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| Policy # **Body-Worn Video Recording** **(BWV)**  | Related Policies:  |
| *This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis for internal discipline and/or criminal charges.* |
| Applicable State Statutes: KRS Chapter 600-645/670 |
| KACP Accreditation Standard:  |
| Date Implemented:  | Revision Date: May 1, 2025 |

**Purpose:** The purpose of this policy is to direct officers and supervisors in the proper use and maintenance of **body-worn video recorders** **(BWV)** as well as directing how video will be utilized as a quality control mechanism and evidence.

1. **Policy:** The policy of this department/office is to provide officers with body-worn video recording devices in an effort to collect evidence to be used in the prosecution of those who violate the law, for officer evaluation and training, and to provide accurate documentation of law enforcement and citizen interaction. The use of a BWV system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices should adhere to the operational objectives and protocols outlined herein to maximize the effectiveness and utility of the BWV and the integrity of evidence and related video documentation.

1. **Procedure:** It is the intent of this policy that all officers who will be using BWV equipment shall be trained on how the BWV should be tested, maintained, used, and how the recorded events will be properly documented and maintained as evidence in future judicial proceedings.
	1. It is the responsibility of each individual officer to test the BWV equipment at the beginning of each tour of duty. Officers equipped with the BWV will ensure that the batteries are charged prior to the beginning of their shift or a special event. If the equipment is found to be functioning improperly, the officer shall report the problem as soon as practical to a supervisor so the information can be documented and arrangements made for repair.
2. Uniformed officers assigned body-worn video cameras will wear them at all times while on duty in any type of uniform unless otherwise approved. If it is necessary to remove a BWV without obtaining prior supervisory approval, the officer shall notify a supervisor in writing. BWV will be worn according to the manufacturer’s specifications and/or recommendations. Officers will make every reasonable effort to ensure that the BWV recording equipment is capturing events by positioning and adjusting the BWV 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.

**A. Officers should activate body cameras when receiving a call for service and prior to arrival at the scene of a self-initiated response: (example) backing up another officer.** It is the policy of this agency to record with audio and video the following incidents:

* + 1. All calls for service in which citizen contact is made
		2. All traffic stops
		3. All citizen transports (excluding ride-alongs)
		4. All investigatory stops
		5. All foot pursuits

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

1. Arrest of any person
2. Searches of any kind
3. Seizure of any evidence
4. Request for consent to search
5. Miranda warnings and response from in-custody suspects
6. Statements made by citizens and suspects
7. K-9 searches of vehicles
8. Issuances of written violations
9. Arriving at law enforcement events and/or citizen contacts initiated by other officers
10. Other incidents the officer reasonably believes should be recorded for law enforcement purposes
	1. The recording will 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 BWV discontinues 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.
	2. When a BWV 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 retention of evidence.
	3. If an officer assigned BWV equipment participates in a law enforcement event or citizen contact and becomes aware that the event was not recorded using the BWV equipment, the officer shall/~~should~~ notify their supervisor that the stop was not recorded and should notify them of the reasons.
	4. **IV. Issues Related to Privacy:**
	5. The BWV should not be activated when the officer is on break or otherwise engaged in personal activities or when the officer is in a location where there is a reasonable expectation of privacy, such as a restroom or locker room.
	6. For safety and confidentiality reasons, encounters with undercover officers or confidential informants should not be recorded.
	7. 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.
	8. BWV activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations.
	9. The intentional activation of BWVs during personal conversations between officers and between officers and supervisors involving counseling, guidance sessions, or personnel evaluations is prohibited by this policy unless all parties present agree to be recorded.
11. **Supervisory Responsibility - Tapes or other storage media**
	1. The original digital files from body-worn video recorders will be downloaded and stored in 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.

* 1. 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.

* 1. This media will be subject to the same restrictions and chain of evidence safeguards as detailed in the agency evidence control procedures.

* 1. 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.

* 1. 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 BWV technician or forensic media staff.

* 1. Unauthorized and/or malicious destruction, editing, or deletion of video and audio files is prohibited.

* 1. All digital video and audio files are subject to open records requests 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.

* 1. Digital media from the BWV shall be stored on a secured server with access limited to supervisory personnel designated by the chief/sheriff.

* 1. 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.

* 1. 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.

* 1. In cases of infractions the agency head or his/her designee shall determine proper disciplinary or corrective action.

1. **. Recordings of Field Sobriety Tests; Pursuits and Traffic Stops (K.R.S. 189A.100):** Law enforcement agencies may record by visual and audible means the pursuit of a violator or suspected violator, the traffic stop, or field sobriety tests administered at the scene of an arrest for violation of *KRS 189A.010* or such tests at a police station, jail, or other suitable facility subject to the following conditions:
	1. The testing is recorded in its entirety (except for blood alcohol analysis testing);
	2. The entire recording of the field sobriety tests and the entire recording of such portions of the pursuit and traffic stop as were recorded is shown in court unless the defendant waives the showing of any portions not offered by the prosecution;
	3. The entire recording is available to be shown by the defense at trial if the defendant so desires regardless of whether it was introduced by the commonwealth;
	4. The defendant or his counsel is afforded an opportunity to view the entire recording a reasonable time before the trial to prepare an adequate defense; and
	5. Recordings shall be used for official purposes only, which shall include:
		1. Viewing in court;
		2. Viewing by the prosecution and defense in preparation for a trial;
		3. Viewing for purposes of administrative reviews and official administrative proceedings. Recordings shall otherwise be considered as confidential records; and
		4. The recording taken in accordance with this section shall, upon order of the district court, be destroyed after the latter of the following:
			1. Fourteen months, if there is no appeal of any criminal or traffic case filed as a result of the recording, or if the recording does not record the actual happening of an accident involving a motor vehicle;
			2. Fourteen 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, if the recording does not record the actual happening of an accident involving a motor vehicle;
			3. Twenty-six months, if there is no appeal of any criminal or traffic case filed as a result of the recording, if the recording records the actual happening of an accident involving a motor vehicle;
			4. After all appeals have been exhausted arising from any criminal or traffic case filed as a result of the recording;
			5. At the conclusion of any civil case arising from events depicted on the recording; or
			6. At the conclusion of the exhaustion of all appeals arising from any law enforcement agency administrative proceedings arising from events depicted on the recording; and
		5. Public officials or employees utilizing or showing recordings other than as permitted in this chapter or permitting others to do so shall be guilty of official misconduct in the first degree.
	6. When a peace officer makes a recording of any event covered by this policy and a citation is issued or an arrest is made, the peace officer shall note on the uniform citation or in the incident report that a recording has been made of the event.
	7. **Special Considerations**
	8. **School Resource Officers/Recording in Schools and/or Educational Facilities**:
2. Video/audio captured by an SRO implicates a number of privacy issues related to juveniles.
3. An SRO should not view or release any audio/video recordings to school personnel unless subject to a court order and pursuant to KRS Chapter 600-645)
4. All requests for audio/video recordings captured by an SRO will be submitted to the custodian of records.
5. The custodian of records will not release without a proper review by legal authority. (KRS Chapter 600-645)