

State of Connecticut

Police Officer Standards and Training Council

Connecticut Police Academy



GENERAL NOTICE 15-05

To: Chief Law Enforcement Officers
Training Officers
Protective Services
Resident Troopers

From: Thomas E. Flaherty
Police Academy Administrator

Date: November 23, 2015

Subject: Council Action – Adoption of the Policy – “Use of Body Worn Cameras” Pursuant to Public Act No. 15-4

At a Regular Meeting of the Police Officer Standards and Training Council on November 19, 2015, the Council adopted the attached Policy entitled “Policy – Use of Body Worn Cameras” pursuant to Public Act No. 15-4 which was jointly issued by the Commissioner of Emergency Services and Public Protection and the Police Officer Standards and Training Council “pertaining to the use of body-worn recording equipment, retention of data created by such equipment and methods for safe and secure storage for such data”.

Public Act No. 15-4 requires that “each law enforcement agency and any police officer and any other employee of such an agency who may have access to such data shall adhere to such” policy.

The POST Council has included with this General Notice, a copy of Public Act No. 15-4.

Section 1 of Public Act No. 15-4 requires among other things that “each police basic or review training program conducted or administered by the Division of State Police within the Department of Emergency Services and Public Protection, the Police Officer Standards and Training Council” or “a municipal police department in the state shall include” “training in the use of body-worn recording equipment and the retention of data created by such equipment”.



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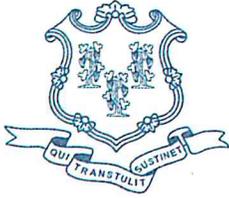
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Furthermore, Section 7 (4)(h) of Public Act No. 15-4 provides that “No police officer shall use body-worn recording equipment prior to being trained in accordance with section 1 of this act in the use of such equipment and in the retention of data created by such equipment, except that any police officer using such equipment prior to October 1, 2015, may continue to use such equipment prior to such training. A law enforcement agency shall ensure that each police officer such agency employs receives such training at least annually and is trained on the proper care and maintenance of such equipment.”

This policy can be found at the POST website www.ct.gov/post.

Questions or comments may be directed to my attention in writing either by e-mail or letter.



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Policy - Use of Body Worn Cameras

Department Issued or Approved 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.

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.
 - c. 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.

- (1) 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 Police 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 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.
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 his/her outmost garment and shall position it above the midline of his/her torso 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 third-party complaint involving, the possible commission of any offense, violation or infraction.
 - (2) In addition, police officers shall record the following:
 - a. Vehicular pursuits;
 - b. Motorist assists;
 - c. The taking of statements from suspects, witnesses and victims;
 - d. The conducting of interviews with suspects, witnesses and victims;
 - e. Transportation and processing of prisoners;
 - f. Any incident or event not otherwise prohibited by this policy, which may be dangerous, unpredictable, or potentially useful for department training purposes;
 - g. 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 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 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 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) 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.

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. 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, with sufficient frequency so as to ensure that there remains adequate data storage available for recording future incidents.
- 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 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 or authorized 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 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 of traffic stops and citizen contacts 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.

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;
- g. 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;
- h. 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
- i. 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

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.

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, 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.