

CHAPTER 3.0

PERSONNEL

3.4 UNIFORMS AND EQUIPMENT

3.4.14 Body Worn Cameras

The Norwalk Department of Police Service is committed to making the best use of its resources to capture best evidence by taking full advantage of new technology and the use of Body Worn Cameras (BWC) in appropriate circumstances. This policy will facilitate the use of BWC to:

- Enhance opportunities for evidence capture
- Increase early guilty pleas, reducing officer case preparation and court time
- Assist officers to control anti-social behavior
- Reduce complaint investigations by providing impartial, accurate evidence
- Provide insight into police service delivery and identify best practices
- This policy does not govern the use of covert recording devices used in undercover operations, see Directive 8.0.

Training

Officers using the BWC equipment will receive training at least annually in all necessary technical aspects of the specific equipment being used. Training shall include:

- Legal implications
- Practical use issues
- Evidentiary continuity
- Health and safety
- Camera operation
- Proper placement of the camera
- Departmental policy on camera usage
- Recording advisements
- Care and maintenance

Equipment

The BWC equipment is generally a body mounted camera with a built in microphone. Officers will wear the camera on their outer most garment and above the midline of their torso. The camera stores digital files which, once recorded, cannot be deleted or amended by the operator. Each file carries a unique identifier and is time and date stamped throughout. Officers shall not wear any personally-owned camera or device for the purposes of recording enforcement activity. See Directive 13.1.8 for recording exceptions under exigent circumstances. Only camera units issued by the department are authorized.

The software system of Evidence.com supports the camera system, automatic downloading, and storage of the digital video files to a cloud. Video will be stored, at least the minimum, as required by

the State Records Retention schedule, aside from those marked as evidence or pursuant to specific exemptions outlined below. This provides a full audit trail ensuring evidential continuity is maintained.

The Training and Recruitment Division will be responsible to keep records of the serial numbers and the location of the cameras.

Malfunction, Damage, Loss, Theft

Any malfunction of the equipment must be reported immediately to the officer's supervisor and the officer shall notify, in writing, the Professional Standards Division. If an equipment malfunction cannot be readily corrected, the officer shall be issued a temporary BWC until their unit is returned in operating condition. BWC maintenance and inspections of the cameras will be completed in accordance with manufacturer's recommendations.

In the event a BWC is lost, stolen, or damaged, the officer shall immediately:

- Report said occurrence to their supervisor and Professional Standards.
- Draw a case number and complete an incident report documenting the circumstances of the occurrence.
- If the officer is injured and cannot submit the report, their supervisor will write a report.
- If the loss, theft, or damage, occurred during an investigation, the investigation case number shall be referenced in the report.
- The Chief's office shall be notified by the officer's division commander.
- In the event of a loss or theft of the BWC unit, the officer shall be issued another BWC unit.
- In the event of a damaged BWC unit, the officer shall be issued a temporary/spare BWC unit, until such time his/her BWC unit is returned in operating condition or replaced if not repairable.

When not in use, all BWCs must be securely stored by the assigned officer. Only officers who have received the appropriate training will be authorized to wear the BWC equipment.

The 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
- Date and time stamp are accurate

The officer shall ensure the BWC remains with power on and in stand-by mode for the duration of their work assignment. Exceptions would be while using the restroom and the locker room or any other instance considered to be private outside the scope of police duties.

Storage and Retention

Video will be stored for at least the minimum period in accordance with the State Records Retention Schedule and disclosed pursuant to law; however, the following videos will be stored for longer periods as noted. Videos involving:

- The use of force will be stored for a minimum of 4 years

- Citizen complaints will be stored for a minimum of 4 years
- Videos of evidentiary value will be downloaded and retained as such
- Videos that may be of value for training purposes shall be downloaded and retained as such. Officer will be notified and may request that their identity be redacted.
- Videos whose incidents are believed by the officer or supervisor to possibly result in a complaint or civil litigation shall be retained for 4 years
- Videos of cases which remain open and under investigation or while criminal or civil proceedings are ongoing or reasonably anticipated, in accordance with state requirements.
- Videos reproduced for evidentiary purposes or otherwise cased to be preserved shall be retained for at least 4 years.
- Videos specifically requested by representatives 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 representatives in their official duties.
- Videos shall be preserved in response to oral, written or electronic requests from any member of the public where such requests indicate litigation may be anticipated. These requests shall promptly be brought to the attention of the officer's supervisor and the city's corporation counsel.

