



# TOWN OF MACEDON POLICE DEPARTMENT

<b>General Order:</b> 538	<b>Effective Date:</b> March 18, 2020
<b>Subject:</b> Body Worn Cameras	
<b>Reference Standards:</b> 8.5, 50.1, 51.2, 35.3	
<b>Rescinds:</b> O28 (08/04/15)	
Page 1 of 7	Attachments: None

## I. Purpose

- A. The purpose of this order is to provide officers with instructions on when and how to use and activate Body Worn Cameras (BWCs) so officers may reliably record their contacts with the public in accordance with departmental policy and the law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

## II. Definitions

- A. Police Related Activities: For the purposes of this General Order, police related activities are calls for service, including but not limited to:
1. Arrests
  2. Arraignments
  3. Prisoner transports
  4. Involuntary detentions pursuant to the NYS Mental Hygiene Law
  5. Vehicle pursuits
  6. Foot pursuits
  7. Street stops of persons
  8. Traffic stops of vehicles and bicycles
  9. Field interviews
  10. Any use of force
  11. Motor vehicle accident investigations

## III. Equipment

- A. All sworn personnel will be issued an assigned BWC, which will be identified by its serial number.
- B. A multi-port BWC docking station will be located in the Patrol Body Camera room.

#### **IV. Policy**

- A. Patrol Division personnel will wear their issued BWCs during their hours of employment and will store their BWCs in the assigned docking station when not being worn.
- B. Macedon Police Department officers will activate their BWCs when such use is appropriate in the proper performance of their official duties and consistent with this General Order.

#### **V. Objectives**

- A. The Macedon Police Department has adopted the use of BWCs 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 testimony in court. It should be noted that BWC's have limitations that should be considered when evaluating an event that is recorded in whole or in part.
  - 2. Audio and video recordings enhance the Macedon Police Department's ability to review the probable cause for arrest, the officer and suspect interaction, and the evidence for investigative and prosecutorial purposes. They also provide additional information regarding officer evaluation and training.
  - 3. BWCs may be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

#### **VI. Use of BWCs**

- A. Procedures for BWC use
  - 1. Macedon Police Department personnel who have been assigned a BWC must complete a departmentally approved training program to ensure the proper use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates or other revisions in policy and equipment.
  - 2. Macedon Police Department personnel will only use the BWC issued by the Macedon Police Department.
  - 3. The BWC equipment is the responsibility of the officer and will be used with

reasonable care to ensure proper functioning. Equipment malfunctions will be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.

4. Officers will inspect and test the BWC prior to each shift to verify that it is charged, functioning properly, and does not contain data from a prior shift. Officers will notify their supervisor of any problems with a BWC.
5. Officers will affix the BWC to the outermost garment of their uniform in the center of their torso, and in accordance with training. The department will provide suitable equipment to secure the camera to an officer's designated clothing.
6. When officers activate their BWCs, they should do so as soon as it is safe and practical, preferably after being dispatched to a call and prior to exiting their police vehicle. Officers will record all contact with persons in the course of performing police related activities, until the completion of the incident, or upon deciding to end the recording in accordance with the provisions of this General Order.
7. Officers should, but are not required to, inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, the citizen may decline to be recorded upon mutual agreement with the officer, unless the recording is being made pursuant to an investigation, arrest, or search of the residence of the individual. Officers will document these non-recorded situations in any report they complete about the contact.

#### B. Mandatory use of the BWC

1. Officers will activate the BWC immediately upon engaging in any police related activity that occurs while the officer is on duty, unless:
  - a) There is an immediate threat to the officer's safety.
  - b) Turning on the BWC would be impracticable and/ or would place the officer in a tactical disadvantage.
  - c) Activating the BWC could delay an officer's response to the safety needs of a citizen or a fellow officer.
  - d) The BWC malfunctions during activation.
2. If an officer cannot immediately activate his/her BWC due to one of the exceptions listed in subsections a, b, or c above, the officer will activate his/her BWC as soon as it is reasonably safe and practical to do so.
3. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer will document the reason why in any report they complete about the incident.

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### C. Optional use of the BWC

1. Unless a mandatory use event arises, officers will not be required to activate their BWCs, but may do so for legitimate law enforcement purposes, during the following situations:
  - a) While driving or riding during routine patrol.
  - b) While at a traffic point, unless a negative citizen interaction occurs.
  - c) While completing a directed patrol, special attention, or house check.
  - d) While completing paperwork in the police vehicle or at the police department when not in the direct presence of civilians.
  - e) While conducting a neighborhood canvass.
  - f) While conducting parking enforcement with no civilians directly present.
  - g) While at community related events or meetings.
  - h) While attending government agency meetings.
  - i) While transporting civilians.
  - j) While performing walk-up requests for information or assistance, such as directions.

