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Effective Date: February 20, 2002	Revision Date: June 2020
Amends/Supersedes: 700.20/May 2011	Approved by: Chief Kevin Higdon
Meets Accreditation Standard:	

Section 900.20 In-Car Video and Body Worn Video Recording

Purpose

It is the purpose of this policy to establish guidelines and procedures for the use of in-car video recording and body worn systems by personnel of the Shively Police Department. The use of in-car video and body worn recording systems has been implemented in order to assist the Shively Police Department in the prosecution of criminal activity and the defense of its personnel from unfounded citizen complaints and civil litigation.

Policy

This policy provides guidelines for the use of in-car video and body worn recording systems and the retention and disposition of the digitally recorded files.

Statutory Provisions

Kentucky Revised Statute (KRS) 189A.100 addresses the use of in-car and body worn video recording equipment and should be reviewed in its entirety. This statute states that:

- Pursuits, Traffic Stops and Field Sobriety Testing, if recorded, must be recorded in their entirety. (blood alcohol analysis testing exempt)
- The entire recording is made available to defense counsel.
- Recording shall be used for official purposes only.
- Shall be destroyed only upon order of the District Court
- Anyone utilizing or showing the recordings other than as permitted (official purpose) shall be guilty of Official Misconduct 1st Degree a Class A misdemeanor.
- Uniform Citations shall note that a videotape recording exists of the situation.

Procedures

All officers will receive training and familiarize themselves with the manufacturer's suggested operating procedures prior to use of the in-car video recording system. This training shall pertain to:

- Body microphone
- System Controls
- System activation

Responsibility for System Inspection

Officers shall be responsible for inspecting both the in-car video and body worn recording system prior to his/her shift to ensure the systems are working properly. Any damage and/or malfunctions shall be immediately brought to the attention of the shift supervisor and documented in the PlanIt scheduling system.

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The in-car video and body worn recording systems can be used for any lawful police purpose, whether on or off duty, to include but not limited to:

- Traffic stops
- Pursuits
- Collision scenes
- Crime scenes
- Arrests
- Surveillance
- Any situation where documentation by video and/or audio may be beneficial to the Shively Police Department concerning criminal prosecution, civil litigation and/or administrative investigations.

Duty to Record

In-car recording system - Officers shall record traffic stops and any citizen contacts while operating a vehicle equipped with an in-car video recording system. An officer shall not interrupt the video and audio recordings until the citizen contact has been completed by contact termination. Intentionally not recording all or any part of appropriate citizen contacts shall be considered a violation of this policy and may result in disciplinary action. The system **shall** remain on while the officer is on duty or while the car is in motion.

Body Worn Camera (BWC) recording system - • The Body Worn Camera (BWC) will be worn at all times by all personnel, sergeant and below, including investigative units while on duty or working in an off-duty police capacity. The exception would be officers assigned to clandestine duties and only during the clandestine operation or when talking to confidential informants. There should only be limited exceptions where contact with the public is not recorded. The BWC is to be worn on the outermost layer of clothing in an area of the body that provides the optimum viewing vantage point (attached to the belt or vest for plain clothes units).

The BWC is to be turned on and ready to record at all times while working. The BWC record button is to be activated immediately for all police actions and encounters with the public, dispatched or self-initiated (this does not mean that all conversations are to be recorded. Just those where you are acting in an official capacity or under the color of law). The system is set to grab the 30 seconds prior to activation. Once the action/encounter is over, the officer is to stop the recording (best if done after you pull away).

Officers are to take their BWC home after each shift and charge it properly before its next use. Officers will place their BWC in their assigned docking port when they arrive to work each day until all files have been uploaded. This will ensure personnel to have access to the BWC when acting in a police capacity when off duty, or traveling to and from work.

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Tampering with Video System is Prohibited

No officer shall intentionally erase, delete, alter, or tamper with any recording. Intentionally erasing, deleting, altering or tampering with any recording shall be considered a violation of this policy and shall result in disciplinary action. Intentionally erasing, deleting, altering or tampering with any recording is a violation of Kentucky Revised Statute (KRS) 524.100 (Tampering with physical evidence) a Class D felony.

Recordings

All recordings by the in-car video recording system or the body worn camera system shall remain the property of the Shively Police Department.

It will be a violation of policy to allow unauthorized persons to view video or audio files without the permission of the Chief of Police or his designee. Discs of recordings or other electronic duplication may not be released to anyone outside the Shively Police Department without the authority of the Chief of Police or his designee except when responding to a discovery request by the Jefferson County Attorney's Office, the Commonwealth Attorney's Office or the United States Attorney's Office.

Duplicate copies of discs released to anyone outside the Shively Police Department will remain the property of the Shively Police Department and may not be released to a third party without the authority of the Chief of Police or his designee.

Video and audio recording fall under the Open Records Law with a few exceptions, and the Shively Police Department is determined to maintain transparency to the public. Officers should be mindful of this and take appropriate steps to limit general conversations especially of a private or opinionated nature while equipment is recording.

Digital Video Viewing

Recordings may only be viewed for official purposes only, which include:

- Viewing in court.
- Viewing by prosecution and/or defense for court preparation.
- Viewing for administrative review and/or investigation.
- Viewing for administrative proceedings.
- Viewing by shift supervisors.
- Viewing for training purposes.

Video Recordings are the Property of the City of Shively, KY

All copies of recordings, regardless of the format (including all duplicate copies made) are considered confidential records and are the property of the Shively Police Department.