

## **Colorado Springs Police Department**

# **General Order 704**

### **Section 7 : Body Worn Camera (BWC) Force, Detention, and Arrest**

#### **.01 Purpose**

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law. This policy is not intended to describe every possible situation where the system may be used but to act as a guideline on when the BWC should be used.

#### **.02 Cross Reference**

G.O. 701, First Amendment Rights  
G.O. 703, Public Surveillance Cameras  
G.O. 750, Citizen Contacts  
G.O. 755, Field Interviews  
G.O. 831, Collection of Physical Evidence  
G.O. 833, Evidence Office Procedures  
G.O. 1301, Treatment of the Public  
G.O. 1510, Criminal Records Information  
G.O. 1515, Juvenile Records  
G.O. 1650, Employee Conduct  
G.O. 1655, Police Officer Conduct  
SOP 14-910, Records Release Manual  
SOP 14-912, Records Release

#### **.03 Discussion**

The deployment of BWCs will facilitate the documentation of police contacts and interaction within the community. The process may provide a record of audio and/or video digital representation of actual events as they occur. This data may be used to corroborate the circumstances of citizen contacts, crimes and public occurrences, which demonstrate the facts of various situations.

#### **.04 Policy**

It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. All audio, images and media associated with the BWC are the property of the Colorado Springs 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 or designee.

This policy does not govern the use of surreptitious recording devices used in undercover operations.

The BWC program, as well as this policy, will be reviewed annually (at a minimum) to ensure that it meets Departmental and public expectations.

## **.05 Definitions**

BWC ADMINISTRATOR: Person assigned to act as the coordinator for the body worn camera (BWC) program.

BODY WORN CAMERA (BWC): Camera system designed to be worn by a police officer to capture digital multimedia evidence (DME).

DIGITAL MULTIMEDIA EVIDENCE (DME): All digital recordings, to include but not limited to audio, video, photographs, and their associated metadata.

METADATA: Includes any digital identifiers that are captured as part of the actual recording such as date/time, GPS coordinates, labeling, etc.

## **.10 Administrative Objectives**

The Colorado Springs Police Department has adopted the use of the BWCs to accomplish several objectives. The primary objectives are as follows:

- BWC's allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
- Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
- The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

## **.12 Operational Requirements**

All officers that have been identified to be equipped with BWC equipment will be individually assigned such equipment. The individual officer is responsible for the care and upkeep of their individually assigned equipment to include charging of the device.

Each officer shall test the BWC system to ascertain proper working order in accordance with the manufacturer's specifications and department training at the start of each shift. Testing includes:

- Determining the camera's video and audio components are functional
- Verifying the power source is adequate
- Ensuring the BWC is properly placed and affixed for optimal use (CSPD's system integrates the BWC into the center of the uniform utilizing a plastic snap in "holster". Officers should ensure that the lens is clear of any obstructions.)

If at any time the BWC is found to be not functioning properly, it is to be removed from service and the appropriate supervisor or BWC Administrator shall be notified as soon as reasonably possible.

All incidents recorded with the BWC shall be documented in the first sentence of the narrative of the officer's report, when a report is required, identifying that the incident or a portion of the incident was

captured by a digital recording. If a traffic citation or summons in lieu of a case report is issued, the officer shall notate the use of the BWC on the citation copy that will be sent to the courts indicating that the incident was recorded.

## **.14 Uploading, Retention, and Release**

All images and sounds recorded by the BWC are the exclusive property of the Colorado Springs Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

Any request for BWC media made from outside the Colorado Springs Police Department will comply with both the records disclosure and records management policies of the Department referenced above, as well as the Colorado Open Records Act (CORA) and the Colorado Criminal Justice Records Act (CCJRA). Criminal justice system partners such as the District Attorney's Office and City Attorney's Office will have limited access to the BWC system to download and view video evidence that pertains to specific cases.

Uploading of a BWC shall be done in accordance with manufacturer specifications and departmental training. The current product used by CSPD employs a secure cloud based storage platform. The system also has an internal audit system that shows when BWC video has been viewed, shared, or redacted. This audit trail may aid in determining the chain-of-custody.

