

# Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 4.31
	Effective Date: 04/30/15
	Accreditation Standards: CALEA: 83.2.2 KACP: 20.2
Chapter: Uniforms and Equipment	
Subject: Wearable Video System	

## 4.31 WEARABLE VIDEO SYSTEM (WVS) (CALEA 83.2.2)

### 4.31.1 POLICY

The Louisville Metro Police Department (LMPD) has adopted the use of wearable, on-officer cameras to further the mission of the department and enhance service to the community by accurately documenting events, actions, conditions and statements made during citizen encounters, traffic stops, arrests and other incidents in order to promote officer and public safety. The wearable video system (WVS) allows hands-free video and audio recording of important or critical incidents from the perspective of the user as they are occurring. This allows the officer to record locations and activities that are not available to in-car recording equipment. The WVS may be used as a stand-alone recorder or in conjunction with/to supplement the Mobile Video System (MVS) (refer to SOP 4.1). Officers shall only utilize the WVS issued by the LMPD. The WVS shall only be used by officers working in an official law enforcement capacity. This policy does not govern the use of covert recording devices, such as those used in undercover operations.

### 4.31.2 PURPOSE

The LMPD has adopted the use of the WVS to accomplish the following objectives:

- Enhance officer safety.
- Document statements and events during the course of an incident.
- Enhance the officer's ability to document statements and actions for both internal reporting requirements and for court preparation/presentation.
- Preserve visual and audio information for use in current and future investigations.
- Provide an impartial measurement for self-critique and field evaluation during officer training.
- Enhance the public's trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings, strengthening departmental transparency and reducing complaints.
- Allow for the supervisory review of officer-citizen contacts, critical incidents and other police operations.

### 4.31.3 DEFINITION

**Wearable Video System (WVS):** Wearable (on-officer) camera system with secured internal memory for the storage of recorded video and audio.

### 4.31.4 TRAINING

Officers shall successfully complete WVS training regarding the activation, use, uploading of data, inspection and storage for each device prior to being deployed with their WVS.

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## 4.31.5 PROCEDURES

WVS equipment is the responsibility of the individual officer to whom it is assigned. Officers shall exercise reasonable care and maintenance of the WVS equipment. Officers shall inspect their WVS for damage and ensure that it is functioning properly, prior to, during and after, their tour of duty. If a WVS is damaged or becomes inoperable, the officer shall notify his/her commanding officer, who shall make arrangements for the immediate repair or replacement of the WVS. During their tour of duty, or while engaging in uniformed law enforcement-related secondary employment, officers shall maintain their WVS in a constant state of operational readiness. The WVS shall be used to record official law enforcement actions and encounters, including, but not limited to:

- Driving Under the Influence (DUI) cases.
- Traffic stops.
- Pedestrian or bicyclist stops.
- Foot pursuits.
- Vehicle pursuits.
- Vehicle searches.
- Vehicle collision scenes, including collisions involving governmental vehicles.
- Searches and seizures (probable cause, incident to arrest, consent, exigent circumstances, etc.).
- Frisks or pat downs.
- Seizures of money, narcotics or high-value property.
- Field interviews.
- Field eyewitness identification.
- Canine deployments.
- Knock and talks.
- Search warrants.
- Drug interdiction activities.
- Use of force incidents.
- Active shooter response.
- Calls for service requiring the Special Weapons and Tactics (SWAT) Team, Bomb Squad or Hostage Negotiation Team (HNT).
- Disorderly individuals/crowds.
- Civil disturbances.
- Encounters with mentally or emotionally disturbed subjects/Crisis Intervention Team (CIT) calls for service.
- Domestic violence (DV) situations.
- Acts of physical violence.
- Prisoner transports.
- Citizen transports (excluding civilian ride-along participants).
- Crimes or events that are in-progress or have just occurred, where fleeing suspects or vehicles may be captured on video leaving the scene.
- Arrests/advising an individual of his/her Miranda rights.
- Obtaining consent from person(s).
- At crime or accident scenes, or other events, where video and audio evidence can be captured to help document, enhance and support officers, written reports, evidence collection, investigations and court testimony.

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## 4.31.5 PROCEDURES (CONTINUED)

- Any law enforcement activity that the officer deems appropriate.

Officers shall utilize their WVS when assisting other law enforcement or governmental agencies that are handling any of the law enforcement actions outlined above.

If an officer fails to activate the WVS, fails to record the complete incident or interrupts the recording, the officer shall document the reason in a memorandum and submit it, through the appropriate chain of command, to his/her Bureau Commander. When an officer activates his/her WVS and such activation is not required by policy, and the circumstances do not require continued recording, he/she may use his/her discretion when deciding to deactivate the WVS.

