

<p style="text-align: center;">East Haven Police Department</p> 	Type of Directive: Policies & Procedures		No. 401.3
	Subject/Title: AVL and Officer Video Camera Use and Operation	Issue date: November 25, 2014	
		Effective Date: December 31, 2014	
	Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually	
References/Attachments: N/A		Rescinds: 401.2	Amends: 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 Recording (MVR) equipment.
 3. The activation and use of Electronic Control Weapon (ECW) cameras.
 4. The activation and use of Body Worn Cameras.

II. POLICY

- A. It is the policy of the EHPD to use AVL, MVR (the in-car video/audio recording systems), ECW cameras, and Body Worn Cameras 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, ECW and Body Worn Cameras 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. 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. Violations shall result in disciplinary action.
- 2. Members shall report as soon as possible to their supervisor any and all problems with the AVL in any vehicle assigned to him or her. Vehicles with malfunctioning AVLs shall be taken out service until the AVLs are repaired and are ready for use.
- 3. In exigent circumstances in the reasonable judgment of an officer's supervisor a vehicle with a malfunctioning AVL may be used.
 - 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 to the Head of the Patrol Division and to the Department compliance email box.
 - b. The Head of the Patrol Division shall forward a copy of the report to the Internal Affairs Officer, for inclusion in a file he or she shall maintain on such approvals.
- 4. Supervisors shall randomly monitor AVL recordings at least once monthly. A report of this analysis shall be completed in the Law Enforcement Administration System (LEAS) Department Review (DR) System by each respective supervisor.
- 5. 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.
- 6. Supervisors shall review all AVL recordings of all 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.

B. Use of the Mobile Video and Audio Recorders (MVR)

- 1. Mobile video and audio recording (MVR) equipment has been demonstrated to be of value in the prosecution of traffic violations and related offenses, in evaluation of officer performance as well as in training. In order to maximize the utility of this equipment in these and related areas, officers shall follow the following procedures.
 - a. MVR equipment installed in vehicles shall be used by officers in accordance with this directive.

- b. Prior to and at the end of each shift, officers shall determine whether their MVR equipment is working satisfactorily shall report any problems to the attention of their immediate supervisor as soon as possible.
 - c. Supervisors shall ensure that officers under their supervision follow the requirements of this directive for the use of MVR equipment and handling of video/audio recordings. Supervisors at least once monthly shall randomly review five (5) video recordings or 30 minutes of video footage for each of their assigned personnel to:
 - 1) Assist in the periodic assessment of officer performance.
 - 2) Determine whether MVR equipment is being fully and properly used.
 - 3) Identify material that may be appropriate for training or evidentiary purposes.
 - 4) A report of this review shall be completed in the LEAS DR System by each respective supervisor.
 - d. No officer shall operate a police vehicle while working patrol unless the MVR is fully functioning and operational. If the MVR is not functioning properly, the vehicle must be taken out of service and the supervisor responsible for the MVR equipment notified.
 - 1) 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 to the Head of the Patrol Division and to the Department compliance email box.
 - 2) The Head of the Patrol Division shall forward a copy of the written approval to the Internal Affairs Officer, for inclusion in a file he or she shall maintain on such approvals.
- 2. The MVR equipment will automatically activate when the vehicle's emergency warning devices 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.
 - 3. Officers shall confirm that the equipment 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 video recorder is positioned and adjusted to properly record the events.
 - c. Ensure the MVR is not deactivated until the enforcement action is completed.
 - d. Ensure the wireless microphone is activated in order to provide narration with the video explaining the reason for their current or planned enforcement action.

4. Upon notifying communications personnel of a pursuit or other serious enforcement action, the officer shall confirm the MVR is activated.
 5. Where possible, officers shall also use their MVR equipment 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 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.
- C. 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 their immediate 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.
1. Officers are encouraged to inform their supervisors of any video recorded footage that may be of value for training or evidentiary purposes.
 2. Officers will note in incident, arrest, and related reports when video/audio recordings were made during any incident.
 3. Officers shall review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.
 4. Officers shall only use recording devices issued and approved by the Department.
 5. Intentionally failing to wear the audio recording microphone shall lead to disciplinary action.
 6. Supervisors shall review all MVR recordings of all 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.
- D. Use of the ECW Camera
1. This section shall only apply if an officer is assigned an ECW Camera.

2. This infrared camera is mounted to the base of the ECW. It can work in zero light, if necessary. The camera shall be activated and will begin recording as soon as the weapon is removed from its holster.
 3. The camera can document a subject's behavior prior to as well as during the activation of the ECW.
 4. Members shall immediately report problems with the ECW camera system to their supervisors.
 5. The use of an ECW without a functioning camera is allowed in emergency or exigent circumstances only with the authorization of a supervisor or if the member is utilizing a Body Worn Camera as outlined in this directive.
 6. All ECW videos will be downloaded at least once monthly and immediately following any discharge.
 7. Supervisors shall review all ECW recordings of all 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.
 8. Supervisors shall ensure that officers under their supervision follow the established procedures for the use of ECW video/audio recordings. Supervisors at least once monthly shall randomly review five (5) video recordings or 30 minutes of video footage for each of their assigned personnel to:
 - a. Assist in the periodic assessment of officer performance.
 - b. Determine whether ECW equipment is being fully and properly used.
 - c. Identify material that may be appropriate for training or evidentiary purposes. A report of this analysis shall be entered in the Law Enforcement Administration System (LEAS) Department Review System by each respective supervisor.
 - d. Supervisors shall document their review through the Department reporting computer system.
- E. Use of the Body Worn Cameras
1. Body Worn Cameras have been demonstrated to be of value in the prosecution of both traffic violations and criminal offenses, in evaluation of officer performance as well as in training. In order to maximize the utility of this equipment in these and related areas, officers shall follow the following procedures if they are assigned a Body Worn Camera.
 - a. Body Worn Cameras assigned to officers are the responsibility of the officer they are assigned to.
 - b. Prior to and at the end of each shift, officers shall ensure their Body Worn Camera is working satisfactorily and shall report any problems to the attention of their immediate supervisor as soon as possible.

