



# DRAFT OPERATIONS ORDER

SUBJECT: <b>PILOT PROGRAM - USE OF BODY-WORN CAMERAS</b>	
DATE ISSUED:	NUMBER:
<b>03-22-17</b>	<b>DRAFT 16</b>

1. The Department will be issuing “Body-Worn Cameras” (BWCs) to certain uniformed members of the service assigned to the 13, MTN, 25, 30, 34, 42, 43, 44, 47, 48, 60, 63, 67, 71, 72, 79, 102, 105, 115, and 121 Precincts. The BWC pilot program will serve to provide a contemporaneous, objective record of encounters, facilitate review by supervisors, foster accountability, and encourage lawful and respectful interactions between the public and the police. The program will be examined to determine whether BWCs contribute to officer safety, provide evidence for criminal prosecutions, help to resolve civilian complaints, reduce unconstitutional *Terry* stops, and foster positive relations with the community.

2. Therefore, effective immediately, when a uniformed member of the service has been issued a Body-Worn Camera, the following procedure will be complied with:

**PURPOSE** To visually and audibly record certain interactions between uniformed members of the service and the public for official law enforcement purposes.

**SCOPE** The Department is issuing Body-Worn Cameras (BWC) to certain uniformed members of the service. This procedure applies to all uniformed members of the service issued a BWC as well as personnel responsible for supervising, supporting and maintaining the use of BWCs.

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

- UNIFORMED MEMBER OF THE SERVICE**
1. Prior to roll call:
    - a. Retrieve the personally assigned BWC from the docking station
    - b. Inspect the BWC to ensure that the battery is fully charged and the device is operational
    - c. Position the BWC to facilitate the optimal recording field of view. This will normally entail attaching it to the outermost garment in the center of the chest using the mounting hardware provided.
  2. Utilize BWC only when personally issued and authorized by the Department to record official activity while on-duty.
    - a. The use of any non-Department issued recording device is strictly prohibited.
  3. Notify the desk officer if a BWC is not functioning properly, becomes damaged or is otherwise unaccounted for at any point during the tour and document notification in **ACTIVITY LOG (PD112-145)**.

#### NOTICE OF BWC RECORDING

#### **UNIFORMED MEMBER OF THE SERVICE**

4. As soon as reasonably practical, notify members of the public that an interaction is being recorded, unless notification could compromise the safety of any person or impede an investigation.
  - a. Suggested notification: *“Sir/Ma’am, I am wearing a body-camera and this encounter is being recorded.”*
  - b. Consent is not required to start or continue recording.

#### MANDATORY ACTIVATION OF BWC

#### **UNIFORMED MEMBER OF THE SERVICE**

5. Activate BWC prior to engaging in, or assisting another uniformed member of the service with, the following police actions:
  - a. Arrests
  - b. Summonses, except for a Notice of Parking Violation (parking violation summons) unless the owner/operator of the vehicle is present
  - c. Vehicle stops
  - d. Interactions with persons suspected of criminal activity
  - e. A search of an individual and/or his/her belongings, except for strip searches
  - f. Interactions with an emotionally disturbed person
  - g. Use of force as defined in *P.G. 221-03, “Reporting and Investigation of Force Incident or Injury to Persons During Police Action”*
  - h. Public interactions that escalate and become adversarial
  - i. Responding to the scene of crime-in-progress calls, including radio code signals 10-10, 10-13, 10-30 series, 10-85 (excluding administrative assistance), calls for service involving a weapon, and Shot Spotter activations
  - j. Interior patrols of New York City Housing Authority buildings as well as any privately-owned building. The BWC must be activated upon entering the building and will not be deactivated until exiting the building and terminating the interior patrol along with any associated police action, if any.
6. Notify patrol/unit supervisor when there is a failure to record a mandatory event as described in step “5.”
  - a. Document notification in **ACTIVITY LOG**.

