



City of Newburgh Police Department  
Body-Worn Camera (BWC) Pilot Program Review  
Daniel C. Cameron, Chief of Police  
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The following report is based on the findings/experience of the City of Newburgh Police Department's 90-day evaluation of the use of Body Worn Cameras (BWC). The 90-day evaluation began on June 1, 2015. At the conclusion of the evaluation period on August 31, 2015, the program remained in effect pending introduction to increased use of the BWC's. The Police Department's Policy Review Board and the City Information Technology (IT) Department referenced the United States Department of Justice Body-Worn Camera Implementation Guide and various other implementation reports while creating this program. The Police Department recognizes that the implementation of a body-worn camera program must involve phases or increase the risk of failure. The department's Policy Review Board and City IT have educated themselves regarding best practices of implementation. The board recognizes that many law enforcement agencies across the country have inadvertently failed to follow best practice implementation guides causing the program and community trust of the police to suffer. The City of Newburgh Police Department recognizes that the use of BWC's in New York State law enforcement is in its infancy stage and many unforeseen circumstances that directly affect the operations of the police department may result. The City of New York Police Department which has 34,500 officers began a BWC pilot program in December of 2014 using 54 cameras. Their pilot program continues. Despite the potential for these unforeseen circumstances, the City of Newburgh Police Department has joined the New York forerunners in an effort to increase transparency with our community.

During the 90-day pilot program, one camera was utilized on each shift. The cameras were WatchGuard Vista cameras that were acquired from WatchGuard at no cost. There was one camera dedicated to each of the three shifts and one camera dedicated for training and back-up. The cameras were worn by nine volunteer officers. This represented one officer per each of the nine patrol squads. In the event no volunteer officer was scheduled, the BWC was worn by the patrol supervisor. The BWC was limited to the designated volunteer officers and patrol supervisors who had received the required specialized training.

### **Current Policy For Activation of the BWC**

The current policy for the pilot program requires activation consistent with the NYPD pilot program requirements. In August, the Policy Review Board acquired the assessment report of the NYPD BWC pilot program. The report cites a suggested language change in regard to the activation requirements. The recommendation was to change the “reasonable suspicion” standard to all street encounters. The “reasonable suspicion” language is also contained within our current policy. The Policy Review Board is monitoring the changes being made to the NYPD policy for consideration during our policy update. Below is the current City of Newburgh Police criteria for activation:

- B. The Body Worn Camera (BWC) shall be used and activated prior to initiating or as soon as practical after initiating the following police actions:*
- 1. All enforcement encounters where there is at least reasonable suspicion the person(s) has committed, is committing or may be involved in criminal activity. This includes, but is not limited to self-initiated stops and calls for service.*
  - 2. All enforcement encounters where there is reason to believe that the individual is committing a violation or petty offense for which a summons may be issued.*
  - 3. All vehicle stops.*
  - 4. When taking or attempting to take an individual into custody.*
  - 5. Any public interaction, regardless of context, that escalates and becomes adversarial, so long as it is not one of the prohibited situations in subdivision IV-F of this G.O. listed below.*
  - 6. Officers should consider activating the BWC during any activities where, in the Uniformed Patrol Officer’s judgment, it would be beneficial to record, so long as it is not one of the prohibited situations in IV-G of this G.O listed below.*

7. *The BWC is not required to be activated if it is unsafe or impractical to do so or where a malfunction or other mechanical issue impeding the use of the device exists. Such instances are to be reported immediately to the on-duty Patrol Supervisor.*

C. *Authority to stop the recording once it has begun:*

1. *When the Officer clears the call and is in service for other calls.*
2. *When the Officer has not cleared the call but returns to Police Headquarters.*
3. *Upon the direction of a Supervisor.*
4. *When speaking in regard to the recording of a BWC, Officers and Supervisors shall use the designated 10 code.*

