


Old Saybrook Department of Police Services



Special Order - 7.5



Use of Body-Worn Cameras	Issued By: Michael A. Spera, Chief of Police
Classification: Unclassified	Signed: 
POSTC: 1.2.23, 2.3.12	Effective Date: May 14, 2018
CALEA: 41.3.8, 81.2.8, 83.2	

Policy

It is the policy of the Old Saybrook Department of Police Services to set standards related to the use, management, storage, and retrieval of digital multimedia video files stored on or generated from the use of the Department approved and issued body-worn cameras, including but not limited to:

- Creating video and audio records to contribute to the accurate documentation of critical incidents, police-public contacts, crime and accident scenes, and arrests.
- Preserving visual and audio information for use in current and future investigations in accordance with applicable guidelines referenced herein.
- Capturing crimes in-progress, whether committed against the police officer or the community, and to preserve evidence for presentation in court.
- Documenting police response to an incident.
- Aiding in the documentation of victim, witness, or suspect statements pursuant to an on-scene response and/or documentation of the advisement of rights and consents to a lawful search, when applicable.

All Department issued body-worn camera equipment, associated digital multimedia files, data images, video/audio and metadata captured, recorded, or otherwise produced by the body-worn camera is the property of the Old Saybrook Department of Police services and shall not be viewed, copied, released, disclosed, or disseminated in any form or manner outside the parameters of this policy pursuant to the State of Connecticut Freedom of Information Act (FOIA) laws, regulations, and practice.

This policy does not apply to or limit the use of in-car recording systems (MVR).

This policy does not govern the use of surreptitious/covert recording devices used in undercover operations.

Definitions

Body-Worn Camera (BWC): A body-worn camera is an “on-the-body” video and audio recording system worn by a police officer to capture digital multimedia evidence as an additional means of documenting specific incidents in the field in the course and scope of his/her police duties.

Computer Information System (CIS): A system of networked electronic computing devices linked to common servers accessing multiple internal and external network databases such as Computer Aided Dispatch, Records Management, COLLECT, LInX and other networked computers.

Digital Multimedia Files (DMVF): Digital multimedia files consist of all digital recordings, to include but not limited to audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording such as date/time, GPS coordinates, labeling, etc.

Evidence Transfer Management (ETM): ETM is the transfer of media from the body-worn camera or mobile video recorder to a secured server or other reliable secured storage source. The method of evidence transfer management for the mobile video system shall be established and approved by the Chief of Police.

Mobile Video System (MVS): Old Saybrook Department of Police Services internal network database that includes BWC and MVR devices interfaced with the Computer Information System.

Mobile Video/Audio Recorder (MVR): Any vehicle mounted device capable of capturing and integrating video and/or audio information.

System Administrator: A member of the Department designated with the responsibility of managing all aspects of the Computer Information Systems including all hardware, software and computer networks utilized by the Department.

Authorized User: A member of the Old Saybrook Department of Police Services, who has met all requirements to access the Computer Information System and/or other external networks and has been provided with a unique username and password.

Purpose

- A. The purpose of equipping police officers with approved and issued body-worn cameras is to assist in the following:
1. Strengthening police accountability by documenting incidents and encounters between officers and the public.
 2. Resolving officer involved incidents and complaints by providing an objectively independent record of events.
 3. Improving agency transparency by allowing the public to see video evidence of police activities and encounters in accordance with applicable laws and policies regarding public disclosure.
 4. Identifying and strengthening officer performance by using footage for professional development, officer training and monitoring when appropriate and consistent with the law.
 5. Improving evidence documentation for investigations, prosecutions, and administrative reviews of employee performance and/or civil actions.

Procedure

A. Beginning of Shift Procedures

1. The Shift Supervisor shall assign a BWC to each police officer scheduled to patrol duties at the beginning of the police officer's shift in accordance with established procedures.
2. Issued BWC equipment shall be used by the police officer while in the performance of his/her scheduled patrol duties.
3. Issued BWC equipment shall be operated in accordance with the manufacturer's recommended guidelines, Department training and the Department System of Directives and Professional Standards.
4. At the beginning of each shift, the police officer shall test and perform an inspection to determine if the BWC equipment is functioning correctly, has a properly charged battery, adequate data storage, and all hardware is accounted for.
5. When a BWC is not functioning correctly or any hardware is missing the on-duty shift supervisor shall be immediately notified and a replacement BWC shall be issued when practicable.
 - a. The on-duty shift supervisor shall notify the System Administrator through established Department means.

