

Danbury YouTuber incident raises questions about police body cameras. When can they be turned off?

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DANBURY — When a Danbury police sergeant arrived June 9 at Danbury Library responding to complaints of a man recording video there, he and another officer spoke privately outside.

They turned off the audio on their body cameras recording the incident, footage obtained last month by Hearst Connecticut Media shows.

That's proper policy in Danbury, although some other local departments have different protocols.

"They're allowed to mute the audio when they're speaking with another officer or a supervisor about tactics or things like that outside of the presence of the person they're having the contact with," said Danbury Detective Capt. Bryan Bishop, who was the department's project manager on the recently acquired body cameras.

State policy that Danbury and other departments follow does not specify rules for audio. But generally officers should have cameras on when interacting with the public and may turn them off if recording could hurt their investigation, according to the policy.

Police officers should turn their cameras off if discussing investigative techniques or possible suspects, said Dan Maxwell, a retired Madison police officer and distinguished lecturer with University of New Haven's criminal justice department.

“Some things we could be giving away are investigative techniques,” he said. “We could give information that may jeopardize the case. We could give information that could jeopardize somebody’s privacy.”

Either muting or turning off the camera would work in these cases, Maxwell said.

“If they mute it or turn it off, to me that doesn't make much of a difference,” he said. “The idea is (there are) certain things that police don't want revealed to the public as far as tactics or policing procedures that could put officers in danger. It could put the public in danger.”

Some “tactical considerations” are not required to be public through the Freedom of Information Act, so muting makes releasing the video easier, Bishop said.

State policy

Officers must have cameras on when they are in personal contact with the public, on a vehicle pursuit, serving warrants, transporting prisoners, speaking to witnesses, suspects and victims, and various other times, according to policy from Connecticut Police Officers Standards and Training Council.

The POST Council revised its policy in October 2020 to include not just body-worn cameras, but dashboard cameras. Both are required by state law by July 2022.

“Once the body-worn and dashboard cameras 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,” the policy states.

The state requires officers to inspect their body-worn and dashboard cameras before each shift to ensure they are charged and working.

Danbury officers report any issues to their supervisor, Bishop said.

“I am not aware of any camera malfunctioning during a recording, but officers have found errors diagnosed by the camera during the beginning of the shift function check,” he said. “The cameras with errors are sent back to the manufacturer and are replaced.”

There are various times when officers should deactivate their cameras, such as strip searches and during encounters with undercover officers or informants, Connecticut’s policy states.

“This is kind of a gray area a little bit,” Maxwell said. “There are certain situations where common sense says they shouldn’t have their cameras on, like if the cop is on a break or has to go to the bathroom or has to eat, if there is communication between police officers that probably shouldn’t be recorded.”

The policy states officers should not intentionally record “communication with other law enforcement agency personnel, except as the officer performs his or her duties.”

Officers may not record in mental health facilities, unless they are responding to a call involving a crime suspect who is thought to be there. Nor should they record people — other than suspects — when in a medical facility.

Officers may deactivate their cameras if their investigation “could be significantly hampered if the recording were to continue.” When possible, they should consult with supervisors, record on camera why they are deactivating and document that in their report.

It’s good practice for officers to explain why they’re muting, although Danbury does not require this, Bishop said.

Officers get accustomed to turning the camera on and off when necessary, Maxwell said.

“It becomes part of their training,” he said. “You play like you practice.”

Danbury Library incident

The incident at Danbury Library led to a police internal investigation and potential lawsuit. The chief has said policies were violated during the incident, but the department has yet to provide further details.

In the Danbury Library footage, the police do not announce they are muting their audio, but in the seconds before the video goes silent, the officer starts to explain the issue to his supervisor.

“He’s walking around. He’s filming people. He’s filming — ” the officer says before the audio cuts off. The officer is seen showing the sergeant a printed copy of library policy before the two walk inside the library about a minute later.

The officer’s audio turns on within about 10 seconds of being inside the library. In footage from at least two officers, the sergeant is seen pressing his finger to what appears to be his camera shortly after walking inside. However, the sergeant’s audio remains off for about 14 minutes, turning on when he’s walking outside the library.

Audio from these moments is largely captured on other officers’ cameras.

Danbury’s policy doesn’t address if the officers were to say anything malicious while on mute.

“Just the lawfulness of that and the officers’ integrity prevent that from happening,” Bishop said.

Local departments with body cameras

Danbury police’s 115 body cameras arrived in January, but officers started using them in March or April after the department developed a policy and trained the officers, Bishop said.

The department already had in-vehicle cameras, but upgraded those to work in sync with the body cameras.

Axon, the company Danbury purchased the cameras from, provided a template, PowerPoint and videos to train the officers in a two-hour class, Bishop said.

Using them is pretty simple, he said. Officers press a large button on the front twice to turn it on and press the same button for three seconds to turn it off.

“It takes a while to develop that muscle memory and the habit of doing that,” said Bishop, adding officers are doing “pretty well” in getting the hang of it.

In Danbury, cameras are always on but are in a “buffering” mode, so once they are activated they can record the 30 seconds before activation, Bishop said. These first 30 seconds are without audio.

In Newtown, where officers have had body cameras for about four years, police are required to turn them on when with the public, Chief James Viadero said.

“If they’re going to have any confidential conversation with a supervisor, they’re going to use their discretion and shut it off, most certainly,” he said.

Redding does not permit its officers to mute audio when talking to supervisors or other officers, Chief Mark O’Donnell said.

Acquiring body cameras

Ridgefield plans to deploy its new body and in-car cameras sometime next month, Chief Jeff Kreitz said. The in-car cameras are scheduled to be installed in a few weeks. Like Danbury, Ridgefield purchased cameras from Axon, which is training certain officers in the department, he said.

“Upon completion of this training, these officers will become the trainers for our agency and train the rest of our officers,” Kreitz said in an email. “The training will include ... how to operate the camera systems as well as review of the policy.”

Each officer must attend about four hours of training, he said.

New Milford has budgeted for body cameras and is researching vendors, Chief Spencer Cerruto said. The plan is to acquire cameras in January and implement them next spring.

“We are looking forward to utilizing this advanced technology,” he said in an email. “I am being very considerate in the process, as I want our officers to have the best equipment available.”

Bethel looks to purchase about 40 cameras and is getting updated quotes from manufacturers, Capt. Heather Burnes said. The department expects the cost will be around \$170,000 and aims to seek state reimbursement.

She’s not sure when the cameras would arrive or when officers would be ready to use them.

“As you can imagine, it’s going to take quite a bit of training,” Burnes said.

Newtown police, which recently purchased new cameras from Axon, regularly conduct an internal audit of its camera footage. The department enlisted a professor from Sacred Heart University in Fairfield to conduct an external audit that should be public in about a month.

“They’re looking for the officers’ demeanor, how the officers are toward the public,” said Viadero, adding it’s helpful for commending officers who do a good job.

Redding police have had body cameras since 2014 and upgraded them in 2018, although the department still needs in-vehicle cameras, O’Donnell said. That department views footage periodically based on complaints, he said.

Often the footage exonerates the officers, he said. Members of the public have decided not to file complaints after learning the officers have cameras, he said.

“I had a person hang up on me because they’re lying,” O’Donnell said.

Officers used to be skeptical about body cameras, but largely welcome them now, Viadero said.

“It’s there to protect the public against improper police conduct, but it’s also there to protect the officer against false allegations,” he said.