D. *The Body Worn Camera (BWC) is not to be activated to record any of the following:*

1. *Encounter not directly related to official activities in the proper performance of Police duties.*
2. *Performance of non-enforcement functions or administrative duties within a department facility.*
3. *Any area where a reasonable expectation of privacy exists (unless taking police action as outlined above in IV-E of this G.O. such as, but not limited to, hospital emergency rooms, locker rooms and restrooms.*
4. *A potential witness who requests to speak to an Officer confidentially or desires anonymity, provided that doing so does not violate any other portion of this order.*
5. *A victim or witness who requests that he or she not be recorded, the situation is not confrontational and the Officer is comfortable in doing so.*
6. *A victim who requests that he or she not be recorded as a condition of their cooperation, the interests of justice requires their cooperation and providing the Officer is comfortable in doing so.*

E. *The public does not have to be informed that they are being recorded. If the public inquires if an audio/video recording is being made, the Officer may confirm or deny the presence of the audio/video recording based on the totality of the circumstances.*

F. *Officer and public safety are of the utmost importance during any incident. Officers shall not sacrifice safety for the sake of making a video. As soon as practical, turn it on if it applies to IV-E of this G.O.*

## **The Body-Worn Camera**

During the months prior to the start of the pilot program, the Policy Review Board reviewed and tested BWC's designed by Taser, WatchGuard and Linstar. The cameras were tested for reliability, functionality, quality and ease of use.

*TASER* – The tested cameras require that at the completion of the shift the officer is required to plug in the BWC and wait for the download. Depending on how much data was on the BWC, this process could take a significant amount of time. Once downloaded, the officer would be required to utilize a computer to label each video. This process would substantially increase the workload of an officer. The Policy Review Board obtained price quotes for 50 cameras and one year of storage which totaled \$58,583.00. The following year's storage charge would be an additional \$35,643.00. The cost per camera is \$400. The use of this camera would not only impact officer workload, but comes with a significant reoccurring cost for data storage.

*Linstar* - The tested camera's video was of poorer quality than other tested cameras. The camera had a night vision mode that could not be turned off. Best practices recommend a camera that does not enhance vision, but rather shows the images as the officer sees them. A major issue with this camera is that it only retains 10 seconds of video and audio prior to the camera being activated. There are no options to increase that time period. The estimated cost per camera was approximately \$480.00 but would also require a new server for storage. The cost of a new server was estimated to be approximately \$12,000.

*WatchGuard* - The Police Department's dash-mounted cameras are from WatchGuard. Existing computers within the police department store the dash-mounted video and have the ability to store BWC footage. This is a cost saving for the city. The cameras themselves do not require the officer to manually download and label footage. The BWC automatically downloads the footage when it is placed in the charger. Officers at the completion of the shift simply place the BWC in the charger and walk away. The BWC has the ability to record the 2 minutes prior to activation without audio. This feature is crucial should an officer be unable to turn it on during

a serious encounter. The cost per camera is \$895.00 with no additional cost for storage because it uses already existing hardware.

## **Storage**

According to the city's IT department, the police department can currently store 60 days of data if every officer assigned to routine patrol was outfitted with a BWC. A purchase of a new server, dedicated to the retention and preservation of the video, would be required to set a goal of 180 days of storage space. These calculations are estimated based on the short pilot program. It is difficult to predict the amount of data that would be captured on a regular basis from every routine patrol officer being equipped with a BWC. Other factors, including officers mistakenly leaving the BWC recording, could clutter up storage space. The above predictions were made based on the results of the pilot program.

*Examples of storage need from a few incidents during the program:*

*1hr 30 minutes = 3.66 GB*

*4 min and 15 sec = 212 MB*

*17 min and 10 sec = 720 MB*

*11 min and 20 sec = 492 MB*

IT predicts that one camera will average approximately 100 gigabytes every 90 days. With 20 BWC's, we would average 2 terabytes every 90 days. This calculates into the ability to store 60 days of data with our current equipment.

## **Requests for video**

At the beginning of the pilot program, the board immediately recognized that having officers place video footage onto a DVD was not only time consuming but would eventually require a significant purchase of blank DVD's. Officers would have to make multiple copies for evidence, prosecutors and case files. Consequently, the practice was changed by the board. A Body-Worn Camera Video Request form was produced. Whenever an officer or an Assistant District Attorney requests BWC

footage, they must complete the form and forward it to the Administrative Sergeant. The Administrative Sergeant reviews the request and locates the footage. Once located, the footage is stored on a Crime Scene Unit hard drive where a DVD evidence copy can later be made if required. The video is then shared with the requestor via a web based system called WeTransfer.com. We are currently using a free version of the program, but will be purchasing the paid version with increased BWC use. The cost of the full version is approximately \$200/year. The transfer is secure and requires the receiver to utilize a password. The receiver can then make copies of the video as required.

