

TOWN OF ELLINGTON

Policies & Procedures

Body-Worn Cameras

Purpose

The purpose of this policy is to set standards related to the use, management, storage and retrieval of digital multimedia video files stored on or generated from the use of body-worn cameras (BWC) issued or approved by the Department of Emergency Services and Public Protection (DESPP) and/or the Town of Ellington (Town”).

DESPP and the Town have approved the use of issued or approved body-worn cameras to accomplish several objectives, including but not limited to:

1. Allowing for the accurate documentation of critical incidents, police-public contacts, crime and accident scenes and arrests.
2. Preserving visual and audio information for use in current and future investigations in accordance with applicable guidelines referenced herein.
3. Capturing crimes in-progress, whether committed against the trooper and/or police officer or the community, and to preserve evidence for presentation in court.
4. Documenting trooper and/or police officer response to an incident.
5. Aiding in the documentation of victim, witness, or suspect statements pursuant to an on-scene response and/or documentation of the advisement of rights, and consents to conduct a lawful search, when applicable.
6. Counteract false complaints made against a trooper and/or police officer in the course and scope of his or her official police duties and to assist in the consideration of appropriate action in response to such an event.

The purpose of equipping troopers and police officers with issued or approved body-worn cameras is to assist in the following:

1. **Strengthening police accountability** by documenting incidents and encounters between troopers and/or police officers and the public.
2. **Resolving trooper/police officer-involved incidents and complaints** by providing an objectively independent record of events.
3. **Improving agency transparency** by allowing the public to see video evidence of police activities and encounters in accordance with applicable laws regarding public disclosure.
4. **Identifying and strengthening trooper/police officer performance** by using footage for officer training and monitoring when appropriate and consistent with the law.
5. **Improving evidence documentation** for investigation, prosecutions, administrative reviews of employee performance, and/or civil actions.

Policy

1. In support of the mission statement and core values of DESPP, it is the policy of DESPP, and that of the Town, to augment services provided to the public by utilizing department issued or approved body-worn cameras.
2. It is DESPP policy, and that of the Town, that sworn law enforcement personnel under the jurisdiction and direction of the Division of State Police whose assignments require regular, personal interaction with the public in a law enforcement capacity shall, to the extent possible, be issued a body-worn camera for use in the course of their official duties as provided for by this policy.
 - A. Troopers or police officers serving under the jurisdiction and direction of the Division of State Police shall activate their issued or approved body-worn cameras when such recordings are in accordance with DESPP policies and procedures, relevant case law, and all state and federal laws. ***Use of the body-worn cameras for any purpose other than in accordance with this policy is prohibited.***
3. All DESPP issued or approved body-worn camera equipment, and media associated with the body-worn cameras, data, images, video/audio and metadata captured, recorded, or otherwise produced by the body-worn camera on a trooper, is the property of DESPP and shall not be viewed, copied, released, disclosed, or disseminated in any form or manner outside the parameters of this policy without the

express written consent of the DESPP Commissioner or his/her designee, except as otherwise required by law. All Town issued body-worn camera equipment and media associated with the body-worn cameras, data, images, video/audio and metadata captured, recorded, or otherwise produced by the body-worn camera on a police officer is the property of the Town and shall not be viewed, copied, released, disclosed, or disseminated in any form or manner outside the parameters of this policy without the express written consent of the Town or its designee, except as otherwise required by law.

- A. Troopers and police officers with an issued or approved body-worn camera shall not edit, erase, alter, copy, disclose, reuse, modify, destroy, abuse, or tamper with body-worn camera audio-digital multimedia video files or equipment except in accordance with this policy.
4. Only body-worn cameras issued or approved by DESPP and/or the Town for use by an individual trooper or police officer shall be used while in the performance of his/her official duties.
5. It should be noted that the video footage captured from the BWC represents the limited perspective of the camera and is not the same as what the trooper or police officer perceives.

Scope

In accordance with section B above, this policy applies to all troopers and police officers who are in uniform and scheduled to perform police duties.

