



ERIE POLICE DEPARTMENT



Written Directives

Number: **200.001**

Title: <u>Body Worn Cameras</u>		Pages: 7
Effective Date: <u>06/27/16</u>	Review Date: <u>06/01/20</u>	Amended Date: <u>07/18/19</u>

POLICY:

To enhance the services provided to the community, the Erie Police Department authorizes the use of body-worn camera (BWC) technology as an additional means of documentation for events, actions, conditions and statements made during incidents. This technology will aid officers' reports, documenting the collection of evidence and testimony in court.

The use of body-worn camera technology is meant to assist and complement officers in the performance of their duties and is not meant to replace or relieve the officer of submitting any required written reports. All audio, images and media associated with the BWC are the property of the Erie Police Department and will not be copied, released or disseminated in any form or manner outside the parameters of this Directive without the express written consent of the Chief of Police or his/her designee. No employee of the Erie Police Department shall make a personal copy of any recorded event without the written consent of the Chief of Police or his/her designee (e.g., using a personal cell phone camera to record BWC media). Employees may create a secondary copy of a BWC recording subsequent to an investigation which is to remain attached to the case file.

The Erie Police Department acknowledges any visual recording is only representative of one perspective of an event, and a camera "sees" differently than the human eye. An officer's recall of an event, particularly in a critical, acute-stress, encounter is distinct from any other view.

DEFINITIONS:

BUFFERING MODE: The BWC continuously loops a video recording for up to 30 seconds before the recording is started by the officer. While buffering, video only (no audio) is being recorded.

EVENT MODE: Once activated by pressing the EVENT button, the BWC saves the recorded buffered video and continues to record both audio and video.

EVIDENCE TRANSFER MANAGER (ETM): Docking unit used to recharge and upload previously recorded audio and video (stored media) from the BWC. The ETM automatically transfers all stored media to evidence.com.

EVIDENCE.COM: An online, cloud-based digital media storage repository. All media is stored in a highly secure environment, accessible only for authorized personnel.

PROCEDURES:

I. OFFICER RESPONSIBILITIES

- A. Officers must successfully complete all required training on the inspection, activation, use, storage and uploading of all recorded media from the BWC prior to using a BWC.
- B. Officers are to ensure the following when assigned to use the BWC:
 - 1. The BWC has no obvious signs of damage and is functioning properly. Any apparent damage, malfunction or loss will be immediately brought to the attention of a supervisor.
 - 2. The BWC will be properly affixed upon the officer's uniform at the beginning of shift in accordance with departmental regulations and manufacturer's guidelines. The BWC will be worn during the officers' shift.
 - 3. In order to record all situations required by this directive, the officer must maintain the BWC in a constant state of operational readiness. Operational readiness shall mean the BWC has adequate battery life/available storage, remains properly affixed to the officer's uniform and is set to buffering mode.
 - 4. Officers are responsible for the care and maintenance of the BWC while assigned to them. The BWC is to be operated and maintained according to the manufacturer's instructions and recommendations.
 - 5. Officers will only use a BWC which has been issued and approved by the Erie Police Department. The use of personal video recorders is not authorized.
- C. Officers will document the use of the BWC within their reports or citation notes.
- D. Officers are authorized to review their BWC recording when preparing official written documentation of a specific event. Officers may only review recordings from their assigned BWC. The viewing of BWC videos will be utilized as a tool when completing written reports to ensure the accuracy and consistency of events. The following are exceptions to the above:
 - 1. If the officer is involved in (or witness to) a use of force incident which requires the response of a Command Staff Officer (see Directive 020.000), the viewing of any BWC recording will only be permitted after receiving authorization from a Command Staff Officer. It is critical to obtain and memorialize an officer's independent memory prior to reviewing any footage, as the objectively reasonable standard is judged upon the on-scene perspective of the officer and not by using the 20/20 vision of hindsight.
 - 2. If the officer is involved in, (or witness to), a critical incident such as a police shooting or an in-custody injury resulting in death, the officer may be authorized to view their BWC recording only after the Boulder County Critical Incident Team or Weld County Critical

Incident Response Team investigator and a Command Staff Officer of the Erie Police Department has been consulted.

