



# Lexington Police Department

Lexington, Kentucky

## GENERAL ORDER

BY THE AUTHORITY OF THE CHIEF OF POLICE

### **G.O. 2015-15C    Body-Worn Cameras**

Rescinds: GO 2015-15B

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Distribution

All Department Employees

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### **I. PURPOSE**

The purpose of this policy is to establish guidelines regarding the use, management, storage, and retrieval of the audio and video recordings from body-worn cameras (BWCs) so that employees may systematically record their contacts with the public in accordance with applicable laws and department policy.

### **II. POLICY**

It is the policy of the Lexington Police Department that employees issued body-worn cameras (BWCs) shall activate the BWC when such use is appropriate to the proper performance of their official duties, where the recordings are consistent with this policy and law.

### **III. DEFINITIONS**

*Body-Worn Camera (BWC):* A recording system that includes, at a minimum, a camera and recorder that captures audio and video that is individually worn by assigned employees as a means of documenting interactions between employees and the public. This system is used to document events and capture data that are then preserved in a web-based digital storage facility.

*Body-Worn Camera Administrator:* Employee with full administrator rights and full access to user rights and to the current department storage solution. The body-worn camera administrator assigns and tracks master inventory of equipment, controls passwords and end user security access rights, conducts quality checks of uploaded BWC data video and sound quality, and coordinates data retention. The department's body-worn camera administrator is designated by the Chief of Police.

*Buffering Mode:* While in Buffering Mode the BWC is continually recording video only, but is not committing the video to memory. Once the employee activates Event Mode, the previous 30 seconds of video is then committed to memory.

*BWC Recording:* Refers to all data and associated metadata digitally recorded by a BWC.

*Docking Stations:* BWC equipment which can recharge the BWC batteries, download the latest firmware, and upload all BWC recordings to the current department storage solution.

*Event Mode:* When activated to Event Mode, the BWC commits to memory the previous 30 seconds of buffered video and begins recording both audio and video.

*Investigative Discussion:* A preliminary meeting of personnel at a crime scene when they are discussing investigative ideas and strategies for their investigation. This does not include the initial search of a crime scene or the collection of evidence. This would also include a walkthrough of the scene with representatives from the Commonwealth's Attorney's Office.

*Official Contact:* In-person interactions with members of the public for public safety reasons, law enforcement, or investigative purposes.

#### **IV. PROCEDURES**

All department employees who have been trained in the use of BWCs and who have been issued BWC equipment are required to wear and utilize BWCs in accordance with their training and with department policies. The BWC will be worn in a manner appropriate with their attire while on duty or engaged in off duty employment in Fayette County and where the employee could have an official contact.

This policy supersedes any other BWC policy for an officer working as a member of a task force.

Exceptions include employees assigned to part-time specialized units whose use of BWCs will be determined by the commander in charge of the specialized unit's specific assignment.

BWCs will only be used by employees working in an official law enforcement capacity, including while authorized to work out of county in support of another agency's operations.

Employees are only authorized to use BWC equipment that has been assigned to them and may not deliberately remove, dismantle, or tamper with any hardware or software component of the BWC.

Employees are not required to inform individuals that they are being recorded. Employees should answer truthfully if an individual asks if they are being recorded, unless this information could agitate an individual or create a safety issue for the employee.

Note: This policy does not apply to the use of covert recording devices utilized in undercover operations.

##### **A. BWC Usage**

1. Employees shall place their BWC in buffering mode when they are likely to have official contact. Examples include but are not limited to:

- a. Leaving a department owned building
- b. Becoming available to receive calls for service
- c. Reporting to or returning from an assignment or off-duty employment while in Fayette County

2. Employees shall place their BWC in event mode prior to their arrival on a call for service or at the initiation of any other official contact, or non-contact enforcement actions (e.g.

parking enforcement). Examples include but are not limited to:

- a. Detentions and arrests
- b. Vehicle and foot pursuits
- c. Suspicious situations
- d. All searches
- e. Interviews
- f. Disorderly subjects
- g. Motorist Assists
- h. Traffic Collisions
- i. Parking Enforcement and Towing
- j. Emergency operation of a vehicle
- k. Initial documentation of evidence that could be used in criminal or traffic prosecution
- l. Any situation deemed appropriate by the employee that is not prohibited by this policy

3. Investigative personnel who are called to the scene of a crime where the scene has been stabilized are not required to place their BWC in event mode upon arrival at the scene unless they are involved in an official contact.

