

POLICY NUMBER

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<b>Chapter</b>	Information Technology
<b>Article</b>	In-Car Cameras

**PURPOSE**

The purpose of this policy is to establish guidelines for the proper use, management, and maintenance of in-car camera (ICC) systems to ensure consistent documentation of law enforcement activities. This policy is intended to promote accountability, enhance officer and public safety, preserve evidentiary integrity, and support the Department’s mission of providing professional and transparent law enforcement services.

**POLICY**

It is the policy of the Department to deploy and utilize ICC equipment as a means to enhance officer safety, promote Department accountability and transparency, improve the accuracy and integrity of officer reporting, and support the collection of evidence for investigative and judicial purposes. The ICC equipment further serves to assist in officer training, document enforcement and service-related activities, safeguard the Department and its personnel against false or unfounded allegations, and provide a comprehensive record of events, actions, conditions, and statements occurring during arrests, critical incidents, and other official encounters. <CALEA 41.3.8 (a)>

**DEFINITIONS**

**In-Car Cameras (ICCs)** are vehicle-mounted devices with audio and video recording capabilities used by the Department to capture events and assist officers in the performance of their duties.

**GENERAL GUIDELINES**

**Use of ICC Equipment** <CALEA 41.3.8 (e)>

The Department has outfitted certain police vehicles with ICCs. These devices are not for personal use. Any use shall be in accordance with this policy, applicable federal laws, and state statutes. All recordings are property of the Department. Employees shall not attempt to modify, alter, or erase ICC recordings or equipment. Employees have no expectation of privacy or ownership interest in the content of these recordings. The ICCs are designed to assist and compliment officers in the performance of their duties. The ICC equipment is used to record law enforcement related activities, thereby creating a visual and audio record of the incident to supplement the officer's report. Each assigned officer is expected to utilize ICC equipment to record interactions with the public at large as prescribed in this policy.

Officers shall prepare ICC equipment for use as soon as practicable upon the start of each shift or special event. Each officer should verify the ICC equipment is operating in accordance with Departmental training at the start of each shift or special event. The verification includes:

- The camera/recording device is functional.
- The device has an adequate power source.
- The device is properly placed/affixed for optimal use.



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- Documentation of officer information if system being used requires it.

If at any time the ICC equipment is found by an officer to be malfunctioning, the officer must notify the appropriate supervisor as soon as reasonably possible.

In an effort to maintain the high professional standards of the Department, officers should be cognizant of the following:

- Officers shall not alter, remove, dismantle or tamper with any hardware and/or software component or part of the ICC equipment, nor shall any digital evidence obtained be deleted or altered in any manner.
- All digital evidence collected using the ICC equipment is considered a record of the Loveland Police Department and is for official use only.
- Accessing, copying, forwarding or releasing any digital evidence for any purpose other than official law enforcement use and contrary to this policy is strictly prohibited.
- Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a personal recording device such as video camera, cell phone or other device to record or capture digital evidence from an ICC device and/or digital evidence storage is strictly prohibited.
- Officers should continue to prepare reports in the same manner as prior to the implementation of the ICC equipment and should not substitute “refer to video” for a detailed and thorough report. Each officer utilizing ICC equipment for any required recording is expected to produce at least a supplemental report.

**Activation and Deactivation of ICC** <CALEA 41.3.8 (b)>

ICCs are programmed to start automatically when the vehicle’s emergency equipment is turned on to positions 2 or 3, the police vehicle’s speed is greater than 90 MPH without emergency equipment activated, or when the vehicle is involved in a crash that activates the ICC’s sensors. Additionally, the Department’s ICCs can pre-event record to capture 30 seconds of video (no audio is recorded) prior to system activation.

**Required Recordings** <CRS 24-31-902> <SB20-217> <CALEA 41.3.8 (b)>

This policy is not intended to describe every situation in which ICC’s may be used. It is understood that not all incidents will clearly start out as needing recording or have a clear ending when the ICC's are no longer needed. In these circumstances, officers use discretion when activating ICC's. At no time are officers expected to jeopardize their safety to activate their ICC's. However, the recording should be activated in required situations as soon as practical.

In accordance with Department policy, SB20-217, and CRS 24-31-902, officers shall wear and activate the ICC to record contacts with the public when responding to a call for service, entering into a premises for the provision of law enforcement services, during a welfare check, or during any interaction with the public initiated by the officer, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law.



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Officers and CSOs equipped with an ICC must activate it during any of the following situations; however, this list is not all-inclusive:

- Responding to calls for service, the ICC shall be activated shortly before reaching the scene;
- Entering a premises for the purposes of enforcing the law, or conducting a search either under consent or with a search warrant;
- Suspicious vehicle contacts;
- Vehicle searches;
- Any self-initiated activity in which an officer would normally notify Loveland Emergency Communications Center (LECC);
- Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require activation of the ICC under this policy;
- It is expected the officer will make a reasonable effort to activate their ICC while responding emergent;
- Vehicle pursuits; and
- Any interviews/conversations over the phone for the purpose of enforcing the law, investigating possible violations of the law, when conducting interviews for investigations, calls for service, and citizen complaints, when no other means of recording the call is available.

Officers may manually activate the camera at their discretion to capture relevant investigative data. If an officer has an ICC with a backseat camera, the officer will ensure the system is recording when a prisoner is in the back seat.

