

Mobile and Portable Audio/Video

422.1 PURPOSE AND SCOPE

The Suffolk County Police Department has equipped certain marked law enforcement vehicles and officers with Mobile Audio/Video (MAV) and body-worn portable audio/video recording (BWC) systems to provide records of events and to assist officers in the performance of their duties. These systems are integrated such that the body worn camera functions as a component of the MAV system. This policy provides guidance on the use of these systems.

422.1.1 DEFINITIONS

Definitions related to this policy include:

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

Body Worn Camera (BWC) - a video camera system worn on an officer's person which captures both audio and video to document police activities.

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 including, at a minimum, a camera, microphone, recorder and monitor.

MAV Technician - Personnel assigned to the Police Technology Bureau or Information Technologies Section certified or trained in the operational use and troubleshooting of MAVs and BWCs.

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

422.2 POLICY

It is the policy of the Suffolk County Police Department to use mobile audio/video technology and body worn cameras to more effectively fulfill the mission of the Department and to ensure these systems are used securely and efficiently. This policy does not apply to audio/video recordings, interviews or interrogations conducted at any Department facility, authorized undercover operations, wiretaps or eavesdropping/ concealed listening devices.

422.3 RESPONSIBLE COMMANDS

The Police Commissioner or authorized designee should designate appropriate commands responsible for:

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging or marking events.

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422.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any Department-issued device at any time and any recording made while acting in an official capacity of this Department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

422.5 OFFICER RESPONSIBILITIES

Prior to going into service, each officer operating a vehicle equipped with a MAV/BWC system will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings in accordance with the manufacturer's recommended procedures.

At the start of each shift, officers should test the MAV/BWC system's operation in accordance with manufacturer specifications and Department operating procedures and training, and log in via the MAV log-in screen.

System documentation is accomplished by the officer logging in via the MAV unit log-in screen. BWCs shall be individually issued to officers and pre-programmed with identifying information. If the system is malfunctioning, the officer shall advise a supervisor and notify the Information Technologies Section for repair. A memorandum book entry detailing the status of the equipment must be made at the beginning of each tour. If deficiencies were noted, the specific problem and the name of the supervisor notified must be included in the entry.

422.6 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is turned off manually. The BWC system may be deactivated independently from the MAV. The audio portion of the MAV is automatically activated when the video system is activated. When video is being recorded, the audio will also record.

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

422.6.1 REQUIRED ACTIVATION OF THE MAV AND BWC

This policy is not intended to describe every possible situation in which the MAV/BWC system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer or a supervisor 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. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV/BWC. The MAV/BWC system should be activated in any of the following situations:

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- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Any adversarial citizen contact including, but not limited to, field interviews, detentions and arrests
 - 2. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops, from the initial citizen contact until the conclusion of the stop
 - 3. Priority responses where the emergency lights are activated
 - 4. Vehicle pursuits from the initial stage until the termination of police action
 - 5. Suspicious vehicles
 - 6. Arrest and transportation of arrestees
 - 7. Physical or verbal confrontations or use of force
 - 8. Investigatory police action such as field sobriety tests or an encounter with a citizen where the officer is attempting to develop reasonable suspicion of a crime
 - 9. Driving while intoxicated (DWI) investigations, including field sobriety tests
 - 10. Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (b) Any other circumstance where the officer or a supervisor 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 patrol.

422.6.2 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. Use of the BWC may be concluded when contact with a citizen has ended or subsequent to the arrestee being placed into custody and their cooperation is obtained. If at any time during a citizen contact or an arrest situation where the officer has stopped recording the event, he will not be precluded from resuming recording if it is deemed necessary; the recording will then continue until the officer no longer has contact with the individual.

422.6.3 SURREPTITIOUS RECORDING

No member of this Department may surreptitiously record a conversation of any other member of this Department except with a court order or when lawfully authorized by the Police Commissioner or authorized designee for the purpose of conducting a criminal or administrative investigation.

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422.6.4 SUPERVISOR RESPONSIBILITIES

At reasonable intervals, supervisors should validate that recording procedures for the start and end of shifts are being followed.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, Department-involved traffic accidents), a supervisor shall respond to the scene and ensure recordings are wirelessly downloaded in accordance with procedures as soon as practicable. If download is unable to be accomplished due to the involved vehicle being unable to be driven to a download facility, the supervisor will arrange for the Information Technologies Section to secure the MAV and BWC unit.

422.7 REVIEW OF MAV/BWC 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.

If the need arises to copy or review MAV/BWC recordings, the retaining command will provide the needed recordings from the MAV server.

Recordings may be reviewed in any of the following situations:

- (a) By officers for use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) To assess proper functioning of MAV systems
- (d) By Department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (e) By Department personnel who request to review recordings
- (f) By an officer who is captured on or referenced in the video or audio data, and reviews and uses such data for any purpose relating to his/her employment
- (g) By court or prosecutorial personnel through proper process or with the permission of the Police Commissioner or the authorized designee
- (h) By the media through proper process
- (i) To assess possible training value
- (j) For training purposes
- (k) As may be directed by the Police Commissioner or the authorized designee
- (l) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy

All recordings should be reviewed by the Records Access Officer prior to public release. See the Records Maintenance and Release Policy. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or by order of the court (Public Officers Law § 89).

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Members desiring to view any previously uploaded or archived MAV recording should submit a request to the retaining command through the chain of command. Approved requests should be forwarded to the retaining command for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

422.8 DOCUMENTING MAV/BWC USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. Officers should be aware that these video and audio recordings may represent potential Rosario and *Brady* material. In those situations where an arrest is made and the event was recorded, the arresting officer shall indicate such in the "Evidence" and "Supplemental" portions of the Arrest Worksheet (PDCS-1086n). If a summons is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

See procedure for further guidance: [ARREST WORKSHEET NOTATION](#)

422.9 RECORDING MEDIA STORAGE AND INTEGRITY

Once downloaded for storage, all recording media will be stored on a secure server at the retaining command. Recordings constituting evidence will be retained in accordance with the schedule established by the New York State Department of Education. Recordings not booked as evidence will be retained for a minimum of 180 days and disposed of in accordance with the established records retention schedule.

422.9.1 MAV/BWC RECORDINGS AS EVIDENCE

To assist with identifying and preserving data and recordings, members should categorize these and document the existence of the recording in any related case report.

A member shall notify a supervisor when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.
- (g) Any time a member reasonably believes a recorded contact may be relevant in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

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Once so notified, the supervisor shall make arrangements with the retaining command for appropriate retention of the recordings.

422.10 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for thirty (30) seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) 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.
- (e) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase previous recordings and may only do so pursuant to the provisions of this policy.

422.11 TECHNICAL RESPONSIBILITIES

The responsible command with assistance from the MAV technician and Information Technologies Section, as applicable, is responsible for:

- (a) Retrieving, storing, erasing and duplicating of all recorded media.
- (b) Verifying 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 in accordance with the established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.
- (d) Ensuring MAVs and BWCs are maintained in good working order.
- (e) Managing the long-term storage of recordings that have been deemed to be of evidentiary value in accordance with the Department evidence storage protocols and the established records retention schedule.

422.12 TRAINING

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