- c. Supervisors shall ensure that officers under their supervision follow the established procedures for the use of Body Worn Cameras and handling of video/audio recordings. Supervisors at least once monthly shall randomly review five (5) video recordings or 30 minutes of video footage for each of their assigned personnel to:
 - 1) Assist in the periodic assessment of officer performance.
 - 2) Determine whether their Body Worn Cameras are being fully and properly used.
 - 3) Identify material that may be appropriate for training or evidentiary purposes.
 - 4) A report of this review shall be completed in the LEAS DR System by each respective supervisor.
2. Officers shall activate their assigned Body Worn Camera immediately prior to any encounter with a person in which there is a potential for arrest, to include pedestrian and traffic stops, any investigative call for service, any call in which they are needed to resolve or prevent a dispute, or any proactive self-initiated call for service in which law enforcement action can reasonably be anticipated.
 - a. This section does not apply if an officer is not assigned a Body Worn Camera.
 - b. This section does not apply if the incident is already being recorded by the MVR.
 - c. If an exigent circumstance occurs, in which an officer is involved in an incident and fails to activate their Body Worn Camera, fails to record the entire contact, or interrupts the recording, they shall submit in writing to their supervisor the reason why they failed to activate the Body Worn Camera, to record the entire contact or interrupted the recording.
 - d. The supervisor will then review and either approve or disapprove the justification in writing in the LEAS DR System.
 - e. The Head of the Division receiving a DR report of an officer failing to activate their assigned Body Worn Camera in an emergency situation shall approve or disapprove the supervisor's findings in writing, take corrective action if necessary, and submit such to the Internal Affairs Officer, for inclusion in a file he or she shall maintain on such matters.
3. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence of the individuals. The Body Worn Camera shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into areas restricted by this directive.

4. Civilians shall not be allowed to review recordings made with a Body Worn Camera at the scene.
5. Officers shall not erase, reuse, or in any manner alter or tamper with any type of Body Worn Camera media.
6. Officers are encouraged to inform their supervisors of any video recorded footage that may be of value for training or evidentiary purposes.
7. Officers will note in incident, arrest, and related reports when video/audio recordings were made during any incident.
8. Officers shall review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.
9. Intentionally failing to activate a Body Worn Camera shall lead to disciplinary action.
10. Supervisors shall review all Body Worn Camera recordings of all 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.
11. At the end of their tour of duty, officers shall upload any Body Worn Camera recordings to the Department computer system.
 - a. All Body Worn Camera videos shall be tagged within 72 hours of the end of the tour of duty in which the recording occurred.
 - b. All incidents shall be tagged as routine calls for service unless they fall into one of the following categories:
 - 1) Pedestrian and Motor Vehicle Stops
 - 2) Any Use of Force
 - 3) Incidents Involving Injuries to a Prisoner or Officer
 - 4) Vehicle Pursuits
 - 5) Arrests
 - 6) Misconduct Complaints,
 - 7) Any Incident Involving an Administrative or Internal Investigation
 - 8) Consent to Search
 - c. Supervisors and/or the Records Division will ensure that Body Camera Recordings are properly tagged to meet the retention requirements of this directive.

12. Unauthorized use, duplication, and/or distribution of Body Worn Camera files are prohibited. Employees shall not make copies of any Body Worn Camera recording for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record Body Worn Camera files.
13. The Body Worn Camera shall not be used to record:
 - a. Encounters with undercover officers or confidential informants.
 - b. Instances where employees are on break or otherwise engaged in personal activities.
 - c. Any location where employees have a reasonable expectation of privacy, such as a restroom or a locker room.

F. Control and Management of Recordings

1. MVR, ECW, and Body Worn Camera 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.
2. The Police Chief or his/her designee must approve the release of any MVR, ECW, and/or Body Worn Cameras recording and shall make a copy of the recording before releasing it.
3. AVL, MVR, ECW, and Body Worn Camera recordings not scheduled for court proceedings or other departmental uses shall be maintained for a period of three (3) years. All recordings shall be maintained in a manner that allows efficient identification and retrieval.
4. Body Worn Camera recordings of a routine nature are exempt from the three-year (3) retention requirements of this directive.
 - a. Body Worn Camera recordings of routine calls for service shall be retained for a minimum of 120 days.
 - b. It is the obligation of the officer that records a routine call for service with their assigned Body Worn Camera to notify the Head of the Records Division in writing if they believe a recording should be retained for more than 120 days.
 - c. The Department may also decide to retain any routine call for service for more than 120 days.
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 years after disposition of the particular matter.

6. All recorded media, images, and audio recordings are the property of the EHPD and shall not be copied, released, or disseminated in any form or manner except as provided by this directive.