Article 28: Body Worn Cameras (BWCs)

Table of Contents

Effective:	04/23/25
Rescinds:	11/25/24 **version**

NYS Law Enforcement Accreditation Program - Reviewed: April 2025

28A Introduction

28A1 Authority
28A2 Division Goals
28A3 Training

28B General Procedures

28B1 Definitions
28B2 Recording
28B3 Security and Retention
28B4 Procedures

28C Access

28C1 Access

28D Duties

28D1 ►Supervisory and Administrative Duties

Article 28A: Introduction

28A1 Authority

Effective: 05/18/21
Rescinds: --/--/-- **version**

NY State Executive Law 234

28A2 Division Goals

Effective: 05/18/21
Rescinds: --/--/-- **version**

a. To use Body Worn Cameras, and the resulting recordings, in accordance with applicable laws and the procedures set forth in this policy.
b. To use Body Worn Cameras to effectively document Member interactions with the public.

28A3 Training

Effective: 05/18/21
Rescinds: --/--/-- **version**

a. All Members assigned a BWC must complete Division-approved training on the operation of the system and this policy.
b. No Member will wear or operate a BWC unless they have:
    1. Been authorized to do so by Division, and
    2. Received training on the proper care and use of the device.

Article 28B: General Procedures

28B1 Definitions

Effective: 05/18/21
Rescinds: --/--/-- **version**

a. “Body-Worn Cameras" (BWC or BWCs) - Video cameras issued by Division and adhered to a Member’s uniform in a manner that maximizes the camera’s ability to capture video and audio.
   - BWC does not include any form of electronic recording device worn by a Member while acting in an undercover capacity.

b. “Business Integration Services Unit" (BISU) - Designated section of Division comprised of the Division Administrator and Designated Staff members responsible for maintenance, reporting and documenting malfunctions to the vendor, and issuing new BWCs.

c. “BWC Recordings” - Audio, video, images, data, and metadata that is recorded and then uploaded to a cloud-based digital evidence management system.

d. “Cloud-Based Storage System” - Digital evidence management system used to manage, review, and share digital evidence.

e. “Deactivation” - Switching the BWC device from Event Mode to Pre-Event Buffering Mode.

f. “Docking Station” - A docking, charging, and data uploading mechanism for the BWC.

g. “Event Mode” - The mode in which the BWC is actively recording video and audio on the BWC (i.e. activated).

h. “Manual Activation” - Switching the Body Worn Camera device from Pre-Event Buffering Mode to Event Mode, in order to record both audio and video, by double pressing the event button.

i. “Mute” - Actively recording video but not the audio of the BWC.

j. “Pre-Event Buffering Mode” - The mode in which a continuous 30 second video-only (i.e. no audio) recording, of all activities that occur prior to activation of the BWC is captured and then becomes part of the full recording upon activation.

k. “Signal Activation” - The process whereby a BWC automatically switches from Pre-Event Buffering Mode to Event Mode when a Member’s firearm is drawn, a Member’s Taser is armed, or when a Member’s patrol vehicle emergency lights are turned on.

28B2 Recording

Effective: 11/25/24
Rescinds: 09/17/24 **version**

a. Only Members designated by the Superintendent and trained in the use of BWCs are authorized to wear Division-issued BWCs.

b. Mandatory Manual Activations:
   1. While BWCs are equipped with Signal Activation, Members must manually activate the BWCs as trained.
   2. BWCs must be activated in the following situations:
      - Immediately before exiting a patrol vehicle to interact with a person or situation.
      - During all uses of force, including any physical aggression and use of non-lethal or lethal weapons.
      - During all arrests and summonses.
      - During all interactions with individuals suspected of criminal activity.
      - During all searches of persons and property.
      - While responding to any call-for-service.
      - During investigative actions involving interactions with the public.
      - During any interaction with an emotionally disturbed person.

Return to TOC

- In any instance where Members feel imminent danger or the need to document their time on duty.

Refer: NY Executive Law 234: NYS Police Body-Worn Camera Program.

3. Failure to record any mandatory recordings must be documented and supervisory notification must include the reason for the failure to record, any interruptions, or deactivation.

c. Special Circumstances for BWC Activation:

1. Inside of a Court Facility:
   - Members must not record inside a court facility unless engaging in a mandatory activation activity.