All files shall be securely uploaded periodically, and no later than the end of each shift. The current product used by CSPD requires no action by the officer for this to occur. Each file shall contain information, at a minimum, related to the date, call screen number, case number (if appropriate), BWC identifier, and assigned officer. In addition, the officer will have to select the most appropriate category for the video. Categories may include, but are not limited to:

- Felony
- Misdemeanor
- Traffic Citation
- DUI
- Unclassified/Non-event
- Accidental Recording

All access is audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

Files should be securely stored in accordance with state records retention laws and shall be disposed of as soon as practical once appropriate authorization is given and the file is no longer of use in an investigation or prosecution.

- BWC recordings of evidentiary value or where a case report number is generated shall be stored in accordance with the Colorado Springs Police Department's GO 833 Section 8: Evidence Office Procedures/Investigations and Evidence.
- 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 one hundred eighty (180) days.
- All other recordings of an unclassified nature shall be stored for a period of thirty (30) days. This includes traffic stops where a summons was not issued and motorist assists.
- In the event that an officer or supervisor believes the BWC recording should be retained for more than the designated retention periods listed above due to extenuating circumstances

(eg. Public scrutiny, potential for civil action, etc), authorization shall be obtained from the shift or section lieutenant for such extension and the video will be retained until further notice.

## **.20 When and How to Use the BWC**

If an officer is in doubt as to whether or not the BWC should be activated, the BWC should be activated if practical.

Examples include but are not limited to:

- Contacts with the public where law enforcement action will potentially be taken;
- Pursuits by vehicle and on foot;
- Execution of consent searches;
- Persons behaving in an erratic manner;
- Ongoing investigations that may lead to an arrest or search;
- Any other encounter with the public that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Based on the circumstances of the call-for-service, officers should consider activating the BWC immediately upon being dispatched to a call-for-service in order to minimize the chance of an accidental non-activation.

Officers are encouraged, but not required to advise citizens that they are being recorded. In deciding whether or not to advise citizens, officers should consider whether advisement is likely to better serve the handling of the incident. If a citizen asks an officer whether an event is being recorded, the officer is to answer truthfully unless doing so would place the officer or another in jeopardy or potentially compromise an investigation. If a request has been made for the BWC to be turned off by a victim or witness being contacted, the officer shall take into account the overall circumstances before making a decision to honor the request or not. Some considerations include, but are not limited to:

- Evidentiary potential;
- Likelihood of law enforcement action;
- The sensitive nature of the situation.

The BWC may also be turned off for the following reasons:

- To avoid recording personal information that is not case related;
- Work on an unrelated assignment;
- When there is a long break in the incident/contact that is not related to the initial incident;
- In administrative, tactical, and management discussions. This may include discussions between officers regarding the proper course of action to be taken in an investigation.

Otherwise, the BWC shall remain activated until the event is completed and shall not be turned off until the initial incident that caused the activation has concluded in order to ensure the integrity of the recording, unless the contact moves into an area restricted by this policy or when the gathering of evidence or exchange of communication related to police enforcement activities are concluded. Officers shall verbally state why they are choosing to deactivate the digital recording device prior to doing so.

Additionally, if an officer fails to activate the BWC within the guidelines dictated by this policy, fails to record the entire contact, interrupts the recording, or fails to record due to an equipment malfunction

the officer shall document in the officer's incident/criminal report why a recording was not made, was interrupted, or was terminated.

If the officer purposely fails to activate, interrupts or discontinues recording with the BWC without proper justification, the officer may be subject to disciplinary action.

Because of limited battery life, BWC devices are not intended to run continuously. It is not the intention of this program that the officer's entire shift be captured on video.

## **.22 Use in Juvenile School Locations**

- Officers shall not activate a BWC while on the grounds of any public, private or parochial elementary, middle, high or secondary school except when responding to an imminent threat to life or health, or where there is a potential for enforcement and/or criminal investigation, or during an encounter with the public that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

## **.24 Restrictions on Using the BWC**

BWCs shall be used only in conjunction with official law enforcement duties and officers shall not use personally owned digital recording devices while on duty.

