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	<i>Subject</i> 125.0 In-Car Video Recording System	
	ISSUED: September 1, 2006	EFFECTIVE: September 1, 2006
	REVISED: June 24, 2019	RESCINDED:
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In-Car Video Recording System

125.1 PURPOSE

In-Car Camera video recording systems are an invaluable law enforcement tool. They are designed to aid in evidence gathering for DWI cases, criminal apprehensions, vehicle pursuits and physical or verbal confrontations. The use of in vehicle recording equipment has also proven useful in an agency's ability to review and substantiate Probable Cause or Reasonable Suspicion, evaluate officer training and safety, and provide an accurate record of citizen encounters.

125.2 POLICY


It is the policy of this department that members will maximize the use of this tool by activating their in-car camera system when such use is appropriate to the performance of their official duties, where the recordings are consistent with this policy and law.

125.3 PRIVACY

- A. All recordings made by members acting in an official capacity of this department shall remain the property of the Department regardless of whether those recordings were made with department issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.
- B. Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.
- C. Officers should attempt to avoid recording people who are nude or when sensitive human areas are exposed unless considerations are outweighed by a legitimate law enforcement interest.

125.4 RECORDING SYSTEM AND FEATURES


- A. Watch Guard Digital 4RE Digital In-Car Video Recording System
 - a. The 4RE system is a self-contained DVR system mounted inside the patrol vehicle that includes a display monitor, two cameras and two microphones capable of capturing audio and high definition video and displays real time images.

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- b. The 4RE system utilizes a Zero Sightline (ZSL) high definition camera mounted in front of the rearview mirror to ensure zero obstruction for the member’s sightline and an interior cabin camera.
 - i. The front facing camera is positioned to face out the front windshield of the patrol vehicle. It may be moved or angled slightly if the need arises.
 - ii. The “Cabin” or rear facing camera is positioned to face the rear passenger area and is equipped with low light sensitivity and capable of recording images without the interior light on.
 - iii. The 4RE is equipped with two microphones, a rechargeable wireless microphone carried on the member’s person and an interior mounted microphone to record cabin activity.
 - iv. The wireless microphone charger is permanently mounted inside the patrol vehicle.
- c. The 4RE is equipped with a 200GB and a 16GB solid state USB flash drive that are inaccessible to the operator. The recording system is activated whenever the vehicle is turned on and is recording video to the hard drive. The hard drive is capable of holding 200 GB of video and then over writes itself. The microphones do not record audio until they are activated.
- d. The 4RE records events to a 16GB solid state USB flash drive. Events are captured when the recording system is automatically activated by either turning on the emergency lights, depressing the record button on the interior unit or by activating it by turning on the wireless microphone. When any of these methods are used to activate the recording system, video is captured on the USB flash drive. A date and time stamp is assigned to each event and the events can be accessed by downloading the video and viewing it through the Watch Guard Evidence Library software. Only the program administrator, who is the rank of sergeant or higher, can remove the flash drive from the DVR unit.

B. User Logon Profiles and Administrative Access

- a. The 4RE provides three (3) different levels of access
 - i. Administrator (See Manual for Details)
 - ii. Supervisor (See Manual for Details)
 - iii. User (See Manual for Details)
- b. Members shall operate the 4RE unit under their login profile.
- c. The System Administrator will establish user and supervisor profiles as directed by the Chief of Police or their designee.
- d. The System Administrator will be responsible for the overall operation of the equipment, maintenance, downloading video to the Evidence Library and copying of evidentiary material from the Evidence Library for case preparation.
- e. Supervisor shall be responsible for ensuring members, including themselves, use the 4RE system in accordance with this policy.


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125.5 MEMBER RESPONSIBILITIES

- A. At the start of each shift, the member will log into the 4RE unit under their profile and ensure that the system is working properly, and the wireless microphone is attached to their person. Additional responsibilities include:
- a. All display features and automatic activation triggers are functioning properly by testing each feature.
 - b. Front and rear camera images are displayed on the monitor and are positioned and focused correctly.
 - c. Any messages on the 4RE monitor indicating the system is malfunctioning or the USB flash drive is full will be brought to the attention of the on-duty supervisor and the system administrator immediately.
 - d. At the end of each tour of duty the officer will log off the 4RE system and place the wireless microphone in the charging cradle.

