



KAUA'I POLICE DEPARTMENT



GENERAL ORDER

NUMBER 14-04	INDEX Body-Worn Camera System (BWCSS)	NEW
ISSUE DATE	CALEA STANDARDS	REVISED DATE 9/18/14

I. PURPOSE:

1. This policy is intended to provide officers with instructions on the use of body-worn cameras (BWCSs) so that officers may reliably record their activities/contacts with the public in accordance with the law.
2. The use of the Body-Worn Camera System (BWCS) provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation. Officers shall utilize this device in accordance with the provisions in this general order to maximize the effectiveness of the audio/visual documentation to achieve operational objectives and to ensure evidence integrity.

II. DEFINITIONS:

The Body Worn Camera System (BWCS) - Is a portable audio/video recording system worn and used by officers to document police related incidents and activities.

III. POLICY:

It is the policy of the Kaua'i Police Department that officers shall activate the BWCS at all times when in the performance of his/ her official duties, where the recordings are consistent with this policy and law.

This policy does not govern the use of surreptitious recording devices used in undercover operations.

It is the policy of the Kaua'i Police Department that all Department issued BWCSs shall be of a make, model, and capability approved by the Chief of Police or designee prior to issuance, purchase, and use.

IV. PROCEDURES:

A. Administration

The Kaua'i Police Department has adopted the use of the BWCS to accomplish several objectives. The primary objectives area as follows:

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1. BWCSs allow for accurate documentation of police-public contacts, arrests, and critical incidents, and will also serve to enhance the accuracy of officer reports and testimony in legal proceedings.
2. Audio and video recordings will enhance the agency's ability to review: arrests based on probable cause, officer and suspect interrogations, evidence for investigation and prosecutorial purposes, and information for officer evaluation and training.
3. The BWCS may also be used in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and How to Use the BWCS: There are many situations where the use of the BWCSs is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, officers may activate the system any time they feel its use would be appropriate and/or valuable to document an incident.

Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, officers should make every attempt to activate their BWCSs prior to making contact in any of the following incidents:

1. Officers shall activate the BWCS to record all enforcement encounters where there is a reasonable suspicion of criminal activity. This includes, but is not limited to dispatched calls as well as self initiated activities in the performance of official duties.
2. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
3. An officer shall have the latitude to terminate the recording when there is no likelihood of force being used or anything else of evidentiary value occurring. It shall be deemed a violation of this policy for an officer to fail to activate the device or intentionally terminate a recording in order to commit a violation of law or department policy.
4. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, they may decline to be recorded unless the recording is being made pursuant to an on-going investigation, arrest, or search of the residence.

The BWCS shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy (see items D.1. a-d).

5. If an officer fails to activate the BWCS and/or fails to record the entire contact, and/or interrupts the recording, the officer shall document the reasons for non-activation; termination; or interruption.
6. Civilians shall not be allowed to review the recordings at the scene.

C. Operational Procedures for BWCS Use:

1. BWCS equipment is issued primarily to uniformed personnel as authorized by the Kaua`i Police Department. Officers who are assigned BWCS equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only BWCSs issued by the Kaua`i Police Department. The BWCS equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the department.
3. Police personnel who are assigned BWCSs must complete an agency approved and/or provided training program to ensure proper use and operations. Additionally training may be required at periodic intervals to ensure the continued effective use and operations and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
4. BWCS equipment is the responsibility of individual officers and will be used with reasonable-care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
5. Officers shall inspect and test the BWCS prior to each shift in order to verify **the equipment is properly** charged and functioning and shall notify their supervisor of any problems.
6. **Officers shall position the camera on their uniform collar, head mount, or glasses to facilitate optimum recording field of view or any other mounting system approved by the Chief of Police.**
7. Officers shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner BWCS recordings without prior written authorization and approval of the Chief of Police or designee.
8. Officers are encouraged to inform their supervisors of any recordings that could be of value for training purposes.
9. If any officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the Department reserves the right to limit and restrict viewing of the video file.
10. Officers shall note incident, arrest, and related reports when recordings were made during the incident in question. However, BWCS recordings are not a replacement for written reports.
 - a. **Officers should continue to prepare reports in the same manner as prior to the implementation of this BWCS. Officers should not substitute "refer to video" for a detailed and thorough report. Officers should avoid using exact quotes, but should represent statements in their report as a summary of what is contained in the statement/video, such as, "In summary the victim related" (Refer to Attachment "A")**

