

## BODY-WORN CAMERA - TESTING AND EVALUATION POLICY

Denver Police Department

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The following Body-Worn Camera (BWC) policy will be in effect May 1, 2014, through the end of the testing and evaluation period. At that time, the policy will be reviewed and revised, as needed, prior to finalizing and publishing in the Operations Manual. All officers are required to review and familiarize themselves with the policy, whether or not they are involved in the testing phase. Officers may find themselves covering calls where body cameras are being worn; therefore, it is important that all officers have a clear understanding of the policy.

### 111.11 Body-Worn Camera Technology

#### (1) Purpose

The body-worn camera (BWC) is an "on-the-body" audio and video recording system assigned to an officer as an additional means of documenting specific incidents in the field. The purpose of this policy is to establish guidelines related to the use, management, storage and retrieval of the data stored on the departmental issued BWC. Specific uses of the BWC are:

- a. To capture crimes in-progress, whether perpetrated against the officer or the community and to maintain this evidence for presentation in court.
- b. To document initial police response, the discovery of evidentiary items and the actions of the police pursuant to an investigation
- c. To aid in the documentation of victim, witness or suspect statements pursuant to an on-scene response and/or document advisement of rights, if applicable.
- d. To augment officer safety when a citizen should reasonably know his or her actions and statements are being recorded.
- e. To reduce unreasonable or false complaints made against officers during the course of their police duties.
- f. To serve as a training and performance mechanism to ensure the professionalism of all Denver Police Officers.

#### (2) Policy

To enhance the services provided to the community, the Denver Police Department authorizes the use of body-worn camera technology as an additional layer of documentation for events, actions, conditions and statements made during critical incidents and to improve officers' reports, collection of evidence and testimony in court. The use of body-worn camera technology is meant to assist and compliment officers in the performance of their duties and is not meant to replace or relieve the officer of submitting any and all required written reports.

All audio, images and media associated with the BWC are the property of the Denver Police Department and will not be copied, released or disseminated in any form or manner outside the parameters of this policy without the express written consent of the Chief of Police. Under no circumstances will any employee of the Denver Police Department make a personal or secondary copy of any recorded event without the written consent of the Chief of Police (e.g., using a personal cell phone camera to record BWC media). Lead investigators creating a secondary copy of a BWC recording subsequent to an official investigation, which is to remain attached to the case file, are exempt from the above.

#### (3) Definitions

**BUFFERING Mode:** The BWC continuously loops a video recording for up to 30 seconds before the recording is started by the officer. While buffering, video only (no audio) is being recorded.

**EVENT Mode:** Once activated by pressing the EVENT button, the BWC saves the recorded buffered video and continues to record both audio and video.

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**Evidence Transfer Manager (ETM):** Docking unit used to recharge and upload previously recorded audio and video (stored media) from the BWC. The ETM automatically transfers all stored media to evidence.com.

**Evidence.com:** An online, cloud-based digital media storage repository. All media is stored in a highly secure environment, accessible only to authorized personnel.

**Department Program Administrator:** Assigned to the Technical & Electronic Support Unit, the program administrator will maintain the integrity and efficiency of the data management and file retention systems.

(4) Officer Responsibilities

- a. Officers will not use the BWC until they have successfully completed the following:
  1. All required training on the inspection, activation, use, storage and uploading of all recorded media from the BWC.
- b. Officers are to ensure the following when assigned to use the BWC:
  1. The BWC has no obvious signs of damage and is functioning properly. Any apparent damage, malfunction or loss will be immediately brought to the attention of a supervisor.
  2. The BWC will be properly affixed upon the officer's uniform at the beginning of shift in accordance with departmental regulations and manufacturer's guidelines. The BWC will be worn for the entire shift.
  3. In order to record all situations required by this policy, the officer must maintain the BWC in a constant state of operational readiness. Operational readiness shall mean that the BWC has adequate battery life/available storage, remains properly affixed to the officer's uniform and is set to buffering mode.
  4. Officers are responsible for the care and maintenance of the BWC while assigned to them. The BWC is to be operated and maintained according to the manufacturer's instructions and recommendations.
  5. Officers will only use a BWC that has been issued and approved by the Denver Police Department. The use of personal video recorders is not authorized.
- c. Officers will document the use of the BWC within reports, citations, log sheet and/or street checks as outlined in the BWC Training Manual.
- d. Officers are authorized to review their own BWC recording when preparing official written documentation of a specific event. Officers may only review recordings from their assigned BWC. The viewing will be utilized as a tool when completing written reports to ensure the accuracy and consistency of events. The following are exceptions to the above:
  1. If the officer is involved in (or witness to) a use of force incident that per policy requires the response of an Internal Affairs Division investigator (see OMS 503.01), the officer may be authorized to view their BWC recording after the Internal Affairs Division investigator has been consulted. The viewing of any BWC recording will only be permitted after receiving authorization from the Internal Affairs Division investigator acting under the direction of the commander of the Internal Affairs Division.
  2. If the officer is involved in (or witness to) a critical incident such as a police shooting or an in-custody injury resulting in death, the officer may be authorized to view their BWC recording after the Major Crimes Division investigator and the commander of the Major Crimes Division have consulted. The viewing of any BWC recording will only be permitted after receiving authorization from the commander of the Major Crimes Division and/or his/her designee.

