

GENERAL ORDER

G.O. 5-419

SUBJECT:

BODY WORN CAMERAS



DATE EFFECTIVE: 10/01/17
DATE WRITTEN: 08/21/17 DAB AMMENDED: 06/24/20
AMENDS: NEW
DISTRIBUTION: ALL PERSONNEL
A.S. 3.5.4
ADMIN: SIGNATURE ON ISSUE
SIGNATURE:
INDEX:

I. PURPOSE AND RESPONSIBILITY:

- A. Purpose: The purpose of this general order is to set standards related to the use, management, storage and retrieval of digital multi-media video files stored or generated from the use of department issued or approved body worn cameras, including but not limited to:
 - a. Creating video or 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 crime 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;

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- e. Aiding in documentation of victim, witness or suspect statements pursuant to an on scene response;
- f. Documentation of the advisement of the rights, and consents to conduct a lawful search when applicable.

B. Responsibility:

1. The Chief of Police, or his designee, 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 body worn cameras.
2. The Chief of Police, or his designee, may authorize body worn camera general order that provides additional guidelines and training requirements not mandated by policy, provided that it does not conflict with state or federal provisions as set forth in this policy.
3. The Chief of Police, or his designee, shall ensure that body worn camera data collection and storage is purged from the systems operation storage and/or software program in accordance with the State of Connecticut Library of Records and Retention schedule and department policy.
4. The Chief of Police, or his designee, shall ensure that body worn camera video files that are subject to a preservation request or court order are appropriately catalogued and preserved.
5. The Chief of Police, or his designee, shall approve the method of evidence transfer management from the body worn camera to a secure storage server, cloud, website or other secured digital media storage.
6. Supervisors shall ensure that police officers equipped with department issued body worn cameras are using camera and audio in accordance with policy and procedures as defined herein.
7. Supervisors shall periodically inspect issued camera equipment assigned to police officers to ensure proper operability per testing protocols

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provided through training and manufacturers recommendations.

8. Supervisors will not conduct a random review of video footage for employees working on their designated shift except to:
 - a. Ensure body worn camera equipment is operating properly;
 - b. Ensure that police officers are utilizing the body worn cameras appropriately and in accordance with policies and procedures, when there is evidence or indication of otherwise;
 - c. Identify any areas in which additional policy revisions or guidance is required;
 - d. Ensure that all body worn camera video files are appropriately preserved in accordance with this General Order.
9. If there is reason to believe that an officer is engaged in misconduct, or if the officer has received numerous complaints of a particular nature, the officer's supervisors shall conduct further review of the officer's recordings.

II. DISCUSSION:

The purpose of equipping police officers with issued or approved body worn cameras is to assist in strengthening police accountability by documenting incidents and encounters between officers and the public, resolving officer involved incidents and complaints by providing an objectively independent record, improving agency transparency by allowing the public to see video evidence of police activities and encounters in accordance with applicable laws regarding public disclosure, identifying and strengthening officer performance by using footage for officer training and monitoring when appropriate and consistent with the law, and improving evidence documentation for investigation, prosecutions and administrative reviews of employee performance and or civil actions.

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parameters of this general order pursuant to department's Freedom Of Information policy and practice. This general order does not apply or limit the use of in car video/audio systems nor does this general order govern the use of surreptitious or covert recording devices used in the undercover operations.

V. PROCEDURES:

- A. OPERATION: Issued body worn cameras shall be used by all patrol officers while in performance of their scheduled duties. The cameras shall be operated in accordance with the manufacturers recommended guidelines, department training and department policies and procedures.
 - 1. BEGINNING OF SHIFT: Prior to the beginning of each shift, officers assigned cameras shall test and inspect the units to ensure that the body worn camera has an adequately charged battery and is functioning properly. 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 through the Patrol Division chain of command. The police officer should be immediately provided a replacement body worn camera when practicable. Malfunctions, damage, loss or theft of any issued body camera shall immediately be reported by the police officer to the on duty shift supervisor or other responsible person designated by the Chief of Police.
 - 2. USE AND ACTIVATION OF BODY WORN CAMERAS: Police officers who are issued body worn cameras shall adhere to the following procedures:
 - a. Body worn cameras shall be worn on his/her outermost garment and shall position it above the midline of his/her torso when in use;
 - b. Body worn cameras shall be activated at the inception of the interaction with the public in a law enforcement capacity. For the purpose of this general order, "interaction 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 for which the purpose is to conduct a self-initiated investigation, or to

