


**KOTZEBUE POLICE DEPARTMENT
PROCEDURES**



SUBJECT: Body Worn Cameras (BWC)/ Audio Recorders	Chapter: 5.701
EFFECTIVE DATE: <u>January 27, 2015</u>	APPROVED BY: <u></u> Chief Eric A. Swisher
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I. PURPOSE

The Kotzebue Police Department has equipped Patrol/Corrections Officers with a Body Worn Camera (BWC) and audio recorders. The BWC is designed to assist and compliment officers in the performance of their duties. The BWC is used to record certain duty related activities, thereby creating a visual and or audio recording of the incident as a supplement to the officer's report. A BWC recording is used when there is a clear benefit to such a recording. In general, BWC recordings will fall into one of two categories of focus, evidentiary and mutual accountability.

It is the purpose of this policy to provide officer's with guidelines for the use of recording devices. This policy is not intended to describe every possible situation where the system may be used; however there are many situations where the use of the BWC device is recommended.

II. POLICY

KPD's policy is to capture all encounters with the public to ensure the safety and security of all persons involved in a contact with members of the department.

III. DEFINITIONS

Body Worn Camera (BWC) – a small camera worn on the body to record audio and video.

Capture - record images and audio sounds using a digital audio recorder or digital camera

Audio Recorder - a recording device carried by KPD officer's used to record audio only. This device should be used in conjunction with the BWC.

KOTZEBUE POLICE DEPARTMENT PROCEDURES



IV. Officer Operation Requirements

Prior to going into service, each officer will test the BWC and audio recorder to ensure it is working properly. Testing includes:

1. That the BWC/audio recording device is functional.
2. Verifying the device has an adequate power source.
3. Ensuring that the device is properly placed/affixed for optimal use.
4. At the end of shift, the BWC should be secured, downloaded and charged so it is ready to be used for the officer's next shift.
5. If at any time the BWC/audio recorder is found to be functioning improperly, it is to be removed from service and a supervisor is to be notified as soon as reasonably possible so it can be replaced.

V. Uploading, Storage, and Retention of Recordings

Any BWC recorded incident shall be documented in the associated departmental reports, or field interview entries. Downloading of the BWC/audio recording device will be done at the end of each shift. BWC/audio recordings will be stored in a departmental designated secure location, including but not limited to:

1. An approved web based server whether it is maintained by the City of Kotzebue or an approved outside vendor.
2. An approved, on-site City of Kotzebue server
3. Physical storage media such as CD's, DVD's, or other digital storage devices.

All BWC/audio recordings will be logged as evidence following agency policy and trainings. BWC/audio recordings that are associated with a departmental report number that are uploaded directly into a server will have a property/evidence entry made into the RMS as if it was physical evidence.

All BWC/audio recordings shall be downloaded from the recording device at the end of the officer's shift if practical or critical to an investigation. If

KOTZEBUE POLICE DEPARTMENT PROCEDURES



there is a circumstance when this cannot be accomplished, a supervisor must be notified and approval given.

VI. Activation of the BWC/Audio Recorder

Once activated, the recording device, with some exceptions, shall remain on and not be turned off until the initial incident that caused the activation has concluded. For purpose of this section, conclusion of the incident occurs when the gathering of evidence or exchange of communication related to the incident have concluded. It is understood that not all incidents will clearly start out as needing documentation by a recording device or having a clear ending when the recording device is no longer needed. Officers will be expected to use discretion and common sense when activating and deactivating the recording device.

Any incident that is recorded with either the BWC or the audio recorder shall be documented in the officer's report.

VII. Required Activation of the BWC/Audio Recorder

This policy is not intended to describe every situation in which the recording devices may be used. In addition to the required situations, an officer may activate the recording device any time the officer believes it's use would be appropriate and/or valuable to document the incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion of the BWC can be valuable evidence and is subject to the same activation requirements as the audio recorder. The activation of the recording device is required but not limited to the following situations:

1. Traffic stops to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
2. Priority responses.
3. Vehicle pursuits.
4. Suspicious person/vehicle contacts.
5. Arrests.