A dedicated work station for this portion of the program is needed. The downloads and transfers do not occur instantly and, in fact, have at times taken over 1 ½ hours to complete for only one camera's footage. The employee assigned to this task can be downloading and transferring and return to other duties while monitoring the process. With the addition of multiple cameras, this would slow the process down even longer.

During the pilot program, we arranged to activate three cameras on one midnight tour in order to evaluate the time required to download every incident. During the one midnight tour, a BWC or combination of BWC's responded to 19 different calls for service of varying lengths. A list of the blotters were recorded and sent to IT. The time that it took in order to locate the videos, download them onto the evidence server, download them into a file and send them using WeTransfer was 5 hours. It is recognized that every incident on the shift will not receive download requests; however, it demonstrated the potential workload demands during peak activity.

During the pilot program, there were no Freedom of Information Law requests for BWC footage. It is the Policy Review Board's belief that 90 days is not a long enough time frame to determine how FOIL laws will affect the operations of the department. The concerns regarding FOIL include employee time complying with the requests, privacy concerns and our obligation to comply with privacy rights of those captured on the footage. Several states require that certain parts of BWC footage be redacted or blurred prior to release. The police department currently does not have that software capability or the personnel to handle this potential issue.

## **Locating video for an incident**

Under the current pilot program, one camera being utilized on each shift has simplified the gathering of video for a particular incident. The Administrative Sergeant simply refers to the date and time of the incident and downloads the single video. Equipping all officers assigned to patrol will complicate this task exponentially. If the video footage of one officer is downloaded, then the video of every officer that responded to that incident must also be downloaded. The Administrative Sergeant would be required to check all of the videos for that time period, separate the videos involved in that particular incident, and then download all applicable videos. With the addition of BWC's, the time required for this task will be significantly more than that which was required during the pilot program. Furthermore, reviewing blotters to determine the identity of responding officers will not preclude the need for a manual review of the footage in instances where a non-dispatched officer responds to the same incident.

## **Body-Worn Camera Volunteer Officer Interviews**

The volunteer officers participated in feedback to the Policy Review Board throughout the entire pilot program. Toward the end of the pilot program, the officers were interviewed using specific questions. The answers to the questions were reviewed by the Policy Review Board in order to enhance the BWC program as we move forward. The following questions were asked of each officer and the general consensus answer that was given:

*Have you experienced any technical difficulties or issues with the BWC?*

Most officers reported battery issues with the BWC but state that it was recognized early on in the program and fixed shortly thereafter.

*Did you find the signing-out process to be cumbersome, or easy to use?*

All officers reported the process to be quick and easy.

*Did you find the cameras easy to operate?*

All officers reported that the camera was easy to operate.

*Was the camera easy to wear? Or did you find it to be awkward or in the way?*

The answers varied from not even noticeable to the camera's thickness sometimes being cumbersome. One officer noted that it was difficult mounting to a Class A uniform and one officer reported that the camera fell off during a scuffle.

*What types of reactions did you notice from the community regarding the BWC?*

Several officers reported that the public liked seeing it and they had positive feedback regarding the BWC use. One officer noticed that many with criminal records did not even care about the camera. Several officers reported that nobody seemed to notice the camera on them.

*Did you notice any reactions or changes in your fellow officers regarding the presence of the BWC?*

A few officers reported that they did not observe any difference. Several officers noticed that officers tried to avoid being in the frame in the first couple days of the program but that had dissipated. One officer reported that there was some negativity in the beginning, but as officers understood the purpose of the BWC that negativity stopped. One officer reported that he was against the BWC's prior to volunteering, but immediately saw the benefit of them and looks forward to the full implementation.

*Do you feel that your performance was affected (positively or negatively) by the presence of the BWC?*

Most officers reported that it positively affected their performance by making them more aware of what they are doing. One officer found himself thinking through his actions and words a lot more than without the camera. There was no negativity reported.

