

## **Personal Audio Visual Equipment (PAVE)**

### **I. PURPOSE AND SCOPE**

The Greeley Police Department's body worn camera (Personal Audio Visual Equipment: PAVE) pilot project is being undertaken to evaluate how this new technology can address the issues of both transparency and accountability between the police and the citizens of Greeley. Moreover, the new technology will be evaluated to see how it may promote officer safety, more effective prosecution of criminal cases, and provide improved protection for police officers against false allegations.

The Police Department enters into this pilot program with the realization that video can be a very important piece of evidence which can provide essential details and information about what happened during an event. It is also important to remember that the camera will not capture all of the relevant information which may be occurring 360 degrees around an event. As has always been the case, the totality of the circumstances will continue to be the bench mark for all decisions made whether criminal or administrative.

### **II. OFFICER OPERATION REQUIREMENTS**

All sworn officers participating in the PAVE program will be responsible for the proper use and care of their assigned camera. PAVE equipment will be deployed and used in accordance with the manufacturer's recommendations and the training provided. Additional operation requirements for the officers are:

1. Verify prior to shift deployment that the camera is in proper working condition and has been fully charged. PAVE officers will be responsible for monitoring their equipment during the course of their shift to ensure continued proper operation.
2. PAVE units are positioned on the officer in such a way as to allow the camera to capture the maximum amount of video footage based on environmental conditions and the camera's technical capabilities.
3. All PAVE recordings will be properly categorized and have required metadata applied to each video incident. Officers are encouraged to utilize available time during their shift to keep up with this process.

### **III. PROCEDURES**

**A. UPLOADING, STORAGE, AND RETENTION OF RECORDINGS**

Any PAVE recorded incident which requires an official police action, shall be documented in the associated departmental reports, field interview entries, or on traffic citations if they are the sole documentation. Any other activation other than those noted above will have an associated entry in the CAD system.

Uploading of PAVE will be done in accordance with manufacturer specifications and the department's training. PAVE evidence or recordings will be stored in a departmental designated secure location, including but not limited to:

- 1 An approved web based server whether that is maintained by the City of Greeley or an approved outside vendor.
- 2 An approved, City of Greeley on site server
- 3 Physical storage media such as CDs, DVDs, or other digital storage devices.

All PAVE recordings will be uploaded following Greeley Police Department policy and vendor training. During the course of this pilot program, all PAVE users will complete an original or supplemental report documenting the recording during those events where a police incident report is required. PAVE recordings that are associated with a departmental report number and are uploaded directly into a server, will use the Spillman involvements field to note the presence of a PAVE recording.

All PAVE recordings shall be uploaded at the end of an officer's shift. If there is a circumstance when this cannot be accomplished, a supervisor must be notified and approval given.

**B. ACTIVATION OF THE PAVE**

Once activated the PAVE, with a few exceptions, shall remain on and not be turned off until the initial incident that caused the activation has concluded. For purposes of this section, conclusion of the incident occurs when the gathering of evidence or exchange of communication related to police enforcement activities are concluded. It is understood that not all incidents will clearly start out as needing documentation by a PAVE recording or having a clear ending when the PAVE is no longer needed. Officers will be expected to use discretion and common sense when activating and deactivating the PAVE.

Any incident that is recorded with either the video or audio system shall be documented in the officer's report or CAD entry if no official report exists. If a traffic citation is issued, the officer shall make a notation on the front near the signature block and on the back of the citation notes that will be sent to court, indicating that the incident was recorded.

### **C. REQUIRED ACTIVATION OF THE PAVE**

It is not the intention of this policy to attempt to describe every possible situation in which a PAVE system may be used. In addition to the required situations, an officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident. Other than these situations described below, Greeley Police Officers will have discretion as to whether they activate their PAVE or not.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements. The activation of the PAVE system is required in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct:
  - 1. Traffic/motorist/citizen contacts
  - 2. Priority 1 or 2 calls
  - 3. Suspicious person/vehicle contacts
  - 4. Anticipated arrest situations (through booking process)
  - 5. Vehicle searches
  - 6. Physical or verbal confrontations or use of force
  - 7. Domestic Violence Calls
  - 8. DUI investigations including field sobriety maneuvers
  - 9. Any other time when an officer feels it is necessary or useful to record an event.
  
- (b) Any contact that becomes adversarial after the initial contact during a situation that would not have otherwise required recording.

### **D. CESSATION OF RECORDING**

Officers equipped with a PAVE system will have it within their discretion to cease recording video and/or audio when, in their determination, further recording will not be beneficial or it would no longer be in the best interest of the situation. Officers who make a decision to cease recording should be prepared to defend that decision. The reason for the voluntary or involuntary cessation of recording should be documented through any combination of the following methods:

- 1. Police incident report
- 2. Citation notes
- 3. CAD miscellaneous field entry
- 4. Explanation narrated directly into the PAVE.

If there is a malfunction, accidental deactivation or unintentional failure to activate the PAVE, the officer will document this in a manner described above. The officer, at

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their discretion, may turn off the PAVE if the reason for turning it on has ended, for example if there is no longer any reasonable potential of evidentiary or mutual accountability issues. In addition, administrative interactions between an officer and other employees should not be recorded on the PAVE. Section 5.17 of the Code of Conduct (GO 400) applies to the use of PAVE.

