

<p style="text-align: center;"><b>East Haven Police Department</b></p> 	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No. 401.7</b>
	<b>Subject/Title:</b> <b>AVL and Officer Video Camera Use and Operation</b>		<b>Issue date:</b> December 17, 2019
			<b>Effective Date:</b> January 1, 2020
	<b>Issuing Authority:</b> <b>Honorable Board of Police Commissioners</b>		<b>Review Date:</b> <b>Annually</b>
<b>References/Attachments:</b> Policies and Procedures #: 703		<b>Rescinds:</b> 401.6	<b>Amends:</b> N/A

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding:
1. The activation and use of Automatic Vehicle Locators (AVL).
  2. The activation and use of in car Mobile Video Recorder (MVR) equipment.
  3. The activation and use of Body Worn Cameras (BWC's).

## II. POLICY

- A. It is the policy of the East Haven Police Department to use AVL, MVR (the in-car video/audio recording systems), and BWC's to enhance the Department's effectiveness and to support officer safety.
- B. Personnel shall at all times be accountable for the readiness of the AVL, MVR, and BWC under their control. This includes notifying their supervisors of any malfunction or other problem. Failure to operate the equipment as described below and/or failure to notify a supervisor of a problem with the equipment as soon as is reasonably possible shall result in discipline.
- C. Personnel shall only use video and/or audio recording devices approved and issued by the Department.
- D. Personnel shall never use or activate any video and/or audio recording devices to record other Department personnel unless they are engaged in official law enforcement business.

1. Personnel shall never record the conversations of fellow employees without their knowledge when not engaged in law enforcement activities.
- E. Activation of video and/or recording devices is limited to situations involving official police activities authorized by law or court order, and investigation of law violations as described herein; accordingly, failure to adhere to the provisions of this policy will subject an officer to disciplinary action up to and including termination.

### **III. DEFINITIONS**

- A. Automatic Vehicle Locator (AVL): Equipment that utilizes a Global Positioning System (GPS) to remotely track the location of designated Department vehicles.
- B. Body Worn Camera (BWC): An audio and video recording device affixed to an officer's uniform to document investigations and interactions with the general public.
- C. Conference Mode: The BWC function in which the audio portion of the recording is temporarily muted for the purpose of discussing intelligence and/or strategy with law enforcement personnel only.
- D. Mobile Video Recorder (MVR): Audio and video recording equipment that is permanently installed in designated Department vehicles to document investigations and interactions with the general public.
- E. Recording Device: Any audio and/or video recording device that has been approved and issued by the Department.

### **IV. PROCEDURES**

- A. Use of the AVL
  1. Members shall not tamper with the GPS receiver, antenna, wiring, and software or attempt to hinder the systems designed performance in Department vehicles. Violations shall result in disciplinary action.
  2. No officer shall operator a police vehicle while working patrol unless the police vehicle's AVL is fully functioning and operational.
    - a. If an exigent circumstance occurs, in which a vehicle with a non-functioning AVL must be used for patrol, a supervisor must submit the justification in writing via email to the Head of the Patrol Division and IAO. Said emails will be stored and maintained on the Department's sever.
  3. AVL inquiries and official AVL playback requests can be made by supervisors, authorized staff (for the purpose of a criminal/internal investigation), or through a public record request.
  4. When applicable, supervisors shall review all AVL recordings of the officers listed in any Department report for any incident involving injuries to a prisoner or an officer, vehicle pursuits, or misconduct complaints, etc.