4. There may be situations in which officers are unable to activate their BWC due to circumstances making it unsafe, impossible, or impractical to do so. In these exigent circumstances, it is expected that once the immediacy of the situation is over, officers will activate their BWC at the first reasonable opportunity.

5. Employees without a BWC are encouraged to request an employee with a BWC if they encounter a situation where they believe a BWC recording would be beneficial.

6. The employee will dock their BWC into a designated docking station at the beginning of their next shift or within 3 days, whichever is shorter. If the BWC recording contains information of a critical nature, the employee shall dock their BWC into a designated docking station prior to the end of their assignment or earlier if instructed to do so by a supervisor.

Note: If the employee will be away from work longer than 3 days, they must dock their BWC prior to the end of their last shift.

7. The use of BWCs for recording official contact at large-scale and special events will be at the discretion of the incident commander who will instruct employees on the types of contacts that will be recorded. If no incident commander was appointed, employees will follow the standards in this policy.

8. Except as otherwise outlined in policy, if an employee fails to record the entirety of their involvement in official contact, the employee shall verbally notify their supervisor prior to the end of their assignment and include the circumstances on the appropriate documents and BlueTeam report, if applicable.

9. Employees will not intentionally fail to record or obstruct the view of their BWC except in the situations outlined in this policy.

#### B. Deactivation of BWCs

1. BWCs should remain in event mode until the incident that required their activation has concluded or the employee has left the scene. For the following exceptions, once the scene has been secured and employees are no longer in contact with members of the public, employees are required to verbally state their reason and intention to interrupt the recording prior to doing so.

- a. During prolonged incidents, employees that are not in an investigative role and are unlikely to have official contact (securing the outer perimeter, traffic control, etc.)
- b. To discuss strategies and tactics
- c. During an investigative discussion with another employee or supervisor in furtherance of the investigation
- d. When directed to do so by a supervisor

#### C. Restrictions on BWC Usage

1. Generally, BWCs should not be used to record non-official contacts, situations where legitimate safety or confidentiality concerns exist, or incidents where a person would have a reasonable expectation of privacy and the employee is not engaged in official activities. Examples include but are not limited to:

- a. Communications with other employees without their knowledge
- b. Undercover members of federal task forces
- c. Interview rooms if they are otherwise being recorded
- d. Discussions between individuals with privilege such as attorneys and clients
- e. Inside of a juvenile detention facility

- f. Entering a location that contains sensitive assets
  - g. When a person wishes to submit an anonymous tip
  - h. Encounters with undercover officers or confidential informants unless authorized by a supervisor
  - i. Any situation where the employee has reasonable, articulable concerns that recording an incident would create undue safety, confidentiality, or privacy issues
2. At an officer involved shooting or critical incident scene, employees shall leave their BWCs activated until they are directed otherwise by a supervisor to allow for the prompt collection of BWC recordings.

Note: Refer to GO series 1983-03 Critical Incidents for additional information.

3. Prior to conducting strip searches, officers will use a BWC to video and audio record a 360° view of the location where the strip search will take place. However, officers will only record the audio portion of the actual strip search by repositioning their BWCs away from the person on whom the strip search is being conducted. After the search has concluded, officers will reposition their BWC to its standard point of view as soon as practical.
4. Employees will not record areas such as locker rooms, restrooms, medical examination rooms, or similar locations unless the employee is engaged in official contact.
5. Officers assigned to Guard Duty are generally not required to place their BWC in Event Mode:
- a. If the officer is outside of the prisoner's hospital room, or
  - b. If the officer is inside the prisoner's hospital room and no official contacts are taking place.
6. If activating the BWC would compromise an investigation, employees will have the discretion of not activating the BWC but will still have a BWC readily available. The reason for not activating the BWC will be explained in a written report.
7. Members of the Forensic Services Unit will not be required to have their BWC in Event Mode when they are using other department equipment (e.g. scanners and other video/photography devices) to document the collection and preservation of evidence.

