

# Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 4.31
	Effective Date: 04/30/15 Prv. Rev. Date: 04/10/17 Revised Date: 08/07/17
	Accreditation Standards: CALEA: 41.3.8, 83.2.2 KACP: 17.13, 20.2, 20.5
Chapter: Uniforms and Equipment	
Subject: Wearable Video System /Body-Worn Camera	

## 4.31 WEARABLE VIDEO SYSTEM (WVS)/BODY-WORN CAMERA (BWC) (CALEA 83.2.2)

### 4.31.1 POLICY

The Louisville Metro Police Department (LMPD) has adopted the use of wearable, on-officer cameras to further the mission of the department and enhance service to the community by accurately documenting events, actions, conditions and statements made during citizen encounters, traffic stops, arrests and other incidents in order to promote officer and public safety. The Wearable Video System (WVS) allows hands-free video and audio recording of important or critical incidents from the perspective of the user as they are occurring. This allows the officer to record locations and activities that are not available to in-car recording equipment. The WVS may be used as a stand-alone recorder or in conjunction with, and to supplement, the Mobile Video System (MVS) (refer to SOP 4.1). Officers will only utilize the WVS issued by the LMPD. The WVS shall only be used by officers working in an official law enforcement capacity. This policy does not govern the use of covert recording devices, such as those used in undercover operations.

### 4.31.2 PURPOSE

The LMPD has adopted the use of the WVS to accomplish the following objectives:

- Enhance officer safety.
- Document statements and events during the course of an incident.
- Enhance the officer's ability to document statements and actions for both internal reporting requirements and for court preparation/presentation.
- Preserve visual and audio information for use in current and future investigations.
- Provide an impartial measurement for self-critique and field evaluation during officer training.
- Enhance the public's trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings, strengthening departmental transparency and reducing complaints.
- Allow for the supervisory review of officer-citizen contacts, critical incidents and other police operations.

### 4.31.3 DEFINITIONS

**Wearable Video System (WVS):** Body-worn camera system with secured internal memory for the storage of recorded video and audio.

**Law Enforcement Activity:** Any activity performed by an officer in an official capacity for the purposes of maintaining public order and enforcing the law, particularly the activities of prevention, detection and investigation of crime and the apprehension of criminals.

**WVS Issue Tracking Form:** Form that will be completed by supervisors, or acting supervisors, when notified of a malfunction with the officer's WVS.

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## 4.31.3 DEFINITIONS (CONTINUED)

**WVS Review Form:** Form that will be completed by supervisors to verify compliance with WVS standards, departmental policy and to assess overall officer performance.

## 4.31.4 TRAINING (KACP 17.13a)

Officers will successfully complete WVS training regarding the activation, use, uploading of data, inspection and storage for each device prior to being deployed with a WVS.

## 4.31.5 PROCEDURES (KACP 17.13a-b)

WVS equipment is the responsibility of the individual officer to whom it is assigned. WVS devices shall only be stored in designated, secured locations at LMPD facilities, inside of the officer's home or in secured LMPD vehicles when they are not in use. Officers are to exercise reasonable care and maintenance of the WVS equipment. During their tour of duty, or while engaged in uniformed law enforcement-related secondary employment, officers shall maintain their WVS in a constant state of operational readiness. The WVS shall be used to record all calls for service and law enforcement activities/encounters (e.g. arrests, citations, stops, pursuits, Code 3 operations/responses, searches, seizures, interviews, identifications, use of force incidents, collisions, transports, warrants, etc.). Officers will activate their WVS in recording mode when they acknowledge a call for service or prior to engaging in any other law enforcement activity or encounter. Officers will verify that their WVS is functioning in recording mode by listening for the audible tone and/or checking the visible light indicator. In extremely rare situations, an encounter may be sudden and unanticipated. If an officer is involved in a sudden and unanticipated incident where exigent safety concerns prevent the immediate activation of his/her WVS, he/she shall activate the WVS at the first opportunity, when it is safe to do so, in order to capture the immediate aftermath of the situation.

Officers shall utilize their WVS when assisting other law enforcement or governmental agencies that are engaged in any official law enforcement activities.

