


**AURORA POLICE DEPARTMENT
DIRECTIVES MANUAL**

16.04	Title: BODY-WORN CAMERAS		Duty Honor Integrity
	Approved By: Vanessa Wilson, Chief of Police		
	Effective: 03/01/2014	Revised: 03/04/2021	
	Associated Policy: DM 06.01; DM 08.10; DM 16.03		
	CRS 24-31-902 (eff 7/1/2023)		
Review: Electronic Support Section Lieutenant and Manager of Records & Support Services			Page 1 of 10

16.4 Body-Worn Cameras

The department embraces the philosophy that the use of body-worn cameras (BWC) enhances safety, accountability, transparency, the preservation of evidence, and documentation.

The purpose of this policy is to provide guidelines for the use, management, storage, and video data retrieval from BWCs or any other audio-visual body-worn digital recordings for evidentiary, training, and complaint purposes. Members are strongly discouraged from using any video recording device not issued by the department. If a member must use a video recording device not issued by the department, the member will:

- Upload the video to the Digital Media Management System (DMMS) as soon as practical.
- Delete the recording from the private device and any external storage/cloud immediately upon uploading to the DMMS. Such recording(s) become the property of the Aurora Police Department.
- Document the above actions in a general offense report (or supplemental if appropriate) related to the event and fully explain why recording with a non-issued device was necessary.

This policy does not apply to surveillance equipment covertly installed for the purposes of monitoring and capturing video evidence of illegal activities.

The body-worn cameras are managed and maintained by the Electronic Support Section (ESS).

The digital evidence obtained from the cameras is managed by the Digital Records Unit (DRU).

Review prior to release is completed by the Open Records Coordinator, the Public Information Office (PIO), or the Chief's office.

16.4.1 General

The Aurora Police Department uses BWCs to accomplish the following:

- Capture statements and events during the course of an incident.
- Enhance an officer's ability to review and document statements and actions for reports.
- Provide an accurate depiction of events for courtroom presentation.
- Provide an impartial measurement for self-critique and field evaluation useful in a training environment.
- For use as an investigative tool to capture visual and audio evidence.

Audio / video files that are captured are categorized within the storage system by the nature of the incident.

The BWC system is designed to interface with the department's computer aided dispatch (CAD) and records management systems (RMS) to automatically associate each video with the incident assigned to the member in CAD. The disposition code used to close the incident in CAD will determine the video retention period for incidents not requiring a report or in instances where the report was not written within 21 days of the incident.

The highest crime level offense type in the RMS will determine the video retention period for incidents requiring a report where said report was completed within 21 days of the incident.

Any video involving an arrest must also include a case number.

16.4.2 Training

The Electronic Support Section (ESS) provides training for all sworn members. It is necessary that all sworn members, regardless of assignment, be trained in the use of the BWC in the event he/she is required to be deployed to an operational status/assignment.

Specific training for sworn supervisors will also be provided to those who supervise members assigned BWCs. Only those members who have received training in the use of the BWC are authorized to carry one.

Annual refresher training will be required for all members utilizing the BWC. Refresher and supervisor training will be provided by ESS and may be provided by various methods.

16.4.3 Body-Worn Camera Operation

Body-worn cameras are assigned to members who interact with the public. Additionally, most investigative units have at least one camera assigned to the sergeants for use in the unit. The primary (public contacting) camera assignments include but are not limited to:

- Patrol
- Traffic
- PAR
- SRO
- SWAT
- GIU
- ERT

The BWC is activated manually by the operator and should be worn so that clothing or other equipment does not block the camera lens. The primary location for mounting the camera will be on the front of the body as per current direction. Members issued a BWC will wear the camera while:

- On duty;
- Working city overtime;
- Working off duty/secondary employment jobs.

Members working city overtime or off duty/secondary employment must plan ahead to have the BWC ready and available for his/her job as no overtime compensation (pay or time) will be authorized to retrieve, charge, or download a BWC.

Court and administrative hearings are exempt from the requirement of BWC activation.

Officers actively working in an undercover capacity are not required to wear or activate a BWC.

Body-worn camera activation:

- Each BWC is capable of a 30-second pre-event video buffer. No audio is recorded during the 30-second buffer period. The BWC shall be turned to the on position at the beginning of the shift. To record both audio and video, a second activation of the camera is required.
- On duty officers shall activate the BWC's recording capabilities as soon as practical when:

- Contacting a citizen or addressing an incident for enforcement or investigation unless such activation is not feasible. In most circumstances, his/her BWC should be recording the entirety of a contact or incident.
- The officer determines that a video or audio file needs to be captured for evidentiary purposes such as a member-involved critical event.
- Actively involved in a pursuit.
- Conducting an authorized strip search of an adult (not juveniles) for the collection of evidence or contraband.
- Uniformed off duty/secondary employment officers shall activate the BWC when they are in contact with a citizen for investigation or enforcement or when confronting a situation that would merit BWC activation.

