
 <b>Department of Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE		NO. 4943
	<b>Body-Worn Camera (BWC)</b>		DATE 02/11/2025
SUPERSEDES DIR #4943 Dtd. 08/06/24	DISTRIBUTION A	PAGES PAGE 1 OF 8	DATE LAST REVISED
REFERENCES (Include but are not limited to) NYS Labor Law Article 6, §§ 84-92; Directives #0001, #0700, #2010, #4910A, #4944, and #6910	APPROVING AUTHORITY 		

**I. POLICY:** This policy establishes guidelines and standard processes for the New York State Department of Corrections and Community Supervision (DOCCS) employees when utilizing a body-worn camera (BWC) during the course of their job duties. The goal is to promote safety and transparency, and to document interactions between staff and incarcerated individuals, incidents, activities, and searches as described below in this policy. BWCs will be assigned to staff or posts authorized by the Deputy Commissioner for Correctional Facilities or their designee. The Department has a zero-tolerance policy for those staff who fail to abide by the policies and procedures set forth below regarding the use of a BWC.

**II. DEFINITIONS**

- A. Body-Worn Camera (BWC): A Department-approved video/audio recording device worn on a staff member's outermost garment.
- B. Body Worn Camera (BWC) Supervisor: The BWC Supervisor shall not extend below the rank of Captain at maximum and medium security facilities, or the rank of Lieutenant at minimum security facilities.
- C. Body Worn Camera (BWC) Control Officer: A correction officer assigned to upload, charge, and issue BWCs to assigned staff.
- D. Powered On: A BWC is turned on passive recording, which is typically depicted with a green circular light on the front of the camera.
- E. Powered Off: A BWC is turned off and is not recording in any manner.
- F. Activated: A BWC is recording which is typically depicted with a red circular light on the front of the camera and creates an event in the system upon upload.

**III. BWC DEPLOYMENT**

- A. Each facility shall develop a Facility Operation Manual (FOM), for approval by the Deputy Commissioner for Correctional Facilities, specifying the deployment of BWC equipment by shift and post.
- B. It is the responsibility of each DOCCS employee who is issued a BWC to ensure the device is powered on and remains on for the duration of the employee's shift. Staff shall ensure the device is handled with reasonable care for optimal performance. BWC equipment malfunctions shall be immediately reported verbally to the employee's supervisor so that a replacement unit may be issued.

- C. Only DOCCS-issued BWC equipment and accessories may be used to create recordings during official DOCCS work. Recordings made on DOCCS-issued BWC equipment or otherwise captured or recorded by DOCCS employees during the performance of their job duties are the property of DOCCS. DOCCS employees are prohibited from editing, altering, deleting, copying, sharing, or otherwise distributing any BWC recordings unless authorized to do so.
- D. The assigned BWC will be worn on the upper front torso of the uniform/clothing, attached to the outermost layer of clothing, and positioned forward to facilitate an unobstructed field of view.
- E. Failure to have the BWC powered on or activated as required pursuant to this Directive or as directed by a supervisor may result in disciplinary action.

**IV. INCIDENT/ACTIVITY WITH BWC:** Incidents and activities that require staff to manually activate their BWCs, regardless of the presence of fixed cameras, include, but are not limited to:

- A. When the employee is interacting with an incarcerated individual or visitor in any location. This does not include when the Office of Special Investigations (OSI) or the Crisis Intervention Unit (CIU) is conducting an interview with an incarcerated individual providing confidential information where a record of interview is completed.
- B. When the employee observes unauthorized activity by an incarcerated individual, a DOCCS employee, or any other person in the facility.
- C. During general movement of incarcerated individuals.
- D. When the employee is responding to an emergency call for assistance (e.g., personal alarm activations, medical emergencies, disturbances in any area of the facility).
- E. During all incarcerated individual escorts.
- F. During incarcerated individual transports as directed by the facility Watch Commander or higher-ranking supervisor. In the event an employee enters a non-DOCCS facility (e.g., hospitals, medical clinics, courts), the employee will comply with the facility's policy on wearing the camera and recording. If a local policy does not exist, the employee shall default to DOCCS policy.
- G. When a firearm, Oleoresin Capsicum (OC), or a baton is removed from its holster or holder.
- H. Anytime the wearer, in their own discretion, feels threatened, harassed, or unsafe.
- I. During a disciplinary hearing when fixed video monitoring systems are not available where the disciplinary hearing is conducted. Such recordings will be securely preserved as part of the official hearing record for all Tier II and Tier III hearings. Audio recordings of all hearings will continue to be made regardless of whether the video monitoring system captures audio.
- J. Strip Search/Strip Frisk: While the use of a body scanner is the first and most desired option, when the incarcerated individual declines the body scanner or when a strip search or strip frisk is necessary, it shall be recorded, and the incarcerated individuals shall be given verbal notice that they are being recorded. The following rules apply:

1. The wearer of the BWC shall be of the same gender as the gender designation of the facility. Video recordings of strip frisks or strip searches shall not be viewed by anyone, except as expressly authorized in writing by the facility's Deputy Superintendent for Security (DSS) or higher authority. If the recording is approved for review, the DSS shall assure this fact is documented to include date, time, authorization, reviewer name, explanation of why the review was necessary, and the result of such review.
  2. A BWC recording of any strip search or strip frisk will immediately be turned over to the BWC Control Officer for uploading and storage.
  3. The video footage of a strip frisk or other incident depicting an incarcerated individual in a state of complete undress (e.g., no undergarments), shall only be viewed by staff of the same gender as the gender designation of the facility.
- K. In congregate shower areas, staff shall provide a verbal announcement that a BWC is in use and avoid intentional recording of an incarcerated individual in a state of undress unless they are required to do so as part of the performance of their duties (e.g., responding to a disturbance or incident in the shower area).
- L. BWCs will be utilized during all Correctional Emergency Response Team activations and follow the policy as outlined in this directive.
- M. As directed by the Deputy Commissioner/Chief of Investigations for the OSI or designee, OSI investigators may utilize BWC systems pursuant to OSI policy. The use of such cameras by OSI investigators may include, but is not limited to, absconder/fugitive operations, facility inspections, monitoring of frisks, canine operations, high-risk in-state transports of incarcerated individuals or releasees, and investigative activities which are deemed appropriate to record.

## **V. SUPERVISOR RESPONSIBILITIES**

- A. All supervisors will ensure that any staff they encounter have their BWC powered on at all times and activated when interacting and/or escorting incarcerated individuals.
- B. Upon arrival at an incident, the supervisor will ensure their assigned BWC is activated and verify that all staff involved in the incident, or in the area, have activated their BWC, if assigned. Supervisors must ensure the BWCs remain recording throughout the incident, including during all activities, escorts, and all searches of incarcerated individuals, cells, and areas.
- C. At the conclusion of an incident wherein BWCs are utilized, the security supervisor will ensure all utilized BWCs are collected/exchanged if determined by the Watch Commander or higher. BWCs will be delivered to the BWC Control Officer for uploading.
- D. Each facility Superintendent shall document in their facility FOM the supervisors that will be designated with the responsibility for the proper categorization of each video to be retained.
- E. Supervisors will ensure any use of force BWC video is documented and categorized in accordance with Directive #4944, "Use of Physical Force."

**VI. TRAINING**

- A. All uniformed staff shall be trained in the wearing and operation of the BWC. Any civilian staff identified for issuance of a BWC shall receive similar training. Records of training will be entered on the Report of Training Form (RTF), which must be forwarded to the Regional Training Lieutenant or designee for entry into the KHRT system.
- B. BWC footage may be incorporated into the Department's training activities as deemed appropriate by Central Office.

**VII. VIDEO RECALL, ACTIVATED BUFFERING, AND AXON RESPONDS**

- A. The BWC, in the powered-on position, can retrieve 18 hours of low-resolution video and audio that will automatically be uploaded upon docking the device.
- B. Video recall is available to use whenever an incident/activity occurred and the employee was unable to, or failed to, activate their BWC. It shall be the responsibility of the user to immediately notify their supervisor if their BWC was not activated during an incident/activity as outlined in Section IV. Upon notification, the supervisor will alert the Watch Commander so the video can be reviewed and properly categorized as necessary.
- C. Video recall shall not be relied upon as a default.
- D. When a staff member is properly relieved for the purpose of meeting with a union representative, Employee Assistance Program, Critical Incident Stress Management, to be evaluated by medical, to include decontamination due to an exposure incident, for lactation purposes, or when the employee is ordered to undergo a strip search pursuant to Directive #4936, "Search of DOCCS Employees," the BWC shall be returned to the secure location as identified in accordance with subsection VIII-B, for the duration of the described activities. Upon completion of the described activities, prior to returning to their post, the staff member shall obtain their assigned BWC. In the event the employee cannot return the BWC to the secure location prior to being evaluated by medical, they shall turn the BWC over to a Security Supervisor prior to evaluation.
- E. In order to safeguard privacy when an employee is using the restroom, the employee shall power the BWC off upon entering the restroom and shall immediately power the BWC back on upon exiting the restroom.
- F. Activated Buffering: When an employee activates their BWC for an incident/activity as outlined in Section IV, the preceding two minutes of buffered footage, to include audio, is captured as part of that flagged incident.
- G. Axon Respond: For critical incidents, as defined by the Commissioner, select Central Office Executives may utilize Axon Respond to livestream an assigned BWC while it is activated. The use of this feature is to improve officer safety and efficiency, and to help departmental executives manage critical incidents in real time.

