| 3.25 | **EFFECTIVE:** August 3, 2012<br>**REVISED:** July 17, 2026 | **APPROVED BY:**<br>James Tsurapas, Chief of Police |
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| **SUBJECT: RECORDING DEVICES AND IMAGING EQUIPMENT** | | |
| **CALEA:** 41.3.8; 41.3.10 | | **PAGE:** 1 of 11 |

## 3.25.1 PURPOSE

The purpose of this policy is to provide direction for the use of audio, visual and imaging recording devices including Mobile Video Recording (MVR) devices, Body Worn Camera (BWC) systems, and Drones. The use of Department-approved recording devices and imaging equipment can provide powerfulevidence of criminal activity and have proven to be valuable tools for law enforcement in documenting department members' honesty, integrity, and professionalism. <41.3.8 a.>

## 3.25.2 POLICY

Enforcement members (Officers and Community Services Officers (CSO)) shall use their MVR equipment (if vehicle is equipped with MVR), BWC systems and all other recording and imaging devices in compliance with manufacturer's operational guidelines, Department training and this policy. It is the policy of the Department to authorize the use of MVR and BWC to collect audio-visual evidence of criminal activity, to evaluate authorized members' performance, and as a training tool for members. The benefits of the use of these devices can be a useful tool in prosecutions. For safety reasons, authorized nonenforcement members of the department such as Volunteers in Police Service (VIPS), may be issued a BWC, <41.3.8 a.>

## 3.25.3 DEFINITIONS

*Enforcement member* – Officers and Community Services Officers (CSO).

## 3.25.3 PROCEDURES – MVR <41.3.8 b.>

A. MVR equipment installed in vehicles is the responsibility of the Officer assigned to that vehicle and must be maintained according to manufacturer's recommendations. Not all vehicles have MVR installed. Prior to each shift, if vehicle is equipped, Officers shall determine whether their MVR equipment is working satisfactorily and shall bring any problems with the equipment to the attention of theirimmediate supervisor as soon as feasible.

B. MVR equipment will automatically activate when the vehicle's emergency warning devices arein operation.

C. The equipment may be manually deactivated during nonenforcement activities, such as when protecting accident scenes from other vehicular traffic.

D. Officers shall use their MVR equipment (if equipped), to include video and audio, in the following situations:

1. Whenever an Officer operates a patrol vehicle twenty (20) mph or more over the posted speed limit;

2. Traffic stops and related enforcement actions;

3. To record the actions of subjects who are in close proximity to the patrol unit, when activation of MVR is feasible;

4. When conducting sobriety checks; and

5. When placing person(s) in custody, when feasible.

6. Officers transporting any person other than a ride-along will ensure that the camera is positioned in a manner to collect video on the subject being transported. The Officer will also keep in mind that any interferences such as radio traffic, music or other noises may prohibit the in-car camera microphone from collecting spontaneous statements made by the person being transported and take actions to keep such interference to a minimum.

E. Any time the MVR equipment is activated, the Officer should do the following:

1. Check that the video recorder is positioned and adjusted to record events; and

2. Check that the MVR is not deactivated until the enforcement action is completed.

### 3.25.4 PROCEDURES – BWC FOR ENFORCEMENT MEMBERS <41.3.8 b.>

A. Only members with enforcement authority should be permitted to wear a BWC.

B. Prior to each shift, Officers shall determine whether their BWC equipment is working satisfactorily and shall bring any problems with the equipment to the attention of their immediate supervisor as soon as feasible.

C. Enforcement members, who serve an undercover role in a specialized assignment on a task force such as DEA, will not be subject to this policy and will refer to the governing policies and procedures for that particular special assignment.

D. Enforcement members engaging in off-duty assignments shall adhere to this policy while fulfilling the off-duty obligation in any capacity for the Department.

E. BWC's should be worn in a location and manner that maximizes the camera's ability to capturevideo footage of the enforcement member's activities.

