

Hamden Police Department General Orders

Policy Number: 032-001

Effective Date: November 26, 2013

Section: Camera Systems

Rescinds: July 10, 2013

Title: Body Worn Audio/Video
Recording System.

Approved By: Police Commission

Approval Date: November 26, 2013

PURPOSE

The purpose of this policy is to establish guidelines and limitations for the use and management of body worn audio/video camera systems.

POLICY

The Hamden Police Department is committed to the belief that on-officer audio/video is an important and valuable tool for law enforcement. On-officer video is essentially audio-video documentation of a police officer's investigative and enforcement activities from the perspective of the officer's person. The use of on-officer video is expected to result in greater transparency, more effective prosecution, and improved protection against false allegations of excessive use of force, misconduct or racial profiling.

Audio and video recordings of investigative or enforcement actions are evidence, and subject to rules of disclosure. It is in the best interest of justice that the Department regulates and controls all forms of evidence collection and storage.

Definitions

Taser Axon Flex: A body worn audio/video recording system primarily consisting of a camera and a controller/battery pack.

Evidence.com: Online web-based digital media storage facility accessed at www.evidence.com. The virtual warehouse stores digitally encrypted data in a highly secure environment that is accessible to police personnel. Accessibility is limited based upon the level of security clearance assigned to the officer.

System Administrator: Evidence.com administrator with full access to website. Assigns and tracks equipment; controls passwords; conducts quality checks of uploaded data; coordinates data retention; provides copies of requested data to requesting officer.

End User: Taser Axon Flex user with individual account access to Evidence.com.

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Evidence Transfer Manager (ETM): A docking station that simultaneously recharges the controller/battery pack and uploads all data captured by the Taser Axon Flex. The ETM ensures that evidence handling is secured and that data is not altered.

Buffering Mode: The Taser Axon Flex continuously loops video recording for a 30 second period. No audio is recorded while buffering.

Event Mode: When placed in Event Mode, the Taser Axon Flex records audio and visual data. The previous 30 seconds of buffered video is also saved.

Procedures

Training

- A. Specific training on the Taser Axon Flex supports proper use of the camera system as a whole. Only those officers who have completed a block of prescribed instruction are authorized to use the Taser Axon Flex on body audio/visual recording system.

Administration

- A. Prior to each shift, the officer shall inspect the Taser Axon Flex to ensure the system is fully charged and operational. Only fully operational systems shall be used.
- B. Any problems with the system shall be reported to the officer's supervisor immediately.
- C. Officers shall not attempt to make repairs to the Taser Axon Flex system.
- D. Malfunctions, damage, loss or theft of Taser Axon Flex equipment shall be immediately reported to a supervisor.
- E. Any officer who intentionally disables or damages any part of the Taser Axon Flex system or who fails to activate or deactivate the system required by this policy without justifiable reason, will be held accountable and subject to criminal and/or internal disciplinary action.
- F. Officers shall immediately report any recognized problems with the Axon Flex to their immediate supervisor. Upon notification the supervisor shall contact the System Administrator for replacement.

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- G. For lost, stolen or damaged equipment, an inter officer memo shall be completed and submitted through the officer's supervisor within 24 hours.

Use

- A. In keeping with the Department's value of respecting the dignity and reasonable expectation of privacy enjoyed by all persons, officers will use sound judgment in when and how the Taser Axon Flex will be used. Officers must submit a written memorandum through the chain of command that details the circumstances and justification of a terminated recording that would otherwise violate sub-section E under this section. Encounters of an informal or non-official nature are not required to be recorded.
- B. The Taser Axon Flex body worn audio/visual recording system shall be operated in accordance with manufacture's guidelines and Hamden Police Department training and policies.
- C. Department issued Taser Axon Flex systems are intended for official Departmental use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
- D. The Taser Axon Flex shall be worn at all times by the assigned officer.
- E. All Officers shall activate the Taser Axon Flex in the Event Mode 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:
1. Any consensual encounter or non-consensual encounter while an officer is engaged in the execution of official police duties;
 2. Any dispatched call where there is citizen contact;
 3. 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, field contacts;
 4. Execution of arrest or search warrants; and
 5. As deemed necessary by the officer.