- E. In most instances, officers will be expected to write their reports without reviewing the BWC recording unless specific details are needed to be documented. To address this, reports where there is an associated recording shall contain a disclaimer to the effect, “Although BWC recording(s) are available for this incident, this report is not meant to be a verbatim account of the video and any statements or actions contained within. This report was written from officer recollection with minimal (if any) review of available recording(s).”
- F. Officers will tag each recorded BWC audio/video with a Case Number, CAD number, Citation number or Warning number if a particular recording is associated with a contact in which a report was written, including Officer-entered CAD notes, or a citation or warning was issued.
- G. Prior to going off-duty, officers will place the BWC into the Evidence Transfer Manager (ETM) for charging and uploading of all stored media to evidence.com. The BWC will not be removed from the ETM until the media has been fully uploaded and the battery is fully recharged.
- H. Officers will notify a supervisor of any recording of an event which will likely result in a complaint.

II. REQUIRED ACTIVATION OF THE BWC

- A. There are many situations where the activation of the BWC is appropriate and/or required and this directive is not intended to describe every possible circumstance. Not all situations will clearly start out as necessitating documentation by the BWC, nor will all recorded events have a clear ending for when the BWC is no longer required. Officers are expected to follow departmental directives, utilizing ethical and legal discretion, when activating and deactivating the BWC.
- B. The Erie Police Department recognizes there are certain circumstances where officers in a proactive (non-dispatched) capacity may become involved in a situation requiring immediate action to prevent injury, make an arrest and/or prevent the destruction of evidence or escape. When these situations occur, officers should activate the BWC if doing so does not place them or others in danger. If the immediate activation of the BWC is not feasible due to an immediate risk to the safety of the officer or others, the officer will activate the BWC at the first available opportunity after the immediate threat has abated. Supervisors will closely review documentation of such incidents to ensure exigent circumstances did in fact exist.
- C. All officers will place the BWC into event mode prior to any officer-initiated field contacts involving actual or potential violations of the law including:
 - 1. Traffic stops; and
 - 2. Pedestrian and/or vehicle contacts.

- D. All officers will place the BWC into event mode when responding to the following calls for service and/or in the following situations:
1. While en-route to any in-progress or just occurred crime where the fleeing suspect and/or vehicles may be captured leaving the scene;
 2. Calls requiring the presence of a Crisis Intervention Team (CIT) officer;
 3. When responding to calls reportedly involving weapons or violence;
 4. Calls involving suspected suicidal and/or suicidal individuals;
 5. When engaging in a foot chase, provided the activation does not interfere with the officer's safety or the safety of others;
 6. When emergency or pursuit emergency driving response is required (See EPD Written Directive 090.000);
 7. While executing warrantless searches of individuals, vehicles, buildings and other places and when practical, the BWC will be utilized to record consent. This recording is intended to enhance a documented consent search. It is not intended to replace the use of any form used to gain and/or record the consent to search without a warrant;
 8. While advising an individual of their Miranda rights. The existence of a recorded advisement will be documented in the officer's report.
 9. During all arrests and/or citations, provided the activation does not interfere with officer safety or the safety of others. BWCs are to remain on (recording) until the completion of the arrest from our facility or the transfer of the arrestee to the appropriate jail whenever officers are in the presence of an arrestee or their property (See Written Directive 180.000 Transports and Restraints); and
 10. If not already, the BWC will be activated to record any encounter which becomes adversarial or in any situation the officer believes use of the BWC would be appropriate or provide valuable documentation.
- E. While taking statements from subjects, victims and witnesses, consideration may be given to a victim who requests not to be recorded or when circumstances warrant.
- F. Once placed into event mode, the BWC will remain on and not turned off until the initial incident which caused the activation has been stabilized or concluded, upon request of the victim, or as ordered by a supervisor.

1. If an officer is on a perimeter or assigned to a static post where he/she is not in contact with citizens or actively part of the investigation, the officer may deactivate the BWC to conserve battery life.
2. Once the situation has stabilized, if it is necessary to discuss issues or concerns with an officer, witness, victim, supervisor, doctor, nurse, or paramedic in private, the BWC may be switched to buffering mode.
3. The following procedure will be followed for all circumstances which warrant the BWC to be switched from event mode to buffering mode:
 - a. The intention to stop recording will be noted verbally on the recording prior to changing modes.
 - b. As soon as the private conversation is completed, the BWC will be returned to event mode if the situation still falls under the definition of required use.

