

ARAPAHOE COUNTY SHERIFF'S OFFICE



POLICY AND PROCEDURE MANUAL ADMINISTRATIVE	EFFECTIVE 08/12/2014	REVISED 09/15/2022
TITLE BODY WORN CAMERA	POLICY NUMBER ADM 534	

PURPOSE:

The purpose of this policy is to provide Sheriff's Office members with guidelines for the use, management, storage, and retrieval of audio-visual digital recordings captured by Body Worn Cameras for evidentiary, training, and complaint purposes.

DEFINITIONS:

BODY WORN CAMERA (BWC): An agency issued digital video camera that electronically captures audio and video and is worn on the member's uniform.

BODY WORN CAMERA MANAGER (BWC Manager): A designated Professional Standards Unit Deputy Inspector responsible for overall program administration and management.

BODY WORN CAMERA LOGISTICS COORDINATOR (BWC Logistics Coordinator): A designated member who performs a variety of duties to include BWC accessories and inventory management, coordination with the Information Technology Department (IT) and Digital Evidence regarding system related issues, as well as assisting with the delivery of training, audit, and compliance functions.

CIVILIAN: Any person who is not a member of the Sheriff's Office, except that an emergency responder such as police/sheriff, fire, EMS, co-responders, non-sworn members of the agency, on scene in his or her official capacity, is not considered a civilian for the purpose of this policy.

CONSENSUAL ENCOUNTER: A contact between a person and a peace officer in which the officer does not use their authority (express or implied) or physical force to restrict the person's freedom of movement and where the purpose of intent is not to investigate a possible violation of the law or enforcement of the law.

DIGITAL EVIDENCE TECHNICIAN: A member who operates and maintains the photo lab and digital evidence processing equipment. Performs digital and non-digital media (video, photo, and audio) processing, reproduction, and data maintenance work.

RECORD AFTER THE FACT (RATF): A pre-event video recording feature that is included in the Motorola Watchguard Body Worn Camera system and is accessible for a limited period of time. RATF captures events that occur while the body worn camera is powered on but is inactive. RATF may be used to recover video in any circumstance where the camera does not actively record an incident.

RECORDING: Electronically captured audio and/or video digital data.

< >: Numbers in brackets are Accreditation references.

POLICY:

The purpose of this policy is to provide guidelines for the use, management, storage, and retrieval of audio-visual digital recordings from BWCs for evidentiary, complaint, and training purposes. <41.3.8.a>

The Arapahoe County Sheriff's Office utilizes BWCs to accomplish the following:

1. Accurately capture statements and events during the course of an incident
2. Enhance a member's ability to review and document statements and actions for reports
3. Provide a depiction of events for courtroom presentation
4. Provide an impartial measurement for self-critique and field evaluation that is useful in a training environment
5. For use as an investigative tool to capture visual and audio information

All recordings, media, video files, audio files, and images are the property of the Arapahoe County Sheriff's Office. All recordings are criminal justice records and requests for such records may be reviewed according to the Sheriff's Office Records Management policy-ADM 607. Under no circumstance shall any member of the Arapahoe County Sheriff's Office make a personal copy of any recorded event without prior written permission of the Sheriff or designee.

Prior to the release of any recording for any reason other than evidentiary discovery to the District Attorney's Office, the Sheriff or designee, shall ensure that the recording is subject to appropriate review. Redactions may include sensitive information that may apply to ongoing investigations, operational tactics, intelligence information, or where individual privacy or other articulable agency interests in redaction or non-disclosure outweigh the public's interest in disclosure.

Members are prohibited from using any personally owned audio and/or video recording device.

PROCEDURES:

Section A

Body Worn Camera Manager

1. A Deputy Inspector shall be appointed as the BWC Manager.
2. The BWC Manager has oversight responsibilities to include, but not limited to, the following:
 - a. Supervision of the BWC Logistics Coordinator(s)

- b. Overall program administration and management
 - c. Continual program evaluation to include policy and procedure review
 - d. Training development
 - e. Audit and compliance to ensure the Sheriff's Office meets state mandates (SB 20-217 and HB-1250)
3. The BWC Logistics Coordinator has oversight responsibilities to include, but not limited to, the following:
- a. Operation and user administration of the system
 - b. Control administrative settings within the BWC software
 - c. Assigning BWCs
 - d. Coordination and delivery of BWC training
 - e. Coordination with the Information Technology Department (IT) regarding system related issues
 - f. Ensuring BWC files are secured and maintained in accordance with policy
4. Other designated supervisory or management members may be granted System Administrator access on the software, which allows the designated supervisor(s) to review and/or copy any downloaded recordings.