The WVS may not be used to record the following:

- Activities of officers on federal task forces, at the request of the host agency and with the approval of the Chief of Police or his/her designee;
- Activities of the Bomb Squad, Dignitary Protection Team (DPT), Hostage Negotiating Team (HNT) or Special Weapons and Tactics (SWAT) Team command posts; or
- Incidents where the Bomb Squad Commander, Hazardous Incident Response Team (HIRT) Commander or chief fire official believes that the use of the WVS may create a danger of fire, explosion or other risk to public safety.

If the officer neglects to activate his/her WVS at a scene which requires recording, fails to record the complete incident or interrupts the recording, he/she will notify his/her supervisor, prior to the end of his/her tour of duty,

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Chapter: Uniforms and Equipment	
Subject: Wearable Video System /Body-Worn Camera	

## 4.31.5 PROCEDURES (CONTINUED)

and complete a Failure to Activate Wearable Video System Memorandum (LMPD #17-0002). This memorandum is available in the "Online Forms" folder on the LMPD Intranet. Click on the "Research and Development" link under the "LMPD Info" header, click on the "Forms" link and double click on the "Reports" folder. The memorandum shall be forwarded, through the chain of command, to the appropriate Bureau Commander by the end of the officer's next tour of duty. If data is lost, the officer shall document the reason in a memorandum and forward it, through the appropriate chain of command, to his/her Bureau Commander by the end of the officer's next tour of duty.

When an officer activates his/her WVS and such activation is not required by policy and the circumstances do not require continued recording, he/she may use his/her discretion when deciding to deactivate the WVS (KACP 17.13c).

The WVS shall not be used for non-law enforcement/personal use or to record personal activities. Officers shall not post recordings to any website, including social media websites (KACP 20.5b, d). Officers shall not use other devices (e.g. cell phones, cameras, etc.) to record video and/or audio from the WVS. Members shall only access their own WVS recordings or those that they have a legitimate purpose to review (e.g. review by detectives involved in the case, review by LMPD Open Records as a result of an open records request, etc.).

Supervisors should refer to SOP 4.31.13 regarding WVS supervisory review procedures. The Evidence.com storage system maintains an audit log that documents the videos that have been viewed and any actions taken by LMPD members. Officers are prohibited from using the WVS to record conversations of departmental members without their knowledge during routine, non-law enforcement-related activities. This includes, but is not limited to, the following:

- Casual conversations
- Roll calls
- Meetings
- Training
- Supervisor reviews
- Performance evaluations
- Employee coaching
- Restroom areas
- Meals

The WVS shall not be used inside of Louisville Metro Youth Detention Services (LMYDS). Officers are required to turn off their WVS prior to entering the facility.

School Resource Officers (SROs) who are issued a WVS shall only record legitimate law enforcement activities while on school property or during school-related events. SROs will maintain their WVS in a constant state of operational readiness during their tour of duty. SROs will activate their WVS in recording mode when called for assistance on the school's radio system.

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Standard Operating Procedures	SOP Number: 4.31
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Chapter: Uniforms and Equipment	
Subject: Wearable Video System /Body-Worn Camera	

## 4.31.5 PROCEDURES (CONTINUED)

The WVS shall not be used in places where an exceptional expectation of privacy exists (e.g. restrooms, locker rooms, dressing rooms, etc.) unless the recording is required for a specific law enforcement activity. Officers have the right to record if they have a legal right to be at, or in, the location (e.g. responding to a call for service, pursuant to a valid search warrant, consent of the resident, etc.).

Officers may be required to turn off their WVS at any hospital or medical facility at the request of the medical staff, unless they are engaging in a law enforcement activity or encounter (e.g. active shooter, unruly patient/visitor, etc.).

The WVS camera shall routinely be positioned to record video and audio from the officer's point of view. Officers shall not routinely record undercover officers or confidential informants in order to protect their identities; however, this is at the discretion of the officer in control of the WVS. If it is necessary to record a confidential informant, the officer may wish to record the audio portion only by positioning the camera away from the informant. Officers will categorize video containing recordings of confidential informants as both the type of crime being investigated (e.g. felony, misdemeanor/violation) and as "Special Circumstances" in evidence.com.

Officers shall use their WVS to record all consent searches in their entirety. This includes recording the subject giving consent to the search.

