

General Order 804.00

Reviewed: 03/19

Body Worn Cameras

I. PURPOSE AND SCOPE

The Greeley Police Department's body worn camera (BWC) program is being implemented in order to increase both transparency and accountability between the police and the citizens of Greeley. Moreover, the technology will be deployed to promote officer safety, more effective prosecution of criminal cases, and provide improved protection for police department personnel against false allegations.

The police department enters into this 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 benchmark for all decisions made whether criminal or administrative.

II. OFFICER OPERATION REQUIREMENTS

All personnel wearing a BWC will be responsible for the proper use and care of their assigned camera. BWCs will be deployed and used in accordance with the manufacturer's recommendations and the training provided. Additional operation requirements for the users are:

1. Verify prior to shift deployment that the camera is in proper working condition and has been fully charged. BWC users will be responsible for monitoring their equipment during the course of their shift to ensure continued proper operation.
2. BWCs are positioned on the user 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. Other than the settings that may be adjusted based on individual user preference, BWC users will not make changes, additions or otherwise alter the BWC equipment in any way.
4. Automated CAD integration of recording metadata is intended to be utilized through the integration software. However, there will be some circumstances where the user will be responsible to add or update BWC recordings with the proper information. Users are authorized to make adjustments to call types, case numbers, and retention schedules based on their knowledge of the individual circumstances. Users are encouraged to utilize available time during their shift to keep up with this process.

III. PROCEDURES

A. UPLOADING, STORAGE, AND RETENTION OF RECORDINGS

Uploading of BWCs will be done in accordance with manufacturer specifications and the department's training. All BWC recordings shall be uploaded at the end of a user's shift. If there is a circumstance when this cannot be accomplished, a supervisor must be notified and approval given.

BWC evidence or recordings will be stored only in an approved secure location, including but not limited to:

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

All BWC recordings will be uploaded following Greeley Police Department policy and training. Users are not permitted to maintain personal copies or downloads of BWC recordings. Personnel are not permitted to show recordings to unauthorized individuals.

B. ACTIVATION OF THE BODY WORN CAMERA

Once activated, the BWC with a few exceptions, shall remain on and will not be turned off until the initial incident that caused the activation has concluded. For the 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 BWC recording or having a clear ending when the BWC is no longer needed. Users will be expected to use discretion and common sense when deactivating the BWC.

C. REQUIRED ACTIVATION OF THE BODY WORN CAMERA

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

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- (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
 - 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 a user 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.
- (c) Users will be required to wear a BWC when working in uniform in an extra-duty or overtime capacity. This policy applies to those times as well.
- (d) Users who fail to activate their BWC when required by this policy may be subject to department discipline.

D. CESSATION OF RECORDING

Users equipped with a BWC 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. Users 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. Explanation narrated directly into the BWC
- 2. Police incident report
- 3. Citation notes
- 4. CAD miscellaneous field entry

If there is a malfunction, accidental deactivation or unintentional failure to activate the BWC, the user will document this in a manner described above. The user, at their discretion, may turn off the BWC 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 a user and other employees should not be recorded on the BWC. Section 5.17 of the Code of Conduct (GO 400) applies to the use of BWCs.

If during a contact, a citizen makes a request that the user turn the BWC off, the user 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. Users are encouraged to not have the BWC audio activated during process conversations not involving a citizen. These may include but are not limited to charging decisions, tactical discussions, comparing witness statements, etc. Some BWCs are capable of muting audio while continuing to record video. If equipped, this can be considered when BWC users are involved in an incident that would usually warrant video recording. For example, instead of deactivating a recording completely during a tactical discussion, the BWC user may choose to mute the audio recording for that short duration, then un-mute when the discussion is completed. This keeps a BWC user from not recording video when they otherwise would and from having multiple BWC video recordings for each user in one incident.
2. Circumstance involving matters of training or evaluation of actions with fellow users.
3. Users will not be required to proactively disclose the use of a BWC but if asked by a citizen they should disclose whether the BWC is actively recording. If an officer does not disclose the use of a BWC to a citizen upon request, the officer will articulate their reasoning in a police report.
4. Users of BWCs 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. 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.
6. Per Weld County Sheriff's Office policies, officers will not utilize the BWC for recording inside the Weld County Jail.

G. CLASSIFICATION AND RETENTION OF BWC RECORDINGS

The majority of BWC recordings will automatically be classified and retained through the CAD integration software. On occasion, users will be required to make corrections or modifications to these. These classifications will serve to assist in locating the recording and each classification will have an established retention time. Any BWC 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:

UNCATEGORIZED – An automatic classification that requires the BWC user to take further action on recording metadata. Examples may include follow-up investigations and assisting other agencies. Retention period will be indefinite until the classification has been manually changed.