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- e. Officers will tag each recorded BWC audio/video with the Computer Aided Dispatch (CAD) number assigned to the incident and one of the call type categories available within the system.
- f. Prior to going off-duty, officers will place the BWC into the Evidence Transfer Manager (ETM) for charging and uploading of all stored media to evidence.com. The BWC will not be removed from the ETM until the media has been fully uploaded and the battery is fully recharged.
- g. Officers who may have inadvertently activated the BWC during non-law enforcement related activities can make an e-mail request through their chain of command to have the recording deleted. The affected commander will make the necessary determination based on fact the recording has no investigative or evidentiary value and forward the email to DPDBodyCamera@denvergov.org. The Operations Support Division Commander will review the file, approve or deny the request and forward it to the department program administrator for action. The original email and subsequent approval/denial will be retained by the department program administrator.

(5) Required Activation of the BWC

There are many situations where the activation of the BWC is appropriate and/or required and this policy is not intended to describe every possible circumstance. It is understood that not all situations will clearly start out as necessitating documentation by the BWC nor will all recorded events have a clear ending for when the BWC is no longer required. Officers are expected to follow departmental policy and procedure, utilizing ethical and legal discretion when activating and deactivating the BWC.

The Denver Police Department recognizes there are certain circumstances where officers in a proactive (non-dispatched) capacity may become involved in a situation requiring immediate action to prevent injury, make an arrest and/or prevent the destruction of evidence or escape. When these situations occur, officers should activate the BWC if doing so does not place them or others in danger. If the immediate activation of the BWC is not feasible due to an immediate risk to the safety of the officer or others, the officer will activate the BWC at the first available opportunity after the immediate threat has been addressed. Supervisors will closely review documentation of such incidents to ensure exigent circumstances did in fact exist.

- a. All officers will place the BWC into event mode prior to any officer initiated field contacts involving actual or potential violations of the law including:
  - 1. Traffic stops
  - 2. Pedestrian and/or vehicle contacts
- b. All officers will place the BWC into event mode when responding to the following calls for service and/or in the following situations:
  - 1. While en-route to any in-progress, just occurred and/or any other call for service where the fleeing suspect and/or vehicles may be captured leaving the crime scene
  - 2. All calls requiring the presence of a Crisis Intervention Team (CIT) officer
  - 3. When responding to calls reportedly involving weapons or violence
  - 4. All calls involving suspected suicidal and/or suicidal individuals
  - 5. When engaging in a foot chase, provided the activation does not interfere with officer safety or the safety of others
  - 6. When emergency or pursuit emergency driving response is required (See OMS 112.08)
  - 7. While executing warrantless searches of individuals, vehicles, buildings and other places
    - A. The BWC will be utilized to record the request and consent when practical. This recording is intended to enhance a documented consent however, it is not intended to replace the use of any form used to gain and/or record the consent to search without a warrant.

