

GENERAL ORDER

G.O. 5-418

SUBJECT: BODY WORN CAMERAS

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INDEX: Body Worn Camera, BWC

I. **PURPOSE AND RESPONSIBILITY:**

- A. Purpose: To set the policy and establish the procedures on Body Worn Cameras for this Division of Police, Wethersfield, CT.
- B. Responsibility:
 - 1. It will be the responsibility of the Patrol Bureau Commander, or his designee, to issue and track the Body Worn Cameras and their video recordings.
 - 2. It will be the responsibility of every sworn member of this Police Division, and non-sworn members who may have access to the data from the cameras, to read, understand, and adhere to the state law and Division procedures regarding Body Worn Cameras.
 - 3. It will be the responsibility of the SSB Training Unit to ensure that the above training is provided on an annual basis.

II. **DISCUSSION:**

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- A. This general order deals with body worn cameras in use at this law enforcement agency. This order 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:
1. Creating video and audio records to contribute to the accurate documentation of critical incidents, police-public contacts, crime and accident scenes, and arrests.
 2. Preserving visual and audio information for use in current and future investigations in accordance with applicable guidelines referenced herein.
 3. Capturing crimes in-progress, whether committed against the police officer or the community, and to preserve evidence for presentation in court.
 4. Documenting police response to an incident.
 5. 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.
 6. Strengthening police accountability by documenting incidents and encounters between officers and the public.
 7. Resolving officer-involved incidents and complaints by providing an objectively independent record of events.
 8. Improving agency transparency by allowing the public to see video evidence of police activities and encounters in accordance with applicable laws regarding public disclosure.
 9. Identifying and strengthening officer performance by using footage for officer training and monitoring when appropriate and consistent with the law.

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10. Improving evidence documentation for investigation, prosecutions, and administrative reviews of employee performance and/or civil actions.

III. DEFINITIONS:

- A. BODY WORN CAMERAS (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.
- B. 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.
- C. 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. FOIA: Freedom of Information Act.
- E. 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.

IV. POLICY:

- A. It will be the policy of the Division of Police, Wethersfield, CT that 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

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parameters of this policy pursuant to the department's FOIA practices.

- B. It will be the policy of the Division of Police, Wethersfield, CT that all sworn personnel shall don a BWC when it is foreseeable they will engage in dealing with the public in a law enforcement capacity. This shall include regular patrol / enforcement type duties as well as private duty of a law enforcement / security nature. This shall generally not include duty situations that involve traffic direction and control being the officer's sole function.
- C. It will be the policy of the Division of Police, Wethersfield, CT that this order does not apply to or limit the use of in-car audio/video recording systems.
- D. It will be the policy of the Division of Police, Wethersfield, CT that this order does not govern the use of surreptitious/covert recordings devices used in undercover operations

V. PROCEDURES:

A. SHIFT PROCEDURES:

- 1. Issued or approved body-worn cameras shall be used by the police officer while in the performance of his/her scheduled duties which may foreseeably involve interacting with the public in a law enforcement capacity. This shall not be construed to prohibit any officer from donning a BWC for any other duty assignment that he / she deems fit.
- 2. Issued or approved body-worn cameras shall be operated in accordance with the manufacturer's recommended guidelines, department training and department policies and procedures.
- 3. 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.
 - a. 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

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established procedures. The police officer should be immediately provided a replacement BWC, when practicable.

- b. Malfunctions, damage, loss or theft of any issued or approved body-worn camera 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.

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

1. 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.
2. Police officers issued or assigned a body-worn camera shall manually activate the camera at the inception of the interaction with the public in a law enforcement capacity.
 - a. For the purposes of this policy, "interacting with the public in a law enforcement capacity" is defined in section III E of this General Order.
 - b. In addition, police officers shall record the following:
 1. Vehicular pursuits;
 2. Motorist assists;
 3. The taking of statements from suspects, witnesses, victims or complaints;
 4. The conducting of interviews with suspects, witnesses, victims or complainants;
 5. Transportation and processing of prisoners;
 6. Any incident or event not otherwise prohibited by this

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policy, where the officer, with ample opportunity to activate the BWC, feels that circumstances may be dangerous, unpredictable, or potentially useful for department training purposes or;

7. Situations where a police officer, by reason of training and experience, determines that the incident should be documented on video.
 8. 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.
3. Once the body-worn camera 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 under subsection C below.
 - a. 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.
 - b. 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.
- C. When an issued or approved body-worn camera is not to be activated or should be deactivated:
1. Except as otherwise required by this policy, no police officer shall use body-worn recording equipment to intentionally record:
 - a. A communication with other law enforcement agency personnel, except as the officer performs his or her duties, such as being on scene of an active incident, motor vehicle stop, or other citizen contact;

