

Body-Worn Camera Model Policy

June 2025



**Municipal Police
Training Council**

New York State Division of Criminal Justice Services
80 South Swan Street, Albany, New York 12210

www.criminaljustice.ny.gov



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THE 2025 EDITION IS PUBLISHED BY THE:

New York State Division of Criminal Justice Services
Office of Public Safety
80 South Swan Street
Albany, New York 12210

<http://www.criminaljustice.ny.gov>

VERSION June 2025

PRINTED IN THE UNITED STATES OF AMERICA

Body-Worn Camera Model Policy

The Body-Worn Camera Model Policy is intended to allow for the individual needs of each of the police departments in New York State regardless of size or resource limitations. Law Enforcement are encouraged to customize these protocols to meet their regional needs, while being mindful of the intent of the policy. As with all model policies adopted by the Municipal Police Training Council (MPTC), this policy is non-binding upon agencies within New York State and is meant to serve as a guide to be used in developing a department's individual policy.

The Municipal Police Training Council (MPTC) approved an updated version of the model policy in June 2025.

Acknowledgements

The New York State Division of Criminal Justice Services (DCJS) acknowledges the extensive work done by the following associations and agencies:

New York State Sheriff's Association

New York State Police

District Attorneys Association of the State of New York

New York City Police Department

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I Purpose

The purpose of this policy is to serve as a guideline to be utilized by agencies when developing body-worn camera policies and procedures. This policy is intended to allow for the individual needs of each of the police agencies in New York State regardless of size or resource limitations. Law Enforcement agencies are encouraged to customize these protocols to meet their agency's needs, while being mindful of the intent of the policy.

II Policy

It is anticipated that this policy will provide agencies and officers with guidelines on recording, storing, retaining, sharing, releasing and maintaining data from a body worn camera which are used to document an officer's enforcement related activities. Body-worn cameras will also assist in gathering evidence, promoting transparency and providing an objective record of an incident. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III Definitions

- A. **Body-Worn Cameras (BWC)** - Small video cameras, typically attached to an officer's clothing, helmet, or sunglasses that maximizes the camera's ability to capture video and audio data of the officer's law enforcement related activities.
- B. **Agency Administrator** - An agency administrator has full access to and user rights within the data storage system. They can assign and track equipment, control passwords, oversee needed repairs, delete non-evidentiary recordings, conduct audits and quality control reviews, and act as a liaison with BWC representatives.
- C. **Law Enforcement Related Activity** – Any police service, as well as law enforcement or investigative activity conducted in furtherance of official duties. Enforcement related activity includes responding to calls for service, addressing quality of life conditions, handling pick-up assignments and any self-initiated investigative or enforcement actions such as witness canvasses, vehicle stops and Investigative Encounters. Routine consensual conversations with members of the public carried out as part of community engagement efforts are not considered police action under this section.

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- D. **Video Recall** – A feature available on some body-worn cameras – if activated and specific to agency configurations – which allows users to retrieve video footage from a period before the camera was manually activated, typically up to a few hours, to capture events that might have been missed.
1. Pre-Event Buffering Mode begins when a BWC is activated. The buffered video captured directly before the activation, between 30-120 seconds, will be saved and attached to the recording.
 2. Audio may or may not be recorded in both pre-event buffering mode or during video recall footage based on agency configuration.

IV Devices

- A. Body-worn cameras shall be worn by officers in a manner that maximizes the camera's ability to capture video footage of the officer's activities.
- B. Police personnel shall only use BWCs issued or approved by the agency.
- C. Body-worn cameras shall be worn with the power on.

V Recording

- A. When to activate the body-worn camera:
 1. Officers should be required to activate their BWC audio and video functions prior to engaging in an enforcement related activity that occurs while the officer is on duty, unless:
 - a. There is an immediate threat to the officer's safety;
 - b. Activation of the body worn camera would be impracticable and place the officer in a tactical disadvantage;
 - c. When activating the BWC could delay an officer's response to the safety needs of a citizen during a critical incident;
 - d. Inside a Court Facility¹; or
 - e. During the course of activation the BWC malfunctions.

¹ See 22 NYCRR 29.1 Electronic Recording and Audio-Visual Coverage in Court Facilities and of Court Proceedings

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2. If an officer does not activate the BWC due to one of the referenced situations, once it becomes safe to do so, the officer should activate the BWC.
3. Officers should document in all reports, the presence of video captured by a BWC during the course of any enforcement related activity, regardless of whether the footage is of evidentiary value or not.

