

	Dodge City Police Department		Body Worn Cameras		Page 1 of 8
	Policy 109		Last Updated/ Effective Date		2/5/2016
	Approval:	Ch. Mellecker	Initials:		

PURPOSE

109.01 This policy is intended to provide officers with direction on when and how to use a body-worn camera (BWC) for the purpose of reliably recording contacts with the public.

POLICY

109.02 It is the policy of this department that an officer shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, and when the recordings are consistent with this policy. This policy does not govern the use of surreptitious recording devices used in undercover operations.

PROCEDURES

109.03 Operational Objectives

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

- A. Preserve the truth and facts of a police involved incident.
- B. To enhance officer and public safety.
- C. To improve accountability and transparency to the public we serve.
- D. The use of a BWC allows for accurate documentation of police-public contacts, arrests, and critical incidents. Such use also serves to enhance the accuracy of officer reports and testimony in court.
- E. Audio and video recording enhances this department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes, as well as the ability to provide additional information for officer evaluation and training.
- F. The use of a BWC may also be useful in documenting crime and accident scenes or other events, including the confiscation and documentation of evidence or contraband.

109.04 When and How to use the BWC

- A. An officer assigned to uniformed patrol field activity:
 - a. shall activate the BWC to record all official and investigative contacts with citizens in the performance of official duties; and,
 - b. is required to activate the BWC during the course of all contacts with the public that becomes adversarial following the initial contact; and,
 - c. shall maintain active recording until the contact is completed in order to ensure the integrity of the recording.

- B. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document all justifications that a recording was not activated, was interrupted, and/or was terminated.
- C. Civilians shall not be allowed to review any BWC recordings at any scene.
- D. If asked, an officer will disclose to a person that the officer is recording a contact with that person. Kansas is a one-party consent state, therefore an officer has no duty to inform or acquire consent to record anywhere they have lawful right to be. Individuals do not have the authority to order an officer to cease or limit recording.
- E. Non-uniformed officers, including detectives, shall:
 - a. Properly wear and activate their assigned BWC:
 - 1. Prior to and during any attempts to arrest persons.
 - 2. When executing any search warrant or raid.
 - 3. When conducting any field interviews or interrogations.
 - 4. When responding to officer-in-trouble calls, if time permits.

109.05 Procedures for BWC use

- A. A BWC is issued to each sworn officer of this agency. Every officer who is assigned a BWC shall use said BWC.
- B. All officers assigned BWC equipment shall be provided training on this policy as well as vendor specific training covering the operation of the actual equipment and the Evidence.com “cloud based” media storage system.
- C. An officer shall only use a BWC that is issued by this department. The BWC and all data, images, and metadata captured, recorded, or otherwise produced by the BWC and any associated equipment is the sole property of the department.
- D. A BWC is the responsibility of the officer to whom it is issued and it will be used with reasonable care to ensure proper functioning. Any equipment malfunction must be promptly reported to the officer’s supervisor so that a replacement BWC may be procured.
- E. An officer shall inspect and test the BWC prior to each shift in order to verify proper functioning including checking the date and time accuracy. If a problem is found the officer shall notify their supervisor of the problem, take the BWC out of service and use a spare BWC.
- F. A BWC will be worn in one of the following locations: Uniform epaulet, ball/service cap, stocking hat, head band or uniform collar.
- G. An officer may not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior authorization and approval of the Chief of Police or his / her designee.
- H. All officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

- I. 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 of Police or his or her designee in accordance with state record retention laws. All requests and final decisions will be maintained.
- J. An officer shall note in all incident, arrest, and related reports when recordings were made. However, BWC recordings are not a replacement for written reports.
- K. Headbands, collar mounts, helmet or cap mounts, shoulder mounts, will be assigned as necessary and maintained by the individual officer. Wearing these items in a manner that prohibits video clarity or buffers sound is strictly prohibited (for example- headband should not be hung around ones neck so that the camera faces down toward the ground).

109.06 Restrictions on using the BWC

A BWC may only be used in conjunction with official law enforcement duties. A BWC will not generally be used to record:

- A. Encounters with undercover officers or confidential informants; or
- B. When on break or otherwise engaged in personal activities.

109.07 Storage; Evidence.com; Taser International

- A. At the end of a shift, an officer shall place the BWC into an empty slot on the docking station. This will allow for charging, and for data to be transferred from the BWC to the storage device (Evidence.com).
- B. The BWC may not be removed from the docking station until the data has been uploaded and the battery has been fully charged.
- C. The media captured by the BWC will be uploaded to the storage device and used for official purposes only.

