



TRUMBULL POLICE DEPARTMENT POLICY

	POLICY TITLE Body Worn Cameras		POLICY NUMBER 12.10.3
	EFFECTIVE DATE Sept. 9, 2016	REVISION DATE(S) November 17, 2016, November 10, 2021, December 9, 2021	
	APPROVAL AUTHORITY SIGNATURE: 		

A. PURPOSE:

1. 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 cameras, including but not limited to:
 - a. Creating video and audio records to contribute to the accurate documentation of critical incidents, police-public contacts, crime and accident scenes, and arrests.
 - b. Preserving visual and audio information for use in current and future investigations in accordance with applicable guidelines referenced herein.
 - c. Capturing crimes in-progress, whether committed against the police officer or the community, and to preserve evidence for presentation in court.
 - d. Documenting police response to an incident.
 - e. 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.

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

B. POLICY:

1. The Trumbull Police Department will utilize body-worn camera systems to provide documentation of law enforcement interaction with the public by recording actions, conditions and statements that may be used for court proceedings, internal review, or review by the public through formal request. Officers will only use body-worn camera systems that are issued and approved by the department.
2. All department issued or approved body-worn camera equipment and media associated with the body-worn cameras, data, images, video/audio and metadata captured, recorded, or otherwise produced by the body-worn camera 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.
3. This policy does not apply to or limit the use of in-car audio/video recording systems.
4. This policy does not govern the use of surreptitious/covert recordings devices used in undercover operations.

C. DEFINITIONS:

1. **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.
2. **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.
3. **Evidence Transfer Management (ETM):** ETM is the transfer of media from the body-worn camera to a secured server or other reliable secured storage source. The method of evidence transfer management for body-worn cameras shall be approved by the Chief of Police.

D. PROCEDURES:

1. Beginning of the shift procedures
 - a. Issued or approved body-worn cameras shall be used by the police officer while in the performance of his/her scheduled duties.
 - b. Issued or approved body-worn cameras shall be operated in accordance with the manufacturer's recommended guidelines, department training and department policies and procedures.
 - (1) Prior to the beginning of each shift, the police officer issued or assigned a body-worn camera shall test and perform an inspection to ensure that the body-worn camera has a properly charged battery and is functioning correctly. If problems are

encountered with any component of the system, the body-worn camera shall not be used and the police officer shall arrange for repair or replacement through department established procedures. The officer should be immediately provided a replacement BWC, when practicable.

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

2. Use and activation of an issued or approved body-worn camera.

- a. Police officers issued or assigned a body-worn camera shall wear such camera on the front of his/her outermost garment and shall position it above the midline of his/her torso to view the area directly in front of the officer when in use.
- b. Police officers issued or assigned a body-worn camera shall activate the camera at the inception of the interaction with the public in a law enforcement capacity.

- (1) 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 complaint involving, the possible commission of any offense, violation or infraction.

- (2) In addition, police officers shall record the following unless otherwise indicated in this policy:

- All calls for service;
- All vehicle and pedestrian stops and searches;
- Vehicular pursuits;
- Any use of force;
- All custodial arrests;
- All medical emergencies;
- Motorist assists;
- The taking of statements from suspects, witnesses and victims;
- The conducting of interviews with suspects, witnesses and victims;
- 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.

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 camera.

- c. Once the body-worn camera is activated for the purpose of documenting an interaction with the public in a law enforcement capacity, it shall 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.

- (1) Additional police officers arriving on a scene that have been issued or assigned a body-worn camera shall also record the interaction with the public, and shall also continue to record until the completion of the incident.
 - (2) 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.
 - d. Officers shall document the use of a body-worn camera in the narrative section of their incident report or supplemental report.
 - e. While it is generally implied that words and/or actions performed in the presence of a police officer have no expectation of privacy, if asked, the officer will inform the person that they are being recorded. This should also be documented in the officer's report.
3. When an issued or approved body-worn camera is not to be activated or should be deactivated:
- a. Except as otherwise required by this policy, no police officer shall use body-worn recording equipment to intentionally record:
 - (1) A communication with other law enforcement agency personnel, except as the officer performs his or her duties;
 - (2) An encounter with an undercover officer or informant;
 - (3) When an officer is on break or is otherwise engaged in a personal activity;
 - (4) Any private conversation to which the officer is not a party;
 - (5) Any telephonic conversation unless specifically authorized by law while in the performance of their official duties.
 - (6) Any place where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or rest rooms, unless there is a call for service in that area where law enforcement response is needed.
 - b. Deactivation of a body-worn camera under certain circumstances:
 - (1) Although generally body-worn cameras should remain activated until the conclusion of an incident, police officers may consider requests to deactivate the body-worn camera 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 camera.
 - (2) Whenever possible, a police officer who deactivates the body-worn camera 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 camera and document such event in his/her report.

4. Malfunction of Body-Worn Camera

If any malfunction or unintentional failure to record in accordance with this policy occurs, the officer shall document the occurrence and notify his/her supervisor regarding the lack of recording. Such documentation shall be made in the officer's incident report.