B. Discretionary recording

1. Officers shall have the latitude to discontinue recording in situations when there is a legitimate law enforcement interest and/or an interest in protecting an individual's privacy. Situations to include, but not limited to:
 - a. Conversations with confidential informants and undercover officers;
 - b. Conversations with all law enforcement personnel that involve case tactics or strategy;
 - c. Places such as, but not limited to, locker rooms and restrooms;
 - d. A potential witness who requests to speak to an officer confidentially or desires anonymity;
 - e. A victim or witness who requests that he or she not be recorded and the situation is not confrontational;
 - f. When explosive devices are present, radio waves of the BWC could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present;
 - g. Officers should attempt to avoid recording people who are nude or when sensitive human areas are exposed unless considerations are outweighed by a legitimate law enforcement interest.
2. Notification and documentation of discretionary deactivation of recording

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- a. If a BWC has been activated and during the course of an enforcement related activity the legitimate law enforcement interest for recording no longer outweighs an individual's privacy, the officer shall document either in writing or verbally on camera the reason for deactivating.
- b. Whenever a BWC is deactivated due to a privacy concern that outweighs a legitimate law enforcement interest, the officer deactivating the camera shall notify their shift supervisor upon completion of enforcement related activity of such deactivation. The timely notification will ensure the video recall footage is not overwritten prior to supervisory review.
- c. The supervisor will review the deactivation and determine whether the deactivated portion of the video captured by the video recall feature will be retained within the agencies BWC storage, if applicable.

C. Recording Statements

1. Proper documentation shall be made anytime the BWC captures a video statement from a suspect. The video statement shall not take the place of a written statement where applicable.
2. BWC's should not be used when conducting interviews in an interview room when a video recording system is operational and has been activated²
3. Documentation to include:
 - a. All required and relevant agency reports; and
 - b. CPL 710.30 form, when necessary. Failure to notify the prosecutor of the recorded interview could prevent its use in court.

D. Victims of Sexual Assault or Intimate Partner Violence (IPV)

1. Victim's needs, particularly survivors of sensitive case types like sexual assault and IPV, warrant consideration when utilizing a body-worn camera.

² [MPTC Model Policy on Recording of Custodial Interrogation](#)

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2. When handling such cases, where possible:
 - a. Officers will consider requests from victims not to be recorded in non-confrontational situations and recognize that the use of body cameras may impact a victim's willingness to provide information. If the request cannot be fulfilled, officers shall explain reasoning to the victim.
 - b. Requests to deactivate or end recordings by victims should be documented on camera prior to deactivation for the record.
3. Documentation and Supervisory Notification
 - a. If an officer does not activate, or the BWC malfunctions, the officer will articulate in written report:
 - (i) Why a recording was not made; and/or
 - (ii) Why a recording was interrupted.

E. Supervisory Notification

1. The officer shall notify their supervisor upon completion of enforcement related activity and include in an incident report that the BWC was not activated, or malfunction of a camera occurred during an incident of legitimate law enforcement interest.
2. The supervisor will review all necessary documentation when an officer does not record an incident and if available, utilize video recall to review said incident. If necessary, supervisor shall retain video recall footage in accordance with the agency retention policies and procedures.

VI Storage and Retention

A. Downloading procedures

1. When practicable, data shall be downloaded in accordance with current procedure for storing digital files. Downloads should occur at the end of the officer's shift, or any time the BWC storage capacity is nearing its limit, whichever is first.
2. Each agency, in coordination with the district attorney's office, shall

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establish a system to classify data based upon the type of event or incident captured in the recording.

3. All BWC data – including video recall – that is related to a legitimate law enforcement interest, should be considered digital evidence and processed in accordance with departmental policy.
4. Each data file will include searchable information including but not limited to date and time the video was captured; incident number, if applicable; and BWC identifier of assigned officer.
5. Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a confrontational citizen contact), the officer should promptly notify a supervisor of the existence of the recording.

B. Measures to prevent data tampering

1. All video, audio and data captured by the BWC, irrespective of the content, are at all times the property of the individual agency. Officers may not copy, publish, share or disseminate any audio, video, image or data to anyone except as authorized. Furthermore, officers may not edit, delete or alter any video or audio captured by the BWC.
2. An audit system that monitors who accesses recorded data, when and for what purpose shall be instituted.
3. When a law enforcement agency authorizes a third-party to act as its agent in maintaining body worn camera footage, the agent shall not be permitted to independently access, delete, view or alter any video footage without the express written consent of the agency administrator or agency head.

C. Retention schedule:

1. Agencies retention schedules shall be in compliance with the minimum standards required by the New York State Archives. This shall include the minimum retention dates as follows.³
 - a. Evidentiary data shall be retained for a minimum of 6

³ New York State Archives local government retention and disposition schedule (CO-2, MU-1 and MI-1) require law enforcement data captured from a mobile recording device be retained for a minimum of six months regardless of whether or not the data is evidentiary or non-evidentiary.

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months.

- (i) If a determination is made that video data has evidentiary value in an on-going investigation, court proceeding or appeals process, the data shall be retained through the pendency of the case.
- (ii) The established retention schedule can be extended beyond the 6-month minimum as necessary.

b. Non-evidentiary data shall be retained for a minimum of 6 months.

