

Resolution No. 19-18

Resolution of the Town Council of Ridgway, Colorado  
Amending the Police Procedures Manual to add Section 25: Body Worn Camera Policy

**WHEREAS**, the Town Council implemented the Town of Ridgway Police Procedures Manual by and through the adoption of Resolution 99-04 on April 14, 1999; and

**WHEREAS**, the Town Council has subsequently amended the Police Procedures Manual by and through Resolutions 11-08, 18-02 and 19-13; and

**WHEREAS**, the Police Procedures Manual does not include a Body Worn Camera Policy and such policy is now desired to preserve the health, safety and welfare of the community; and

**WHEREAS**, the Town Council, in an effort to preserve the health, safety and welfare of the community hereby adopts a Body Worn Camera Policy.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO** the Body Worn Camera Policy as described herein is now adopted:

**PASSED AND APPROVED** this 11<sup>th</sup> day of December 2019.

ATTEST

TOWN OF RIDGWAY

\_\_\_\_\_  
Pam Kraft, MMC,  
Town Clerk

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John Clark,  
Mayor



## Chapter 25: Body Worn Cameras

### A. PURPOSE

The purpose of this policy is to provide direction to the Ridgway Marshal's Office (the "Department") and its officers ("Members") in the use of audio, visual and imaging recording devices, including Body Worn Camera (BWC) systems, and also allows Members to use dedicated audio recording devices. The use of office approved BWC systems can provide powerful evidence of criminal activity, thereby creating a visual and/or audio record of incident as a supplement the Members report. In general, BWC recordings will fall into one of two categories of focus, evidentiary and mutual accountability. These devices have proven to be a valuable tool for law enforcement in documenting the public's interaction with law enforcement and documenting the public's and Members honesty, integrity, courtesy, and a Member's professionalism.

It is the purpose of this policy to provide Members with guidelines for the use of these BWC. This policy is not intended to describe every possible situation where the BWC be used; however, there are many situations where the use of a BWC device is recommended.

### B. POLICY

Members assigned BWC equipment that have audio, video and image capturing technology, and all other recording and imaging devices, shall use them in compliance with manufacturer's operational guidelines, office training, and this policy. It is the policy of this Office to authorize the use of BWC to collect audio-visual evidence of criminal activity, and to record members' interactions with the public. A BWC recording is to be used when there is a clear benefit to such a BWC recording. These recordings can also be used as a training tool for Members. The evidence obtained in the use of the BWC is a useful tool in assisting in prosecution.

### C. TRAINING REQUIREMENTS

Anyone operating a BWC must complete training in its inspection, maintenance, operation, and policy requirements prior to using the BWC system. Members shall receive training in the use of Securamax. Securamax training may take the form of on-the-job training from an FTO or supervisor familiar with its operation.

### D. OPERATION REQUIREMENTS

When going on-duty, Member assigned a BWC shall turn on the main power. The power shall remain on during their shift unless the BWC is to be placed on the dock or plugged into Evidence Sync. Prior to going into service, each deputy assigned a BWC will check out the appropriate equipment, if required. Members issued BWC equipment should test their assigned BWC system is operational in accordance with manufacturer specifications and office training at the start of each shift. Testing includes:

1. That the camera/recording device is functional.
2. Verifying the device has an adequate power source.
3. Ensuring that the device properly placed/affixed for optimal use.
4. Documentation of officer information if system being used requires it.



5. At the end of duty period, the BWC will be docked and charged accordance with manufacturer specifications and office training.
6. If at any time, the BWC is found to be not functioning properly, it is to be removed from service and the appropriate supervisor will be notified as soon as reasonably possible.

## E. ACTIVATION/DEACTIVATION OF THE BWC

Once activated the BWC with some exceptions, shall remain on and not be turned off until the initial incident that caused the activation has concluded. For purposes of this section, conclusion of the incident occurs when the gathering of evidence or exchange of communication related to enforcement activities are concluded. It is understood that not all incidents will clearly start out as needing documentation by a BWC recording or having a clear ending when the BWC is no longer needed. Members will be expected to use good discretion and common sense when deciding in what circumstances to activate and deactivate the BWC.

Any incident that is recorded with any video or audio system shall be documented in the Members case report or incident report, Field Interview, accident and citation. If a traffic citation is issued, the Member shall make a notation on the citations notes section indicating that the incident was recorded.

