

 <p><b>YALE UNIVERSITY POLICE DEPARTMENT</b>  <b>GENERAL ORDERS</b>  <i>Serving with Integrity, Trust, Commitment and          Courage</i>  <i>Since 1894</i></p>	ORDER TYPE: NEED TO REFER <b>427 BODY WORN CAMERAS</b>	
	EFFECTIVE DATE: 20 AUG 2019	REVIEW DATE: ANNUAL

**PURPOSE**

The purpose of this policy is to set standards for the use, management, storage and retrieval of digital multimedia files stored or generated from the use of department issued body worn cameras including but not limited to:

- Allowing for the accurate documentation of critical incidents, police-public contacts, crime and accident scenes and arrests.
- Preserving visual and audio information for use in current and future investigations in accordance with applicable guidelines referenced herein.
- Capturing crimes in progress whether committed against the police officer or the community and to preserve evidence for presentation in court.
- Documenting police response to an incident.
- Aiding in the documentation of victim, witness or suspect statements pursuant to an on-scene response and/or documentation of the advisements of rights and consents to conduct a lawful search, when applicable.
- Reducing the number of false complaints made against police officers in the course and scope of his or her official duties and to assist in internal investigations or administrative inquiries.

The purpose of equipping police officers with body worn cameras is to assist in:

- **Strengthening police accountability** by documenting incidents and encounters between police officers and the public;
- **Resolving officer-involved incidents and complaints** by providing an objectively independent record of events;
- **Improving agency transparency** by allowing the public to see video evident 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.
- **Improving evidence documentation** for investigation, prosecutions, and administrative reviews of employee performance and/or civil actions.

**POLICY**

All department issued or assigned body-worn camera equipment and media associated with 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.

This policy does not apply to or limit the use of in-car audio/video recording systems nor does it govern the use of surreptitious or covert recording devices used in undercover operations.

**DEFINITIONS**

<b>Body-Worn Camera (BWC)</b>	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.
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<b>Digital Multimedia Video Files (DMVF)</b>	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.
<b>Evidence Transfer Management (ETM)</b>	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.
<b>Police Officer</b>	Any sworn member of the YPD.

## PROCEDURES

### Beginning of the shift procedures:

- Issued or assigned BWC's shall be used by all uniformed police officers while in the performance of their duties.
- Detectives and plainclothes officers acting in an investigative and/or undercover capacity are exempted. ISU Supervisors may direct the use of BWC's during the service of search or arrest warrants or in other circumstances at their discretion.
- At the beginning of each shift, the police officer issued or assigned a BWC shall test and perform an inspection to ensure the BWC has a properly charged battery and is functioning correctly.
- At any time during their shift an officer finds that their BWC's battery charge is insufficient to last the duration of their shift the officer shall immediately inform the on-duty shift supervisor who will in turn assign them a spare unit.
- Malfunctions, damage, loss or theft of any issued or assigned BWC shall be immediately reported by the officer to the on-duty shift supervisor. The officer should be issued a replacement BWC, if available.

### Use and activation of an issued or approved body-worn camera:

- Police officers issued or assigned a BWC shall wear such camera on their outermost garment and shall position it above the midline of their torso.
- Police officers issued or assigned a BWC shall activate the camera while interacting with the public in a law enforcement capacity.
- 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 a citizen, 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.
- This policy is not intended to describe every possible situation in which a BWC should be used. Sound judgment and discretion shall dictate when a BWC is activated; however, officers should record the following types of incidents:
  - Advising an individual of Miranda rights;
  - Vehicle searches;
  - Canine deployments;
  - Physical arrest of persons;
  - Observed items of evidentiary value;
  - An encounter initiated by a citizen (flag down);
  - Service of a search warrant;
  - Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording;
  - Vehicular pursuits;
  - Motorist assists;
  - Any call in which officers are needed to prevent or resolve a dispute,

- Interviewing or taking statements from suspects, witnesses and victims unless otherwise being recorded (IE, the interview rooms YPD HQ)
- Transportation and processing of prisoners.
- Any incident or event not otherwise prohibited by this policy, which an officer feels may be prudent to record or potentially useful for department training purposes;
- Situations where a police officer, by reason of training and experience, determines should be documented on video.

**Note: At no time should police officers disregard officer safety or the safety of the public for the purpose of activating or utilizing the BWC. When an immediate threat to an officer's life and safety make activating the camera impossible or dangerous, the officer shall activate the camera at the first reasonable opportunity to do so.**

- Officers should inform subjects they are being recorded by saying, *"I am advising you that our interaction is being recorded"*, unless doing so would be unsafe, impractical or impossible.
- Once the BWC 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 this policy.
- Additional police officers arriving on a scene who have been issued or assigned a BWC shall also record the interaction with the public, and shall also continue to record until the completion of the incident.
- 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.