### D. Mute Feature

1. Personnel are authorized to utilize the mute feature when they are engaged in conversation with a co-worker, supervisor, or other police personnel if the conversation contains sensitive or personal information not related to the call for service, the conversation is procedural in subject matter, or it would reveal covert police tactics or methodology.

### E. Citizen request to record

1. If a citizen requests that his/her interaction with the police be recorded, the officers involved will comply with such request unless it is otherwise prohibited under this General Order.

### F. Restrictions on the use of BWCs

1. BWCs may only be used in conjunction with official law enforcement duties.
2. Officers may only possess the BWC, associated equipment or accessories while off-duty with permission from the Chief of Police, or his/her designee, and only for a specified purpose related to law enforcement duties.
3. Officers will not record with BWCs while in patient care areas of a health care

facility, unless the patient becomes adversarial with the officer or the officer is engaged in police related activities, such as Mental Health Arrests/calls for service. If so, the officer will record for law enforcement purposes only, and will attempt to avoid recording any patient/doctor conversations, or discussions with attorneys, peer support counselors, doctors, or other medical or legal personnel. If any protected conversations are recorded, the officer will note this in the report for future video redaction.

4. Officers may not use the BWC to record in the following situations unless there is an immediate law enforcement need, or they are directed by supervisory personnel:
  - a) During encounters with undercover officers or confidential informants.
  - b) During covert or undercover operations.
  - c) At victim support or advocacy agencies.
  - d) During training Macedon Police Department personnel receive or take part in that does not require the use of the BWC unless with approval of the lead instructor.
  - e) When victims or witnesses are reluctant to provide testimony while the officer's BWC is recording. Officers will document these situations in any report they complete about the contact.

#### G. Prohibited use of BWCs

1. Officers may not use BWCs to record:
  - a) Strip searches.
  - b) Cavity searches.
  - c) Internal investigation proceedings.
  - d) Communications with other police personnel, including but not limited to roll-call briefings and supervisory counseling sessions.
  - e) In courts during official judicial proceedings, when not accompanying an in-custody prisoner.
  - f) During meetings with judges or prosecutors.
  - g) Inside law enforcement facilities such as police stations, a jail or a booking facility, unless accompanying or retrieving an in-custody prisoner.
  - h) In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room, unless the officer is responding to such location as a call for service or investigation.

- i) Personal activity.

## **VII. Officer responsibilities**

- A. Officers will note in all incident, arrest, and related reports when recordings were made by a BWC during the incident. BWC recordings are not a replacement for written reports.
- B. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

## **VIII. Supervisory responsibilities**

- 1. Macedon Police Department supervisory personnel will ensure that officers equipped with BWC devices utilize the BWCs in accordance with policy and procedures defined herein.
- 2. The Road Patrol Sergeant and Administrative Sergeant will perform a random review of BWC recordings on a monthly basis to ensure that the equipment is operating properly, and that officers are using the devices appropriately and in accordance with policy. This will help to identify any areas in which additional training or guidance is required.
- 3. Absent a legitimate purpose, BWC videos will not be reviewed solely to search for misconduct.

## **IX. Storage of recordings**

- 1. All recordings will be securely downloaded to Evidence.com via the docking station at the completion of each shift. Each recording must contain information related to date, unique identifier, category and assigned officer.
- 2. Officers will not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without the prior written authorization and approval of the Chief of Police, or his/her designee. (This does not include the addition of notes, markers, or clips) All digital media collected by BWCs is the sole and exclusive property of the Macedon Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
- 3. All access to BWC files must be specifically authorized by the Chief of Police, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes. The Road Patrol Sergeant and Administrative Sergeant will conduct random audits to ensure compliance.
- 4. Recordings will be securely stored in accordance with current department policies and in accordance with New York State Records Retention laws (New York State Education Law MU-1), and for no longer than useful for purposes of training or for use in an investigation or prosecution.

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**X. Evidentiary procedures**

1. When an arrest or investigation is recorded on a BWC, written documentation noting such will be included in the Standard Incident Report and on the District Attorney's checklist.

**XI. Viewing or release of recordings**

1. The Chief of Police, or his/her designee may only authorize the release or viewing of recordings captured by BWCs to non-department personnel pursuant to the provisions of applicable New York State laws.

By Order of the Chief of Police:

*John P. Colella*

John P. Colella (Apr 11, 2021 12:59 EDT)

John P. Colella

Dated this 18th day of March, 2020