KOTZEBUE POLICE DEPARTMENT PROCEDURES



6. Vehicle searches.
7. Physical or verbal confrontations or use of force.
8. Domestic violence calls.
9. DUI investigations including FST's.
10. Any call for service involving a crime where the recorder would clearly aid in the apprehension and/or prosecution of a suspect.
11. Booking of new arrestees, cell searches, and any incident in the jail facility that is not in the normal day to day interactions between inmates and corrections officers.

VIII. Cessation of Recording

If there is a break in the recording of a case related incident, the officer shall explain either on the recording or in the written report why the break occurred. Examples of such breaks include but are not limited to:

1. There was a malfunction to or accidental deactivation of the recording device.
2. There is personal information being shared that is not case sensitive, such as victim family information/discussion, protected personal information, or personal medical information.
3. The officer is placed on a related assignment that has no investigative purpose such as a scene security post, scene processing, traffic post, etc. Recording may cease if an officer is simply waiting for arrival of a tow truck, taxi, family member or other similar non-confrontation, non-evidentiary situation.
4. There is a long break in the incident/contact such as interruption related to routine police action that is not evidentiary in nature or unrelated to the initial incident.
5. There is activity such as a transport or change of venue where there is no incident related policing activity occurring.
6. There is recognition by the officer that the contact no longer creates potential evidentiary or mutual accountability issues.

KOTZEBUE POLICE DEPARTMENT PROCEDURES



7. If a request is made to turn off the recording device by the party being contacted, the officer shall take into account the overall circumstances, and what is most beneficial to all involved, before deciding to honor the request.

IX. When Activation Not Required

Activation of the recording device is not required during breaks, lunch periods, when not in service, or when the officer is otherwise involved in routine or administrative duties.

No member of this agency may surreptitiously record a conversation of any other member of this agency except with a court order or when authorized by the Chief of Police or his/her authorized designee for the purpose of conducting a criminal investigation or as an investigative function.

X. Review of Recordings

All recording media, recorded images and audio recordings are the property of this agency. Dissemination outside of this agency is strictly prohibited, except to the extent permitted or required by policy and law.

To prevent damage or alteration of the original recorded media; it shall not be copied, viewed or otherwise inserted in into any device not approved by the agency. Recordings may be reviewed in the following situations:

1. For use when preparing reports, statements, or for court testimony.
2. By a supervisor investigating a specific act of officer conduct.
3. By a supervisor to assess officer performance.
4. To assess proper functioning of the recording devices.
5. By an investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or criminal investigation.
6. By court personnel through proper process or with permission of the Chief of Police or the authorized designee.

KOTZEBUE POLICE DEPARTMENT PROCEDURES



7. Public release of recordings will be in accordance with current departmental evidence release policies. Release may also occur at the direction of the Chief of Police or authorized designee.
8. Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to a supervisor to determine if the training value outweighs the officer's objection.

Officers with BWC/audio recording equipment that are on the scene of a critical incident, but are not a subject or witness officer, will complete reports and notify the Office of the Chief of Police that they have video/audio that may be pertinent to the investigation.

In no event shall any recording be used or shown for purpose of ridicule or embarrassing an employee.

XI. Documentation

The BWC/audio recorder is in no way meant to replace the written report if one is called for. Officers are still responsible for completing a thorough report of all incidents in the same manner as if they did not have the recording device. If an officer is on a call that does not require a written report, but the recording device was activated, the device shall still be downloaded at the end of the shift, and the recording placed in the appropriate file with the proper CFS number.

XII. Training and Supervisory Responsibilities

All supervisors and officers shall be trained on the proper use of the recording devices and shall become familiar with this policy.

Supervisors shall ensure the recording devices assigned to their officers are in good working order and the officer using the recording device has been properly trained. Supervisors will monitor and verify that their officers are using the recording devices properly as required by departmental policy. That includes proper categorizing and logging/labeling of evidence.