deactivated until exiting the building and terminating the interior vertical patrol along with any associated police action, if any.

NOTE

*The BWC is not required to be activated as per step “6” above if it is unsafe or impractical to do so, or where a malfunction or other mechanical issues impeding the use of the device exists. In any case of a failure to record an incident as required in step “6,” such failure to activate and the reason for such failure to activate must be properly documented in the uniformed member’s **ACTIVITY LOG** and immediately reported to the desk officer.*

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(continued)**

7. Consider activating the BWC during any activities where, in the uniformed member's judgment, it would be beneficial to record, so long as it is not one of the prohibited situations in step "8" below.
8. Do not activate the BWC to record any of the following:
 - a. Encounters not directly related to official activities in the proper performance of police duties
 - b. Performance of non-enforcement functions or administrative duties within a Department facility
 - c. Places where a reasonable expectation of privacy exists (unless taking police action outlined in step "6" above), such as, but not limited to, hospital emergency rooms, locker rooms and restrooms
 - d. Attendance at events covered under the "Handschu Guidelines" (see *P.G. 212-72, "Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities"*), unless taking police actions outlined in step "6" above
 - e. A potential witness who requests to speak to an officer confidentially or desires anonymity
 - f. A victim or witness who requests that he or she not be recorded and the situation is not confrontational
 - g. A victim who requests that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation.
9. Notify desk officer if an activity was recorded that should not have been recorded as per step "8" above, and document in **ACTIVITY LOG**.
10. Inform subjects being recorded by BWC that the interaction is being recorded, when practicable and consistent with officer safety.
11. Do not terminate recording until the completion of the police action, once the BWC has been activated.
 - a. If for any reason a recording is interrupted, document the reasons for or factors contributing to the interruption in **ACTIVITY LOG** and notify the desk officer.
12. Notify the following when necessary:
 - a. Appropriate assistant district attorney/assistant corporation counsel when a member of the service has knowledge that any portion of an incident relating to an arrest, prosecution or other criminal matter before the court is captured by a BWC
 - b. Assigned detective/investigator any time a recording is made at the scene of a police incident or crime under investigation
 - c. Legal Bureau any time a member of the service becomes aware of civil litigation involving a matter captured by the BWC.
13. Use the storage software to mark for automatic archival any portion of a BWC recording that captures an arrest and any related footage.
 - a. For a BWC recording that captures an arrest, use the manufacturer's software to burn a compact disc/digital video disc (CD/DVD) of the relevant footage and enter the CD into evidence, as per *P.G. 218-01, "Invoicing Property – General Procedure."*

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- b. All other archival requests should be made to the desk officer, who will comply with step “20” below.
- 14. Request from the integrity control officer access to review any video pertaining to an event captured from the personally assigned BWC when notified to give testimony (either sworn or unsworn) or to be interviewed in any criminal, civil or administrative case or matter or appear before an investigative body (e.g., CCRB, Internal Affairs Bureau, Investigations Unit, etc.).
 - a. This is consistent with refreshing one’s recollection by reviewing **ACTIVITY LOG** and Department reports.
 - b. Be cognizant of and distinguish between facts recalled independently, recollection refreshed by review of video and other sources, and facts not previously known but learned by reviewing the video.

NOTE

The BWC is intended to record anything the uniformed member could potentially observe using his or her sense of sight. That does not mean that the uniformed member is required or expected to have seen or recollect everything documented in the footage.

**SUPERVISOR
CONDUCTING
ROLL CALL**

- 15. Inspect uniformed members who are issued BWCs for their personally assigned BWCs and ensure that they are properly affixed to the uniform and functioning properly.
- 16. Conduct an immediate investigation when notified that a BWC is not functioning properly, has become damaged, or is otherwise unaccounted for during roll call, and comply with *P.G. 217-10, “Accidents – Department Property”* or *P.G. 219-20, “Loss or Theft of Department Property,”* as appropriate.

DESK OFFICER

- 17. Conduct an immediate investigation when notified that a BWC is not functioning properly, has become damaged, or is otherwise unaccounted for during a uniformed member’s tour of duty and comply with *P.G. 217-10, “Accidents – Department Property”* or *P.G. 219-20, “Loss or Theft of Department Property,”* as appropriate, and record discrepancies in the Command Log.
- 18. Conduct an investigation when notified that a recording was interrupted or an incident that is required to be recorded per step “6” was not recorded:
 - a. Make determination regarding the propriety of the circumstances surrounding the failure to record and document results in Command Log
 - b. Ensure that any resulting failure to record is documented in the uniformed member’s **ACTIVITY LOG**
 - c. Prepare report on **Typed Letterhead** detailing the investigation, findings, and actions taken and forward a copy to:
 - (1) Deputy Commissioner, Legal Matters
 - (2) Chief of Department
 - (3) Chief of Patrol