1. This includes, but is not limited to, troopers and police officers in the uniform of the day, battle-dress uniform (BDU) style, and similar uniforms.
2. Desk troopers and police officers, given the propensity to have to respond to an urgent matter (e.g., in the prisoner processing / lockup area, or in the troop lobby), shall be required to wear a body-worn camera.
3. Troopers and police officers assigned to special duty or extra duty assignments, including but not limited to HCP/OPA assignments, sporting events, security or traffic control details shall be required to wear a body-worn camera during the performance of such assignment.
4. Troopers and police officers on general patrol to or from such duty assignments shall wear the body-worn camera while in uniform.

Exceptions to the requirement to wear a body-worn camera:

1. Troopers and police officers assigned to attend training and/or complete administrative duties, and are not wearing a uniform, are exempt from wearing a body-worn camera, but shall utilize and activate a BWC when feasible.
2. Troopers in the Class A uniform for ceremonial matters shall not wear the body-worn camera.

This policy does not govern the use of surreptitious/covert recording devices used in undercover operations.

This policy does not apply to or limit the use of in-car audio/video recording systems as defined in the State Police Administration and Operations (A&O) Manual, Section 13.15.

Definitions

Body-Worn Camera (BWC) — A body-worn camera is an “on-the-body” video and audio recording system worn by a trooper/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 official duties.

Digital Multimedia Video Files (DMVF) — Digital multimedia video files consists 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.

DESPP System Administrator (SA) — A DESPP employee designated and authorized with full access to user rights who assigns and tracks master inventory of equipment and controls passwords and end-user security access rights.

Evidence Transfer Management (ETM) — ETM is the transfer of media from the body-worn camera to a secured server or other reliable secure storage source. The method of evidence transfer management for body-worn cameras shall be approved by the SA.

Local Body-Worn Camera Coordinator — A resident trooper or other assigned sworn DESPP employee that shall be responsible to assist with the implementation of body-worn cameras within his/her assigned town(s) by providing assistance and guidance to personnel assigned a body-worn camera. The Local BWC Coordinator shall act as liaison to the SA.

Media — For the purposes of this policy, references to media include photographs, audio recordings and video footage captured by the BWC device. The media is stored digitally and encrypted.

Body-Worn Camera Liaison Supervisor — A DESPP sworn employee who holds the rank of sergeant or higher who is designated by the troop or unit commanding officer to assist with the implementation of the body-worn camera within his/her troop/unit by providing assistance and guidance to troopers who are assigned a body-worn camera.

Procedures

Beginning of shift procedures

1. Issued or approved BWC shall be worn at all times by the trooper or police officer while in the performance of his/her scheduled duties.
2. Issued and approved BWC shall be operated in accordance with the manufacturer's recommended guidelines, department training and department policies and procedures.
3. Prior to the beginning of each shift, a trooper or police officer issued or assigned a BWC shall test and perform an inspection to ensure that the BWC is properly charged and functioning and that adequate storage capacity is available for recording.
 - A. If problems are encountered with any component of the system, the BWC shall not be used and the trooper or police officer shall arrange for repair or replacement through department established procedures, including notification to the Network Control Center (NCC).
 1. To the extent practicable, the trooper or police officer should be provided a replacement BWC as soon as possible.
4. Malfunctions, damage, loss or theft of any issued or approved BWC shall be immediately reported by troopers or police officers to the on-duty shift supervisor.
 - A. Malfunctions of State Police BWC equipment or components shall be called in to the NCC by the trooper assigned such equipment as soon as practical, in order to ensure proper tracking and timely resolution. Malfunctions of police officer BWC equipment or components shall be reported to the BWC Liaison Supervisor.

- B. State Police body-worn cameras that are lost or damaged shall be reported through the chain of command to the troop or unit commanding officer utilizing the Report of Equipment Damage Form, DPS-97-C. Police officer BWCs that are lost or damaged shall be reported to the BWC Liaison Supervisor.
- C. Any theft of an issued or approved BWC shall be reported to the troop or police department having jurisdiction where the crime occurred.
 - 1. The trooper or police officer reporting the damage, loss, or theft of a BWC shall detail the circumstances in a written memorandum and shall forward the memorandum through the chain of command to the Commanding Officer of the troop or unit where the trooper or police officer is assigned.
- 5. General care and maintenance of a BWC shall be the responsibility of the trooper or police officer who has been issued the camera.

