



Department Procedure

PROCEDURE TITLE

PROCEDURE NUMBER

REVISION

Body-Worn Cameras

OPS 6420

2

POLICY

The policy of the Police Department is to recognize the need to increasingly utilize audio-video technology to further the mission of the Department. The use of a Body-Worn Camera system will improve the Department's ability to objectively document law enforcement interaction with the public by providing recorded evidence of actions, conditions, and statements.

Members of the Force will activate the body-worn cameras (BWCs) [See Definition] when such use is appropriate to the proper performance of their 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.

PURPOSE

To establish procedures for the use, maintenance and control of the Department's BWCs.

This procedure will:

- 1) instruct Members of the Force on how and when to use BWCs so that they may reliably record their contacts with the public in accordance with the law,
- 2) enhance the Department's ability to review critical incidents and probable cause for arrest, to assist in gathering evidence, and to improve the accuracy of members' reports and testimony for investigative and prosecutorial purposes,
- 3) provide additional information for member evaluation and training,
- 4) offer the potential benefits of enhancing Department transparency, fostering accountability, encouraging lawful and respectful interactions between the public and the police, thereby increasing public trust.

DEFINITIONS

Activation: is the changing of the body-worn camera's status from standby mode [See Definition] to recording mode [See Definition]. Upon activation, the BWC will respond with an audible "recording" and a red light will continuously flash.

Body-Worn Camera (BWC): a Department-authorized camera worn on the member's person which captures both audio and video to document police activities.

Body-Worn Camera Program Department Administrator (Department Administrator): oversees the Body-Worn Camera Unit (BWC Unit) and has full access to and user rights within the BWC video management system. The administrator's responsibilities include, but are not limited to:

- 1) assigning and tracking BWC equipment,
- 2) coordinating with Information Technology Unit to control passwords and access rights,
- 3) coordinating with Information Technology Unit, Legal Bureau, and the Body-Worn Camera Unit regarding system-related issues,
- 4) coordinating maintenance and overseeing repairs,
- 5) ensuring proper procedures are followed in the uploading, review, and release of BWC video,
- 6) monitoring recordings, per Department policy and applicable law,
- 7) conducting audits and periodic quality control reviews to ensure video data has not been tampered with,
- 8) managing the retention schedule and status of BWC video,

ISSUING AUTHORITY

SIGNATURE

EFFECTIVE DATE

PAGE

Commissioner

Patrick J. Ryder

07/19/2022

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- 9) continuous review of BWC policies and procedures and making recommendations for any necessary changes,
- 10) act as liaison with the BWC vendor.

Bookmark: is a timeline marker, inserted during recording, that serves to navigate to important events. When added to a recording, the bookmark notes the current date and time, and saves the still frame of that moment.

Categorize: is the act of assigning categories to define the type of recorded event or incident. Categories are searchable fields which allow for quickly finding specific BWC video footage. Categories may also have associated forms for capturing additional information specific to a given incident type.

Command Administrator: is a designated supervisor in each command responsible for:

- 1) maintaining the command's digital log,
- 2) designating a secure area within the Command for the storage of BWCs not being used,
- 3) sending BWCs for repair,
- 4) maintaining liaison with the Department Administrator.

Covert Mode: refers to the function of turning off all sound and indicator lights for the purpose of not overtly indicating that a recording is in progress. When exiting covert mode, the BWC will respond with an audible "covert off" and the status LEDS will power back on.

Deactivation: is the stopping of actively recording an incident and returning to standby mode. When deactivated, the BWC will respond with an audible "stop recording" and the flashing red light will go dark.

Incident: an encounter which requires some degree of law enforcement action or response. For the purposes of this procedure, an incident will have concluded when a member has cleared the scene and given a disposition, or has completed transport of a civilian or arrestee.

Recording Mode: upon activating the BWC and it sounding an audible "recording," the BWC will be in recording mode. A red light will continuously flash, and an audible beep will sound every 3 minutes as a reminder that a recording is in progress, except while in covert mode [\[See Definition\]](#).

Standby Mode: refers to the BWC being powered on, but not actively recording. When the BWC is powered on, an audible "hello" will sound and a green LED will light to indicate the BWC is on.

SCOPE

All Members of the Force

SOURCES

Community Oriented Policing Services, US Department of Justice, and Police Executive Research Form, Implementing a Body-Worn Camera Program – Recommendations and Lessons Learned, 2014.