In the event that the BWC is not activated (malfunction of the BWC or a telephone conversation) it shall be noted in the report that the camera was not in use or not functioning and why.

## F. PROCEDURES – BODY WORN CAMERAS - BWC

Members will be assigned BWC by their supervisor or the Town Marshal. BWC's should be worn in a location and manner that maximizes the camera's ability to capture video footage of the member's activities. Body worn cameras will be attached to the uniform in the center of the chest but placed low enough that when the Member's hands are raised holding a handgun in the high ready position the camera can see under the hands.

### 1. OFF DUTY ASSIGNMENTS

Members assigned a BWC that are working in an off-duty assignment shall adhere to this policy while fulfilling the off-duty obligation in any capacity for this Office.

### 2. ACTIVATION OF BWC

Members should activate the BWC at the inception of all investigative or enforcement contacts, until the contact has concluded and the Member has left the scene. This includes but is not limited to; pedestrian stops, consensual encounters, all calls-for-service, and on-view events.

3. The Member should activate the BWC at the first reasonable opportunity to do so, unless an immediate threat to the enforcement Members 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. Additional, arriving enforcement Members that are equipped with BWC should activate their cameras and begin recording the situation upon their arrival until the Member leaves the scene.

4. Members shall have the BWC activated while driving their patrol vehicles in situations where they are responding emergent (emergency lights and / or siren). This is to include responding to an



emergent call for service or engaged in, or assisting in, a vehicular pursuit. Activation of the BWC should be done prior to beginning the emergency response and when safe to do so.

## 5. CONSENSUAL ENCOUNTERS

During consensual encounters in locations where citizens have a reasonable expectation of privacy, such as a residence, a Member shall inform the citizen they are being recorded. If the Member is asked to stop recording by the citizen, and the investigation is for a crime, the body camera will remain on. If the investigation is an incident, then the recording can be stopped. Explain to the citizen that the BWC is a powerful tool in documenting their statements accurately and can assist in the prosecution of the suspect when in court.

6. When interacting with an apparent crime victim, the Member should inform the victim they are being recorded. Capturing the statements of victims on the BWC can be a valuable tool for the investigation and for court.

7. When interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, a Member should, as soon as feasible, ask the person seeking to remain anonymous, if they would like to remain anonymous and would like the Member to discontinue use of the BWC. If the person seeking to remain anonymous responds affirmatively, the Member should immediately stop the recording. If a member of the public that is being recorded requests that the recording be stopped, the request itself should be recorded prior to stopping the recording.

8. Recordings made pursuant to an arrest or any search is not considered a consensual encounter for the purposes of this policy. The BWC should remain activated until the event is completed in order to ensure the integrity of the recording.

9. When two or more Members are in a conversation discussing the facts of the case or incident, which are not participated in by citizens, which include but are not limited to, discussions on charging decisions, comparing witness accounts, discussing the facts with their supervisor on the phone or in person should not be audio recorded. This can be accomplished by muting the BWC. Once the discussion is over the BWC should be un-muted.

## 10. WHEN ACTIVATION NOT REQUIRED

Activation of the BWC system is not required during breaks, lunch periods, when not in service, or when the Member is otherwise involved in routine or administrative duties.

## 11. PROHIBITED USE OF BWC

BWC's 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 a Member and citizen.

12. Absent an emergency/urgent response, audio or video recording devices shall not be used in locker rooms, restrooms or any other intimate places where there would be a reasonable expectation of privacy.