Section B

Wearing the Body Worn Camera

1. Members who are assigned a BWC shall wear it in a location and manner that enables the camera to capture video footage of the member's activities.
 - a. The only exceptions for not wearing the assigned BWC on duty is if the unit is inoperable or malfunctioning and a replacement is not available, or with approval of the watch commander.
 - b. During those times that a deputy is wearing clothing over the standard uniform (i.e. jacket, traffic vest, etc.) the deputy shall make an effort to keep the view of the camera as unobstructed as possible.

Section C

Body Worn Camera Operation <41.3.8.b>

1. Only members trained in the use of, and issued a BWC shall utilize the equipment.
2. Members shall do a test video at the beginning of every shift or assignment to document the BWC is properly functioning.

3. Members who serve in an undercover role shall not be subject to this policy and shall refer to the governing policies and procedures for that particular special assignment.
4. Members assigned a BWC and engaging in Extra Duty Employment assignments shall adhere to this policy while fulfilling the Extra Duty obligation in any capacity for the Sheriff's Office.
5. Members shall not attempt to erase, alter, reuse, modify, or tamper with any BWC recording.
6. At no time shall a member jeopardize their immediate safety in order to activate the BWC. Subject to the provisions in the remainder of this policy, the member shall activate the BWC at the first reasonable opportunity to do so, unless an immediate threat to the member's life or safety makes activating the BWC impossible or dangerous, in which case the member shall activate the BWC as soon as it is safe to do so.
7. Members shall activate the BWC shortly before approaching the scene of any mandatory recording situation. Once recording has started, if the recording is stopped for any reason the member shall state the reason for stopping the recording so that the justification is recorded, and the reason shall be documented in any related reports.
8. Subject to the provisions in the remainder of this policy, once members have activated the BWC on a mandatory recording situation, the BWC shall record until the situation has stabilized, the member's contact with the subject of the recording is concluded, or the member has left the scene and their involvement in the incident has concluded.
9. BWCs shall not be used surreptitiously. Whenever reasonable to do so under the circumstances, members wearing a BWC shall have the discretion to notify any person(s) that they are being recorded by a body camera. If a member exercises the discretion to notify a person that they are being recorded, the member should try to do so as close to the inception of the encounter as is reasonably possible.
10. Members shall document the use of a BWC in the appropriate report (i.e. Offense Report, Incident Report, Citation notes, Field Interview Card, Call Notes, etc.). If a member fails to activate their BWC, fails to record the entire contact, or interrupts the recording, the member shall document why the recording was not made, interrupted, or terminated. If the BWC malfunctioned during an incident, the member shall document that fact in the report, and report the malfunction to the BWC Logistics Coordinator through their supervisor.
11. If any member suspects that another member intentionally failed to adhere to the recording or retention requirements contained in this policy, or intentionally interfered with the ability of a BWC to accurately capture a recording, the member shall report it to a supervisor and the matter shall be referred to the Internal Affairs Unit for a full investigation.

Section D

Mandatory Recording <41.3.8.c>

1. Members equipped with a BWC shall activate the camera shortly before approaching the scene of a call of service and for the following incidents:
 - a. Calls for service