F. Enforcement members should activate the BWC at the inception of all investigative or enforcement contacts that are conducted with a member of the public, until the contact with the member of the public has concluded and the enforcement member has left the scene (if the contact is in-person), which include but are not limited to; pedestrian stops, consensual encounters, calls-for-service, on-view events and interviews, in the following circumstances:

1. In person contact or,

2. Live electronic contact such as phone calls, or virtual meetings, even if otherwise recorded.

A "*contact*" is an 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 or investigating possible violations of the law. "Contacts" do not include routine, non-investigative interactions with the public, or the defense viewing of tangible evidence in a case.

G. The enforcement member should activate the BWC at the first reasonable opportunity to do so, unless an immediate threat to the enforcement member's life or safety makes activating the BWC impossible or dangerous, in which case the enforcement member should activate the BWC as soon as it is safe to do so.

H. Additional arriving enforcement members that are equipped with BWC should activate their cameras and begin recording the situation upon their arrival until the enforcement member leaves the scene.

I. BWCs should not be used surreptitiously. Whenever possible, enforcement members wearing a BWC should notify any person(s) that they are being recorded by a body camera as close to the inception of the encounter as is reasonably possible.

J. The BWC should remain activated until the event is completed in order to ensure the integrityof the recording.

K. Deliberative process conversations involving law enforcement, which are not participated in bycitizens, which include but are not limited to discussions on charging decisions, and comparing witness accounts, should not be audio recorded, but the video recording must remain activated.

### 3.25.5 PROHIBITED USE OF BWC <41.3.8 b.>

A. BWCs shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between an enforcement member and a member of the public.

B. The Department shall not utilize any biometric technology, such as facial recognition, to conduct searches of video files or passive searches of the public. Stored video and audio data from a BWC shall not:

1. Be used to create a database or pool of mug shots;

2. Be used as fillers in photo arrays; or

3. Be searched using facial recognition software.

Exception: This subsection does not prohibit the members from using a recognition software toanalyze the recording of a particular incident when a member has reason to believe that a specific suspect or person in need of assistance may be a subject of a particular recording. The exception must be approved by the member's direct supervisor.

C. Audio or video recording devices shall not be used in Department locker rooms, restrooms orany other intimate places where there would be a reasonable expectation of privacy, unless the law otherwise requires BWCs to be activated for purposes of enforcing or investigating the law.

D. Members shall not intentionally record confidential informants or undercover Officers unless the recording is conducted specifically for the purpose of documenting an operation, drug purchase/sale or other undercover operation in furtherance of a criminal investigation or unless otherwise required by law.

E. Members shall not utilize BWC to capture, view, or otherwise record defense viewing or inspection of tangible property and evidence held in a criminal case.

F. The BWC shall be activated while on the grounds of any public, private, or parochial elementary or secondary school, or inside a medical treatment facility, 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.

G. Disciplinary action, up to and including termination, shall be taken against any enforcement member who is found to have intentionally failed to activate their BWC or tampers with the recording or retention requirements contained in this policy, or to have intentionally interferedwith a BWC's ability to accurately capture video footage.

H. Deletion of Unintentional Recordings

In the event of an unintentional activation of the BWC or MVR system during a nonenforcement or noninvestigative activity, including but not limited to, restroom, meal break, or other areas where a reasonable expectation of privacy exists, enforcement members may request the recording to be deleted. A memorandum detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the Chief of Police. If approved, the actual deletion requires two-party authorization. One of those parties will be theChief of Police, Deputy Chief(s) or designee and the other party will be the Administration Commander. If an enforcement member fails to activate their MVR or BWC, fails to record the entire contact, or interrupts the recording, the enforcement member shall document why the recording was not made, interrupted, or terminated.

**3.25.6 REPORTING REQUIREMENTS** <41.3.8 c.>

A. Except where prohibited by this policy, enforcement members may review their BWC and MVR recordings before the completion of their report. The BWC and MVR are not a

B. Unless prohibited by this policy, enforcement members may make reference to the BWC or MVR footage for exact quotes that were used by the contacted parties, instead of transcribing conversations into a written report.

C. All digital recordings captured using the BWC, MVR, or Drone will be considered property of the Parker Police Department. Accessing, copying or releasing any recording by any member for other than official law enforcement purposes is strictly prohibited, except to the extent disclosure is required pursuant to the Colorado Open Records Law.