**DESK OFFICER
(continued)**

- (4) Chief of Housing Bureau or Transit Bureau if incident occurred in Housing Authority development or in the subway system.
- 19. Ensure that all BWCs are returned to their docking station for video upload and/or charging at the end of tour.
- 20. Notify commanding officer of any requests to archive any BWC recording related to a citizen complaint involving a member of the command, or any other BWC recording a member of the command requests to be archived (aside from recordings of arrests, which are handled as per step “13”).
 - a. Provide commanding officer with the relevant BWC serial number, uniformed member’s name, justification for the request and date/time of occurrence.

NOTE

A member of the service may request that a BWC recording be archived and retained beyond the prescribed retention period. BWC recordings will be considered for archival if the recording is required for a criminal investigation/prosecution, internal investigation, pending civilian complaint, pending disciplinary matter or other circumstance deemed appropriate by the Deputy Commissioner, Legal Matters. Requests to archive a recording will be submitted to the commanding officer of the uniformed member who recorded the video in question.

**INTEGRITY
CONTROL
OFFICER**

- 21. Notify commanding officer of any events recorded by a BWC that are prohibited to be recorded as per step “8,” above.
- 22. Allow uniformed members to review any video pertaining to an event captured from their own BWC prior to giving testimony (either sworn or unsworn) or being interviewed or appearing before any investigative body (e.g., Civilian Complaint Review Board, Department of Investigation, Internal Affairs Bureau, Investigations Unit, etc.).

**COMMANDING
OFFICER**

- 23. Submit to Legal Bureau a request on **Typed Letterhead** (direct) to archive any BWC recording related to a citizen complaint involving a member of the command, or any other BWC recording a member of the command requests through the desk officer to be archived (aside from recordings of arrests, which are archived as per step “13”).
 - a. Provide Legal Bureau with the relevant BWC serial number, uniformed member’s name, justification for the archival request and date/time of occurrence.
- 24. Conduct an investigation and review the video in question when notified of any prohibited video recorded in error (as per step “21” above).
 - a. In cases where it is determined that video was in fact a recording prohibited by step “8” above, submit to the Legal Bureau a report on **Typed Letterhead** (direct) detailing the findings of the investigation and request that the video be purged.

**ADDITIONAL
DATA**

OPERATIONAL CONSIDERATIONS:

The BWC as well as video, audio and data captured by the BWC, irrespective of the content, are at all times the property of the Department. Uniformed members of the service may not copy, publish, share or disseminate any audio, video, image or data to anyone except as authorized by the Department. Furthermore, members of the service may not edit, delete or alter any video or audio captured by the BWC or stored on the Department's network or approved storage media.

For technical assistance with the BWC, contact the Information Technology System Division (ITSD) Wheel Supervisor, 24/7 at: 646-610-7614 and provide the following:

- *Name*
- *Tax Number*
- *Command*
- *Call Back Number (cell phone, if possible)*
- *Body-Worn Camera Serial Number*
- *Detailed description of issue including events during malfunction*

For additional CDs/DVDs for burning of arrest footage, email bwc@nypd.org

Video captured by BWCs will be preserved for one year, at which time it will be automatically deleted, unless it is otherwise accepted for archival or directed to be archived by the Legal Bureau (with the exception of BWC recordings of arrests, which are archived as per step "13"). In addition to commanding officers, entities who may request archival of video include the Internal Affairs Bureau, Investigations Units, and members of the Deputy Commissioner, Legal Matters (DCLM) and the Legal Bureau, by complying with the procedure in step "23" above. Such archived material shall be retained and preserved until directed otherwise by the Legal Bureau or DCLM.

**RELATED
PROCEDURES**

*Vertical Patrol (P.G. 212-59)
Interior Vertical Patrol of Housing Authority Buildings (P.G. 212-60)
Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities (P.G. 212-72)
Accidents – Department Property (P.G. 217-10)
Invoicing Property – General Procedure.(P.G. 218-01)
Loss or Theft of Department Property (P.G. 219-20)
Stop and Frisk (P.G. 212-11)*

**FORMS AND
REPORTS**

ACCIDENT REPORT-CITY INVOLVED (PD301-155)
ACTIVITY LOG (PD112-145)
UNUSUAL OCCURRENCE REPORT (PD370-152)
COMPLAINT REPORT (PD313-152)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)
Typed Letterhead

3. Operations Order 45, series 2014 is hereby **REVOKED**.

4. Commanding officers will ensure that the contents of this Order are immediately brought to the attention of members of their commands.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION

All Commands