#### EXIGENT CIRCUMSTANCES

#### **UNIFORMED MEMBER OF THE SERVICE**

7. Activate the BWC as soon as it is feasible and safe to do so after taking necessary police action to preserve human health and safety. At no time should proper tactics be compromised to begin a recording.

#### DISCRETIONARY ACTIVATION OF BWC

#### **UNIFORMED MEMBER OF THE SERVICE**

8. Uniformed members of the service may record other official activities when, in the uniformed member’s judgment, it would be beneficial to record, so long as it is not one of the prohibited recordings described in step “10.”

### DEACTIVATION OF BWC

#### **UNIFORMED MEMBER OF THE SERVICE**

9. Once the BWC has been activated, continue recording until the investigative or enforcement action is concluded.
  - a. In the case of an arrest, continue recording until the prisoner is lodged at the command for arrest processing.
  - b. The UMOS may choose to deactivate the BWC upon the request of a member of the public if a suspect is not present, and it is safe and advisable to do so after considering all the circumstances, including the requester's desire for privacy or confidentiality.

### PROHIBITED BWC RECORDINGS

#### **UNIFORMED MEMBER OF THE SERVICE**

10. Do not activate the BWC for any of the following:
  - a. Performance of administrative duties or non-enforcement functions
  - b. Routine activities within Department facilities
  - c. Departmental meetings or training
  - d. Off-duty employment including paid detail assignments
  - e. Interviewing a current or potential confidential informant
  - f. Undercover officers
  - g. Interviewing the victim of a sex crime, as soon as the nature of the offense becomes apparent
  - h. Strip searches
  - i. When present in a court facility, except for the immediate lodging of a prisoner
  - j. The inside of a medical facility unless engaging in a police action as listed under step "5."
11. Notify patrol/unit supervisor if a prohibited event as described in step "10" was recorded.
  - a. Document notification in **ACTIVITY LOG**.

### DEMONSTRATIONS AND CIVIL DISOBEDIENCE

#### **UNIFORMED MEMBER OF THE SERVICE**

12. Record only if engaged in one of the actions listed in step "5" above (Mandatory Activation of BWC) and in uniform.
  - a. The Technical Assistance and Response Unit (TARU) remains solely responsible for documenting protests, demonstrations, political events, etc., by means of photos and/or video.

### DOCUMENTATION, MAINTENANCE AND NOTICES FOR CASE USE

#### **UNIFORMED MEMBER OF THE SERVICE**

13. Use the video management system software to "categorize" or "tag" videos based upon the nature of the event utilizing the drop-down menu provided.
14. Document in **ACTIVITY LOG** and the appropriate caption or in the narrative of any Department report prepared (e.g., **STOP REPORT (PD383-153)**, **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET (PD370-154)**, **AIDED REPORT**,

**OPERATIONS ORDER NO. DRAFT 16**

**UNIFORMED  
MEMBER OF  
THE SERVICE  
(continued)**

**COMPLAINT REPORT (PD313-152), ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159), etc.)** when an incident has been captured on a BWC recording.

- a. Include the identity of member(s) recording the event.
15. Insert the BWC into the docking station in the station house for transfer of data and to recharge the battery at the completion of the tour.
16. Notify the following when necessary:
  - a. Appropriate prosecutor 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
    - (1) Identify other members of the service who captured all or part of the event on their BWC
    - (2) Provide copies of related BWC video utilizing the appropriate features of the video management system
  - b. Legal Bureau any time a member of the service becomes aware of potential or actual civil litigation involving a matter captured by a BWC.