109.08 Data retention requirements by category

Categories and associated retention rates as implemented by the System Administrator: An officer shall appropriately tag all media created by their assigned BWC based on the following categories:

- A. **UNCATEGORIZED [Retention period is based on category once assigned]:** Default setting, which shall not be intentionally used.
- B. **TRAINING [Indefinitely]:** Videos deemed appropriate training aids.
- C. **NO ACTION/MISC/STO [90 days]:** Calls for service resulting in STO, consensual contacts, non enforcement action interactions with the public.
- D. **STOPS [2 years]:** Vehicle/Pedestrian stops not resulting in an arrest or citation, but may have resulted in a pat-down or search; person or vehicle.
- E. **INCIDENT REPORT-NON-CRIMINAL [2 years]:** Misc reports of non-criminal incidents.
- F. **CITATION [2 years]:** Vehicle/Pedestrian stops resulting in a citation.

- G. **MISDEMEANOR INVESTIGATION/ARREST [3 years]:** Misdemeanor criminal offenses.
- H. **FELONY INVESTIGATION/ARREST [10 years]:** Felony criminal offenses.
- I. **RAPE [Indefinitely]:** All incidents involving the crime of rape.
- J. **HOMICIDE/DEATH INVESTIGATION [Indefinitely]:** All death investigations.
- K. **DEADLY USE OF FORCE [Indefinitely]:** All incidents involving deadly use of force by a DCPD officer resulting in the death of a human being.
- L. **USE OF FORCE [10 years]:** All incidents involving the use of force by a DCPD officer.
- M. **PENDING REVIEW [Indefinitely]:** Utilized by users/administrators for entries which must be kept beyond established retention rates.
- N. **ADMINISTRATIVE INVESTIGATION [Indefinitely]:** Only utilized by administrators to re-categorize an entry under internal investigation.

RECORDED DATA ACCESS, REVIEW AND SECURITY

109.09 Roles and Permissions

- A. Chief(s): Unrestricted review. Authority to delete and/or redact.
- B. Lieutenants: Unrestricted review.
- C. Sergeants/Corporals/Detectives: Unrestricted review.
- D. Officers: Viewing restricted to own media.
- E. Property Technicians: Unrestricted review. Ability to delete and/or redact and copy media for authorized releases. Deleting/redacting is only authorized at the Chief level.
- F. Department I.T. Personnel: [undetermined at this time]
- G. Supervisors assigned [by the Chief] to investigate specific internal affairs incidents.: Unrestricted review.

109.10 Review of data files

- A. When preparing written reports, an officer should review his/her recordings as a resource. However, an officer shall not retain personal copies of recordings or use personally owned equipment to record incidents. An officer must not use the fact that a recording was made as a reason to write a less detailed report.
- B. An officer is permitted to review video footage of an incident in which she/he was involved, prior to making a statement regarding the incident.
 - a. This can occur, for example, if an officer is involved in a shooting and has to give a statement about the shooting that may be used in an administrative review or a criminal or civil court proceeding.
 - b. Rationale:
 - 1. Reviewing footage will assist an officer in remembering the incident more clearly, which leads to more accurate documentation of events. The goal is to find the truth, which is facilitated by allowing an officer access to all possible evidence of the event.

2. Real-time recording of an event is considered the best evidence. It often provides a more accurate record than an officer's unassisted recollection, which can be affected by stress and other factors. Research into eyewitness testimony demonstrates that stressful situations with many distractions are difficult even for trained observers to recall accurately.
- C. Circumstances in which supervisors will be authorized to review an officer's BWC recording.
 - a. Common situations in which supervisors may need to review recordings include the following:
 1. To investigate a complaint against an officer or a specific incident in which the officer was involved.
 2. To identify videos for training purposes and for instructional use.
- D. The Patrol Bureau Commander will contact Ford County Communications once a month to obtain five (5) random case numbers from within the prior month time frame. The Commander will locate said case numbers in the storage device to ensure that a recording was made. If a recording was not made, the Commander will investigate to determine why. If it was not a mechanical failure of the camera system then a verbal counseling will be given to the employee. If a second issue arises with an employee failing to operate their BWC, progressive discipline will be implemented.

109.11 Release of BWC media

GENERAL

- A. It is the policy of the department to treat an individual's contact with the police as a private matter. Individuals, groups or entities without legitimate and reasonable interest will not be allowed access to recordings by a BWC. This department shall comply with all federal and state laws while exercising discretion and a duty to balance a citizen's privacy with the public's rights of access.
 - a. The DCPD is committed to protecting and safeguarding victim and witness privacy. Videos which identify the victim of any sexual offense, videos which would constitute an unwarranted invasion of personal privacy, videos within the interior of a facility that offers health care, mental health care or social services, videos within the interior of a private residence, and videos within a place that a reasonable person would expect to be private, shall not be subject to disclosure, unless otherwise required by state or federal law.