13. 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. When a Member is working a joint operation with undercover officers the Member will notify the undercover officer or investigator the BWC is recording as soon as possible.
14. **ACTIVATION AT SCHOOLS, HOSPITALS, NURSING HOMES**  
When Members are on a school's grounds, at a hospital, or nursing home they should not activate their BWC to record ordinary or everyday activities within the school or hospital. Members should only activate their BWC when responding to an incident, or investigating a criminal case, affecting an arrest, controlling a person using arrest control techniques, less lethal or lethal weapons and any other unusual or extraordinary circumstances that the Members believes should be recorded.
15. **REPORT WRITING REQUIREMENTS**  
The BWC is not a replacement for written reports. Members may refer to the BWC for exact quotes that were used by the contacted parties. Members are still responsible for completing a thorough report in the same manner they would if they did not have a BWC recording. If a Member is on a call where their role would not normally call for a report, but the BWC was activated, they will still make a supplemental report if a case number was pulled for evidentiary entry purposes. Otherwise they will follow retention protocols outlined below.
16. **RECORDINGS ARE PROPERTY OF THE MARSHAL**  
All digital recordings captured using the BWC will be considered property of the Town of Ridgway Marshal's Office. 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 Criminal Justice Record or the Colorado Open Records Act. Dissemination outside of the agency is strictly prohibited, except to the extent permitted by the Marshal or his/her designee or required by policy and law.
17. **DELETION OF UNINTENDED RECORDINGS**  
In the event of an unintentional activation of the BWC system during a non-enforcement or non-investigative activity, including but not limited to, restroom, meal break, or other areas where a reasonable expectation of privacy exists, Members may request the recording to be deleted. The "Accidental Recording" category shall be added to these videos. A memorandum or e-mail detailing the circumstances of the unintentional recording will be forwarded, via the chain of command, to the Marshal. The Marshal will review the video and deletion or retention, based on the review.
18. **FAILURE TO ACTIVATE AND BWC DOCUMENTATION**  
If a Member fails to activate their BWC, fails to record the entire contact, or interrupts the recording, the Member shall document why the recording was not made, interrupted or terminated. Appropriate disciplinary action can be taken against any Member who is found to have intentionally failed to adhere to the recording or retention requirements contained in this policy, or to have intentionally interfered with a BWC's ability to accurately capture video footage.
19. **COVERT OR SURREPITITIOUS RECORDINGS**



No member of this agency may surreptitiously record a conversation of any other Members of this agency or eavesdrop; except with a court order or when authorized by the Marshal or their authorized designee for the purpose of conducting a criminal investigation or as an administrative function.

## 20. REVIEW OF BWC RECORDINGS

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports, statements or for court testimony.
- (b) By a supervisor investigating a specific act of officer conduct.
- (c) By a supervisor to assess officer performance.
- (d) To assess proper functioning of BWC systems.
- (e) By an investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
- (f) By court personnel through proper process or with permission of the Marshal or the authorized designee.
- (g) Public release of BWC recordings will be in accordance with current office evidence release policies, as well as the rules set forth in the Colorado Criminal Justice Records Act or the Colorado Open Records Act. Release may also occur at the direction of the Marshal or authorized designee.
- (h) Recordings may be shown for training purposes. If an involved Member objects to showing a recording, his/her objection will be submitted to the Marshal to determine if the training value outweighs the Members objection.

Members with BWC equipment that are on the scene of a critical incident, but are not a subject or witness Member, will complete case reports and notify Marshal that they have video that may be pertinent to their investigation. In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any Member.

## 23. INVESTIGATIONS, TASK FORCE OR UNDERCOVER ASSIGNMENTS

Members who serve in an undercover role or in a specialized assignment such as the Investigations Division or on a task force such as, DEA or the Seventh Judicial District Drug Task Force are not required to utilize BWC. Members of the Investigations Division that does utilize a BWC, shall adhere to the BWC policy. Task Force Members will refer to the governing policies and procedures for the specific task force where they are assigned.

## 24. BODY CAMERAS IN THE COURT ROOM

The Chief Judge of the 7th Judicial District has ordered that, the only recording devices that are allowed into the court rooms are the Court's official recording devices or Court Reporters. Therefore, no other recording devices are allowed into the court room or they must be turned off. Body cameras must be off while in the court room and not in the buffering mode, or not brought into the court room at all.



## G. ADMINISTRATIVE REVIEW OF THE BODY WORN CAMERA RECORDING SYSTEMS.

Marshal's Office Administrators have access and the ability to retrieve video that is required for internal review (including complaints, use of force review, pursuit review, litigation research, etc.). If trained personnel are not available in administration to retrieve video, then other trained personnel may be used after administering a witness confidentiality admonishment (other supervisors should be utilized first).

Periodic auditing and review of recordings captured via BWC systems is essential to ensure that video evidence is being properly collected and classified, as well as to identify operational, training, or policy deficiencies.