III. RESTRICTED USE OF THE BWC AND/OR STORED MEDIA

- A. Under no circumstance, except those instances involving criminal investigations of department personnel, will a conversation between department employees be recorded without all parties to the conversation being aware they are being recorded. Conversations not required to be captured as evidence in the furtherance of completing a police report and/or subsequent police investigation, will not be recorded. This restriction is also stated in Written Directive 050.000 Code of Conduct.
- B. The BWC will not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, hospital hallways or restrooms, unless the activation is for the purpose of official law enforcement activity such as a call for service. Social Security Numbers belonging to an interviewed victim should not be recorded on BWC.
- C. The BWC will not be used to record confidential informants or undercover officers.
- D. The BWC will not be used to record sexual assault victim interviews.
- E. Officers will only use the BWC in patient care areas of a healthcare facility when the recording is for official purposes and caution should be used to record only the parties involved in the event being investigated.
- F. BWC recordings are criminal justice records unless otherwise classified as a personnel record. Upon approval of the Chief of Police or designee, recorded images and audio may be provided to the public when requested if they are still available, unless such recordings are part of an on-going investigation and release of recordings would jeopardize the investigation, or it is determined disclosure would be contrary to public interest per CRS 24-72-305. The department may charge reasonable fees for providing copies of recorded media.

- G. Officers are not authorized to playback BWC recorded media for citizen viewing without the approval of a Command Staff Officer.
- H. BWC recordings which depict or involve members of other law enforcement agencies will be made available, un-redacted, to those law enforcement agencies upon request. These videos will be classified as “Evidence” for retention purposes.

IV. SUPERVISOR RESPONSIBILITIES

- A. Supervisors will ensure every officer has turned in their assigned BWC prior to going off-duty.
- B. When an incident arises requiring the immediate retrieval of BWC media for Chain of Custody purposes (including, but not limited to: serious crime scenes, officer-involved shootings or other situations), a supervisor will collect the BWC from the officer in the manner it was found and ensure the BWC data remains uncompromised until uploading.
- C. Supervisors may view recordings in the field in order to mitigate citizen complaints; however, permission must be obtained from a Command Staff Officer to playback BWC recordings for citizen viewing.
- D. BWC recordings will not be randomly reviewed by supervisors to monitor officers’ performance. Exceptions include:
 - 1. The supervisor is investigating a specific act of officer conduct; or
 - 2. The officer has been placed on a performance improvement plan within the performance evaluation system in order to address identified behavioral or performance deficiencies.
 - 3. Requests to review BWC recordings outside of these parameters must be made to and approved by a Command Staff Officer.
 - 4. The aforementioned is not meant to limit or restrict the Department’s review as part of an official investigation.

V. DATA MANAGEMENT AND FILE RETENTION/DISCLOSURE

All captured recorded BWC media will be uploaded and retained in evidence.com following minimum retention timeframes in compliance with all applicable State of Colorado statutory requirements regarding criminal justice record management and evidence retention. BWC media will be maintained for longer periods if recordings have been identified as necessary as evidence for prosecution, civil liability cases, criminal investigations, administrative investigations, or other department needs.

1. General Operational Actions or Activities; for example, operational checks, bar checks, suspicious incidents, and all other similar types of actions which have no evidentiary value: 120 days (no summons)
2. Contact/Traffic stop with a summons or warning: 120 days
3. CAD Notes Only: 1 year
4. Possible Complaint: 3 years
5. Use of Force: 3 years
6. Evidence: Until manually deleted

RULES:

NONE

REFERENCES:

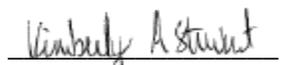
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BODY-WORN CAMERA - TESTING AND EVALUATION POLICY, Denver Police Department 2014

Mobile Audio/Video Recorder Policy, Ft Collins Police Department, 2014

IACP model Policy on Body Worn Cameras 2016

Boulder County Sheriff’s Office Body-Worn Cameras Policy #529, 2017



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