
 <p>Department of Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE		NO. 4949
	Hand-Held Video Recording for Security Purposes		DATE 02/11/2025
SUPERSEDES	DISTRIBUTION A	PAGES PAGE 1 OF 6	DATE LAST REVISED
REFERENCES (Include but are not limited to) New York State Labor Law Article 6; Criminal Procedures Law Article 245; Directives #0700, #2010, #4004, #4910A, #4930, #4944, and #6910	APPROVING AUTHORITY 		

- I. **POLICY:** This policy establishes guidelines and controls for the use of hand-held video equipment. Incidents, activities, and searches may be video recorded to provide documentation for use in disciplinary or criminal proceedings and to record actions of incarcerated individuals` and staff. Except as indicated below, video recording shall be authorized by a facility Superintendent or designee.
- II. **DEPLOYMENT OF HAND-HELD RECORDING EQUIPMENT**
- A. Locations Portable Video Hand-Held Recording Devices Should be Deployed: Any area of the facility where there is a potential threat to the safety of staff, incarcerated individuals, or state property.
- B. Incidents/Activities Requiring the Use of Hand-Held Video Recording Devices: Incidents and activities that are required to be video recorded by hand-held video include, but are not limited to:
1. Use or expected use of force during cell/room extractions and/or entries.
 2. Use or expected use of chemical agents.
 3. Unauthorized incarcerated individual activity (where it can be reasonably expected that serious security violations may result or where physical force may be necessary).
 4. If no Body-Worn Camera (BWC) is available, movement of incarcerated individuals during transportation or preparation for the same, where there is a potential threat to the safety of staff, incarcerated individuals, or state property.
 5. Any other activity as directed by the Watch Commander or higher-ranking supervisor, including, but not limited to, suspected suspicious activity in recreation areas, walkways, and corridors.
 6. If no BWC is present, during all medical assessments of an incarcerated individual following a use of force, physical altercation, or medical emergency, each facility will designate an examination room where a video recording device will be set up and ready for use.
- C. Strip Searches/Strip Frisk:
1. While the use of a body scanner is the first and most desired option, when an incarcerated individual declines the body scanner or when a strip frisk or strip search is necessary, if no BWC is present, the strip search or strip frisk will be recorded using hand-held video equipment.

2. The following rules apply to any recording of strip searches or strip frisks:
 - a. The equipment operator 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 why the review was necessary, and the results of such review.
 - b. The incarcerated individual shall be given verbal notice they are being recorded.
 - c. The video recording of any strip search or strip frisk will immediately be turned over to the DSS.
 - d. The video footage of a strip frisk or other incident depicting an incarcerated individual in a state of complete undress (i.e., no undergarments), shall only be viewed by staff of the same gender as the gender designation of the facility.

III. SUPERVISOR RESPONSIBILITIES: The security supervisor at the scene of an incident, activity, or search shall supervise the video recording. At the outset, the security supervisor shall visually identify the subject of the video recording "on video." The supervisor shall outline a plan of action to the response team members and the equipment operator, taking into consideration equipment placement, range, visibility, and obstacles such as corners, doorways, pillars, and other persons. The supervisor will instruct staff to be aware of the equipment operator's need to always focus on the subject and to cooperate to avoid unnecessary obstructions.

IV. TRAINING

- A. All hand-held video recording equipment operators shall be trained in proper operation and use of a video equipment. Training will include video recording simulated incidents/activities. The DSS or equivalent shall maintain a list of trained operators and records of training will be entered on a Report of Training Form (RTF), which must be forwarded to the Regional Training Lieutenant or designee for entry into the KHRT system.
- B. Hand-held video footage may be incorporated into Department training activities as deemed appropriate by Central Office.

V. HAND-HELD VIDEO RECORDING EQUIPMENT OPERATIONS

- A. Recording with a Hand-Held Video Recording Equipment
 1. At the beginning of a video recording, the equipment operator shall state their name and give the location of the incident. If the incident involves a single incarcerated individual, the operator shall facially identify the incarcerated individual and state the incarcerated Individual's name and Department Identification Number (DIN). The operator shall ensure the equipment is functioning properly by reviewing their recorded introduction.
 2. During recording, equipment operators shall:
 - a. Record on standard play (SP) speed (this does not apply to present fixed-lapse equipment systems).

