

# ***Kingman County Sheriff's Office***

POLICY AND PROCEDURE MANUAL

AUTHORITY: Sheriff Randy L. Hill

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## **SECTION 31.2 BODY WORN VIDEO/AUDIO**

### **PURPOSE**

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWC's) so that officers may reliably record contacts with the public in accordance with the law.

### **POLICY**

It is the policy of the Kingman County Sheriff's Office that officers shall activate department body-worn cameras when the use of such camera is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy, department policies, State law and Federal laws. This policy does not govern the use of surreptitious recording devices used in undercover operations.

### **PROCEDURES**

#### **Administration**

This agency has adopted the use of body-worn cameras to accomplish several objectives. The primary objectives are as follows:

- Body-worn cameras allow for the accurate documentation of law enforcement-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
- Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
- The body-worn camera may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The use of body-worn cameras does not reduce the requirement to provide thorough written documentation of an incident. Persons reviewing recordings must also be cautious before conclusions are reached about what the recordings show.

## **When and how to use the body-worn camera**

Officers are required to activate their body-worn cameras when responding to calls for service and during law enforcement-related encounters and activities, such as traffic stops, arrests, searches, interrogations, and pursuits. Activating the body-worn cameras remains at the officer's discretion in situations where doing so would be unsafe, impossible, or impractical. The video system provided will operate automatically with the activation of the emergency lights on the patrol vehicle. Once emergency equipment is activated, and the camera is on, no officer should de-activate the video system except for the following reasons: the officer is assigned or dispatched to a situation where no possible evidentiary value is likely to exist, such as the officer is at the scene of an accident and video is not needed, or the officer is on traffic control and the video is of no use.

In locations where individuals have a reasonable expectation of privacy, such as a residence, officers should inform individuals that they are being recorded so they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or individuals. The body-worn camera shall remain activated until the event is completed in order to ensure the integrity of the recording. If it becomes necessary to discuss issues surrounding an investigation with other law enforcement officers or County Attorney, the officer may stop the recording during their private conversation from being recorded. The officer is required to activate the camera when conversation has ended.

If an officer fails to activate the body-worn camera, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.

Civilians shall not be allowed to review recordings at the scene.

## **Procedures for body-worn camera use**

Body-worn camera equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned body-worn camera equipment must use the equipment unless otherwise authorized by the Sheriff.

Sheriff personnel shall use only body-worn cameras issued by this agency. The body-worn camera equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.

Sheriff personnel who are assigned body-worn cameras must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

Body-worn camera equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.

Officers shall inspect and test the body-worn camera prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.

Officers shall wear body-worn cameras in position designed to produce an effective recording.

Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner body-worn camera recordings without prior written authorization and approval of the Sheriff or his or her designee. Except as authorized in this policy.

Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict officers from viewing the video/audio files.

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 Sheriff or his or her designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.

Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question.

### **Restrictions on using body-worn cameras**

Body-worn cameras shall be used only in conjunction with official law enforcement duties. Body worn cameras shall not generally be used to record:

1. Communications with other law enforcement personnel without the permission of the Sheriff;
2. Encounters with undercover officers or confidential informants;
3. When on a break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy; such as a restroom or locker room. This restriction does not include jail booking areas.

### **Storage**

All files created by department body-worn camera systems shall be securely uploaded periodically and no later than the end of the officer's work week. Officers will use the docking station to upload data. All contacts with the public that generate a case number and where there is car camera and/or body camera data shall be burned to a DVD and placed on the case file by the officers.

All images and sounds recorded by the body-worn cameras are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly

prohibited.

All access and deletions to body-worn camera files must be specifically authorized by the Sheriff or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes. Following policy SECTION 22.0 ACCESS TO PUBLIC RECORDS and Kansas Open Records Act.

Files should be securely stored in accordance with state record retention laws and no longer than useful for the purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

Officers are authorized and responsible to copy files to CD or DVD that are part of a case and labeled and marked as evidence and placed in the case.

### **Supervisor responsibilities**

Supervisory personnel shall ensure that officers equipped with body-worn camera devices utilize them in accordance with policy and procedures defined herein.

Supervisors will randomly review body-worn camera recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

Only supervisors will delete data from the central storage (VuVault). Only data that has exceeded the minimum time required in this policy and laws may be deleted. Data that was captured during training of the camera, practice and accidental recordings will be deleted during supervisor review of videos.