NON EVENT – A manual classification documenting a miscellaneous activation of the BWC, which does not meet the requirements of any other classification.

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Examples may include accidental activations. Retention period will be 90 days
INCIDENT ONLY – An automatic classification documenting an activation where there may be some liability or possibility of a complaint or future action. Examples include traffic stops with no citation, motorist assists, traffic control, general citizen contacts, and contacts in which there was a violation of the law but the user has chosen to issue a verbal warning. The retention period will be 180 days.

TRAFFIC CITATION – An automatic classification documenting traffic stops involving a citizen, vehicle, bicycle, pedestrian, etc. where the user issues a citation into Municipal Court or County Court for traffic related offenses. Retention is 2 years.

CASE REPORTS - Anytime a BWC recording of potential 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.

CASE REPORT – GENERAL – an automatic classification documenting all calls for service generating a case report and has a retention schedule of 5 years

CASE REPORT – MISDEMEANOR – a manual classification to be entered when the incident is a misdemeanor shall have a retention schedule of 3 years

CASE REPORT – FELONY CLASS 1 OR 2 – a manual classification to be entered when the incident is a class 1 or 2 felony shall be retained indefinitely

CASE REPORT – FELONY CLASS 3 OR 4 – a manual classification to be entered when the incident is a class 3 or 4 felony shall have a retention schedule of 10 years

CASE REPORT – FELONY CLASS 5 OR 6 – a manual classification to be entered when the incident is a class 3 or 4 felony shall have a retention schedule of 5 years

RESTRICTED- A manual classification for any BWC 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 classification would be deemed necessary by a supervisor and entered by the supervisor, the user, or a BWC administrator. Examples could include cases involving use of force resulting in SBI, officer involved shootings, allegations of criminal actions by a user or by a citizen with a user as a victim, civil litigation and investigations alleging misconduct. Access to a restricted BWC must be approved by the Deputy Chief (or designee) overseeing the investigation. These recordings are subject to general rules and policies regarding the retention of case related evidence.

PENDING REVIEW – A manual classification whenever a supervisor feels it appropriate to temporarily flag a BWC recording in response to an investigation.

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Examples may include a supervisory concern, citizen complaint, department member complaint, or for review and consideration of commendation. The supervisor may add a pending review on a recording for this limited purpose. Once the review is complete, this category will be removed and replaced with the appropriate classification.

AUDIT REVIEW – A manual classification. In accordance with department accreditation requirements, a small number of BWC recordings will be audited annually. This audit will be conducted by supervisors at regular intervals for compliance with general orders and best practices. In addition to the original classification, these will also be classified as “Audit Review”. Retention period will be 5 years.

AIM – A manual classification. Whenever a recording is connected to an Administrative Investigations Management (AIM) investigation, it will be classified and retained in accordance with the retention formula for the State of Colorado municipal records retention schedule. Retention period will be 5 years.

TRAINING – A manual classification for BWC recordings during any organized and approved training activity including platoon, in-service, SWAT, and field training for the expressed purpose of providing the trainee or student immediate feedback of activities. Retention period will be 7 days.

H. REVIEW, ACCESS AND DISSEMINATION OF BWC 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 BWC 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 a user reviewing a BWC recording for the purpose of completing a report is if the incident falls under the Critical Incident Response Team (CIRT) protocol as developed in conjunction with the Office of the District Attorney, 19th Judicial District. In such cases, the CIRT policy takes precedence.

1. By a supervisor investigating a specific act of user conduct or annual audit.
2. To assess proper functioning of BWC systems.
3. By an investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
4. A user who is captured on or referenced in the video or audio data may review

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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 BWC 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 retained to be shown for on-going training purposes. If the training is going to be used for a shift level debriefing it will be up to the watch commander to determine if it's appropriate to utilize the video. If a video is going to be used in department wide training it will be submitted through the training unit and approved by the Support Services Deputy Chief. If an involved user objects to showing a recording, his/her objection will be submitted through the training staff to determine if the training value outweighs the user's objection. In no case shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

I. EVENT DOCUMENTATION

BWCs are not meant to be a replacement for a written report if one is called for. Users are still responsible for completing a thorough and accurate report in the same manner they would if they did not have a BWC.

TRAINING AND SUPERVISORY RESPONSIBILITIES

Users of the BWC 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 BWC. Supervisors shall ensure that BWCs assigned to their users are in working order and the user has been properly trained. Supervisors will monitor and verify that their users are properly using the BWCs as required by departmental policy and training. That includes proper categorizing and logging of evidence. Supervisors will be responsible for periodically auditing compliance with this policy amongst their direct reports.

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