**When an issued or assigned body-worn camera is not to be activated or should be deactivated:**

Except as otherwise required by this policy, no police officer shall use body-worn recording equipment to intentionally record:

- A communication with other law enforcement agency personnel, except as the officer performs his or her duties;
- An encounter with an undercover officer or informant;
- When an officer is on break or is otherwise engaged in a personal activity;
- A person undergoing a medical or psychological evaluation, procedure or treatment;
- 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;
- 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;
- A telephonic conversation, except in accordance with state or federal law while in the performance of their official duties (ie: attorney-client telephone conversations);
- When completing a Lethality Assessment Program (LAP) for in conjunction with a domestic violence investigation;
- Events occurring in locker or dressing rooms, restrooms or other places where there is a reasonable expectation of privacy unless in conjunction with a criminal investigation or response to a call for service.
- Officers will avoid recording the intimate body parts of others, whenever possible.

**Deactivation of a body-worn camera under certain circumstances:**

- Although BWC's should generally remain activated until the conclusion of an incident, police officers retain the right to record and may consider requests to deactivate the body-worn camera should (s)he determine that, based upon the circumstances, the investigation could be significantly hampered if the recording were to continue.

- Officers have the discretion to keep cameras turned off during conversations with crime witnesses (if they wish not to be recorded) or members of the community who wish to report or discuss criminal activity.
- As a general rule, officers should record statements made by witnesses unless the person refuses to talk unless the camera is turned off. In these cases, officers may decide that obtaining the information is more important than recording.
- When determining whether to record conversations with witnesses or victims, officers should always consider the evidentiary value of the recorded statement and the subject's comfort speaking on video.
- When practicable, police officers shall consult with supervisors before making the decision to deactivate their body-worn camera.
- 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 their report.
- When officers are assigned to monitor protests or demonstrations, the supervisor in charge will designate one officer to activate their BWC to document the actions of police officers and protesters. If the participants become disorderly or if other crimes occur, the remaining officers will activate their BWC's in accordance with this policy.

#### **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 their supervisor. The lack of recording and reason for it shall be documented in the officer's offense report or in a memorandum or email to the supervisor should there be no report.

#### **Operational Use**

- Officers who do not activate their BWC's in situations where they were required to as outlined above may be subject to discipline. If a citizen complaint is made and the officer does not activate his/her body-worn camera as required, it will be a factor examined when determining final resolution of the investigation.
- If an officer fails to activate their body worn camera, as required, he/she shall articulate the reasoning for failing to record and document the failure in a memorandum or email to their immediate supervisor.
- The use of a BWC does not replace the need for required documentation. All incident/supplemental reports shall be completed, regardless of the video that has been captured.
- An officer who records an incident or any portion of an incident, which they believe may lead to a citizen complaint, shall immediately bring it to the attention of his/her supervisor.
- In situations requiring a report and/or citation, officers shall document the use of a body-worn camera in the following manner:
  - Within the synopsis AND narrative portions of an incident report.
  - Within a supplemental report.
  - As a notation on a citation.

#### **Operational Prohibitions/Restrictions:**

- Officers shall not modify, tamper, dismantle, or attempt to make repairs to BWC's . Any officer who intentionally disables or damages any part of the BWC may be subject to criminal and/or internal disciplinary action.

- Any officer who fails to activate or deactivates the system when required to have the system activated by this policy, may be subject to disciplinary action.
- Intentional misuse or abuse of the system or its components will result in disciplinary action.
- Department-issued BWC's are intended for official Departmental use only and are not to be used for frivolous or personal activities.

#### **End of Shift Procedures**

- Police Officers shall ensure that all files from an issued or approved BWC are securely downloaded with sufficient frequency so as to ensure that there remains adequate data storage available for recording future incidents.
- Officers shall tag and cause to be stored, downloaded, transferred or otherwise saved and labeled or cataloged as evidence and video created in the following circumstances:
  - any incident where an arrest is made, and/or a search is conducted;
  - an event that captures an officer's reportable use of force in the discharge of his/her official duties;
  - 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.
- At the completion of their shift, officers shall place their BWC in the WatchGuard Camera Docking Station located in the roll call room at YPD HQ. Detectives shall place their BWC in the WatchGuard Camera Docking Station located in the Investigative Services Unit.