Use and activation of BWC

- 1. Troopers and police officers issued or assigned a BWC shall wear such camera on his/her outermost garment and shall position it above the midline of his/her torso when in use.
 - A. Troopers and police officers shall not cover or obstruct the video lens or microphone of a BWC for the sole purpose of intentionally defeating the recording capabilities of a BWC when DESPP policies and procedures would otherwise require the BWC to record.
 - B. Placement of a BWC on the uniform of a trooper or police officer shall not obstruct the view of or cover his/her name tag, badge, agency affiliation, or other mandated identification (e.g. FAA Security Identification Display Area badge).
 - 1. Troopers and police officers shall exercise due care to minimize the risk of identification badges or other uniform items from obstructing the BWC video lens.
- 2. Troopers and police officers issued or assigned a BWC shall activate the camera at the inception of an interaction with the public in a law enforcement capacity.

- A. For the purposes of this policy, "interacting with the public in a law enforcement capacity" means that a trooper or a police officer is in personal contact with one or more members of the public, the purpose of which is to conduct a self-initiated investigation into, or to respond to a complaint involving, the possible commission of any offense, violation or infraction.
- B. In addition, troopers and police officers shall record the following:
1. Vehicular pursuits;
 2. Foot pursuits;
 3. Motorist assists;
 4. The taking of statements from suspects, witnesses and victims;
 5. The conducting of interviews with suspects, witnesses and victims;
 6. Transportation and processing of prisoners;
 7. Any incident or event not otherwise prohibited by this policy, where the trooper or police officer anticipates a use of force encounter to occur;
 8. Any incident or event not otherwise prohibited by this policy, which may be dangerous, unpredictable, or potentially useful for department training purposes; or
 9. Situations where a trooper or police officer, by reason of training and experience, determines that the incident should be documented on video.

Note: At no time should troopers or police officers disregard officer safety or the safety of the public for the purpose of activating or utilizing the body-worn camera. For example, in some off-duty situations immediate access to, and utilization of, an issued body-worn camera, may not always be feasible.

3. If circumstances prevent the trooper or police officer from activating a BWC

recording at the inception of an interaction (such as being unsafe or impracticable) the trooper or police officer shall begin the recording as soon as safe and practicable.

- A. 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 by this policy.
 1. Additional troopers or 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.
 2. For purposes of this policy, conclusion of an interaction with the public occurs when a trooper or police officer terminates his/her law enforcement contact with a member of the public.
- B. Troopers and police officers utilizing a BWC that are asked by a person with whom they are interacting as to whether such interaction is being recorded should inform the person they are being recorded, unless doing so would be unsafe.
 1. Troopers and police officers utilizing a BWC are neither mandated nor prohibited from informing any person with whom they are interacting that such interaction is being recorded prior to being asked.

Deactivation of BWC and Prohibitions on the use of BWC

1. Except as otherwise required by this policy, no trooper or police officer shall use body-worn recording equipment to *intentionally* record:
 - A. A communication with other law enforcement agency personnel, except that which may be recorded as the officer performs his or her duties;
 - B. An encounter with an undercover officer or informant;
 - C. When an officer is on break or is otherwise engaged in a personal activity;
 - D. A person undergoing a medical or psychological evaluation, procedure or treatment;

- E. Any person other than a suspect or a witness to a crime if a trooper or police officer is wearing his/her issued or approved body-worn camera in a hospital or other medical facility setting;
 - F. In a mental health facility, unless responding to a call involving a suspect or a witness to a crime who is thought to be present in the facility;
 - G. Any private conversation to which the trooper or police officer is not a party;
 - H. A telephonic conversation, except in accordance with the provisions of state and federal law while in the lawful performance of their official duties;
 - I. A strip search (Refer to A&O Manual § 19.2.8); or
 - J. In a locker room, changing room or restroom, unless confronting a violent or assaultive suspect or in an anticipated use of force instance.
2. Deactivation of a body-worn camera under certain circumstances:
- A. Although generally, body-worn cameras should remain activated until the conclusion of an incident (see section E(2)(c)(2) above), troopers and police officers may consider requests to deactivate the body-worn camera should he/she determine that, based upon the circumstances, the investigation could be significantly hampered if the recording were to continue. Whenever possible, troopers and police officers should consult with supervisors before making the decision as to whether to deactivate their body-worn camera.
 - B. Whenever possible, a trooper or police officer who deactivates or mutes 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, termination or muting of recording prior to deactivating the body-worn camera, and document such event in his/her report, or in an instance in which no written report is completed, in the Computer Aided Dispatch (CAD) event pertaining to the incident.
3. Troopers and police officers shall not remove the BWC from their uniform in order to use the BWC as a handheld or fixed recording device.

