



Policy and Procedure

Policy Number

6.03

Chapter Information Technology

Article In-Car Cameras

Authorized By:

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PURPOSE

To provide guidelines for the use of In-Car Cameras (ICC).

POLICY

The Department seeks to utilize ICC equipment to enhance officer safety, Department transparency to the public, officer reporting, evidence collection, court testimony, officer training, and the protection of the Department from false claims of impropriety. The Department also seeks to provide the documentation of events, action, conditions, and statements made during arrests and critical incidents, and document the quality of service provided by the Department. <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 41.3.8e>

The Department has outfitted certain police vehicles (Traffic Safety Unit [TSU] and select others) 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.
- 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 a 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.

When circumstances allow, the officer should park the ICC equipped vehicle in a manner that allows the ICC to document a contact with suspects or associated individuals. Officers shall position the ICC transmitter on their vehicle in a manner accessible for operation. Although the ICC auto-activates in certain circumstances, officers equipped with an ICC will ensure they are logged in to the laptop application to provide the user interface during police operations.

If appropriate, officers should provide narration to lend context to the events depicted in the recording.

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 are equipped with pre-event recording to capture 30 seconds of video (no audio is recorded) prior to system activation.

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.

Unless circumstances make it impractical, officers shall ensure transmitters are activated at all times when the recording equipment is in operation. Officer safety takes precedence over recording events. An officer’s safety shall always be the primary consideration, not the ability to record an event utilizing the ICC equipment.

Once activated, officers will leave the ICC activated during the entirety of each law enforcement contact except when there is no reasonable likelihood of capturing relevant evidence for the circumstances surrounding the law enforcement contact.





In a few select circumstances as described below, officers may mute the audio component of the ICC equipment. However, once the relevant muting circumstance, described below, has concluded, officers are expected to resume audio component recording. Muting circumstances are limited to the following:

- Field training officer activity when the muted portion of the ICC recording contains elements related to an officer's training as determined by the field training officer.
- Brief discussions involving case strategy or tactics.
- Any supervisory consultation related to the direction received by an officer or provided to an officer by a supervisor.
- Public safety statement made in connection with any critical incident as defined by the Eighth Judicial District's most recent version of the *Critical Incident Protocol*.

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.

Administrative Use of Captured ICC Data <CALEA 41.3.8 (c)>

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing an employee's performance.

ICC Data Storage <CALEA 41.3.8 (d)>

Officers shall upload ICC files onto the server a minimum of once every four-day shift. It is the officer's responsibility to classify the video at the time of the recording. When closing a recording, officers are required to complete the "Classify" and "Case File #" fields at a minimum.

ICC Data Retention <CALEA 41.3.8 (d)>

All recording media, recorded images and audio recordings are subject to the Loveland Police Department Records Retention and Disposition Schedule. Employee dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law and in accordance with Department's records release policies.

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 a 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 a ICC vehicle will immediately notify the 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 three recorded events for each of their personnel who have used an ICC in the last quarter. The supervisor will submit the report through their chain-of-command. 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.