**VIII. ACCOUNTABILITY, STORAGE, AND ISSUANCE OF BWC**

- A. All BWCs shall be accounted for by the BWC Control Officer at the completion of each shift.
- B. When not in use, the BWC shall be kept in a secure location identified by the DSS.
- C. BWCs shall be identified and named in accordance with the post assignment or individually assigned user.

- D. BWCs shall be issued based on post assignment or individually assigned user and a log maintained of the employee receiving the BWC.
- E. BWCs shall be properly identified in the BWC digital storage/inventory system.
- F. If a BWC is lost or stolen, the person assigned the BWC shall immediately notify their supervisor and file proper documentation. The supervisor will notify the Watch Commander, who will notify the Superintendent or Officer of the Day (OD).
- G. When not in use, the BWC will be placed in the docking station, and will automatically power on, however passive recording will not be active. The docking station shall be located in a secure area that is accessible as designated by the DSS.
- H. BWCs and/or batteries will be kept fully charged and ready for immediate use.

#### **IX. MAINTENANCE**

- A. BWC equipment will be serviced only by the manufacturer's certified technicians at an interval established by the manufacturer's certified technicians.
- B. During the monthly arsenal inventory, the assigned supervisor shall check all BWC equipment, batteries, and docking stations, ensuring that the equipment is operational. Any discrepancies or maintenance issues will be immediately reported to the DSS.

#### **X. RULES FOR VIEWING BWC RECORDINGS BY DOCCS EMPLOYEES**

- A. Authorization to review any BWC footage will be in accordance with the following:
  - 1. Use of Force Incidents: By the facility Superintendent, Acting Superintendent, or OD in accordance with procedures established in Directive #4944.
  - 2. OSI Investigators are authorized to review and duplicate video footage downloaded from the BWC Digital Storage System in conjunction with any official investigation.
  - 3. Facility Investigations: As authorized by the Watch Commander.
  - 4. Freedom of Information Law (FOIL): Using Form #4942A, "Video Monitoring, Recording, Copying Requests;" however, FOIL requests or litigation hold do not require the Disciplinary Lieutenant, Watch Commander, or higher authority approval and shall be submitted directly to the staff assigned to production in accordance with Directive #2010, "FOIL/Access to Departmental Records," and New York State Labor Law Article 6, Sections 84-92.
  - 5. Any other instance as authorized by the facility Superintendent in conjunction with an internal investigation or disciplinary hearings.
- B. Authorization for the transfer of video shall not extend below the rank of Captain, except as set forth in the above-referenced procedures.
- C. The video footage of a strip frisk or other incident depicting an incarcerated individual in a state of complete undress shall only be viewed by staff of the same gender as the gender designation of the facility.

#### **XI. STORAGE, RELEASE, AND DESTRUCTION OF BWC RECORDINGS**

- A. All data shall be uploaded to the assigned BWC Digital Storage System, which has predetermined retention rules based on the categorization of the video, as outlined in Attachment A. Any attempt to tamper with, delete, or make an unauthorized copy of any recording may subject the individual to disciplinary action and/or criminal prosecution.

- B. All media recordings on which an incident has been recorded may be used as evidence in a disciplinary hearing. Form #4942A will be used to request media recordings for disciplinary hearings. If the requested media recording for disciplinary hearings involved a strip search or strip frisk video recording, the DSS will ensure that the external media that was used during the hearing is destroyed at the conclusion of the disciplinary process.
- C. Requests for copies of recorded events by outside agencies shall require [Form #4942B](#), "Outside Agency Video Monitoring System Copy Request," to be completed, which must be reviewed by the Superintendent or DSS. FOIL requests should be handled in accordance with Directive #2010.
- D. All video utilized in any investigation, including grievance investigations, shall be retained for as long as the investigation is ongoing, and the provisions of Article 245 of the Criminal Procedure Law shall be followed when there is video related to a criminal prosecution.
- E. The deletion of any video prior to the established retention schedule is prohibited without permission of the Deputy Commissioner for Correctional Facilities, Deputy Commissioner/Chief of Investigations for OSI, and the Deputy Commissioner and Counsel.
- F. The unlocking, redaction, and/or deletion of any previously locked video is prohibited without the approval of the Deputy Commissioner for Correctional Facilities, Deputy Commissioner/Chief of Investigations for OSI, and the Deputy Commissioner and Counsel.
- G. Release of any video footage to the media and/or public will only be authorized by the Commissioner or their designee.

