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SUBJECT: BODY WORN CAMERA (BWC)

9.39.01 POLICY

- A. The Wheat Ridge Police Department issues Body Worn Cameras (BWCs) to all uniformed officers and sergeants whose primary function is the enforcement of state laws and local ordinances. It is the policy of this Department to authorize the use of BWCs to collect audio-visual evidence of criminal activity and to record officer's interactions with the public to comply with all laws and department policy. These recordings can be used to assist with the prosecution of criminal offenses, enhance interactions with the public, and provide assistance with officer training. The goal of this program is to provide accurate and unbiased recordings of officers in their actions with the public.

9.39.02 DEFINITIONS

- A. Body Worn Camera (BWC): A body worn audio/video recording system primarily consisting of a camera and a battery pack.
- B. Evidence.com: Virtual warehouse that stores digitally encrypted data in a highly secure environment that is accessible to police personnel. Accessibility is limited based upon the level of security clearance assigned to the officer or professional staff officer.
- C. System Administrator: Evidence.com administrator with full access to the website. Assigns and tracks equipment, controls passwords, conducts quality checks of uploaded data, coordinates data retention, provides copies of requested data to requesting officers. The System Administrator is responsible for the day to day managing of the project, completing reports and providing administrative support as necessary.
- D. End User: A BWC user with an individual account access to Evidence.com
- E. Evidence Transfer Manager (ETM): A docking station that simultaneously recharges the BWC and uploads all data captured by the BWC. The ETM ensures that evidence handling is secure and that data is not altered.
- F. Buffering Mode: The BWC continuously loops video recording for a 30 second period. No audio is recorded while buffering.
- G. Event mode: When placed in Event Mode, the BWC records audio and visual data. The previous 30 seconds of buffered video is also saved.
- H. Department Administrator: A management level supervisor responsible for providing oversight for the project, including reviewing and approving work performed by the System Administrator and department supervisors, and ensuring staff are trained on both equipment function and department expectations for usage.

9.39.03 PROCEDURES

A. Training

1. Only those officers who have successfully completed training are authorized to use the BWC.
2. Training shall include an understanding of the organization's philosophy on the use of recording devices, including limitations involving special circumstances such as contacts with juveniles or other agency employees, policy review, equipment usage, maintenance and inspection procedures, downloading data for storage, and procedures for criminal and administrative use of camera captured data.
3. In addition to operator training, supervisors will receive training on data review practices.

B. Administration

1. Prior to each shift, the officer shall inspect the BWC to ensure the system is fully charged and operational. Only fully operational systems shall be used.
2. Officers shall not attempt to make repairs to the BWC system.
3. Malfunctions, damage, loss or theft of the BWC equipment shall be immediately reported to a supervisor.

C. Use

1. The BWC system shall be operated in accordance with manufacturer's guidelines and Wheat Ridge Police Department policy and procedures.
2. The BWC system shall be worn at all times by officers who are assigned a BWC when in uniform.
3. Officers who serve in an undercover role or in a specialized assignment on the Wheat Ridge Police Department's Special Investigations Unit (CATPA Metropolitan Auto Theft Task Force/C-MATT, West Metro Drug Task Force VICE/Intelligence) will not be subject to this BWC policy (PP See Section 9.39). Task force detectives will refer to the governing policies and procedures for the specific task force where they are assigned.
4. Officers working in plain clothes assignments to include but not limited to the Investigations Bureau or the Crime Prevention Unit will not be subject to this BWC policy (PP-9.39) unless they are fulfilling an assignment in uniform.
5. Officer(s) working in plain clothes assignments that choose to deploy a BWC for investigative purposes are subject to the policies contained herein.
6. Members of the Wheat Ridge Police Department performing duties on the West Metro SWAT Team will be subject to this BWC policy (PP-9.39). A case report will be generated by a Wheat Ridge SWAT officer to accurately categorize the video footage and storage within Evidence.com.

