

## BWC Policy:

There are many situations where the activation of the BWC is appropriate and/or required and this policy is not intended to describe every possible circumstance. It is understood that not all situations will clearly start out as necessitating documentation by the BWC nor will all recorded events have a clear ending for when the BWC is no longer required. Officers are expected to follow departmental policy and procedure, utilizing ethical and legal discretion as well as good judgment when activating and deactivating the BWC.

All officers (sergeants and below in uniformed on-duty line assignments) are required to use the BWC system in accordance with the policies of the Denver Police Department. The assignments include sergeants, corporals, technicians, and patrol officers assigned to all six (6) police districts, Metro/SWAT, the Gang Unit, the Traffic Operations Section, and the Airport Police Bureau.

Effective July 1, 2017, all officers below the appointed rank of commander will utilize the BWC system while working uniformed off-duty assignments, except for captains and lieutenants assigned an off-duty command position (not performing the duties of a patrol officer or first line supervisor). This requirement also applies to all uniformed officers working in a volunteer (off-duty) capacity.

The Denver Police Department recognizes there are certain circumstances where officers in a proactive (non- dispatched) capacity may become involved in a situation requiring immediate action to prevent injury, make an arrest and/or prevent the destruction of evidence or escape. When these situations occur, officers must activate the BWC, unless doing so places them or others in jeopardy. If the immediate activation of the BWC is not feasible due to an immediate risk to the safety of the officer or others, the officer will activate the BWC at the first available opportunity after the immediate threat has been addressed.

### a. Required Activation

1. All officers will place the BWC into EVENT mode after being dispatched and prior to arriving to the following calls for service and prior to any officer initiated contacts involving actual or potential violations of the law including:

- a. Traffic stops
- b. Pedestrian, citizen and/or vehicle contacts
- c. All calls requiring the presence of a Crisis Intervention Team (CIT) officer
- d. Reported weapons calls
- e. All calls involving suicidal individuals
- f. When engaging in a foot chase (if the BWC was not placed in EVENT mode prior to the foot chase, officers are required to place the BWC into EVENT mode as soon as the situation has stabilized and it is safe to do so)
- g. Any encounter that becomes adversarial
- h. When engaging in a forced entry
- i. To assist in documenting warrantless or consensual searches of individuals, vehicles, buildings, and other places · The BWC will be utilized to record the request and consent. This recording is intended to enhance a documented consent; it is not intended to replace the use of the Consent to Search form (DPD 272).

- The existence of the recorded request will be documented in the officer's statement.

- The BWC can be used to record the search itself.

j. To assist in documenting an individual's Miranda Advisement

- The BWC will be utilized to record the advisement and the subject's responses when practical. This recording is intended to enhance a documented consent. It is not intended to replace the use of Juvenile Advisement/Waiver Form (DPD 102) or the Advisement form (DPD 369).

- The existence of a recorded advisement will be documented in the officer's statement.

k. All arrests and/or citations

l. To assist in documenting the handling and inventory of currency, whether being submitted to the Evidence and Property Section or returned to a citizen

m. Any situation that the officer believes the use of the BWC would be appropriate or would provide valuable documentation if not already activated per policy

n. Upon active involvement in a vehicle pursuit, or if not actively involved, when assisting at its point of termination, including any perimeters, foot searches, and/or physical apprehensions – See OMS 204.01

o. Metro/SWAT executing planned tactical operations

2. Once placed in EVENT mode, the BWC will remain on and not be turned off unless the initial incident that caused the activation has stabilized; upon request of the victim; or as ordered by a supervisor. For the purposes of this section, an incident is considered stabilized when the initial police response or exchange of communication related to police enforcement activities has transitioned to a controlled and orderly investigation.

a. Officers will document the reason that the BWC has been deactivated in the form of a recorded announcement on the BWC prior to deactivation.

b. If an officer is on a perimeter post or assigned to a static post where he/she is not in contact with citizens, involved in an enforcement action or actively part of the investigation, then he/she may deactivate the BWC to conserve battery life. The BWC will be reactivated if any of these fail to apply.

c. Once the situation has stabilized, if it is necessary to discuss issues or concerns with an officer, supervisor, doctor, nurse, or paramedic in private, or if the information to be conveyed is not part of an investigative case, the BWC may be switched to BUFFERING mode. As soon as the private conversation is completed, the BWC will be returned to EVENT mode so long as the situation still falls under the definition of required use.

Officers are reminded that when the BWC is placed back to EVENT mode, the prior 30 seconds of video (no audio) will be saved.

b. Restricted use of the BWC system and/or stored media

1. Officers will only use a BWC that has been approved and issued by the Denver Police Department. The use of personal video and/or audio recorders is prohibited.

2. All audio, images and media associated with the BWC are the property of the Denver Police Department and these items are not to be copied, released, or disseminated in

any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police. Under no circumstances will any employee of the Denver Police Department make a personal copy of any recorded event without the written consent of the Chief of Police (e.g. using a cellular telephone or other recording device to record BWC media). Lead investigators may create a secondary copy of a BWC recording subsequent to an official investigation and will ensure that the copy remains attached to the case file.

3. Under no circumstance, except those instances involving an investigation of department personnel, will a conversation between department employees be recorded without all parties to the conversation knowing it is being recorded. Conversations that are not required to be captured as evidence in the furtherance of completing a police report and/or subsequent police investigation will not be recorded.

4. The BWC will not be activated in places where a reasonable expectation of privacy exists (such as detox, medical, and/or healthcare facilities, locker rooms or restrooms, etc.) unless the activation is for official law enforcement activity such as a call for service or if policy requires the activation.

a. Officers will only use the BWC in patient care areas of a healthcare facility and/or ambulances when the recording is for official purposes and caution should be used to record only the parties involved in the event being investigated.

5. Officers will generally not activate a BWC while on the grounds of any public, private, or parochial elementary, middle, or high school, unless required by policy (e.g. call for service, class 2 action, etc.).

6. Officers will not record confidential informants.

7. Prior to conducting a strip search, the officer will record a 360-degree video of the location where the strip search will be conducted. During the actual strip search, the BWC will be utilized to only capture audio of the event by positioning the camera away from the individual to be searched (see OMS 104.01(8) for authorization).

8. Officers are not authorized to playback BWC recorded media for citizen viewing.

9. No personal use is allowed.

10. Fixed Position Checkpoints: Officers assigned to a fixed position checkpoint will not be required to place the BWC into EVENT mode during the initial contact of drivers. Rather, officers will maintain their BWC in BUFFERING mode, and as soon as the officer develops reasonable suspicion to believe a crime is occurring or that any other required activation is present, as defined in section (3), the BWC will be activated.