#### **TRAINING**

- No police officer shall use an issued BWC prior to being trained in accordance with statutes in the use of the equipment, and in the retention of data created by such equipment.
- Any police officer using an issued BWC prior to October 1, 2015 may continue to do so before undergoing such training.
- Every police officer must receive annual training on the proper use, care and maintenance of equipment.

#### **Responsibilities of Sworn Personnel**

##### **The Chief of Police shall;**

- Designate a department member(s) to oversee and administer the storage and management of all digital multimedia video files generated by the use of issued or authorized BWC's.
- 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 Retention schedule and department policy.
- Ensure that body-worn camera video files that are subject to a preservation request or court order are appropriately catalogued and preserved.
- Approve the method of evidence transfer management (ETM) from the BWC to a secured storage server, cloud, website or other secured digital media storage.

##### **Supervisors shall:**

- Ensure that police officers equipped with issued BWC's are utilizing the camera in accordance with policy and procedures as defined herein.
- Periodically inspect issued BWC's assigned to police officers to ensure proper operability per testing protocols provided through training and manufacturer's recommendations.
- Periodically review issued or approved BWC recordings of traffic stops and citizen contacts in accordance with this policy as well as reports generated as a result of these incidents to:
  - Ensure BWC equipment is operating properly;
  - Ensure that police officers are utilizing the body-worn cameras appropriately and in accordance with

policies and procedures; and

- Identify any areas in which additional training policy revisions or guidance is required
- Ensure that all BWC video files are appropriately downloaded in accordance with this policy.

#### **Authorized Personnel Access to Uploaded 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.
- Under no circumstances shall any individual with access to BWC 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 purposes. This includes disclosure of any BWC video to a media organization unless such disclosure has been authorized by the Chief of Police or designee.
- A supervisor may review a specific incident captured on BWC digital multimedia video files for the purpose of training, performance review, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulable reason.
- *Supervisors shall not review BWC videos for the sole purpose of uncovering minor infractions of rules and procedures and imposing discipline.*
- A police officer may review a recording from his or her or fellow officers' BWC equipment to assist such officer with the preparation of a report or otherwise in the performance of their duties.
- 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 their or another officer's recording from BWC 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.
- Digital multimedia video files may be reviewed by individuals other than the recording police officer in any of the following situations:
  - By a sworn department member investigating or adjudicating a complaint regarding a specific act of officer conduct;
  - By technical support staff for purposes of assessing proper functioning of body cameras;
  - By the Office of Professional Standards 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;
  - By a sworn law enforcement officer who is participating in a criminal investigation;
  - By the University's representative;
  - By representatives of the Division of Criminal Justice, Municipal Attorneys, Office of the Attorney General, retained counsel and other authorized claims representatives in the course of their official duties.

#### **Releasing or Duplicating Body-Worn Camera Recordings**

- All FOIA requests for BWC digital multimedia video files shall be processed through the office of the Chief of Police or his/her designee.
- Officers shall not make copies of any recording for their personal use and are prohibited from using a recording device (such as a camera phone or secondary video camera) to record media from any device utilized to view data recorded by the BWC.
- When a police officer 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.
- The original video file, as well as any duplicate copy, shall be held as evidence in accordance with this policy.

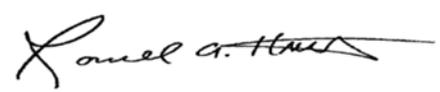
### Storage and Retention

- 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.
- All digital multimedia video files shall be securely stored in accordance with state record retention laws and Department policy.
  - 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.
  - 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.
  - All other digital multimedia video files reproduced for evidentiary purposes or otherwise caused to be preserved shall be maintained for a period of a minimum of four (4) years.
  - 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.
  - 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.
  - All such preservation requests shall promptly be brought to the attention of the recipient's supervisor and the General Counsel's office.

### Deletion of Unintentional Recordings

- 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 request recording deletion.
- A memorandum detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the Chief of Police or his designee. If approved, the actual deletion requires two-party authorization. One of those parties will be the Chief or their designee; the other will be an agency Administrator.
- The deletion will be conducted consistent with State retention requirements.

PER ORDER OF



RONNELL A. HIGGINS  
DIRECTOR OF PUBLIC SAFETY AND CHIEF OF POLICE

**THIS GENERAL ORDER SUPERSEDES SOP 667- ON OFFICER VIDEO AND GENERAL ORDER 427 BODY WORN CAMERAS ISSUED ON 4/16/2016.**