

 <h2 style="margin: 0;">Body-Worn Cameras</h2>	Policy Number:
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**PURPOSE**

The purpose of this policy is to provide members with guidelines for the use of State Patrol-issued Body-Worn Cameras (BWC). These guidelines include the camera function testing and operation, the responsibilities for the data identification and storage, the retrieval and review of digital recordings captured by the BWC, and the records administration of the audio-visual digital recordings.

**DEFINITIONS**

**Authorized Evidence.com Users** are those members who have been approved for access by the State Patrol and who have been provided their own unique login and password on Evidence.com.

**Body-worn Camera (BWC)** is a digital video camera that electronically captures audio and video recordings.

**Buffering Mode** is when the BWC continuously loops a video recording for up to 30 seconds before the recording is started by the trooper. While buffering, video only (no audio) is being recorded.

**BWC Program Administrator** is the Strategic Analysis and Business Research (SABR) Captain. The BWC Program administration will maintain the integrity and efficiency of the data management and file retention systems.

**Contact** means an IN-PERSON interaction with an individual, whether or not the person is in a motor vehicle, initiated by a peace officer, whether consensual or nonconsensual, for the purpose of enforcing the law of investigating possible violations of the law. Contact does not include routine interactions with the public at the point of entry or exit from a controlled area; a non-investigatory and consensual interaction with a member of the public, initiated by a member of the public, unless and until the interaction progresses into an investigation of a possible violation of the law; motorist assists; undercover interactions; or routine interactions with persons detained in a jail or detention facility.

**Event Mode** is when the BWC saves the recorded buffered video and continues to record both audio and video. The Event Mode is activated by pressing the Event button twice.

**Evidence.com** is an online, cloud-based digital media storage repository. All media is stored in a highly secure environment, accessible only by authorized personnel.

**Evidence Transfer Manager (ETM)** is the docking unit used to recharge and to upload previously recorded audio and video (stored media) from the BWC. The ETM automatically transfers all stored media to Evidence.com.

**Recording** means electronically-captured audio and/or video digital data using the BWC.

**Restricted Access Recording** is BWC recorded audio and video of a critical incident or other internal investigation evidence stored on Evidence.com.

**Tamper** means to intentionally damage, disable, dislodge, or obstruct the sight or sound or otherwise impair functionality of the body-worn camera or to intentionally damage, delete, or fail to upload the video and audio.

**Troop BWC Administrator** is the Troop Commander or designee.

## **POLICY STATEMENT(S)**

The State Patrol will use BWCs pursuant to C.R.S. § 24-31-902.

While it is difficult to account for every possible circumstance, this policy will guide troopers in the proper use of the BWC. State Patrol will utilize BWCs to:

- Accurately capture all contact information;
- Document events for courtroom presentation;
- Provide additional information about complaints made against troopers;
- Mitigate potentially confrontational interactions with the public by the presence of the BWC; and
- Provide training opportunities and institutional learning.

Troopers working in assignments that require the wearing of a Class A or Class B uniform and who have been trained in the operation of the BWC are required to wear the BWC. Troopers working assignments that do not require the wearing of a Class A or Class B uniform may be exempt from wearing a BWC unless directed to by a supervisor. Troopers who are on duty not in a Class A or Class B uniform will wear a BWC anytime that they take enforcement action and clearly identify themselves as State Patrol Troopers.

Troopers will activate their BWC as soon as possible to allow for buffering time prior to initiating and making a contact. When safe and practical to do so, troopers shall notify citizens that they are being recorded at the beginning of a contact even though consent is not required to activate the BWC when enforcing the law. Activation of the BWC will not compromise trooper safety. In exigent circumstances, the BWC will be activated as soon as it is safe and practical. A trooper shall activate the BWC upon direction from a supervisor or whenever they feel that it is in their best interest or in the best interest of the State Patrol.

Troopers should be aware of the circumstances surrounding the usage of the BWC, which may include privacy and consent considerations to those involved in any incident; examples include, but are not limited to, victims, witnesses, and private businesses and residences. Training will include State Patrol policy and legal obligations as outlined in C.R.S. § 24-31-902 concerning the proper use of BWC systems.

Failure to activate a functioning BWC during any incident required by policy creates a rebuttable presumption of inadmissibility of evidence regardless of the intent of the trooper. Failure to activate a functioning BWC as required may lead to corrective and/or disciplinary action, up to and including termination.