## **XII. SHARING BWC RECORDINGS WITH OUTSIDE ENTITIES**

- A. In accordance with the Department policies, including but not limited to, Directive #6910, "Criminal Prosecution of Incarcerated Individuals," and Directive #0700, "Office of Special Investigations (OSI)," BWC footage will be provided to outside law enforcement and/or prosecuting authorities when appropriate.
- B. Authorization for release of such BWC footage shall be made by the Deputy Commissioner/Chief of Investigations or their designee for matters relating to OSI, and by the facility Superintendent for matters relating to a Department facility.

## **XIII. PERFORMANCE METRICS**

- A. On a weekly basis, Superintendents, First Deputy Superintendents, Deputy Superintendents for Security, and Captains, at facilities with a fully deployed BWC program, are required to randomly review a total of 20 videos from different BWCs and tours as identified by the performance metrics software. The Superintendent will address any department policy violations, including making a referral to OSI and/or the Bureau of Labor Relations (BLR), if necessary.
- B. On a weekly basis, Superintendents, First Deputy Superintendents, Deputy Superintendents for Security, and Captains, at facilities with a partially deployed BWC program, are required to randomly review a total of 20 videos from different BWCs and tours. The videos will be manually selected, and the review should consist of no less than one hour of footage. The Superintendent will address any department policy violations, including making a referral to OSI and/or the BLR, if necessary.

- C. The Tour I Watch Commander is required to review BWC footage to ensure appropriate use and policy compliance. Such reviews shall be conducted at a minimum of once per day, consisting of no less than one hour of footage, or higher, as determined by the facility Superintendent. The footage viewed should be divided into smaller increments, to maximize the viewing of different shifts and areas in operation. Said reviews will be noted in the Watch Commander's Logbook. Any discrepancies and/or identified Department policy violation will immediately be reported to the facility Superintendent, who will address any department policy violations, including making a referral to OSI and/or the BLR, if necessary.
- D. The review of BWC footage as described above will be for the sole purpose of conducting Department business. Any discussions of a non-work-related nature that are recorded and reviewed will be treated confidentially and not disclosed to a third party unless such communication violates Department policy or jeopardizes the overall safety and security of the facility. Any supervisor who is in violation of this policy may be subject to a disciplinary action.

**BWC RETENTION SCHEDULE**

<b>Category</b>	<b>Description</b>	<b>Retention Duration</b>
Bureau of Labor Relations	Video Referred to BLR.	5 Years
Deaths	Video obtained during an incident involving a death of an incarcerated individual.	10 Years
FOIL Requests	Video requested via FOIL.	5 Years
Incarcerated Complaints	Grievances or complaints made at the facility level.	5 Years
OSI Operations	OSI Investigator BWC Video.	1 Year
OSI Investigations	Any video flagged pursuant to an OSI investigation.	7 Years
OSI PREA Investigations	Any video flagged pursuant to an OSI PREA investigation.	20 Years
Pending Review	Any video that requires further review prior to selecting the appropriate category.	Until an appropriate category is selected or it is administratively removed.
PREA Allegations	Any video associated with a facility based PREA complaint.	10 Years
Staff Misconduct Observation	When misconduct is detected by a supervisor.	5 Years
Strip Search/Frisk	Video of authorized strip search or frisk.	5 Years
Tier II & III Hearings	Video of a disciplinary hearing.	5 Years
Training (For use by Central Office Only)	Video retained for training purposes by Central Office.	Until administratively removed.
Unusual Incident	Video associated with an unusual incident as defined by Directive #4004, "Unusual Incident Report."	15 Years
Use of Force	Video of a use of force.	5 Years

NOTE: Where multiple categories have been selected for a video, the longest retention duration will apply. All active recordings that are not categorized by DOCCS staff will be retained for 26 weeks and all video recall will be retained for 90 days.