5. End of Shift Procedures

- a. Police Officers shall ensure that all files from an issued or approved body-worn camera are securely downloaded and retained in accordance with section I of this policy, at the end of their scheduled tour of duty each day.
- b. Officers shall cause the recorded video to be stored, downloaded, transferred or otherwise saved and labeled or cataloged as evidence in the following circumstances:
 - (1) Any incident where an arrest is made or may be made, and/or a search is conducted;
 - (2) An event that captures an officer's reportable use of force in the discharge of his/her official duties;
 - (3) 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.
 - (4) An event that is a major motor vehicle or criminal incident involving death, serious injury, or catastrophic property damage.

E. TRAINING:

No police officer shall use an issued or approved body-worn camera prior to being trained in accordance with statutes related to the use of the equipment, the operation of the equipment, and the standards contained in this policy. Every police officer must receive review training on the proper operation, care and maintenance of the equipment at least annually.

F. RESPONSIBILITIES OF SUPERVISORY PERSONNEL:

1. Chief of Police

- a. 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 cameras and body-worn camera video files that are subject to a preservation request or court order are appropriately catalogued and preserved.
- b. The Chief of Police may authorize other 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 the POST policy.
- c. The Chief of Police shall ensure the BWC data collection and storage is purged from the system's operational storage and/or software program in accordance with the State of Connecticut Library Records of Retention schedule and department policy.
- d. The Chief of Police shall approve the method of evidence transfer management (ETM) from the body-worn camera to a secured storage server, cloud, website or other secured digital media storage location.

2. Supervisors

- a. Supervisors shall ensure that police officers equipped with issued or approved body-worn cameras are using the camera and audio in accordance with policy and procedures as defined herein.
- b. Supervisors shall periodically inspect issued or approved body-worn camera equipment assigned to police officers to ensure proper operability per testing protocols provided through training and manufacturer's recommendations.
- c. Supervisors or other persons designated by the Chief of Police may periodically review issued or approved body-worn camera recordings, in accordance with this policy, as well as reports generated as a result of these incidents to:
 - (1) Ensure body-worn camera equipment is operating properly;
 - (2) Ensure that police officers are utilizing the body-worn cameras appropriately and in accordance with policies and procedures; and
 - (3) Identify any areas in which additional training policy revisions or guidance is required.
- d. Supervisors shall ensure that all body-worn camera video files are appropriately preserved in accordance with this policy.

G. AUTHORIZED PERSONNEL ACCESS TO UPLOADED DIGITAL MULTIMEDIA VIDEO FILES:

- 1. General access to digital multimedia video files shall be granted to authorized 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.
 - a. The Chief of Police or his/her designee may review specific body-worn camera digital multimedia video files for the purpose of training, performance review, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulable reason. Such review(s) shall not be the sole purpose of discipline.
 - b. A police officer may review a recording from his or her body-worn recording equipment in order to assist such officer with the preparation of a report or otherwise in the performance of his or her duties.
 - c. 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 a recording under subparagraph (A) of this subdivision, or if the officer does not review the recording, not later than ninety - six hours following the initiation of such disciplinary investigation, whichever is earlier, such recording shall be disclosed, upon request, to the public, subject to the provisions of C.G.S. 29-6d subsection (g).
 - d. If a request is made for public disclosure of a recording from body worn recording equipment or a 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 forty-eight hours following an officer's review of a recording under this subdivision, or if the officer does not review the recording, 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 C.G.S. 29-6d subsection (g).

2. Under no circumstances shall any individual with access to body-worn camera 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 camera video file to a media organization unless such disclosure has been approved by the Chief of Police.
3. 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 body cameras;
 - c. By the Office of Professional Standards 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;
 - d. By a sworn law enforcement officer who is participating in a criminal investigation;
 - e. By the Municipality's legal representative;
 - f. By law enforcement personnel who may review a recording from their own issued or assigned body-worn 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 use-of-force investigations;
 - g. By representatives of the State or Federal Court, Municipal Attorneys, Office of the Attorney General, retained counsel and other representatives authorized by the Chief of Police, 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.

H. RELEASING OR DUPLICATING BODY-WORN CAMERA RECORDINGS:

1. Releasing Body-Worn Camera Digital Multimedia Video Files
 - a. All Freedom of Information Act (FOIA) requests for body-worn camera digital multimedia video files shall be processed through the office of the Chief of Police or his/her designee. See TPD Policy: *"Release of Digital media Files."*
2. Duplicating Body-Worn Camera Digital Multimedia Video Files
 - a. 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 a copy of the required portion of the original video file to be duplicated.

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

I. STORAGE AND RETENTION:

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 location, as authorized by the Chief of Police.
2. 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 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 the State Records 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, unless indicated otherwise by a court order.
 - d. Digital multimedia video files shall be preserved in accordance with any specific request by representatives of the State or Federal Court, Municipal Attorney, Office 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. All such preservation requests shall promptly be processed through the office of the Chief of Police or his/her designee.