7. Officers assigned a BWC who are working in uniform, in an off-duty assignment, shall adhere to this policy while performing the off-duty assignment.
8. The BWC system shall be placed in Event Mode as soon as practical once it has been determined by the officer that an incident should be recorded.
9. The BWC should manually be activated at the initiation of any encounter between an officer and member(s) of the public where there is potential for enforcement and/or criminal investigation or any other encounter to become adversarial. Once activated, the BWC shall (with some exceptions outlined in Sections "E" and "F" of this policy) remain on until the incident has reached a conclusion or the officer leaves the scene.
10. Conclusion of an incident occurs when arrests have been made and/or arrestees have been transported and/or witnesses and victims have been interviewed.
11. The Axon camera system has a feature that allows members to mute the audio while the camera is activated. Officers are permitted to use this feature when discussing investigative techniques with other officers or when personal information is shared that is not case sensitive, such as victim family information/discussion or protected personal information personal medical information.
12. The recording of confidential informants and undercover officers must be authorized by a supervisor.
13. Recordings are considered a criminal justice record (CRS 24-72-302(4)) and any release from body worn camera data, audio or video, will be made in accordance with Colorado Open Records Act – Criminal Justice Records, Children's Code Records and Information Act, Department Policy and any other applicable statutory mandates.
 - a. Recordings shall be reviewed by a member of the Records Team for confidential and restricted information in the audio or video recordings. Confidential and restricted information shall be redacted before releasing.
 - b. Any recording that is to be released shall have the statute mandated notations identifying the recording that include but are not limited to JUVENILE or SEXUAL ASSAULT. The notations shall be clearly marked on the CD.
14. Officers will not make copies of any recording for their personal use, and are prohibited from using any recording device (such as telephone camera, secondary video camera or audio recorder) to record media from Evidence.com, or from a computer or smart phone application.
15. Officers will only use departmentally owned and approved video devices.

D. The BWC system shall be activated on the following incidents:

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

2. Emergency response
3. Vehicle pursuit
4. Suspicious vehicles/persons
5. Arrests
6. Vehicle/person searches
7. Physical or verbal confrontations or use of force
8. Pedestrian contacts
9. DUI investigations
10. Crimes in progress
11. Officer initiated activity
12. Offenses involving weapons
13. Domestic violence/disturbance calls
14. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
15. Any other circumstance where the officer believes that a recording of an incident would be appropriate.
16. If an employee fails to activate his or her BWC, fails to record the entire contact, or interrupts the recording, the officer shall document the reason why the recording was not made, interrupted or terminated in his or her report.

E. The BWC system shall not be used under the following situations:

1. The BWC system shall not be used to video personal activity.
2. The BWC system shall not be activated in places where a reasonable expectation of privacy exists, such as dressing rooms, restrooms, or when sensitive medical exams are being conducted.
3. The BWC system shall not be activated to record conversations of fellow employees and/or supervisors during non-enforcement related activities.
4. The BWC system shall not be activated on school grounds, at a hospital, or nursing home to record ordinary or everyday activities within the school or hospital. Officers should only activate their BWC when responding to an incident, or investigating a criminal case, affecting an arrest, controlling a person using arrest control techniques, less lethal or lethal weapons and any other unusual or extraordinary circumstances that the officer reasonably believes should be recorded.

5. When an individual wants to anonymously report a crime, or when interacting with a confidential informant the officer shall, as soon as practicable, ask the person seeking to remain anonymous if the person wants the officer to discontinue use of the officer's body camera. If the person responds affirmatively the law enforcement officer shall immediately discontinue use of the BWC unless the officer believes it is necessary to continue recording the event for the officer's safety, the safety of others, or to insure an accurate account of the event.
6. Clandestine audio recordings of private conversations are prohibited by law as described by state wiretapping and eavesdropping statutes.
7. Use a BWC to record any activities not related to official law enforcement duties.

F. Cameras may be turned off under the following circumstances:

1. When personal information is shared that is not case sensitive, such as victim family information/discussion, protected personal information, or personal medical information.
2. If an officer is simply waiting for a tow truck or a family member to arrive or in situations in which an investigation is ongoing and the scene which is being worked is secured, controlled and static.
3. If the officer is being recorded by another system such as in the booking room.
4. During times when it is necessary for officers to discuss issues surrounding an investigation with a supervisor or another officer in private, BWCs may be place in the muted function. Officers should make an effort to break contact with citizens if they plan on intentionally turning off their BWC. This exception includes discussions between officers, supervisors or Field Training Officers. Once the discussion is concluded, officers will deactivate the muting function on the BWC.
5. If an Officer's BWC is unintentionally activated during a non-enforcement or non-investigative activity, or during one of the circumstances outlined in Sections "E" and "F" of this policy. Examples include but are not limited to the activation of a BWC in a restroom, meal break, or other areas where a reasonable expectation of privacy exists, officers shall request the recording be deleted. To request the deletion, the officer shall notify their supervisor of the unintentional recording and categorize the recording as an accidental activation within Evidence.com. In the event the recording contains footage of a potentially sensitive nature, the reviewing party shall be a supervisor who is of the same sex. If approved, the BWC file will be immediately deleted by a designated System Administrator.

