

Wendy Bricher

Subject: FW: Council SAR's # 24073 & 24067 / Police Body Worn Cameras
Attachments: 137608_MAV_SOP.docx; 137609_SAR24061_BWC.docx

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From: Wendy Bricher On Behalf Of Darin Atteberry
Sent: Tuesday, October 15, 2013 10:18 AM
To: Lisa Poppaw; Bob Overbeck
Cc: Darin Atteberry; Diane Jones; City Council; John Hutto; Jim Szakmeister; Steve Roy
Subject: Council SAR's # 24073 & 24067 / Police Body Worn Cameras

Lisa and Bob,

Per Jim Szakmeister, the attached documents include the Standard Operating Procedure for body worn cameras and the responses to the questions posed. The responses were written by Captain Cory Christensen.

Regards,

Wendy Bricher
City Manager's Office

Mobile Audio/Video Recorder Procedure

446.1 PURPOSE AND SCOPE

The Fort Collins Police Services has equipped selected vehicles and officers with a Mobile Audio/Video Recording (MAV) system and also allows officers to use dedicated audio recording devices. The MAV is designed to assist and compliment officers in the performance of their duties. The MAV is 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.

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

446.2 OFFICER OPERATION REQUIREMENTS

Prior to going into service, each officer will check out the appropriate equipment, if required. Officers should test the MAV 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 MAV will be secured and charged accordance with manufacturer specifications and departmental training
- (f) If at any time, the MAV is found to not be functioning properly, it is to be removed service and the appropriate supervisor/MAV administrator notified as soon as reasonably possible.

446.2.1 UPLOADING, STORAGE, AND RETENTION OF RECORDINGS

Any MAV recorded incident shall be documented in the associated departmental reports, field interview entries, or on traffic citations that are the sole documentation.

Uploading of a MAV will be done accordance with manufacturer specifications and departmental training. MAV evidence 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 or an approved outside vendor.
- b) An approved, on-site departmental server.
- c) Physical digitally recorded storage devices such as CDs, DVDs, or other digital storage devices.

All MAV recordings will be evidentially logged following agency policy and trainings. MAV recordings that are associated with a departmental report number that are uploaded directly into a server, will still have a property/evidence entry made into RMS as if it was physical evidence.

All MAV recordings shall be uploaded prior to 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.

446.3 ACTIVATION OF THE MAV

Once activated, the MAV shall remain on and not be turned off until the initial 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 related activities are concluded. It is understood that not all incidents will clearly start out as needing documentation by a MAV recording or having a clear ending when the MAV is no longer needed. Officers will be expected to use discretion and common sense when activating and deactivating the MAV.

If there is a break in the recording of a case related incident, the officer report shall explain why that break occurred.

446.3.1 REQUIRED ACTIVATION OF THE MAV

This procedure is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. In addition to the required situations, 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 as the MAV. The activation of the MAV system is required 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
 5. Arrests
 6. Vehicle searches
 7. Physical or verbal confrontations or use of force
 8. Pedestrian checks
 9. DUI investigations including field sobriety maneuvers
 10. Consensual encounters
 11. Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect
- (b) Any self-initiated activity in which an officer would normally notify Poudre Emergency Communications Center and a MAV recording would be useful.
- (c) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (d) Any other circumstances where the officer believes that a recording of an incident would be appropriate.
- (e) In all situations in which the MAV device has been activated, the officer shall not mute the audio recording. It is understood that due to the range limitations of the vehicle version of the MAV device that, at times, the microphone may be out of range and may not record the audio portion. In such situations, this will not be deemed as a violation of this section of the procedure.

446.3.2 CESSATION OF RECORDING

Once the MAV system is activated it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when arrests have been made and/or arrestees have been transported and/or witnesses and victims have been interviewed. Recording may cease 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.

446.3.3 CLASSIFICATION AND RETENTION OF MAV RECORDINGS

When an officer has stopped the MAV device the officer will be required to classify the recording. These classifications will serve to assist in locating the recording and each classification will have a retention time set to it.

Classifications, descriptions and retention are as follows:

- (a) **NON EVENT** – a miscellaneous activation of the MAV system which does not meet the requirements of any other classification. Retention period will be seven (7) 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, 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 thirty (30) days.
- (c) **TRAFFIC** – stops involving a citizen, vehicle, bicycle, pedestrian, etc. where the officer issues a citation into Municipal Court or County Court for a traffic related offense. Retention is 180 days.
- (d) **MUNI** – Anytime a MAV recording has been made and a case report has been generated into Municipal court. Retention period shall be through the conclusion of court process and in compliance with the evidence retention policy of this agency.
- (e) **MISDEMEANOR** - Anytime a MAV recording has been made and a case report has been generated into County court. Retention period shall be through the conclusion of court process and in compliance with the evidence retention policy of this agency.
- (f) **FELONY** - Anytime a MAV recording has been made and a case report has been generated into District court. Retention period shall be through the conclusion of court process and in compliance with the evidence retention policy of this agency.

446.3.4 WHEN ACTIVATION NOT REQUIRED

Activation of the MAV system is not required during breaks, lunch periods, when not in service or actively on patrol or when the officer is driving to non- emergent situations

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

446.3.4 SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure that MAV units assigned to their officers are in working order and the officer using the MAV has been properly trained.