Department Administrative Order 21-033. (Body-Worn Camera-Desk Personnel)

Department Notification 21-180. (Body Worn Camera Placement)

Getac Wearable Gen3 Body Camera Training Manual, July 31, 2020, Rev: V1.0

International Association of Chiefs of Police, Body-Worn Cameras, April, 2019.

RULES

Municipal Police Training Council, Body-Worn Camera Model Policy, September, 2015.

Police Department City of New York Patrol Guide, Use of Body-Worn Cameras, August, 2020.

1. Members of the Force will use BWCs in accordance with Department policies and state laws.
2. All BWC equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment, is for official use only and remains the sole property of the Department.
3. Only trained, assigned, and authorized personnel will be required to use BWCs during their assignments.
4. Members will only use BWCs approved and issued by the Department while on duty. No non-Departmental BWC equipment (i.e., personal) or other recording devices will be used.
5. Members will only use BWCs assigned to them. Members will not use a BWC assigned to another member, or not previously assigned to them, without authorization from a supervisor.
6. BWCs are for official use only and will not be utilized for personal reasons or non-work related activities.
7. Members will not erase, reuse, modify, copy, publish, share or tamper with any recording. Only authorized system administrators may manage previously recorded digital recordings in accordance with Departmental policies and state laws.
8. BWC recordings will not be disseminated, copied, or released in any manner outside of the Department without the approval of the Commissioner of Police or his/her designee.
9. Members will not use other electronic devices or other means to intentionally interfere with the capability of the BWC equipment.
10. Members will not intentionally activate BWCs:
 - a. to document any deaths for crime scene purposes, unless directed by a supervisor,
 - b. when discussing tactical planning and strategies,
 - c. during Departmental meetings or training,
 - d. to record the performance of administrative duties and non-enforcement functions,
 - e. to record routine activities within Department facilities,
 - f. where a reasonable expectation of privacy exists, such as dressing rooms, locker rooms or restrooms, unless the member is present in an official capacity,
 - g. to capture discussions between individuals with privilege, such as attorneys, members of the clergy, peer support counselors, and medical professionals.
11. Unless a legitimate law enforcement interest/event has such evidentiary value that outweighs an individual's privacy, members will **not** activate BWCs:

**REPLACES
PROCEDURE**

**Member of the
Force**

- a. to record confidential informants or undercover officers,
- b. to record victims of sex crimes,
- c. during a strip or body cavity search,
- d. when an individual is nude or when sensitive human areas are exposed,
- e. during non-law enforcement encounters while inside medical and psychiatric facilities, or safe centers,
- f. when present in a court facility, except for the immediate lodging of a prisoner,
- g. when a potential witness requests to speak to a member confidentially or desires anonymity,
- h. when a victim or witness requests that he/she not be recorded and the situation is not confrontational,
- i. when a victim requests that he/she not be recorded as a condition of cooperation and the interests of justice require such cooperation.

12. Members will not allow the public to review BWC recordings, unless permission has been obtained from the Commissioner of Police or his/her designee.

13. BWCs will be deactivated immediately prior to entering a police facility, except in the case of an arrest. When accompanying a prisoner into a police facility, members will continue recording until the prisoner has been lodged for arrest processing.

14. Members will wear the BWC vertically on the outermost garment and will not cover the lens with any external items i.e. sunglasses or surgical masks.

OPS 6420, revision 1, dated 9/9/2021

A. Signing On/Equipment Check

Note: Members assigned to utilize a BWC must use this equipment in accordance with Department policies and state laws. Members are responsible for and will use reasonable care to ensure proper functioning of Department-issued BWCs.

Note: While BWCs are useful for documentation purposes, these do *not* take the place of primary evidence collection, documentation procedures, and written reports.

1. At the beginning of each tour,
 - a. *inspects* the BWC to ensure the equipment is fully charged and operating properly,

Note: There are features on the BWC which enable the member to determine, before each tour, if the BWC is operating properly. When powering on the BWC, the left LED will light up green and the BWC will respond with an audible "hello".

- b. if there is any equipment malfunction or concerns related to battery life and depletion,

(1) *attaches* the BWC to the external battery, *and*

Supervisor

- (2) *re-tests* the BWC again to ensure proper function,
- c. if the BWC continues to malfunction,
 - (1) *immediately notifies* a supervisor and *specifies* the problem,
 - (2) *notes* the problem in their memo book,

Note: A supervisor will immediately arrange to replace a non-functional BWC. Members will not use a BWC assigned to another member, or BWC not previously assigned to them, without authorization from a supervisor.

