

- 3) Any copies made shall be utilized for viewing by investigators, patrol officers, training personnel, and the courts for official purposes only. Officers shall not duplicate MVR recordings for personal use.
- 4) On duty recordings (audio, video, still images) made in an effort to document perishable evidence via personally owned devices (cell phones, smart phones, tablet computers, cameras, etc.) must be submitted into Evidence in the manner described in 4.6.5 and are subject to the prohibitions listed in 4.4.2.8.3.

4.4.2.8.6 Body Worn Camera Objectives

The BGPD has adopted the use of the BWC to accomplish the following objectives:

- 1) 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.
- 2) Document statements and events during the course of an incident.
- 3) Enhance the officer's ability to document statements and actions for both internal reporting requirements and for court preparation/presentation.
- 4) Preserve visual and audio information for use in current and future investigations.
- 5) Provide an impartial measurement for self-critique and field evaluation during officer training.
- 6) Enhance officer safety.
- 7) Allow for the supervisory review of officer-citizen contacts, critical incidents and other police operations.

4.4.2.8.7 Body Worn Camera Procedures

It is the intent of this policy that all officers who will be using BWC equipment shall be trained on the manner in which the BWC shall be tested, maintained, used and how the recorded events will be properly documented and maintained as evidence in future judicial proceedings.

- 1) It shall be the responsibility of each individual officer to test the BWC equipment at the beginning of each tour of duty. Officers equipped with the BWC will ensure that the batteries are charged prior to the beginning of their shift or special event.

In the event that the equipment is found to be functioning improperly, the officer shall report the problem immediately to their immediate supervisor so that the information can be documented, and arrangements made for repair.

- 2) Patrol officers in uniform will wear BWC at all times while on-duty and actively working in the patrol function or a special detail. BWC will be worn according to manufacturer's specifications and/or recommendations. Officers will make every reasonable effort to ensure that the BWC recording equipment is capturing events by positioning and adjusting the BWC to record the event. Officers are authorized to utilize body worn video recorders during law enforcement events when the officer is a party to the conversation.
- 3) It is the policy of this agency to record with audio and video the following incidents:
 - a. All calls for service in which citizen contact is made

- b. All traffic stops
- c. All citizen transports (excluding ride-alongs)
- d. All investigatory stops
- e. All foot pursuits

Examples of these incidents include, but are not limited to:

- i. Arrest of any person
 - ii. Searches of any kind
 - iii. Seizure of any evidence
 - iv. Request for consent to search
 - v. Miranda warnings and response from in-custody suspects
 - vi. Statements made by citizens and suspects
 - vii. K-9 searches of vehicles
 - viii. Issuances of Written Violations
 - ix. Arriving at law enforcement events and/or citizen contacts initiated by other officers
 - x. Other incidents the officer reasonably believes should be recorded for law enforcement purposes
- 4) Under normal circumstances, officers should activate their body worn cameras prior to making citizen contact in each of the following situations:
- a. Any officer initiated field contacts involving actual or potential violations of the law including traffic stops, pedestrian or vehicle contacts;
 - b. Upon being dispatched to, and/or when responding to assist on, any and all calls for service, as soon as practical and when it can be safely done while inside the cruiser;
 - c. When engaged with a citizen for the purpose of investigating or assisting in the investigation of suspected criminal activity; and
 - d. While executing searches of individuals, personal property, vehicles, and premises.

There are many situations when to activate the body-worn camera, however, this policy is not intended to describe every possible circumstance.

The safety of officers and members of the public is the highest priority, and there may be situations in which the operation of the device is impractical or may be an impediment to public and officer safety. Additionally, the Department recognizes human performance limitations during particularly stressful, critical situations.

Officers shall make every effort to record non-enforcement contacts should they become confrontational, assaultive or enforcement-oriented. In addition to the required conditions, personnel may activate the system any time they feel its use would be appropriate and/or valuable to document an incident. Also, officers shall not be required to activate or deactivate their body worn camera based solely on the request or demand of a citizen, but rather rely on their training and this policy to direct their use of the body worn camera.

- 5) The recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or until the officer, who is recording the event through a BWC discontinues his or her participation in the law enforcement event or citizen contact by leaving the scene. In the event an officer deems it necessary to stop recording, he or she will make a verbal statement of their intent to stop the recording and the reason.

