

## CHAPTER 4.0

### PATROL

#### 4.11 BODY WORN CAMERAS

##### 4.11.1 Purpose and Policy

The use of body-worn audio/video cameras (BWC's) within the general operational police environment provides a potentially valuable resource for law enforcement operations in the delivery of services. Additionally, information collected through this technology can be critical in the investigation of criminal incidents and complaints against employees.

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with this policy and the law. This policy shall also set out the management, retention, and retrieval of body worn camera video.

It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of their official duties and where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

The purpose of officers using BWC's is to

- Enhance opportunities for evidence capture for investigative and prosecutorial purposes
- 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 consent to conduct a lawful search when applicable
- Enhance the accuracy of officer reports and testimony in court
- Strengthen police accountability and facilitate resolution of complaint investigations by providing impartial, accurate evidence
- Provide insight into police service delivery and identify good practices
- Be used as a training tool to identify and support best practices in police/citizen interactions

##### 4.11.2 Equipment

The BWC equipment is generally a body mounted camera with a built in microphone. Officers will wear the camera on their clothing in a location consistent with training that allows the camera to record events. The camera stores digital files which, once recorded, cannot be deleted or altered by the operator. Each file carries a unique identifier and is time and date stamped throughout. While on duty, officers may not carry or use any personally-owned camera or device for the purposes of recording enforcement activity. Only camera units issued by the department are authorized.

The software system Veripatrol supports the camera system, automatic downloading, and storage of the digital video files to an electronic digital storage device located in the police department building.

When not in use, all BWCs must be stored in the charging station.

The assigned officer must ensure the BWC is working correctly prior to leaving headquarters. At the start of the shift, officers will perform a check, as outlined in the BWC training, for any issues related to:

- Damage
- Camera mounting
- Recording functionality
- Previous uploads
- Battery charging

Any time the officer is aware of equipment malfunctions, the officer will:

- Notify a supervisor
- Note the malfunction including the screening supervisors name

The Chief of Police or his/her designee is responsible for keeping records of the serial numbers and to whom the camera is assigned. Any malfunction of the equipment must be reported immediately to a supervisor and/or the Chief of Police, who shall inspect the equipment and repair or replace it as necessary.

#### **4.11.3 Training**

Only officers who have received the appropriate training will be able to wear the BWC equipment. Officers shall receive training in

- Agency policy on BWC usage
- Legal implications
- Practical use issues
- Evidentiary continuity
- Camera operation
- Proper placement of camera
- Recording advisements
- Downloading and software use
- Retention requirements

This training will be provided through the manufacturer or a member of the agency designated by the Chief of Police. Such training shall include:

Supervisors shall ensure that officers are using the BWC's consistent with training and this policy and shall identify any officer(s) that need additional training in their use.

#### **4.11.4 Procedures and Restrictions on Use**

All officers working a patrol assignment (including supervisors) shall wear a BWC. Consistent with this directive, manufacturer's recommendations, and training. If a

detective is issued a BWC, the detective shall wear the body camera during any patrol assignment or during an investigative assignment when the detective determines, consistent with this directive, that the use of the body camera would be appropriate or advantageous. These situations may include interviewing a suspect, witness or victim. Officers shall wear BWC's on the exterior of their uniform or plain clothes consistent with training.

At the beginning of their shift, officers will retrieve the BWC from the charging unit ensuring that indicator light is green, signifying that the camera is charged, and inspect the exterior for damage. If the camera appears to be damaged or malfunctioning, the officer shall notify their supervisor to arrange for replacement or repair.

Officers shall activate the camera at the beginning of an interaction with the public in a law enforcement capacity. For the purposes of this directive, "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, officers will use the BWCs to record the following activities:

- Terry stops
- Traffic Stops
- Observed criminal activity
- Arrests and seizures
- Tactical activities such as building searches
- Searches and inventories of vehicles or persons (occurring outside of the booking area)
- Questioning or taking statements from suspects, witnesses and victims
- Transporting or processing prisoners
- Any incident or event not otherwise prohibited by this directive, which may be dangerous, unpredictable, or potentially useful for department training purposes
- Any other situation in which the officer believes the video may be beneficial or used for evidentiary purposes

Once recording has begun, the officer shall record the entire event, and shall not stop the recording until the event has concluded. The event concludes when the officer has completed his/her part of the active investigation, there is little possibility that the officer will have further contact with any person involved in the event, and the officer is leaving the area of the event. Officers need not record travel from one area to another even though they may be recording the same event.

If additional officers arrive on the scene of an incident, they shall also record the incident consistent with this directive.

At no time is an officer required to disregard officer safety or the safety of the public for the purpose of activating or utilizing the body-worn camera. If circumstances prevent recording (such as being unsafe, impractical or impossible) with the BWC at the beginning of the event, the officer shall begin recording as soon as practical. If an officer does not record the entire contact or interrupts the recording, the officer shall document

in writing or verbally on the BWC why a recording was not made, was interrupted, or was terminated.

Whenever possible, officers should inform individuals that they are being recorded. The request and any response shall be recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made is pursuant to an arrest or search of the residence or individuals.