## **OPERATIONAL PROCEDURES**

### **A. Body-Worn Camera Activation**

1. Troopers will activate their BWC as soon as possible prior to initiating a contact.
  - a. Initiated contacts include, but are not limited to:
    - I. Traffic stops;
    - II. Motorist assists;

- III. Pedestrian stops;
  - IV. Commercial vehicle contacts; and
  - V. Consensual contacts.
- b. Troopers shall activate their BWC when dispatched to a call for service.
    - I. If the response time to the incident is greater than 10 minutes, a trooper can wait until they are an estimated 10 minutes away prior to activating their BWC.
  - c. Troopers will ensure their BWC is activated when conducting:
    - I. Crash investigations;
    - II. Investigative detentions;
    - III. A protective frisk for weapons;
    - IV. Any kind of search (consensual or otherwise);
    - V. Arrests;
    - VI. Suspect interviews, including Miranda advisements;
    - VII. Victim and witness interviews;
    - VIII. Custodial interrogations of suspects;
    - IX. Transporting suspects or other members of the public;
    - X. Handling and inventorying currency;
    - XI. Building and vehicle searches, including execution of a warrant; and
    - XII. K-9 searches.
  - d. Troopers will activate their BWC when euthanizing an injured animal.
  - e. Troopers will activate their BWC as soon as practical when involved in a crash involving a state-owned vehicle.
  - f. Troopers will activate their BWC when a non-initiated contact rises to the level of investigating possible violations of the law;
  - g. Troopers will activate their BWC when involved in any planned or spontaneous crowd control situation and actively engaged with an individual or group.
    - I. An Incident Commander has authority to direct activation of BWCs during civil unrest disturbances.
  - h. Troopers will activate their BWC when responding to active threat situations.
  - i. Troopers have the authority to activate their BWC in any situation where a trooper believes the use of the BWC would be appropriate or would provide valuable documentation, if not already activated per policy.
  - j. Troopers will activate their BWC when directed to by a supervisor.
- 2. Troopers may use discretion in activating their BWC in instances where public contact is not likely, such as removing road debris. Troopers will document the rationale for non-activation in CAD when clearing the event.

3. If a trooper unintentionally fails to activate the BWC as required by this policy, they shall note the reason in their incident report, if applicable, as well as submitting a CSP Body-Worn Camera Memorandum to the troop commander describing the incident and the reason for not activating the BWC.
4. If a trooper is found to have intentionally failed to activate their BWC when required, they will be subject to an investigation that may result in corrective and/or disciplinary action, up to and including termination.

#### B. Body-Worn Camera Deactivation

1. Troopers will only deactivate the audio or video functions of the BWC system when their law enforcement interaction or contact has concluded and they clear from the incident on CAD.
2. Troopers shall not actively seek a request from an individual to deactivate the BWC system.
3. The BWC may be deactivated or muted prior to the conclusion of an incident and clearly articulated on the recording and documented in the incident report and in CAD. The BWC may be deactivated or muted in the following situations:
  - a. When privacy concerns outweigh legitimate law enforcement interests (e.g. victims of crime, witnesses, nudity, child sexual assault, presence of child pornography, etc.);
  - b. The incident has concluded prior to the arrival of the trooper;
  - c. While on scene of an incident and all evidence has been collected, all law enforcement interactions have concluded, and the trooper is waiting for the recovery of a vehicle by a tow company. A notification to the regional communication center will be given prior to the deactivation;
  - d. The incident or event is of such duration that deactivating the BWC is necessary to conserve battery life and recording time. Supervisor approval will be obtained prior to deactivation;
  - e. Investigators arrive on the scene and take over the investigation;
  - f. The trooper determines that the recording must be temporarily stopped or muted based on clearly articulable reasons, such as discussing sensitive intelligence or investigative information. The reason for temporary deactivation or muting will be stated on the recording prior to deactivation or muting; or
  - g. When a citizen has requested the trooper to stop recording and the trooper has determined it is appropriate, they may temporarily mute or deactivate the recording. The reason for temporary deactivation or muting will be stated on the recording prior to deactivation or muting.
4. Intentionally deactivating the BWC without clearly articulable reasons in accordance with this policy may result in corrective and/or disciplinary action, up to and including termination.
5. If a trooper deems reactivation of the BWC is necessary after deactivation during an incident, the trooper shall reactivate their BWC. The reason for reactivation will be recorded on the BWC when it is safe and practical to do so. The reason for reactivation of the BWC will also be documented in any reports and in CAD.

