

**ROCHESTER COALITION FOR POLICE REFORM
RECOMMENDED BODY-WORN CAMERA POLICY
FOR THE ROCHESTER POLICE DEPARTMENT**

A. RECORDING CONTROL

1. For the protection of the police officer and the public:

- a. An officer's Body-Worn Camera (BWC) must record any and all encounters with the public,
- b. This policy shall include all law-enforcement and non-law-enforcement related encounters,
- c. Officers will be responsible for activating body-worn cameras,
- d. The BWC is not required to record continuously through an officer's shift.

2. Regarding crime victims and witnesses:

- a. Officers shall inform witnesses and victims that they are being recorded and ask if they want the camera turned off. In all other cases, the camera will be left on;
- b. If the camera was turned off at the request of the victim or witness, then at the end of that interview, the officer will turn the camera back on.

3. Regarding privacy:

- a. When an officer is called to a private home, the camera will be on, but the officer must ask the resident for permission to continue recording;
- b. BWC shall not be activated in areas where there is a reasonable expectation of privacy or where intrusion would be particularly sensitive, unless a law enforcement-related incident occurs;

4. Other considerations:

- a. When an officer is called to an altercation in a school, the camera must be on;
- b. In disciplinary proceedings, there shall be a presumption of guilt against the officer who fails to record an encounter, or fails to follow BWC policies, provided the officer has opportunity to rebut.

B. NOTIFICATION

1. BWCs must be worn by uniformed officers and officers in marked patrol cars, Non-uniformed officers must wear cameras when the use of force is planned.
2. For the protection of the officers, a visible pin or sticker that alerts individuals to the use of a camera, shall be worn.
3. Non-uniformed officers are exempt from wearing a pin or sticker when the use of force is planned.

C. RETENTION

1. Officers shall flag videos as appropriate to reflect what occurred during a particular segment (e.g. stop and frisk (racial profiling), a stop without an arrest, an arrest, issuance of a summons, discharge of a firearm, altercation with the public, or for training purposes). The flagged video recording will determine the duration of the retention period.
2. Officers who fail to flag a video appropriately or erase data shall have a presumption of guilt.
3. All data shall be retained for six months.
4. Videos for training purposes may be kept as long as they are being utilized.
5. Recordings connected with ongoing cases or investigations shall be retained until the final resolution, including all appeals.

6. Flagged recordings shall be retained for seven years.

D. PROCEDURES AND DOCUMENTATION

There shall be civil service staff dedicated exclusively to:

1. Control storage, maintenance, and checking in and out of BWC equipment;
2. Keep records of the time BWC checked in and out, and the officer to whom it was assigned;
3. Keep detailed maintenance and repair histories on each device;
4. Briefly test each device before the start of an officer's shift;
5. Implement procedures for the timely documentation of malfunctions, repairs, and replacement of cameras;
6. Document, in writing, handling of devices to preserve a chain of custody and verbal identification of officers when camera is activated;
7. Ensure that data retrieval and storage systems have safeguards to guarantee that footage cannot be altered or deleted;
8. Limit access of recordings to criminal investigations, complaint arising from the incident, supervisory review required, and audits;
9. Implement mechanisms to document each time stored footage is accessed.

E. STORAGE AND DATA SECURITY

1. Physical means of storage must be utilized.
2. Contracts with data storage providers must state records are owned by the City of Rochester and that private companies shall not have permission to view contents.
3. Data must be stored in a format that is easily accessible on multiple operating systems.
4. Private right of action is reserved against departments for misuse of footage or negligence in storage.
5. Encryption of data must follow National Institute of Standards and Technology guidelines.

F. PUBLIC ACCESS AND DISCLOSURE

1. Subjects of recordings are entitled to obtain copies upon request.
2. Subjects of recordings shall be notified of a third party's request for footage and given opportunity to provide written consent to unredacted disclosure. If subject withholds consent, then departments should redact recordings before disclosure.
3. Redaction to protect the identities of victims or witnesses who appear in background of video should be performed prior to disclosure.
4. Interviews with victims and witnesses likely to fall within Freedom of Information Law (FOIL) exemptions should generally not be subject to public disclosure.
5. Recordings will be made available upon request to the agency conducting the investigation into misconduct.
6. Officers will be given opportunity to view recordings related to complaints against them.
7. Data that is requested by the public must be released in a format that is non-proprietary, easily accessible and available on multiple operating systems.

G. INTERNAL USES

1. Video recordings of encounters between the police and the public may be used for training purposes only with the consent of the subject. If the subject is deceased or unable to give consent, then consent may be given by the subject's family and/or attorney.
2. Officers may flag recordings with training potential.

3. Supervisors may review all flagged recordings.
4. Mechanisms must be in place for random review of footage to ensure compliance with all relevant department procedures.
5. Video recordings may be used as part of personnel reviews or evaluations.
6. The department shall keep records of: distribution of all shared video, with whom it was shared, and on what date.
7. Officers shall have the same right of access to video recordings as the public does.
8. When the department shares video footage with other agencies, it shall notify all subjects of said recordings and the agency with which it was shared.

H. EXTERNAL USES

1. A public record shall be made of all shared video recordings.
2. Data shall be available for use in all criminal and civil suits.

I. OWNERSHIP

1. The City of Rochester will purchase, own, and maintain all BWCs.
2. The City will own all data produced by BWCs.

J. OVERSIGHT

1. An effective independent civilian oversight body shall be established by the Rochester City Council.
2. The primary function of this body shall be to conduct audits, mediate disputes, conduct interviews with department personnel, and participate in the establishment and amendment of all policies and procedures.
3. It shall collect and analyze qualitative and quantitative data for study.
4. It shall publish an annual report of activities and recommendations for improving the Body-Worn Camera program.

This document was created by the Rochester Coalition on Police Reform using data compiled by the American Civil Liberties Union and the New York Civil Liberties Union in December 2014.