D. An audit log will be maintained by the BWC and MVR storage system, which will document member access to files, duplication of files and dissemination of files. This audit log will be digitally attached to the BWC and MVR video files within the storage system.

E. The Department will utilize the access control function of the BWC and MVR storage system to ensure that enforcement members can access only their own video files.

F. Only members approved by command staff will be able to access general videos and disseminate files for legitimate law enforcement purposes. These members include, but are not limited to: <41.3.10 c.>

1. Records staff;
2. Evidence staff;
3. Detectives;
4. Supervisors;
5. Internal Affairs investigators; and
6. Public Information Officers.

### 3.25.7 REVIEWING MEDIA FILES <41.3.8 a.,b.,c.,d.>

A. Recordings may be viewed in the following situations:

1. Members may view videos prior to writing a report, preparing for court, or for follow-up investigations. <41.3.10 a.>
2. Supervisors may review videos to resolve complaints, clarify statements, or evidence in reports, internal affairs investigations, use of force investigations or performance issues. <41.3.10 d.>
3. Detectives who are participating in an official investigation.
4. Records Section Digital Media Technicians, for the purpose of sorting, storing, categorizing, providing discovery, preparing authorized releases, redacting, and

ensuring security and integrity of the recordings. <41.3.10 c.>

5. Recordings may be shown for the purposes of training and or debriefing an incident.

B. Recordings will not be viewed in the following situations:

Circumstances when an enforcement member is expressly prohibited from viewing the videofile until after they have completed an initial report are as follows: <41.3.10. b.>

1. If an enforcement member is suspected of wrongdoing or;

2. If an enforcement member is involved in a critical incident, such as an Officer-involved shooting or other serious use of force.

3. If an enforcement member is involved in an automobile accident.

C. Authorized members will not make copies of any recording for their personal use and are prohibited from using any recording device (such as a telephone camera, secondary video camera or audio recorder) to record media from Evidence.com or from a computer or smartphone application.

D. Review of Data Captured by Another Member <41.1.10 c.>

Authorized members, excluding those assigned to Records, Internal Affairs, Public Information Officers, Investigations Division, or serving in a supervisory capacity, are prohibited from accessing BWC/In-Car data recorded by another member unless they have a legitimate and verified purpose and have obtained prior approval from a supervisor. Any review of data captured by another member will be for the sole purpose of recalling incident details. This review must comply with any prohibitions outlined in this policy.

## 3.25.8 PROCEDURES – PORTABLE FINGERPRINT SCANNER (PFS)

PFS provide Officers with a specialized tool to assist in the positive identification of individuals. Identifications searched through the AFIS and other accessed databases are limited to subjects maintained in those databases. PFS accesses the National Crime Information Center (NCIC) and Colorado Crime Information Center (CCIC) databases for identification only. Officers will still need to run the suspects for wants and warrants. NCIC/CCIC information is considered criminal justice information and cannot be disseminated to non-law enforcement personnel and may only be used for criminal justice purposes as defined in 28CFR20 and outlined in the CJIS System Operations and Protection policy contained in the PD Manual.

A. Definitions:

*Automated Fingerprint Identification System (AFIS)* - is a biometric identification (ID) methodology that uses digital imaging technology to obtain, store, and analyze fingerprint data.

*Portable Fingerprint Scanner (PFS)* - is a handheld scanner that communicates with the Colorado Bureau of Investigation's AFIS. The scanner checks two fingerprints obtained from a suspect and can provide positive identificationif the fingerprints exist in AFIS.

*Repository of Individuals of Special Concern (RISC)* - is a subset of the FBI's Criminal Master File with the ability to quickly assess subject threat level response within seconds.

B. A PFS requires two (2) fingerprints, one from each index finger to function. When both fingerprints are obtained the device submits the prints to CBI via a USB or Bluetooth connectionwith an MDC (Mobile Data Computer).

1. An automatic query of the AFIS and the RISC is initiated, and a response is generated. Upon receiving a response, the device will display the suspect's name or will return a "no record found" response.

