

In-Car Camera

420.1 PURPOSE AND SCOPE

The Binghamton Police Department has marked law enforcement vehicles equipped with Mobile Audio/Video (MAV) recording systems to provide records of events and to assist officers in the performance of their duties. This policy provides guidance on the use of these systems. The MAV recording system may consist of two mounted cameras; one forward facing from the windshield and one rear facing into the rear passenger compartment. (Not all vehicles have both forward facing and rear facing cameras.)

420.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and MAV system - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle.

MAV Coordinator - A designated member certified or trained in the operational use and repair of MAV's, duplicating methods, and storage and retrieval methods, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio/video signals recorded or digitally stored on a storage device or portable media.

420.2 POLICY

It is the policy of the Binghamton Police Department to use mobile audio/video technology to more effectively fulfill the mission of the Department and to ensure these systems are used securely and efficiently.

420.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will follow established procedures for signing in to the MAV system, and the end of their shift, will follow established procedures for signing out.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

Officers will advise Communications of their arrival on scene and when they clear from a scene. Officers shall provide the appropriate Camera Retention Code listed in §420.12 below upon clearing from a scene.

420.4 DAILY REPORTING OF OPERATIONAL CONDITION OF IN-CAR DASH CAMERAS DAILY REPORTING OF OPERATIONAL CONDITION OF IN-CAR DASH CAMERAS - PROCEDURE

Binghamton Police Department

Policy Manual

In-Car Camera

420.4.1 INVESTIGATIONS

Any new issue of damage or removed or missing cameras will be thoroughly investigated by a Shift supervisor. Findings will be forwarded to Police Administration.

420.5 ACTIVATION OF THE MAV

The MAV system is designed to turn on the forward-facing camera whenever the vehicle's emergency lights are activated. The rear seat-facing camera will activate upon opening a rear door. The system remains on until it is turned off manually. The system can also be activated manually.

420.5.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera.

- (a) Field contacts involving actual or potential criminal conduct within video range:
 - 1. Traffic stops (including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. Driving while intoxicated (DWI) investigations, including field sobriety tests
 - 10. Crimes in progress
 - 11. Responding to an in-progress call
- (b) Self-initiated activity in which an officer would normally notify Communications
- (c) All prisoner transports including voluntary transports (i.e. to hospitals or CPEP)
- (d) Calls for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, including:
 - 1. Domestic violence
 - 2. Disturbance of the peace
 - 3. Offenses involving violence or weapons

Binghamton Police Department

Policy Manual

In-Car Camera

- (e) Any contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (f) Incidents where the Patrol vehicle becomes involved in a motor vehicle accident.
- (g) Any circumstance where the officer believes that a recording of an incident would be appropriate

Activation of the MAV system is not required when exchanging information with other officers, during breaks or lunch periods, or when not in service or not actively on a call for service.

420.5.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For the purpose of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

420.5.3 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Communications.

Supervisors shall:

- (a) Ensure beginning and end-of-shift recording procedures are followed.
 - 1. Supervisors will investigate and document any instance of a failure to record (including an incomplete recording) when required by this policy, or when a in-car camera is reported missing, damaged or malfunctioning.
- (b) Take custody of in-car cameras of officers involved in a serious critical incident. The in-car cameras will be turned over to Police Administration.
- (c) Order officers to not view their own video prior to completing a report of an incident that is considered a critical incident (Level 2 and 3 Use of Force per the Use of Force policy).
- (d) Review and audit officer recordings, generally four hours per month, which may be a combination of BWC and In Car recordings. Supervisors should review/audit recordings of all officers they supervise. Each shift will create and maintain a monthly log of BWC/In Car recording review/audits for each supervisor. These audits will be in addition to, and apart from, reviews related to investigations, whether criminal or administrative.
 - 1. An audit consists of viewing an officer's recorded video chosen randomly, or a supervisory review of a specifically chosen incident.
 - 2. Reviews and audits are conducted to assist in evaluating officer performance and compliance with this policy.

Binghamton Police Department

Policy Manual

In-Car Camera

3. When a supervisor conducts a review/audit a notation will be entered in the appropriate location in the software. The notation shall be: "REVIEW/AUDIT BY:", followed by the name of the reviewing supervisor.
 - (e) Review recordings applicable to Use of Force Investigations.
 - (f) Debrief and review serious incidents with their supervisory staff and involved officers in order to conduct training.
 - (g) Review recordings applicable to a personnel complaint they are assigned to investigate.

420.6 PROHIBITED RECORDING

Officers are prohibited from:

- (a) Using MAV's, or any other type of recorders, to record other City of Binghamton or Binghamton Police Department members, either surreptitiously or overtly, when not engaged in an official enforcement-related activity, unless specifically authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.
- (b) Using MAV's and recording media for personal use and are prohibited from making personal copies of recordings.
- (c) Using personally owned recording devices while on-duty.

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

420.7 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law, or with authorization from the Chief of Police or his/her authorized designee.

- (a) Whenever a recording is accessed for review, the system log will create a record of the ID of the individual logging in, the time/date of access, and the I.P. address of the access point.
- (b) Members are prohibited from accessing MAV video from their home or other personal computers.
- (c) Officers may view or review their own MAV recordings on department owned devices in the Police Department after the video has been uploaded, or from streaming via Bluetooth prior to uploading. Officers are permitted to view only their own video, subject to restriction as noted in *Body Worn Camera* policy §422.11.e, and §420.7.g of this policy.
 1. Downloading or recording of any MAV video is prohibited.
- (d) Members, with the exception of Supervisors acting within the scope of their supervisory duties, should not access another member's MAV recordings.