#### D. BWC Equipment

1. BWC equipment is the responsibility of the individual employee to whom it is assigned.
- a. Employees are responsible to use BWC equipment with reasonable care to ensure proper functioning, and to maintain BWC equipment in a state of operational readiness.

b. BWC equipment will only be stored in secure locations, including secured locations at department facilities, inside an employee's residence, or in secured vehicles per current training and department procedures, when they are not in use.

2. Only fully operational BWC equipment shall be used. Employees will visually inspect their BWCs for damage, verify that it is functioning properly, and is appropriately charged prior to and during each shift.

3. If their BWC malfunctions or becomes inoperable during an employee's shift, overtime assignment or off-duty employment, the employee shall immediately notify their supervisor and take prompt actions to obtain a fully operational BWC.

Note: If the BWC is a model equipped with a cable and the malfunction appears to be related to the cable, a replacement cable can be obtained from CIS during normal business hours, or Central Records Reports Desk on a 24 hour basis.

a. The employee shall deliver their BWC equipment to the body-worn camera administrator or designee as soon as practicable.

b. The employee will notify their supervisor if the BWC has been repaired, replaced, or if they were unable to obtain a replacement.

4. If any part of an employee's BWC equipment is lost, stolen, or damaged an employee must immediately notify their supervisor and forward a memorandum to them by the end of the next shift detailing the circumstances and what recordings, if any, were lost.

#### E. BWC Recordings

1. All data recorded, or otherwise produced by, the BWC equipment is designated as the sole property of the Lexington Police Department.

a. All access to BWC recordings shall be audited as directed by the Chief of Police or designee to ensure that only authorized users are accessing the recordings for legitimate and authorized purposes.

2. Whenever an employee believes that a BWC recorded contact may lead to a complaint from a member of the public, they should bring the recording to the attention of their supervisor as soon as possible.

3. Employees shall not allow members of the public to review BWC recordings unless authorized by a supervisor.

4. BWC recordings are not a replacement or substitution for written electronic case reports, collision reports, or Uniform Citations.

5. Employees will document in all associated reports that a BWC recording was made by notating one of the following:

- a. “No BWC present”
- b. “BWC present- not activated”
- c. “BWC present- activated- not reviewed”
- d. “BWC present- activated- reviewed”

6. Employees are strictly prohibited, unless authorized by the Chief of Police or designee, from:

- a. Reviewing, accessing, editing, altering, erasing, duplicating, copying, sharing, uploading/downloading, or releasing BWC recordings for personal or non-law enforcement related purposes without proper approval.

Note: Employees are reminded when they obtain a department BWC recording through the open records process, any distribution or showing of that video may be considered misconduct if that action reflects discredit upon the employee or reflects negatively on the police department.

- b. Using other devices (e.g. cell phones, cameras, etc.) to record video and/or audio from the BWC.

#### 7. Storage

- a. All BWC recordings shall be securely uploaded per currently approved department procedures.

1. Each BWC shall be docked at least once every 14 days, even if no recordings are present, to allow for necessary updates.

2. The BWC should not be removed from the docking station until the video and audio has been uploaded unless the employee needs the BWC to record a new incident. If the BWC is removed under these circumstances, it should be returned to the docking station as soon as practicable.

3. Once the BWC has been docked, the employee is responsible to verify that no error or fault indicators are present. If a docking station error or fault is indicated and the employee is unable to resolve the issue on their own, they are responsible to notify a supervisor of the docking station’s error status prior to the end of the employee’s shift or assignment.

4. The supervisor is responsible to notify the body-worn camera administrator, in the Computer Information Systems Unit, of any docking station error or fault indicators, prior to the end of the supervisor’s shift or assignment.