- b. Welfare checks not including a motorist assist
- c. Traffic stops
- d. Standardized Field Sobriety Tests (SFST's)
- e. Arrests (to include the issuance of a summons in lieu of a custodial arrest)
- f. Interviews/interrogations of suspects
- g. Investigatory stops or encounters in which any subject(s) is being detained (e.g., in-progress calls for service such as domestic violence, suspicious person/circumstances, disturbances, etc.)
- h. Searches of premises or areas for suspect(s)
 - i. Searches of persons or premises for evidence (to include cell searches and strip searches conducted based on reasonable suspicion). If a strip search is conducted for the routine administrative reasons listed in DET 507-Searches ad Prohibited Items, Sections (D)(3) and (4), and not based on reasonable suspicion, but the search results in the discovery of a crime, then members shall make a RATF request for the criminal case in accordance with this policy.
 - j. Any other situation that becomes adversarial
 - k. Where there is an anticipated event or situation where the likelihood of a use of force is possible (e.g., responding to an agitated subject, jail disturbances, subject with unpredictable behavior, emergency restraint chair, cell extractions, etc.)
 - l. Entering a premises for the purposes of enforcing the law
- m. Investigative contacts
- n. Eyewitness show-up identifications
- o. Involving any of the above mandatory recording circumstance that occur at the courthouse or in a courtroom (unless prohibited by judicial order or an order of the chief judge)

Section E

Exceptions to Mandatory Recording Requirements

1. Members may temporarily cease recording in mandatory use situations after verbally stating such on the recording when the member is:
 - a. Positioned away from the activity or subject/suspect
 - b. Out of audio and video recording range, such as on a perimeter position or while blocking a roadway or directing traffic

- c. Conferring with other members or supervisors when civilians are not present
- d. Simply waiting for something or someone, such as a tow truck or family member, or during similar situations in which continued use of the BWC would be unreasonable

2. Members are not required to activate their BWC when: <41.3.8.c>

- a. Working in an undercover capacity
- b. Making a consensual contact that does not stem directly from a call for service or welfare check, and where there is no investigatory intent or purpose
- c. Responding to or operating in a staging area, command post or tactical operations center that is positioned away from the scene

Section F

Discretionary Recording <41.3.8.c>

- 1. When safe to do so, members equipped with a BWC may activate the device at the inception of the following incidents:
 - a. Any other circumstance where the member believes that a recording of the incident would be beneficial to facilitate the review and/or documentation of statements and actions for reports, serve an investigative purpose, etc.

Section G

Prohibited Use of Body Worn Cameras <41.3.8.c>

- 1. Absent a justifiable investigatory need (documented in a subsequent report) members shall not initially activate a BWC and/or shall immediately discontinue use of the BWC in the following circumstances:
 - a. To gather intelligence information based on the First Amendment protected activities, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter.
 - b. In Sheriff's Office locker rooms, restrooms, or any other intimate places where there would be a reasonable expectation of privacy.
 - c. To surreptitiously record interactions or conversations with other members including supervisors engaged in performance of their official capacity or personnel matters.
 - d. No images/recordings taken by any member in the course and scope of their duties may be used, printed, copied, scanned, e-mailed, posted, shared, reproduced, or distributed in any manner, unless for official law enforcement purposes. This prohibition includes the posting or sharing of any Sheriff's Office photographs or recordings on personal websites or social media applications including, but not limited to: Facebook, Twitter, YouTube, other public safety agency websites, or e-mailing to friends, relatives, or colleagues without prior approval of the Sheriff or designee.

2. Bomb Squad members during render safe operations - In accordance with a directive from the National Bomb Squad Commanders Advisory Board (NBSCAB) and the FBI Hazardous Devices School (HDS), video recording of techniques, tactics, and procedures (TTPs) used during down range operations, which should be performed out of public view, is strictly prohibited.

Section H

Unintentional Recording

1. The BWC software will not allow recordings to be edited by users, supervisors or administrators. Recordings that contain unintentional recordings along with evidentiary or otherwise necessary footage shall be handled in accordance with the previous procedures. The BWC Manager shall be notified in all such cases. In cases in which the recording could constitute evidence required for discovery, the District Attorney's Office shall be notified and can request the suppression of non-relevant portions in accordance with discovery procedures and under court supervision.
2. In the event of a purely accidental activation of the BWC, members may request that the BWC file be deleted.
 - a. Members shall complete the Body Worn Camera Accidental Recording Request form (AC 907) and submit the form via e-mail to the BWC Manager in Internal Affairs. The BWC Manager shall review the recording to confirm it is an accidental recording, and verify it does not contain footage required for submission as evidence or that it could be subpoenaed for any criminal or civil proceeding.
 - b. The BWC Manager shall either approve or deny the request. If approved, the BWC file shall be deleted.