Officers shall not record the following activity:

1. Conversations with other agency members unless done contemporaneous with a call for service or unless expressly authorized by the Chief of Police
2. Encounters with undercover officers or confidential informants
3. When on break or otherwise engaged in personal activities
4. Strip searches
5. Persons undergoing a medical evaluation, procedure or treatment
6. People who are lawfully exercising their freedom of speech, press, association, assembly, religion or the right to petition the government for redress or grievances. Protected activity as described above which is unintentionally captured while recording an event as otherwise required by this policy is not a violation.
7. Places where a heightened expectation of privacy exists such as restrooms, locker rooms or hospitals, unless for direct law enforcement purpose such as a crime in progress or the recording location is material to a criminal investigation.

If an officer inadvertently records any of the above activity, they shall notify their supervisor and the Chief of Police at the earliest possible opportunity. No recording of any activity described in items (1-7) above shall be deemed a public record for purposes of section 1-210 of the Connecticut General Statutes. In addition, no record created by an officer using BWC's of a scene of an incident that involved a victim of domestic or sexual abuse, or a victim of a homicide or suicide, or a deceased victim of an accident shall be subject to disclosure under the provisions of section 1-210 of the general statutes to the extent that disclosure of such record could reasonably be expected to constitute an unwarranted invasion of privacy.

Officers shall not use the BWC for personal recording purposes or non-work-related purposes. Cameras are to be stored at Coventry Police Headquarters when not in use.

#### **4.11.5 Downloading of Video and Reports**

At the conclusion of their shift, each officer shall download the video from their BWC by placing the unit in the charger/downloading cradle located in the patrol office and downloading the video using the Veripatrol software. If an officer needs to 'flag' a video for retention, they will do so using the Veripatrol software. If an officer is unable to download video at the end of their shift, they may do so upon their return to duty.

Officers may review their own video recordings to assist them in completing police reports unless restricted by the State's Attorney's Office.

Recordings do not replace the need for written reports. Officers must complete all necessary reports and forms prior to the end of their tour of duty in accordance with agency directive 11.1.5.

Videos from BWCs will be stored on a local server located in the police building. This data will be backed up consistent with agency directive 11.1.9 and town IT procedures. Backup storage is located off site at Town Hall.

The Chief of Police or his/her designed may review BWC video for the following purposes:

- In the course of investigating a personnel complaint
- Criminal investigation
- Assault on officer
- Use of force by officer
- Officer-involved collision
- Vehicle pursuit investigation or review
- Public disclosure request
- As part of the Early Warning System (see directive 3.13.2)
- Training purposes, with the permission of the involved officers
- Audit and quality control

At least monthly, the chief of police or his/her designee will randomly review at least five BWC recordings from random officers to ensure compliance with this directive.

#### **4.11.6 Retention of Recorded Video**

All images and sounds recorded using the BWCs are property of the Coventry Police Department. They are recorded and maintained for official policing purposes and shall not be accessed, copied, viewed by or released to any unauthorized person, posted to any other locations, or used for any other purposes not explicitly authorized in this directive.

The chief of police shall oversee or his/her designee shall administer the storage and management of all BWC media files. Only the chief of police or his/her designee shall have access and authorization to delete, copy or otherwise modify the video files. No employee may attempt to copy a BWC video or in any way manipulate the Veripatrol software to enable them to make a copy.

Recorded video from the BWCs shall be released only by the Chief of Police consistent with law. The chief may copy and permit release of videos required for court actions or pursuant to a subpoena. In addition, the chief may release copies of videos to the town or department's legal representative or insurance carriers in the course of their official duties. The chief may also release copies of videos to officer's supervisors for investigative purposes or employee counselling or training.

Recorded video will be stored for the minimum period of ninety (90) days, except that certain video as noted below will be stored for longer periods of time. Officers shall 'flag' certain videos of value that will be retained for longer periods. Officers will retain the video through the Veripatrol software by checking the 'DO NOT DELETE THIS VIDEO' box for that particular video. Officers will retain the following video:

- Any video where an arrest is made or may be made, and/or a search is conducted
- Any event that captures and officer's reportable use of force
- 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 as set forth in this directive
- Any event that is a major motor vehicle accident or criminal incident involving death, serious injury
- Any event that may be of value for training purposes
- Videos whose incidents are believed by the officer or supervisor to possibly result in a complaint or civil litigation
- Any other video as designated by the Chief of Police

#### **4.11.7 Use of Video Recording for Disciplinary Purposes**

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 BWC recording is being considered as part of a review of an incident, the 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 officer's BWC recording equipment capturing the officer's image or voice during the incident under review.

In the context of BWC video review, minor acts of misconduct will be handled either through counselling or training. Examples of minor misconduct include but are not limited to uniform violations, rudeness and profanity. However, profanity and slurs that disparage a particular group or protected class under town, state, or federal law are not considered minor misconduct.

If in the course of viewing BWC video, minor acts of misconduct unrelated to the original reason for viewing the video are discovered, they will not result in discipline or a sustained finding. However, such acts may result in a training referral or counselling.