Refer: 22 NYCRR 29.1 Electronic Recording and Audio-Visual Coverage in Court Facilities and of Court Proceedings

2. Special Event/Detail:
   - Troopers temporarily or otherwise assigned to the BCI and not in uniform are not required to wear BWCs during this assignment.
     - UF Troopers assigned to CSU and PSU will continue to wear and utilize the BWC.
   - Follow instructions from the Commissioned Officer designated as the Incident/Detail Commander.

d. Discretionary Activation, Deactivation, and Muting:

1. Members may temporarily deactivate or not activate their BWC while speaking with a confidential informant or potential confidential informant, but only after the initial complaint and/or arrest processing is resolved.
2. Members may temporarily mute their BWC while:
   - Speaking with a confidential informant or potential confidential informant but only after the initial complaint and/or arrest processing has been completed.
   - In a hospital at the request of medical staff treating a prisoner.
     - This decision is at the Member's discretion and should be based on the specific circumstances and need to continue audio recording the ongoing interaction, such as capturing spontaneous utterances, statements, or conduct by the subject.
     - If the Member exercises discretion by muting, the BWC should be unmuted if the circumstances change and recording becomes necessary (e.g. the suspect begins resisting, or during an interview regarding injuries). If these circumstances are already present when the medical staff makes the request, the BWC will remain unmuted.
   - Conversing with members of law enforcement for supervisory purposes or to discuss tactics related to law enforcement action.
3. Prior to deactivation or muting the BWC, Members must make a brief verbal statement clearly explaining the purpose of the muting.
   - If a Member fails to make a verbal statement clearly explaining the purpose prior to deactivating or muting the BWC, the Member will document in the incident report the reason for doing so.
4. The deactivating/muting Member is responsible for ensuring that, prior to reengaging in an investigative interaction with a member of the public, the BWC is reactivated/unmuted.
   - A Member who fails to follow this requirement prior to reengaging with the public may be subject to administrative action.

e. Deactivation of BWC Recording:

1. Members will deactivate the BWC recording when the interaction with the public has concluded.

Return to TOC

2. In situations where the BWC is maintained in event mode and there is a reasonable concern regarding BWC battery or recording capacity the Member should contact a Supervisor for the approval to deactivate the BWC recording.
   - Unless a new incident that requires activation occurs.
3. Except where deactivation or non-activation of the BWC is permitted as stated above, the BWC must continue in event mode uninterrupted until the Member's interaction with the public has concluded.

28B3 Security and Retentions

Effective:	11/22/24
Rescinds:	11/16/23 **version**

a. BWC Recording Safeguards:
   1. All BWC recordings are within the possession, custody, and control of the Superintendent.
   2. BWC recordings will be safeguarded to ensure that access is limited to authorized Division personnel and the appropriate prosecutorial or other government agencies under appropriate circumstances.
   3. Members will not copy, publish, share, edit, delete, alter, or disseminate any BWC recordings, or portions thereof, to anyone, except as authorized in their official capacity and in accordance with applicable law and this Policy.

b. Storage and Retention of BWC Recordings:
   1. All BWC recordings captured by Members will be retained for a minimum of 24 weeks then automatically purged if categorized, unless there is a litigation hold or other legal obligation requiring the Division to retain the recording(s) related to a particular incident for a longer period of time.
      - Videos left uncategorized will not be purged.
   2. BWC recordings that are considered evidence or potential evidence related to a criminal proceeding, and those deemed relevant and material to any other enforcement or administrative matter, will be retained in accordance with the Division's evidence and record retention policies.

      Note: When a critical incident is captured by a BWC refer to Members Manual Article 9H2(b)(6) regarding physical evidence retention BWC.
   3. Prior to the end of any applicable retention period, BWC recordings may be retained longer for training, historical, or public interest value upon the Superintendent's approval.
      - In an effort to retain and preserve any BWC video that may have historical value or that could support an award nomination (i.e., Brummer or Superintendent's Commendation Award), a new BWC category with a permanent retention period called "Historic" has been added.
      - The "Historic" category will only be available for use by members of the BWC administrative staff upon Troop and Field Command approval.
      - If a BWC video is identified that meets the aforementioned criteria, it should be vetted at the Troop level by the Troop Commander or their designee to ensure that it meets Division's existing standards for award nomination or has a "historical" value.
      - Upon approval at the Troop level, the BWC footage will be forwarded to Field Command for additional vetting.
      - Upon Field Command's approval, the BWC footage will be categorized by a member of the BWC administrative staff as "Historic".
      - In addition to preserving the video for long term retention, the "Historic" categorization will also provide a straightforward search category for members of the Executive Staff or BWC Executive Committee as well as anyone preparing an award nomination.