#### C. Special Circumstance Recording

1. Victims and Witnesses

- a. BWC recordings do not replace formal written statements from victims or witnesses.
  - b. Troopers shall notify victims or witnesses about the use of a BWC prior to any interviews.
  - c. If a victim or witness does not wish to be recorded, troopers should ask if the person would permit an audio only recording. Troopers can then move their BWC to a position to capture audio but not video of the interview.
    - I. If a victim or witness does not wish to be recorded by audio or video, the reason for deactivation of the BWC will be stated on the recording prior to deactivation and documented in the incident report and in CAD.
  - d. Troopers shall not allow a victim or witness to review the recording.
2. Consensual Situations
- a. In circumstances when a trooper requests consensual entry into a private residence or private business area, consent to record must also be obtained.
  - b. The consent to record may be withdrawn at any time by the person even if the trooper has been given consent to be inside the location. Troopers must audibly state the revocation of consent prior to the deactivation of the BWC and document the revocation in the incident report and on CAD.
3. Crime Scenes
- a. The BWC will not be used as a replacement for photographing crime scenes.
  - b. For outside agencies taking over any investigation, troopers shall notify any lead investigators of the presence of a BWC recording, the possible extent and content of the recording, and the CSP case number, if applicable.
4. Incident Command Posts
- a. A BWC shall not be activated in or around the vicinity of an Incident or a Tactical Command Post.
  - b. The Incident Commander or designee shall advise assigned troopers of the parameters of BWC usage for the duration of the incident.
5. Officer Involved Shooting (OIS) or Use of Force Resulting in Serious Bodily Injury (SBI) or Death
- a. When any trooper is involved in an Officer Involved Shooting (OIS) or a use of force resulting in serious bodily injury (SBI) or death, the BWC shall remain on and recording until the lead investigator or a supervisor directs that the BWC be deactivated and has taken custody of the BWC.
    - I. An audible explanation of the deactivation will be given prior to deactivation.
  - b. If a trooper is severely injured or deceased, a supervisor, or another trooper if a supervisor is not present, may remove the BWC, give an audible explanation for the deactivation, and then turn off the BWC.
    - I. The removing supervisor or trooper starts the chain-of-custody for the BWC and should only release the BWC to the lead investigator.

- c. Troopers will not be allowed to view the BWC recording prior to making a formal statement following an OIS or critical incident where potential criminal charges may be filed.

#### 6. Detention Facilities

- a. A BWC may be deactivated after transporting a detainee to a secured detention facility and physical custody has been transferred to the personnel within that facility.
- b. Troopers will ask the staff within each facility of their policies for the use of BWCs as each detention facility differs in BWC use. Troopers may continue to record inside the facility if granted permission and the circumstances warrant such recording.
  - I. The continued use of the BWC shall only be for the documentation of the current incident, subject, or case assigned to the trooper.
- c. Troopers will deactivate their BWC if the detention facility does not permit recording inside the facility.

#### 7. Sensitive Locations

- a. Troopers should restrict recording to areas and persons necessary to obtain evidence and information relevant to the incident and should attempt to minimize collateral intrusion to those not involved.
  - I. The BWC shall be used in a health or mental health care facility while in patient care areas when the recording is for official purposes.
  - II. Care should be used to limit recording to the parties involved in the event being investigated.
- b. Troopers will not activate a BWC while on the grounds of any public, private, or parochial elementary, middle school, high school, or college, unless required for official law enforcement action.

#### 8. Community Events

- a. Troopers are not required to activate a BWC while engaged in State Patrol related duties, such as public relations or community service events, meetings with community groups or with public officials, funerals, promotion ceremonies, or honor guard details unless directed by a supervisor or when required by law or policy.

#### 9. Overtime and Off-Duty Events

- a. Troopers shall activate their BWCs during overtime and off-duty events as required by policy and law or directed by a supervisor.
- b. BWC use for dignitary protection assignments will be directed by the assignment supervisor.

