**Resolution #3-2025: Body Worn Camera Policy**

**Village of Middleburgh Board of Trustees**

**Nulla. Preamble**

Upon the recommendation of the Schoharie County Sheriff’s Office, the Village of Middleburgh has purchased two body cameras for selected personnel (the Village Personnel) in the Constabulary Department and the Department of Public Works (“DPW”), including its Personnel engaged in Parking and Traffic Enforcement. The Board of Trustees of the Village of Middleburgh adopts this resolution in order to facilitate the documentation of confrontational incidents that Village Personnel may be exposed to in the course of their duties to the Village

**I. Purpose**

The purpose of this Body Worn Camera Policy (BWCP) is to establish guidelines for the use of body worn cameras by Village Constabulary and certain Department of Public Works personnel.

**II. Policy**

This policy will provide the above-mentioned Village Departments and certain personnel with guidelines on recording, storing, retaining, releasing and maintaining data from a body worn camera which are used to document an employee’s parking, traffic, and water enforcement related activities. Body-worn cameras will also assist in promoting transparency and providing an objective record of any confrontational incident.

**III. Definitions**

**A.** **“Body-Worn Cameras”** (BWC) – Small video cameras, typically attached to an employee’s clothing, helmet, or sunglasses that maximize the ability to capture video and audio data of potentially confrontational situations encountered by Village personnel.

**B.** “**Village Administrator**” – The Village Administrator assigned by the Mayor to have full access to and user rights within the date storage system. He or she 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 users.

**C.** “**Enforcement Related Activity”** – Situations during an employee’s official duties that include, but are not limited to:

**1**. Parking Enforcement;

**2**. Traffic Enforcement;

**3**. Water Meter Installation; and

**4.** Potentially confrontational citizen contacts.

**IV. Devices**

**A.** Body-worn cameras shall be worn by Village personnel in a manner that maximizes the camera’s ability to capture video footage of the employee’s activities during confrontational Enforcement Related Activities.

**B.** Village personnel shall only use BWCs issued or approved by the Village Board of Trustees.

**C.** All Village personnel who will use or otherwise be involved with BWCs shall receive training to include, but not limited to: activation; deactivation; upload procedures; proper maintenance; and the agencies policy and procedures on covered practices of a BWC.

**V. Recording**

**A.** When Village Personnel are required to activate body-worn camera:

**1**. Village Constabulary and Department of Public Works Personnel shall be required to activate their BWC audio and video functions upon engaging in any Parking and Traffic Enforcement activities when the employee reasonably feels exposed to the possibility of a confrontation, including but not limited to:

**a.** At controlled highway crosswalks during arrival and dismissal at the Middleburgh Central School District Elementary and High Schools;

**b.** Issuance of any and all parking tickets and warnings as well as parking meter collections/repair.

**2.** Village Personnel shall document in all incident reports, the presence of video captured by a BWC.

 **B.** Discretionary recording:

**1**. Village Personnel shall have the latitude to record in situations where:

**a**. They are installing Village owned water meters in a resident’s private property where the resident has been reluctant to permit access;

**b**. They are interacting with residents who have a history of engaging with Village Personnel in a confrontational or harassing manner.

**c**. They are engaging in the routine duties required of Village Personnel, so long as recording is authorized in writing by direct supervisors and the Village Mayor.

**2**. Village Personnel shall be prohibited from using BWC for any purpose or any situation not listed.

 **C.** Deactivation of recording:

 **1.** Village Personnel shall have the discretion to terminate the recording when the enforcement related activity has concluded. Village Personnel should state on the recording the reason they are terminating any recording

**VI. Storage & Retention**

 **A.** Downloading procedures

**1.** Downloads shall occur once per week on a regular schedule, or any time the BWC storage capacity is nearing its limit.

**2.** Each data file will include searchable information including, but not limited to: date and time the video was captured; and BWC identifier of assigned Village Personnel.

**3.** Any time Village Personnel reasonable believes a recorded contact may be beneficial in a non-criminal matter (e.g., a confrontational citizen contact), Village Personnel should promptly notify their 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 Village of Middleburgh. Village Personnel may not copy, publish, share or disseminate any audio, video, image or data to anyone except as authorized. Furthermore, Village Personnel may not edit, delete or alter any video or audio captured by the BWC, except that the Village Clerk or Deputy Clerk may edit a copy of BWC audio or video that will be conveyed to one or more persons outside the Village, for example in response to a request under New York’s Freedom of Information Law (FOIL).

**2.** An audit system that monitors who accesses recorded data, when and for what purpose shall be instituted.

 **C.** Retention schedule

 **1.** Data shall be retained for a minimum of six months.

**2.** Any BWC data determined to have value in long term 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 shall be destroyed in accordance with the Village of Middleburgh’s retention procedures and with approval from the Village Administrator.

**4.** If a 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.** Village Personnel will be permitted to review only video footage of an incident in which they were involved and only for purposes of:

**a.** Filing a report to the Schoharie County Sheriff’s Office or New York State Police;

**b.** Filing a report to the Village of Middleburgh Personnel Committee;

**c.** Providing testimony pursuant to an administrative inquiry; and

**d.** Assisting Village Personnel in professional development.

**2.** In addition to the permitted access in Section 1, supervisors may also review recordings as it pertains to:

 **a.** Investigating alleged misconduct reports or conduct in confrontational settings;

 **b.** Whenever such recordings would be beneficial in reviewing Village Personnel’s

performance; and

**c.** Recordings that are of value as training tools;

**3.** Local law enforcement will be permitted to review video footage as it pertains to their investigations.

**4.** Review of footage is permitted it if is otherwise required by applicable law, regulation or order of a court or administrative agency.

  **B.** Public disclosure of recordings and data related thereto (collectively, “BWC Data)

**1.** Any and all disclosure of BWC Data must be consistent with the Village of Middleburgh’s record release policy and applicable statutes regarding release, including but not limited to, the Village Employee Handbook and disclosure pursuant to New York Freedom of Information Law (FOIL). Any disclosure pursuant to FOIL shall take due regard of the potential for an unnecessary and unwarranted violation of privacy by any disclosure. Any requests for such data should be reviewed by the Village Attorney.

**2.** Upon resolution of any request for disclosure of BWC Data to persons not otherwise authorized to receive such BWC Data under this policy, the reason and identity of the authorized requesting person or the department 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.

 **C.** Unauthorized use:

**1.** Unauthorized access or release of data is prohibited outside the permitted review of footage detailed in Section A.

**VIII. Maintenance**

 **A**. Inspection of the equipment at start of shift

**1.** Village Personnel shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.

**2.** Village Personnel shall ensure the unit is properly charged before going into service.

 **B.** Equipment malfunction procedures

**1.** When equipment is inoperable or malfunctions, the Village Administrator shall be notified.

 **C.** Village Administrator duties:

**1.** The Village Board of Trustees delegates to the Village Administrator all oversight of responsibilities pertaining to BWCs, including, 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 annual 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.

**2.** If and when the Village has a designated Commissioner of Technology, they shall assist the Village Administrator in the aforementioned oversight responsibilities.

**IX. Effect**

**A.** The use of BWCs shall be approved for a trial period of six months, effective immediately upon adoption of this policy by the Village of Middleburgh Board of Trustees.

**B**. Continuation of this policy and BWC usage shall be contingent upon reapproval by the Village of Middleburgh Board of Trustees at the September 2025 Regular Village Board Meeting.