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- b. Once video of evidentiary value is captured officers shall identify the audio/video file by:
 - i. When assigned, noting the KPD Report Number in the Case ID Field.
 - ii. Enter a title. The title should include sufficient information to identify the file, such as Offense Code, suspect name, location, event etc.
 - iii. Select the appropriate category(s).
 - iv. The information maybe entered via hand held device, MDT, or KPD computer work station via the Evidence.com website.

D. Restrictions on Using the BWCS: BWCSs shall be used only in conjunction with official law enforcement duties.

1. The BWCS shall not generally be used to record:

- a. Communications with other police personnel without the permission of the Chief of Police;
- b. Encounters with undercover officers or confidential informants;
- c. When on break or otherwise engaged in personal activities; or
- d. In any location where individuals have reasonable expectation of privacy, such as a restroom or locker room.

2. Violations/Unauthorized Use:

- a. It shall be deemed a violation of this policy for a supervisor to review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident.
- b. Unauthorized use, duplication, and/or distribution of BWCS files are prohibited. Personnel shall not make copies of any BWCS files for their personnel use and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWCS files.
- c. All recorded media images and audio from the BWCS are property of the Kauai Police Department and shall not 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, via KPD form **BWCS 01**.
- d. Personnel will use only the BWCS system issued and approved by the Department for official police duties. The wearing of any other personal video recorder for the same purpose is not authorized without permission of the Chief of Police.

E. Storage/Review of Files: Access to the data from the system is permitted on a right to know, need to know basis. Employees authorized under this policy may review video according to the provision of this policy.

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1. Files¹ shall be securely downloaded periodically and no later than the end of each shift to Evidence.com at the docking station to ensure storage capacity is not exceeded and or to view uploaded audio/video. Each file shall contain information related to the date, BWCS identifier, and assigned Officer.
 - ~~a. Images and sounds recorded by the BWCS are the exclusive property of the Kaua'i Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.—(moved to 2C.)~~
2. Access to BWCS files must be specifically authorized by the Chief of Police or designee.
3. Audits of BWCS files shall be initiated by the system administrator to ensure only authorized users are accessing the data for legitimate and authorized purposes.
4. Files shall be secured in accordance with state records retention laws, and no longer than the useful purposes of training, investigations, and prosecution; including the appeal process.
5. An employee may review BWCS files as it relates to:
 - a. Once uploaded to Evidence.com, personnel may view their own audio/video data. Evidence.com automatically date/time stamps and records each access by officer name.
 - b. Their involvement in an incident for the purpose of completing a criminal investigation and preparing official reports.
 - c. Prior to courtroom testimony or for courtroom presentation.
 - d. Providing a statement pursuant to an administrative inquiry, including officer involved shooting investigations.
6. Critical Incidents: Officers are encouraged to consult legal representation and may review their video prior to providing a statement pursuant to an administrative inquiry.
7. Following a time sensitive critical incident, a video may only be viewed prior to being uploaded in Evidence.com:
 - a. When exigent circumstances occur, such as an officer being injured and to obtain identifying suspect information or other pertinent information.
 - b. To allow investigators, such as Professional Standards personnel, to view the video in order to assist in an investigation.

F. Supervisory Responsibilities

END NOTES

¹ For the purpose of this document, the term "file" refers to all sounds, images, and associated metadata.

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1. Supervisory personnel shall ensure that officers equipped with BWCS devices utilize them in accordance with policy and procedures defined herein.
2. At least on a monthly basis, **immediate** supervisors will randomly review BWCS recordings to ensure the equipment is working properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.
3. When critical incident(s) occurs, the on-scene supervisor, when safe and practical, may retrieve the Taser Axon Flex camera from the involved officer(s) at the scene. The supervisor will be responsible for assuring the camera is docked and uploaded videos are uploaded to Evidence.com.