Malfunction of Body-Worn Camera

1. If any malfunction or unintentional failure to record in accordance with this policy occurs, the trooper and/or police officer shall document the reason and notify the on-duty shift supervisor regarding the lack of recording.
 - A. Documentation may be in the form of an incident report, noted on a citation or summons, or electronically recorded in a CAD event.

Event Classification

1. Troopers and police officers who have recorded an event on their issued or assigned BWC shall ensure the event is classified into the appropriate category in a timely manner as determined through training and DESPP procedures.

End of shift procedures

1. Troopers and police officers shall ensure that all files from an issued or approved body-worn camera are securely downloaded with sufficient frequency so as to ensure that there remains adequate data storage available for recording future incidents.
 - A. In the event that an incident necessitates the immediate retrieval of BWC digital multimedia video files for chain of custody purposes (including but not limited to officer-involved shootings and in-custody deaths) as determined by the commanding officer responsible for the investigation, the trooper or police officer shall follow the instructions of the commanding officer or his/her designee on how the BWC will be secured and downloaded.
2. Troopers and police officers shall cause the following BWC digital multimedia video files to be stored, downloaded, transferred or otherwise saved and labeled, cataloged and/or submitted as evidence:
 - A. Any incident where an arrest is made or may be made;
 - B. Any incident where a search is conducted;
 - C. An event that is a major motor vehicle or criminal incident involving death, serious injury, or catastrophic property damage;
 - D. An oral, written or sign language statement of a person under investigation for or accused of a capital felony or a class A or B

felony made as a result of a custodial interrogation at a place of detention;

- E. An event that captures a trooper or police officer's reportable use of force in the discharge of his/her official duties;
- F. Any event that captures the injury or alleged injury of any person in the care, custody or control of any DESPP employee or police officer serving under the jurisdiction and direction of the Division of State Police in the performance of his/her duties;
- G. Any interaction with the public where the trooper or police officer determines that it would be prudent to retain the recording for longer than the minimum retention period set forth in this policy; or
- H. Any incident in which an on-duty supervisor or commander determines that it would be prudent to retain the recording for longer than the minimum retention period set forth in this policy.

Training

1. No trooper or police officer under the jurisdiction and direction of the Division of State Police shall use an issued or approved 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. Every trooper or police officer shall receive training as to Body Worn Cameras at least annually. Training shall include the use of such equipment, retention of data created by, and the care and maintenance of such equipment.
 - A. These training requirements shall apply to all sworn personnel
 - B. Sworn supervisors who perform reviews of BWC recordings as part of their duties shall also be trained in aspects related to the review of BWC recordings.
2. Any other DESPP employee that utilizes BWC equipment for purposes of duplication, redaction or data storage shall receive initial training in the use of such equipment.
3. Troopers and police officers should notify the on-duty shift supervisor of any recorded media that may be of value for training purposes, such as officer safety, etc. The on-duty shift supervisor shall evaluate that segment of the recording in question and make an assessment of its application for training. If the media is copied for training purposes, it shall be appropriately documented at the Troop/Unit level and forwarded to the

Connecticut State Police Training Academy for review through the chain of command.

Responsibilities of Personnel

1. Troopers and police officers utilizing an issued or approved BWC shall be responsible for the following documentation:
 - A. DESPP incident reports shall include reference to any BWC recordings made pursuant to this policy
 1. In the event that a recording is made on other than trooper or police officer's permanently issued or assigned BWC, and the BWC is not electronically linked to that trooper or police officer's identifying information (e.g. badge number or employee number), the make, model and serial number of the BWC used shall be noted in the incident report.

Note: Body-worn camera recordings are not a replacement for in-car video camera recordings, still photography or a written report.