#### D. Restricted Recording

##### 1. Troopers shall not use the BWC in the following situations:

- a. To make recordings for any use unrelated to official law enforcement duties;
- b. To record private conversations with other members or members of outside agencies;
  - I. Conversations during an active investigation are not considered private.
- c. During encounters with undercover officers or confidential informants;

- d. During meal breaks;
  - e. During official work briefings;
  - f. During administrative conversations with supervisors (e.g. counseling, professional development, discipline, etc.); or
  - g. In places where a reasonable expectation of privacy exists (i.e. - detox, medical and/or healthcare facilities, locker rooms or restrooms, etc.) unless the activation is for official law enforcement activity such as a call for service or if policy requires the activation.
2. A BWC will not be activated during training events unless the use of the camera is outlined in the lesson plan. BWC use is authorized as part of Academy Training and Field Training.
  3. If a trooper records activity or is aware of another member that has recorded activity prohibited by this subsection, they shall immediately notify their supervisor.
  4. As defined in this section, BWC recordings made inadvertently or accidentally will be reported to a supervisor immediately upon discovery.
    - a. Troopers can request the recording be deleted by submitting a CSP Body-Worn Camera Memorandum to their immediate supervisor.
    - b. Supervisors will forward the requests through their Troop Commander to the BWC Program Administrator.
      - I. The recording will be moved to restricted access status.
    - c. The BWC Program Administrator will review the request and make a deletion determination.
      - I. The BWC Program Administrator has the sole authority to authorize a deletion of a recording in Evidence.com.
    - d. The trooper will be notified through channels of the final disposition of the recording.

#### E. Reports

1. Troopers using a BWC shall indicate that the BWC was activated in their reports or citation notes.
2. Troopers shall document the existence of BWC recordings by other troopers or officers involved in the incident in their incident report, including the assisting officer's rank, first and last name, and agency.

#### F. Equipment Use and Maintenance

1. Troopers will only use BWCs that are issued by the State Patrol. Privately owned cameras are prohibited.
2. Troopers shall not use a BWC unless they have completed formal State Patrol training.
3. Troopers are required to maintain the BWC per DPA, CDPS, and CSP policy.
4. Troopers shall ensure that their BWC is functioning properly at the beginning of every shift by performing a function check that includes:
  - a. Verifying adequate battery life;
  - b. Ensure adequate storage capacity;
  - c. Ensuring proper fit on the trooper's uniform;

- d. Ensure BWC displays Ready on the LCD; and
  - e. Document the BWC function check with a 5-second test recording prior to going on duty. This recording will be tagged and categorized as an "Test" for retention purposes.
5. Once the BWC function check is complete, the BWC shall remain in Buffering Mode for the duration of the shift apart from times of activation into Event Mode.
  6. Troopers shall wear the BWC affixed to the uniform using the issued mounts. The trooper is responsible to ensure the BWC is worn in such a manner as to capture the optimal view of an event as outlined in training.
    - a. The optimal location is on the chest, at a height to ensure the BWC lens isn't obstructed during the use of a taser or firearm; locations may vary depending on the physical build of the trooper.
      - i. Any request for alternate mounts or uniform mounting locations will be approved through the troop/section commander.
    - b. Each trooper will verify their BWC is positioned correctly by the use of the viewer program on either an MDC or a state-issued cellphone.
  7. When the BWC is not in use, it must be stored in a secure location at either the troop office or in the trooper's residence. The BWC shall not be left in a vehicle.

#### G. Malfunctions

1. Any damage or malfunction of the BWC shall be reported to the on-duty or on-call supervisor immediately.
  - a. The trooper shall notify the regional communications center of any damage or malfunction of the BWC and documentation shall be made in CAD and in any incident report, if applicable.
  - b. The trooper will submit a DVES maintenance log ticket.
2. When advised of a damaged or malfunctioning BWC, the supervisor will advise the troop BWC administrator as soon as practicable. The supervisor may issue or authorize the issuance of the troop's spare BWC and ensure it is properly assigned to the trooper who has the damaged or malfunctioning BWC.
  - a. If no replacement BWCs are available, the supervisor shall immediately notify the troop BWC administrator and document the non-use.
  - b. The regional communications center will be updated of the trooper not having a BWC for the duration of the shift.
3. The troop BWC administrator shall notify the BWC Program Administrator or designee of the damaged or malfunctioning BWC to coordinate the repair or replacement of the BWC.
  - a. The troop BWC administrator shall document the serial number of the damaged or malfunctioning BWC and send the BWC to the BWC Program Administrator.
  - b. The replacement BWC's serial number should be logged in the Issued Equipment Log by the troop BWC administrator.