#### 8. Procedures for Categorizing BWC Recordings

- a. Employees may utilize a departmentally issued computer or personal smartphone to view, categorize or add case numbers to BWC recordings in accordance with their training.
- b. The employee will provide the necessary information to uniquely identify each BWC recording and its retention category or categories within the current department storage solution. The employee will provide this information prior to the end of the next shift or within 3 days of the incident, whichever is shorter.

Note: Additional information about the categories is located in the Resources Folder on the G Drive and in the appendix of this policy.

#### 9. Review of BWC Recordings

- a. Employees will only view BWC recordings when they have a legitimate law enforcement purpose to do so and will record that reason in the approved manner in the current department storage solution.
- b. Employees may review their own BWC recordings before or after they are uploaded and per current procedures, unless viewing a BWC recording is otherwise restricted by this policy or unless exempted by the Chief of Police.
- c. Officers are allowed to view their own BWC recordings to assist with report writing, documentation, or in preparation for a courtroom presentation.
- d. Both the FTO and their currently assigned probationary officer are authorized to review their own BWC recordings with each other to further the learning process.
- e. Any detective assigned a case, or any officer conducting a follow-up investigation may review BWC recordings related to the furtherance of the investigation.
  - 1. If a detective or an officer places a criminal charge or files a criminal complaint on a case with BWC recording, they shall ensure the category “05-Arrest/Criminal Citation” is added to all recordings from the incident.
- f. Employees shall not view any BWC recording prior to making an administrative investigation statement in the Public Integrity Unit in the following instances:
  - 1. When the actions of the employee resulted in any individual’s death or serious physical injury.
  - 2. When the officer used deadly force.
- g. Once an employee has made an administrative investigation statement in the Public Integrity Unit, in the instances outlined in g. above, the employee will ordinarily be permitted by the Chief of Police or designee, but not required, to review their own BWC recording and clarify anything the employee observed in the BWC recording. Written clarifications, if appropriate, will be submitted in the form of a memorandum.

- h. Members of either the Critical Incident Review Committee or the Awards and Commendations Committee are permitted to view other employees' BWC recordings, as they relate to official committee business.
- i. Employees are not permitted to view other employees' BWC recordings unless directed otherwise by the Chief of Police or designee, or their supervisor or when specifically authorized in this policy.
- j. Open Records Unit employees will only access, view, and review BWC recordings as a result of an open records request or as requested by the BOA administrative lieutenant.
- k. The Chief of Police reserves the right to limit or restrict the viewing of any BWC recording as they deem appropriate.

#### 10. Restricted BWC Recordings

- a. Only authorized employees can view restricted BWC recordings. The following employees have been granted unlimited access to view any restricted BWC recordings pursuant to their official duties:
  - 1. Command Staff and the BOA administrative section lieutenant
  - 2. Open Records Unit employees
  - 3. Body-Worn Camera Administrator
  - 4. CIS Unit employees
  - 5. PIU personnel
- b. Once an employee or supervisor has categorized a BWC recording as "31-Restricted," only the body-worn camera administrator or the BOA Assistant Chief's designee have the authority to grant limited access.
- c. In extremely rare circumstances an employee may temporarily categorize a BWC recording as "31-Restricted" for the purpose of requesting immediate review and possible redaction when a portion of the BWC recording contains extremely sensitive and personal content involving the employee that does not have any legitimate law enforcement purpose or evidentiary or investigative value. The employee is responsible to immediately:
  - 1. Send written notification, via the chain of command, to the BOA Assistant Chief's office to provide notification that they temporarily added the category "31-Restricted" to a BWC recording pending BOA review.
    - a. Due to the presence of extremely sensitive and personal content on the BWC recording, the employee will either provide a generic

explanation of the circumstances in the written notification, or will request to be contacted directly by the BOA Assistant Chief or designee.

2. The BOA Assistant Chief or designee is responsible to:

a. Ensure the prompt review of the “31-Restricted” BWC recording,

b. Determine whether any redaction(s) will be made to the BWC recording, and ensure their completion as needed.