The WVS shall not be used for non-law enforcement/personal use or to record personal activities. Officers shall not post recordings to any website, including social media websites. Officers shall not use other devices (e.g. cell phones, cameras, etc.) to record video and/or audio from the WVS. Officers are prohibited from using the WVS to record conversations of departmental members without their knowledge during routine, non-law enforcement-related activities. This includes, but is not limited to, the following:

- Casual conversations
- Roll calls
- Meetings
- Training
- Supervisor reviews
- Performance evaluations
- Employee coaching
- Restroom areas
- Meals

School Resource Officers (SROs) who are issued a WVS shall only record legitimate law enforcement activities while on school property or during school-related events.

The WVS shall not be used in places where an exceptional expectation of privacy exists (e.g. restrooms, locker rooms, dressing rooms, etc.) unless the recording is required for a specific law enforcement activity. Officers have the right to record if they have a legal right to be at, or in, the location (e.g. responding to a call for service, pursuant to a valid search warrant, consent of the resident, etc.).

The WVS camera shall routinely be positioned to record video and audio from the officer's point of view. Officers shall not routinely record undercover officers or confidential informants in order to protect their identities; however, this is at the discretion of the officer in control of the WVS. If it is necessary to record a confidential informant, the officer may wish to record the audio portion only by positioning the camera away from the informant.

When conducting strip searches, officers shall video and audio record a 360 degree view of the location where the strip search is taking place. However, officers shall only record the audio portion of the actual strip search by positioning the camera away from the person on whom the strip search is being conducted.

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## 4.31.5 PROCEDURES (CONTINUED)

Officers shall not intentionally obstruct the view of the WVS camera except in the situations outlined above.

Officers should inform their commanding officer of any recording that may be of evidentiary value (except DUI, which is covered in SOP 4.31.7).

## 4.31.6 OPERATION

Officers shall ensure that their WVS is fully-charged and does not contain any recordings from a prior tour of duty. Officers shall immediately upload any prior recordings. Officers shall inspect their WVS for damage and ensure that it is functioning properly prior to, and during, their tour of duty. If a WVS is damaged or becomes inoperable, the officer shall notify his/her commanding officer, who shall make arrangements for the immediate repair or replacement of the WVS.

The WVS camera shall either be worn on the officer's head or positioned on the collar of the officer's uniform or plainclothes attire, using only the departmentally-issued mounting equipment, at the beginning of his/her tour of duty and shall be worn throughout his/her tour of duty. Officers shall maintain their WVS in a constant state of operational readiness. Officers shall not remove, dismantle or tamper with any hardware/software component or part associated with the WVS.

Officers shall not discontinue recording based solely on a person's verbal request, unless the person wishes to submit an anonymous tip, in which the decision to record is at the discretion of the officer. The officer may contact his/her commanding officer for further guidance in these situations, if needed. Officers shall not be required to discontinue recording an event, situation or circumstance for anyone other than a commanding officer.

At the conclusion of a recorded event, officers shall choose the appropriate storage category for their video and audio recording in order to allow for later review and appropriate retention. The proper categorization of recordings shall determine how long the recordings are retained, to whom access is granted and whether the recording can be released to the public/media. The recordings shall be reviewed by a sergeant in order to ensure that they have been properly placed into the appropriate tagging categories in the WVS software.

WVS recordings are not a replacement/substitution for written reports. Officers shall notate that a recording was made in the narrative section of the incident report, Kentucky Uniform Citation or Kentucky Uniform Collision Report. The notation shall state "WVS activated."

Officers shall refer to SOP 4.31.10 regarding the procedures for recharging the WVS and uploading recordings.

## 4.31.7 STATUTORY PROVISIONS FOR DUI CASES

Kentucky Revised Statutes (KRS) 189A.100 specifically addresses the procedures for securing, reviewing, maintaining and destroying video and audio evidence in DUI cases.

Recordings of field sobriety tests, administered at the scene of an arrest, for a violation of KRS 189A.010 (DUI) or such tests at a police station, jail or other facility shall be subject to the following conditions:

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## 4.31.7 STATUTORY PROVISIONS FOR DUI CASES (CONTINUED)

- The testing is recorded in its entirety (except for blood alcohol and analysis testing); and
- The recording shall be used for official purposes only, which shall include:
  - Viewing in court;
  - Viewing by the prosecution and defense in preparation for a trial; and
  - Viewing for purposes of administrative proceedings.

Recordings shall otherwise be considered confidential records.