No record created by an officer using body-worn recording equipment of:

- The scene of an incident that involves a victim of domestic or sexual abuse or
- A victim of homicide, suicide or a deceased victim of an accident,

shall be subject to disclosure under the provisions of 1-210 of the general statutes to the extent that disclosure of such record would reasonably be expected to constitute an unwarranted invasion of personal privacy.

Notification

Officers shall notify persons that they are being recorded as soon as practical and the notification must be on the recording. Officers shall repeat notification, if practical, for additional people that become involved in the recording.

Recording an Incident

Officers shall record the following police activity whenever practical. This includes but is not limited to:

- Response to calls for service, as the primary or back-up unit(s), when the officer begins travel for the call and ending when the event is concluded. This shall apply when assigned to the call by communications or a supervisor, as well as when responding voluntarily.
- Terry stops
- Traffic stops
- Traffic accidents
- On-view criminal activity
- Arrests, seizures, infractions, and any other enforcement activities
- Searches and inventories of vehicles or persons
- Transports of prisoners (excluding ride-alongs and passengers for meetings)
- Transports of any persons in a police vehicle
- Processing of prisoners to include all contact in HFO and booking cage area
- Vehicle pursuits
- Report of use of force

- Questioning suspects and victims
- Questioning complainants/witnesses unless they object to the recording or when the recording may interfere with their cooperation in the investigation.
- Major motor vehicle or criminal incidents involving death, serious injury, or catastrophic property damage.
- Public contact that becomes adversarial
- Extra-work assignments that may experience any of the above or that may arise outside the general duties of the extra-work assignment i.e. routine traffic direction duties.
- Any other situation in which the officer deems the video may be beneficial or used for evidentiary purposes.
- Any other situation that may give rise to action and/or enforcement under the color of law and/or scope of authority as a police officer.
- Any other situation in which the officer believes there exists, or may arise, an exposure to liability and/or a complaint may be made.

If circumstances prevent recording with BWC at the beginning of an event, the officer shall begin recording as soon as practical.

Officers will activate the BWC to record the above, even if the event is out of view of the camera.

Unless there is reasonable suspicion to believe that criminal activity is occurring or will occur, officers shall not intentionally record:

- 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 which is unintentionally captured while recording an event as otherwise required by this policy is not a violation).
- Places where a heightened expectation of privacy exists, such as restrooms, jails, or hospitals, unless for a direct law enforcement purpose such as a crime in progress or the recording of the location, is material to or part of a criminal investigation.

Once recording has begun, officers shall not stop recording until the event has concluded. Once BWV recording has begun, officers will record the entire event.

An event has concluded when all of the following apply;

- 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.

For transports, the event has concluded when the officer reaches the transport destination and ceases contact.

Whenever possible, an officer who deactivates the BWC 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 BWC and document such event in their report.

Exceptions

Officers shall not intentionally record:

- Strip searches
 - communication with other law enforcement agency personnel, except that which may be recorded as the officer performs his/her duties
 - encounters with undercover officers or informants
 - any telephone conversation unless specifically authorized by law while in the performance of their official duties
 - tactical planning and response procedures or other sensitive police information that would not normally be made available to the public
 - when an officer is on break or is otherwise engaged in a personal activity
 - any other instance where there is a legal expectation of privacy outside the scope of police duties
 - any private conversation to which the officer is not a party
 - any person other than a suspect to a crime if an officer is wearing their issued BWC in a hospital or other medical facility
 - mental health facility unless responding to a call involving a suspect to a crime who is thought to be present in the facility
 - a person undergoing medical or psychological evaluation, procedure or treatment
- Officers shall not record inside Norwalk Hospital or other medical facility unless called to respond to an incident occurring within. In situations where officers transport an individual to Norwalk Hospital Emergency Department, officers shall stop recording once the individual is safely secured within a treatment room.

This exception does not apply to crimes in progress or other circumstances that would allow the officer to be lawfully present without a warrant.

Administrative Units, Investigative Units, Headquarters Units, and SRO's

Members of these units are not required to record all their routine activities unless a situation arises where an officer determines, through their training and experience, that the incident should be recorded. They are required to record activities that are listed above under Recording an Incident if they become involved. This includes extra work details. Investigative Units shall record preplanned events. This includes the execution of arrest warrants, search warrants, and surveillance operations that do not put officers in harms way.