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8. While advising an individual of their Miranda rights
    - A. The existence of a recorded advisement will be documented in the officer's statement.
  9. All arrests and/or citations, provided the activation does not interfere with officer safety or the safety of others
  10. While taking statements from subjects, victims and witnesses (See OMS 302.11)
    - A. Consideration may be given to a victim who requests not to be recorded or when circumstances warrant.
  11. If not already, the BWC will be activated to record any encounter that becomes adversarial or in any situation that the officer believes use of the BWC would be appropriate or would provide valuable documentation.
- c. Once placed in event mode, the BWC will remain on and not be turned off until the initial incident that caused the activation has stabilized or concluded; upon request of the victim; or as ordered by a supervisor. For the purposes of this section, an incident shall be considered stabilized when the initial police response or exchange of communication related to police enforcement activities has transitioned to a controlled and orderly investigation. Examples of stabilized incidents can be found in the BWC Training Manual.
1. Officers will document the reason that the BWC has been deactivated in the form of a recorded announcement on the BWC prior to deactivation. Examples of acceptable announcements can be found in the BWC Training Manual.
  2. If an officer is on a perimeter or assigned to a static post where he/she is not in contact with citizens or actively part of the investigation, then he/she may deactivate the BWC to conserve battery life. The BWC will be reactivated if either of those fails to apply.
  3. Once the situation has stabilized, if it is necessary to discuss issues or concerns with an officer, supervisor, doctor, nurse or paramedic in private, the BWC may be switched to buffering mode. This procedure will be followed for all circumstances that warrant the BWC to be switched from event mode to buffering mode.
    - A. The intention to stop recording will be noted verbally on the recording prior to changing modes.
    - B. As soon as the private conversation is completed, the BWC will be returned to event mode so long as the situation still falls under the definition of required use. Officers are reminded that when the BWC is placed back to event mode, the prior 30 seconds of video (no audio) will be saved.
- (6) Restricted Use of the BWC and/or stored media
- a. Under no circumstance, except those instances involving criminal investigations of department personnel, will a conversation between department employees be recorded without all parties to the conversation being aware of the fact that it is being recorded. Conversations that are not required to be captured as evidence in the furtherance of completing a police report and/or subsequent police investigation will not be recorded
  - b. The BWC will not be activated in places where a reasonable expectation of privacy exists, such as locker-rooms or restrooms unless the activation is for the purpose of official law enforcement activity such as a call for service.
  - c. The BWC will not be used to record confidential informants or undercover officers.

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- d. Prior to conducting a strip search, the officer will record a 360-degree video of the location where the strip search will be conducted. During the actual strip search, the BWC will be utilized to only capture audio of the event by positioning the camera away from the individual to be searched. (See OMS 104.01 (8) for authorization)
- e. Officers will only use the BWC in patient care areas of a healthcare facility when the recording is for official purposes and caution should be used to record only the parties involved in the event being investigated.
- f. Officers are not authorized to playback BWC recorded media for citizen viewing.

(7) Supervisor Responsibilities

- a. Supervisors will ensure that every officer has turned in their assigned BWC prior to going off-duty.
- b. When an incident arises that requires the immediate retrieval of BWC media for chain of custody purposes (including, but not limited to: serious crime scenes, officer involved shootings or others as determined by policy/supervision) a supervisor will respond to the scene and ensure the BWC remains affixed to the officer in the manner it was found and that the BWC data remains uncompromised. Through direct and uninterrupted supervision, the supervisor is responsible for the care and custody of the BWC until it has been removed and secured by the lead investigator.
- c. Supervisors may view recordings in the field in order to mitigate citizen complaints, however permission must be obtained from the commanding officer of the Internal Affairs Division or his/her designee in order to playback BWC recorded media for citizen viewing.
- d. BWC recordings will not be randomly reviewed by supervisors to monitor officer's performance. Exceptions to this rule are:
  - 1. The supervisor is investigating a specific act of officer conduct
  - 2. The officer has been placed on a performance improvement plan within the performance evaluation system in order to address identified behavioral or performance deficiencies.
  - 3. Requests to review BWC recordings outside of these parameters must be made to and approved by the officer's commander or above.
  - 4. The aforementioned is not meant to limit or restrict the Department's review as part of an official investigation.

(8) Data Management and File Retention/Disclosure

- a. All captured recorded BWC media will be uploaded and retained in evidence.com for one year. The retention of all BWC media will comply with all applicable State of Colorado statutory requirements regarding criminal justice record management and evidence retention.
  - 1. Any BWC media that has been flagged prior to the one year expiration date due to its evidentiary or administrative investigatory value will be moved into long term storage.
  - 2. All other BWC media will be deleted from the system after one year.
- b. Access to all BWC stored media will be restricted to authorized users and the viewing of any BWC footage will be restricted to legitimate law enforcement purposes.
- c. Any request for BWC media made from outside the Denver Police Department will comply with both the records disclosure and records management policies of the Department (See OMS 109.04 and 109.05).