B. Use and Activation of the BWC

1. Police officers assigned a BWC shall wear such camera on their outermost garment and shall position it above the midline of his/her torso when in use.
2. Police officers assigned a body-worn camera shall activate the camera at the beginning of the interaction with the public in a law enforcement capacity.
 - a. For the purpose of this policy, "interacting with the public in a law enforcement capacity," means that a police officer is in personal contact with one or more members of the public, the purpose of which is to conduct a self-initiated investigation into, or to respond to a third-party complaint involving, the possible commission of any offense, violation or infraction.
 - b. In addition, police officers shall record the following:
 1. Pursuits;
 2. Motorist assists;
 3. The taking of statements from suspects, witnesses, and victims;
 4. The conducting of interviews with suspects, witnesses, and victims;
 5. Transportation and processing of prisoners;
 6. Any incident or event not otherwise prohibited by this policy, which may be dangerous, unpredictable, or potentially useful for Department professional development purposes;
 7. Situations where a police officer, by reason of training and experience, determines that the incident should be documented on video.
 8. At no time shall police officers disregard officer safety or the safety of the public for the purpose of activating or utilizing the BWC.
3. Once the BWC is activated for the purpose of documenting an interaction with the public in a law enforcement capacity, it should remain activated until the interaction with the public has concluded to ensure the integrity of the recording, except as otherwise provided for by law or by this policy.
 - a. Additional police officers arriving on a scene that have been assigned a BWC shall also record the interaction with the public, and shall also continue to record until the completion of the incident.

- b. For the purpose of this policy, conclusion of an interaction with the public occurs when a police officer terminates his/her law enforcement contact with a member of the public.
- 4. Police officers shall cause the recorded video to be categorized and labeled in accordance with established Department means which shall include but is not limited to incidents involving the following circumstances:
 - c. Any incident where an arrest is made or may be made, and/or a search is conducted;
 - d. An event that captures an officer's reportable use of force in the performance of his/her official duties;
 - e. Any interaction with the public where the officer determines that it would be prudent to retain the recording for longer than the minimum retention period set forth in this policy;
 - f. An event that is a major motor vehicle or criminal incident involving death, serious injury, or catastrophic property damage.
- 5. When an issued BWC is not to be activated or should be deactivated:
 - a. Except as otherwise required by this policy, no police officer shall use BWC equipment to intentionally record:
 - 1. A communication with other law enforcement agency personnel, except as the officer performs his/her duties;
 - 2. An encounter with an undercover officer or informant;
 - 3. When an officer is on break or is otherwise engaged in personal activity;
 - 4. Any person, other than a suspect to a crime, if an officer is wearing his/her issued BWC in a hospital or other medical facility setting;
 - 5. In a mental health facility, unless responding to a call involving a suspect to a crime who is thought to be present in the facility;
 - 6. Any private conversation to which the officer is not a party; or
 - 7. Any telephonic conversation unless specifically authorized by law while in the performance of their official duties.
 - b. Deactivation of BWC under certain circumstances:
 - 1. Although generally speaking, the BWC should remain activated until the conclusion of an incident. Whenever possible, police officers should consult with supervisors before making the decision to deactivate their BWC.
 - 2. Whenever possible, a police officer who chooses to deactivate the BWC during the course of an event when this policy otherwise requires recording, the police officer shall both record on the camera the reason for the interruption or termination of recording prior to deactivating the BWC and document such event in his/her report.

C. Malfunction of BWC

- 1. Police officers shall routinely monitor the assigned BWC display for any malfunction indicators during the shift, including to ensure that there remains adequate data storage and battery power available to record future incidents.
- 2. If a malfunction or unintentional failure to record an incident in accordance with this policy occurs, the assigned police officer shall document the reason and notify the on-duty shift supervisor regarding the lack of recording.
- 3. Malfunctions, unintentional failure, limited data storage, limited battery storage, damage, loss or theft of any issued BWC shall be immediately reported by the police officer to the on-duty shift supervisor and a replacement BWC shall be issued where practicable.

