



OPERATIONS ORDER

SUBJECT: PUBLIC RELEASE OF BODY-WORN CAMERA (BWC) FOOTAGE OF CRITICAL INCIDENTS	
DATE ISSUED:	NUMBER:
10-18-19	46

1. The Department's policy regarding the public release of Body-Worn Camera (BWC) footage of a critical incident enhances Departmental transparency, while balancing privacy concerns and the need to comply with federal, state and local public disclosure laws.
2. For the purpose of this directive, a critical incident is any incident in which the following criteria is met:
 - a. Use of force by one or more officers that results in death or serious physical injury to another, and/or
 - b. Any incident which the Police Commissioner determines the release of BWC footage will address vast public attention, or concern, or will help enforce the law, preserve peace, and/or maintain public order.
3. In the event that a federal and/or state prosecuting authority opens an official investigation into a critical incident, the Department will share all relevant BWC footage with the prosecuting authority within 24 hours of the Department being notified of the investigation. In addition, the Department will decide when to publicly release BWC footage of a critical incident within 30 calendar days, excluding any non-disclosure period(s), provided that the force investigation review is completed. The Department will release representative samples of the BWC video(s) depicting the critical incident, as well as, any salient events leading up to the event. Extraneous and/or redundant material may be omitted. The footage will be redacted (e.g., faces of involved individuals will be blurred, etc.), as appropriate, prior to being released to the public. Unedited footage of a critical incident will be maintained, and released, to an appropriate investigating authority upon request.
4. Furthermore, the following notifications are to be made by the Department at least 24 hours prior to the release of BWC footage of a critical incident, when possible, to:
 - a. Civilian subject(s) of police action, or next of kin, if deceased, or parent/guardian, if subject is a juvenile,
 - b. Legal counsel representing subject,
 - c. Uniformed members of the service readily identifiable,
 - d. Bureau/borough, and/or unit commanders,
 - e. Police unions, as appropriate, and
 - f. Other official agencies involved in such incident or investigation other than the prosecuting authority.
5. The Department will notify the prosecuting authority 7 calendar days prior to releasing BWC footage of a critical incident to the public, except when the Police Commissioner determines that exigent circumstances require a shorter time period for such release (e.g., in order to maintain public safety, preserve the peace, etc.). Notice will be provided to the prosecuting authority 24 hours prior to releasing BWC footage of a critical incident to the public, if possible. The release of BWC footage of a critical incident may occur at either a news conference, or media availability session, with a subject matter expert and an executive from the Office of the Deputy Commissioner, Public Information present to provide context and a chronology of the event. BWC footage will not be released for commercial, non-law enforcement, or non-journalistic purposes.

6. Prior to the release of BWC footage, consideration will be given to privacy rights, including an assessment of whether BWC footage depicts:

- a. The interior of residences and other places where there is a reasonable expectation of privacy,
- b. Intimate images,
- c. Images of a member of the service or private citizen receiving medical attention,
- d. Images of a serious physical injury or a deceased individual, and/or
- e. The location of a domestic violence program.

7. Any public release of BWC footage may be delayed, redacted, or in some cases, the Department may forego public release, in order to:

- a. Comply with federal, state, or local law governing disclosure of records or existing Department procedures,
- b. Protect confidential sources and witnesses,
- c. Protect a person's right to a fair trial,
- d. Protect the identity of victims of sex crimes, domestic violence and juveniles,
- e. Protect the privacy, life or safety of any person, and/or
- f. Avoid undue trauma due to explicit or graphic content.

In the interests of transparency, BWC footage of a critical incident may be shared without redaction with the media, subject to the considerations listed in steps "6" and "7" above.

8. The prosecuting authority may request, in writing, up to 30 additional days before the Department releases critical incident BWC footage to the public. In its request, the prosecuting authority should explain, with specificity, how deviating from the standard timeframe for disclosure is necessary to further the administration of justice. The prosecuting authority's request for an extension will be carefully considered by the Department, with the final decision to release BWC footage rendered by the Police Commissioner. In addition, each request by the prosecuting authority seeking additional days prior to the Department's public release of critical incident BWC footage, should be made in writing, in accordance with the guidelines outlined in this procedure.

9. Commanding officers will ensure that the contents of this Order are brought to the attention of members of their commands.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION
All Commands