Documentation

Recordings do not replace the need for written reports. Officers must file all necessary reports and complete any required forms prior to the end of their tour of duty and in accordance with Directive 4.7.3.

Officers who are not logged to a call or event but capture video of the event will complete a detailed report and tag the video accordingly.

If this policy requires that an event be recorded, and there is no recording or there was a delay in recording, or the recording was stopped prior to the conclusion of the event, officers must explain in writing why it was not recorded, why the start was delayed, or why the recording was stopped.

Reports, Recordings and Releases

All BWC recordings shall be downloaded prior to the conclusion of the officer's shift. If for any reason this cannot be completed before the end of shift, officers shall immediately notify a supervisor prior to securing. Officers shall "tag" each video within the system with the case number, officer ID, and appropriate category from the drop down menu.

Officers may review their own video recordings prior to completing reports on an incident unless restricted by the State's Attorney's Office. Anytime a video is viewed and used to assist in writing a report, the officer shall note this in the report. The vendor's application automatically logs the identity of a user who accesses a particular video, as well as the date and time of access.

In the event of an officer involved shooting, in-custody death, or other incident, involving an officer, where a supervisor reasonably believes serious physical injury or death may occur; the supervisor shall immediately take physical control of the camera and shall be responsible for downloading the camera prior to the end of his/her shift.

Proprietary Information

All images and sounds are the property of the Norwalk Department of Police Service. They are recorded and retained for policing purposes and must not be accessed, copied, or released to or by unauthorized persons, posted to any other locations, or used for any other purposes not authorized in this policy or other than in accordance with specific exemptions and laws.

Review of Video Files

Only the Chief of Police or his designee shall have full administrative access and authorization to delete, redact, or otherwise modify the video files. Investigative Unit Supervisors shall have access to view all videos in order to assist their divisions in assigned cases.

The Chief of Police or his designee may review body-worn video for the following purposes:

- Complaint
- Criminal investigation
- Internal investigation
- Officer-involved collision
- Vehicle pursuit investigation or review
- Use of force review
- Public disclosure request
- As part of the Early Warning System (EWS)
- Training purposes, with the permission of the involved officers
- Audit and quality control/troubleshooting
- Municipality's legal representative

At a minimum, video reviewed for the above purposes will be reviewed at least once per month and a minimum of 5 videos will be examined. A separate log is electronically maintained by Evidence.com.

If an 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 a BWC is being considered 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 officer shall have the right to review recordings from other officer's BWV equipment capturing the officer's image or voice during the incident under review. Not later than 48 hrs following an officer's review or if the officer does not review the recording, not later than 96hrs following the recorded incident, whichever is earlier, such recording shall be disclosed, upon request, to the public subject to the provisions of C.G.S. 29-6d.

Requests for the deletion of portions of the recordings must be submitted in writing and approved by the Chief of Police or his designee.

Videos determined to be of evidentiary value and requested by the court pursuant to a subpoena or other court order shall be copied and forwarded as directed by the Chief of Police or his designee. The original video file as well as any duplicate copy shall be held as evidence in accordance with this policy.

Freedom of Information Act (FOIA) requests shall be processed through the Office of the Chief of Police or his designee.

Anytime a recording of a BWC is provided to a person(s) outside of the Norwalk Department of Police Service, the officer(s) depicted in the video will be notified by the Chief of Police or his designee. If possible, officers will have an opportunity to view the video, if they desire, prior to its release.

Minor Misconduct Discovered During BWC Review

If in the course of viewing videos, 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, mediation, or career counseling and may be included in an officer's performance evaluation. Examples of minor misconduct include but are not limited to uniform violations, rudeness, and profanity.

Exception: Profanity and slurs that disparage a protected class under city, state, or federal law are not considered minor misconduct.

Officers shall NOT make copies, release, disclose, photograph, or disseminate in any form or manner recorded video without written authorization from the Chief of Police or his designee.

Discipline for Policy Violations

While discipline may be imposed as a result of an officer violating this policy, the mere fact that a violation occurred will not necessarily be grounds for discipline. The Chief of Police will review the totality of the circumstances in determining whether counseling, training, or discipline may be appropriate.