2. In addition, the MDC will receive a response and will display more detailed information including aliases, physical descriptors, suspect's name, and DOB. Returned records may contain the criminal and non-criminal entries in AFIS to include fingerprints obtained for employment purposes.

3. Fingerprints obtained by a PFS are for identification purposes and shall not be collected for any archival purposes. The fingerprints obtained by the PFS shall be purged from the system except when the record is used to identify an arrested individual. In that case, the record is retained for a case report to show how the individual was identified.

4. If the PFS inquiry shows the individual is wanted or an arrest warrant is active, members must confirm this information through dispatch or MDC before taking any further action.

C. Approved Use

1. Only members trained by the Department and who have demonstrated proficiency in the PFS may deploy the device. A PFS may be used under the following circumstances:

   a. Probable cause to arrest exists and there is reason to believe that obtaining fingerprintswill assist the investigation n;

   b. The suspect, during the stop, does not provide valid identification;

   c. If reasonable suspicion exists that a driver or suspect is providing false or fictitiousidentification;

   d. Victim of a fatality who does not possess positive identification and with the coroner'sapproval;

e. During a lawful reasonable suspicion detention when the subject of the detention gives a knowing and willing voluntary consent to the use of the PFS device;

f. Specifically authorized by a valid search warrant;

g. Verifying a subject's identification as part of a sex offender registration; and/or

h. Responding to a medical emergency in which the subject is unable to provide positive identification and no other reasonable means exists for identifying the person.

2. In any of the circumstances above, members shall not force a person to submit prints using the PFS. If a subject consents, the subject may withdraw consent at any time prior to scanningthe second index finger. If consent is withdrawn, use of the PFS must stop immediately.

### 3.25.9 OTHER PHOTO, ELECTRONIC AND RECORDING DEVICES

A. Department members shall not use a personal electronic recording or imaging device while performing police duties except in rare events to record evidence when Departmental issued equipment is not available.

B. Department members who have elected to enroll in the Town's Personal Mobile Device User Agreement program and have a current signed and approved agreement on file, may use their device to capture images while performing police duties; only by using the capture function within the Axon Mobile Application, which will automatically remove the image from the device after upload to the case file in Evidence.com. Images captured using devices enrolled in the Town's Personal Mobile Device User Agreement program shall never be stored in the device's native picture storage location.

C. All photographs containing any individually identifiable patient information are covered by HIPAA privacy laws and must be protected in the same manner as patient care reports and documentation.

D. Recordings shall be used for evidentiary documentation or training purposes only, except as permitted by prior written approval by the Chief of Police, Deputy Chief(s) or designee. Only those members acting under their official duties will be permitted access to recordings and/or images.

E. Department members will not make surreptitious recordings of conversations with other Department members except, when necessary, in the course of a criminal investigation or for Department administrative investigations. In either case, the Chief of Police, Deputy Chief(s) or designee will be notified prior to making the recording for authorization of the nonconsensual recording.

F. Any on-scene images/recordings and or any other images/recordings taken by members in the course and scope of their duties are the sole property of the Department. This includes any images taken intentionally or inadvertently with a member's personally owned camera, cell phone camera, or any other digital imaging device. The images shall be downloaded by the end of the member's shift and deleted off of the member's personal device.

G. No images/recordings taken by any member in the course and scope of their duties may be used, printed, copied, scanned, e-mailed, posted, shared, reproduced, or distributed in any manner, unless for official law enforcement purposes. This prohibition includes the posting of any Department photographs on personal Web sites including social media, such as Facebook, Instagram, Twitter, YouTube, etc. and other public safety agency sites, or e-mailing to friends, relatives, or colleagues without prior approval of the Chief of Police.

H. All Department digital data will be downloaded by the end of the member's shift and will be cataloged and stored in a secure database with access limited to appropriate members. After being downloaded, digital data on memory cards will be erased, including any member's personal devices.

### 3.25.10 DUTIES OF THE EVIDENCE SECTION

The Evidence Section shall be responsible for storing and sorting any MVR, BWC, and Drone recordings that are physically booked into evidence. Approved third parties may be used for the storage of MVR and BWC recordings.