ASSIGNED CASE ATTORNEYS

- B. Prosecuting attorneys, having lawful jurisdiction, will be provided access to all BWC media related to each case filed with their respective offices.

- C. BWC media will be released to the defendant and/or the defendant's attorney, with the approval of the prosecuting agency and/or by order of the court pursuant to discovery procedures as set forth by state or federal law.

FREEDOM OF INFORMATION ACT/PRIVATE INDIVIDUAL REQUESTS FOR VIEWING

- D. FOIA requests and/or subjects depicted or parent/legal guardians thereof may be allowed to view recordings through a formal request forwarded to the office of the Chief of Police. The recording in question will be reviewed for restricted content and may be redacted if authorized by the Chief of Police. If no circumstances exist to restrict the viewing then the viewing will be allowed. A viewing opportunity will be arranged and coordinated through the office of the Chief of Police within a reasonable period of time following said authorization.

RELEASE RESTRICTIONS

The following videos are not subject to disclosure under this policy:

- A. Videos involving the arrest or investigation of offenses by juveniles, unless ordered to be released by the court, pursuant to K.S.A. 38-2310 and amendments thereto;
- B. Videos involving the investigation of an alleged Child in Need of Care, unless ordered to be released by the court, pursuant to K.S.A. 38-2212 and amendments thereto;
- C. Criminal investigation records as defined by this policy, when release of the video would:
 - i. Not be in the public interest;
 - ii. Interfere with any prospective law enforcement action, criminal investigation or prosecution;
 - iii. Reveal confidential investigative techniques or procedures not known to the general public;
 - iv. Reveal the identity of any confidential source or undercover agent;
 - v. Endanger the life or physical safety of any person; and
 - vi. Reveal the name, address, phone number or any other information which specifically and individually identifies the victim or alleged victim of any sexual offense in article 55 of chapter 21 of the Kansas State Annotated, and any amendments thereto.

Unless requested as part of discovery, the appropriate prosecuting agency will be contacted by the Dodge City Police Department or City Attorney when a request for videos is made in a pending or prospective criminal investigation, to determine if the release of the requested video will interfere with any pending or prospective criminal investigation.

- D. Videos which depict a “reportable event”, when the dissemination of the video would be unlawful pursuant to K.S.A. 22-4707 and amendments thereto.
- E. Videos the release of which would violate state or federal law or orders of a court or agency having lawful jurisdiction.
- F. The legal counsel for the City of Dodge City will review all Police Department requests for disclosure of body worn camera video and determine if such disclosure is consistent with state law.

MEDIA SOURCE OFFICERS

- E. **The Chief of Police, or designee is responsible for providing officers at the source of the video authorized for release, notice of the pending video release. Every reasonable effort will be made to make these notifications prior to the video release. If notification is not made in advance of the video release, the Chief of Police will provide an explanation to the officer(s).**

109.12 Redactions/deletions

Redactions may be authorized by the Chief of Police for restricted content such as HIPAA protected information, juveniles depicted/ other than the parent or legal guardian’s juveniles, and other issues or information resulting in privacy concerns. Deletions may occur regarding footage mistakenly captured of a non-official duty or no evidentiary value but sensitive nature. Examples could include personal use of the restroom while mistakenly recording or recording a lunch break. Should such footage occur, the recording officer may request the Chief of Police to authorize the deletion or redaction of that media.

Redactions will be conducted by the property technicians.

109.13 Security

The DCPD’s Local Agency Security Officer (LASO) shall verify Taser International’s Evidence.com CJIS compliance annually.

109.14 Policy Development/Evaluation/Review

This policy has been a collaborative effort between the DCPD and its stakeholders and community partners, to include: an administrative review of other law enforcement agencies

BWC policies along with guidance from the National BWC Toolkit and PERF/COPS report, the Fraternal Order of Police Lodge #49, DC Municipal Prosecutor's Office, Ford County Attorney's Office and Victim's Services Unit, the Meadowlark House Child Advocacy Center, the Multicultural Advisory Committee, and the Bias-Based Policing Advisory Board. [2015-2016]

As technology advances and laws change, changes to this program and policy are expected. Therefore this program and policy must be reviewed on an annual basis at a minimum. The DCPD Deputy Chief of Police is responsible for implementing needed changes to either the program or policy.

In an effort to promote transparency this policy shall be published to the department's Facebook page and official website.