



# ***FREEPORT POLICE DEPARTMENT***

## **GENERAL ORDER 5.20**

<b>ISSUED DATE: 03/16/2021</b>	<b>EFFECTIVE DATE: 03/16/2021</b>	<b>REVISES: 5.20</b>
<b>SUPERSEDES:</b>	<b>RE-EVALUATION DATE:</b>	<b>PAGE 1 of 4</b>
<b>SUBJECT: BODY-WORN CAMERAS</b>		
<b>DISTRIBUTION: TO ALL MEMBERS OF THE DEPARTMENT</b>		
<b>ISSUING AUTHORITY: MICHAEL J. SMITH, CHIEF OF POLICE</b>		

**Policy:** The policy of the Police Department is that officers shall activate the body-worn cameras (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.

**Purpose:** This policy is intended to provide officers with instructions on when and how to use BWC so that officers may reliably record their contacts with the public in accordance with the law.

**Scope:** All members of the Freeport Police Department

**Procedure:**

- A. **Administration:** This agency has adopted the use of BWC to accomplish several objectives. The primary objectives are as follows:
1. BWCs allow for accurate documentation of police-public contacts, arrests and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
  2. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.

3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

### **When and How to Use the BWC:**

1. Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, officers shall make every reasonable effort to activate their BWC prior to making contact in any of the following incidents:

a) Enforcement encounters where there is reasonable suspicion that the person is involved in criminal activity or violation of law. This includes, but is not limited to dispatched assignments, self-initiated activities, traffic stops or any other investigative or enforcement encounters.

b) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

(1) Officers may activate the BWC before or during any other incident at their discretion.

(2) An officer shall have the latitude to terminate the recording when there is no likelihood of force being used or anything else of evidentiary value occurring. It shall be deemed a violation of this policy for an officer to fail to activate the device or intentionally terminate a recording in order to commit a violation of law or department policy.

2. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as residence, they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (D.- 4)

3. Civilians shall not be allowed to review the recordings at the scene.

### **Procedures for BWC Use:**

1. All officers assigned to uniform mobile patrol, uniformed officers of special mobile units, plainclothes officers assigned to specialized units, and all sergeants will be assigned to use a BWC. Officers assigned to use a BWC must use the equipment as detailed unless otherwise authorized by a supervisor.

2. Police personnel shall use only the BWCs issued by the department. The BWC equipment and all data, images, video and metadata captured, recorded or otherwise produced by the equipment is the sole property of the Freeport Police Department.

3. Police personnel who are assigned BWCs must complete this department's provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment.
4. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
5. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Officers shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner BWC recordings without approval of the Chief of Police or his designee.
7. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
8. Officers shall dock their issued BWC for automated uploads at the end of their shifts.

**D. Restriction on Using the BWC:** BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the Chief of Police or his designee;
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities; or
4. In any location where an individuals have a reasonable expectation of privacy, such as a restroom or locker room.

**E. Storage:** Files shall be securely stored in accordance with New York State record retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution.

**F. Supervisory Responsibilities:** Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.

**G. Systems Administrator:** The System Administrator(s) are designated by the Chief of Police and have oversight responsibilities to include:

1. Operation and user administration of the system.

2. Training and evaluation.
3. Ensure that BWC files of evidentiary value are secured and retained.
4. Produce official copies for investigations and prosecution.
5. Storage of files

**BY ORDER OF:** \_\_\_\_\_  
**MICHAEL SMITH**  
**CHIEF OF POLICE**