

**NEW HAVEN  
DEPARTMENT OF POLICE SERVICE****GENERAL ORDERS**

GENERAL ORDER 7.10

EFFECTIVE DATE: August 12, 2015

**BODY-WORN CAMERAS PILOT PROGRAM****7.10.01 PURPOSE**

The purpose of this General Order is 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.

**7.10.02 POLICY**

It is the policy of the New Haven Department of Police Service (NHPD) that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, and when the recordings are consistent with this policy and law. This policy does not govern the use of recording devices used in undercover operations.

**7.10.03 SCOPE (PILOT PROGRAM)**

The NHPD will implement a pilot program for 90 days, beginning on or about September 1<sup>st</sup>, 2015. On the 90<sup>th</sup> day after implementation, the General Order will not be in effect. Participating members will be selected on a voluntary basis and will be governed by the policy and procedures outlined in this order.

**7.10.04 DEFINITIONS**

(To be entered when the camera is chosen)

**7.10.05 ADMINISTRATION**

- This department has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:
  - BWCs 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.
  - Audio and video recordings also enhance this department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer training.
  - 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.
- It should be noted that the video footage captured from the BWC represents the 'perspective' of the video camera and is not the same as the officer's perception from his/her perspective during an encounter. All other available evidence, such as witness statements, officer interviews, forensic analyses and documentary evidence should be evaluated to determine the appropriateness of an officer's actions.

**7.10.06 TRAINING**

- All officers will complete a course of prescribed instruction prior to use of the BWC. All shift commanders will also be trained.
- The training academy will be charged with providing appropriate training to ensure proper use and operation of the BWC. The training will include, but not be limited to the following:
  - All practices and protocols contained in the General Order on BWC.
  - An overview of relevant state laws governing consent, evidence, privacy and public disclosure.
  - Procedures for operating the equipment safely and effectively.

- Scenario-based exercises that replicate situations that officers might encounter in the field.
  - Procedures for downloading and tagging recorded data.
  - Procedures for accessing and reviewing recorded data.
  - Procedures for documenting and reporting any malfunctioning device or supporting system.
  - A knowledge test of the course material.
- Additional training at least once a year to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

#### **7.10.07 WHEN AND HOW TO USE THE BWC**

- All Officers shall activate the BWC as soon as practical once it has been determined in the officer's use of sound judgment that an incident is to be recorded in accordance with this Order. This includes, but is not limited to the following:
  - Any consensual encounter or non-consensual encounter while an officer is engaged in the execution of official police duties. Officers will have discretion as to whether to record informal, non-law enforcement related interactions with the public.
  - Any dispatched call where there is citizen contact.
  - Any investigative encounter to confirm or dispel a suspicion that the person may be involved with criminal activity. This includes but is not limited to investigative detentions, vehicle stops, and field contacts.
  - Execution of arrest or search warrants.
  - Other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.
- Officers have no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, lawful search or the circumstances clearly dictate that continued recording is necessary. However, officers should evaluate the situation and when appropriate, honor the citizen's

request. The request to turn the camera off should be recorded, as well as the officer's response.

- Officers may turn the camera off during conversations with victims, crime witnesses or members of the community who refuse to speak on camera yet wish to report or discuss criminal activity in their neighborhood.
- Except in the situations described above, once the camera has been activated it shall remain on until the incident has reached a conclusion or the officer leaves the scene.
  - Once the situation stabilizes, if it is necessary to discuss issues or concerns with another officer or supervisor in private, the BWC may be paused. As soon as the private conversation is completed, the camera will be activated.
  - Recordings shall continue for the transportation of persons of interest, witnesses or prisoners that are transported in patrol vehicles.
  - Any cessation of a recording will be noted and explained within the report.
- If an exigent circumstance occurs, in which an officer is involved in an incident and fails to activate their BWC, fails to record the entire contact, or interrupts the recording, they shall complete the "Body Camera Activation Failure Report" and submit to the System Administrator. **Officers will not be disciplined during the pilot program for failure to activate the BWC.**

#### **7.10.08 PROCEDURES FOR BWC USE**

- BWC equipment is issued primarily to uniformed personnel as authorized by this department. Officers who are participating in the pilot program must use the equipment unless otherwise authorized by supervisory personnel.
- Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the department.
- BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
- Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.

- Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his or her designee.
- Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
- Under no circumstances shall any recordings be used or shown for the sole purpose of bringing ridicule or embarrassment upon any person or the Department.
- At the end of their tour of duty, officers shall upload any BWC recordings to the department computer system. The officer will return the BWC to the proper storage location prior to the termination of their shift.
  - All BWC videos shall be tagged by the officer within 72 hours of the end of the tour of duty in which the recording occurred.
  - All incidents shall be tagged as routine calls for service unless they fall into one of the following categories:
    - Pedestrian and Motor Vehicle Stops
    - Any Use of Force
    - Incidents Involving Injuries to a Prisoner or Officer
    - Vehicle Pursuits
    - Arrests
    - If an officer is aware that a complaint will/may be made against that officer(s), against another officer(s) or the Department.
  - A JD-CR-18 and the evidence log shall be completed for all recordings that are considered evidence or associated with an arrest.
- Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
- Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. Officers may review the recordings for arrest reports, use of force reports, and potential arrests or affidavits or as needed when preparing written reports of events to help ensure accuracy and consistency of accounts. However, BWC recordings are not a replacement for written reports.
- The Chief of Police or his/her designee may review specific incidents recorded by the BWC when participating in an official departmental investigation of department personnel.

**7.10.09 RESTRICTIONS ON USING THE BWC**

- BWCs shall be used only in conjunction with official law enforcement duties. The BWC **shall not** generally be used to record:
  - Communications with other police personnel in accordance with C.G.S. Sec. 31-48b.
  - Encounters with undercover officers or confidential informants.
  - When on break or otherwise engaged in personal activities.
  - In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
  - A strip search.
  - Healthcare facilities.

**7.10.10 STORAGE AND FREEDOM OF INFORMATION (FOI) REQUESTS**

- 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.
- BWC recordings marked as evidence but not scheduled for court proceedings or other departmental uses shall be maintained for a period of three years. All recordings shall be maintained in a manner that allows efficient identification and retrieval.
- BWC recordings of a routine nature are exempt from the three year retention requirements of this directive.
  - BWC recordings of routine calls for service shall be retained for a minimum of 30 days.
  - It is the obligation of the officer that records a routine call for service with their assigned BWC to notify the System Administrator in writing if they believe a recording should be retained for more than 30 days.
- The Department may also decide to retain any routine call for service for more than 30 days.

- 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 years after disposition of the particular matter.
- With the exception of requests made by the Office of the Corporation Counsel of the City of New Haven, any request for BWC recordings by non-sworn members, citizens or the media will require a formal FOI request or be governed by the laws of discovery. No one entity, group or individual will be exempt from this requirement.
- The Chief of Police or his/her designee must approve the release of any BWC recording and shall make a copy of the recording before it is released. Once approval is granted by the Chief of Police or his/her designee, the System Administrator or his/her sworn designee will comply with the FOI request.
- All recorded media, images, and audio recordings are property of the NHPD and shall not be copied, released, or disseminated in any form or manner except as provided by this directive.
- 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 a recording device such as a phone camera or secondary video camera to record BWC files.

#### **7.10.11 RESPONSIBILITIES**

- **SYSTEM ADMINISTRATOR**

The System Administrator(s) are designated by the Chief of Police and have oversight responsibilities to include, but not limited to, the following:

- Operator and user administration of the system.
- System evaluation.
- Training.
- Policy and procedure review and evaluation.
- Coordination with IT regarding system related issues.
- At least once a month, the System Administrator or his/her sworn designee will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

**Officers will not be disciplined for minor violations observed during these reviews.**

- Ensure BWC files of evidentiary value are secure and retained per this policy.
- Ensure BWC files are reviewed and released in accordance with federal, state, local statutes and New Haven Department of Police Service retention policy.

• **SUPERVISORS**

- Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
- When an incident arises that requires the immediate retrieval of a digital recording, (for example, serious crime scenes, officer involved shootings, department involved motor vehicle accidents which resulted in serious physical injury), a supervisor may respond to the scene to secure the BWC and maintain the chain of custody.
- Supervisors are to only review recordings in the following circumstances:
  - All incidents involving an officer's use of force (as defined in the General Order pertaining to the Use of Force) prior to the review of the Use of Force Form.
  - To immediately resolve citizen complaints by reviewing video captured by the BWC. In those circumstances where a complaint is resolved with no further action needed, supervisors will document the incident in a memo to the Internal Affairs Unit.
  - As directed by the Chief of Police and/or his/her designee.
- It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.



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Dean Esserman  
Chief of Police

Date