## B. Use of the MVR

1. Prior to and at the end of each shift, officers shall inspect the MVR in their patrol vehicle to determine whether their MVR is working satisfactorily and shall report any problems to the attention of their immediate supervisor as soon as possible.
2. No officer shall operator a police vehicle while working patrol unless the police vehicle's MVR is fully functioning and operational.
  - a. If an exigent circumstance occurs, in which a vehicle with a non-functioning MVR must be used for patrol, a supervisor must submit the justification in writing via email to the Head of the Patrol Division and IAO. Said emails will be stored and maintained on the Department's sever.
3. The MVR will automatically activate when the vehicle's emergency lights are in operation. The power supply of the MVR must be on at all times. The only exception will be at the completion of the officer's shift.
4. Officers shall confirm that the MVR is operating in order to record traffic stops, pursuits, and other enforcement action. To ensure this, officers shall:
  - a. Check the MVR prior to each shift.
  - b. Ensure the MVR is positioned and adjusted to properly record.
  - c. Ensure the MVR is not deactivated until the enforcement action is completed.
5. Where possible, officers shall also use their MVR to record:
  - a. The actions of suspects during interviews.
  - b. The actions of subjects undergoing sobriety checks.
  - c. The actions of suspects when they are placed in custody.
  - d. The circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.
  - e. Any verbal consent to search.
6. The MVR, to include the rear seat camera and audio recorder, shall be activated when transporting all prisoners.
7. Officers shall not erase, reuse, or in any manner alter or tamper with any type of MVR media.
8. Officers shall ensure that they are equipped with an adequate supply of media storage to complete their tour of duty. If the MVR indicates that media storage is low, officers shall notify an on-duty supervisor. If the situation cannot be corrected, the vehicle shall be taken out of service (absent exigent circumstances as described herein) and another vehicle shall be utilized.

9. Officers are encouraged to inform their supervisors of any video recorded footage that may be of value for training or evidentiary purposes.
10. Officers will note in incident, arrest, and supplemental reports when recordings were made during any incident.
11. Officers shall review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.
12. Officers shall only use recording devices issued and approved by the Department.
13. At the end of their tour of duty, officers shall upload any MVR recordings to the Department computer system.
  - a. All MVR recordings shall be tagged within seventy-two (72) hours of the end of the tour of duty in which the recording occurred.
14. When applicable, supervisors shall review all MVR recordings of the officers listed in any Department report for any incident involving injuries to a prisoner or an officer, uses of force, vehicle pursuits, or misconduct complaints, etc.

C. Use of the BWC's

1. BWC's assigned to officers are the responsibility of the officer they are assigned to.
2. Prior to and at the end of each shift, officers shall inspect and ensure their BWC is working satisfactorily.
3. Officers shall wear their assigned BWC on their persons in a position to provide an optimal recording of an incident and the subjects involved in the incident.
4. Officers who are assigned a BWC **SHALL** activate their assigned BWC immediately prior to any encounter in the following circumstances:
  - a. With a person in which there is a potential for arrest.
  - b. Any pedestrian and/or traffic stops.
  - c. Any investigative call for service.
  - d. Any call in which they are needed to resolve or prevent a dispute.
  - e. Any proactive self-initiated call for service in which law enforcement action can reasonably be anticipated.
  - f. Vehicular pursuits.
    - 1) This section does not apply when the MVR is recording.
  - g. Foot pursuits.
  - h. Motorist assists.

- i. Transporting and processing arrestees.
    - 1) This section does not apply when the MVR is recording.
  - j. Conducting interviews or taking statements from suspects, witnesses and/or victims.
    - 1) This section does not apply for interviews or statements that are taken within an interview room equipped with audio and video recording equipment that is activated.
  - k. Any incident or event not otherwise prohibited by this directive, which may be dangerous, unpredictable, or potentially useful for Department training.
  - l. Situations where an officer, by reason of training and experience, determines that the incident should be recorded.
5. This section does not apply if an officer is not assigned a BWC.
  6. The BWC will serve as the wireless audio microphone for the MVR and shall be activated and used in conjunction with the MVR.
  7. If an exigent circumstance occurs, in which an officer is involved in an incident and fails to activate his/her BWC, fails to record the entire contact, fails to re-activate the BWC from conference mode, or interrupts the recording; they shall submit in writing to their supervisor the reason why unless it is otherwise allowed by this directive.
    - a. The supervisor will then review the justification and document such review in the Law Enforcement Administration System (LEAS) Department Review reporting module. Disciplinary action will be taken if necessary.
  8. Officers are not required to notify the public when the BWC is in use. However, if asked, the officer will inform the person that he/she is being recorded.
  9. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the incident/situation moves into areas restricted by this directive.
    - a. The BWC shall not be turned off, but instead placed into conference mode when discussing a communication between law enforcement personnel regarding intelligence and/or strategy that is not publicly disclosable and occurs outside of the vicinity of anyone that is not a member of the Department or another law enforcement agency.
    - b. Prior to entering into conference mode, the officer shall verbally state the reason such as "Officer Conference," "Telephone Call," etc.
    - c. Prior to re-engaging contact with any subject involved in an incident/situation, the officer will confirm that the BWC is no longer in conference mode and is once again actively recording audio and video.