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6. Any incident or event not otherwise prohibited by this general order which may be dangerous, unpredictable or potentially useful for department training purposes;
 7. Situations where police officers, by reason of training and experience, determine that the incident should be documented on video.
- f. At no time shall police officers disregard officer safety or safety of the public for the purpose of activating or utilizing the body worn camera. If a body worn camera is not activated in accordance with this general order, the matter will be examined to determine whether the officer's failure to activate the device was intentional, inattentiveness to instructions or otherwise, (i.e. time available to the officer to turn on the unit, exigency of the event, prior history regarding activating the body worn camera). The matter will be view based upon the totality of the circumstances of the event. If the body worn camera was not activated in accordance with this general order and is not the result of dereliction, then the act may result in retraining or counseling.
 - g. Once the body worn camera is activated for 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 general order. For the purpose of this general order, conclusion of "an interaction with the public" occurs when a police officer terminates his/her law enforcement contact with a member of the public;
 - h. Additional officers who arrive on scene who have been issued a body worn camera shall also record the interaction with the public and shall continue to record until the completion of the incident.
 - i. When video files have been recorded it will be the responsibility of the officer, for retention purposes, to mark each recording as

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camera during the course of an event in which this general order 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.

5. **BODY WORN CAMERA MALFUNCTION:** If any malfunctioning or failure to record in accordance with this general order occurs, the police officer shall document the reason and notify his/her supervisor regarding the lack of recording. Such documentation shall be done by work order.
 6. **END OF SHIFT PROCEDURES:** Police officers shall ensure that all files from an issued or approved body worn camera are securely downloaded and retained in accordance with Section F of this general order, with sufficient frequency so as to ensure that there remains adequate data storage and battery life available for recording future incidents.
 - a. Officers shall cause the recorded video to be stored, downloaded, transferred or otherwise saved and labeled or catalogued 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 General Order;
 4. An event that is a major motor vehicle or criminal incident involving death, serious injury or catastrophic property damage.
- B. **TRAINING:** No police officer shall use an issued body worn camera system prior to being trained in accordance with statutes in the use of the equipment, and in

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the retention of data created by such equipment. Every police officer must receive training on the proper care and maintenance of the equipment at least annually. Department issued body worn cameras shall not be used to record department training to include tactical team training, with the exception of the Field Training Officers program.

- C. **AUTHORIZED PERSONNEL ACCESS TO UPLOAD DIGITAL MULTIMEDIA VIDEO FILES:** 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.
1. The Chief of Police or the 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.
 2. A police officer may review a video from his/her body worn camera in order to assist such officer with the preparation of a report or otherwise in the performance of his/her duties. If a police officer is giving a formal statement about the use of force, or if an officer is the subject of disciplinary investigation in which a recording from body worn camera equipment is being considered as part of a review of the 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 officer's body worn camera capturing the police officer's image or voice during the incident under review.
 3. Under no circumstances shall any individual with access to body worn media or data files be allowed to use, show, reproduce or release recordings for the purpose of ridicule or embarrassment of any police officer, individual or for other non law enforcement related purposes. This includes disclosure of any portion of body worn camera video file to a media organization unless such disclosure has been approved by the Chief of Police or his designee.

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- D. **RELEASING OF BODY WORN CAMERA RECORDINGS:** Releasing body worn camera digital multimedia video files and processing Freedom of Information Act (FOIA) requests shall be processed through the Chief of Police or his designee.
- E. **DUPLICATING BODY WORN CAMERA RECORDINGS:** When a police officer is required to produce a digital multimedia video file pursuant to subpoena or other court order, the Chief of Police or his designee shall arrange, prior to the date of the court appearance, for the copy of the required portion of the original video file to be duplicated. The original video file, as well as any duplicate copy, shall be held as evidence in accordance with this general order.
- F. **STORAGE AND RETENTION OF BODY WORN CAMERA RECORDINGS:**
 - 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 media storage approved by the Chief of Police.
 - 2. All digital multimedia video files shall be securely stored in accordance with state record retention laws and department general order.
 - 3. Digital multimedia files not reproduced for evidentiary purpose otherwise required to be preserved in accordance with this general order shall be maintained for a period of a minimum of ninety (90) days.
 - 4. 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 state records retention schedule, whichever is greater.
 - 5. All other digital multimedia video files reproduced for evidentiary purposes or otherwise required to be preserved shall be maintained for a minimum of four (4) years.
 - 6. Digital multimedia video files shall be preserved in accordance with any specific request by representatives of Division of Criminal Justice, Municipal Attorney, Office of the Attorney General, retained counsel and

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other authorized claims representatives in the course of their official duties.

7. Digital multimedia video files shall be preserved in response to an oral, electronic or written preservation request from any member of the public where such requests indicate that litigation may be reasonably anticipated.
8. All such preservation requests shall promptly be brought to the attention of the recipients supervisor and the Town Attorney.

HISTORICAL CHANGES

June 24, 2020

Section I B 8 was reworded to disallow random reviews of body camera video footage by supervisors as amended by Collective Bargaining Agreement Between Town Of Monroe & Monroe Police Union Council #4, AFSCME, AFL-CIO, Local 1775, Section 17.04, Through June 30, 2022 in Section17.04.

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