125.6 RECORDING OF TRACKS AND STORAGE OF DISCS

- A. Recordings
- a. While all activity is recorded to the 4RE DVR unit, only incidents activated by the automatic triggers (Overhead Lights and Microphone activation) or manually activating the recorder will cause the camera unit to record the events to the USB flash drive.
 - b. The 4RE DVR is capable of recording 200GB of video and a playback feature that allows the system administrator to review video recorded to the DVR and transfer to a thumb drive if necessary.
 - i. It is incumbent upon the member to notify the system administrator of possible evidentiary material that may be on the DVR so it can be reviewed and transferred.
- B. Storage of Recordings
- a. Incidents recorded to the USB drive will be periodically downloaded to an external hard drive located on the system administrator's computer.
 - b. The system administrator will be responsible for making copies of recordings for prosecutorial or other investigatory and administrative purposes.


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125.7 REQUIRED ACTIVATION

- A. Although the 4RE system automatically records upon the activation of the patrol unit's emergency lights, members shall make every attempt to manually activate the system for the following enforcement and non-enforcement activities:
 - a. Arrests and transports
 - b. Vehicle searches
 - c. Consent to Search
 - d. Physical or verbal confrontations or use of force
 - e. Suspicious persons/Terry Stops
 - f. Domestic violence calls
 - g. Statements made by individuals in the course of an investigation or complaint
 - h. Advisements of Miranda rights
 - i. Seizure of evidence
 - j. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
 - k. Any other legitimate law enforcement contact where the officer believes that a recording of an incident would be appropriate. In exercising this discretion, officers should be aware of and sensitive to civilians' reasonable privacy expectations.
- B. If an officer is unable to activate their in-car camera and wireless microphone or fails to record the entire police contact, they shall document the reason for such in their supplemental narrative.
- C. The in-car camera system may not be used for intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.
- D. Officers may happen upon a situation requiring immediate action to prevent injury, destruction of evidence, or escape. In these situations, officers should activate the recorder if doing so does not place them or others in danger. Otherwise they shall activate the camera at the first available opportunity when the immediate threat has been addressed. The officer should document the reasons for the delayed activation in their supplemental report to prevent any perception of intentional wrongdoing.

125.8 DEACTIVATION OF THE IN- CAR CAMERA

- A. Once activated, the in-car camera should remain on continuously until the member's direct participation in the incident is complete, the member determines that a privacy right outweighs any legitimate law enforcement interest in recording, or the member determines the situation no longer fits the criteria for activation.
- B. Members shall document verbally on camera and in writing in their report document the reason why an individual's privacy rights outweighed the legitimate law enforcement interest and the deactivation of

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the in-car camera system.

- a. If during the course of an investigation, enforcement contact or incident the member deems it necessary to discontinue the recording to effectively handle their job, they should document the reason for termination of the recording prior to deactivation of the system by noting the date, time, and the reason for the deactivation on the recording. Example of this include but are not limited to sexual assault victims, domestic victims/incident, and children.

125.9 SPECIAL CONSIDERATIONS

- A. To respect the dignity of others, officer will avoid recording special victims or sensitive police interviews such as sex crime victims or assault victims whenever possible. If an officer is conducting an in-depth interview with a victim they should deactivate their wireless microphone indicating the date, time and reason for deactivation.
- B. The use of this tool nor this policy is intended to supersede department practices in regard to victim and witness interactions.

125.10 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

New York law permits an individual to surreptitiously record any conversation in which one party to the conversation has given their permission. Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.


125.11 RECORDING STATEMENTS

Members shall properly document any use of the in-car camera to capture a video statement from a suspect in their reports. The video statement shall not take the place of a written statement where applicable. Documentation to include, but not limited to:

- a. All required agency reports; and
- b. CPL 710.30 form, when necessary. Failure to notify the prosecutor of the recorded interview could prevent its use in court.

125.12 RETENTION OF RECORDINGS

- A. Downloading procedures
 1. When practicable, data shall be downloaded in accordance with current procedure for storing digital files.
 2. All in-car camera data relating to a criminal incident should be considered digital evidence and processed in accordance with departmental policy.

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3. Each data file will include searchable information including, but not limited to: date and time the video was captured; incident number if applicable; and in-car camera identifier of assigned officer.
4. Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a confrontational citizen contact), the officer should promptly notify a supervisor of the existence of the recording.