Recordings taken as a result of a DUI shall, upon order of the District Court, be destroyed after the latter of the following:

- 26 months after a decision has been made not to prosecute any case upon which an arrest has been made, or a citation issued as a result of the recording, and there is no appeal of any criminal or traffic case filed as a result of the recording; or
- All appeals have been exhausted, arising from any criminal or traffic case filed as a result of the recording; or
- At the conclusion of any civil case, arising from the events depicted on the recording; or
- At the conclusion of all appeals from any law enforcement agency's administrative proceedings, arising from events depicted on the recording.

Officers utilizing, or showing, recordings of DUI arrests, other than as permitted in this section, or permitting others to do so, shall be in violation of KRS 189A.100(2)(g).

## 4.31.8 COURT/CIVIL PROCEEDINGS

The WVS shall not be used to record any court proceedings or conferences with prosecutors or defense attorneys. The WVS shall not be used to record any civil depositions or proceedings.

## 4.31.9 SPECIAL EVENTS

The use of the WVS for recording official activities at special events shall be at the discretion of the Support Bureau Commander, Special Operations Division Commander or the commander of the special event. The commander shall instruct officers on the types of activities that shall be recorded. Officers shall record citizen contacts as described in SOP 4.31.5.

## 4.31.10 SECONDARY EMPLOYMENT

Officers who are issued a WVS and wear an official departmental uniform while working secondary employment shall record official activities with the WVS pursuant to this SOP.

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## 4.31.11 UPLOADING VIDEO

Officers shall turn off and recharge their controller/power pack at the end of their tour of duty so the video and audio can be uploaded. The WVS shall not be removed from the charger until the battery has been fully charged and the video and audio has been uploaded. WVS devices shall only be stored in designated, secured locations at LMPD facilities or in secured LMPD vehicles when they are not in use. If the officer is working secondary employment, the WVS recordings shall be uploaded prior to the member's next tour of duty.

## 4.31.12 SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure that the WVS of officers under their command are operating properly. This shall be included in the supervisor's monthly personnel inspection (refer to SOP 4.18).

## 4.31.13 REVIEW

Supervisors shall review the WVS recordings of officers under their command in the following situations:

- The investigation of a complaint against an officer or to review a specific incident in which the officer was involved.
- Obtaining videos for training purposes/instructional use.
- The evaluation of a probationary officer during an officer's probationary period and he/she is being evaluated by a Police Training Evaluator (PTE).
- The investigation of an officer who has a pattern of allegations of misconduct or poor performance.

The Administrative Sergeant in each division shall be responsible for regular, random audits of WVS recordings to ensure compliance with WVS standards, departmental policy and to assess overall officer performance.

Officers shall be permitted to review their WVS footage of any incident in which they were involved prior to making a statement or report regarding the incident.

## 4.31.14 RETENTION/DISTRIBUTION

Officers shall not delete/erase, destroy, copy, reuse, alter/modify or tamper with WVS recordings. Recordings generated on departmental equipment are the exclusive property of the LMPD and shall be available for departmental use in accordance with applicable legal restrictions, or upon direct authority of the Chief of Police, or his/her designee. WVS recordings shall be used for official law enforcement purposes only.

WVS recordings that include exculpatory evidence (*Brady* material) shall be retained and turned over to the appropriate prosecutor (refer to SOP 11.7).

Copying or reproducing any recording, or segment of any recording, generated by the LMPD, or the removal of any recording outside of the LMPD, without the written authorization of the Chief of Police, or his/her designee, is prohibited.

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## 4.31.14 RETENTION/DISTRIBUTION (CONTINUED)

Open records requests for copies of recordings, from persons or agencies outside of the LMPD, shall be directed, in writing, to the Open Records Unit. Open records requests submitted by the media shall be directed, in writing, to the Media and Public Relations Office (KACP 20.2b). Any parts of a recording that infringe on an individual's privacy rights or may compromise an investigation shall be redacted.

Recordings provided to persons or agencies outside of the LMPD shall be duplicated on new tapes or discs and shall be provided by the department for a reasonable fee. The unauthorized duplication of recordings is prohibited.

Only that portion of a recording which contains a specific contact in question shall be reproduced.

Nothing in this section prevents officers from securing, or releasing, copies of WVS recordings to the United States Attorney's Office, Jefferson County Attorney's Office or Office of the Commonwealth's Attorney for official purposes.

WVS recordings shall be retained for a minimum of 30 days (non-evidentiary recordings), with the exception of those recordings which need to be retained longer (evidentiary recordings) due to an investigation (including criminal, administrative, Administrative Incident Report (AIR), etc.), litigation or open records request. These recordings shall be maintained until all investigative or legal activity is completed, pursuant to KRS or applicable records retention schedules. Recordings containing DUI video evidence shall be maintained and destroyed pursuant to KRS 189A.100.