



GENERAL ORDER

Section 110-37

CHAPTER: 110 General Department Orders		ACCREDITATION REFERENCE STANDARD	
SUBJECT: Body Worn Camera Policy			
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PURPOSE

To provide guidelines and instructions for the visual and audio recordings of certain interactions between officers of the Bedford Police Department and the public for official law enforcement purposes through the use of Body Worn Cameras (BWCs).

POLICY

It is the policy of this Department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

PROCEDURE

- BWCs shall be issued and assigned to uniformed officers assigned to patrol, as resources are available. BWCs shall also be issued and assigned to other officers, as deemed appropriate by the Chief of Police and/or his/her designee.
- Officers shall only use the BWC that is issued to them by the Department.
- Officers who are issued a BWC shall wear their BWC properly affixed to their uniform as instructed by Department approved training whenever they are on duty and performing patrol duties, or as otherwise directed by the Chief of Police and/or his/her designee.

MAINTENANCE

- At the beginning of each tour, officers shall test and inspect their BWC for proper functioning and shall report any malfunctions to their immediate superior.
- Officers shall ensure their BWC is properly charged before going into service.

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- BWCs shall be charged and stored in a central docking station at a location to be determined by the Chief of Police and/or his/her designee, in their sole discretion. The designated location shall be accessible to all officers to retrieve their assigned BWC.
- Any malfunctions of BWC equipment during an officer's shift shall be reported to his/her immediate supervisor as soon as practicable.

TRAINING

- Officers who are assigned a BWC shall successfully complete Department approved training in the proper use and maintenance of the BWC prior to deployment in the field.

DEPLOYMENT

When to Activate:

- **Officers shall activate their BWC during the following contacts:**
 - Arrival on Scene to Calls for Service when there is public interaction.
 - Traffic/Vehicle Stops.
 - Investigatory Stops/Activities.
 - Enforcement Related Activity.
 - Domestic Incidents.
 - Emotionally Disturbed Persons.
 - Suspect Interactions.
 - Arrests.
 - Warrant Executions.
 - Transporting Citizens or Prisoners.
 - Confrontational/Adversarial Contacts with the Public.
 - Any interactions in which the recording officer deems appropriate for documentation or evidentiary purposes unless otherwise prohibited.
- An officer assigned a BWC must wear it at all times when on duty, in uniform and performing or likely to perform enforcement duties and/or responding to calls for service. Exceptions may be made solely by the Chief of Police and/or his/her designee for plain clothed officers.
- The Department recognizes that officer safety is paramount. Officers with a BWC who arrive on a scene or engage in an enforcement contact must start recording as soon as it is

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safe and practical to do so. If multiple officers are on scene with a BWC, all members with a BWC will record.

- Officers shall activate the BWC to record as outlined above, unless:
 - There is an immediate threat to the officer’s safety.
 - Turning on the BWC would be impracticable and place the officer at a tactical disadvantage.
 - When activating the BWC could delay an officer’s response to the safety needs of a citizen during a critical incident.
 - During the course of activation, the BWC malfunctions.
- Officers with BWC may notify subjects that they are being recorded unless doing so would be unsafe, impractical or impossible. (Example: “Please be advised you are being recorded.”)
- Officers must indicate in all reports, the presence of video captured by a BWC.
- Officers shall document in all reports and notify their immediate supervisor as soon as practicable of any failures to record required incidents or interactions.

Discretionary Recordings:

- **Officers may use their discretion or as directed by a supervisor to activate or deactivate their BWC during the following contacts:**
 - Discussions with law enforcement officers regarding tactics or strategy.
 - A potential witness or victim who requests confidentiality or anonymity, and the situation is not confrontational. The officer may ask the witness/victim for permission to use audio recording only.
 - A victim or witness is a juvenile.
 - Any voluntary, non-enforcement and non-confrontational interactions in which the involved party requests that he/she not be recorded.
 - A person’s private or intimate body parts unless such consideration is outweighed by a legitimate law enforcement interest.
 - Patient care areas or healthcare facilities unless enforcement action is being taken therein.

Prohibited Recording:

- **Officers shall not activate their BWC during the following contacts:**

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- While inside any Police Department facility except when engaged in arrest processing or prisoner transport.
- Interiors of locker rooms, rest rooms or similar places unless enforcement action is being taken therein.
- While on break or engaged in personal activity.
- While engaged in personal communications not related to an authorized use.
- While engaged in communications with other officers not related to any law enforcement purposes.
- During encounters with undercover officers or confidential informants.
- During communications with superior officers, without their knowledge and consent, except while responding to a call for service and/or during any interaction with a member of the public.

Deactivation of Recording:

- Officers shall have the discretion to deactivate their BWCs upon the conclusion of the incident or interaction which was the cause for activation or as directed by a supervisor.

STORAGE & RETENTION

- BWCs shall be placed back on the appropriate charger at the end of the officer’s tour of duty.
- BWC equipment and all data, images and video captured, recorded or otherwise produced by the equipment is the sole property of the Department and subject to the prohibitions on alteration and dissemination as established by the Department.
- Officers shall not in any manner access, edit, alter, erase, duplicate, copy, share or otherwise distribute BWC recordings, except as authorized by this or other written directive.
- The retention schedule for all BWC data shall be in compliance with the minimum standards required by the New York State Archives.
- All BWC system files shall be uploaded to the Department’s electronic storage system as prescribed by this or other written directive.

ACCESS

- Notwithstanding any prohibition on the disclosure of BWC recordings, officers may display such recordings to other persons in order to identify a person or as otherwise

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necessary in the furtherance of a Department investigation. Any such display must be with Command Officer (officers of the rank of Lieutenant and above) approval or be in exigent circumstances (which must be documented thereafter).

- Officers may access their own BWC recordings for the purpose of preparing written reports, and/or to give statements or testimony.
- Officers assigned to investigate an incident may be provided access by a Command Officer to all BWC recordings related to such incident.
- Only officers of the rank of Lieutenant, Detective Sergeant, and above shall be given general access to all BWC recordings, for any legitimate Department purpose.
- In addition, supervisors may review and use recordings, with Command Officer approval, as they pertain to:
 - Reviewing an officer’s performance. Such recordings shall not be utilized as the primary tool in reviewing an officer’s performance.
 - Recordings that are of value as a training tool. Involved officers shall be notified prior to such video being utilized for such purpose.
- Prosecutors, with Command Officer approval, will be permitted to review video footage as it pertains to their investigations.
- Public disclosure of data
 - Any and all disclosure of BWC data shall be consistent with this policy and NYS law regarding, but not limited to, evidence discovery and disclosure pursuant to the Freedom of Information Law. Any requests for such data review must be reviewed by the Chief of Police and/or his/her designee, and the Town Attorney.
 - Civilians will not be allowed to review any recordings made by BWC at any scene, unless at the request of the police department for investigatory purposes. All other civilian requests to review recordings can be made pursuant to the Freedom of Information Law.
- BWC recordings will never be used with the intent of belittling, ridiculing or embarrassing any officer of the Department, notwithstanding the potential use of BWC recordings in disciplinary matters.
- BWC recordings shall not be accessed for personal use and/or uploaded by individual officers onto public and/or social media websites. However, nothing herein shall prohibit the Bedford Police Department from uploading BWC recordings to its website and/or social media websites.

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- Unauthorized copying, accessing or releasing of data is strictly prohibited outside the permitted review of footage detailed herein.