



LAW ENFORCEMENT BULLETIN



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Critical Considerations for Law Enforcement in Light of the Prevalence of Firefighter Helmet Cameras

Law enforcement leaders should be aware of the growing prevalence of cameras that are often affixed to firefighters' helmets or other gear. These cameras are often referred to as "Fire Cams" or "Helmet Cams."¹ Although the governance regarding the use of such video equipment likely does not fall within the responsibility of the law enforcement leader, there are numerous considerations that police agencies may wish to evaluate. Additionally, police leaders may benefit from collaborating with their local fire service leaders to ensure they know the potential evidentiary value that could be captured on these devices.

Unlike law enforcement body-worn cameras, there are minimal laws or regulations governing firefighter camera deployment, activation, de-activation, storage, and retention. Often, such policies and regulations are left to the individual fire department's leadership. Some departments have banned their use, others have implemented strong policy guidance by developing protocols that are designed to assist with training efforts, and others have not issued any rules at all.² Many of the cameras worn by firefighters are owned by individual firefighters. The retention, use, and distribution of these recordings may become evidence in criminal and civil litigation, and this data that was stored will become a matter of concern for the individual and the department.

The impact of video or audio of police activity captured on a camera affixed to a firefighter may have significant implications for law enforcement. Law enforcement leaders should consider the following recommendations:

1. Collaborate with local fire department leadership to learn whether local firefighters are equipped with such cameras. Additionally, form an understanding that if firefighters are not currently utilizing such cameras but later begin to do so, that the police department is notified of the change of policy.
2. Determine if any past incidents involving a police response have been captured on a firefighter's camera. Determine if the recording is of evidentiary value, relevant to an internal affairs investigation, or could be used as a training tool to keep officers out of the [Early Warning System](#). Public trust in the local police could be compromised if it's later learned that valuable evidence of a crime or an internal affairs investigation was captured on a camera by a firefighter and never retrieved or reviewed by the police. Although the lack of collection of such footage may have been an oversight, the public may believe it was intentionally overlooked.
3. Educate and train officers that firefighters may be equipped with a camera, and such training should minimally include:

- a) Ensure that officers, especially those responsible for criminal and internal affairs investigations, are aware of the possible presence of video footage obtained by firefighters and include the canvassing for such video evidence as an integral part of their investigative strategy. Investigators should be aware that although the specific fire department in their community may not have firefighters equipped with a firefighter camera, firefighters from mutual aid departments may be equipped with cameras.
- b) The [N.J. Attorney General’s Body-Worn Camera Policy](#) provisions likely do not apply to firefighters equipped with a camera. Specific training and discussion regarding Section 6 of N.J. Body Worn Camera Policy (De-Activation) is recommended as officers may be permitted to de-activate their body-worn cameras for strategic planning purposes, but a firefighter who is part of the conversation or within listening distance may not be required to de-activate. Additionally, the many other permitted criteria for de-activation may likely not apply to firefighters, such as situations where medical assistance is provided or when a civilian requests de-activation.
- c) Utilize this training opportunity to remind officers of [Cathy’s Law](#), which specifies restrictions of images and recordings at motor vehicle accidents and other emergency scenes. When collaborating on this critical issue, law enforcement leaders may wish to remind fire department leaders of this law.

Law enforcement leaders should consult with their municipal attorney to determine if any specific actions may be needed to further govern this issue or foster collaboration with fire departments in their community, especially those that fall under the jurisdiction of their local government.

Beneficial resources:

[Privacy Questioned as Firefighters Embrace Helmet Cameras](#)

[Helmet Cams and Risky Behaviors](#)

[SF Fire Department to Re-visit Ban on Firefighter Helmet Cameras](#)

[Helmet Cameras Officer Firefighters Enhanced Training “Teachable Moments”](#)

[Helmet Cameras Banned by Houston Fire Department](#)

Sources:

¹Gasaway, R. (2017, November 14). *Helmet Cams and Risk Behaviors*. Retrieved from Situational Awareness Matters: <https://www.samatters.com/helmet-cams-and-risky-behaviors/>

²Plohetski, T. (2018, September 22). The Statesman. *Helmet cams raise privacy, liability concerns*.