

BRISTOL CT POLICE DEPARTMENT

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| TYPE OF DIRECTIVE: General Order | SUBJECT: Body Worn Cameras | EFFECTIVE DATE: January 11, 2016 | |
| ISSUING AUTHORITY: Chief Brian Gould <i>Brian Gould</i> | POLICY NUMBER: 4.08 | RESCINDS: N.A. | |
| DISTRIBUTION: All Sworn Personnel | REISSUE DATE: December 7, 2020 | # OF PAGES: 9 | |
| POSTC ACCREDITATION STANDARD: N/A | | | |

PURPOSE:

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 the law. It also sets standards related to the use, management, storage, and retrieval of digital multimedia audio / video files stored on or generated from the use of the body-worn cameras.

POLICY:

It is the policy of this department that officers shall activate the body-worn camera (BWC) when such use is appropriate in the proper performance of his or her official duties, 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.

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. The BWC allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

This policy is limited to the use of the BWC and does not govern the use of other recording devices such as those used in undercover operations.

*** 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.*

DEFINITIONS:

Patrol Related Assignments: Patrol related functions generally performed while in uniform to include patrol "zones", walking beats, bike patrols, SDs, DUI enforcement, and other grant funded assignments. Generally, all assignments listed on the front, center portion of the Personnel Day Report are considered Patrol Related Assignments.

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PROCEDURES:

PROGRAM MANAGEMENT: The BWC program is managed by the Records /Technology Lieutenant. This management is related to the overall operation of the BWC hardware, network connectivity, and software.

Supervisors shall periodically inspect their officer's BWC to ensure proper operability per testing protocols provided through training and manufacturer's recommendations.

It is the responsibility of the Shift Commanders and respective Sergeants on each shift to ensure that the provisions of this policy are adhered to and that BWC issues are resolved during that shift whenever possible. BWC issues that cannot be resolved on that shift must be referred to the Records /Technology Lieutenant as soon as practicable.

CAMERA ASSIGNMENTS: A BWC is issued to all employees with the rank of Patrol Sergeant and Patrol Officer (including Officers assigned to the Traffic Division, Court Liaison and as School Resource Officers). Exempted include those assigned to the Training Division, a task force, and similar assignments. Exempted Officers will be required to obtain a BWC from the pool of unassigned units when working a Patrol Related Assignment.

Each BWC will digitally display an employee's identifier. Personnel will only use the BWC that is assigned to them unless authorized by a supervisor or by this policy. Personnel will not deface, tamper with, or alter the BWC device in any manner unless specifically authorized.

BWC DEPLOYMENT:

- BWC shall be operated in accordance with the manufacturer's recommended guidelines, department training and department policies and procedures.
- If problems are encountered with any component of the system, the BWC shall not be used and the officer shall arrange for repair or replacement through their supervisor as soon as practicable.
- Malfunctions, damage, and loss or theft of any BWC shall be reported to their supervisor as soon as practicable and a replacement BWC provided as soon as practicable.
- Generally a BWC will be worn on the outermost garment and they shall be positioned above the torso midline or in a manner that the outer clothing doesn't obstruct the BWC view.
- Officers inside police headquarters shall have their BWC powered off unless involved in an in- person interaction or a call for service with the public. Officer must power their BWC on upon exiting police headquarters.

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PATROL: Personnel assigned a BWC will ensure the camera is functioning properly upon arrival to line-up. The BWC will be deployed in accordance with instructions provided during training and for all Patrol Related Assignments. It is the employee's responsibility to ensure the camera is secured to the uniform and positioned to effectively capture the desired interactions. Defects or malfunctions will be reported using the chain of command. Supervisors will ensure the Records /IT Commander is aware of repair needs.

CID: The CID commander, or in his/her absence the Detective Sergeant will evaluate search warrant execution plans to determine if Detectives will wear the BWC during the entry and subsequent search. It is encouraged that all search warrant executions involve personnel with a BWC, but it is understood that certain situations may not require the use of BWC. (An example of an exemption: Search warrant executions at hospitals for medical records)

EXD: A BWC will be worn on private duty assignments other than traffic duty for road construction / utility work. (Examples that require BWC include sporting events and other situations where officers provide security and / or crowd control.)

ERT: ERT supervisors will evaluate the need for BWCs on a case by case basis.

*** NOTE – Even if an assignment doesn't require the wearing of a BWC, an officer retains the option to wear / activate the BWC (for example, EXD assignments for road construction)

Returning BWC to docking station: A BWC inserted into the docking station will automatically upload the recordings to a remote storage device and recharge the BWC battery. All recordings captured using the BWC will be uploaded. The BWC shall be returned to a docking station:

1. At the conclusion of the Officer's shift or assignment (with exception of K9 Unit).
2. K-9 Unit officers shall dock their BWC at least one time per shift or assignment to ensure video upload.

DETERMINING WHEN TO RECORD: Personnel are required to activate the BWC and fully record all calls for service and in accordance with this policy – except for those exempted within this policy and document such recording in the associated incident or supplement report.

Personnel will make every effort to ensure that the BWC is activated at the beginning of the required event and remains activated until the conclusion of the event. Having more than one officer on scene does not relieve any Officer from the responsibility of activating his / her BWC.