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- F. Personnel remaining at a scene in an inner or outer perimeter position are not required to record or continue recording unless there is directed contact as referenced above.
- G. Officers who don't activate their Axon Flex in situations where they were required to as outlined in paragraphs D and E above may be subject to discipline. If a citizen complaint is made and the officer(s) did not activate his/her Axon Flex device as required, then that will be a factor examined when determining final resolution of the internal investigation.
- H. In public or private - While it is generally implied that words and/or actions performed in the presence of a police officer have no expectation of privacy, if asked, the officer will inform the person they are being recorded. This should be documented in the officer's report.
- I. The Event Mode should generally be used during incidents which create reasonable suspicion in the mind of a reasonable police officer that a crime has been committed, is being committed or will be committed in the near future.
- J. Once the Taser Axon Flex Event mode has been activated it shall remain on until the incident has reached a conclusion or the officer leaves the scene.
 - 1. Once the situation stabilizes, if it is necessary to discuss issues or concerns with another officer or supervisor in private, the Taser Axon Flex system may be temporarily muted or placed in Privacy Mode.
 - 2. Recording shall continue for the transportation of prisoners, persons of interest or witnesses in an incident where recording has been utilized.
 - 3. The intention to stop the recording shall be verbally announced by the officer prior to stopping any recording and noted within the report.
 - 4. As soon as the private conversation is completed, the Taser Axon Flex system shall be returned to Event Mode.
- K. In any incident, investigation, or traffic stop that results in a Case Incident Report, summons, infraction ticket, or other Hamden Police Department document being generated and the Taser Axon Flex body worn audio/visual recording system was used, the officer shall note its use on the appropriate document.

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- L. Whenever an officer records an incident or any portion of an incident, which that officer reasonably believes will likely lead to a citizen complaint, the officer shall immediately bring it to the attention of his/her supervisor.
- M. When an incident arises that requires the immediate retrieval of a digital recording, (serious crime scenes), officer involved shootings, department involved motor vehicle accidents), a supervisor shall respond to the scene to secure the Taser Axon Flex system and maintain chain of custody.
- N. The recording of confidential informants and undercover officers must be authorized by a supervisor.
- O. Officers shall not allow citizens to review the recordings unless authorized by a supervisor.
- P. For report writing purposes officers may review their own video recording. Officers shall not review another officer's video recording for report writing purposes unless authorized by a supervisor.
- Q. In incidents involving an officer's use of force (defined in Use of Force Order) from resisted handcuffing to Officer involved shootings, officers shall review their audio and video recording of the incident with a supervisor prior to the officer completing his/her incident report. Any discrepancies or additional information determined by the review of the video will be documented and explained by the Supervisor in his/her evaluation of the incident
- R. Officers will only use department issued equipment to review video recordings. The use personal devices to view video recording is prohibited.
- S. Officers shall not make copies of any recording for their personal use and are prohibited from using a recording device (such as a camera phone or secondary video camera) to record media from Evidence.com or any device utilized to view recorded data directly from the Taser Axon Flex.

Prohibited Recordings

- A. The Taser Axon Flex shall not be used in Event Mode to capture:
 - 1. Whenever possible, officers will avoid capturing video media or sensitive exposures of private body parts.

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2. Events which occur in Departmental locker or dressing rooms, restrooms or any other place where there would be a reasonable expectation of privacy.
3. To record conversations of fellow employees without their knowledge during routine, non-law enforcement related activities.
4. Non-work related personal activity shall not be recorded.
5. Individuals who are lawfully engaged in a protest or other First Amendment protected right of speech or demonstration, unless there is at least reasonable suspicion of criminal activity, or to serve any other legitimate law enforcement purposes.

Deletion of Unintentional Recordings

- A. In the event of an unintentional activation of the Axon system during non-enforcement or non-investigative activities, IE: restroom or meal break, other areas where reasonable expectation of privacy exists: officers may request recording deletion. A memorandum detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the Chief of Police or his/her designee. If approved, the actual deletion requires two-party authorization. One of those parties will be the Chief or their designee; the other will be an agency Axon/Evidence.com Administrator.

Data uploaded/Media Storage

- A. The Taser Axon Flex shall be placed in the ETM docking station at the end of shift for re-charging and uploading captured data to Evidence.com. The Taser Axon Flex shall not be removed from the ETM docking station until all data has been uploaded and the battery has been fully re-charged.
- B. Uploaded data shall be maintained at Evidence.com for a minimum of 60 days in accordance with Hamden Police Department Policy and Procedures and the State of Connecticut municipal Records Retention Schedule M7. Data that has evidentiary value in criminal cases and/or citizen complaints against officers shall be retained in accordance with existing policy and procedures.
- C. Requests for copies of any data from Evidence.com shall be made to the Supervisor of records.

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Agency Review of Recorded Data

- A. Recording shall not be randomly reviewed to monitor officer performance.
- B. Supervisors may review a specific incident recording for the purpose of training, critique, early intervention inquires or for investigative purposes.
- C. The Chief of Police or his/her designee may review specific incidents recorded by the Taser Axon Flex on body audio/visual recording system when participating in an official departmental investigation of agency personnel.
- D. 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.
- E. The release of recording to any person shall be made in accordance with Hamden Police Department Policy and Procedures, and pursuant to requirements as established by operation to applicable law, including but not limited to, Freedom of Information Act ("F.O.I.A").
- F. Officers will be notified if/when their individual audio and/or video recordings are reviewed for any reason. This will be accomplished in writing directly to an officer through the Office of the Chief of Police.