Section I

Recordings that May Result in a Complaint

1. Whenever the member believes that a recorded contact may lead to a complaint, they shall bring the recording to the attention of their supervisor as soon as practical. If no crime report or supplementary report is being prepared, details of the contact may be documented via information report or an e-mail to the Internal Affairs Inspector.

Section J

Video Use <41.3.8.c>

1. Members accessing the BWC software shall use their assigned log in.
2. Members are permitted to review BWC recordings when preparing reports to ensure accuracy and consistency. The software will only allow non-supervisory members to review their own BWC recordings.
3. Members are permitted to review their video with or without an attorney prior to giving a statement to the Critical Incident Response Team (CIRT)

4. BWC recordings that have been downloaded to the server may be viewed by other members during the following situations:
 - a. By the BWC Manager or Logistics Coordinator while carrying out their responsibilities
 - b. By the Internal Affairs Inspector or designee when investigating a complaint against a member, and to review Use of Force incidents
 - c. By a supervisor as part of overall supervision and performance review
5. A member who receives a subpoena for Traffic Court shall promptly contact a Digital Evidence Technician to have a DVD made for court.

Section K

Video Download

1. It shall be the responsibility of each member that is assigned a BWC to download BWC recordings to the agency servers using an agency computer by the end of shift if possible, or as needed during each shift. A supervisor can authorize the download of the recording the following day. <41.3.8.d>
2. Audio/Video files captured on the BWC shall be categorized either on the camera immediately after making a recording or in the BWC software. Members shall ensure the following are correct in the event details after downloading a recording:
 - a. The "Device" and "Officer" fields reflect the correct deputy
 - b. The correct event "Category" is selected
 - c. The case number or ticket number is in the correct field
 - d. The BWC event is added to the appropriate case file in the BWC software (using "add to case") whenever the recording is associated with a case report created in the Sheriff's Office Records Management System (RMS). Case numbers shall be entered with the jurisdiction, last two digits of the year, a dash, and a seven-digit number (e.g., AC17-0012345).
 - e. If an incident number is being used instead of a case number, the jurisdictions of AC, CT or OUT (for an outside agency) shall be used.
 - f. If a use of force occurred during an incident or call, ALL BWC video shall be categorized "Use of Force" regardless of the incident
3. When BWC files are downloaded, the date and time function shall be checked for accuracy and any discrepancies reported to the shift supervisor immediately.
4. Once downloaded to the server, members can view their own BWC recordings for the purposes of writing their report.

Section L

Record After The Fact (RATF)

1. If a member determines that the member's BWC did not actively record as required under this policy, the RATF feature may be utilized under one of the following circumstances:
 - a. Any mandatory recording situation where there is not an exception.
 - b. At the discretion of the Watch Commander.
2. When a member determines that accessing the RATF feature is necessary, that member shall dock the BWC and inform a supervisor of the reason for the RAFT request. The member or supervisor shall send an email request to digitalevidencerequest@arapahogov.com with the following information:
 - a. The reason for the request
 - b. The member name, star number, BWC serial number.
 - c. The determined date and time for the RATF and associated case number if applicable.
 - i. For incidents where it is a call for service, the video time shall start from the time the member is approaching the call, and shall end when the call is cleared by that member.
 - ii. If it is not a call for service, the supervisor must determine when the start and end time for the RATF file will be.

Section M

Data Storage and Retention <41.3.8.d>

1. Unless BWC recordings are added to a case file in the BWC software they are secured and stored for a designated retention period according to the Record Retention Schedule. Once the retention period has expired the recording will automatically be purged from storage. BWC recordings shall be purged from storage after the following retention periods according to category:
 - a. No case - 2 years 2 months
 - b. IA / UOF - 5 years
 - c. Case Filing - Life of Case File
2. All BWC recordings that are entered into a case file using the "add to case" procedure are retained indefinitely until a disposition for the case is concluded by Investigations. These files shall be purged similarly to the evidence and property final disposition as outlined in PSB 501-Evidence/Property Management. Once the investigator determines that the BWC recording in a case can be purged, the investigator shall advise the digital evidence technician to purge that recording.