It is understood that, on rare occasion, personnel may not have an opportunity to begin a recording due to an active physical attack or other similar event. Such events must be reviewed by a supervisor as soon as practicable and documented in the associated incident or supplement report.

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The following interactions will be recorded:

1. Arrests, searches, investigative detentions, and interrogations,
2. Interviews with suspects, witnesses, and victims,
3. Vehicle and foot pursuits,
4. Traffic stops and motorist assists,
5. Calls for service,
6. Prisoner transports and prisoner processing,
7. Any incident or event, not otherwise prohibited by policy, which may be dangerous, unpredictable, or potentially useful for departmental training.
8. Situations where an officer, by reason of training and experience, determines that the incident should be documented with audio / video
9. Medical response – BWC shall be activated on medical calls but personnel will make reasonable efforts to avoid recording of actual medical treatment.
(See section titled “Recording Restricted” - # 4) (May 2018)

Note: Personnel assigned to the front desk are required to wear the assigned BWC. Activation of the BWC is governed by the requirements in the policy. Routine interactions with the public in which the officer remains in the secured front desk office space do not require activation although the officer retains the discretion to activate the BWC if it furthers the objectives listed in the policy. The BWC will be active if the Officer leaves the secure front desk area to respond to one of the required activation scenarios.*

INFORMING CITIZENS OF RECORDING: Officers retain the discretion to inform a citizen that their encounter is being recorded. However, should a citizen inquire about a BWC recording, the Officer will inform them of the recording status.

CITIZEN REQUEST TO STOP RECORDING: Officers are not required to comply with all requests to stop a recording. Any such requests should be recorded on the BWC to avoid any future allegations otherwise. While the BWC should remain activated for the duration of the incident, Officers may consider requests to deactivate the BWC should he/she determine that, based upon the circumstances, the investigation could be significantly hampered if the recordings were to continue. Where practicable, Officers should consult with their supervisor to determine whether BWC should continue. Any such requests and / or decisions related to this topic must be documented in the associated incident or supplement report.

FAILURE TO RECORD: Personnel who fail to record an event that is required by policy will notify a supervisor as soon as practicable. The circumstances of why the BWC was not utilized will be documented in the associated incident or supplement report.

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MALFUNCTION OF BWC: If any malfunction or unintentional failure to record in accordance with this policy occurs, the Officer shall document the reason and notify his/her supervisor regarding the lack of recording as soon as practicable after discovery of the malfunction. Such malfunctions will be documented in the associated incident or supplement report.

DOCUMENTING RECORDING: Officers will document the use of the BWC in associated incident and supplement reports.

RECORDING RESTRICTED:

Except as otherwise required by this policy, no police officer shall use a BWC to intentionally record:

1. A communication with other law enforcement 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. However, BPD policy allows that recording is permitted if an officer believes that it is in the best interest of the officer, patient, or the BPD to continue recording. (Any inadvertent recording can be restricted from FOI release via software editing) *The January 27, 2016 Update # 1 is rescinded. (May 2018)*
5. Any person other than a suspect to a crime if an officer is wearing his/her BWC in a hospital or other medical facility setting (see also section titled Determining When to Record – for a list of required recording scenario’s);
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;
8. Any telephonic conversation unless specifically authorized by law while in the performance of their official duties.
9. Strip searches.

Live Mapping: When an employee under a supervisor’s command is actively recording with their BWC, the supervisor can view the location of the employee via their BWC in real-time through Evidence.com. A list of body worn cameras that are actively recording or have recorded within the previous four hours can also be viewed.

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The Live mapping feature enables a supervisor to have better situational awareness of the location of an officer. This feature will be helpful in the following incidents:

1. Coordinating a response to a major incident such as, but not limited to, an active shooter, hostage situation, or civil unrest;
2. Following the location of a foot pursuit; and
3. Identifying the location of an officer in need of assistance or who is not responding or unable to radio communications.

Live Streaming: The Live Streaming feature enables remote viewing of an officer's BWC while in recording mode. Through the Evidence.com portal, an authorized supervisor can select a camera displayed on the live map and begin viewing and hearing what the BWC is currently recording.

The live streaming feature enables a supervisor, to view, in real time, an officer's situation during a call for service.

Potential applications of the live streaming feature can be used in the following situations:

- Tracking and observing a foot pursuit and providing information to responding units;
- Viewing high-risk felony incidents, vehicle pursuits, hostage situations;
- Viewing a building search or the execution of search warrant entries;
- Determining whether an officer is injured or needs emergency assistance; and
- Unusual occurrences.

Notification: When a supervisor initiates the Live Streaming feature, the BWC will notify the officer through a special Live Streaming icon displayed on the BWC's LCD screen.

Authorization: Sworn personnel, the rank of Lieutenant and higher, will have authorized access to the Live Streaming and Mapping function.

Prohibitions: The use of the Live Streaming and Mapping feature in any way other than in the course of their official duties is strictly prohibited. Any prohibited use of the Live Streaming and Mapping feature will be subject to disciplinary action.