When possible, and tactically feasible, officers should inform individuals that they are being recorded by the BWC. This serves;

1. As a reminder to the officer to activate the body-worn camera.
2. As notification to the person that the incident and contact is being recorded.

16.4.4 Special Considerations

- Department members will not record casual or non-call related conversation between department employees except those instances involving a criminal or internal investigation.
- The BWC will not be activated in public places where a reasonable expectation of privacy exists, such as locker rooms, changing rooms, or restrooms unless the activation is for the purpose of investigation or enforcement.
- Members should avoid recording confidential informants or undercover officers. This does not necessarily mean that the camera will not be activated, especially if activation is required by this Directive. However, the officer can position the camera so that the CI or UC officer's image will not be recorded.
- Members will only use the BWC in patient care areas of a healthcare facility when the recording is for investigation or enforcement purposes, and caution should be used to record only the parties involved in the event being investigated.

- Members have the authority to record inside private property as long as the member has legal authority to be there. If a member enters private property in response to a call for service, pursuant to a valid search warrant, lawfully without a warrant, or with consent of a resident or person with lawful authority, members should activate his/her BWC.

16.4.5 Body-Worn Camera De-Activation

Body-worn cameras may be de-activated when:

- The contact is completed.
- An articulable reason exists prior to the completion of the contact or incident. The member shall record the reason verbally, just prior to de-activating the equipment. Reasons for articulating this de-activation may include;
 - a. General conversations with peers or supervisors
 - b. Tactical/intelligence related conversations
 - c. Time spent removed/disengaged from the scene and there is no contact or incident related value in what could be captured by the BWC.
 - d. Private conversations unrelated to the contact or incident.
 - e. When working on an unrelated assignment
 - f. During long breaks in an incident
- When authorized by a supervisor; prior to de-activating the member will verbally record the name of the authorizing supervisor.

Officers are strongly discouraged from stopping a recording based on a citizen's request. If a citizen requests that the recording stop, the member should explain that recording entire incidents is required by policy and law (effective 7/1/2023).

If the citizen is concerned about disclosure of the video, the officer can let them know that there are laws that may be applicable to protect against public disclosure in some circumstances, but the officer should not provide any promises about disclosure or lack of disclosure of a recording.

Deactivation of a recording upon a citizen's request must be authorized by a supervisor.

16.4.6 Video Download

- Officers should download the BWC files at the end of his/her shift, but no later than 72 hours (3 days) of recording the video. The downloading of video should be consistent with the report priority as listed in DM 08.10 Reports. Any problems noted during the download process will be reported immediately to the member's supervisor and the member will send an email to the Electronic Support Section (ESS) documenting the problem.
- A supervisor may authorize a delay of up to an additional 24 hours (1 day) for downloading files.
- Officers are responsible for downloading each file captured by the BWC, except when the officer is involved in a critical event.
- Based on the nature of the member-involved critical event, a supervisor or a detective assigned to the Major Crimes Unit or Electronic Support Section may take custody of the BWC of any member involved in a critical event. The Major Crimes Unit or Electronic Support Section member will download all video contained on the BWC.
- If, while recording during a call or contact, a use of force is required, the videos will be re-categorized to a "Complaint/Use of Force" by the investigating supervisor and/or an ERT squad leader if it is an ERT event. This will improve searching for Use of Force recording as well as allow for a lengthy retention period for the recording(s).

16.4.7 System Administrator

The Electronic Support Section lieutenant is designated the system administrator.

The system administrator is responsible for:

- Setting user permission levels within the system
- Equipment management and maintenance
- Training

16.4.8 Records Digital Evidence/Media/Records Technicians

Digital Evidence/Media/Records Technicians are responsible for:

- Entry of requests into the department's digital evidence/media request tracking system.
- Dissemination of digital evidence/media for misdemeanor discovery.
- Assisting supervisors with the management /retrieval of complaint data when needed.

16.4.9 Member Responsibility

- Members will inspect and function check his/her BWC and any associated equipment at the beginning of the shift.
- Members will report any issues or damage to his/her supervisor and will return all damaged equipment to ESS for repair or replacement.
- Members are responsible for care and maintenance of any department issued BWC and equipment issued to them.
- Members shall not erase or attempt to erase, alter, reuse, modify, copy or tamper with any recording. “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 some or all portions of the video and audio.
- All audio and visual recordings will be treated as evidence and the appropriate chain of custody will be maintained.
- Members shall not modify or attempt to modify the BWC. Modifications include covering the lens, microphone, or LED lights with any object or material.
- Members are encouraged to review recordings when preparing reports to ensure accuracy and consistency, unless involved in a Tier Three Use of Force or other critical incident in which the Major Crime Homicide Unit (MCHU) will be conducting interviews. For these events, members must obtain permission from the MCHU to view the recording prior to any interviews.
- Members shall not log in to the system utilizing another member’s log in.
- Members shall document the use of the BWC or any other recording device in appropriate reports.
- Members are responsible for ensuring that all video downloaded from his/her assigned BWC is associated with the proper categorization. Videos will be categorized within 28 days from the date of the incident.
- Members will not access, browse or view videos or digital evidence unless there is a legitimate law enforcement purpose, investigation or reason such as, but not limited to:

- a) Force Review Board (FRB)
- b) Training- See section 16.4.2
- c) Supervisory review
- d) Crime analysis
- e) Complaint investigation
- f) Case filing
- g) Report writing purposes
- h) Force Investigations Unit (FIU)

16.4.10 Retention, Storage and Duplication

- Body-worn camera video, other than test video, is considered a criminal justice record and will be retained for a minimum of 60 days. The retention period is based upon the disposition code category. Supervisors may mark video for extended retention. Any video marked for retention will be retained according to the Digital Records Unit's Standard Operating Procedures.
- All recorded files associated with BWC, or any other recording device, are the property of the Aurora Police Department. Dissemination outside the agency is strictly prohibited without specific authorization from the Chief of Police or designee or the Media Relations Detail. Members are prohibited from using any part of recorded files for personal use.
- Any requests for BWC videos for training purposes needs to be approved by the Chief of Police or designee.
- All Body Worn Camera recording will be stored in the current BWC cloud storage solution.

16.4.11 Periodic Review of Body-Worn Camera Video Recordings

The Force Review Board (FRB) will review, and document, any BWC recordings that are viewed while conducting use of force investigations.

Supervisors of members assigned to wear a BWC may periodically review the video recording of members utilizing the BWC. The purpose of the review is to:

- Ensure the BWC equipment is functioning properly.
- Ensure the BWC equipment is being operated properly within directives.
- Ensure the video was deactivated according to policy.

- Ensure that any interruptions to a continuous recording were done according to section 16.4.5.
- Ensure downloads are being completed in a timely fashion.
- Ensure the video is properly categorized within at least 28 days
- Identify potential training materials.
- Enhance incident debriefings.

16.4.12 Failure to Properly Utilize the Body-Worn Camera System

Intentionally failing to activate the BWC or tampering with any portion of a BWC recording may result in discipline up to and including termination.

The above does not apply if the BWC was not activated due to a malfunction of the BWC and the officer was not aware of the malfunction, or was unable to rectify it, prior to the incident. The officer must provide documentation that the functionality of the BWC was confirmed at the beginning of his/her shift.

If the body-worn camera was unintentionally but improperly utilized in a manner not in conformance this policy, an entry into the AIM system will be done under the incident type of Body-Worn Camera Violation (BWCV).

Process

Supervisors will document the incident in a Body-Worn Camera Violation (BWCV) entry in AIM when the member unintentionally:

- Failed to activate the camera.
- Activated the camera late.
- Activated the camera late and did not record a use of force.
- Turned off the BWC without narrating on the recording why the camera was going to be shut off
- Turned off the camera upon request but failed to reactivate the camera at the conclusion of contact.
- Failed to ensure video is properly categorized.

Please note that these entries are for when the member does not follow the directive. For example, should the BWC be turned off, become detached during a struggle or other incident, or in the case of a system or hardware issue, this AIM entry will not be used.

When a supervisor is entering a BWCV incident in AIM, the supervisor will check the specific member's history for prior BWCV entries. The supervisor will apply progressive discipline for multiple BWCV entries in a 24-month period.

- First incident is a BWCV entry only.
- Second incident is a BWCV entry forwarded to a command officer for a corrective action.
- Third incident is a BWCV entry forwarded to the appropriate chief for a written reprimand.
- Fourth incident is a BWCV entry forwarded to the Internal Affairs Bureau for investigation.

For purposes of the 24-month period, the date of the incident is used, not the date of the entry into AIM.

In addition to the information on the first page of the AIM entry and entering the employee's name in the employee tab in AIM, supervisors will add notes briefly describing the violation into his/her tracking and are encouraged, but not required, to add any reports related to the incident.

If a violation is discovered due to a complaint, use of force, or brought to the supervisor's attention in some fashion, the supervisor will document the incident. The BWCV entry will be in addition and related to any other AIM entries surrounding the incident such as the complaint, use of force, etc.

The Force Review Board is scheduled to meet periodically and will review and document any body-worn camera recordings that are viewed while conducting the use of force investigations. Should the Force Review Board find a violation of Directive 16.04, the FRB chair will notify and/or send the use of force entry back to the appropriate commander for creation of, and, if appropriate, investigation of the failure to activate the body-worn camera.