      Refer: http://nyspolice/Patrol/BWC/Training/EcomCategoryRetentionPeriods.pdf

Return to TOC

28B4 Procedures	Effective: 05/18/21
	Rescinds: --/--/-- version

a. General BWC Procedures:
   1. Members:
      - Pre-Shift:
        - Retrieve your assigned BWC from the docking station.
        - Inspect the BWC to ensure that the battery is properly charged to at least 75% and ensure its readiness by conducting an operational inspection.
        - Position the BWC as trained.
      - Post-Shift:
        - Ensure all BWC recordings are appropriately categorized and labeled.
        - Inspect your assigned BWC to ensure system integrity, prior to docking.
        - Dock the BWC in the appropriate docking station to ensure BWC upload.
      - Notify a supervisor immediately if a BWC is not functioning properly, becomes lost, stolen, or damaged.

b. Equipment Malfunction Procedures:
   1. Members:
      - When BWC equipment is malfunctioning, Member will immediately notify a supervisor and contact the ITS Service Desk (844-891-1786 or 518-457-5017) to report the equipment malfunction.
      - A FITS or member of the BISU will provide additional guidance.
   2. FITS Members:
      - Upon receiving notification of a malfunctioning BWC, immediately contact the affected Member and arrange for them to obtain a replacement BWC and reassign as appropriate.
      - Ensure that the BISU is notified via e-mail of any malfunctioning BWC.
      - Document steps in ITSM and make arrangements to relay the malfunctioning BWC to the BISU at Division Headquarters.
   3. BISU:
      - Upon receiving notification of a malfunctioning BWC, coordinate with the respective FITS (and the affected Member if necessary) to ensure that a replacement BWC has been provided and is appropriately reassigned; and
      - Upon receipt of the malfunctioning BWC equipment, update ITSM and follow existing vendor RMA procedures.
   4. Supervisors:
      - Ensure Members are provided with a replacement BWC.

c. Documenting BWC Recordings:
   1. Members must categorize and label BWC recordings using all appropriate categories.

      Note: Categories affect the retention and restriction of BWC recordings.
   2. Members must also record the complete incident number in the field labeled “ID.”

d. BWC Transfer and Storage Procedure:

   BWC recordings will be temporarily stored on the BWC device itself until it is placed into the docking station for uploading to the cloud-based storage system.

Return to TOC

Article 28C: Access

28C1 Access

Effective: 11/25/24
Rescinds: 08/04/21 **version**

a. Use and Review of BWC Recordings:

1. BWC recordings will be accessed, reviewed, and used by Division personnel only in the performance of their official duties and in connection with authorized Division operations.
2. Division personnel will be permitted to access, review, and/or use BWC recordings when:
   - Conducting and documenting an investigation.
   - Preparing for or participating in civil litigation involving claims made against the State, the Division or Division personnel.
   - Preparing or assisting with the preparation of responses to subpoenas and other legally mandated disclosures, including Freedom of Information Law (FOIL) requests and criminal and civil discovery demands and obligations.
   - Preparing for testimony in a legal proceeding.
   - Investigating alleged misconduct or meritorious conduct.
   - Conducting supervisory or other official evaluations of a Member's performance.
     - Supervisors will maintain discretion to handle minor administrative violations in accordance with current Division Policies and Regulations.
   - Reviewing recordings as training tools.
   - If an active threat or exigent circumstance exists, Members regardless of rank can view the recorded footage as soon as practical and make appropriate notifications which may include:
     - Advising Communications to broadcast pertinent information; and/or
     - Advising a Member of higher rank.
3. Critical Incidents:
   - Supervisory inquiry at critical incidents will not be delayed to review BWC recording(s).
     - The inquiring Supervisor will ensure the BWC is powered off and secured prior to these inquiries.
   - When a compelled critical incident interview is necessary, Members may view their own BWC recording, if available.

