


<p style="text-align: center;"><b>STRATFORD POLICE DEPARTMENT</b></p> 	Type of Directive: <b>Policy and Procedure</b>	Updated: <b>10-19-2022</b>
	Title: <b>Body Camera and In Car Camera Systems</b>	No. <b>13.5</b>
	Issuing Authority: <b>Chief Joseph McNeil</b>	Issued: <b>11-28-2020</b>
	Reference: State Model Policy and Police Reform Bill	

**PURPOSE:**

The purpose of this policy is to set standards related to the use, management, storage and retrieval of digital multimedia video files stored on or generated from the use of department issued or approved body-worn and dashboard 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 conduct a lawful search, when applicable.
- Reducing the number of false complaints made against a police officer in the course and scope of his or her official police duties.

The purpose of equipping police officers with issued or approved body-worn and dashboard cameras is to assist in the following.

- Strengthening police accountability by documenting incidents and encounters between officers and the public.
- Resolving officer-involved incidents and complaints by providing an objectively independent record of events.
- Improving agency transparency by allowing the public to see video evidence of police activities and encounters in accordance with applicable laws regarding public disclosure.

- Identifying and strengthening officer performance by using footage for officer training and monitoring when appropriate and consistent with the law.
- Improving evidence documentation for investigation, prosecutions, and administrative reviews of employee performance and/or civil actions.

## **POLICY:**

All department issued or approved body-worn and dashboard cameras equipment and media associated with the body-worn and dashboard cameras, data, images, video/audio and metadata captured, recorded, or otherwise produced by the body worn and dashboard cameras shall not be viewed, copied, released, disclosed, or disseminated in any form or manner outside the parameters of this policy pursuant to the department's FOI policy and practice.

Each law enforcement unit shall require usage of a dashboard camera in each police patrol vehicle used by any police officer employed by such unit in accordance with the POST Council and the Commissioner of DESPP. This includes all police officers assigned to other agencies as well as police officers assigned to state and federal task forces. Police officers who are federally deputized task force officers shall comply with this policy as modified by the policy of the federal agency to which they are assigned.<sup>1</sup>

Police officers working non-uniform assignments shall adhere to the requirements for the wear and activation of body-worn camera equipment as set forth in this policy except when such wear would hinder the performance of duty or readily identify the officer as a police officer when such identification would be detrimental to their assignment, duties, or mission.

Each police officer shall use body worn camera equipment while interacting with the public in such sworn member's law enforcement capacity in accordance with the department's policy, as adopted by this department and based upon the guidelines established by the POST Council and DESPP.

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

## **DEFINITIONS:**

**Body-worn (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.

**Dashboard Camera (DC):** A camera that affixes to a dashboard or windshield of a police vehicle that electronically records video of the view through the vehicle's windshield and has an electronic audio recorder that may be operated remotely.

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<sup>1</sup> Refer to policy prepared by the U.S. Department of Justice entitled "Use of Body-Worn Cameras by Federally Deputized Task Force Officers." (October 2020)

**Police Patrol Vehicle:** Any state or local police vehicle other than an administrative vehicle in which an occupant is wearing body worn camera equipment, a bicycle, a motor scooter, an all-terrain vehicle, an electric personal assistive mobility device, or an animal control vehicle.

**Digital Multimedia Video 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 and dashboard cameras to a secured server or other reliable secured storage source. The method of evidence transfer management for body-worn and dashboard cameras shall be approved by the Chief of Police.

## **PROCEDURES:**

### **Beginning of the Shift Procedures**

Issued or approved body-worn and dashboard cameras shall be operated in accordance with the manufacturer's recommended guidelines, department training and department policies and procedures.

Prior to the beginning of each shift, the police officer issued or assigned a body worn and dashboard cameras shall test and perform an inspection to ensure that the body-worn and dashboard cameras has a properly charged battery and is functioning correctly.

If problems are encountered with any component of the system, the body-worn and dashboard cameras shall not be used and the police officer shall arrange for repair or replacement through department established procedures. The Police Officer should be immediately provided a replacement BWC/DC, when practicable.

Malfunctions, damage, loss or theft of any issued or approved body-worn and dashboard cameras shall be immediately reported by the police officer to the on-duty shift supervisor or other responsible person as designated by the Chief of Police. The Police Officer should be immediately provided a replacement BWC, if practicable.

### **Use and Activation of Body Worn and Dashboard Cameras**

Police officers issued or assigned a body-worn camera shall wear such camera on his/her outmost garment and shall position it above the midline of his/her torso when in use.

Police officers issued or assigned a body-worn and dashboard cameras shall activate the camera while interacting with the public in a law enforcement capacity.

For the purposes 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.

