

Body Worn Cameras

411.1 PURPOSE AND SCOPE

The use of a body-worn camera (BWC) is intended to enhance the mission of the Department by accurately capturing contacts between officers and the public. This policy provides guidelines for the use of a BWC by sworn uniformed Department personnel while in the performance of their duties.

At no time is an employee expected to jeopardize his/her safety precautions, the recording should begin as soon as safely practical.

The Department recognizes that BWC recordings cannot always show the full story, nor do video images capture an entire scene. The use of a BWC does not reduce the requirement to provide thorough written documentation of an incident. Persons reviewing BWC recordings must be cautious before conclusions are reached about what the recordings show.

411.2 DEFINITIONS

- (a) Body-Worn Camera (BWC) - A camera worn on an individual's person that records and stores audio and video.
- (b) Buffering Mode - When a BWC is on but has not been activated to record both sound and video. While in the buffering mode, the camera will continuously record video in 30 second loops.
- (c) Metadata - Case numbers, event/incident numbers, and other descriptors used to identify digital evidence.
- (d) Muting - Deactivating audio recorder while video recording continues.

411.3 REQUIRED ACTIVATION OF BODY WORN CAMERA

This policy is not intended to describe every possible situation where the use of a BWC may be appropriate. The policy also recognizes the rare instances in which there may not be sufficient time to activate a recording. However, generally anytime there is law enforcement related interaction with the public, there should be a BWC recording of the contact. The primary purpose of a recording is to capture police-civilian interactions. When recording with a BWC, transparency requires video and sound to be continuous.

For any incident that requires a BWC recording, officers shall activate their recorder prior to making contact with the involved parties. For example, during a detention of a person, the BWC recorder shall be activated prior to making contact with the subject, and shall remain activated until the detention has concluded. Exception: Officers will separate interviews during a canvass by deactivating and reactivating the recorder between interviews.

The following are situations that require a BWC recording:

- (a) All enforcement encounters where there is at least reasonable suspicion the person(s) has a committed, is committing, or may be involved in criminal activity. This includes, but is not limited to:

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1. Detentions, vehicle stops, pedestrian stops and consensual encounters.
 2. Probation, parole, post-release community supervision, mandatory supervision or consent searches, and "knock and talks."
- (b) Taking or attempting to take a person into custody (e.g., arrests, protective custody of a mentally disturbed person, etc.).
- (c) Enforcement encounters where there is reason to believe that the individual is committing a violation for which a summons may be issued.
- (d) All incidents involving a use of force.
- (e) All public interaction, regardless of context, that escalates and becomes adversarial.
- (f) Service of search or arrest warrants.
- (g) Suspect statements.
- (h) Witness/Victim statements (when practical).
1. The BWC recording policy applies equally to incidents where any on-duty or off duty law enforcement official is involved as a victim, witness, or suspect.
- (i) Code 3 driving operations, includes any passenger officer for a two-person unit.
- (j) Response to complaints or calls for service.
- (k) When transporting prisoners, detained subjects, and those people who are under criminal investigation.

411.4 WHEN BWC RECORDING IS NOT REQUIRED

There are circumstances when a BWC recording may not be necessary or appropriate:

- (a) Discussion of case facts or investigative tactics outside the presence of all involved parties including any victim, witness, or suspect.
1. It is the officer's responsibility to reactivate the recording when the purpose of the deactivation/muting has passed.
- (b) A potential witness who requests to speak to an officer confidentially, or desires anonymity.
- (c) A victim or witness who requests that he or she not be video recorded, and the situation is not confrontational.
- (d) A victim who requests that he or she not be video recorded as a condition of cooperation, and the interests of justice require such cooperation.
- (e) Undercover officers, except in the course of criminal investigation.
- (f) Strip searches.
- (g) Public or private locker rooms, changing rooms, restrooms, unless taking police actions stated in 411.3(a-1).
- (h) Doctors' or lawyers' offices, unless taking the police actions stated in 411.3(a-1).
- (i) Medical or hospital facilities, unless taking the police actions stated in 411.3(a-1).

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- (j) Any situation involving a Department employee receiving medical attention, either in the field or at a medical facility, as employee medical confidentiality is paramount.
- (k) Other places where individuals unrelated to the investigation are present and would have a reasonable expectation of privacy, unless taking the police actions stated in 411.3(a-1).
- (l) The monitoring of persons based solely upon the person's political or religious beliefs or upon the exercise of the person's constitutional rights to freedom of speech and religious expression, petition and assembly under the United States and the State of Colorado's Constitutions, or because of the content or viewpoint of the person's protected speech is prohibited.
- (m) Cold report calls, which are generally those calls for service, where the suspect is not at the scene, and there is a low probability of locating the suspect during the call for service.

411.5 WHEN TO DEACTIVATE A BWC RECORDING

Officers will verbally articulate on camera the specific reason for discontinuing/muting the recording before deactivating/muting any BWC recording.

Officers shall deactivate their BWC when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g. spouse, attorney, police peer counselor, labor representative, minister, etc.). At the conclusion of the private conversation, if the need for recording the police still exists, officers will reactivate the recorder.