1. If a redacted version is made:

a. Retain the original version with the sensitive content and the category “31-Restricted” until it can be deleted per BWC records retention schedules.

b. Make a redacted version of the BWC recording in which only the sensitive content has been redacted.

c. Put a note in the redacted version explaining the reason for the redaction and deletion.

c. Remove the “31-Restricted” category (as appropriate) from the redacted version and ensure the BWC recording is properly categorized, and

d. Notify the employee whether the redaction(s) they requested were completed.

Note: It must be emphasized that an employee opting to temporarily categorize a BWC recording as “31-Restricted” as described above shall rarely occur. Potential inappropriate utilization of category “31-Restricted” by any employee may lead to discipline.

d. Whenever an officer or supervisor conducting a criminal investigation or a supervisor conducting an administrative investigation determines that access to a BWC recording related to the incident under investigation should be also categorized as “31-Restricted,” they will:

1. Restrict access by adding the category “31-Restricted” to all BWC recordings from the incident they determine should be restricted.

2. Immediately send notification, via the chain of command, to the BOA Assistant Chief’s office to:

a. Provide notification and a brief explanation why they added the category “31-Restricted” to one or more BWC recording(s), and

b. Submit a request for specific officers or units to have access to the restricted BWC recording(s).

e. Any supervisor can request removal of a category “31-Restricted.” The supervisor will send a request, in writing, via the chain of command to the BOA Assistant Chief’s office explaining the specific reasons why they are requesting that the “31-Restricted” category should be removed. The request will be processed by the BOA office.

f. Any employee whose BWC records child sexual abuse material shall categorize the recording as “31-Restricted” and send notification through the chain of command to the Special Victims Section (SVS) lieutenant.

#### 11. Accidental Activation

a. When an employee accidentally activates their BWC and the recording is not sensitive and does not involve any official contact or call for service, the employee will:

1. Not request a case number
2. Leave the ID field blank
3. Title the recording “Accidental Activation”
4. Set the category to “01-Non-Evidentiary”

b. The employee will send written notification, via the chain of command, to the BOA Assistant Chief’s office requesting the recording of the accidental BWC activation be deleted. The employee will provide sufficient information (employee, date and time) to locate the BWC recording.

#### F. Statutory Provisions for DUI Cases

1. KRS 189A.100 specifically addresses the procedures for securing, reviewing, maintaining and destroying video and audio evidence in DUI cases.

#### G. Supervisory Responsibilities

1. Supervisors shall ensure that employees properly wear, utilize, and maintain their BWCs, and properly document BWC activation in accordance with department policy and procedures.

2. Supervisors are also responsible to monitor that employees properly dock their BWCs for charging and uploading all their BWC recordings, or that the employee notifies them, and they approve, of any circumstances why the employee cannot complete the docking process.

3. When a supervisor is notified by an employee, or discovers that an employee has a malfunctioning or inoperable BWC, the supervisor will:

- a. Ensure that the employee follows the procedures outlined in D. 3. above, and
  - b. If appropriate, notify the employee to document in any applicable electronic case reports and Uniform Citations, the reason for lack of BWC recordings.
  - c. Monitor the above situation until notified by the employee that they have obtained operable BWC equipment.
4. Supervisors will ensure that proper reporting procedures are completed if any part of the employee's BWC equipment is lost, stolen, or damaged; including if this occurred as a result of criminal activity.
5. Supervisors will conduct monthly inspections of employees' BWCs to verify that BWC equipment is undamaged and maintained in a state of operational readiness.
6. If an officer is involved in an officer involved shooting, or any employee is involved in any other critical incident, a supervisor who responds to the scene is responsible to verbally direct the involved employee when to stop recording and to turn off their BWC. This supervisory command will be recorded by the employee's BWC before the employee turns off their BWC.
7. Supervisors will review the appropriate BWC recordings of employees under their direct supervision in the following situations.
- a. As part of their investigation of an informal complaint against an officer, or as part of their investigation of any complaint against a civilian employee.  

