


# GROTON POLICE DEPARTMENT

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	ORDER TYPE	NUMBER	TITLE		SUBJECT AREA
	General	325.02	Body Worn Cameras		Equipment
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## USE OF BODY WORN CAMERAS

### 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. 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.
2. This policy does not apply to or limit the use of in-car audio/video recording systems.
3. 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.
4. **Undercover:** Investigative technique and capability employed by law enforcement agencies in order to infiltrate criminal activity through covert means in an attempt to determine the nature and extent of illegal activities.

## **D. PROCEDURES**

1. **Beginning of the shift procedures**
  - a. Issued Taser AXON body-worn cameras shall be used by the police officer while in the performance of his/her scheduled duties.
  - b. Issued Taser AXON body-worn cameras shall be operated in accordance with the manufacturer's recommended guidelines, department training and department policies and procedures.

- c. Prior to the beginning of each shift, the police officer issued or assigned a Taser AXON body-worn camera shall test and perform an inspection to ensure that the Taser AXON body-worn camera has a properly charged battery and is functioning correctly.
  - (1) If problems are encountered with any component of the system, the Taser AXON body-worn camera 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, when practicable.
  - (2) Malfunctions, damage, loss or theft of any issued Taser AXON 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 Taser AXON BWC, if practicable.
- 2. Use and activation of an issued Taser AXON body-worn camera.
  - a. Police officers issued or assigned a Taser AXON 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. The camera shall be worn in the center or to the reaction side of the body (opposite of the side where the sidearm is worn).

An officer actively engaged in a covert operation as an undercover officer shall not be required to wear an AXON body-camera. Plain-clothes officers working with the undercover officer are required to wear their assigned AXON body cameras when making contact with members of the public in a law enforcement capacity.
  - b. Police officers issued or assigned a Taser AXON body-worn camera shall turn the power on to the Taser Axon body-worn camera upon exiting the police department building to activate buffering mode. The camera shall be activated 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 third-party complaint involving, the possible commission of any offense, violation or infraction.
    - (2) In addition, police officers shall record the following:
      - i. Vehicular pursuits;
      - ii. Motorist assists;
      - iii. The taking of statements from suspects, witnesses and victims;
      - iv. The conducting of interviews with suspects, witnesses and victims;
      - v. Transportation and processing of prisoners;

- vi. Any incident or event not otherwise prohibited by this policy, which may be dangerous, unpredictable, or potentially useful for department training purposes;
- vii. Situations where a police officer, by reason of training and experience, determines that the incident should be documented on video.
- viii. When practicable, officers should activate their BWC as soon as possible following a collision in which they were involved.

***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 Taser AXON 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.
  - (1) Additional police officers arriving on a scene that have been issued or assigned a Taser AXON 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.
- 3. When an issued Taser AXON body-worn camera is not to be activated or should be deactivated:
  - a. As a general rule, Taser Axon body-worn cameras should not be powered on (buffering) while inside of the police department unless the officer is interacting with a member of the public in a law enforcement capacity. Employees shall not surreptitiously record other employees. 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) A person undergoing a medical or psychological evaluation, procedure or treatment;
    - (5) 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
    - (6) 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.
    - (7) Any private conversation to which the officer is not a party: or

- (8) Any telephonic conversation unless specifically authorized by law while in the performance of their official duties.

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.
- (3) The use of the body-worn camera mute feature shall not be considered a deactivation. Officers are authorized to use the mute feature to facilitate conversations between officers that are not reasonable to capture on a body-worn camera. The following list of examples is not an all-inclusive, and does not limit officers from reasonable use of the mute feature:
  - i. Officers discussing police tactics typically not shared with the general public.
  - ii. Sidebar conversations during an incident's downtime that have no bearing on the incident being recorded.
- (4) Prior to and at the conclusion of the mute period officers shall make all reasonable efforts to indicate on the recording the intent to use the mute feature and the conclusion of the mute period so that there is no confusion as to why the audio is missing. For example, officers may say, "Officer conference" prior to activating the mute feature. Upon conclusion of the mute period officers may say, "Officer conference over."

4. 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.

5. Restriction and/or Deletion Of Unintentional Recordings

- a. In the event of an unintentional activation of the body-worn camera during non-enforcement or non-investigative activities, e.g. restroom or meal break, other areas where reasonable expectation of privacy exists: officers may restrict viewing of the video and request recording deletion.

- b. A memorandum detailing the circumstances of the unintentional recording will be via the chain of command to the Deputy Chief of Police or his/her designee. If approved, the actual deletion requires two-party authorization. One of those parties will be the Deputy Chief or their designee; the other will be the BWC System Administrator. When a video is erroneously created that involves an officer engaged in a private activity involving nudity (restroom break, etc.) that is not law enforcement related, the Deputy Chief of Police or his/her designee reviewing the video for restriction/deletion shall be of the same gender as the officer.
6. End of Shift Procedures
- a. Police Officers shall ensure that all files from an issued body-worn camera are securely downloaded at the conclusion of the officers' shift and retained in accordance with section I of this policy. The only exception to the end of shift rule is with the express authorization of the Shift Commander.
  - b. All videos recorded during an officer's shift shall be properly labeled prior to the officer securing from his shift for the day. The videos shall be labeled with the following:
    - (1) ID - CAD/RMS identifying number.
    - (2) Title – This can be the subject's name, a location, address or other identifying information.
    - (3) Category – Select one of the pre-defined categories.
  - c. 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 Taser AXON 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, except that any police officer using an issued or approved body-worn camera 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.

## **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 Taser AXON body-worn cameras.
- b. 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.
- c. The Chief of Police 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.
- d. The Chief of Police shall ensure that body-worn camera video files that are subject to a preservation request or court order are appropriately catalogued and preserved.
- e. 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.

### **2. Supervisors**

- a. Supervisors shall ensure that police officers equipped with issued Taser AXON body-worn cameras are using the camera and audio in accordance with policy and procedures as defined herein.
- b. Supervisors shall periodically inspect issued Taser AXON 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 shall periodically review issued Taser AXON body-worn camera recordings of traffic stops and citizen contacts in accordance with this policy as well as reports generated as a result of these incidents. The review will be conducted on a monthly rotating basis of the supervisors. Each month a supervisor shall review seven (7) videos 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.

The videos selected shall be based on a number issued by the Chief or his designee to ensure a random sampling from officers and incident types. For example: if the number is sixteen, the supervisor will begin by viewing the sixteenth video recorded

at the start of the month being reviewed. The supervisor will then view every sixteenth video following until the supervisor has reviewed seven videos.

- 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.
  - 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 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 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;
- 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 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.

An employee viewing any video shall make a note in the system as to the reason for viewing the video for auditing purposes.

## **H. RELEASING OR DUPLICATING BODY-WORN CAMERA RECORDINGS**

### **1. Releasing Body-Worn Camera Digital Multimedia Video Files**

Processing Freedom of Information Act (FOIA) requests:

All 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. The Chief's designee shall be a sworn law enforcement officer.

Case officers and/or officers depicted in video recordings shall be notified prior to release. Acceptable means of notification may consist of direct in-person contact, telephone contact, voice-mail, or text message.


### **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.
- c. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this procedure is strictly prohibited.

- d. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a personal recording device such as video camera, cell phone or other device to record or capture digital evidence from a BWC device and/or digital evidence storage is strictly prohibited.

## **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 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 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 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.
    - (1) All such preservation requests shall promptly be brought to the attention of the recipient's supervisor and the Municipal Attorney's office.

  
*Louis J. Fusaro Jr.*  
Chief of Police  