- B. If an incident has been recorded and an incident report is not required, but an infraction, citation or summons is issued, the trooper or police officer shall document the use of a BWC on such note to the prosecuting authority, if applicable, and/or in the CAD event corresponding with the incident.
2. Supervisors
 - A. Supervisors shall ensure that troopers and police officers equipped with issued or approved BWCs are utilizing the camera in accordance with policy and procedures as defined herein.
 - B. Supervisors shall periodically inspect issued or approved BWC equipment assigned to troopers and police officers to ensure proper operability per testing protocols provided through training and manufacturer's recommendations.
 - C. Supervisors shall ensure that upon being informed by a trooper or police officer under their supervision that the trooper or police officer's BWC equipment is lost, damaged or malfunctioning, that such BWC equipment is inspected and repaired or replaced, as necessary, to the extent practicable.
 - D. Supervisors shall conduct a monthly review of all personnel assigned a

BWC. The frequency for review will be at least one (1) BWC review per month for personnel assigned a BWC. The purpose is to review issued or approved BWC recordings of traffic stops and citizen contacts of assigned personnel in accordance with this policy as well as reports generated as a result of these incidents to:

1. Ensure BWC equipment is operating properly;
 2. Ensure that troopers and police officers are utilizing the BWCs appropriately and in accordance with policies and procedures; and
 3. Identify any areas in which additional training, policy revisions, or guidance is required.
- E. The monthly supervisory review of BWC recordings shall be documented as a CAD event, (call type of Administrative Services, sub-type BWC Review).
- F. Supervisors shall ensure that all body-worn camera video files are appropriately preserved in accordance with this policy.
3. Body-Worn Camera Liaison Supervisor
- A. Each troop, unit or duty station with personnel assigned or issued BWCs shall appoint a Body-Worn Camera Liaison Supervisor. The Body-Worn Camera Liaison Supervisor shall have oversight and responsibilities including, but not limited to, the following:
1. Operation and use of the system;
 2. System evaluation;
 3. Training;
 4. Policy and procedure review and evaluation; and
 5. Coordination with DESPP information technology personnel regarding system related issues.
- B. The Body-Worn Camera Liaison Supervisor shall ensure that all body-worn camera digital multimedia video files of evidentiary value are secured and retained in accordance with this policy.
- C. The Body-Worn Camera Liaison Supervisor shall ensure that

requests for disclosure of a trooper's BWC digital multimedia video files are immediately forwarded to Legal Affairs for processing, and shall serve as liaison to Legal Affairs in fulfillment of such requests, and that requests for disclosure of a police officer's BWC digital multimedia video files are forwarded to the First Selectman's Office, for processing and shall serve as a liaison to the First Selectman's Office in fulfillment of such requests.

- D. The Body-Worn Camera Liaison Supervisor shall ensure that functionality tests of spare BWC units assigned to his/her troop, unit or duty station are conducted monthly to ensure operational readiness.
 - 1. BWC equipment that is found to not be operational shall be documented, and repair or replacement arranged through department established procedures, including notification to the Network Control Center (NCC).

4. Local Body-Worn Camera Coordinator

- A. The Local Body-Worn Camera Coordinator shall be responsible for assisting with the implementation of body-worn cameras within his/her town, including to provide assistance and guidance to personnel assigned a BWC. The Local Body-Worn Camera Coordinator shall liaison with the appropriate Body-Worn Camera Liaison Supervisor and the DESPP System Administrator as required.

5. DESPP System Administrator (SA)

The SA shall:

- A. Oversee and administer the storage and management of all DESPP and/or Town digital multimedia video files generated by the use of issued or authorized body-worn cameras, including but not limited to:
 - 1. Assigning and tracking inventory of equipment;
 - 2. Password control;
 - 3. End-user security access rights;