#### H. Upload Procedures



1. Troopers will tag or verify CAD has auto-tagged each recording with the appropriate classification ID and case number as soon as practical after recording, but no later than the end of their work week, including any overtime or special events worked.
  2. All recordings attached to a felony, a critical incident, or of a sensitive nature will be uploaded before the end of the shift.
    - a. All other recordings must be uploaded before the end of a trooper's weekly shift.
      - I. Exceptions to this weekly requirement may be granted by the Troop Commander based on operational requirements.
      - II. Troopers granted this exception shall still be required to upload any felony, critical incidents, or sensitive recordings by the end of shift.
  3. All recordings shall be tagged with the appropriate classification ID and case number to ensure proper retention schedules are applied.
  4. Supervisors shall upload a trooper's BWC recordings when the trooper is unable to do so due to unforeseen circumstances.
  5. Troop BWC Administrators will be trained in the process to receive BWC media from other agencies and to properly categorize and label that media within their case files on Evidence.com.
- I. Access to and Viewing of BWC Recordings
1. General Access
    - a. All recordings from BWCs and any additional media uploaded to the State Patrol's Evidence.com account are the sole property of the State Patrol. Access to the stored media shall be restricted to and audited by State Patrol members only.
    - b. Any access to stored media is documented and logged automatically by Evidence.com to include the member's name and terminal that accessed the media.
    - c. Only authorized users shall access the BWC files in Evidence.com.
      - I. Authorized users shall not provide their login or password information to other members.
    - d. Access to stored media is only permitted through authorized mobile devices, mobile data terminals, and agency computer workstations.
    - e. All BWC recordings may not be used, printed, copied, scanned, emailed, posted, shared, reproduced, or distributed in any manner unless for official law enforcement purposes.
      - I. This prohibition includes the posting or sharing of any State Patrol photographs or recordings on personal websites or social media applications, including, but not limited to, Facebook, Twitter, YouTube, other public safety agency websites, or emails or text messages sent to any person outside of the State Patrol.

f. BWC recordings shall not be edited (other than redaction by an authorized member), deleted, re-recorded, obstructed, tampered with, or disseminated to or shared with someone who does not have a direct interest in the case surrounding the recording. Chain-of-custody and retention schedules shall be followed in accordance with CSP Policy 3.05.0201 (Release and Disposition of Records).

## 2. Trooper Access

- a. Troopers may view their own recordings to prepare official reports and investigations except when involved in a critical incident.
- b. Troopers may view their own recordings prior to court appearance or testimony to refresh recollection or in cooperation with the prosecuting attorney in pre-trial.
- c. Troopers may only access recordings of other troopers who had direct involvement in their incident. Permission to view these recordings must be approved by a supervisor.
- d. Troopers are not authorized to play back a BWC recording for citizen viewing. Troopers will direct citizens who request a copy of a BWC recording to the State Patrol website for instructions on filing an open records request.

## 3. Supervisory Access

- a. Supervisors will have access to view BWC recordings for the troopers within their span of control except for cases that have restricted access.
- b. Supervisors are required to review BWC recordings in the following circumstances:
  - I. Use of force;
  - II. Display of force;
  - III. All pursuits;
  - IV. On-duty injuries;
  - V. Suspect injury whether before or while in custody;
  - VI. Forced entry into a vehicle or building;
  - VII. All trooper involved crashes; and
  - VIII. Allegations of misconduct.
- c. Supervisors are required to view at a minimum two (2) recordings of at least 10 minutes in duration for each member within their span of control every quarter.
  - I. If a supervisor observes any legal or policy violations while reviewing their members' recordings, they will address the issue(s) accordingly.
  - II. Supervisors in specialty units where BWCs are not regularly utilized are not required to view two (2) recordings per quarter, but are encouraged to view recordings from members within their span of control when feasible.
  - III. Supervisors will review BWC recordings in a consistent and equitable manner.