## H. OTHER PHOTO, ELECTRONIC AND RECORDING DEVICES

1. Department members shall use office authorized/issued cameras for still pictures. Members will not use a personal electronic recording or imaging device while performing law enforcement duties. All photographs or videos 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.
2. Recordings shall be used for evidentiary documentation or training purposes only, except as permitted by prior written approval by the Marshal or designee. Only those members acting under their official duties will be permitted access to recordings and/or images.
3. Office members will not make surreptitious recordings of conversations with other Office members except when necessary in the course of a criminal investigation or for Office administrative investigations. In either case, the Marshal or designee will be notified prior to for authorization of the nonconsensual recording.
4. 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 Marshal's Office. 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 as soon as feasible, a supervisor notified and deleted off of the Member's personal device.
5. 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 Office photographs on Member websites including but not limited to, Facebook, MySpace, YouTube, other public safety agency websites, or e-mailing to friends, relatives or colleagues without prior approval of the Marshal.
6. All Department digital data will be downloaded as soon as feasible, and will be cataloged and stored in Securamax with access limited to appropriate Members. After being downloaded, digital data on memory cards will be erased, including any Member's personal devices.

## I. REPAIRS, INSPECTION AND MAINTENANCE

Members utilizing BWC devices will maintain the equipment per the manufacturer's guidelines and inspect the equipment for non-functioning or malfunctioning devices before duty and immediately report any



nonfunctioning equipment to their supervisor. The Marshal may reassign another unit until repairs or replacement can be made, if available.

## J. UPLOADING, STORAGE, AND RETENTION OF RECORDINGS

Any BWC recorded incident shall be documented in the associated case reports, incident reports, field interview entries or on traffic citations, that are not associated with a case or incident. Uploading of a BWC will be done in accordance with manufacturer specifications and office training. BWC evidence will be stored in an office designated secure location, including but not limited to:

1. An approved web based server whether that is maintained by the Town of Ridgway or an approved outside vendor.
2. An approved, on-site Town of Ridgway server.
3. Physical storage media such as CDs, DVDs, or other digital storage devices, that will then be submitted to the Evidence Section per policy.

All BWC recordings shall be categorized and labeled with the case number, incident or citation number at the end of the recording or by end of Members shift, when possible. If the recordings are not categorized and labeled by the end of the shift before docking and uploading of the recording, the Member must then log into the evidence storage server system and categorize and label each recording in accordance with manufacturer's specifications or training. Each recording will be labeled with the case or incident report number, field interview incident number or traffic citation number.

If there is no incident number assigned to a call for service or traffic contact, then the Long Term CAD ID number, Citation number or Warning number shall be used.

All BWC recordings shall be uploaded at the end of a Member's shift if practical or critical to an investigation. If there is a circumstance when this cannot be accomplished, a supervisor must be notified and approval given.

Data gathered by the BWC shall be retained and stored by this Office or an authorized third-party based upon the classification of the video.

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

Pursuant to Colorado's Criminal Justice Records Act statutes, it is the goal of this policy to support and promote openness in government by releasing non-confidential video recordings to the public upon request. This policy must also ensure that the privacy of victims, witnesses and suspects is maintained whenever feasible. BWC video footage should not be divulged or used for any commercial or other non-law enforcement purpose. This policy will not affect the release of recordings pursuant to a court order or subpoena. Nothing in this policy shall be read to contravene any laws governing the maintenance and destruction of evidence in criminal investigations and prosecutions.





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

## K. CLASSIFICATION AND RETENTION OF BWC RECORDINGS

These classifications will serve to assist in locating the recording and each classification will have an established retention time. These classifications can be accomplished on Evidence.com or Evidence Sync. Because the Retention Category is probably the most important piece of the metadata, classification shall be done to each video. Any BWC recording in any classification can be changed to another classification or have its retention status changed for the benefit of an investigation or organizational needs. A BWC recording's retention time also may be extended in response to a litigation hold.

NAME	RETENTION DURATION	CATEGORY RESTRICTIONS
Uncategorized	Until manually deleted	None
Accidental Recording	Until manually deleted	Restricted category
AGENCY ASSIST	15 years	None
ANIMAL	5 years	None
CRIME	Until manually deleted	None
DEPUTY INJURY	Until manually deleted	None
DUI/DUI DRUGS	15 years	None
I/A REVIEW	Until manually deleted	Restricted category
INCIDENT NON CRIME	180 Days	None
OIS	Until manually deleted	Restricted category
Pending Review	Until manually deleted	None



# MARSHAL'S OFFICE

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NAME	RETENTION DURATION	CATEGORY RESTRICTIONS
PURSUIT VEHICLE/FOOT	Until manually deleted	None
Traffic Stop	3 years	None
Training Demo	Until manually deleted	None
Use of Force	Until manually deleted	None