

**General Order 804.00**

**Reviewed: 09/24**

**Body Worn Cameras**

**I. PURPOSE AND SCOPE**

The Greeley Police Department's body worn camera (BWC) program is implemented in order to increase both transparency and accountability between the police and the citizens of Greeley. Moreover, the technology is 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 has implemented 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**

The Greeley Police Department will issue a body worn camera to every sworn member, as well as every non-sworn member, who may have interactions with citizens, whether consensual or non-consensual, for the purpose of enforcing the law or investigating possible violations of the law. For the purpose of this policy, "user" is every department member issued a BWC.

**B. BODY WORN CAMERA RESPONSIBILITIES**

All personnel issued a BWC, 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 and battery management as best possible.

If a malfunction is detected, users are expected to get their assigned camera replaced by an on-duty supervisor as soon as possible. Users shall notify the BWC Administrator of the issue in writing or by email so the camera can be repaired or

returned to the vendor for replacement.

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.
3. When on duty and in an assigned function that may require the user be dispatched to calls for service, conduct traffic enforcement, or any similar function, that their BWC is powered on ready to record as designed. This includes a pre-record buffering if equipped.
4. 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.
5. 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.
6. Automated CAD integration of recording metadata is intended to be utilized through 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**

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 BWC any time they believe its use would be appropriate and/or valuable to document an incident or interaction. 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, users are expected to activate the recording on their body worn cameras as soon as practical, given the incident. For example:

1. Users should activate the camera recording prior to arrival on scene and prior to interactions 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 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 working in an undercover assignment are not required to wear or activate a BWC.

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 interaction 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:

1. Users shall wear and activate their BWC when responding to a call for service, entering a premises in response to a call for service or during any interaction with the public, whether in person or by other means (both sides of the conversation shall be recorded), whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law.

## **C. FAILURE TO ACTIVATE A BODY WORN CAMERA**

If a user fails to activate the recording on their BWC as required by law and this policy or fails to correct a BWC malfunction upon learning of the malfunction, the user shall be subject to department discipline.

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If a user is found to have intentionally failed to activate the recording on the BWC when required or tampered with any BWC or recording except as permitted in this policy, with the intent to conceal unlawful or inappropriate actions or obstruct justice, the user shall, at a minimum be subject to department discipline.

For the purpose of this policy, “tampering” is defined as intentionally damaging, disabling, dislodging, or obstructing the sight or sound or otherwise impairing the functionality of the BWC or intentionally damaging, deleting, or failing to upload some or all portions of the video and audio.

Notwithstanding any other provision of law, this does not apply if the BWC was not activated due to a malfunction and the user was not aware of the malfunction, or was unable to rectify it, prior to the incident, provided that the agency's documentation shows the user checked the functionality of the BWC at the beginning of their shift.

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

Once activated, the BWC with a few exceptions shall remain recording 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 common sense when deactivating the BWC.

Users may turn off a BWC to avoid recording personal information that is not case related, when working on an unrelated assignment, when there is a long break in an incident or interaction that is not related to the original incident, and during administrative and tactical discussions. Users who make a decision to cease recording should be prepared to defend that decision.

The reason for the 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.

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

1. Some BWCs are capable of muting audio while continuing to record video. If

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equipped, this can be considered when BWC users are involved in an incident that would usually warrant video recording.

Users are authorized to deactivate audio recording during the process of conversations not involving a citizen. These may include but are not limited to administrative discussions, charging decisions, tactical discussions, comparing witness statements, etc. The BWC user may choose to mute the audio recording for that short duration, then un-mute when the discussion is completed. 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. When on break at home or at the police department, or otherwise not subject to answering calls for service for an extended length of time, users should consider powering off their BWC or putting it in an idle or sleep mode if equipped as to avoid unintentional automatic activations and to extend battery life for the shift. Users will return their BWC to a state of readiness when returning to service.
4. Users are not to have their body worn camera actively recording inside a command post.
5. 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.
6. 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 away so that nothing is video recorded, but still allows for the conversation to be audio recorded. Users may not completely turn off their BWC when interviewing a witness except to avoid recording personal information that is not case related.
7. 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.
8. 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. Section 5.17 of the Code of Conduct (GO 400) applies to the use of BWCs

9. Users working in a courtroom are not required to activate a BWC.
10. 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.
11. When officers remove money from the possession of an individual they have in custody or take possession of that person's wallet or purse that contains money, the officer will count the money in view of their BWC as soon as practical. When the officer releases the money, either during the booking process or back to the individual it was seized from, the officer will again count the money in view of their BWC just prior to turning the money over. If the money is going to be booked in as evidence, the officer shall follow established policy.