4. Control checks of video and sound quality;
 - B. Ensure that stored data is purged from the body-worn camera system operations software and hardware in accordance with state library retention records and DESPP policies and procedures;
 - C. Ensure that body-worn camera video files that are subject to a preservation request or other court order are appropriately preserved;
 - D. Designate personnel who will be authorized to access the secure media collected on the systems operations software server and periodically conduct body-worn camera stored data queries;
 - E. Ensure that DESPP and/or Town personnel who are authorized to use department body-worn cameras system operations software are appropriately trained prior to utilizing the system;
 1. Ensure that all systems operations software training is documented;
 2. Ensure ongoing systems operations software training is provided to DESPP and/or Town personnel as needed;
 - F. Approve the method of evidence transfer management from the body-worn camera to a secured server, cloud or other secured digital media storage; and
 - G. Serve as liaison with the Troop Body-Worn Camera Liaison Supervisor (and the Local Body- Worn Camera Coordinators, to the extent necessary) and to manufacturer representatives on operational and equipment related matters to include data, storage, security, retention, access, and policy compliance.
 - H. Coordinate requests for access to recorded incidents for troopers and police officers or as directed by the DESPP Commissioner or his/her designee.

Access to Uploaded Digital Multimedia Video Files

1. General access to digital multimedia video files shall be granted to authorized personnel only. It is the responsibility of any authorized personnel to keep their usernames and passwords confidential. 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, and DESPP policies and procedures.

- A. A trooper or police officer may review a recording from his or her issued or assigned BWC equipment in order to assist such officer with the preparation of a report (including explanatory memorandums) or otherwise in the performance of his or her duties.
 - B. Troopers, police officers and other law enforcement personnel may review a recording from his or her issued or assigned body-worn recording equipment in order to assist such trooper or police officer in providing a statement as a witness to events which are the subject of a department internal administrative inquiry, including trooper or police officer involved shooting investigations;
 - C. If a trooper or police officer is giving a formal statement about the use of force, or if a trooper or police officer is the subject of a disciplinary investigation in which a recording from BWC equipment is being considered as part of a review of an incident, the trooper or police officer shall have the right to review such recording in the presence of the trooper or police officer's attorney or labor representative.
2. 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 trooper, police officer or individual, or for other non-law enforcement related purposes. This includes disclosure of any portion of a BWC video file to a media organization unless such disclosure has been approved in advance by the DESPP Commissioner or his/her designee, as to BWC media or data files generated from trooper's BWC, or by the First Selectman or his/her designee as to BWC media or data files generated from police officer's BWC.
 3. Digital multimedia video files may be reviewed by individuals other than the recording trooper or police officer in any of the following situations:
 - A. A supervisor 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 when advancing the best interest of the public, the department, or the trooper.

- B. By a supervisor investigating or adjudicating a complaint regarding a specific act of trooper or police officer conduct;
- C. Field Training Officers may use digital multimedia video files captured via a BWC to provide training to assigned trooper or police officer trainees and to assist with the completion of the Daily Observation Report (DOR).
- D. By technical support staff for purposes of assessing proper functioning of BWC;
- E. By the Internal Affairs Unit when participating in an official misconduct investigation concerning a specific act of trooper or police officer conduct alleged in a complaint of misconduct;
- F. By a sworn DESPP employee or other law enforcement officer who is participating in a criminal investigation for which the recording may be relevant to such investigation;
- G. By the Legal Affairs Unit;
- H. If a trooper or police officer is giving a formal statement about the use of force, or if a trooper or police officer is the subject of a disciplinary investigation in which a recording from body-worn recording equipment is being considered as part of a review of an incident, such trooper or police officer shall have the right to review recordings from other troopers' or police officers' body-worn recording equipment capturing the trooper or police officer's image or voice during the incident under review;
- I. By DESPP employees assigned to the Connecticut State Police Training Academy and the State Police Canine Training Unit for assessing possible training value. Such recordings may be shown for training purposes;
- J. By representatives of the Division of Criminal Justice, Office of the Attorney General, retained counsel and other authorized claims representatives in the course of their official duties;
- K. By other DESPP personnel as authorized by the Deputy Commissioner of the Division of State Police or his/her designee for use in the performance of their official duties.
- L. By the First Selectman or his/her designee in order to process FOIA requests of BWC video files generated by police officer's BWCs.