If during a contact, a citizen makes a request that the officer turn the PAVE off, the officer shall take into account the overall circumstances, and what is beneficial to all involved, before deciding whether to turn off the equipment.

### **E. OTHER RECORDING CONSIDERATIONS**

1. Officers are encouraged to not have the PAVE activated during process conversations not involving a citizen. These would include but are not limited to charging decisions, tactical discussions, comparing witness statements and so on.
2. Circumstance involving matters of training or evaluation of circumstances with fellow officers.
3. Officers will not be required to proactively disclose the use of PAVE but if asked by a citizen they will disclose whether the PAVE is actively recording
4. Users of PAVE who are interacting with officers working in covert or undercover assignments, will take necessary precautions not to record their images or the audio portion of case strategies or discussions.
5. Officers participating in the pilot program will not be required to utilize PAVE during off duty or extra duty work.
6. No member of this agency may surreptitiously record a conversation of any other member of this agency except with a court order or when authorized by the Chief of Police for the purpose of conducting a criminal investigation or as an administrative function.

### **F. CLASSIFICATION AND RETENTION OF PAVE RECORDINGS**

When an officer has stopped the PAVE device the officer shall classify the recording. These classifications will serve to assist in locating the recording and each classification will have an established retention time. Any PAVE recording in any classification can be changed to another classification or have its retention status changed for the benefit of an investigation or organizational needs.

Classifications, descriptions and retention are as follows:

1. **NON EVENT** – A miscellaneous activation of the PAVE system which does not meet the requirements of any other classification. Retention period will be seven (7) days.
2. **INCIDENT ONLY** – Activation of the system where there may be some liability or possibility of a complaint or future action. Examples may include,

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motorist assists, traffic control, general citizen contacts, contacts in which there was a violation of the law but the officer has chosen to issue a verbal or written warning. These recordings should be available for a period of time to address any complaints or issues that could be resolved by reviewing the recording. Retention period will be thirty (30) days.

3. **TRAFFIC** – Traffic stops involving a citizen, vehicle, bicycle, pedestrian, etc. where the officer issues a citation into Municipal Court or County Court for traffic related offenses. Retention is 180 days.
4. **CASE REPORT** – Anytime a PAVE recording of evidentiary value has been made during an investigation and a case report has been generated. These recordings are subject to general policy and procedure regarding the retention of case related evidence.
5. **RESTRICTED**- Any PAVE recording that documents an incident which is deemed sensitive in nature, whether evidentiary or mutual accountability in nature can have access restricted to select individuals. This status would be deemed necessary by a supervisor and entered by a PAVE administrator. Examples could include cases involving use of force resulting in SBI, officer involved shootings, allegations of criminal actions by an officer or by a citizen with an officer as a victim, and investigations alleging misconduct. Access to a restricted PAVE must be approved by the division captain (or designee) overseeing the investigation. These recordings are subject to general rules and policies regarding the retention of case related evidence.

### **G. REVIEW, ACCESS AND DISSEMINATION OF PAVE RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Greeley Police Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by policy and law.

To prevent damage or alteration of the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the police department's PAVE administrator or command staff.

Recordings may be reviewed in any of the following situations:

For use when preparing reports, statements, or for court testimony. The exception to an officer reviewing a PAVE recording for the purpose of completing a report is if the incident falls under the Officer-Involved Incident Protocol (OIIP) as developed in conjunction with the Office of the District Attorney, 19th Judicial District. In such cases, the OIIP takes precedence.

1. By a supervisor investigating a specific act of officer conduct.
2. To assess proper functioning of PAVE systems.

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3. By an investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
4. An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment, unless restricted at the time of request as described in (G) (5).
5. By court personnel through proper process or with permission of the Chief of Police or the authorized designee.
6. Public release of PAVE Video recordings will be in accordance with current departmental policies as well as the rules set forth in the Colorado Criminal Justice Records Act. Release may also occur at the direction of the Chief of Police or authorized designee.
7. Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted through the training staff to determine if the training value outweighs the officer's objection. In no case shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

## H. EVENT DOCUMENTATION

PAVE is not meant to be a replacement for a written report if one is called for. Officers are still responsible for completing a thorough and accurate report in the same manner they would if they did not have a PAVE device. If an officer is on a call where their role would not normally call for a report, but the PAVE was activated, they will still make a supplemental report if a case number was pulled. Otherwise they will follow retention protocols previously outlined.

### 446.5 TRAINING AND SUPERVISORY RESPONSIBILITIES

Users of the PAVE systems and supervisors shall be trained on the proper use of the system and shall become familiar with this policy prior to deployment of the PAVE device.

Supervisors shall ensure that PAVE units assigned to their officers are in working order and the officer using the PAVE has been properly trained. Supervisors will monitor and verify that their officers are properly using the PAVE units as required by departmental policy and training. That includes proper categorizing and logging of evidence.

General Order 804.00

Reviewed: 06/16

PERSONAL AUDIO VISUAL EQUIPMENT

Authorized by: Jerry Garner, Police Chief

Effective Date: June 8, 2016

Jerry Garner  
Signature

Date: 6-8-2016