
AUDIO/VIDEO RECORDING

447.1 PURPOSE AND SCOPE

The Lone Tree Police Department has equipped officers with body worn camera systems and also allows officers to use dedicated audio/video recording devices. The audio and video recording systems are designed to assist and compliment officers in the performance of their duties. The recording systems are used to record certain duty related activities, thereby creating a visual and/or audio record of the incident as a supplement to the officer's report. In general, audio and video recordings will fall into one of two categories of focus, evidentiary and mutual accountability.

It is the purpose of this policy to provide officers with guidelines for the use of recording devices. This policy is not intended to describe every possible situation where the systems may be used; however, there are many situations where the use of the systems is recommended.

447.2 POLICY

It is the policy of the Lone Tree Police Department to use mobile audio and video technology to more effectively fulfill the Department's mission and to ensure these systems are used securely and efficiently.

Body worn systems – all patrol officers will be assigned a camera system and receive training in the proper use of the system prior to use. Officers should categorize and upload files no later than the end of their shift. If there is a circumstance when this cannot be accomplished, a supervisor must be notified and approval given.

Vehicle mounted systems – (removed from service February 1, 2015)

Internal systems – will be maintained by the IT section of the City and will be maintained on the server for a minimum of one year. (Interview rooms and booking area)

447.3 OFFICER OPERATION REQUIREMENTS

Prior to going into service, each officer will check out the appropriate equipment, if required. Officers should test the audio and video system operation in accordance with manufacturer specifications and departmental training at the start of each shift. Testing includes:

- (a) That the camera/recording device is functional.
- (b) Verifying the device has an adequate power source.
- (c) Ensuring that the device properly placed/affixed for optimal use.
- (d) Documentation of officer information if system being used requires it.
- (e) At the end of duty period, the body worn camera will be secured and charged in accordance with manufacturer specifications and departmental training.
- (f) If at any time, the audio video system is found to not be functioning properly, it is to be removed from service and the appropriate supervisor notified as soon as reasonably possible.

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447.4 ACTIVATION OF THE BODY WORN SYSTEM

Once activated the body worn system, with some exceptions, shall remain on and not be turned off until the incident that caused the activation has concluded. For 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 body worn recording or having a clear ending when the recording is no longer needed. Officers will be expected to use discretion and common sense when activating and deactivating the body worn system.

Any incident that is recorded shall be documented in the officer's report. If a traffic citation is issued, the officer shall make a notation on the back of the citation copy that will be sent to court, indicating that the incident was recorded.

447.5 ACTIVATION OF INTERNAL SYSTEMS

Internal camera systems record video continuously based on movement within the camera range. The booking area also records audio on a continuous basis. Interview rooms have a switch system to turn on or off the audio recording function. The audio switch must be turned on to obtain audio recordings within the interview rooms. This is done to allow individuals to conduct private conversations when appropriate.

447.6 REQUIRED ACTIVATION OF THE BODY WORN SYSTEM

This policy is not intended to describe every possible situation in which the recording system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

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. The body worn system is required to be activated in any of the following situations.

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)

2. Priority responses

3. Vehicle pursuits

4. Suspicious vehicles/ Person contacts

5. Arrests

6. Vehicle searches

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7. Physical or verbal confrontations or use of force
8. DUI investigations including field sobriety tests
9. Consensual encounters
10. Crimes in progress
11. Responding to an in-progress call
12. Any call for service involving a crime where the recorder would clearly aid in the apprehension and/or prosecution of a suspect.
 - (b) All self-initiated activity in which an officer would normally notify Dispatch
 - (c) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require activation
 - (d) Any other circumstance where the officer believes that a recording of an incident would be appropriate

If at the onset of a required event it is impractical to activate the camera due to officer safety or the urgency of the situation, the camera will be activated as soon as practical.

447.7 REQUIRED ACTIVATION OF INTERNAL SYSTEMS

The internal video systems continuously record video image. When officers are conducting interviews with victims, witnesses or suspects they should recognize not only the benefits of an audio recording of individuals but the evidentiary value associated to the case. If the officer elects not to use the body worn system to record the interview than they shall use the internal audio/video system to document the interaction.

447.8 CESSATION OF RECORDING

If there is a break in the recording of a case related incident, the officer report shall explain why that break occurred on the recording or in an associated report. Examples of such breaks include but are not limited to:

- a) There is a malfunction to or accidental deactivation of the device.
- b) There is personal information being shared that is not case sensitive, such as victim family information/discussion, protected personal information, or personal medical information. In practice, video and audio recordings should not be used in a medical facility unless there is a need to document evidence, actions, or potential accountability issues.
- c) The officer is placed on a related assignment that has no investigative purpose such as outer scene security post, traffic post, etc. Recording may cease if an officer is simply waiting for the arrival of a tow truck, taxi, family member or other similar non-confrontation, non-evidentiary situation where the officer's action could not be called into question.

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- d) There is a long break in the incident/contact such as an interruption related to routine police action that is not evidentiary in nature or unrelated to the initial incident.
- e) There is activity such as a change of venue where there is no incident related police activity occurring.
- f) Once an event has been stabilized, if it is necessary to discuss issues surrounding the investigation with a supervisor or another officer in private, operators may turn off their recording system. Prior to stopping a recording, the operator shall break contact with any citizen and reactivate the system prior to engaging the citizen. This includes discussions between Field Training Officers with officers in training that are specific to training issues.
- g) If a request is made for a recording system to be turned off by a party being contacted, the officer shall take into account the overall circumstances, and what is most beneficial to all involved, before deciding to honor the request. For example, an officer may choose to turn off the recording device if its operation is inhibiting a victim or witness from giving a statement. It is up to the officer to make the determination as to what is best for the investigation or contact.
- h) If the officer is using an in internal system to record an interview then the body worn camera can be deactivated.