Note: Supervisors investigating an informal complaint against an officer, or any complaint against a civilian employee, shall ensure the category "09-Informal Complaint" is added to all BWC recordings from the incident.
  - b. As part of their investigation when there is an allegation (internally or externally) of employee misconduct.  

Note: The supervisor's review of BWC recordings should also include BWC recordings that were recorded prior to the allegation.
  - c. As part of their review of an incident whenever the actions of an officer they supervise require that, per GO series 1991-02 Response to Resistance, a BlueTeam report be completed to document an officer's use of force or response to resistance.  

Note: During the review, the investigating supervisor shall ensure the category "08-Critical Incident/Response to Resistance" is added to all BWC recordings from any such incident.
  - d. As part of their review and BlueTeam report preparation process whenever an officer they supervise is:
    1. A participant in a vehicle pursuit as a primary unit or a secondary unit at any

time during the course of the pursuit.

2. Involved in the injury of or claim of injury of a prisoner or of any other person with whom the officer interacted.

3. Involved in a vehicle collision in a department-owned vehicle.

4. Injured during the performance of their duties

e. As part of their review and report preparation process whenever a civilian employee they supervise is utilizing a BWC and is:

1. Involved in a critical incident.

Note: The supervisor shall ensure that the category “08-Critical Incident/Response to Resistance” is added to all BWC recordings from any such incident.

2. Involved in a vehicle collision in a department-owned vehicle.

3. Involved in the injury of or claim of injury of any person with whom the employee interacted.

4. Injured during the performance of their duties.

f. During the career development and performance evaluation process to provide, as appropriate, both positive and negative feedback to an employee, or to a probationary officer during their probationary period.

g. When notified by an employee of a situation recorded on the BWC that, in the employee’s opinion:

1. May result in a complaint.

2. May have value as a training tool. (Refer to Section H below.)

3. May otherwise be beneficial for the supervisor to review.

h. At the supervisor’s discretion.

8. Supervisors shall, on a routine basis, randomly audit BWC recordings by viewing them in order to:

a. Verify compliance with BWC activation and recording standards and that the camera is being utilized according to departmental policy.

b. Assess an employee’s overall performance and conduct and whether there is reason to believe that the employee may need additional guidance or training in certain

operational areas.

c. Identify any BWC recording that may benefit future training.

9. Supervisors shall also, on a routine basis, check the Uniform Citations officers they supervise have on file to ensure the officers have uploaded and properly categorized a corresponding BWC recording associated with the incident.

10. When an employee fails to activate their BWC for an official contact, event, or scene which requires BWC recording, or fails to completely record their participation in, arrival at and/or their entire involvement, they are required to verbally notify their supervisor, prior to the end of their shift or assignment, of the circumstances.

a. The supervisor is responsible to:

1. Ensure that the employee documented the circumstances of the lack of recording or the incomplete BWC recording on the appropriate documents, if any were generated for the official contact, event, or incident; and on a BlueTeam report.

2. Review any other BWC recording associated with the contact, event, or incident.

3. Evaluate the need for one or more career development plan components (i.e. remedial training, counseling, action plan, follow-up meeting); or initiate other procedures as deemed appropriate.

#### H. Viewing of BWC Recordings for Training Purposes

1. A BWC recording may have value as a training tool for individual employees, specific units, and/or the department as a whole.

2. Employees who have recorded unusual and/or operational situations or incidents that may have potential value in training are encouraged to inform their supervisor, so that the supervisor can evaluate the recording.

a. The supervisor will initially review and evaluate the BWC recording prior to forwarding the employee's recommendation, along with their evaluation, via the chain of command, to the BOA Assistant Chief's office.

b. If the BOA Assistant Chief's office, in coordination with the Training Section (and the Chief of Police, as appropriate), approves the use of the recommended BWC recording as a training tool, and prior to any use of the BWC recording:

1. Any employee who appears in the BWC recording shall be notified by the Training Section of the approval to use a specific BWC recording in which they appear.