10. Civilians shall not be allowed to review recordings made with a BWC at the scene.
11. Officers are encouraged to inform their supervisors of any video recorded footage that may be of value for training or evidentiary purposes.
12. Officers will note in incident, arrest, and related reports when video/audio recordings were made during any incident.
13. Officers shall review BWC recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.
14. Intentionally failing to activate a BWC shall lead to disciplinary action.
15. Supervisors shall review all BWC recordings of the officers listed in any Department report for any incident involving injuries to a prisoner or an officer, uses of force, vehicle pursuits, or misconduct complaints.
16. At the end of their tour of duty, officers shall upload any BWC recordings to the Department computer system.
  - a. All BWC videos shall be tagged within seventy-two (72) hours of the end of the tour of duty in which the recording occurred.
    - 1) As a standardized format, all BWC videos shall be tagged with their respective ten (10) digit case number as reflected in LEAS.
    - 2) The ten (10) digit case number shall be entered in the ID field of the BWC video (i.e. 1700000001). No special characters, such as a hyphen, shall be included when tagging a BWC video.
  - b. All recordings shall be appropriately tagged according to the retention category drop-down menu, located in the software used to view recordings.
  - c. Supervisors and/or the Records Division will ensure that BWC recordings are properly tagged to meet the retention requirements of this directive.
17. Unauthorized use, duplication, and/or distribution of BWC files are prohibited. Employees shall not make copies of any BWC recording for their personal use and are prohibited from using an unauthorized device such as a phone camera or secondary video camera to record BWC files.
  - a. This section does not prohibit sharing BWC recordings with other officers or law enforcement agencies as part of official investigations.
  - b. Distribution of BWC recordings must have prior authorization and approval from the Chief of Police or his/her designee.
18. Officers are strictly prohibited and shall not edit, alter, or erase BWC recordings.
  - a. This section does not apply when redacting a copy of a recording to comply with State and Federal privacy disclosure laws, provided that the original recording is not edited or altered in any way.

19. The BWC shall not be used to record:

- a. Encounters with undercover officers or confidential informants.
- b. A communication with other Department personnel unless it is part of his/her official duties.
- c. A communication between Department personnel regarding intelligence strategy that is not publicly disclosable and occurs outside of the vicinity of anyone that is not a member of the Department or another law enforcement agency.
  - 1) The BWC shall not be turned off, but instead placed into conference mode when discussing a communication between law enforcement personnel regarding intelligence and/or strategy that is not publicly disclosable and occurs outside of the vicinity of anyone that is not a member of the Department or another law enforcement agency.
  - 2) Prior to entering into conference mode, the officer shall verbally state the reason such as "Officer Conference," "Telephone Call," etc.
  - 3) Prior to re-engaging contact with any subject involved in an incident/situation, the officer will confirm that the BWC is no longer in conference mode and is once again actively recording audio and video.
- d. A person undergoing a medical or psychological evaluation, procedure, or treatment. This does not apply while officers are on-scene for an initial response or while emergency medical responders are providing on scene medical care.
- e. In a hospital or mental health facility unless responding to a call for service and/or a follow-up in which a suspect and/or victim is present, a disturbance is occurring, or a potential crime is occurring.
- f. Any private conversation to which an officer is not a party unless authorized by law (i.e. search warrant, subpoena, court order, etc.).
- g. Any telephonic or other means of electronic conversation unless authorized by law (i.e. search warrant, subpoena, court order, etc.).
- h. Instances where employees are on break or otherwise engaged in personal activities.
- i. Any location where employees have a reasonable expectation of privacy, such as a restroom or a locker room.