447.9 WHEN ACTIVATION IS NOT REQUIRED

Activation of the camera system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

447.10 UPLOADING, AND STORAGE OF RECORDINGS

BODY WORN CAMERA

Uploading of a body worn camera files will be done in accordance with manufacturer specifications and departmental training. Recordings will be stored in a departmental designated secure location, Including but not limited to:

- a) An approved web based server whether that is maintained by the City of Lone Tree or an approved outside vendor.
- b) An approved, on-site City of Lone Tree server.
- c) Physical storage media such as CDs, DVDs, or other digital storage devices.

All body worn camera recordings should be properly categorized by the officer prior to end of shift following agency policy and trainings. If categorization is not possible due to a delay in downloading or other issue then the categorization of the files should be completed within one week.

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All body worn camera recordings shall be uploaded no later than the end of an officer's shift. If there is a circumstance when this cannot be accomplished, a supervisor must be notified and approval given.

INTERNAL SYSTEM CAMERA

Original storage of internal system cameras is limited to 365 days. If a recording is associated to a criminal investigation, officers should request a copy of the video be downloaded to a digital storage device that will be logged into evidence for storage.

447.11 REVIEW OF RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media; it shall not be copied, viewed or otherwise inserted into any device not approved by the department. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media in pristine condition.

Recordings may be reviewed in any of the following situations:

- (a) By the recording officer for use when preparing reports or statements, or for court testimony.
- (b) By a supervisor investigating a specific act of officer conduct.
- (c) By a supervisor to assess officer performance.
- (d) To assess proper functioning of recording systems.
- (e) By department personnel who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
- (f) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment unless restricted due to an ongoing criminal or personnel investigation involving the officer. Consultation may occur between the department and legal advisors.
- (g) By court personnel through proper process or with permission of the Chief of Police or the authorized designee.
- (h) By the public through proper process or with permission of the Chief of Police or the authorized designee.
- (j) To assess for possible training value.
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

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In no event shall any recording be used for the purpose of ridiculing or embarrassing any employee or citizen.

447.12 CLASSIFICATION AND RETENTION OF BODY WORN CAMERA RECORDINGS

When an officer completes the recording, the officer should classify the recording. To ensure proper documentation of the recording, officers should classify the recording prior to their end of watch or seek permission from their immediate supervisor to classify the recording the following day. Immediate supervisors will conduct monthly spot checks the recording to ensure officers are properly categorizing the recordings.

Classifications of recordings will serve to assist in locating the recording and each classification will have an established retention time. Any 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:

(a) **NON EVENT** – A miscellaneous activation of the system which does not meet the requirements of any other classification. Retention period will be (60) days.

(b) **INCIDENT ONLY** – Activation of the system where there may be some liability or possibility of a complaint or future action. Examples may include moving items from the roadway, motorist assists, traffic control, and general citizen contacts, contacts in which there was a violation of the law but the officer has chosen to issue a verbal or written warning. These recordings should be available for a period of time to address any complaints or issues that could be resolved by reviewing the recording. Retention period will be sixty (60) days.

(c) **TRAFFIC SUMMONS**– 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.

(d) **CASE REPORT** – Anytime a recording of 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.

(e) **UNCATEGORIZED** – while no file should be uncategorized, this is a safeguard to ensure videos do not get deleted in the event that an officer fails to categorize a video file, the file will remain on the system for 365 days.

(f) **RESTRICTED**- Any 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 status would be deemed necessary by a supervisor and entered by an administrator.

Categorized items of Case Report, Traffic Summons or Restricted will be maintained per the digital evidence retention policy.

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447.13 DOCUMENTATION

In no way is a recording meant to replace a written report if one is called for. Officers are still responsible for completing a thorough report in the same manner they would if they did not have a recording. If an officer is on a call where their role would not normally call for a report, but the body worn camera was activated, the video recording will be properly categorized and marked with the case number.

447.14 TRAINING AND SUPERVISORY RESPONSIBILITIES

Users of the recording 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 device.

Supervisors shall ensure that body worn camera units assigned to their officers are in working order and the officer using the camera has been properly trained. Supervisors will monitor and verify that their officers are properly using the units as required by departmental policy and training. That includes proper categorizing and logging of evidence.

447.15 ADMINISTRATIVE AUDIT OF BODY WORN CAMERAS

On a monthly basis, the section commanders shall complete a monthly random audit of the use of the body worn camera system. This audit will be conducted to ensure personnel are properly using the systems as outlined within this policy.

A weekly list will be created of any uncategorized video files on the system and sent to the responsible officer for correction.

The audit will consist of 25 randomly selected police reports from the month and an additional 25 randomly selected from calls for service that did not require a police report. The audits will be completed and forwarded to Professional Standards on a monthly basis.

The audit will consist of the following items

- Files marked and categorized correctly
- Proper activation of systems
- Upload date appropriate to policy
- Audio captured was clear
- Video captured was clear and unobstructed