
	<p style="text-align: center;">ITHACA POLICE DEPARTMENT</p> <p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	Distribution ALL PERSONNEL	General Order Number 5.26 A
		Original Issue Date 06/14/21	Reissue/Effective Date 06/14/21
<p>Order Title:</p> <p>Body Worn Camera Policy</p>	Accreditation Standard: NY 8.5; 51.3	Section 5	
	Section Title PATROL FUNCTIONS		
<p>Rescinds: General Order Number 595 issued by Chief Barber 11/02/2015</p>		 John Joly, Acting Chief of Police	

I. PURPOSE

The purpose of this order is to establish the rules for the use and operation of body-worn cameras by members of the Ithaca Police Department, including the measures required to secure and safeguard digital evidence captured by the cameras. The use of cameras is intended to assist officers in the performance of their duties, increase transparency and accountability of IPD operations, and gather evidence for use in the prosecution of crimes.

II. DEFINITIONS

Law Enforcement Operations: includes Patrol Activities, responding to calls for service, traffic stops, arrests, searches, pursuits, physical or verbal confrontations, execution of warrants, and actively engaging in SWAT and/or CINT operations, but excludes training operations and those investigatory activities normally carried out exclusively by officers assigned to the Investigative Division.

Patrol Activities. Those duties and responsibilities assigned to members of the Patrol Division in GO-101 Patrol Operations, but only insofar as those duties and responsibilities involve purposeful interaction with one or more particular members of the public.

III. POLICY

It is the policy of the Ithaca Police Department for officers to activate the recording function of body-worn cameras when engaged in Law Enforcement Operations.

A. Assignment of Cameras.

Every officer assigned to the Patrol Division must wear a body camera when on duty, and all other officers must wear a body camera when it is reasonably expected that the officer will engage in Law Enforcement Operations during the officer's shift. In addition, every IPD officer assigned to SWAT or CINT operations must wear a body camera when responding to a call for those services. An officer wearing a camera must activate the recording function of the camera as required by this General Order.

An officer who is called in to work must first report to IPD to pick up a camera, or otherwise obtain a camera, if he or she reasonably expects to engage in Law Enforcement Operations in response to the call-in. Officers called in to respond to an emergency or when time is of the essence are not required to obtain a camera from IPD before responding if the officer being called in is so notified by his or her commanding officer.

In the unlikely event that the Department is unable to make a functioning body camera available to an officer otherwise required by this General Order to wear a body camera, said officer may be excused from wearing a body camera only in writing (including by email) either (a) by the Chief or a Deputy Chief of Police for a narrowly-specified period of time, or (b) by said officer's shift commander, for a period not to exceed 18 hours, with simultaneous written notice to (i.e., copying on an email) the Chief or a Deputy Chief of Police.

B. Maintenance of Cameras.

If an officer is required to wear a body camera by this General Order, he or she must inspect the body camera and associated equipment prior to going into service. The officer must test the camera in accordance with manufacturer specifications and departmental training at the start of each shift. This testing includes:

- Verifying that the camera is functional and the battery is charged.
- Ensuring that the device is properly placed or affixed for use. After testing and evaluation, the Chief of Police will determine the body location where a body camera must be worn, and this General Order will be revised accordingly.

At the end of the officer's shift, the camera must be secured and charged in accordance with manufacturer specifications and departmental training. If a camera is found to be malfunctioning, it must be removed from service and the shift commander notified as soon as reasonably possible.

C. Activation of Recording.

Unless an exception listed in this General Order applies, an officer must activate the recording function of the officer's camera at the beginning of each Law Enforcement Operation in which the officer engages. This General Order is not intended to describe every situation in which a body camera may be used; unless recording is prohibited by this General Order, an officer may begin recording any time the officer believes it would be appropriate and/or valuable to do so.