- a. The on-duty shift supervisor shall notify the System Administrator through established Department means.

D. End of Shift Procedures

1. Police officers shall ensure that their assigned BWC is properly placed on the docking station at the conclusion of their shift to ensure that there remains adequate data storage and battery power available for future incidents. The docking station is used to upload videos to the server and charge the BWC.
2. The BWC shall remain docked and not signed out to another officer until all video is uploaded and the battery is fully charged.

Training

- A. No police officer shall use an issued BWC prior to being trained in accordance with the statutes involving the use of the equipment, and in the retention of data created by such equipment.
 1. Every police officer must receive training on the proper care and maintenance of the equipment at least annually.

Responsibilities of Supervisory Personnel

A. Chief of Police

1. The Chief of Police shall designate one or more Department members to oversee and administer the storage and management of all digital multimedia video files generated by the use of issued BWC's.
2. The Chief of Police may authorize BWC policy that provides additional guidelines and training requirements not mandated by this policy, provided that it does not conflict with State or Federal law or the provisions set forth in this policy.
3. The Chief of Police or his designee shall ensure the BWC data collection and storage is purged from the systems operation storage and/or software program in accordance with the State of Connecticut Library Records of Retention Schedule and Department policy.
4. The Chief of Police or is designee shall ensure that BWC video files that are subject to a preservation request or court order are appropriately catalogued and preserved. The Chief of Police shall approve the method of evidence transfer management (ETM) from the BWC to a secured storage server, cloud, website, or other secured digital media storage.

B. Shift Supervisors

1. Supervisors shall ensure that police officers equipped with issued BWC's are using the camera and audio in accordance with policy and procedures as defined herein.
2. Supervisors shall periodically inspect issued or approved BWC equipment assigned to police officers to ensure proper operability per testing protocols provided through training and manufacturer's recommendations.
3. Supervisors or other persons designated by the Chief of Police may periodically review BWC recordings of traffic stops and citizen contacts in accordance with this policy as well as reports generated as a result of these incidents to:
 - a. Ensure BWC equipment is operating properly;

- b. Ensure that police officers are utilizing the BWC appropriately and in accordance with policies and procedures; and
 - c. Identify and report to the Chief of Police any areas that additional training, professional development, policy revisions, or guidance are recommended.
4. Supervisors shall ensure that all BWC video files are appropriately preserved in accordance with this policy.

Authorized Personnel Access to Uploaded Digital Multimedia Video Files

A. Authorized Users

1. General access to digital multimedia video files shall be granted to authorized personnel only. Access, copying, or releasing digital multimedia video files for other than official law enforcement purposes is strictly prohibited, except as otherwise required by State and Federal Statutes, policies, and procedures.
2. The Chief of Police or his/her designee may review specific BWC digital multimedia video files for the purpose of training, performance review, critique, early intervention inquires, civil claims, administrative inquiry, or other articulable reason.
3. A police officer may review a recording from his or her BWC in order to assist such officer with the preparation of a report or otherwise in the performance of his or her duties.
4. If a police officer is giving a formal statement about the use of force, or if an officer is the subject of a disciplinary investigation in which a recording from a BWC is being considered as part of a review of an incident, the police officer shall have the right to review such recording in the presence of the officer's attorney or labor representative. Further, such police officer shall have the right to review recordings from other police officers' BWC equipment capturing the police officers image or voice during the incident under review.

B. Misuse

1. Under no circumstances shall any individual with access to the BWC media or digital multimedia files be permitted to use, show, reproduce or release recordings for the purpose of ridicule or embarrassment of any police officer or individual, or for other non-law enforcement related purposes. This includes disclosure of any portion of a BWC video file to a media organization unless such disclosure has been approved by the Chief of Police.