VIDEO STORAGE & SECURITY: BWC video is uploaded and stored in a "cloud" environment which is managed by a contracted vendor. The vendor's software has built in security features to restrict the access to and/or deletion of recordings.

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RETENTION OF VIDEO: Upon issuance of this policy, all BWC recordings will be retained unless otherwise ordered to delete by court order or the State of Connecticut Records Retention schedules.

RECORDING OF LETHALITY ASSESSMENTS: Absent exigent circumstances, the Officer conducting a lethality assessment for domestic violence should turn off the BWC for the duration of the actual LAP interview, to include conversations with DV advocates. With the BWC activated, the Officer should notify the victim that the BWC will be deactivated for the duration of the lethality assessment. The BWC is to be turned back on upon the conclusion of the assessment.

When an officer can articulate that the need to keep the BWC activated outweighs the victim's privacy concerns, the Officer can continue with the recording throughout the assessment. Such decisions will be documented in the associated incident or supplement report.

OFFICER INVOLVED IN SERIOUS INCIDENT: Officer involved shootings and other similar serious incidents involving department personnel will require that a supervisor immediately, or as soon as practicable take custody of those BWC's involved in the incident for evidentiary purposes.

TRAINING DIVISION: BWC videos may be used by the Training Division for purposes of training BPD personnel in law enforcement tactics.

OFFICER TRAINING: The BPD will provide initial training and thereafter annual training in the use of the BWC, software, retention of data, department policy, and any related statutes.

ACCESS TO RECORDINGS: All BWC equipment and media associated with the BWC's, data, images, video/audio and metadata captured, recorded, or otherwise produced by the BWC shall not be viewed, copied, released, disclosed, or disseminated in any form or manner outside the parameters of this policy. Release of such recordings will be done pursuant to court orders, this policy, and the BPD General Order, Records Administration.

1. Personnel will not access, copy, or release BWC recordings for personal reasons or any reason other than legitimate law enforcement related purposes. Additionally, personnel will not upload recordings to social media sites or otherwise transmit images except for law enforcement related purposes.
2. Personnel are prohibited from using another recording device, such as a camera phone, to record BWC recordings.
3. Personnel may refer to BWC recordings to assist in completing official reports.
4. Personnel assigned to information technology (IT) responsibilities may view recordings but only when such viewing is directly related to assessing or repairing a BWC or related equipment or when assigned to a task by a supervisor.
5. Personnel assigned to conduct an internal investigation by the Chief of Police or designee may view and copy BWC recordings that are related to that investigation.

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6. A long standing practice which is also part of the Sergeant’s job description is to “evaluate the performance of officers ... and recommend corrective measures where appropriate.” This is accomplished by Sergeants responding to calls for service and reviewing various reports. To further accomplish this responsibility, supervisors will conduct bi- monthly reviews of two (2) officers assigned to their group/division BWC recordings.

To ensure that officers are reviewed on a similar frequency, the *AXON* random video review algorithm that selects BWC videos randomly will be utilized to:

- a) ensure the BWC equipment is operating properly;
 - b) ensure that Officers are utilizing the BWC according to policy;
 - c) identify any areas in which additional training, policy revisions, or other guidance is required;
 - d) ensure that BWC recordings are preserved in accordance with policy.
7. To log a review, Supervisors will sign in to Evidence.com and launch the *Axon Performance Officer Review*.
8. Division Commanders will ensure the BPD bi- monthly Reviews are being completed and report any training, policy or performance issues to their Bureau Commander.
9. The Chief of Police or designee may review, or direct other supervisors to review, BWC recordings for the purpose of training, performance review, critique, early intervention inquires, civil claims, administrative inquiries or other articulable reason.
10. If an Officer is giving a formal statement about the use of force, or is the subject of a disciplinary investigation in which a recording from the 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 and / or labor representative. Further, such Officer shall have the right to review recordings from other officers’ BWC equipment capturing the Officer’s image or voice during the incident under review.
11. Officers may review a recording from their own BWC 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 involved shootings.
12. The City of Bristol may engage legal representation due to litigation. Such representation may review recordings as required. Additionally, the recording may be made available to the Division of Criminal Justice, Office of the Attorney General, retained counsel and other representatives authorized by the City, such as municipal insurance carriers, in the course of their official duties.

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13. Recordings may be viewed by other department personnel as authorized by the Chief of Police or designee.

14. The Union President (or his/her designee) may make reasonable requests for supervisor reviews of Body Worn Camera recordings and the Chief shall provide same within a reasonable timeframe.

Bureau/Division/Shift Commanders shall ensure that all members of their command are thoroughly familiar with, and understand the contents of this order.

4/21/17: Updated to reflect item 12 under Access to Recordings. Result of MPP-32029

5/12/2018: * Added Front Desk language from Jan. 2016 update memo

Modified medical recording (Recording Restricted – Section 4, Recording Requirements – Section 9)

10/26/18 – updated “Determining When to Record”

8/14/2020- updated to “returning to docking station” language

10/30/2020- Update to “return to docking station” language

Update to “Power Off” inside police headquarters

*Added language – Live Streaming and Live Mapping, bi- monthly BWC Supervisor Review (Axon Performance