

General Order 804.00

Reviewed: 05/20

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

A. BODY WORN CAMERA ASSIGNMENT

For the purpose of this policy, issued 'users' are defined as all department employees in the rank of sergeant and below, both sworn and non-sworn, who may work in a uniformed and/or non-uniformed capacity, and who may be required to answer calls for service, conduct investigations, conduct surveillance and make arrests.

1. These include assignments to patrol, traffic enforcement, school resource, the Special Enforcement Team, the Neighborhood Action Team, Property Crimes Investigations and the Gang Unit.

Those department employees not issued BWC as a matter of assignment, but are still defined as users, include those in the assignment of Persons Crimes Investigations, tech investigations, the Training Unit, and Professional Standards. Users not issued a camera as a matter of assignment are still bound by this policy.

If an on-duty user who is not issued a camera is assigned to an investigation where it is anticipated they will be conducting any of the duties listed above, they will see a supervisor or the BWC Administrator to have a camera temporarily issued when cameras are available. Users not issued a camera as a matter of assignment may happen upon or be required to respond quickly to an incident or emergency where

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getting a camera assigned prior is not practical and/or possible.

The Chief of Police, Deputy Chiefs of Police, Commanders, and investigators with the Weld County Drug Task Force are exempt from this requirement.

Overtime, extra duty and off-duty assignments may be worked by users who may or may not be typically issued BWC. Users who are issued a camera for use on-duty are expected to follow this policy when working an off-duty assignment. Users who are not issued a camera for on-duty use, including those listed as otherwise exempt, are still expected to have one while working an off-duty assignment. The user will see a supervisor or the BWC Administrator in advance of their off-duty assignment to have one temporarily issued, when available.

B. BODY WORN CAMERA RESPONSIBILITIES

All personnel issued a BWC, whether permanent or temporary, will be responsible for the proper use and care of their assigned camera and approved mounts. 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. Users will be responsible for the proper use and care of their assigned mounts. If lost or damaged, replacement will occur based on the guidelines set forth in the Patrol Manual Property Replacement Policy and the Shared Manual Clothing Allowance Policy.

BWCs will be 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 an effort to capture all pertinent events that are listed as required, users are expected to activate the recording on their body worn cameras as soon as practical, given the incident. For example:

1. *Users should consider activating the camera prior to arrival on scene and prior to making contact with individuals.*
2. *Users should activate the recording as soon as practical after they identify a violation, decide to initiate a traffic stop or citizen contact, or after becoming*

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involved in an incident that suddenly occurs.

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.

Users are encouraged to “monologue” to their body worn cameras. For example, if a user is responding to an address or to meet a person that they have specific historical knowledge about, stopping a car they have stopped prior, etc. the officer is encouraged to activate the recording prior to the contact and simply explain what they know or see out loud to their body worn camera in an effort to make the recording more complete and provide future prospective viewers (i.e. C.I.R.T., court, supervisor) a better understanding of the user’s perspective.

The activation of the BWC is required in any of the following situations:

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

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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. 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 discussion, the BWC user may choose to mute the audio recording for that short duration, then un-mute when the discussion is completed.

Users are authorized to deactivate audio recording during the process of conversations not involving a citizen. These may include but are not limited to charging decisions, tactical discussions, comparing witness statements, etc. *Muting the audio recording in these situations reduces the number of videos per user for each incident while continuing to document the incident through video.*

2. Circumstances involving matters of training or evaluation of actions with fellow users may be muted.
3. Users are not to have their body worn camera actively recording inside a command post.
4. 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.
5. Victims of a crime, especially those involved in an incident that is sensitive or embarrassing to the victim, should be notified when recording is active. If a victim requests there be no video recordings of their interactions, users *may suggest to the victim* the camera lens be *covered* or *turned* so that nothing is video recorded *but still allows for the conversation to be* audio recorded.
6. 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.
7. 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

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an administrative function.

8. Per Weld County Sheriff's Office policies, officers will not utilize the BWC for recording inside the Weld County Jail.
9. Users are required to confer with other BWC users after multi-officer calls and follow-up investigations, about how their BWC videos should be documented in evidence.com as far as case number and retention classification. In most cases, the primary officer has the responsibility to ensure that the right information is put into the appropriate evidence recording fields.

F. CLASSIFICATION AND RETENTION OF BWC RECORDINGS

1. CLASSIFICATIONS AND CATEGORIZATION

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. 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

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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 5 or 6 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. 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.