   X-Ref: Article 9, Section titled: NYSP Critical Incident Review Policy
4. Administrative Investigations:

   Prior to a providing a compelled administrative statement, Members may view their own BWC recording, if available.

b. Members must provide access to BWC recordings to the following through the cloud-based storage system:

1. The appropriate prosecutor when any portion of an incident relating to an arrest and/or prosecution, is captured by a BWC.
2. Division Counsel in conjunction with their official duties.
3. To outside law enforcement agencies upon request when any portion of the incident relating to an arrest and/or criminal investigation is captured by a BWC.
   - If the agency is requesting the ability to download the BWC recording, the request must go through the Troop Discovery Officer.
   - Any other request made by outside law enforcement agencies must go through the Troop Discovery Officer.
4. BCI anytime that a portion of an incident is captured by a BWC that would be a BCI case.

Return to TOC

Note: Members must ensure that all BWC recordings related to an incident are provided to the controlling Member.

c. Public Disclosure of BWC recording(s):

All public disclosure of BWC recordings must be in accordance with Division's Rules and Regulations by authority of the Superintendent or Designee.

X-Ref: Article 7: Forms, Records, and Filing

1. Requesting Member:
   - To request a public disclosure of a BWC recording(s), prepare and submit an E-mail through channels to Troop/Detail Commander. E-mail should contain the following:
     - Link(s) to requested video(s).
     - State and end time of portion requested for public release.
     - Description of Incident.
     - Reason for release.
       - Critical Incident.
       - Clarification of a public allegation against the Division or a Member.
       - Highlight meritorious act of a Member.
2. Troop/Detail Commander:
   - Review BWC recording(s) to determine if a request should be forwarded for further consideration or disapproved.
3. Assistant Deputy Superintendent – UF:
   - Review BWC recording(s) to determine if a request should be forwarded for further consideration or disapproved.
   - Contact Division Counsel for legal considerations with BWC recording(s).
   - If approved, forward to First Deputy Superintendent.
   - Review final production from Division Multimedia Services Unit and then forward to Division Headquarters Public Information Office for dissemination.
4. First Deputy Superintendent:
   - Review BWC recording(s) to determine if a request should be approved or disapproved.
   - If approved, Assistant Deputy Superintendent will forward an approved request to Division Multimedia Services Unit.
5. Division Multimedia Services Unit:
   - Upon receipt of an approved request for BWC recording(s) for public release, produce videos and then forward final production to the Assistant Deputy Superintendent.
6. The public will not be allowed to review the BWC recordings while on scene.
7. Best efforts will be made to notify the recording Member when the Division releases BWC recordings to the media and/or for training purposes.

d. Unauthorized Use or Disclosure:

1. Division issued BWC's will only be used to capture or collect information for the purposes specifically authorized by this policy.
   - All other purposes are prohibited.
2. All Division personnel are prohibited from accessing, copying, or making secondary recordings (i.e., cell phone camera recording) of any BWC recording for any non-official purposes, which includes for personal or commercial purposes.
3. Any unauthorized access, use, or release of BWC recordings captured, duplicated, recorded, or otherwise produced is strictly prohibited.

Return to TOC

Article 28D: Duties

► 28D1 Supervisory and Administrative Duties

Effective:	04/23/25
Rescinds:	11/25/24 **version**

a. Division Administrator(s) or Designee:

Division will designate a Division Administrator to have oversight over the BWC program; their responsibilities will include, but are not limited to:

1. Define Security Settings.
2. Create custom roles and permissions.
3. Ensure proper procedures are followed.
4. Conduct periodic reviews of retained BWC recordings to ensure integrity of the system.
5. Coordinate with IT regarding system related issues.
6. Coordinate maintenance and repairs for the BWC.
7. Conduct annual review of the policy and procedures contained herein and for making recommendations for any necessary amendments.
8. Coordinate review of BWC recordings scheduled for destruction.