3. Persons with administrator access may use the following features to designate BWC recordings for further retention or viewing restrictions. BWC users shall not utilize these two features:
 - a. Prevent Purge: this is used to mark specific BWC recordings so they will not be deleted at the end of the retention period.
 - b. Restrict Access: BWC recordings that are marked for restrict access shall only be viewed, copied, or removed from restrict access status by users with administrator access.
4. The BWC Manager, Logistics Coordinator and the Internal Affairs Inspector have the ability to restrict access to BWC files when necessary. The BWC Logistics Coordinator or the Internal Affairs Inspector shall remove the restrictions when the need for the restriction has expired. <41.3.8.b>
5. BWC recording files which have been added to a case which is part of any Internal Affairs investigation or review, shall be held for the required retention period, which is five (5) years.

Section N

Equipment Maintenance and Inspection Procedures <41.3.8.e>

1. Members utilizing a BWC shall maintain and troubleshoot BWC equipment per the manufacturer and IT provided guidelines specified in training, and maintained on the BWC manufacturers website.
2. Members shall inspect their BWC devices and associated equipment for functionality at the beginning of their shift.
3. Members shall immediately report any non-functioning equipment to their supervisor, who shall report the problem to the BWC Logistics Coordinator or designee. The BWC Logistics Coordinator may reassign a spare BWC if available, or issue a new BWC until repairs or replacement can be made.

Section O

Training <41.3.8.f>

1. Members who are assigned a BWC shall receive training in its use before utilizing it in the field. If further training is needed to achieve proficiency in the use of the camera and/or software the member or supervisor shall notify the BWC Logistics Coordinator.
2. Training materials for all members issued a BWC shall cover the technical use of the BWCs per manufacturer and IT guidelines, applicable policy and procedure, and tactics for effective use.
3. Training materials for all supervisors and administrators shall cover the technical use of the BWCs per manufacturer and IT guidelines, and applicable policy and procedure.
4. Training materials for all members involved in reproduction, redaction, and release of BWC

recordings shall cover the technical use of the BWC software and applicable policy, procedure, and relevant law pertaining to privacy and release of agency records.

5. All training in the use of the BWC shall be documented and kept on file in the Training Unit.

Section P

Use of Body Worn Camera Files for Training Purposes <41.3.8.f>

1. Upon authorization of the Sheriff or designee, recordings may be used for training or other official purposes.
2. Any member may recommend utilizing a BWC recording captured in the field for training by submitting a written request through the chain of command to their Captain or Bureau Chief.
 - a. The Captain or Bureau Chief shall determine if there are any potentially adverse effects of using the recording, either to the member(s) involved and/or to the Sheriff's Office. If it is determined that the BWC recording is suitable to be used for training, the request shall be forwarded to the Training Unit.
 - b. The Training Unit Sergeant shall review the recommendation and determine the benefit of utilizing a BWC recording versus other training curriculum.
3. Members may use BWCs to create recordings during training classes and exercises to be used for instructional purposes.

Section Q

Review of Body Worn Camera Data <41.3.8.g>

1. BWC recordings shall be reviewed by the following members, as specified below:
 - a. The first level supervisors of BWC assigned members for policy compliance as well as overall job performance. Review shall consist of one (1) recording from each member per quarter (AC 826). Documentation shall include referral and/or recommendations for the chain of command as necessary and in accordance with other Sheriff's Office policy and procedure.
 - b. The BWC Manager shall review BWC recordings for technical issues (use of lighting in no/low light conditions, audio and video quality, compliance with download and evidence submission requirements, BWC training, etc.) (AC 825). Reviews shall consist of five (5) randomly selected BWC recordings from members of each BWC equipped service section/unit per quarter. Documentation shall include referral and/or recommendations for the chain of command as necessary and in accordance with other Sheriff's Office policy and procedure.
 - c. The Internal Affairs Inspector and/or deputy inspectors upon receipt of a citizen complaint or during a Use of Force review as defined by ADM 306-Internal Affairs. Documentation shall include referral and/or recommendations for the chain of command as necessary and in accordance with other Sheriff's Office policy and procedure.
2. The designated reviewing members shall complete the Body Worn Camera Review forms

documenting the review and findings, or include such review and findings in reports generated by Internal Affairs.