D. Equipment Malfunctions

1. Any and all problems with a police vehicle's AVL and/or MVR shall be reported to an on-duty supervisor as soon as possible by the officer who discovered the problem(s).

- a. Police vehicles with a malfunctioning AVL and/or MVR shall be documented in the Vehicle Maintenance Tab of LEAS and taken out of service, absent exigent circumstances, until the AVL and/or MVR has been repaired.
  2. An officer who discovers that his/her BWC is malfunctioning shall report said problem(s) to an on-duty supervisor as soon as practical.
    - a. The officer shall be given a spare BWC by an on-duty supervisor, and the IAO shall be notified via email of the malfunction or defective equipment.
- E. Supervisory Technology Review of MVR and BWC Recordings
1. Supervisors shall ensure officers under their supervision follow the requirements of this directive for the use and handling of MVR and BWC recordings.
  2. Supervisors shall randomly review five (5) video recordings or thirty (30) minutes of video footage for each of their assigned personnel every three (3) months. The technology review periods shall coincide with the patrol shift bid and begin on the first (1) day of the months of January, April, July, and October. The supervisor will conduct the review to:
    - a. Assist in the periodic assessment of officer performance.
    - b. Determine whether MVR's and BWC's are being fully and properly used.
    - c. Identify material that may be appropriate for training or evidentiary purposes.
    - d. A report of this review shall be completed in the LEAS DR reporting module by each respective supervisor.
  3. The quarterly technology reviews shall be conducted and documented by the 10<sup>th</sup> of each month proceeding the end of each respective quarter (January 10<sup>th</sup>, April 10<sup>th</sup>, July 10<sup>th</sup>, October 10<sup>th</sup>).
- F. Administrators
1. Administrator(s) designated by the Chief of Police shall be responsible for the following:
    - a. Training personnel on the use of the MVR and BWC.
      - 1) Officers, including supervisors, shall be trained in the use of their camera system prior to use.
    - b. Facilitating maintenance and system repairs.
    - c. Monitoring available media storage.
    - d. Monitoring purging schedule of recordings.
- G. Control and Management of Recordings
1. MVR and BWC recordings containing information that may be of value for case prosecution or in any criminal or civil proceeding or in the investigation and adjudication of a citizen complaint shall be handled as evidence. All video recordings

are subject to the same security restrictions and chain of evidence safeguards as detailed in Policies and Procedures # 703 - Evidence and Property Control.

2. The Chief of Police or his/her designee must approve the release of any MVR, and/or BWC recordings.
3. AVL, MVR and BWC recordings not scheduled for court proceedings or other Departmental uses shall be maintained for a minimum period of three (3) years. All recordings shall be maintained in a manner that allows efficient identification and retrieval.
4. BWC recordings of a routine nature are exempt from the three (3) year retention requirements of this directive.
  - a. BWC recordings of routine calls for service shall be retained for a minimum of one (1) year.
  - b. It is the obligation of the officer that records a routine call for service with his/her assigned BWC to notify the Head of the Records Division in writing if they believe a recording should be retained for more than one (1) year.
  - c. The Department may also decide to retain any routine call for service for more than one (1) year.
5. The Department shall retain and preserve any recordings that are under investigation, involved in litigation, or reasonably anticipated to lead to litigation for at least three (3) years after disposition of the particular matter.
6. All recorded media, images, and audio recordings are the property of the Department and shall not be copied, released, or disseminated in any form or manner except as provided by this directive.