2. PURGING AND DELETIONS

The retention categories in this policy indicate that, in most cases, the video will be purged when it reaches its maximum retention time based on the category with the longest retention. However, if the evidence in a case is ordered disposed by the courts and/or the district attorney's office, regardless of the retention category, and there is no other legal or administrative purpose for retaining it, the video in the case may also be purged.

G. 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.

1. REVIEW

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:

- a. 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 described in (III)(G)(2).
- b. By a supervisor investigating a specific act of user conduct or annual audit.
- c. To assess proper functioning of BWC systems.
- d. By an investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
- e. A user 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 (III)(F)(1).

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- f. By court personnel through proper process or with permission of the Chief of Police or the authorized designee.
- g. 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.
- h. There will be no "field viewing" of body worn camera video. Field viewing is defined as the showing of video to non-law enforcement persons, immediately after or in relative time to the recorded incident or the complaint without Watch Commander approval. If this occurs, the officer or supervisor must document it in the related police report and AIM report, and by making a note record in the video file itself, the person the video was shown to and the circumstances for which it was shown.

2. CRITICAL INCIDENT RESPONSE TEAM

The Greeley Police Department is part of the Critical Incident Response Team (CIRT) developed in conjunction with the Office of the District Attorney, 19th Judicial District.

When any incident occurs where the activation of the 19th Judicial District CIRT is anticipated, involved users are not authorized to review their BWC recordings prior to providing interviews with CIRT investigators. When such an incident occurs, the following steps will be followed:

- a. As soon as practical, once an event is under control and/or involved officer(s) are removed from the scene, the department employee in charge of the scene will *assign one* specific officer or supervisor to collect all of the applicable body worn cameras. *This officer or supervisor will power them off and retain them until they are provided to a CIRT investigator.*
- b. Accessing the camera recordings is not authorized.
- c. This responsible officer or supervisor will complete a supplement report indicating:
 - 1. The officer(s) the cameras were collected from.
 - 2. The time the collection occurred.
 - 3. The CIRT investigator they were provided to and the time provided.
- d. CIRT investigators may review the BWC video as *part of* the investigation. They may do so in a software that allows viewing of the video straight from the camera, or from evidence.com after uploading. In either instance, as soon as the video is accessed, the retention categories "Aim" and "Restricted" should be added to all of the appropriate video files.
- e. After a BWC video *has been* uploaded to storage, properly categorized, and

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videos have been erased from the camera, it be returned to the involved officer(s).

3. PUBLIC RELEASE

The Greeley Police Department will release body worn camera footage to a requesting individual only after it has been vetted for its legal release by the Greeley Records Department.

The Greeley Police Department has specific guidelines set forth in the Colorado Criminal Justice Records Act and the Colorado Revised Statutes that must be followed. The Greeley Records Department can offer any requesting person more specific information on what those guidelines are.

The redaction of video images and audio may be necessary in certain circumstances. For example, images may be blurred and/or audio may be muted to protect victim/witness identification, personal identifying information, extremely sensitive circumstances, H.I.P.A.A. information (Health Insurance Portability and Accountability Act), and C.J.I.S. information (Criminal Justice Information Services).

The Greeley Records Department has a fee schedule for the release of body worn camera video based on the reasonable cost incurred to the City for the actual time spent in research, review and redaction that may be required before a release can occur.

The Greeley Police Department may release BWC video clips through other means (i.e. social media) as the Chief of Police determines appropriate.

H. EVENT DOCUMENTATION

1. 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.
2. All citations or summons issued, whether handwritten or electronically generated, shall have the following information recorded on the summons face as well as on the notes portion of the citation/summons:
 - a. For handwritten citation/summons, the letters "BWC" will be written next to the officer's signature block on the front of the document and in the officer notes portion on the back of the citation/summons. This will indicate a camera recording exists. The incident case number will be added to the face of the citation/summons.
 - b. For electronic tickets, the letters "BWC" will be added to the beginning or end of the notes. Additionally, officers are required to add the case number for the incident to that field in the electronic ticket.

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3. The report dictation guide provides a field stating "Body Worn Camera (Yes or No)". If BWC recording was in use by anyone during an incident, each officer who is completing a report, whether an original or a supplement, will indicate "Yes" to the question. In addition, when answering yes, each officer completing a report will list (within that BWC field) every officer who ran video in that incident. Officers can be documented by last name and/or badge number. If no BWC video was used during an incident, the answer will be "No".

I. 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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