446.4 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Agency. 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 agency MAV administrator or forensic media staff. Officers using a MAV device that has been permanently mounted in a vehicle shall not remove the media storage card from the MAV system. Only an authorized MAV administrator may remove the media storage card.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (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 MAV systems
- (e) By an Agency investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By Agency personnel who request to review recordings
- (g) An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment.
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (j) To assess 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.

MAV recorded Incidents that require the implementation of the Officer Involved Incident Protocol (OIIS) will be handled in accordance with that protocol. This means that the involved officer(s), subject or witness, will not review the recording prior to giving a statement to the Criminal Investigation Division (CID) detective conducting the interview. The recording should be treated in a similar fashion as the officer involved video walk through process outlined in the OIIS protocol. The CID investigative team will have access to review the MAV video as soon as is practical. The MAV administrator will ensure that the MAV video be

immediately retrieved and protected to restrict access for incidents covered by the OIIS protocol.

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

446.5 DOCUMENTING MAV USE

Any incident that is recorded with either the video or audio system 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.

446.6 VIDEO MEDIA STORAGE AND INTEGRITY

All video media that is not logged as evidence will be retained and disposed of in compliance with the organization's retention schedule or the retention schedule set forth in this procedure.

446.6.1 COPIES OF VIDEO RECORDINGS

Upon proper request, a copy of the original video recording will be made for use as authorized in this procedure.

446.6.2 MAV RECORDINGS AS EVIDENCE

Only in exceptional circumstances will original video media be booked into evidence. The exceptions would include a major event, such as a homicide, or as directed by a Lieutenant or a member of the staff. If a video media is booked into evidence, it shall be booked in the same manner as other property and referenced in the case report.

MAV recordings will be used in the prosecution of those who violate the law and to provide objective information concerning law enforcement/citizen contacts.

- (a) Recordings containing data that must be retained in anticipation of pending civil action or are collected as part of an active investigation for the commencement or defense of a pending civil action against the state shall remain under the control of the Agency.
- (b) When a recording contains evidence for a case that is being investigated by another agency, that agency shall be provided a duplicate copy of the recording with the approval of the Chief of Police.

446.7 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used within the law enforcement vehicle in order to intentionally interfere with the capability of the MAV system to record audio data.
- (e) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings.
- (f) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV administrator

446.10 TRAINING

Users of the MAV systems and supervisors shall be trained on the use of the system and shall become familiar with this procedure prior to deployment of the MAV device.

SAR #24061 Agenda Item #17 October 15, 2013

A. How long has the FCPD had the original 20 cameras? Where was the money allocated from (was it from the regular police services budget)?

Police Services began investigating a formal program of Body Worn Cameras (BWC) in January 2012. Several different systems were researched and two different systems were selected for testing. One system was never able to be successfully launched due to vendor problems with the system. The other system was the Taser Axon Flex and was initially deployed for testing with two officers assigned to the District One Substation. Those 2 cameras were deployed in August 2012. The testing was successful and the decision to increase the number to 20 was made in the fall of 2012. In January 2013 all of the District One officers began wearing the BWC for a total of 10 deployed. In May 2013 the rest of the original 20 cameras were deployed with selected volunteer uniformed patrol officers.

The money used for the purchase of the original 20 was taken from KFCG funding.

B. Was there ever a public discussion, work session or a council discussion about purchasing the 20 cameras?

During the testing phase of the BWC information was presented to the current Council via the City Manager's Office on the use of the cameras. This included a DVD of sample videos recorded by the testing officers.

There were also media reports by both the Collegian and the Coloradoan on the existence and use of the cameras.

C. There doesn't appear to be any info on fcgov.com/police about policy regarding the length of time tapes are kept (which is something the ACLU recommends), and I wonder if there is any written policy regarding body worn cameras in general. Is council aware of a policy?

Police Services has a current "Standard Operating Procedure" (SOP) which offers guidance for the BWC. There is no reason why this could not be placed on the Police Services Web Page.

The videos captured by body worn cameras serve two purposes; accountability and evidence for criminal acts. All videos that are considered evidence fall under the same retention policy as does all other forms of evidence. Other forms of videos are categorized and fall under specific retention policies. Our capture and retention SOP also addresses the use of audio recording.

Here are the current video classifications and retention periods outlined in the SOP for the Mobile Audio/Video Recorder (MAV);

- (a) **NON EVENT** – a miscellaneous activation of the MAV system which does not meet the requirements of any other classification. Retention period will be seven (7) 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, 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 thirty (30) days.
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- (f) **FELONY** - Anytime a MAV recording has been made and a case report has been generated into District court. Retention period shall be through the conclusion of court process and in compliance with the evidence retention policy of this agency.

D. Explain the resourcing from KFCG fund, why from its reserve ?

KFCG reserve funding is being sought in an effort to apply those reserve funds toward one time expenditures that are not part of the annual KFCG appropriation. Previous Council direction was to spend the reserve to meet these types of needs. The use of the BWC greatly increases the Police Services accountability to the citizens.

E. What is the policy for using and keeping this video from body cameras?

The SOP for the use and keeping of the video is attached. Recently, Captain Christensen

attended a National discussion concerning Body Worn Cameras and the policy implications. Our current SOP was highlighted as an excellent example of a good policy in this area and Captain Christensen was asked to speak to our SOP as well as our implementation of this program.