G. System Administrator Responsibilities: The System Administrator(s) are designated by the Chief of Police and have oversight responsibilities to include but not limited to, the following:

1. Operations and user administration of the system.
2. System Evaluation.
3. Training.
4. Policy and Procedure review and evaluation.
5. Coordination with IT regarding system related issues.
6. Ensure BWCS files of evidentiary value are secure and retained per this policy.
7. Ensure BWCS files are reviewed and released in accordance with federal, state, local statues, and the Kauai Police Department retention policy.

H. BWCS File Requests

1. Departmental Requests: Any request shall be completed by the system administrator with the approval of the Chief of Police via KPD form BWCS 01.
2. Non-Departmental Requests:
 - a. All other requests for a BWCS file shall be accepted and processed in accordance with federal, state, local statues and Departmental policy (public records act. Etc.) as set for the in General Order xxxx, via KPD form BWCS 02.
 - b. Media inquires and/or requests shall be received and processed in accordance with General Order xxx Media Relations, via KPD form BWCS 02.

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3. **Requests for Deletion of Accidental Recording:** In the event of an accidental activation of the BWCS where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the file be deleted by submitting an email request with sufficient information to locate the file to the Patrol Services Bureau District Commander or designee who shall review the file, approve or deny the request, and forward to the System Administrator for action, via KPD form BWCS 01.
4. **Copying Procedures:**
 - a. If the video is in fact evidence to a case, the officer shall make a copy of the video, and submit the copy into evidence.
 - b. Other than as provided in this General Order, no member of this Department shall download any video from the Evidence.com onto any computer, device, drive, CD, DVD or any other format without the express consent of the Chief of the Police.
5. **Investigators Conducting Criminal or Internal Investigations Shall:**
 - a. Advise the System Administrator to restrict access/public disclosure of the BWCS video file in criminal or internal investigations, when necessary, via KPD form BWCS 01.
 - b. Document the reasons for access by entering the related KPD or IA Case Number on the BWCS "Notes" filed prior to viewing.
 - c. Review the file to determine whether the BWCS video file is of evidentiary value and process in accordance with established procedures.
 - d. Investigators shall notify the System Administrator to remove the access restriction when the investigation is closed.
6. **BWCS Video Files Accessed for Training:**
 - a. A BWCS video file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a BWCS video file for such purposes may come from any source via KPD Form BWCS 01.
 - b. A person recommending utilization of a BWCS video file for training purposes shall submit the recommendation through the Chain of Command to the Chief of Police or his designee via KPD form BWCS 01.
 - c. If an involved officer or employee objects to the showing of a recording, his/her objection will be submitted to the Chief of Police or his designee to determine if the employees' objection outweighs the training value.
 - d. After a meeting with the affected employee and his/her or chosen representative, the Chief of Police or designee shall review the recommendations and determine how best to utilize the BWCS video file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means.

I. Category and Retention:

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1. Employees utilizing the BWCS shall identify each video by category. In the event a video is taken that does not fall into a listed category and has no apparent evidentiary or administrative value, the officer may leave the video as uncategorized. (Refer to Attachment "B")
2. Categories and Retention Periods (Refer to Attachment "B")
 - a. Uncategorized
 - b. Arrests
 - c. Contacts and Detentions
 - d. Critical Incidents
 - e. Evidence
 - f. Pursuits
 - g. Traffic Stops
 - h. Training
 - i. Use of Force
 - j. Citizen Complaints

J. Repair Procedure

1. Personnel shall immediately report any recognized problems with the BWCS to their immediate supervisor via KPD form BWCS 01.
2. Upon notification, the supervisor shall forward the identified issue or malfunction to the System Administrator or designee.
3. The System Administrator or designee will report unresolved deficiencies to TASER International via web based support at <http://www.taser.com/support/contact-us> by completing the required information on-line and describing the issue or defect in detail within the "Message" window provided.
4. Provide the serial number of the unit needing service or repair and identify the unit as a TASER Axon Flex body worn camera or battery pack as appropriate. A TASER representative will contact the KPD BWCS System Administrator for resolution.

EMPLOYEES OF THE KAUA'I POLICE DEPARTMENT SHALL ADHERE TO THE PROVISIONS OF THIS DIRECTIVE.

APPROVED AS TO FORM AND LEGALITY

Nicholas R. COURSON
Deputy County Attorney

Date

APPROVED:

Darryl D. PERRY
Chief of Police

Date