

	GENERAL ORDER OM-B-19			
	Title / Subject BODY WORN VIDEO/AUDIO RECORDING EQUIPMENT		EFFECTIVE DATE 04-14-14	REVISION DATE 04-14-14
	REFERENCES KRS 189A.100	OM-B-18	DISTRIBUTION All Sworn Personnel	
			REPORT: <input type="checkbox"/>	
CALEA Standard:				
Date Implemented: 04-14-14		Review Date:		
<i>Tapes shall be available for release only in accordance with the Kentucky Open Records Act and K.R.S. 189A.100</i>				

I. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.

II. POLICY

It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of his or 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.

III. PROCEDURES

A. Administration

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The BWC may also be useful 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 BWC

1. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties.
2. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The BWC 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.1-4).
3. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
4. Civilians shall not be allowed to review the recordings at the scene.

C. Procedures for BWC Use

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
3. Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
4. BWC 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 BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the chief executive officer (CEO) or his or her designee.
7. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
8. If an 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 or restrict an officer from viewing the video file.
9. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the chief executive officer or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.

10. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

D. Restrictions on Using the BWC

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the chief executive permission of the chief executive officer (CEO);
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
5. Hospital emergency rooms or any other sensitive locations inside a medical facility not directly associated with person or persons who are under arrest and in the custody of an officer. Interviews should only be recorded in an area where an officer is directed by the proper medical authority. Cameras will not be in use when such persons are undergoing medical treatment unless the officer's presence is requested by medical personnel due to privacy and confidentiality issues (HIPPA).

E. Storage/ Retention

1. All recordings shall be downloaded current connection manner to evidence.com, this downloading should be completed in a timely manner or following any incident of serious nature.
2. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC files must be specifically authorized by the CEO or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.
5. Officers shall categorize each digitally recorded incident in accordance with the following pre-assigned categories. The videos recorded shall be placed into the most appropriate category. In the event that the video meets the qualifications for more than one category the higher level category shall be selected. *Example: A DUI arrest is made and captured. However during the stop the arrestee is also charged with a felony. Felony should be the category selected.* The officers shall include a call-for-service number in the ID description (when applicable) when downloading and categorizing the recorded media.

6. Pre- Assigned Categories / Retention Times Retention Times- Each of the listed categories has predetermined retention times. The retention times are controlled internally by the propriety software (evidence.com) and may be adjusted by the system

administrator at the direction of the Chief of Police or his designee). Nothing in this policy shall require mandatory deletion times of videos or prevent extending the retention time of a recording (see table).

Category Name	Retention Time	Description
Uncategorized	Manually	Default category when video is recorded
Accident Investigations	3 Years	Investigative steps recorded while working collisions non-arrest or NIBRS incidents.
Arrest (Non- Felony-DUI NIBRS)	1 Year	An arrest that is not a DUI, and does not Generate a NIBRS
Call Response. (non-traffic	90 Days	Response activities with no arrest or NIBRS generated recorded.
DISTURBANCE(captured	60 Days	Captured disturbance example: large crowds where no arrest, or NIBRS is generated.
DUI (Non-Felony Only)	5 Years	DUI investigative activities (non-felony).
EMERGENCY RESPONSE	90 Days	Vehicle emergency response only.
ESCORT or PARADES	30 Days	Non -emergency response activities other than escorts, funerals and parades.
HOLD	Manually	This is a safeguard officers can use to override pre-determined deletion dates <u>MUST be used as a secondary classification only.</u> Example- Normal traffic stop with a citation. Officer would classify video as “traffic stop” and add the classification ‘Hold”. If reason is known the officer can list notes as to why they wants to keep video beyond normal 90 day period for training value or other undetermined investigative purpose.
INTERVIEWS (Non-Felony)	180 Days	Suspect or victim interviews non-felony offenses.
MOTORIST ASSIST	30 Days	Non-enforcement motorist assist activities.
NIBRS (Misdemeanor)	1 Year	Non-felony that generate a NIBRS.
NIBRS (Non-Violent felonies)	Manually	Felony investigative non-violent incidents that generate a NIBRS.
NIBRS (Violent felonies)	Manually	Felony investigative violent felonies that generate a NIBRS.
NO POLICE ACTION	30 Days	Recordings made during training or accidental recording. These recordings do not contain any citizen contact or police related actions.
Pending Review	Manually	Do not use (evidence.com system generated category)
Traffic Stop (non-arrest)	90 Days	Traffic enforcement that does not generate an arrest or NIBRS.
Training Demo	15 Days	Non enforcement activities used for Taser camera and departmental training events.
Use of Force	Manually	Police use of force incidents.
PURSUIITS /Police Collisions	Manually	Police pursuits or collisions involving police vehicles.

F. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.

2. At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is operating 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

END NOTE

Except as authorized by this policy, copying, reproduction, or display of a recorded tape or any segment thereof generated by the Agency must be authorized by the Chief of Police or designee.