- d. Supervisors also may review BWC recordings in the following circumstances:
  - I. For troopers who have been placed on a Performance Improvement Plan (PIP); or
  - II. For commendations for or complaints against troopers.
- 4. Investigative Personnel
  - a. Investigative personnel are authorized to access any unrestricted recording related to active investigations.
  - b. Requests for viewing restricted recordings related to an internal investigation must be approved by the Professional Standards Section Commander.
- 5. Professional Standards Section
  - a. Professional Standards investigators will not access or search BWC recordings for offenses committed by troopers unless pursuant to an administrative investigation.
  - b. BWC recordings related to formal complaints will be moved to restricted access.
- 6. Legal
  - a. The Attorney General's Office is authorized to view any recordings as part of a review or investigation of an incident or to provide legal counsel to the State Patrol.
- 7. Appointing Authorities
  - a. Appointing Authorities are authorized to view BWC recordings of members within their span of control.
- 8. Executive Command Staff
  - a. Members of ECS will have unrestricted access to all State Patrol BWC recordings within Evidence.com.
- J. Inter-Agency Transfers of BWC Recordings
  - 1. Trooper Commanders are responsible for establishing procedures for the transfer of BWC recordings between the State Patrol and other law enforcement agencies and district attorney offices in their districts.
  - 2. Procedures for inter-agency transfers shall be documented and forwarded to the BWC Program Administrator.
- K. Training
  - 1. The BWC Program Administrator is responsible to ensure that each Troop BWC Administrator is properly trained on their duties and responsibilities of BWC administration.
  - 2. Trooper Commanders shall ensure that each trooper assigned a BWC receives formal State Patrol training in the care and operation prior to using the BWC.
  - 3. Training shall be coordinated among the Training Services Branch (TSB), the BWC Program Administrator, and the Troop BWC Administrators.
- L. Retention
  - 1. All BWC recordings shall be retained in accordance with the State Patrol records retention schedule.
  - 2. The retention period for a BWC recording begins from the date the recording is categorized in Evidence.com.
    - a. Unclassified recordings will be auto-deleted at 183 days.

3. Troopers are required to categorize their BWC recordings with the appropriate tag based on the disposition of the incident.
4. The troop BWC administrator and the BWC Program Administrator or designee may change the categorization of any recording within Evidence.com as needed.
5. The following is the categorization retention schedule for BWC recordings:
 

a. Traffic Citation/Summons Related	365 days/less if summons is dispositioned
b. Unclassified Video/Unclassified Recording	183 days
c. Misdemeanor Arrest or Summons/Citation	3 years
d. All Felonies	10 years or Life of Case (LOC)
e. Fatal Traffic Accident	Permanent or the life of the case
f. Non-Fatal Traffic Accident	3 years
g. Vehicular Homicide	Permanent
h. DUI/DUID/DWAI	5 years
i. Pursuit	5 years
j. Use of Non-Deadly Force	1 year
k. Trooper Fatality	Permanent
l. Officer Involved Shooting (OIS)/Deadly Force/Homicide	Permanent
m. Internal Affairs (Sustained)	Term of employment + 6 years
n. Internal Affairs (All other)	5 years
o. Accidental/Test/Training	90 days
6. BWC recordings related to a criminal case may be retained for longer periods than outlined in the retention schedule if required by the local district attorney's office.
  - a. BWC recordings related to a criminal case may be deleted upon receipt of a case disposition notice from the district attorney's office.
7. BWC recordings related to a civil lawsuit against State Patrol or the member shall be retained until approval for destruction is obtained from the Attorney General's Office.

**M. Public Records Requests**

1. BWC recordings may be released in accordance with the Colorado Open Records Act (CORA) and the Colorado Criminal Justice Records Act.
  - a. Some BWC recording may be exempt from release by law.
2. The process to request BWC recordings is outlined in CSP Policy 3.05.0201 (Release and Disposition of Records).

**N. Program Administration**

1. The BWC Program Administrator has the sole authority in the State Patrol to authorize the deletion of BWC recordings.

- a. The BWC Program Administrator will coordinate any audits of BWC recordings, including audits with the Office of Information Technology (OIT).
2. The Troop BWC Administrator's role is to:
  - a. Act as the BWC subject matter expert for the troop/section;
  - b. Track and maintain a log of BWCs within the troop/section;
  - c. Schedule maintenance and replacement of BWCs; and
  - d. Submit, through channels, any CSP Body-Worn Camera Memorandum requests to the BWC Program Administrator for the deletion of accidental and/or inadvertent recordings.
3. The BWC Program's training and policy shall be reviewed annually by SABR, TSB, and the Accreditation Unit.
  - a. The TSB Branch Commander, in coordination with the BWC Program Administrator, may determine the use of BWC recordings for training purposes with the approval of the Executive Command Staff.
    - I. Troopers' permission to use BWC recordings for training should be obtained prior to being used for training.