Informal, non-law enforcement interactions with members of the public (for example, interacting with a person asking for directions) are not Law Enforcement Operations and need not be recorded. However, if the interaction becomes problematic or adversarial, the officer must begin recording when it is safe to do so.

When responding to a call for service, recording must begin when the officer starts to proceed to the call for service (for example, when the officer notifies dispatch that the officer is responding). Recording of other Law Enforcement Operations must begin at the beginning of the Operation.

Recordings should be made on a per-Operation basis. Officers should not record between Operations.

When an officer fails to activate or achieve the required duration of a recording in a circumstance where recording is required by this General Order, or experiences a camera malfunction that prevents recording, the officer must (i) promptly inform their commanding officer, (ii) document and explain the failure or malfunction in the police report for that incident and any others similarly impacted, and (iii) unless otherwise ordered by their commanding officer due to exigent circumstances, thereafter obtain a functioning body camera before engaging in additional Law Enforcement Operations.

Officers are prohibited from recording:

- Other IPD personnel during routine, non-Law Enforcement Operations
- In IPD headquarters or the SWAT Command Center unless either: (i) recording is required by a court order or authorized as part of an administrative or criminal investigation; or (ii) the officer is actively engaging with a subject in custody, a complainant, or a witness.

D. Duration of Recording.

Once recording is required to begin, recording must continue until: (i) the conclusion of the officer's participation in the Operation, incident, or encounter; (ii) a supervisor authorizes on camera¹ that recording may cease on the basis that the supervisor

¹This requirement is satisfied where the camera captures the officer receiving via oral communication device (i.e., by phone or radio) the necessary supervisory authorization, including as necessary the

reasonably concludes that the officer's upcoming participation will be non-substantive in nature for a sustained period of not less than thirty minutes² (for example, conducting traffic direction at a crime scene already brought under control); or (iii) one of the exceptions in this General Order applies.

Recording may be discontinued at the officer's discretion when:

- Interviewing a victim where the victim's privacy may be at issue, including but not limited to victims of rape and domestic abuse, or where the victim is non- or partially-clothed. Where this exception may apply, officers should consider seeking to divert the camera away from the victim or obscuring the lens, if the victim is agreeable to audio recording.
- Interviewing a witness who fears retaliation for cooperating with police, or refuses to cooperate unless the camera is turned off.
- Conducting investigative interviews with Confidential Informants.
- The officer has completed his or her engagement with each subject at the scene, at least on an interim basis, and exited the vicinity of each subject. (This may apply where, for instance, the officer needs to discuss issues regarding the Operation with another officer in private.) In this case, recording must resume if the officer reenters the vicinity of a subject or otherwise resumes engaging with a subject.

Before stopping a recording, the officer must state on the recording the reason(s) for stopping. This requirement is satisfied where the camera captures the officer informing dispatch of the completion of the call for service by radio or the Spillman record system.

Officers are not required to inform members of the public that they are recording, but must disclose that they are recording if asked by any individual other than by a suspect or in the presence of a suspect.

E. Maintenance of and Access to Videos.

At the conclusion of an officer's shift, the officer must place his or her assigned camera into the Taser dock so that the videos may be downloaded and the camera recharged. All recordings made during an officer's shift shall be uploaded to the storage system at the end of an officer's shift. If there is a circumstance when this cannot be accomplished, a supervisor must be notified.

In the event of an officer-involved shooting (whether the individual shot is an officer or non-officer), in-custody death, or other incident involving an officer that results in a non-officer's serious bodily harm or death or during which an officer discharges his

officer repeating in real time for the camera's benefit the identity and approximate substance of the supervisor's oral communication.

² The sustained period is as anticipated by the supervisor at the time of authorization. If an officer engages in substantive participation during or after that period of time, such participation shall constitute a Law Enforcement Operation, and the officer must resume recording.

or her weapon, the highest ranking officer at the scene (or such other person designated by the Chief of Police or his or her designee) is responsible for taking possession of the cameras of all officers at the scene at the time of the incident at the conclusion of the recording by each camera as allowed by this General Order, and preserving the evidence on the cameras for later review.