### 3.25.11 AUDITING AND REVIEW OF CAPTURED DATA <41.3.10 e>

A. MVR devices and BWC will be audited and documented on the Video/BWC Quality Assurance Review Form by the Administrative Sergeant on a quarterly basis on members who have regular investigatory or enforcement contact. Documented audits should be completed on the most recently available devices and by selecting downloads at random. A minimum of nine (9) reviews, with a mix of MVR and BWC will be completed quarterly. These audits will focus on the following areas:

1. Whether a contact card was issued to the motorist if a summons was not issued;

2. Customer service;

3. Training;

4. Lighting issues (primarily for traffic stops made at night);

5. Enforcement member's articulation for the microphone;

6. Enforcement member safety issues; and

7. Any other issue that could result in generating a citizen complaint, a hindrance to prosecutionor liability for the enforcement member or this Department.

B. An annual administrative review of the MVR/BWC systems will be conducted by the Administrative Commander and reviewed by the Chief of Police or authorized designee. <41.3.10 f>

**3.25.12 DATA STORAGE AND RETENTION** <41.3.8 d.>

A. Data gathered by the MVR, BWC, or Drone shall be retained and stored by this Department or an authorized third-party. All downloads shall be retained according to the Town of Parker Records Retention Schedule or other applicable legal authority.

B. Any third parties acting as an agent in maintaining MVR, BWC, or Drone footage shall not be permitted to independently access, view or alter any video footage, except to delete videos as required bylaw or this agency's retention policies.

C. Felony case records such as arson with fatalities, forgery, unrecovered firearms, homicides, kidnapping, deaths, Officers killed, and sexual assault crimes including on a child will have a permanent retention.

D. Non-criminal death case records, fatal traffic accidents, felony case records such as special investigations related to aggravated assault, felony child abuse, arson without fatalities and similar cases will have a retention of ten (10) years,

E. Misdemeanor child abuse cases will have a retention of five (5) years.

F. Non-fatal traffic accidents will have a retention of three (3) years.

G. Citizen interactions such as traffic incidents with no summons issued, non-criminal incidences, and any routine contract that does not result in enforcement action or a case report or summons will have a retention of two (2) years.

H. For non-evidentiary recordings, such as accidental activations, testing before shift duty, training recordings, please refer to the Town of Parker Retention Schedule.

I. Any member of the public, parent or legal guardian of a minor, or a deceased subject's next of kin or legally authorized designee who is a subject of video footage, shall be permitted to review that specific video footage in order to make a determination as to whether they will voluntarily request it to be subject to a three (3) year retention period.

J. Pursuant to Colorado's Criminal Justice Records statutes, it is the goal of this policy to support and promote openness in government by releasing nonconfidential video recordings to the public upon request. This policy must also ensure that the privacy of victims, witnesses and suspects is maintained whenever feasible. MVR, BWC, and Drone video footage should not be divulged or used for any commercial or other nonlaw enforcement purpose.

This policy will not affect the release of recordings pursuant to a court order or subpoena.

K. Nothing in this policy shall be read to contravene any laws governing the maintenance and destruction of evidence in criminal investigations and prosecutions.

L. Data gathered by the MVR, BWC, or Drone may be used and shared with the District Attorney's officeor other law enforcement agencies only as permitted by law.

### 3.25.13 REPAIRS, INSPECTION AND MAINTENANCE <41.3.8 e.>

Enforcement members utilizing a BWC or a Drone, or operating vehicles equipped with MVR devices will maintain the equipment per the manufacturer's guidelines and inspect the equipment for nonfunctioning or malfunctioning devices before duty and immediately report any nonfunctioning equipment to their supervisor. The shift supervisor may reassign another unit if audio/video equipment has a malfunction provided a unit is available or reissue another BWC until repairs or replacement can be made, if available.

### 3.25.14 TRAINING REQUIREMENTS <41.3.8 f.>

Enforcement members and supervisors will be provided adequate training in the use of BWC, Drone and MVR devices prior to being allowed to use the equipment.