*Have you had the occasion to use footage from the BWC on any cases?*

Four of the officers reported using footage for court purposes.

*Have there been any complaints from the community that were addressed using footage from the BWC?*

None of the officers were aware of any complaints utilizing BWC footage.

*Have you had any challenges regarding using your discretion in turning on the BWC? Have there been any concerns regarding supervisors with the discretion of turning the camera on?*

One officer noted that it was difficult determining when to turn it on. He stated that after reading the General Order multiple times, he was able to understand. One officer was not sure if he should have had the camera on during an interview of a rape victim and another officer wasn't sure if he was permitted to video juveniles.

*Have there been any challenges with turning the camera on or off during real-life issues? For example, an escalating situation or an encounter that suddenly turns combative?*

One officer reported forgetting to turn the camera on during 2 overdose related calls. One officer reported that he was focused on the immediate incident rather than activating the camera. Several other officers reported that at least on one occasion they forgot to turn the camera on altogether. One officer recommended activating the camera prior to arriving on scene.

*Regarding the BWC policy, do you feel that you understand the parameters of when to turn the camera on or off?*

All officers agreed that they understand the parameters as they are written in the General Order.

*Do you feel that the parameters outlined in the policy sufficiently encompass what you have encountered on the street?*

All officers felt that the policy was sufficient. One officer did request clarification regarding juveniles.

*Regarding viewing the camera footage, did you find that locating and viewing footage of an incident to be an easy or difficult task with the software?*

Several officers reported ease of use while several reported technical issues which they believed additional training would remedy.

### **Further Implementation of BWC's**

A copy of the pilot program evaluation will be provided to the City Manager, the Mayor and the City Council members. An order for 20 WatchGuard cameras, 2 computers with ELX3 software to manage the systems, 20 charging base kits and 4 USB 7 port hubs is in process and a purchase order request has been made. The projected delivery time for the cameras is October 1<sup>st</sup> 2015. Training for the police officers is scheduled for the week of October 12<sup>th</sup> thru October 16<sup>th</sup>. The City IT Department will provide training for all officers.

The training will provide staff with instructions related to the operation of the BWC. If possible, a member of the WatchGuard training team will be on site to assist with training. Following the classroom training, all officers will have access to video trainings that they may use for refreshers. An FAQ knowledge base can be accessed within ELX at all times.

This will allow all patrol officers on each shift to be equipped with a BWC. This is also a workable request for our IT department and the police department to implement and manage that amount of equipment.

The 20 BWC's will be set up and located in the police department's equipment room. We will set up two workstations underneath the radio wall block, thus making a one stop process for officers heading out to or returning from patrol. Each computer terminal will house 10 BWC's. The BWC's will be assigned a number and the officers will be assigned to a

BWC on the Daily Personnel Report. The ELX software will keep an audit on the cameras assigned to it and the officers within the system.

This action step will allow all officers to be equipped with a BWC, while simultaneously addressing any technical issues within the capacity of the Police Department's and IT Department's limited staffing and extreme workload.

The technology is continuing to change on a regular basis. There have been many improvements made to the WatchGuard BWC since the start of our pilot program. Limiting the purchase to 20 cameras will allow us to fully implement the program without purchasing cameras that will most likely be improved upon or rapidly rendered obsolete. WatchGuard has also indicated that by the end of the year they will have gang chargers that allow for the simultaneous upload of eight cameras at the same time, as opposed to the standard docks that will upload one at a time. The charging cradles operate off of a network drop and tie directly into the servers, rather than using a workstation.

Each BWC comes with a warranty that is valid for one year after purchase. At the end of the warranty period each unit will cost \$150 to renew for an additional year. It is the IT department's recommendation that the hardware is renewed on an annual basis. A member of the IT department will also conduct a weekly check of the systems, ensuring that both the cameras and computers are functioning normally.

The board recommends having funding in reserve in the event improvements to the data storage are needed. A worst case scenario situation is that the amount of data being recovered is too overbearing on our current servers. In this event an emergency purchase of additional storage will be required and funding will be needed.

As the Chief of Police, I support the implementation of the body worn cameras and will continue to follow the best practices steps for implementation so the program is successful.

Daniel C. Cameron  
Chief of Police

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