G. BWC Record Keeping Procedures

1. At the end of watch, officers will plug the BWC system into the docking system and allow it to completely download and charge prior to removing it, unless removal is required for re-deployment in an emergency situation.
2. Uploading of a BWC will be done in accordance with manufacturer specifications and user training. BWC data will be stored in a secure location, including but not limited to:

3. BWC data will be stored in a secured location by the Wheat Ridge Police Department Records Section and retained in accordance with Section K.1 of this policy.
4. When data retained on physical storage media is needed, the investigating officer will make a request by email to the Records Section, so that Records staff can transfer the requested data onto to a Blu-Ray disk or other physical storage media and provide it to the investigating officer or the requesting entity. Records staff will notate the disposition of the requested BWC data in NICHE.
5. When requesting data from stored Blu-Ray disks or other physical storage media, the email from the investigating officer shall provide the Case Report Number or Call for Service Number as well as the time/date of occurrence and disposition of the BWC data.

H. Review of Recordings

1. Once uploaded to Evidence.com, sworn personnel may view their own audio/video data to verify identification, a vehicle license number or to review an incident for statement accuracy.
2. Recordings may be reviewed in the following situations:
 - a. By a supervisor investigating a specific act of officer conduct, such as a professional standards investigation, use of force investigation or performance issue.
 - b. By a department detective who is participating in an official investigation.
 - c. By an officer prior to writing a report, unless the investigation involves the use of deadly physical force by law enforcement, as defined by the CIRT Protocol. The Critical Incident Response Team Protocol states the following:

“If the critical incident was recorded via a dash-cam or body-worn-camera device, the Involved Officer and their attorney will not be given access to that recording prior to their interview. The recording may be made available, if practicable, to the designated Team Coordinator or their designee and to the DA’s Office. Other team officers may be given access to that recording if necessary for immediate investigatory needs. However, the content of that recording will not be provided to the Critical Incident Response Team investigators who are assigned to interview the involved officer. After the conclusion of the interview, the officer and their attorney will be given the opportunity to watch the recording. The officer cannot be compelled to watch but they are encouraged to do so. The Critical Incident Response Team investigators will watch the recording and may conduct a follow-up interview with the officer.”
 - i. The District Attorney and Critical Incident Response Team (CIRT) Commander will make a recommendation to the Chief of Police regarding the appropriateness of allowing an officer to view any video recording in CIRT investigations.

- ii. The Chief of Police will make the final determination on the viewing of any BWC recording by an involved officer in a CIRT investigation.
 - d. As otherwise directed by the Chief of Police.
 - e. Records personnel for the purpose of sorting, storing, categorizing, providing discovery, preparing authorized releases, redacting and ensuring security and integrity of the recordings.
 - 3. Recordings may be shown for the purposes of training. If an involved officer objects to the showing of a recording, his/her objection will be submitted through the chain of command to determine if the training value outweighs the officer's objection for not showing the recording.
- I. Documenting BWC System Use
- 1. Once an incident is recorded it will be noted at the top of any written report or citation.
 - 2. Officers will continue to write thorough and detailed reports, regardless of the existence of a recording from a BWC. The use of a BWC does not reduce or eliminate the requirement to provide thorough written documentation.
- J. Retention Schedule of Digital Recordings and Photographs
- 1. All recordings, photographs, and audio and video evidence shall be retained in accordance with the Colorado Municipal Records Retention Schedule, Section 100, Public Safety Records and Department Policy.
 - a. Recordings and photographs that are part of a case record shall be retained for the life of the case record.
 - b. Recordings that are not related to a case record shall be retained as stated under Video Recordings – Vehicle and Officer Recordings Systems in the Public Safety Records, Colorado Municipal Records Retention Schedule.
 - 2. Requests for footage related to a case with pending litigation may be referred to the District Attorney's Office or City Prosecutor's Office.
 - 3. All BWC recordings and photographs will be categorized and labeled with the case report number and/or corresponding C.F.S. number at the end of the recording or by the end of the officer's shift, when possible. If the recordings are not categorized and labeled by the end of the shift before docking and uploading of the recording, the officer must then log into Evidence.com to categorize and label each recording in accordance with the manufacturer's specifications. Users shall use the following formats when titling BWC and photograph data:
 - a. Case Report Number Format: WR19000000
 - b. C.F.S. Number Format: 010120190000000
 - 4. Classifications and corresponding retention schedules are as follows:

a.	Uncategorized	Until Manually Deleted
b.	Traffic Stop	60 Days
c.	Warrant Arrest	60 Days
d.	Non-Criminal Call for Service	60 Days
e.	Traffic Citation	3 years
f.	Petty / Misdemeanor Cases	3 years
g.	Non-Fatality Traffic Accidents	3 years
h.	Non-Major Felony Cases	10 years
i.	Fatal Traffic Accidents	10 years
j.	Major Felonies and Violent Cases	Permanent
k.	Professional Standards Investigation	Until Manually Deleted
l.	Training	Until Manually Deleted
m.	Pending Review	Until Manually Deleted
n.	Officer Injury	Until Manually Deleted
o.	Accidental Activation	Until Manually Deleted
p.	Death Investigation	Until Manually Deleted
q.	CEW (Taser) Logs	Until Manually Deleted

K. Axon View

1. Axon View is a secure application built for smartphone use and used to view body camera footage, which has been captured on the BWC and has not been uploaded to Evidence.com. The application is beneficial for reviewing the body camera footage before writing the report. If the BWC video is tied to a CAD incident or case number, the CAD integration will automatically label the video "ID" number in the correct format and add the "Category" based upon the call for service.
2. If the BWC recording is not connected to a CAD Incident or case report number, the user must add the "Title" and "Category" to the video before docking the body camera.
3. If there are multiple case report numbers for the same call, the user will need to manually enter the "ID" number and "Category" to the video because the CAD integration cannot associate the two separate case report numbers or incident numbers for the same video.
4. When conducting follow-up from a previous case or incident and the BWC is activated, the user must use Axon View to label the new recording ID field with the original case or incident report number. If the user fails to label the footage with Axon View, then CAD integration will label the follow-up with the newly assigned incident number. If this occurs the BWC user must go into Evidence.com and change the ID number to the original case or incident number. Failing to properly categorize the ID number on the follow-up video may lead to a discovery violation.

L. External BWC Data Transfers

1. 1st Judicial District
 - a. BWC data that is potential evidence in a criminal case involving a misdemeanor or lesser offense shall be provided to the District Attorney's Office by WRPD Records Section Personnel.

- b. BWC data that is potential evidence in felony offenses shall be provided to the District Attorney's Office by the filing Investigator.
 - c. The transfer of BWC data shall be done through the 1st Judicial District's ACTION E-Discovery portal or, in instances where the file is too large to be pushed through the portal, the data will be transferred to a physical storage media such as CDs, DVDs, Blu-Ray or other digital storage devices and hand delivered to the District Attorney's Office.
2. City Prosecutor's Office
- a. BWC data that connected to offenses charged into the Wheat Ridge Municipal Court shall be accessible to the City Prosecutor's Office via Evidence.com.
 - b. In the event the City Prosecutor's Office requires BWC data be transferred to DVD, they will send an email to WRPD Records Section personnel requesting the specific BWC Data. WRPD Records Section personnel will transfer the requested BWC data to DVD and deliver it to the City Prosecutor's Office.
3. Other Law Enforcement Entities
- a. BWC data requested by law enforcement agencies will be collected and sent to the requesting agency by WRPD Records Section Personnel in the same manner that other forms of records are released to other law enforcement agencies.
4. Supervisory Responsibilities
- 1. The Department Administrator is responsible for the assignment of BWCs based upon the availability of the equipment and the needs of the agency.
 - 2. Supervisory personnel will ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein. Supervisors will review employees' Evidence.com accounts weekly to ensure videos and photos are being properly identified and categorized within the system.
 - 3. Auditing and review of recordings captured by BWC systems is essential to ensure BWC data is being properly collected and classified, as well as to identify operational, training or policy deficiencies. At least quarterly, the Administrative Sergeant, will review 10 randomly selected BWC recordings and document his or her findings in a memorandum addressed to the Patrol Operations Division Chief, with a copy to the Accreditation Manager.
 - d. Supervisors will remove from service any nonfunctional or damaged and notify the department administrator.