**Permissible ICC Deactivation** <CALEA 41.3.8 (b)>

Officers may deactivate or mute their ICC:

- To avoid recording personal information that is not case related;
- When working on an unrelated assignment;
- When there is a long break in the incident;
- When an officer is working undercover, which may include, without limitation, covert surveillance, and approved operations during which an officer uses a fictitious identity;
- When an individual is willingly providing criminal intelligence or when law enforcement is meeting with a confidential informant and the interaction is unrelated to an incident;
- When engaging in administrative, tactical, and management discussion when civilians are not present. The phrase, “when civilians are not present” means a circumstance where law enforcement personnel are of such a distance from civilians that any verbal statements by law enforcement personnel cannot be reasonably heard by a person or civilian of ordinary hearing;
- When assigned to administrative duties that have little or no public interaction unless the officer encounters one of the situations identified in the “Required Recordings” section of this policy; or
- During special event security assignments unless the officer encounters one of the situations identified in the “Required Recordings” section of this policy.

**Use of ICC Data in Criminal Cases** <CALEA 41.3.8 (c)>

When the ICC records an event that resulted in an arrest, pursuit, or other incident that may be needed as evidence, the officer shall note the existence of the ICC recording in the narrative of any related offense report and/or on the prosecutor’s copy of the summons.



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**Authority for Reviewing Recordings** <CALEA 41.3.8 (c, g)> <CALEA 41.3.10 a-e>

All information in the Evidence.com system will be considered confidential and law-enforcement sensitive. Users must be able to articulate a legitimate law enforcement purpose for reviewing ICC recordings.

Recordings may be reviewed in any of the following situations:

- When preparing reports and statements, or for court testimony;
  - Exception: Critical Incident Protocol as developed in conjunction with the Office of the District Attorney, Eighth Judicial District.
- By a supervisor investigating a specific act of officer conduct;
- By a supervisor to assess officer performance;
- To assess proper functioning of a ICC;
- By an investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry, or criminal investigation;
- Detectives are authorized to view their own, and other officers' ICC recordings for investigatory purposes;
- By personnel responsible for providing videos to the District Attorney's and City Attorney's Offices;
- By court personnel through proper process or with permission of the Chief of Police or the authorized designee; or
- Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Training Sergeant to determine if the training value outweighs the officer's objection.

Officers shall not review ICC recordings of CIRT incidents until approved to do so in accordance with the Eighth Judicial District's CIRT Protocol.

The Chief may restrict or limit access in reviewing ICC recordings consistent with local, state, and federal laws or regulations, at any time.

**Maintenance and Control of Recordings** <CALEA 41.3.8 (c, d)>

All ICC recordings may be evidence and are the property of the Department and will be treated as such.

Officers will download all ICC recordings to the appropriate and relevant database for storage no later than four full days from the beginning of the first recording or the end of the work week. Recordings containing use of force incidents shall be downloaded by the end of shift.

Officers are responsible for the classification of all ICC recordings consistent with the categories provided by the Evidence.com software and attaching a case or incident number. Officers are responsible for providing the ICC title(s) in their report.

Restricted recordings may contain any ICC recording that documents an incident which is deemed sensitive in nature, whether evidentiary or of mutual accountability in nature. Examples could include



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cases involving the use of force, CIRT incidents, SWAT incidents, interactions with Northern Colorado Drug Task Force members, interactions with confidential informants, allegations of criminal actions by an officer or by a citizen with an officer as a victim, and investigations alleging internal misconduct. Access may be restricted to select individuals. A supervisor may designate the “Restricted” status and said status must be coordinated by the ICC administrator.

Records will determine the best and most appropriate way to store the ICC recordings and the recordings will be retained according to the Department’s state-approved records retention schedule.

**ICC Maintenance and Inspection** <CALEA 41.3.8 (e)>

ICCs are assigned to specific Department vehicles. When an officer is assigned to an ICC equipped vehicle as their primary duty vehicle, that officer is responsible for the ICC’s upkeep. When an officer logs in to an ICC system, the ICC self-checks. Inspection of the equipment is satisfied as part of the daily login and repeated use of the ICC. Officers assigned an ICC vehicle will immediately notify the Traffic Safety Unit (TSU) supervisor of maintenance or performance issues. The TSU supervisor shall ensure and document all ICC equipment maintenance and repair in compliance with the manufacturer’s recommendations and as directed by policy.

**ICC Training** <CALEA 41.3.8 (f)>

The TSU supervisor will ensure that all officers assigned to a vehicle equipped with an ICC will be trained on this policy and the use and care of the ICC. Any officer desiring to use a vehicle equipped with an ICC will first seek and obtain training from a current user or the TSU supervisor.

Newly promoted supervisors shall receive training on accessing uploaded ICC files during their Department supervisor training. The TSU supervisor will ensure that current supervisors are updated as to new equipment and/or changes in expectations for use, or policy modifications.

**Surreptitious Use of the ICC** <CRS § 18-9-303>

Colorado law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission. Employees may surreptitiously record any conversation during the course of a criminal investigation in which the employee reasonably believes that such a recording will be lawful and beneficial to the investigation. Employees shall not surreptitiously record another department employee without a court order unless lawfully authorized by the Chief of Police or designee.

**Documented Review of ICC** <CALEA 41.3.8 (g)>

Supervisors will select and review at least one recorded event for each of their personnel who have used an ICC in the last quarter. The supervisor will notate this on their line inspection sheet. The written review is not intended to be a complete assessment of each video, but a notation that policy, procedure, and practices are being followed. The review of the files shall include equipment functionality, vehicle operation, and that officer’s use/conduct followed Department policy. If a policy violation or misconduct is observed, the supervisor will take immediate measures to address the situation with the affected personnel, affected personnel’s supervisor, vehicle/equipment, or Professional Standards as applicable.



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**Administrative Review** <CALEA 41.3.10 (f)>

The Professional Standards Unit (PSU) shall conduct an administrative review of the ICC program. This review will evaluate ICC data, policies, procedures, practices, administrative reviews, and training. The completed review shall be submitted to the Chief for evaluation.