C. Review

1. Digital multimedia video files may be reviewed by individuals other than the recording police officer in any of the following situations:
 - a. By a Department member investigating or adjudicating a complaint regarding a specific act of officer conduct;
 - b. By technical support staff for purposes of assessing proper functioning of the BWC;
 - c. By the Internal Affairs Unit or other person(s) designated by the Chief of Police, when participating in an official misconduct investigation concerning a specific act or officer conduct alleged in a complaint of misconduct;
 - d. By a sworn law enforcement officer who is participating in a criminal investigation;
 - e. By the Municipality's legal representative;

- f. Law enforcement personnel may review a recording from their own issued or assigned BWC equipment in order to assist such officer in providing a statement as a witness to events which are the subject of a Department Internal Administrative inquiry, including officer shooting investigations;
- g. By representatives of the Division of Criminal Justice, Municipal Attorneys, Officer of the Attorney General, retained counsel and other representatives authorized by the Municipality, such as municipal insurance carriers, in the course of their official duties; or
- h. By other Department personnel as authorized by the Chief of Police or his/her designee.

Releasing or Duplicating of BWC Digital Multimedia Video Files

A. Releasing BWC Digital Multimedia Video Files

1. All Freedom of Information Act (FOIA) requests for BWC digital multimedia video files shall be processed through the office of the Chief of Police or his/her designee.
2. All outside law enforcement agency requests for BWC digital multimedia video files for criminal justice purposes shall be processed through the office of the Chief of Police or his/her designee.

B. Duplicating BWC Digital Multimedia Video Files

1. When a police officer who is required to produce a digital multimedia video file pursuant to a subpoena or other court order, the Chief of Police or other designee shall arrange, prior to the date of the court appearance, for copy of the required portion of the original video file to be duplicated.
2. The original video file, as well as any duplicate copy, shall be held as evidence in accordance with this policy.

Storage and Retention

A. Location

1. Digital multimedia video files shall be maintained in an approved storage location, such as a server, storage device, cloud storage, website or other approved secure storage media authorized by the Chief of Police.

B. Retention

1. All digital multimedia video files shall be securely stored in accordance with State record retention laws and Department Policy.
 - a. Digital multimedia video files not reproduced for evidentiary purposes or otherwise required to be preserved in accordance with this policy shall be maintained for a period of minimum of ninety (90) days.
 - b. Digital multimedia video files shall be preserved while a case remains open and under investigation, or while criminal or civil proceedings are ongoing or reasonably anticipated, or in accordance with State Records of Retention Schedule, whichever is greater.

- c. All other digital multimedia video files reproduced for evidentiary purposes or otherwise caused to be preserved shall be maintained for a minimum of four (4) years.
- d. Digital multimedia video files shall be preserved in accordance with any specific request by representatives of the Division on Criminal Justice, Municipal Attorney, Officer of the Attorney General, retained counsel and other authorized claims representatives in the course of their official duties.
- e. Digital multimedia video files shall be preserved in response to oral, electronic or written preservation requests from any member of the public where such requests indicate that litigation may be reasonably anticipated.
- f. All such preservation requests shall promptly be brought to the attention of the Chief of Police who will notify the Municipal Attorney's office.

System Security

A. Responsibilities

1. Authorized Users are responsible for the physical security of the BWC equipment utilized during their assigned shift. Precautions should be taken to ensure the equipment is safe guarded.
2. Department personnel shall not permit unauthorized persons to use or access the BWC system.
3. Department personnel shall utilize the BWC system for law enforcement purposes only.
4. Only system administrators shall have permission to upload, copy or distribute any video or audio recording file with the expressed permission of the Chief of Police.
5. Officers shall not upload, copy or transfer any video and/or audio recording without permission from the Chief of Police.
6. Department video and/or audio recordings will only be utilized by personnel for official police business.
7. Under no circumstance, Shall video and/or audio recordings be disseminated to any member of the public or outside law enforcement agency without expressed permission of the Chief of Police or official records request.
8. Department personnel shall not use any non-department issued video/audio recording device while on duty without expressed, written permission of the Chief of Police.

B. Audits and Misuse

1. At the direction and discretion of the Chief of Police, the system administrator may complete audits of any Department BWC system with the assistance of additional personnel or technology.
2. Supervisors shall monitor and take action for any reported misuse of the BWC system or any provision of this order and in concert with standing Department disciplinary procedures.
3. Any misuse of the BWC, MVS or Computer Information System or actions contrary to this policy may result in disciplinary action up to and including termination.

Revision History: May 14, 2018

First Issue: Special Order