- b. Display the actual time and date feature on the recording (if this feature is found to be inoperable, verbally indicate the date and time of the recording).
 - c. Position themselves to take advantage of an appropriate equipment angle and not interfere with any tactical operation.
 - d. Keep the image and equipment focused on the subject.
 - e. Keep the audio enabled.
 - f. Keep recording until notified by the supervisor the incident or activity has ended.
3. The equipment operator shall mark each recording and its container with the date and the subject incarcerated individuals(s) name(s) and DIN(s).
 4. If the focus or subject is lost during recording, the equipment operator shall submit a report explaining the reason.
 5. In the event of an equipment malfunction, the cause of the malfunction shall be reported to the Superintendent by the investigating supervisor.
 6. In the event of a video or disc recording after business hours, weekends, or holidays, the recorded media device, video, or disc shall be secured in the "Secure Evidence Drop Box" in accordance with Directive #4910A, "Contraband/Evidence – Handling, Storage, and Disposition."

VI. ACCOUNTABILITY, STORAGE, AND ISSUANCE OF HAND-HELD VIDEO RECORDING EQUIPMENT

- A. When not in use, the hand-held video recording equipment will be secured in a location in accordance with subsection II-B-6, and any other area designated by the DSS.
- B. All hand-held video recording equipment shall be accounted for by the Officer designated by the DSS, at the completion of each shift.
- C. Equipment batteries will be kept fully charged and ready for immediate use.
- D. If hand-held video recording equipment is lost or stolen, the person assigned the hand-held video recording equipment 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).

VII. MAINTENANCE

- A. During the monthly arsenal inventory, the supervisor assigned shall check all video recording equipment and batteries, ensuring that the equipment is serviceable. Any discrepancies or maintenance issues will be immediately reported to the DSS or equivalent.
- B. Hand-held video recording equipment identified as not serviceable shall be replaced in accordance with Directive #4930, "Tool Control."

VIII. RECORDING MEDIA HANDLING

- A. Except as indicated below, recordings should be held for at least 90 days to ensure that they will not be needed for investigation purposes.
- B. Authorization to review any hand-held video 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, "Use of Physical Force."
 2. Office of Special Investigations (OSI): Investigators are authorized to review and duplicate video footage 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 Copy Request;" however, FOIL requests or litigation hold do not require 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.
- C. Authorization for the transfer of video shall not extend below the rank of Captain, except as set forth in the above referenced procedures.
- D. The video footage of a strip frisk or other incident depicting an incarcerated individual in a state of complete undress shall only be viewed in accordance with subsection II-C.
- E. The Superintendent shall ensure that the Hearing Officer conducting a hearing for an incarcerated individual, where there is video depicting an incarcerated individual in a state of complete undress, is the same gender as the gender designation of the facility.

IX. STORAGE, RELEASE AND RETENTION OF HAND-HELD VIDEO RECORDINGS

- A. All hand-held video recordings shall be categorized by the DSS and retained based on the categorization of the video in accordance with 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 be made using [Form #4942B](#), "Outside Agency Video Monitoring System Copy Request," and 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 Criminal Procedures Law Article 245 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.

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- F. Release of any video footage to the media and/or public will only be authorized by the Commissioner or their designee.

X. SHARING HAND-HELD VIDEO RECORDINGS WITH OUTSIDE ENTITIES

- A. In accordance with Department policies, including but not limited to, Directive #6910, "Criminal Prosecution of Incarcerated Individuals," and Directive #0700, "Office of Special Investigations (OSI)," hand-held video footage will be provided to outside law enforcement and/or prosecuting authorities when appropriate.
- B. Authorization for release of such hand-held video 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.

HAND-HELD VIDEO RETENTION SCHEDULE

Category	Description	Retention Duration
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 Investigations	Any video pursuant to an OSI investigation.	7 Years
OSI PREA Investigations	Any video pursuant to an OSI PREA investigation.	20 years
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.	5 Years
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 the Department of Corrections and Community Supervision staff will be retained for 26 weeks.