### **ADMINISTRATIVE PROCEDURES**

#### **A. Trooper Using the BWC**

1. Ensure the BWC recordings are tagged and uploaded to Evidence.com.
2. Continually ensure there is adequate storage available on the BWC during a work week.
3. Document the use of a BWC on citations, reports, and any other applicable documents as well as if or when the BWC was deactivated or muted.
4. Report all damaged or malfunctioning BWCs immediately to a supervisor and complete a DVES maintenance log ticket.
5. Complete a CSP Body-Worn Camera Memorandum for any incidents of failure to activate or to reactivate.
  - a. Do not document damaged or malfunctioning BWCs in the CSP Body-Worn Camera Memorandum that are not directly related to the failure to activate or to reactivate the BWC for the incident.

#### **B. Supervisors**

1. Ensure members are appropriately classifying and using the BWC system.
2. Review required incidents.
3. Document the required review of two videos per quarter on the CSP 439 – Member Evaluation and Ride Report.
  - a. Denote the corresponding CAD Incident number for the video reviewed.
4. Ensure broken or damaged equipment is properly documented and issued a replacement BWC if necessary.
5. Forward any CSP Body-Worn Camera Memorandum for non-maintenance related failure to activate or to reactivate the BWC to the troop/section commander.

#### **C. Troop/Section Commander**

1. Review CSP Body-Worn Camera Memorandum for non-maintenance related failure to activate or to deactivate the BWC and forward to the district/branch commander.
- D. District/Branch Commander
1. Review CSP Body-Worn Camera Memorandum for non-maintenance related failure to activate or to deactivate the BWC and determine disciplinary action, if necessary.
- E. Command Staff
1. Evaluate any high-profile recorded incidents for potential training or equipment needs and organizational learning and growth opportunities.
- F. Troop BWC Administrator
1. Maintain a log of all BWCs within the span of control.
  2. Manage all damage and malfunction reports and forward to the BWC Program Administrator.
  3. Ensure DVES maintenance log entries are completed for all damaged and malfunctioning BWCs.
- G. BWC Program Administrator
1. Maintain and distribute all inventory related to the BWC Program.
  2. Handle all requests to delete BWC media.
- H. Central Records Unit
1. Ensure all requests for BWC digital media are in accordance with CSP Policy 3.05.0201 (Release and Disposition of Records).
  2. Process any CSP 402 (Request for Criminal Justice Information) or other submitted written records for BWC digital media.
  3. Assess and receive fee payment for the requested and provided digital media.
  4. Provide a revenue receipt as required.

**RELATED RESOURCES AND FORMS**

Resource or Form Number	Title	Office of Professional Responsibility
CSP 224	CAD Dispo Codes/Evidence.com Category	PAR
CSP 402	Request for Criminal Justice Information	PAR
CSP BWC Memo	CSP Body-Worn Camera Memorandum	PAR
DVES Maintenance Log	DVES Maintenance Log	BIU

**APPENDIX A**

**TROOP/SECTION Special Recording Consideration**

Any uniformed member who is not acting within the scope of the duties listed below and who is on duty and clearly identifiable as a law enforcement officer, shall abide by the policy guidelines listed above.

#### A. Training Academy

1. Uniformed members assigned to the Training Services Branch are not required to wear a BWC while instructing or training on academy grounds. Those members should have access to their BWC in the event they are called to perform enforcement action and putting on a BWC is safe and practical.
2. BWC recordings created by cadets are training aids only and will be retained for the duration of that cadet's training period.
  - a. Any recordings that rise to the level of member discipline may be restricted and retained until the disciplinary action is adjudicated.

#### B. Aircraft Section

1. Pilots are not required to wear a BWC while performing duties regularly associated with the Aircraft Section.
2. Any law enforcement officer who is riding in the aircraft shall not have an LTE enabled BWC on or activated for the duration of the flight.
  - a. If a law enforcement officer from another agency is on a State Patrol aircraft and performing law enforcement duties, they may be given a State Patrol BWC that does not have LTE capabilities.