Video recordings from the cameras will be retained as follows.

- All videos shall be retained for six months after the date of recording and then automatically deleted, unless this General Order requires a longer retention period. However, an accidental recording made in a bathroom or locker room or while an officer is on a meal break may be deleted before six months have passed if two individuals of the same gender as the officer(s) depicted in the accidental recording, one of whom must be the Chief of Police or his or her designee and one of whom must possess Administrator status on the Evidence.com storage system, have reviewed the video and confirmed that it contains no evidentiary value and is not related to any police report or call for service.
- Videos related to felonies. All footage associated with a felony shall be made part of the case investigative record, and retained in accordance with the MU-1 schedule promulgated by the New York State Department of Education ("MU-1 Schedule") (from 25 years to permanent, depending on the crime).
 - Videos related to misdemeanors.
 - o All videos associated with misdemeanor arrests, and any non-arrest footage associated with DWI stops and sobriety tests, shall be made part of the case investigative record and retained for the five-year period required by the MU-1 Schedule.
 - o Any other video associated with misdemeanors shall be made part of the case investigative record only if IPD personnel, designated by the Chief of Police or his or her designee, deem the video sufficiently probative of the misdemeanor to merit inclusion in the investigative record.
 - Videos associated with violations and traffic infractions. Such a video shall only be made part of the case investigative record if IPD personnel, designated by the Chief of Police or his or her designee, deem the video sufficiently probative of the matter to merit inclusion in the investigative record. Videos made part of a case investigative record shall be retained for the one-year period required by the MU-1 Schedule.
 - Videos related to investigations into officer handling of incidents (including in connection with a complaint filed before the Community Police Board). These videos shall be retained as long as any associated Community Police Board complaint is required to be retained, or if there is no such complaint, until the completion of any associated legal or administrative proceedings following the investigation.

Videos will ordinarily be retained using an online cloud system, but may be maintained on other systems or media under IPD's control. Videos that are made part of a case investigative record may be removed from an online cloud system (a) upon the expiration of the required retention period, or (b) once burned on a disc or stored on other systems or media under IPD's control in order to minimize data storage costs.

All recordings are the property of the City of Ithaca. Access to the videos, whether made part of a case investigative record or otherwise, shall be limited. IPD 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.

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).

Recordings may be used in support of criminal or disciplinary charges, as well as for training or instructional purposes, and the Chiefs or their designees may review any footage for any purposes, including the administration of discipline. However, no officer shall be disciplined for conduct discovered solely as a result of a review of footage by an officer other than the Chief when all of the following conditions are satisfied: (i) the footage is in excess of 14 days old at the time reviewed; (ii) the review was uniquely and arbitrarily targeted at a specific officer for reasons not related to known conduct of that officer nor a complaint or allegation related to such officer (this condition shall not be satisfied by a review that is in concert with similar reviews of officers' footage) nor a disciplinary investigation; and (iii) the violation is minor, meaning that either or both of the discipline sought and the discipline finally imposed fail to exceed 7 hours of forfeited time.

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 Tompkins County District Attorney's Office and any individuals authorized by the Mayor or Chief of Police. When a video is responsive to a Freedom of Information Law request or is otherwise being prepared

for release, 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).

F. Training.

Standards for training officers and other IPD personnel in the use and maintenance of the cameras and related hardware and software will be developed. All officers and supervisors will be trained regarding the operation of body cameras.

Supervisors are responsible for ensuring the cameras assigned to the officers reporting to them are in working order, and that each officer is using the camera and related software in accordance with departmental policy and training.

This General Order shall be included in the training materials. Each officer shall sign a form acknowledging his or her participation in the training session and receipt of this General Order. Until he or she successfully completes the training, an officer may not wear or operate a body camera other than for training purposes, which training may not occur while the officer is engaged in Law Enforcement Operations.