- 2. Any BWC data determined to have value in long term investigative, administrative or civil proceedings should be appraised for archiving in accordance with applicable statutory timeframes.
- 3. If no extension of video data retention is required, the recordings may be destroyed in accordance with the agency's retention procedures and with approval from the agency administrator.
- 4. If recording is deemed to be useful as a training tool, the recording may be kept for as long as practicable.

VII Access

A. Permitted review of footage

- 1. Officers will be permitted to review only video footage of an incident in which they were involved for purposes of:
 - a. Conducting a criminal investigation;
 - b. Preparing for courtroom testimony or courtroom presentation;
 - c. Providing testimony pursuant to an administrative inquiry; and
 - d. Assisting the officer in professional development.
 - e. Preparing or completing relevant reports and forms
- 2. In addition to the permitted access listed in Section 1, supervisors

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may also review recordings as it pertains to:

- a. Investigating alleged misconduct reports or meritorious conduct;
 - b. Whenever such recordings would be beneficial in reviewing an officer's performance; and
 - c. Recordings that are of value as training tools;
3. Prosecutors will be permitted to review video footage as it pertains to their investigations or cases.

B. Review of data

1. Supervisory Review

- a. Supervisors should review any data that has been flagged by an officer or any data that the supervisor is aware of that contains a law enforcement related activity.
 - b. Supervisors should periodically review their officer's footage following agency specific protocol. Reviews should include a variety of event type, event origins, and involved officers to ensure officer compliance with the agency BWC policy.
 - c. Supervisors shall review and determine if there should be any authorized deletion of footage captured accidentally in private settings, such as restrooms and locker rooms, to ensure privacy and accountability.
2. Agencies should conduct periodic audits of BWC footage usage, data access logs, and policy compliance, including supervisor and administrative reviews.

C. Use of Artificial Intelligence Report Writing

1. All policies and procedures regarding the use of artificial intelligence for the drafting of reports will be done in consultation with the agency's local District Attorney's Office.
2. Officers will follow agency policy and procedures when utilizing artificial intelligence to assist in drafting reports.

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- D. Public disclosure of data
 - 1. Any and all disclosure of BWC data must be consistent with the agency's record release policy and applicable statutes regarding, but not limited to, evidence discovery and disclosure pursuant to the Freedom of Information Law (FOIL). Any requests for such data should be reviewed by the agency's legal advisor.
 - 2. When BWC data is disseminated outside of the agency, the reason and identity of the authorized requesting person or agency and the rationale used for determining why or why not data is released, shall be documented.
 - 3. Civilians shall not be allowed to review the recordings at any scene.
 - 4. Agencies should have procedures in place to provide their local district attorney's office BWC footage of potential evidentiary value, including video recall footage, related to the subject matter of the case.
- E. Unauthorized access or release of data is prohibited outside the permitted review of footage

VIII Maintenance

- A. Inspection of the equipment at start of shift
 - 1. Officers shall inspect BWC prior to each shift to verify proper functioning and shall notify their supervisor of any problems.
 - 2. Officers shall ensure the unit is properly charged before going into service.
- B. Device log and notification procedures
 - 1. Documentation shall be maintained by each agency to identify which BWC is assigned to each officer per shift.
 - 2. Necessary documentation and supervisory notification shall be made if at any time during an officer's shift when a functioning BWC is not available for use.
- C. Equipment malfunction procedures

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1. When equipment is inoperable, it should be exchanged for operable equipment at the earliest opportunity.
 2. Officer will leave written notification for the agency administrator at the end of his or her shift of any equipment malfunctions.
- D. Agency administrator duties:
1. Agencies shall designate an agency administrator to have oversight of responsibilities to include, but not limited to:
 - a. Ensuring proper procedures are followed in the downloading, review, release and retention of BWC data;
 - b. Conducting periodic reviews of retained video data to ensure it has not been tampered with;
 - c. Coordinating with IT regarding system related issues;
 - d. Coordinating maintenance and repairs for the BWC;
 - e. Conducting periodic review of the policy and procedures contained herein and for making recommendations for any necessary amendments thereto; and
 - f. Coordinating review of videos scheduled for destruction.
 - g. Coordinating and serving as a liaison to the local District Attorney's Office for BWC related matters, including notification of any change in assigned agency administrator.

IX Training

- A. All sworn agency personnel shall receive training to include but not limited to activation, deactivation; upload procedures; proper maintenance, available features and the agencies policy and procedures on covered practices of a BWC.
- B. All sworn personnel should be thoroughly familiar with their agency's BWC procedures before deploying the equipment to ensure proper usage, compliance with policy, and to maintain public trust.

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- C. All sworn personnel should receive periodic review of the procedures and be informed of any updates to the agency's BWC policy and procedures.
- D. Agencies may consider using BWC footage as a training tool to provide real-life examples that enhance officer's skills, decision-making, and understanding of proper procedures. However, footage linked to an active case should not be used until the case has been resolved.