Binghamton Police Department

Policy Manual

In-Car Camera

- (e) After a video has been uploaded to the software system, Officers are required to advise their supervisor of their intent to access their own recordings.
 - 1. If a supervisor approves the Officer to access his recording, the Officer must will enter a note in the appropriate software section stating the reason for access.
- (f) If within guidelines specified in this policy, when preparing written reports, or preparing for court testimony, officers may review most MAV recordings as a resource. However, the Department prohibits the review of recordings prior to preparing a report regarding a serious use of force and reserves the right to restrict access to recordings in connection with any serious use of force incident or an internal investigation (refer to *Body Worn Camera* policy §422.11.e, and §420.7.g of this policy).
- (g) Members are not authorized to review at any time any Level 3 Use of force, Deadly Physical Force, other serious critical incident, and certain Level 2 Use of Forces (impact weapon use, Taser use, BolaWrap), unless authorized by the Chief of Police, or Assistant Chiefs, or Administrative Captain of Internal Affairs.
- (h) Recordings are not to serve as replacement for a detailed report.
- (i) Supervisors are authorized to review relevant recordings when investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance, or as required by the Audit/Review provision of *Body Worn Camera* policy §422.11.b.
- (j) The showing of any MAV video to academy recruits, auxiliary officers, volunteers, interns, or students, or any other non-sworn members (excluding crime analysts and members of I.T. when authorized) as a training tool is prohibited, without approval from the Chief of Police.
- (k) Only the Chief of Police, Assistant Chiefs, or Administrative Captain of Internal Affairs is authorized to direct a video to be preserved and restrict access.
 - 1. Once a MAV recording is locked out for restricted access, no department member except Police Administration only (Chief of Police, Assistant Chiefs, and Captain of Internal Affairs) is authorized to access, or attempt access, to the restricted video.
- (l) Recorded files may also be reviewed in any of the following situations:
 - 1. Upon approval by a supervisor, by any member of the Department who is participating in an official personnel investigation, such as a personnel complaint, administrative investigation or criminal investigation.
 - 2. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
 - 3. Recordings that are of value as training tools.
 - (a) If an Officer objects to showing a MAV recording for training purposes, his/her objection should be submitted to the command staff before showing the video to determine if the training value outweighs the officer's objection.
 - 4. Recordings that may be beneficial in reviewing an Officer's performance.

Binghamton Police Department

Policy Manual

In-Car Camera

5. By Investigators in furtherance of a criminal investigation.
6. By Crime Analysts in furtherance of intelligence gathering.
7. When authorized by the Chief of Police or authorized designee.
 - (a) **Any member who accesses videos set forth in 1 through 7 above will enter a note in the appropriate software section stating the reason for access.**
8. By members of the District Attorney's Office through the proper evidence process.
9. Official statements when authorized by the Department.

420.8 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording being documented in the officer's report is assumed. Officers will document in their incident report when an incident normally requiring activation of the MAV does not occur, and should notify their supervisor promptly. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

420.9 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in accordance with the established records retention schedule.

420.9.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

420.9.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the officer or against the Binghamton Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

420.10 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.

Binghamton Police Department

Policy Manual

In-Car Camera

- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAVs shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings.

420.11 MAV COORDINATOR RESPONSIBILITIES

The MAV Coordinator is a civilian employee assigned to the City's I.T. department, or a sworn member assigned by the Chief of Police or his authorized designee, and is responsible for:

- (a) Issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with the established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the established records retention schedule.

420.12 RETENTION OF RECORDINGS

In-car camera recordings will be stored by the Department based on the CAMERA CODE assigned to the incident. The BWC and In Car Camera code will be assigned as one entry by the recording

Binghamton Police Department

Policy Manual

In-Car Camera

officer.(same camera code for BWC and In Car for each individual incident.) All video recordings will be coded for the longest retention category that applies.

(a) **CODE 1 - Permanent Retention**

1. Any incident involving the death of a person.
2. Any incident when an officer(s) uses deadly physical force
3. Class A felony sex crimes : Rape 1, Criminal Sexual Act 1, Aggravated Sexual Abuse 1, Sexual Conduct Against A Child 1

(b) **CODE 2 - 10 Year Retention**

1. All felony incidents, regardless of prosecution status that do not qualify for a longer retention period
2. All sex offense incidents regardless of prosecution status that do not qualify for a longer retention period
3. Police use of force incidents involving application of Police equipment such as Control Devices or Conducted Energy Devices which does not constitute Deadly Physical Force (See policies 300 through 303, and 342 Bola Wrap).

(c) **CODE 3 - 5 year Retention**

1. Misdemeanors regardless of prosecution status, that do not qualify for a longer retention period.
2. Non-criminal arrest incidents.
3. Allegation of police misconduct that is not coded for a longer retention period.
4. Domestic incidents that are not coded for a longer retention period.
5. Police use of force not involving police equipment.
6. Motor vehicle accidents that are not coded for a longer retention period.
7. Police stops of persons and vehicles.

(d) **CODE 4 - 1 Year Retention**

1. Non-criminal incidents that are not coded for a longer retention period.
2. Prisoner transports that are not coded for a longer retention period.

(e) **CODE 5 - 180 Day Retention**

1. Accidental and/or test recordings.
2. Any other type recording not specified above.

420.13 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.