Releasing or Duplicating Body-worn Camera Recordings

1. Records created using DESPP or Town issued or approved BWC equipment may be subject to release under the Connecticut Freedom of Information Act (FOIA) in accordance with applicable Connecticut General Statutes. Unless otherwise provided by law, fees for copies of any digital files maintained by DESPP or the Town shall be calculated in accordance with Conn, Gen. Stat. §1-212, as amended from time to time, and, if such fee is reasonably estimated to exceed ten dollars (\$10,00), DESPP and/or the Town may require prepayment of the same prior to production.
2. In accordance with C.G.S. § 29-6d, no record created using BWC equipment of an occurrence or situation described below shall be subject to disclosure under the FOIA, and any such record shall be confidential:
 - A. A communication with other law enforcement agency personnel, except that which may be recorded as the trooper or officer performs his or her duties;
 - B. An encounter with an undercover officer or informant;
 - C. When an officer is on break or is otherwise engaged in a personal activity;
 - D. A person undergoing a medical or psychological evaluation, procedure or treatment;
 - E. Any person other than a suspect to a crime if a trooper or police officer is wearing such equipment in a hospital or other medical facility setting;
 - F. 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;
 - G. A scene of an incident that involves the following, if disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy in the case of any such victim:
 1. A victim of domestic or sexual abuse;
 2. A victim of homicide or suicide; or
 3. A deceased victim of an accident; or
 - H. A minor, except that the record of a minor created using BWC equipment shall be disclosed if:

1. The minor and the parent or guardian of such minor consent to the disclosure of such record;
2. A trooper or police officer is the subject of an allegation of misconduct made by such minor or the parent or guardian of such minor, and the person representing such trooper or officer in an investigation of such alleged misconduct requests disclosure of such record for the sole purpose of preparing a defense to such allegation; or
3. A person is charged with a crime and defense counsel for such person requests disclosure of such record for the sole purpose of assisting in such person's defense and the discovery of such record as evidence is otherwise discoverable.

3. Releasing Body-Worn Camera Digital Multimedia Video Files

- A. Processing Freedom of Information Act (FOIA), media and other public requests
 1. All FOIA requests, media requests, and other public requests for body-worn camera digital multimedia video files generated by troopers BWCs shall be processed through the Legal Affairs Unit.
- B. All FOIA requests, media requests, and other public requests for body-worn camera digital multimedia video files generated by police officer BWCs shall be processed through the First Selectman's Office.
- C. Redaction of BWC DMVF prior to release to an entity outside of agency control shall be performed only by authorized personnel from Legal Affairs, Reports and Records, the Division of Scientific Services, or other personnel specifically designated by the Commissioner or his/her designee, or the First Selectman or his/her designee specifically with regard to BWC DMVFs generated from police officer BWCs.
- D. Not later than forty-eight (48) hours following a trooper or police officer's review of a recording involving the use of force by that trooper or police officer consistent with C.G.S. § 29-6d(f), or if the trooper or police officer does not review the recording, not later than ninety-six (96) hours following the recorded use of

force incident, whichever is earlier, such recording shall be disclosed, upon request, to the public, subject to the provisions of C.G.S. § 29-6d(g) and section I(2) of this policy.

4. Duplicating Body-Worn Camera Digital Multimedia Video Files

- A. A trooper or police officer who is required to produce a digital multimedia video file pursuant to a subpoena or other court order shall arrange through the Legal Affairs Unit or other designated, authorized entity (in the case of video files generated from trooper BWCs), or through the First Selectman's Office or his/her designee (in the case of video files generated from police officer BWCs), prior to the date of court appearance, for a copy of the required portion of the original video file to be duplicated.
 1. Depending on the nature of the case, the Legal Affairs Unit, or First Selectman's Office, as the case may be, may direct the troop or unit to duplicate the digital multimedia video file directly.
- B. The original digital multimedia video file, as well as any duplicate copy, shall be stored and maintained in accordance with this policy and any other controlling policies and procedures.
- C. In addition to court proceedings and/or internal investigations, digital multimedia video files may be duplicated by the Troop Body-Worn Camera Liaison Supervisor for training or other authorized purposes as designated by the troop/unit commander, consistent with controlling statutes and policies.
- D. The duplication of digital multimedia video files to be provided directly to a state's attorney in order to assist in the prosecution of a criminal or motor vehicle case is permitted by troopers and police officers involved in the case, and at the originating troop/unit where the case was initiated from.
 1. Such copies are intended for the state's attorney's office only, as they have not been redacted or vetted against public disclosure guidelines.