The BWC shall not be used to record:

- Communications with other police personnel without their knowledge, without the permission of the Chief of Police or authorized designee;
- Encounters with undercover officers or confidential informants;
- When on break or otherwise engaged in personal activities; or
- In any location where individuals have a reasonable expectation of privacy; such as, a restroom or locker room.
- Recordings in patient care areas of medical facilities unless the recording is for official police business such as a criminal investigation, dying declaration, Horizontal Gaze Nystagmus (HGN) on injured drivers, a specific call for police service, or when dealing with an uncooperative subject(s).

Non law enforcement personnel shall not be allowed to review the recordings at the scene.

The BWC is equipped with the ability to remotely watch the live feed of an officer's recording. This function shall not be used without the officer's knowledge unless exigent circumstances exist (e.g. the "officer down" function is active, or the officer is not responding after the Communications Center has made multiple attempts to contact them via police radio). Anyone in violation of this section of this policy may be subject to disciplinary action.

## **.30 Procedures for BWC Use**

BWC equipment is intended for use by officers that have routine contact with the public in their assignment. BWC equipment is issued primarily to uniformed personnel as authorized by this agency.

Officers who are assigned BWC equipment must use the equipment in accordance with this policy, unless otherwise authorized by supervisory personnel.

Police personnel shall use only BWC's issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Colorado Springs Police Department and shall not be duplicated or released without the expressed consent of the Chief of Police or designee.

Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall immediately be brought to the attention of the officer's supervisor so that a replacement unit may be procured.

Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.

Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or authorized designee.

Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or authorized designee in accordance with state record retention laws. All requests and final decisions shall be kept on file for the period outlined for records retention for the identified incident.

## **.40 Authorized Viewing of BWC Recordings**

Officers are authorized, but not required, to review their own BWC recording when preparing official written documentation of a specific event. Officers may view the video of another officer that was on the same call-for-service with supervisor approval. The viewing may be utilized as a tool when completing written reports to ensure the accuracy and consistency of events. Employees are granted access to Department records systems solely to aid them in carrying out their assigned duties.

The following are exceptions to the above:

- Upon advisement that the officer is the subject of (or witness to) an internal or criminal investigation or complaint, the officer can no longer view the BWC video of the event in question unless expressly authorized by Internal Affairs or the Shift Lieutenant or designee if the investigation or inquiry is being conducted in the chain of command. Unless the nature of the investigation dictates otherwise, the subject officers and the supervisor(s) conducting the investigation will typically view the BWC video together prior to the officer making a statement.
- If the officer is involved in (or witness to) a critical incident such as a police shooting, an in-custody injury resulting in death or other critical incident, the officer is authorized to view their BWC recording only after the approval of the commander of the Investigations Division or his/her designee.

## **.50 Supervisory Responsibilities**

Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with this policy.

Once per quarter supervisors shall review at least one and not more than three BWC videos of each of their direct reports. This will be done with the officer present. In the 2<sup>nd</sup> and 4<sup>th</sup> quarter of the year, this should be done as part of the supervisor/employee evaluation discussion. The purpose of this review is to ensure that the BWC system is operating correctly and that activation of the BWC is occurring in accordance with this policy.

Supervisors are required to review relevant BWC videos for the following reasons:

- Complaint Resolution
- Vehicle Pursuit Review
- Officer Involved Traffic Accident Review
- EIP Review
- Use of Force/Blue Team Review

With next level approval, supervisors may review BWC videos when examining specific officer performance issues and/or training issues. If a specific BWC video is identified as valuable for training purposes, it may be used following notification of the officer(s) involved. The video should be evaluated for redaction prior to presentation.

On a quarterly basis, lieutenants will spot check each of their sergeants' activities in the BWC system to ensure that the BWC video is not being accessed outside the guidelines of this policy.

Internal Affairs review of BWC video is limited to videos associated with a specific personnel investigation and/or citizen complaint.

If a supervisor wants to review a video for any other reason not specifically addressed in this section, the supervisor must obtain next level approval before reviewing the video.