VIEWING OF BWC RECORDINGS

**UNIFORMED  
MEMBER OF  
THE SERVICE**

17. In the performance of their duties, members of the service may view the following BWC recordings:
  - a. Their own BWC recordings, subject to steps “17(c)” and “17(d)”
  - b. BWC recordings made by other members of the service, if the viewing is in furtherance of an investigation, preparation of a case or other official purpose, subject to steps “17(c)” and “17(d)”
  - c. When a member of the service is the subject of an official departmental investigation, or is a witness in an official departmental investigation, the member may view his/her own BWC recording of the incident prior to making a statement under the provisions of *P.G. 206-13, “Interrogation of Members of the Service,”* at a time and place deemed appropriate by the supervisor in charge of the investigation
  - d. When a recording is related to a police firearms discharge, a Level 3 use of force, or a serious injury/death in custody as defined in *P.G. 221.03, Reporting and Investigation of Force Incident or Injury to Persons During Police Action,* the member may view his/her own BWC recording of the incident prior to making a statement under the provisions of *P.G. 206-13, “Interrogation of Members of the Service,”* at a time and place deemed appropriate by the supervisor in charge of the investigation.

FIREARMS DISCHARGES, LEVEL 3 USE OF FORCE AND DEATH/  
SERIOUS INJURY IN CUSTODY INCIDENTS

**PATROL  
SUPERVISOR/  
UNIT  
SUPERVISOR**

18. Respond to police firearms discharges, Level 3 uses of force and serious injury/death in-custody incidents and assume command.
  - a. In addition to other necessary actions, obtain and secure BWCs that may contain relevant video from members of the service, documenting which officer had each camera.
  - b. Provide BWCs to Force Investigation Division, Internal Affairs Bureau, or other supervisor in charge of the investigation.
19. Instruct members of the service to deactivate BWC if enforcement action has terminated, the event has been stabilized and interaction with the subject(s) of the police activity has concluded.

SUPERVISORY AND ADMINISTRATIVE FUNCTIONS FOR BWC

**SUPERVISOR  
CONDUCTING  
ROLL CALL**

20. Provide members performing duty with the platoon sufficient time after the start of their tour but prior to roll call to retrieve their individually assigned BWC from the docking station.
21. Inspect members who are issued BWCs for their personally assigned BWCs and ensure that they are properly affixed to their uniform or outer most garment and functioning properly.

**PATROL  
SUPERVISOR/  
UNIT  
SUPERVISOR**

22. Visit members of the service equipped with BWCs while on assignment and ensure they are recording events and activities as required.
23. Instruct members of the service to deactivate BWC if enforcement action has terminated, the event has been stabilized and interaction with the subject(s) of the police activity has concluded.
24. Conduct an investigation when notified that a member failed to record all or part of an encounter as mandated in step "5."
  - a. Make determination regarding the propriety of the circumstances surrounding the failure to record and notify the desk officer to document results in Command Log.
  - b. Ensure that any resulting failure to record is documented in the uniformed member's **ACTIVITY LOG**.
  - c. Prepare and forward a report on **Typed Letterhead** detailing the investigation, findings, and actions taken to the Chief of Department (through channels).
    - (1) Forward additional copies to the Deputy Commissioner, Information Technology and the Commanding Officer, Risk Management Bureau.
25. Notify the desk officer whenever notified that a member made a prohibited recording as described in step "10."
26. Review BWC video in conformance with the self-inspection program promulgated by the Quality Assurance Division.
27. Periodically review video in addition to the self-inspection program, as appropriate, to provide positive feedback and address any performance deficiencies observed.

- DESK OFFICER**
- 28. Account for all BWCs assigned to the command at the start of the tour.
    - a. Enter details in the Command Log.
  - 29. Conduct an immediate investigation when notified that a BWC is not functioning properly, has become damaged, or is otherwise unaccounted for, 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.
    - a. Notify the Information Technology Bureau Service Desk and follow guidance for obtaining a replacement BWC.
  - 30. Ensure that all BWCs are returned to their docking station for video upload and/or recharging at the end of tour.
  - 31. Notify the commanding officer/duty captain whenever notified that a member made a prohibited recording as described in step "10."
- INTEGRITY CONTROL OFFICER**
- 32. Be responsible for the integrity and security of the BWCs, related hardware and the video management system.
  - 33. Supervise review of BWC video in conformance with the self-inspection program promulgated by the Quality Assurance Division.
- COMMANDING OFFICER**
- 34. Designate a secure area within the muster room/desk area and under the control of the desk officer for storage of BWCs not being used.
  - 35. Conduct an investigation when notified of the recording of an event which is prohibited in step "10."
    - a. Prepare and forward a report on **Typed Letterhead** detailing the investigation, findings, and actions taken to the Chief of Department (through channels).
    - b. Forward additional copies to the Deputy Commissioner, Information Technology and the Commanding Officer, Risk Management Bureau.