Note: Any involved employee who has not had access to or has not watched the approved BWC recording may contact the approving supervisor or the Training Section and arrange to watch the BWC recording.

2. Any involved employee who has reason to object to using the BWC recording for training purposes will submit a memo to the BOA Assistant Chief's office, which will consult with the Chief of Police to ultimately determine if the employee's objection outweighs the training value of the BWC recording.

3. Any involved employee who submitted a memo objecting to the use of a BWC recording for training purposes will be notified in writing of the ultimate determination made by the Chief of Police.

#### I. Public Integrity Unit Responsibilities

1. The Public Integrity Unit shall conduct a random monthly audit of at least 20 BWC recordings, or as determined by the Chief of Police or designee.

2. The Public Integrity Unit shall ensure the category "10-Formal Complaint" is added to all BWC recordings from an incident that results in a formal complaint.

#### J. Release of BWC Recordings

1. BWC recordings requested as part of an open records request will be released by the Open Records Unit as allowed by Kentucky law.

2. The Chief of Police, at their sole discretion, may decide to release certain videos from an incident to the public through either the media or social media even if the video would not be released pursuant to an open records request per Kentucky Law. The Chief may consult with the prosecuting attorney and/or other outside involved entities to include family member(s) of the involved individual or the investigating agency if related to a critical incident. If the Chief authorizes the release of a video under these circumstances, a link to the entire video, from the officer whose video was released, will be made available to the public with appropriate redactions made.

#### K. Records Retention

1. BWC recordings will be retained for a minimum of 60 days (non-evidentiary recordings), with the exception of those recordings which need to be retained longer (evidentiary recordings) due to an investigation (including criminal, administrative, etc.), litigation, or open records request.

a. These recordings will be maintained until all investigative or legal activity or proceedings are completed, pursuant to KRS or applicable records retention schedules.

2. Evidence Disposition

- a. BWC recordings marked with a manual retention category are considered evidence and will be disposed of consistent with GO series 1991-13 Property and Evidence Procedures by using the Property and Evidence Disposition Form (Form #320).

L. Training

1. Prior to using BWC equipment, employees must successfully complete department approved BWC training in their proper activation, use, uploading of data, inspection and storage, and related department policies prior to being issued BWC equipment.
2. The Training Section will coordinate or provide additional training on a regular basis to ensure the continued effective use and operation of the BWC equipment and to incorporate changes, updates, or other revisions in policy, law, or equipment.

[The appendix begins on the next page.]

## Appendix

### Body-Worn Cameras Recordings Category Descriptions

The below information provides guidance to assist employees with choosing the correct categories for BWC recordings. This information is not all-inclusive and does not cover every circumstance. If additional assistance is needed, contact a supervisor.

If the BWC recording may have evidentiary value, then one of the categories with a manual retention schedule shall be selected in order to prevent that BWC recording from being disposed of prior to it being needed in court. There does not have to be an arrest made or citation issued for a BWC recording to be considered evidentiary.

#### **General Information**

1. At least one of the categories with a **red asterisk (\*)** must be chosen for every BWC recording. The category with the longest retention will be used to determine how long to keep the BWC recording.
2. BWC recordings with a manual retention need to be disposed of using the normal evidence disposal process. Officers will indicate in the Dispose section of the Property and Evidence Disposition Form (Form #320) that a BWC recording exists and is approved for disposal.
3. Additional categories can be added in the current department storage solution. Use the search tools to find the BWC recordings to which categories need to be added. Check the appropriate BWC recordings and click the “Add Category” button. Select the proper category to be added and click “Update.”

#### **01-Non-Evidentiary (60 day retention) (\*)**

Used for BWC recordings documenting situations where no enforcement action was taken and nothing of evidentiary value was recorded. Some examples of these include:

- \* Motorist assists
- \* Official contacts where no enforcement action taken
- \* No witness statements were taken
- \* Collisions with no serious injuries
- \* Accidental activations that are not sensitive and do not involve any official contactor call for service

#### **02-Evidentiary (Manual retention) (\*)**

Used for BWC recordings documenting official contacts which may have evidentiary value and no other category is appropriate. Some examples of these include:

- \* Suspect interviews
- \* Victim interviews when they are also a witness to the crime
- \* Witness interviews
- \* Collisions with serious injuries and the potential for criminal charges

- \* Domestic/dating violence and abuse investigations
- \* BWC recordings where evidence of the crime is recorded

**03-Traffic Citation Only (1 year retention) (\*)**

Used for BWC recordings documenting traffic stops where only traffic charges were placed and no criminal citations were issued.