- d. *securely attaches* all supplied components of the BWC to the outermost garment, either center mass or slightly off center mass, ***not horizontally***, to provide the lens a clear view to capture quality video and audio data and *ensures* the BWC is properly positioned to clearly record police activities regardless of uniform attire,
- e. *confirms* the BWC is in standby mode [\[See Definition\]](#) prior to the beginning of the tour.

Desk Supervisor/
Desk Officer

- 2. *Ensures* officers under his/her command are equipped with properly functioning BWCs and that the BWCs are utilized:
 - a. as directed by the respective manufacturer's instructions/per training guidelines, ***and***
 - b. in accordance with Department policy and procedures.
- 3. If notified of a malfunctioning BWC and the problem could not be resolved, *notifies* the Desk Supervisor/Desk Officer.

- 4. If notified of a malfunctioning BWC,

- a. *assigns* a spare BWC to the officer,

Note: Only a desk supervisor/desk officer has the authority to assign a spare BWC.

- b. *records* the newly assigned BWC in ***both*** the command's digital log and the GETAC/EVM dashboard portal,
- c. *notifies via email both* the Command Administrator [\[See Definition\]](#) and the Body-Worn Camera Program Department Administrator (Department Administrator) [\[See Definition\]](#) of the newly assigned BWC,
- d. *forwards* BWC to be repaired to the Command Administrator.

Command
Administrator

- 5. *Arranges* for BWC repairs, notifying the Department Administrator via email of:

- a. any new equipment malfunctions,
- b. missing or damaged BWCs.

Note: The Supervisor and/or Department Administrator will initiate an investigation when notified of a missing or damaged BWC.

B. Activating and Using the BWC

Note: A member who fails to activate [\[See Definition\]](#) his/her BWC for any incident [\[See Definition\]](#) according to Department policies and rules, whether intentionally or

Member of the Force

unintentionally, will report the failure to record to his/her supervisor as soon as practical.

Note: If an on-duty member is going out on a line of duty injury/illness, a Patrol Supervisor should ensure the member's BWC is uploaded.

1. *Activates* the BWC, **prior** to making contact, in any of the following incidents, unless it is unsafe or impractical to do so:

Note: Upon activation, the BWC will be in recording mode [\[See Definition\]](#). The BWC will respond with an audible "recording" and a red light will continuously flash while recording.

- a. all calls for service,
- b. self-initiated activities, including:
 - (1) VTL stops,
 - (2) vehicle pursuits,
 - (3) field stops,
 - (4) or any other investigative or enforcement encounters,

Note: Members will activate the BWC **prior to initiating** any of the above listed self-initiated activities.

- c. requests for consent to search without a warrant, including searches of persons, buildings, or vehicles,

Note: When practical, bookmark [\[See Definition\]](#) the request for consent and the consent for the incidents specified above.

- d. seizure of evidence,
- e. advisement of Miranda rights, when required,
- f. statements made by individuals (subjects and witness) in the course of an investigation or complaint,
- g. civilian and arrestee transports,
- h. any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Note: Desk personnel will activate BWC for any incident which requires some degree of law enforcement action or response, which includes,

1. domestic exchanges,
2. a subject's surrendering for an arrest,
3. individuals who appear to be agitated or antagonistic,
4. individuals experiencing an altered mental status.

2. *Notifies* members of the public that the interaction is being recorded as soon as reasonably practical, unless such notification could compromise safety or impede an investigation.

Note: Suggested notification: "Sir/Ma'am, I am XXXX of the Nassau County Police Department. This encounter is being recorded".

Note: During incidents involving traffic stops or field stops, members will also inform the individual of the reason for the stop as soon as practical.

Member of the Force

Note: A person's consent is not required to start or continue recording.

3. *Considers* bookmarking key or important events as necessary.
4. Once the BWC has been activated, *continues recording* until the event that prompted the activation has concluded, **except** in situations in which continued recording:
 - a. may jeopardize or otherwise compromise the safety of the member(s) or the public,

Note: For example, when at the scene of a bomb, suspected bomb, or suspicious package, members will refrain from using electronic devices, including BWCs, radios, mobile data terminals (MDTs) and cell phones, when within 300 feet of a suspected bomb location. [\[See OPS 12111, Bomb and Bomb Threats\]](#)

- b. hinders the ability to conduct a proper investigation,
- c. seriously compromises an individual's privacy and dignity and that compromise significantly outweighs any legitimate law enforcement interest. Such situations might involve recording in:
 - (1) hospitals or clinical settings when no crime has been committed,
 - (2) houses of worship,
 - (3) shelters,
 - (4) government offices.