Storage and Retention

1. Digital multimedia video files shall be maintained in an approved storage

location, such as a server, storage device, website or other approved secure storage media authorized by DESPP (in the case of files generated from trooper BWCs) or by the First Selectman or his/her designee (in the case of files generated from policy officer BWCs).

2. All digital multimedia video files shall be stored in compliance with the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) security policy that governs access to law enforcement data (Reference A&O Manual § 9.3.5 for details).
3. All digital multimedia video files shall be securely stored in accordance with state record retention laws and DESPP policy and procedures.
 - A. 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 minimum period of ninety (90) days.
 - B. 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 Retention Schedule, whichever is greater.
 - C. All other digital multimedia video files reproduced or otherwise caused to be preserved shall be maintained for a period of four (4) years in accordance with state record retention requirements.
 1. Any event subject to reproduction or preservation under this provision shall be tagged by the user with the appropriate call for service (CFS) number(s) to enable video files to be grouped by case or other common identifier.
 - D. Digital multimedia video files shall be preserved in accordance with any specific request by representatives of the Division of Criminal Justice, Office of the Attorney General, retained counsel and other authorized claims representatives in the course of their official duties.
 1. Upon receiving any such preservation request, any trooper, police officer or other DESPP employee or agent, or the BWC Liaison Supervisor, with access to the affected uploaded digital multimedia video files shall take prompt,

necessary action to ensure such files are preserved, including but not necessarily limited to re-classification of file(s) to a category that ensures longer retention.

2. All such preservation requests shall be promptly brought to the attention of the recipient's supervisor and the Legal Affairs Unit (in the case of requests for files generated from trooper BWCs) or the First Selectman's Office (in the case of requests for files generated from police officer BWCs) for further action.
- E. 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.
1. Upon receiving any such preservation request, any trooper, police officer or other DESPP employee or agent, or the BWC Liaison Supervisor, with access to the affected uploaded digital multimedia video files shall take prompt, necessary action to ensure such files are preserved, including but not necessarily limited to re-classification of file(s) to a category that ensures longer retention.
 2. All such preservation requests shall be promptly brought to the attention of the recipient's supervisor and the Legal Affairs Unit (in the case of requests for files generated from trooper BWCs) or the First Selectman's Office (in the case of requests for files generated from police officer BWCs) for further action.
- F. Whenever a request for preservation is received from the Division of State Police Legal Affairs Unit, for digital multimedia video files, the affected trooper or police officer, or the Body Worn Camera Liaison Supervisor(s) for the affected troop(s)/unit(s) shall ensure prompt and necessary action is taken to ensure such files are preserved.
- G. Upon receiving any such preservation request, any trooper,

police officer or other DESPP employee or agent, or the BWC Liaison Supervisor, with access to the affected uploaded digital multimedia video files shall take prompt, necessary action to ensure such files are preserved, including but not necessarily limited to re-classification of file(s) to a category that ensures longer retention and tagging of the file with any file numbers, case numbers, etc. as may be directed by the Legal Affairs Unit.

- H. An affirmative response shall be provided to the Legal Affairs Unit in the manner and detail directed by the unit, certifying that such files were appropriately preserved, classified, tagged, etc.
- I. Digital multimedia video files do not need to be duplicated or copied to a storage media pursuant to such requests unless so specified by the Legal Affairs Unit, or no other reasonable means exist to adequately preserve the files in question.
- J. Digital multimedia video files stored relative to personnel misconduct investigations by the Internal Affairs Unit shall be in accordance with any orders and guidelines issued by the Commanding Officer of Internal Affairs.

Body-Worn Camera Program Evaluation

1. Due to the evolving nature of BWC technology, policy regarding BWC shall be revised as necessary, at a minimum taking into account the following:
 - A. The need to ensure compliance with C.G.S. § 29-6d(j) regarding guidelines pertaining to the use of body-worn recording equipment, retention of data created by such equipment and methods for safe and secure storage for such data;
 - B. Technological or operational changes; and
 - C. Statutory changes and/or relevant court decisions.

BOS Approved: 6/12/2023