**04-Traffic Stop - No Citation (60 day retention) (\*)**

Used for BWC recordings documenting traffic stops where only a warning citation was issued.

**05-Arrest/Criminal Citation (Manual retention) (\*)**

Used for BWC recordings documenting encounters where a criminal citation was issued or an arrest was made by any officer on the call.

Note: This category should be added to all BWC recordings from the incident by the investigating detective whenever they place criminal charges or file a criminal complaint in a case.

**06-DUI (Manual retention) (\*)**

Used for BWC recordings documenting an investigation or charge of DUI. Per KRS 189A.100, these BWC recordings shall be considered as confidential records and shall be used for official purposes only.

**07-Homicide (Indefinite retention) (\*)**

Used for BWC recordings documenting investigations of homicides.

Note: This category should be added to all BWC recordings from the incident by any officer investigating a homicide.

**08-Critical Incident/Response to Resistance/ (5 year retention)**

Additional category added to BWC recordings related to a critical incident, or involving any level of response to resistance. This should not be the only category assigned to a BWC recording. BWC recordings recorded by supervisors while investigating the incident should have this category as well as the category appropriate for the original incident.

Note: This category should be added by the supervisor or Public Integrity Unit employee who is investigating the critical incident or response to resistance.

**09-Informal Complaint (2 year retention)**

Additional category added to BWC recordings related to an informal complaint. This should not be the only category assigned to a BWC recording. BWC recordings recorded by supervisors while investigating the complaint should have this category as well as the category appropriate for the

original incident.

Note: This category should be added by the supervisor who is investigating the informal complaint.

**10-Formal Complaint (Manual retention)**

Additional category added to BWC recordings related to a formal complaint. This should not be the only category assigned to a BWC recording.

Note: This category should be added by the Public Integrity Unit employee investigating the formal complaint.

**11-Pending Litigation (Manual retention)**

Additional category added to BWC recordings related to potential pending litigation. This should not be the only category assigned to a BWC recording.

Note: This category should be added by the body-worn camera administrator at the request of the Office of the Chief of Police.

**19-Emergency Response - Never Arrived (60 day retention) (\*)**

Used for recordings of employees driving to a call they were not dispatched to and at which they never arrived. These BWC recordings will not be subject to the Officer Not on Call error. If the employee actually arrives at the call, they will be marked on the call and use another category.

**20-DOT Inspections (2 year retention) (\*)**

Used for BWC recordings of DOT inspections to ensure the BWC recordings are retained for two years.

**21-Large-Scale Events (Manual retention)**

Used for BWC recordings at large-scale events (such as demonstrations, civil disturbances and riots) and special events (such as parades, concerts, sports events, and festivals).

**31-Restricted (Manual retention)**

Additional category added to BWC recordings to restrict them from view by most users. Only authorized employees can view restricted BWC recordings.

**32-Redaction (Manual retention)**

Additional category added to BWC recordings which have been redacted by Open Records Unit employees. This should not be the only category assigned to a BWC recording.

Note: This category should be added by an Open Records Unit employee when they perform redactions using the currently approved redaction software.

**51-Training (Manual retention)**

Additional category added to BWC recordings which are approved for use as training tools. This should not be the only category assigned to a BWC recording.

Note: This category should be added by a Training Section employee when a BWC recording is approved for use as a training tool.

**52-CEW Logs (Manual retention)**

Used for Taser logs uploaded to the current department storage solution.

**53-Basic Training Academy (60 day retention)**

Used for BWC recordings created by recruits while they are attending the Basic Training Academy.