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- b. An encounter with an undercover officer or informant;
 - c. When an officer is on break or is otherwise engaged in a personal activity;
 - d. A person undergoing a medical or psychological evaluation, procedure or treatment. This shall not include those incidents of police response to emotionally disturbed persons outside of a clinical setting; those incidents should be recorded on the BWC;
 - e. 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; or
 - f. 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.
 - g. Any private conversation to which the officer is not a party: or
 - h. Any telephonic conversation unless specifically authorized by law while in the performance of their official duties.
2. Deactivation of a body-worn camera under certain circumstances:
- a. 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.
 - b. 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

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deactivating the body-worn camera, and document such event in his/her report.

- D. Malfunction of Body-Worn Camera: 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, and shall consist of a record that will be retained by this agency; such as email or memo kept on file with the BWC program administrator.
- E. End of Shift Procedures:
 - 1. 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, with sufficient frequency so as to ensure that there remains adequate data storage available for recording future incidents.
 - 2. Officers shall cause the recorded video to be stored, downloaded, transferred or otherwise saved and labeled or cataloged as evidence in the following circumstances:
 - a. Any incident where an arrest is made or may be made, and/or a search is conducted;
 - b. An event that captures an officer's reportable use of force in the discharge of his/her official duties;
 - c. 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; and
 - d. An event that is a major motor vehicle or criminal incident involving death, serious injury, or catastrophic property damage.
- F. Training: No police officer shall use an issued or approved body-worn camera prior to being trained in accordance with statutes in the use of the equipment, and in the retention of data created by such equipment. Every police officer must

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receive training on the proper care and maintenance of the equipment at least annually.

F. Responsibilities of Supervisory Personnel:

1. Chief of Police:

- a. 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.
- b. 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 Municipal Records Retention Schedule and Division policy.
- c. Shall ensure that body-worn camera video files that are subject to a preservation request or court order are appropriately catalogued and preserved.
- d. 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.

2. Supervisors:

- a. 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 in this general order.
- b. 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. Or other persons designated by the Chief of Police may periodically review issued or approved body-worn camera recordings of traffic stops and citizen contacts in accordance with

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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. Shall ensure, within their ability, that all body-worn camera video files are appropriately preserved in accordance with this policy. This would generally consist of reminding or directing officers to place the BWC in position for file transfer.
- 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.
 - 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 an officer is the subject of a disciplinary investigation in which a recording from body-worn recording equipment is

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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' body-worn recording equipment capturing the police officers' image or voice during the incident under review.

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 or his/her designee.
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 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 body-worn recording equipment in order to assist such officer in providing a statement as a witness to events

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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, 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; 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. Freedom of Information Act (FOIA) requests: All FOIA requests for body-worn camera digital multimedia video files shall be processed through the Administrative Services Bureau commander or designee.
 - a. Any Division employees who are depicted in BWC footage that has been requested under FOIA, shall be notified of such request if the possibility exists that the employee may have a valid objection to the release of the video, all or in part.
 - b. Any depicted employee shall be temporarily provided with a copy of the footage that is set for release, or otherwise provided opportunity to review the footage, and object to any portion of its release prior to the public release of the footage.
- 2. FOIA requests of BWC footage that falls within the following categories shall be denied by matter of law:
 - a. Any footage which depicts circumstances contained in section V C 1 of this policy or;
 - b. Any footage which depicts a scene of an incident that involves a victim of domestic or sexual abuse; a victim of homicide or suicide, or a deceased victim of an accident, if

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disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy; or a minor. Any such record shall be confidential, except that a record of a minor shall be disclosed if the minor and the parent or guardian of such minor consent to the disclosure of such record, a police officer is the subject of an allegation of misconduct made by such minor or the parent or guardian of such minor, and the person representing such officer in an investigation of such alleged misconduct requests disclosure of such record for the sole purpose of preparing a defense to such allegation, or a person is charged with a crime and defense counsel for such person requests disclosure of such record for the sole purpose of assisting in such person's defense and the discovery of such record as evidence is otherwise discoverable or;

- c. Any footage which depicts circumstances that make its release unlawful, make the record confidential, or make the record is subject to a discretionary denial by C.G.S 1-210.

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 Administrative Services commander 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, authorized by the Chief of Police.
2. All digital multimedia video files shall be securely stored in accordance

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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 and / or State of Connecticut Municipal Records Retention Schedule shall be maintained for minimum period 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 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 of 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. All such preservation requests shall promptly be brought to the attention of the recipient's supervisor and the Municipal Attorney's office.