- 6) When a BWC recording is being entered into the property and evidence storage and management area of the agency it should be done according to existing agency policy governing the submission of property/evidence.
- 7) If an officer assigned BWC equipment participates in a law enforcement event or citizen contact and becomes aware that the event was not recorded using the BWC equipment, the officer shall notify their supervisor that the stop was not recorded and should notify them as to the reasons. The notification to the supervisor shall be in writing and shall be forwarded through the chain of command.
- 8) Officers shall ensure that they are equipped with an adequate supply of hard drive storage space to complete their tour of duty. The BWC videos shall be downloaded to the hard drive located in each cruiser by removable hard drive and subsequently uploaded via the departmentally controlled access points. Downloading should be completed in a timely manner or following any incident of serious nature.
- 9) All completed recordings shall be properly labeled and identified prior to being submitted with related documentation into the appropriate storage device/server.
- 10) Officers are encouraged to inform their supervisor of any sequences that may be of value for training purposes.
- 11) Officers will note in incident report, arrest (citation) and contact card, video / audio recordings that were made during the incident in question and depending on circumstances as to what forms are needed.
- 12) Officers shall categorize each digitally recorded incident in accordance with the following pre-assigned categories. The videos recorded shall be placed in to 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 recorded on the BWC. However during the stop the arrestee is also charged with a felony. "Felony" should be the category selected. The following is a list of the applicable categories and their definitions:

Accident – Collision investigations and collisions captured involving non-police vehicles.

Emergency Response – Response to calls for service that involve any emergency equipment.

DUI – Impaired driver contacts (non-felony).

Felony - (Includes traffic related felonies)

Disturbance – Events captured (fights, crowds, etc).

Escorts/Parades –Escorts and parades that require emergency equipment use.

Interviews – Non-traffic

Non-DUI Arrests – Captured arrests that are not felony, traffic, or DUI related.

Traffic Stop – Any traffic related video excluding arrest DUI or Felony

Motorist Assist – Non-enforcement actions related to stalled or disabled vehicles that require the use of emergency equipment.

Vehicle Pursuits – Any police pursuits. This also includes any collisions involving police vehicles.

No Police Actions – Recordings made during training or accidental recordings. These recordings do not contain any citizen contact or police related actions.

Use of Force – Recordings made that include use of force. Each of the listed categories has predetermined retention times. The retention times are controlled internally by the propriety software.

Accident –	90	Days
Emergency Response -	90	Days
DUI -	10	Years
Felony-		Indefinitely
Disturbance -	90	Days
Escorts/Parades -	30	Days
Interviews -	180	Days
Non-DUI Arrests -	1	Year
Traffic Stop -	90	Days
Motorist Assist -	30	Days
Vehicle Pursuits -		Indefinitely
No Police Actions -	30	Days
Unassigned -		Indefinitely
Use of Force -		Indefinitely

Each of the above categories has an “Evidence” option with the exception of “No Police Action”, and “Unassigned”. When selected, the system will direct that an evidentiary DVD of the incident be automatically created and stored in the Property/Evidence room.

4.4.2.8.8 Body Worn Camera Issues Related to Privacy

- 1) The BWC should not be activated when the officer is on break or otherwise engaged in personal activities. Additionally, BWC should not generally be activated in areas such as a restroom or locker room 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).
- 2) For safety and confidentiality reasons, encounters with undercover officers or confidential informants should not be recorded.
- 3) BWC are not required to be activated while engaged in training, inside a courtroom, or while giving court testimony.
- 4) Undercover contacts or plainclothes contacts are exempt from this policy where utilizing a camera may create a dangerous situation or otherwise diminish the investigative success of the operation.
- 5) BWC activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations.
- 6) The purposeful-intentional activation of BWCs during personal conversations between officers and between officers and supervisors involving counseling, guidance sessions, or personnel evaluations is prohibited.

- 7) The BWC 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) to record video and/or audio from the BWC.

4.4.2.8.9 BWC Supervisory Responsibility

- 1) The original digital files from body worn video recorders will be downloaded and stored on a designated storage location to prevent destruction. Officers will make every reasonable attempt to download video and audio files before the end of each shift.
- 2) Non-evidentiary video and audio recordings will be maintained on the designated storage location according to KRS and/or the applicable records retention schedule after their creation.
- 3) This media will be subject to the same restrictions and chain of evidence safeguards as detailed in the agency evidence control procedures.
- 4) Media will be released to another criminal justice agency for trial or other reasons by having a duplicate copy made. All recording media, recorded images and audio recordings are the property of this agency. Dissemination outside the agency, other than for court proceedings, is strictly prohibited without specific authorization of the agency head or designee.
- 5) To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the office BWC technician or forensic media staff.
- 6) Unauthorized and/or malicious destruction, editing, or deletion of video and audio files is prohibited.
- 7) All digital video and audio files are subject to open records request as allowed by Kentucky law. Recordings that are the subject of a denied open records request must be maintained until the dispute between the agency and the person or entity requesting the recordings is resolved.
- 8) Digital media from the BWC shall be stored on a secured server with access limited to supervisory personnel designated by the Chief.
- 9) At least once every 60 day period, supervisors should review a taped event of each officer. The supervisor will document this review under the officer's name.
- 10) Supervisors should use these reviews as a quality control measure. Following such a review, the supervisor will hold a meeting with the officer and provide the officer with either positive reinforcement or constructive criticism with respect to the activity reviewed. Constructive criticism may relate to officer safety issues, demeanor, policy issues or legal issues related to the stop as well as any other supervisory observation relative to performance.
- 11) In cases of infractions, the agency head or his/her designee shall determine proper disciplinary or corrective action.