**ADDITIONAL DATA**

OPERATIONAL CONSIDERATIONS

*The BWC and related hardware/software, as well as video, audio and data captured by the BWC, irrespective of the content, are at all times the property of the Department. Other than providing copies of BWC video to members of the Department for official purposes (e.g., detectives conducting criminal investigation, etc.) and prosecutors as described above, uniformed members of the service may not copy, publish, share or disseminate any audio, video, image or data to anyone unless authorized by the Police Commissioner. 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.*

*The default preservation period for BWC video is one year, at which time it will be automatically deleted. Depending upon the "category" or "tag" assigned to the video, certain videos (e.g., arrests) may be retained for longer periods. Commanding officers may request that a BWC recording be retained beyond the prescribed retention period, if necessary. Requests should be submitted through channels to the Deputy Commissioner, Information Technology, detailing the reasons for the request and expected duration of the preservation.*

**ADDITIONAL  
DATA  
(continued)**

LEGAL CONSIDERATIONS

*The Department is required by law to disclose certain information and material related to criminal and civil proceedings pursuant to the New York Criminal Procedure Law, People v. Rosario, rules governing discovery in civil cases, The Freedom of Information Law (F.O.I.L.), subpoenas, and court orders. The Legal Bureau's Document Production Unit will respond to subpoenas, court orders, and F.O.I.L. requests as per P.G. 211-17, "Processing Legal Bureau Requests for Department Records Including Requests Under the Freedom of Information Law." The Internal Affairs Bureau will process requests from the Civilian Complaint Review Board for body-worn camera video as per P.G. 211-14, "Investigations by Civilian Complaint Review Board." Arresting officers will provide the assigned prosecutor with access to all BWC video related to an arrest utilizing the BWC video management system.*

*Requests by a witness or victim to view a BWC recording must be declined and referred to the appropriate prosecutor handling the case. Confirmatory identifications ("show-ups") must be done in person and not by the witness viewing a BWC video of the suspect. Requests by civilians to view a BWC recording that is not related to a criminal case must be declined and referred to the Legal Bureau's Document Production Unit. Requests for BWC recordings can be made by emailing [FOIL@NYPD.ORG](mailto:FOIL@NYPD.ORG) or by making a request on New York City's FOIL website at <https://a860-openrecords.nyc.gov/new>*

**RELATED  
PROCEDURES**

*Accidents – Department Property (P.G. 217-10)  
Firearms Discharge by Uniformed Members of the Service (P.G. 221-04)  
Guidelines for the Use of Video/Photographic Equipment by Operational Personnel at Demonstrations (P.G. 212-71)  
Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities (P.G. 212-72)  
Interior Patrol (P.G. 212-59)  
Interior Patrol of Housing Authority Buildings (P.G. 212-60)  
Interrogation of Members of the Service (P.G. 206-13)  
Investigations by Civilian Complaint Review Board (P.G. 211-14)  
Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)  
Loss or Theft of Department Property (P.G. 219-20)  
Processing Legal Bureau Requests for Department Records Including Requests Under the Freedom of Information Law (P.G. 211-17)  
Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*

**FORMS AND  
REPORTS**

**ACTIVITY LOG (PD112-145)**  
**COMPLAINT REPORT (PD313-152)**  
**ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**  
**STOP REPORT (PD383-153)**  
**THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT WORKSHEET (PD370-154)**  
**AIDED REPORT**  
**Typed Letterhead**

3. Operations Order 48, 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**