411.6 USE OF FORCE AND CRITICAL INCIDENTS

The public potentially has a compelling interest in any use of force or critical incident, as defined under Policy Manual sections 300.5.1 and 305 of this manual. Under no circumstances shall a BWC recording be deactivated/muted during, or after, a use of force or critical incident, if any police-civilian interaction/encounter is still in progress. If, during a use of force incident, an officer's BWC becomes dislodged from his or her person, the officer shall remain focused on taking the subject into custody before retrieving the BWC. In such situations, it is recognized the BWC may not capture the use of force incident in its entirety.

411.7 OFFICER RESPONSIBILITIES

- (a) Ensure BWC is in good working order.
 - 1. Ensure the BWC hardware has the correct date and time prior to using the device.
 - 2. If the BWC is not functioning properly, officers shall promptly notify a supervisor and turn the equipment into the Digital Records Clerk for repair or replacement.
- (b) Officers shall position the BWC on their uniform to facilitate an optimum recording field of view. For most officers, the position will be above the midline of their torso. A belt mounted system is also an acceptable position.

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1. Officers must wear the BWC on the outermost garment and must ensure the recording field of view is not obstructed by a jacket, inclement weather gear, plate carrier, etc.
 - (a) It is recognized that in tense, rapidly unfolding exigent circumstances, where there is an imminent threat to the safety of others and time is of the essence, there may not be sufficient time to attach a BWC to the outermost garment.
 - (c) While on-duty, officers shall keep the BWC powered on, in buffering mode, except during instances listed in Policy Manual section 411.4(a-1). In certain tactical situations, officers may temporarily disable the visual (LED) and (vibration) feedback, by placing the BWC into "stealth mode."
 - (d) Unless approved by a supervisor, officers shall place their BWC on a docking station, on a daily basis, prior to the end of their shift. The automated upload on a daily basis will ensure storage capacity is not exceeded and will allow officers to view their recordings.
 - (e) Ensure the metadata is attached to each BWC recording.
 1. The primary officer, as well as any other officer who will be preparing a report, will enter the case report number for each recording.
 - (f) Document the use of the BWC in police reports, when a report is generated.

411.8 TRAINING WITH BODY-WORN CAMERA FILES

BWC files may be utilized as a training tool for individuals and the Department. Department members recommending utilization of a BWC file for training purposes will submit the recommendation and approval through the chain of command to the Commander. Exceptions:

- (a) Field Training Officers may use BWC files to provide immediate training to recruits and to assist with the completion of the Daily Observation Report (DOR).
- (b) Supervisors may use BWC files to provide immediate training or counseling to an employee in a discrete environment.

411.9 REVIEW OF BODY-WORN CAMERA VIDEO FILES

All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know and need to know basis. Employees authorized under this policy may review video according to the provisions of this policy.

411.10 ACCESS TO GETAC.COM

Getac.com shall only be accessed from Department authorized computers, Department workstations, Department smartphones, or mobile data computers. Exceptions: 1) Chief of Police, or designee 2) The Digital Records Clerk may access Getac.com from a computer or device outside of the Department for the purpose of completing administrative tasks.

Members of the department who access BWC video they did not personally record shall document the reason for access by entering justifying information in the BWC "NOTES" field prior to viewing.

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Exceptions: 1) Digital Records Clerk 2) Commander or Chief of Police 3) Supervisors inspecting recordings made by subordinates.

411.11 REQUEST FOR DELETION OF ACCIDENTAL RECORDING

In the event of an accidental activation of the BWC, where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the BWC recording be deleted. A memo, with sufficient information shall be completed and sent to the Commander who shall review the recording and approve or deny the request.

Recordings uploaded and categorized as "TEST" will be retained for ten (10) days and reviewed by the Digital Records Clerk before being deleted.

411.12 COPYING PROCEDURES

Members of this Department shall not download, duplicate, or record any video from Getac.com onto any computer, device, drive, memory card, CD, DVD or any other format without the express consent of the Chief of Police, or designee. Exception: The Commander, Sergeants, or the Digital Records Clerk can download videos at the request of another law enforcement agency or for administrative purposes.

411.13 REVIEW OF BODY-WORN CAMERA RECORDINGS

When preparing written reports or for oral statement or testimony, employees should review their BWC recordings as a resource. However, employees should not use the fact that a BWC recording was made as a reason to write a less detailed report.

Supervisors may routinely inspect BWC recordings, provided that the inspections are reasonable, conducted in good faith, and not for the sole purpose of searching for violations of Department policy or law not related to a specific complaint or incident.

BWC recordings may also be reviewed:

- (a) By any employee, his or her attorney or representative, who is participating in, as a subject or witness, an official investigation, such as a personnel complaint, administrative investigation or criminal investigation, if the subject officer's image or voice is captured on the recorded file or the officer was present during the incident.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee. In compliance with a public records request, if permitted, and in accordance with Policy Manual section 803.
- (d) In compliance with a public records request, if permitted, and in accordance with Policy Manual section 803.

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411.14 RELEASE OF BODY-WORN CAMERA RECORDINGS

BWC recordings made pursuant to this policy are Department records and may only be released as provided in Policy Manual section 803 (Records Maintenance and Release) or for other authorized legitimate Department business purposes.