In addition, police officers equipped with body-worn and dashboard cameras shall record the following:

- Vehicular pursuits
- Motor vehicle stops
- Motorist assists
- The taking of statements from suspects, witnesses and victims
- The conducting of interviews with suspects, witnesses and victims
- Transportation and processing of prisoners
- Any incident or event not otherwise prohibited by this policy, which may be dangerous, unpredictable, or potentially useful for department training purposes
- Situations where a police officer, by reason of training and experience, determines that the incident should be documented on video
- Foot Pursuits
- Any incident or event not otherwise prohibited by this policy, where the police officer anticipates a use of force encounter may occur
- Serving arrest and search warrants

**Note: At no time shall police officers disregard officer safety or the safety of the public for the purpose of activating or utilizing the body-worn and dashboard cameras.**

Once the body-worn and dashboard cameras 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.

Additional police officers arriving on a scene that have been issued or assigned a body-worn and dashboard cameras shall also record the interaction with the public, and shall also continue to record until the completion of the incident.

For purposes 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.

**When An Issued or Approved Body-Worn and Dashboard Camera Is Not To Be Activated or Should Be Deactivated**

Except as otherwise required by except as otherwise provided by any agreement between a law enforcement unit and the federal government, no police officer shall use body-worn or dashboard recording equipment to intentionally record:

- A communication with other law enforcement agency personnel, except as the officer performs his or her duties

- An encounter with an undercover officer or informant
- When an officer is on break or is otherwise engaged in a personal activity
- A person undergoing a medical or psychological evaluation, procedure or treatment unless such person is acting violently or poses a threat to the safety of emergency responders.
- Any person other than a suspect to a crime if an officer is wearing his/her issued or approved body-worn camera in a hospital or other medical facility setting
- 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
- Any private conversation to which the officer is not a party
- Any telephonic conversation unless specifically authorized by law while in the performance of their official duties
- A strip search
- In a locker room, changing room or restroom, unless confronting a violent or assaultive suspect or in an incident involving the anticipated use of force

### **Deactivation of a Body-Worn and Dashboard Camera Under Certain Circumstances**

Although generally, body-worn and dashboard cameras should remain activated until the conclusion of an incident, police officers may deactivate the body-worn and dashboard cameras should he/she determine that, based upon the circumstances; the investigation could be significantly hampered if the recording were to continue. Whenever possible, police officers should consult with supervisors before making the decision to deactivate their body-worn and dashboard cameras.

Whenever possible, a police officer who deactivates the body-worn and dashboard cameras during the course of an event in which this policy otherwise requires recording, shall both record on the camera the reason for the interruption or termination of recording prior to deactivating the body-worn and dashboard cameras, and document such event in his/her report.

When circumstances prevent a police officer from activating a BWD/DC, or cause a camera to be deactivated in accordance with the guidelines established within this policy, the officer shall activate or reactivate their cameras as soon as practical.

Malfunction of Body-worn and dashboard cameras If any malfunctioning or unintentional failure to record in accordance with this policy occurs, the police officer shall document the reason and notify his/her supervisor regarding the lack of recording. Such documentation shall be in a manner determined by the Chief of Police.

### **End of Shift Procedures**

Police Officers shall ensure that all files from an issued or approved body-worn and dashboard cameras are securely downloaded and retained in accordance with section I of this policy, with sufficient frequency so as to ensure that there remains adequate data storage available for recording future incidents.

Officers shall cause the recorded video to be stored, downloaded, transferred or otherwise saved and labeled or cataloged as evidence in the following circumstances:

- Any incident where an arrest is made or may be made, and/or a search is conducted
- An event that captures an officer's reportable use of force in the discharge of his/her official duties
- 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
- An event that is a major motor vehicle or criminal incident involving death, serious injury, or catastrophic property damage

### **Training**

No police officer shall use an issued or approved body-worn and dashboard cameras prior to being trained in accordance with statutes in the use of the equipment, and in the retention of data created by such equipment, except that any police officer using an issued or approved body-worn and dashboard cameras prior to October 1, 2015, may continue to do so before undergoing such training. Every police officer must receive training on the proper care and maintenance of the equipment at least annually.

### **Responsibilities of Supervisory Personnel**

#### **Chief of Police**

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 or authorized body-worn and dashboard cameras.

The Chief of Police may authorize BWC/DC 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.

The Chief of Police shall ensure the BWC/DC 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.

The Chief of Police shall ensure that body-worn and dashboard cameras 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 body-worn and dashboard cameras to a secured storage server, cloud, website or other secured digital media storage.

## **Supervisors**

Supervisors shall ensure that police officers equipped with issued or approved body worn and dashboard cameras are using the camera and audio in accordance with policy and procedures as defined herein.