B. Retention schedule:

1. All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 180 days.
2. If a determination is made that video data has evidentiary value in an on-going investigation, court proceeding or appeals process, the data shall be retained through the pendency of the case.
3. The established retention schedule can be extended beyond the 180 days minimum as necessary.
4. In-car camera data determined to have value in long term investigative, administrative or civil proceedings should be appraised for archiving in accordance with applicable statutory timeframes.
5. If no extension of video data retention is required, the recordings may be destroyed in accordance with the agency's retention procedures and with approval from the agency administrator.
6. If recording is deemed to be useful as a training tool, the recording may be kept for as long as practicable.

125.13 REVIEW OF RECORDED MEDIA FILES


- A. When preparing written reports, members should view their recordings as a resource. However, all recordings are the property of the New Paltz Police Department. Access to the videos, whether made part of a case investigative record or otherwise, shall be limited. New Paltz Police Department personnel are prohibited from accessing, tampering with, editing, copying, and/or uploading to any device or website, any video except in accordance with the performance of their official duties and with the approval of the Chief of Police or their designee. Members should not use the fact that a recording was made as a reason to write a less detailed report.
- B. Members are permitted to review only video footage of an incident in which they were involved for purposes of; conducting a criminal investigation, preparing for courtroom testimony or courtroom presentation, providing testimony pursuant to an administrative inquiry and assisting the officer in professional development.

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1. An officer may review video footage prior to making a statement, writing a report, being interviewed or testifying about any recorded incident. The officer shall have the option of reviewing video footage in the presence of the officer's attorney or labor representative in those circumstances where the law or collective bargaining agreement provide for such representation (such as disciplinary matters).
- C. Members are not permitted to review video prior to submitting their Defensive Action Reports and related supplemental reports. The New Paltz Police Department's Officer Defensive Action Policy adheres the objectively reasonable standard articulated in *Graham v. Connor*, 490 US 388 (1989), which states the degree of force used in effecting an arrest, investigatory stop, or other seizure is evaluated by using an objective, reasonable police officer standard. The reasonableness of each particular use of force will be judged from the perspective of a reasonable officer on the scene, based on the facts and circumstances known to and confronting the officer at the time. Based upon this foundation, defensive action reports and the accompanying case supplemental reports should be filed by officers using the facts and circumstances known to and confronting them at the time of the use of force and prior to reviewing video footage which constitutes hindsight.
1. Upon submission of the initial reports, members may view their body camera footage and file an amended report.
- D. Supervisors are authorized to review video footage at any time for the purposes of training, investigation of criminal cases, and upon receipt of a complaint against an officer concerning a specific incident.
- E. Recorded files may also be reviewed:
1. Upon approval by a supervisor, by any member of the Department who is participating in an official 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. By media personnel with permission of the Chief of Police or the authorized designee.

125.14 DISSEMINATION OF RECORDINGS

- A. Except in accordance with the Freedom of Information Law, Civil Rights Law §50-a, or as required by other law of mandatory applicability, no other individuals shall have access to or be provided with any videos except for the Ulster County District Attorney's Office and any individuals authorized by the Chief of Police. When video is responsive to a Freedom of Information Law request, it will be reviewed prior to release and may be withheld or redacted for the same reasons as other police records (including for reasons of personal privacy).

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1. 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 (Public Officers Law § 89)
- B. Any requests for video data pursuant to a Freedom of Information Law request should be reviewed by the town’s attorney and/or the Ulster County District Attorney’s Office prior to release.

125.15 ADMINISTRATOR RESPONSIBILITIES

- A. Agency administrator duties include:
 1. Ensuring proper procedures are followed in the downloading, review, release and retention of in-car camera data;
 2. Conducting periodic reviews of retained video data to ensure it has not been tampered with;
 3. Coordinating with IT regarding system related issues;
 4. Coordinating maintenance and repairs for the in-car camera system;
 5. Conducting annual review of the policy and procedures contained herein and for making recommendations for any necessary amendments thereto; and
 6. Coordinating review of videos scheduled for destruction.

125.16 USE OF VIDEO IN ADMINISTRATIVE INVESTIGATIONS

- A. In-car camera video will not be proactively reviewed for administrative disciplinary actions.
- B. Video footage may be used in support of criminal and/or disciplinary charges stemming from complaints and/or internal department investigations, including but not limited to case review and related reports.