Note: Members will continue to record or reactivate recording **regardless of the location**, whenever the evidentiary value of the recording outweighs a right to privacy and/or dignity. For example, if during the transport of a mental aided person a recording has been deactivated due to entering a hospital, member will reactivate recording if the mental aided person becomes confrontational.

Note: Members are not obligated to initiate or cease recording an incident solely at the request of the individual with whom the member is interacting. Consideration may be given to recording only audio.

Note: Members may also consider switching the BWC to covert mode [\[See Definition\]](#), which turns off all sounds and covers indicator lights for the purpose of not overtly indicating that a recording is in progress.

5. **Will not** use BWC video for confirmatory identifications (show-ups).

Note: Show-ups must be done in person, and not by a witness viewing a BWC video of the suspect.

6. *May deactivate* [\[See Definition\]](#) the BWC during an incident if:
 - a. the member is no longer actively engaged in the investigation or interacting with a member of the public,

Note: For example, holding a traffic post at an auto accident

Member of the Force

scene.

- b. the incident is a ***routine*** aided case and doing so will protect the aided person's dignity,

Note: For example, routine sick at home, high blood pressure, assist invalid.

7. *Deactivates recording* upon completion of the incident.

8. *Categorizes* [\[See Definition\]](#) the recording.

9. *Indicates* on any reports prepared, the existence of BWC footage.

Note: For example, case reports, use of force reports, arrest reports, etc.

10. If the incident will be a squad case, *notifies* the Detective Squad of the existence of BWC footage where the subject has asked for an attorney.

11. If, during the course of the tour, the BWC malfunctions or if the BWC was unintentionally activated and a prohibited recording occurred,

- a. reports to a supervisor immediately,
- b. proceeds per supervisor's instructions,
- c. makes a memo book entry.

Note: If the BWC was unintentionally activated but the recording is not prohibitive and is of no evidentiary value, the member is ***not*** required to notify a supervisor. The member must, however, make a memo book entry documenting the unintentional recording.

12. *Makes* a memo book entry regarding the BWC in the following circumstances:

- a. if assigned to a call but given a disregard by the other responding unit prior to arrival,
- b. if assigned to a call and a recording is made,
- c. if not assigned to a call but responds as backup and a recording is made.

Note: If assigned to a call but given a disregard by another unit ***and*** CB exchanges the call to that unit, no memo book entry is necessary.

13. If the BWC ***was not*** activated during a required activation law enforcement event, *notifies* a supervisor as soon as practical.

14. If notified by a member of a failure to activate the BWC as required,

- a. *reviews* the incident,
- b. *makes entry* in PDCN Form 256, Failure to Activate BWC Log,

Note: Each command will download from the department intranet, and maintain, a PDCN Form 256, Failure to Activate BWC Log Excel Spreadsheet, exclusive to their command.

- c. *notifies* Commanding Officer for review.

15. If at scene, *determines* if immediate upload of BWC footage is

Supervisor

Supervisor

necessary and *directs* the officer accordingly.

16. If at the scene of a shooting or other serious incident in which officers were involved, *ensures* an Administrative Officer from the Deadly Force Response Team [\[See OPS 12460\]](#) collects and secures all BWCs from those officers involved in the incident.

Member of the Force

17. *Responds* to station house or other designated location to upload stored recordings from previous or current tour, *at some point during each tour, whenever practical, or* as directed by a superior officer.

18. At the end of the tour,

- a. *powers off* the BWC,

Note: The BWC will respond with an audible “goodbye”.

- b. *charges* the BWC.

C. Data Storage, Security and Retention

Note: BWC recordings are considered official investigative materials and, as such, will be handled in accordance with existing Department policy and applicable laws.

1. *Follows* instructions for data storage and preservation methods in accordance with specific manufacturer’s guidelines and recommendations.
2. *Ensures* all BWC recordings will be accessed only:
 - a. by Department-approved system users,
 - b. on Department-approved equipment, *and*
 - c. for viewing and copying for official purposes only.
3. *Logs into* BWC video management system and identifies BWC video recordings that have not been categorized properly.

Note: Each video will be categorized (by the uploading member) to allow for efficient management storage and retrieval of files.

4. If a recording has not been properly categorized, *contacts* the Command Administrator and *requests* that he/she directs the uploading member to properly categorize the BWC recording.
5. *Complies* with retention schedules as dictated by applicable law.