#### C. ISS/ STIS

1. Troopers assigned to ISS and STIS do not need to wear a BWC while performing undercover or plain-clothes detail.
2. Troopers assigned to ISS and STIS do not need to activate a BWC during lengthy investigations where enforcement action or interaction with the public is not likely, this includes vehicle processing and CIRT/OIS crime scenes, unless requested to do so by a lead investigating agency.
  - a. ISS and STIS Troopers should have their BWC available and mounted to an external vest in the event they need to take enforcement action.
  - b. If the trooper is in plain-clothes but taking enforcement action, a BWC should be worn if safe and practical to do so.

#### D. VCU

1. Troopers assigned to VCU do not need to activate a BWC while performing crime scene investigations and contact with a member of the public is not likely. This includes during drone operations or mechanical inspections either on scene or at a tow yard.

#### E. HAZMAT

1. Troopers assigned to HAZMAT do not need to activate a BWC on scenes that they deem unsafe.
  - a. HAZMAT Technicians are the subject matter experts and may direct other law enforcement personnel to remove or to turn off BWCs on scenes that they deem to be unsafe.
  - b. An audible explanation must accompany any deactivation of a BWC that is actively recording.
2. If performing a roadside inspection or checkpoint, a BWC shall be worn.

F. MCSAP

1. Troopers assigned to MCSAP do not need to activate a BWC while in a place of business (to include a private residence where a company operates) while performing a safety audit or compliance review.
2. If a MCSAP Trooper is called to or happens upon an active HAZMAT scene and their BWC is activated, an audible explanation of the deactivation must occur prior to turning the BWC off.
3. If performing a roadside inspection or checkpoint, a BWC shall be worn.

G. ESU

1. Troopers assigned to or assisting ESU will not use BWCs to gather intelligence based on First Amendment protected activities where there is no reason or suspicion of violation of law and there is no direct interaction between a member of the public and a trooper (ref 28-CFR-23).
2. Due to the sensitive nature and information surrounding the legislative body, the Governor, the Lieutenant Governor, and the rest of the Executive Branch of the State of Colorado, ESU Troopers will evaluate each situation separately when determining whether to record an interaction with any of these persons, unless it falls under mandatory recording criteria.
3. CRT (Critical Response Team) Troopers are required to wear a BWC during normal day-to-day operations except in the following circumstances:
  - a. While performing undercover functions or operations; and
  - b. While performing duties when assigned to a dignitary protection detail or to the Governor's Executive Protection detail.
    - I. STAR (Special Tactics and Response) Troopers are required to wear BWCs. STAR troopers will be required to activate their BWC under Operational Procedure activations or when directed by the STAR Team Commander (Captain or OIC).
    - II. CATT (Counter Assault Tactical Team) Troopers that are assigned to a specialized training, a dignitary protection detail (i.e. – POTUS, VPOTUS, etc.) or to the Governor's Executive Detail, will not utilize a BWC due to the sensitive nature of the assignment. If the CATT is assigned to a STAR component or any other assignment, a BWC will be utilized.
    - III. Governor's Executive Protection Detail (GPD) assigned troopers will not be required to wear a BWC.
4. Explosive detection canine handlers assigned to ESU will not be required to activate their BWC's, during daily security sweeps of the Capitol, capitol complex, Judicial building, or while performing sweeps for the Governor's Executive Protection detail or requested motorcade and venue security sweeps for visiting dignitary protection details. If during the course of a routine security sweep the explosive detection canine handler encounters a situation that falls outside the scope of the routine security sweep they will be required to activate their BWC for that incident. Any dispatched call for a canine sweep (unattended bags, bomb threats), the explosive detection canine handlers will activate their BWC's.



5. ESU Security Officers
  - a. The security officer's duty is to observe and report information.
  - b. Security Officers will check out a BWC at the beginning of their shift from the docking station located at the Power Plant. Security Officers will wear their BWC any time they are on duty.
  - c. Security Officers will return their BWC at the conclusion of their shift to the docking station. Security Officers will not take home a BWC for any reason.
  - d. Security Officers will activate their BWC in the following circumstances:
    - I. Any time a pedestrian contact is made:
    - II. Any time a volatile person or situation is encountered;
    - III. Any time they feel threatened;
    - IV. Any time a mentally unstable person is encountered; or
    - V. Any time a crime is being committed. Security Officers will observe and report from a safe distance and will not act.