## **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 based on the Colorado Municipal Records Retention Schedule promulgated by the Colorado State Archives, 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, community outreach or police presentations. Retention period will be 2 years.

**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 interactions, and interactions in which there was a violation of the

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law, but the user has chosen to issue a verbal warning. The retention period will be 3 years.

**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 3 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** – This is an automatic classification documenting all calls for service generating a case report. This classification is required for the CAD integration software. BWC video in Case Report General is retained 10 years.

**CASE REPORT CLASSIFICATION A** – This is a manual classification intended to replace Case Report General when it meets certain requirements. These incidents also include those defined by Colorado Revised Statutes (C.R.S.) as a “major felony” and/or “violent crime”. BWC video in Case Report Classification A is retained indefinitely.

- a. Violations of the C.R.S. classified as a 1st degree felony
- b. Violations of the C.R.S. classified as a 2nd degree felony
- c. All homicides and all criminal acts resulting in deaths
- d. All officers killed
- e. Kidnapping
- f. All incidents involving any sexual assault
- g. All incidents involving sex offenders
- h. All incidents involving a forgery
- i. All criminal hazardous materials

**CASE REPORT CLASSIFICATION B** – This is a manual classification intended to replace Case Report General when it meets certain requirements. BWC video in Case Report Classification B is retained 10 years.

- a. Violations of the C.R.S. classified as a 3rd through 6th degree felony not otherwise classified as a Case Report Classification A
- b. Fatal traffic accidents
- c. Non-Criminal investigated deaths
- d. Warrant arrests
- e. All juvenile arrests, regardless of degree, not otherwise classified as a Case Report Classification A

**CASE REPORT CLASSIFICATION C** – This is a manual classification intended

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to replace Case Report General when it meets certain requirements per the Colorado Municipal Records Retention Schedule. BWC video in Case Report Classification C is retained 3 years.

- a. Violations of the C.R.S. classified as a misdemeanor, petty offense, or City of Greeley municipal ordinance violation not otherwise classified as a Case Report Classification A or Case Report Classification B
- b. Non-fatal traffic accidents
- c. Non-criminal hazardous materials incidents

**MISSING PERSON** – This is a manual classification. In addition to any other applicable classification, when an incident involves a missing person or runaway. Once the subject of the incident is located, this classification must be removed and only categorized with another applicable classification. BWC video in Missing Person classification is retained indefinitely until the subject is located.

**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.

**AIM IN-PROGRESS** – A manual Classification. Whenever a recording is connected to an administrative investigation, internal affairs or supervisory review, and the investigation is ongoing. It will be retained indefinitely until the classification is changed to AIM Unsubstantiated or AIM Substantiated.

**AIM UNSUBSTANTIATED** – A manual classification. Whenever a recording is connected to an administrative investigation, internal affairs or supervisory review, and that investigation results in being unfounded, exonerated, or there is a failure of policy, it will be retained for 5 years.

**AIM SUBSTANTIATED** – A manual classification. Whenever a recording is



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connected to an administrative investigation, internal affairs or supervisory review, and that investigation results in being sustained, it will be retained until 10 years after the employee retirement or separation of employment. BWC in AIM Substantiated will be restricted.

**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. These retentions are in accordance with the Colorado Municipal Records Retention Schedule promulgated by the Colorado State Archives. 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.

### **3. ANNUAL AUDITING**

Supervisors are responsible for completing an audit of a limited number of BWC videos to verify proper functioning of the cameras as well as proper operational and procedural practices. This will be accomplished by the supervisor randomly selecting and viewing one recording from each supervised user each calendar month (twelve per year), or the police department may also use an auditing function to choose the videos at random. These will include only videos of an established length (i.e. between 2 and 20 minutes) from the following categories, "Case Report", "Traffic Citation" and "Incident Only". After reviewing the videos the supervisor will add an "Audit Review" category to them and enter a comment in evidence.com with any supervisory actions taken, if applicable.

## **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:

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- 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 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).
- 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.

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- 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 In-Progress" 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 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.

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2. BWCs are not meant to be a replacement for digital evidence collection if required. Users will continue to take photographs and collect audio and video evidence in the same manner they would if they did not have a BWC.
3. In order to appropriately connect citations with BWC, all issued citations whether handwritten or electronically generated, will include the case number in the appropriate location on the front. If for some reason this isn't possible, then it will be the first entry at the top of the citation notes.
4. 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. 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. This includes the proper categorizing and logging of evidence.

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