Supervisors shall periodically inspect issued or approved body-worn and dashboard camera equipment assigned to police officers to ensure proper operability per testing protocols provided through training and manufacturer's recommendations.

Supervisors or other persons designated by the Chief of Police may periodically review issued or approved body-worn and dashboard cameras recordings of traffic stops and citizen contacts in accordance with this policy as well as reports generated as a result of these incidents to:

- Ensure body-worn and dashboard cameras equipment is operating properly
- Ensure that police officers are utilizing the body-worn and dashboard cameras appropriately and in accordance with policies and procedures
- Identify any areas in which additional training policy revisions or guidance is required

Supervisors shall ensure that all body-worn and dashboard cameras video files are appropriately preserved in accordance with this policy.

### **Authorized Personnel Access to Uploaded Digital Multimedia Video Files**

General access to digital multimedia video files shall be granted to authorize personnel only. Accessing, copying, or releasing any 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.

The Chief of Police or his/her designee may review specific body-worn and dashboard cameras digital multimedia video files for the purpose of training, performance review, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulable reason.

A police officer may review a recording from his or her body-worn and/or dashboard recording equipment in order to assist such officer with the preparation of a report or otherwise in the performance of his or her duties.

If a police officer is giving a formal statement about the use of force or if a police officer is the subject of a disciplinary investigation in which a recording from body worn recording equipment or a dashboard camera with a remote recorder is being considered as part of a review of an incident, the officer shall have the right to review (A) such recording in the presence of the officer's attorney or labor representative, and (B) recordings from other body worn recording equipment capturing the officer's image or voice during the incident. Not later than forty eight hours following an officer's review of the recording under subparagraph (A) of this subdivision, or if the officer does not review the recording, not later than ninety six hours, such recording shall be disclosed, upon request to the public, subject to provisions of CGS 29-6d subsection (g).

If a request is made for public disclosure of a recording from body worn recording equipment or dashboard camera of an incident about which (A) a police officer has not been asked to give a formal statement about the alleged use of force, or (B) a disciplinary investigation has not been initiated, any police officer whose image or voice is captured on the recording shall have the right to review such recording in the presence of the officer's attorney or labor representative. Not later than ninety-six hours following the request for disclosure, whichever is earlier, such recording shall be disclosed to the public, subject to the provisions of CGS 29-6d (g).

Under no circumstances shall any individual with access to body-worn and dashboard cameras media or data files be allowed 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 body-worn and dashboard cameras video file to a media organization unless such disclosure has been approved by the Chief of Police or his/her designee.

Digital multimedia video files may be reviewed by individuals other than the recording police officer in any of the following situations:

- By a department member investigating or adjudicating a complaint regarding a specific act of officer conduct
- By technical support staff for purposes of assessing proper functioning of body and dashboard cameras
- By the Internal Affairs Unit or other Unit or 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
- By a sworn law enforcement officer who is participating in a criminal investigation
- By the Municipality's legal representative
- Any other personnel designated by the Chief of Police
- Law enforcement personnel may review a recording from their own issued or assigned body worn and dashboard recording 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
- By representatives of the Division of Criminal Justice, Municipal Attorneys, Office 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
- By other department personnel as authorized by the Chief of Police or his/her designee.

### **Releasing or Duplicating Body Worn and Dashboard Cameras Recordings**

### **Freedom of Information Act (FOIA)**



All FOIA requests for body-worn and dashboard cameras digital multimedia video files shall be processed through the office of the Chief of Police or his/her designee.

#### Duplicating Body-Worn and Dashboard Cameras Digital Multimedia Video Files

When a police officer 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 a copy of the required portion of the original video file to be duplicated.

The original video file, as well as any duplicate copy, shall be held as evidence in accordance with this policy.

#### **Storage and Retention**

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.

All digital multimedia video files shall be securely stored in accordance with state record retention laws and Department policy.

- 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 a minimum of ninety (90) days.
- Digital multimedia video files shall be preserved while a case remains open and under investigation, or for a minimum of four (4) years while criminal or civil proceedings are ongoing or reasonably anticipated, or in accordance with the State Records of Retention schedule, whichever is greater.
- Nothing in these guidelines shall require a law enforcement unit to store such data for a period longer than one year, except in the case where the unit knows the data is pertinent to any ongoing civil, criminal or administrative matter.
- 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.
- Digital multimedia video files shall be preserved in accordance with any specific request by representatives of the Division of Criminal Justice, Municipal Attorney, Officer of the Attorney General, retained counsel and other authorized claims representatives in the course of their official duties.
- The law enforcement unit shall not be required to store such data for a period longer than one year, except in the case where the unit knows the data is pertinent to any ongoing civil, criminal or administrative matter.
- 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.

All such preservation requests shall promptly be brought to the attention of the recipient's supervisor and the Municipal Attorney's office.