Note: If a BWC recording has evidentiary value in an ongoing investigation, court proceeding or appeals process, the recording will be retained through the pendency of the case or in accordance with applicable law, whichever is greater. Supervisors and investigators may request, through channels, that a BWC recording be retained beyond the prescribed retention period, if necessary.

Note: Non-evidentiary data will be retained for a minimum of six (6) months.

6. If no extension of video data retention is required, manages the recording(s) in accordance with Department retention procedures and with the approval of the Department Administrator.
7. If a recording is deemed to be useful as a training tool, *retains*

**Department Administrator/
BWC Unit**

**Arresting
Officer/
Assigned Officer**

the recording for as long as practical.

D. Arrest Processing and Sharing of BWC Videos

1. *Assures* all BWC recordings are properly categorized.
2. If the case involves an arrest, *identifies* all BWC videos associated with the arrest and if known, any other pertinent BWC video from previous incidents that can enhance the arrest case.

Note: When the arresting/assigned officer and/or BWC Unit become aware of any pertinent BWC video that is associated with their arrest case (e.g., BWC video containing suspect information, complainant/victim/witness statements, or are of any investigative value in regard to the establishment of probable cause, etc.), regardless of when the video was recorded, will ensure that those BWC video files are properly identified.

BWC Unit

3. *Shares* BWC video as follows:
 - a. with Legal Bureau when a member of the Department becomes aware of potential or actual civil litigation involving a matter captured by a BWC, *and/or*
 - b. with assigned detective/investigator when any portion of an incident under investigation is captured by a BWC.

**Police Officer/
Detective**

E. Accessing and Viewing Footage

1. *May review* his/her own BWC recording, or the BWC recordings made by other (uniformed) members of the Department for a given incident, for official purposes, including:
 - a. conducting a criminal investigation,
 - b. preparing for courtroom testimony or courtroom presentation,
 - c. providing testimony pursuant to an administrative inquiry,
 - d. reviewing an incident prior to writing a routine report,
 - e. training and professional development,
 - f. preparing for civil litigation.

Note: In routine cases, the viewing will be utilized as a tool when completing written reports to ensure the accuracy and consistency of events. In officer-involved shootings, use of force cases, or when a (uniformed) member of the Department is the subject of an official Department investigation or is a witness in an official Department investigation, access to recordings may be delayed. However, officers will be permitted to review recordings at a time allowed by the supervisor in charge of the investigation prior to making a statement or report.

Supervisor

2. In addition to the permitted access listed in Step 1 (above), *may review* BWC recordings of members of his/her command for the purpose of ensuring compliance with the BWC policy and procedure, including:
 - a. administrative inquiries,
 - b. civil claims,

BWC Unit

- c. reports of misconduct,
 - d. meritorious conduct, *and*
 - e. if it is deemed valuable as a training tool.
3. For requests to view BWC recordings originating from *outside the Department*, *releases* of BWC recordings in accordance with the Department's established procedures. As such, BWC recordings will:
- a. be subject to the same security restrictions and chain of evidence safeguards as detailed in the Department's evidence control and records confidentiality policies,
 - b. not be released to anyone other than bona fide criminal justice agencies or prosecutor's office without prior approval of the Commissioner of Police or his/her designee,
 - c. be otherwise subject to the procedures required by the Freedom of Information Act and subject to the same statutory exemptions from disclosure as any other Departmental records.
4. For requests to view BWC recordings originating from outside the Department that have been denied for any reason, *specifies and documents* reasons for the denial.

F. BWC Recordings Used For Training and Administrative Purposes**Patrol
Supervisor/
Supervisor, BWC
Unit/
Training
Sergeant**

1. *Periodically review* BWC video as appropriate to:
- a. provide feedback,
 - b. assess overall officer performance and compliance with procedures,
 - c. take necessary remedial action to address and correct any performance or tactical deficiencies observed,
 - d. determine if BWC video may be useful for training purposes.

Note: Commanding Officer, Police Academy or his/her designee will notify member when member is a participant in a video to be used for training purposes.

2. When made aware that an officer made a prohibited recording, *or* if an officer failed to record or interrupted the recording of a legitimate law enforcement interest,
- a. *reviews* all necessary documentation,
 - b. *makes a determination* regarding the circumstances surrounding the infraction,
 - c. *documents* findings,
 - d. *forwards* findings (TOC) and recommends remedial action, if necessary.