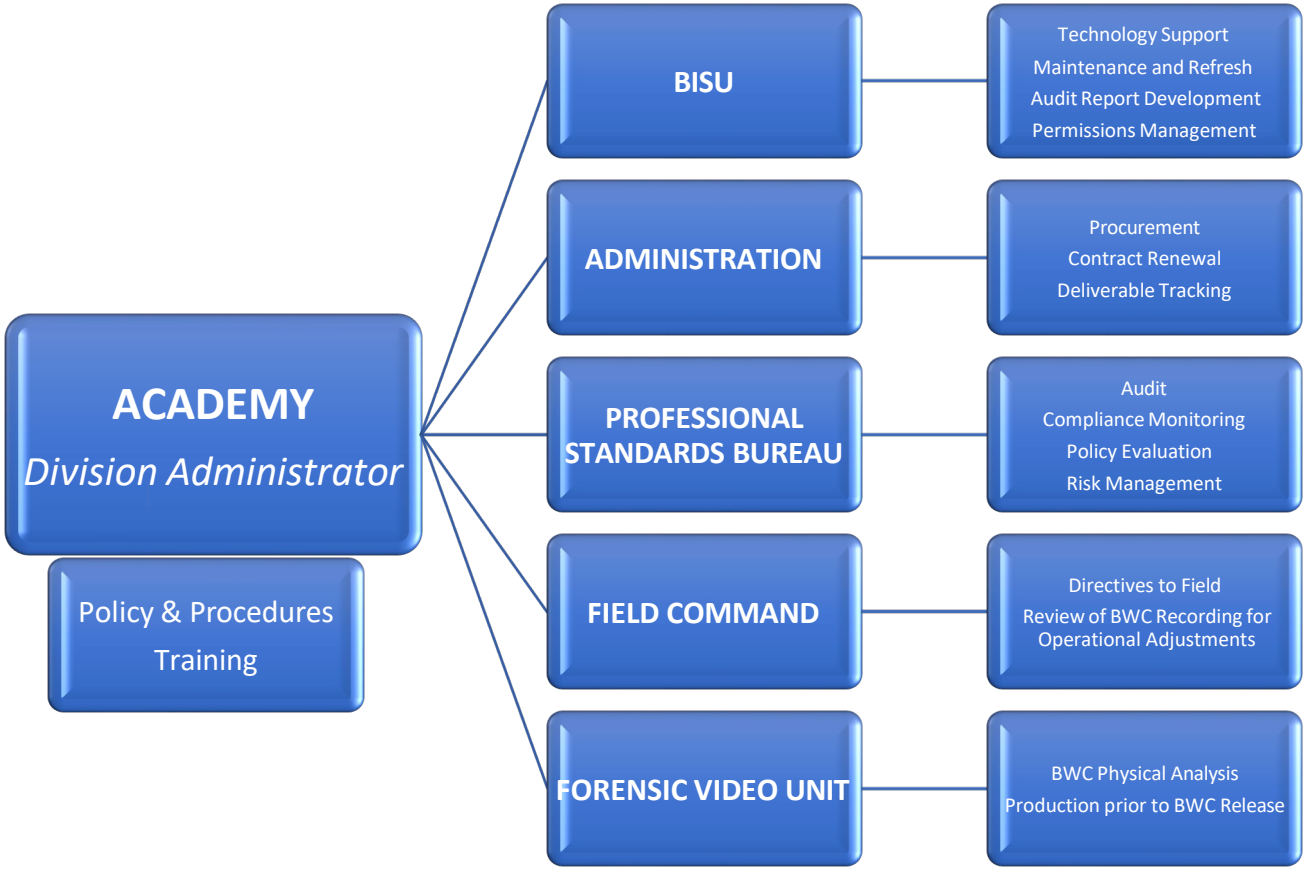
b. ► Supervisors:

1. Ensure Members in the field are recording events and activities as required.
2. Conduct investigations when a Member fails to record part of or an entire encounter.

   Refer: Administrative Report Writing Manual
3. Review BWC recordings as appropriate, provide feedback, and address any performance or tactical deficiencies observed.
4. ► Will monitor the Member's power cycling, categorization rates, and ID rate, addressing any issues as needed.

c. Superintendent:

1. Designates Division Administrator(s) within Division to act on their behalf.
2. The Superintendent or designee has final authority regarding duplication, redaction, release, and deletion of BWC recordings.

Return to TOC

Body Worn Camera Program – Division Workflow