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| Policy #Mobile Video Recorder (MVR) | Related Policies: See Pursuits; Duty to Disclose |
| *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: K.R.S. 189A.100 |
| KACP Accreditation Standard: 17.13 |
| Date Implemented: | Revision Date: May 1, 2025 |
| ***Tapes shall be available for release only in accordance with the Kentucky Open Records Act and K.R.S. 189A.100*** |

1. **Purpose:** The purpose of this policy is to direct officers and supervisors in the proper use and maintenance of mobile video recorders as well as directing how video will be utilized as a quality control mechanism and evidence.
2. **Policy:** The policy of this department is to provide officers with mobile video recording devices in an effort to enhance the officer’s ability to detect and prosecute criminals.
3. **Procedure:** It is the intent of this policy that all officers who will be using a vehicle outfitted with MVR equipment shall be trained on the manner in which the MVR will be tested, maintained, and used.
	1. It is the responsibility of each individual officer to test the MVR equipment at the beginning of each tour of duty. In the event that the equipment is found to be functioning improperly, the officer shall report the problem as soon as practical to a supervisor so that the information can be documented and arrangements made for repair.

Except when MVR equipment unforeseeably does not function, all motor vehicle stops or street encounters conducted by officers using department vehicles with MVR equipment should be recorded by these vehicles, using both the video and audio MVR functions.

* 1. The recording should begin no later than when the officer first signals the vehicle to stop or arrives at the scene of an ongoing motor vehicle stop initiated by another law enforcement officer, or when the officer initiates a street encounter or arrives at a street encounter initiated by another officer.
	2. The recording should continue until the motor vehicle stop or street encounter is completed and the stopped vehicle or the citizen involved in the street encounter departs, or until the officer whose vehicle has MVR equipment discontinues his or her participation in the stop or encounter by leaving the scene.
	3. The recording should include searches of any kind, to include K-9 searches of vehicles, arrests of any persons, operators or occupants of vehicles, and the issuance of violations.
	4. If an officer whose vehicle has MVR equipment participates in a traffic stop or street encounter is aware that the event was not recorded using the MVR equipment, the officer shall, as soon as practical, notify the dispatcher that the stop was not recorded and should notify a supervisor as to the reasons why the stop was not recorded.
1. **Supervisory Responsibility Recordings**
	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 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.

* 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 later 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.

**Body Worn Video Supervisor Review Worksheet**

Officer conducting Citizen Contact\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Supervisor Reviewing Citizen Contact\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Contact\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Review\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Body Worn Video Supervisor Checklist**

* Was contact self-initiated
* Was contact dispatcher-initiated
* Did officer start video at beginning of contact
* Did video remain on during entire contact
* Did officer adjust BWV to capture the contact
* Was a frisk or search conducted
* Was there reasonable suspicion or probable cause to conduct the frisk or search
* Did officer make an arrest
* Was there probable cause for the arrest
* Was use of restraints consistent with department policy; handcuffing and transportation
* Did officer maintain proper command presence and professional demeanor during the contact

Supervisor Comments: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_