When conducting strip searches, officers shall video and audio record a 360 degree view of the location where the strip search is taking place. However, officers shall only record the audio portion of the actual strip search by positioning the camera away from the person on whom the strip search is being conducted.

Officers shall not intentionally obstruct the view of the WVS camera except in the situations outlined above.

Officers should inform their commanding officer of any recording that may be of evidentiary value (with the exception of DUI, which is covered in SOP 4.31.7).

## 4.31.6 OPERATION (KACP 17.13a)

Officers shall inspect their WVS to verify that it is fully-charged and does not contain any recordings from a prior tour of duty. Officers shall immediately upload any prior recordings. Officers shall inspect their WVS and its components for damage and verify that it is functioning properly prior to, and during, their tour of duty. Officers should refer to SOP 4.31.12 regarding the procedures for handling any lost, stolen, defective, damaged or malfunctioning WVS component.

The WVS camera shall either be worn on the officer's head or positioned on the collar of the officer's uniform or plainclothes attire, using only the departmentally-issued mounting equipment, at the beginning of his/her tour of duty and shall be worn throughout his/her tour of duty. Officers will not wear the WVS on the same side as their radio microphone. Officers shall maintain their WVS in a constant state of operational readiness. Officers will make certain that their WVS is not pointed excessively high or low. Officers shall not remove, dismantle or tamper with any hardware/software component or part associated with the WVS.

# Louisville Metro Police Department

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## 4.31.6 OPERATION (CONTINUED)

If the audio portion of a law enforcement activity or encounter is captured by the WVS, the use of the officer's MVS microphone to capture the audio is not necessary (CALEA 41.3.8a).

Officers shall not discontinue recording based solely on a person's verbal request, unless the person wishes to submit an anonymous tip, in which the decision to record is at the discretion of the officer. The officer may contact his/her commanding officer for further guidance in these situations, if needed. Officers shall not be required to discontinue recording an event, situation or circumstance for anyone other than a commanding officer.

If a member is on an extended scene with a low likelihood of taking law enforcement action (e.g. downed power lines, downed tree, blocking intersection, etc.), a commanding officer may authorize him/her to discontinue recording. He/she shall reactivate his/her WVS during any public contact at the scene.

At the conclusion of a recorded event, officers shall choose the appropriate storage category for their WVS recording in order to allow for later review and appropriate retention. The proper categorization of recordings determines how long the recordings are retained, to whom access is granted and whether the recording can be released to the public/media. The recordings shall be reviewed by a sergeant in order to verify that they have been properly placed into the appropriate tagging categories in the WVS software.

WVS recordings are not a replacement/substitution for written reports. Officers shall notate that a recording was made in the narrative section of the Administrative Incident Report (AIR) in BlueTeam, Uniform Incident Report, Kentucky Uniform Citation or Kentucky Uniform Collision Report. The notation shall state "WVS activated."

Officers should refer to SOP 4.31.11 regarding the procedures for recharging the WVS and uploading recordings.

## 4.31.7 STATUTORY PROVISIONS FOR DUI CASES (KACP 17.13b-d)

Kentucky Revised Statutes (KRS) 189A.100 specifically addresses the procedures for securing, reviewing, maintaining and destroying video and audio evidence in DUI cases.

Recordings of field sobriety tests, administered at the scene of an arrest, for a violation of KRS 189A.010 (DUI) or such tests at a police station, jail or other facility shall be subject to the following conditions:

- The testing is recorded in its entirety (except for blood alcohol and analysis testing); and
- The recording shall be used for official purposes only, which includes:
  - Viewing in court;
  - Viewing by the prosecution and defense in preparation for a trial; and
  - Viewing for purposes of administrative proceedings.

Recordings shall otherwise be considered confidential records.

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Chapter: Uniforms and Equipment	
Subject: Wearable Video System /Body-Worn Camera	

## 4.31.7 STATUTORY PROVISIONS FOR DUI CASES (CONTINUED)

Recordings taken as a result of a DUI shall, upon order of the District Court, be destroyed after the latter of any of the following:

- 14 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 depict the actual happening of an accident involving a motor vehicle.
- 14 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 depict the actual happening of an accident involving a motor vehicle.
- 26 months, if there is no appeal of any criminal or traffic case filed as a result of the recording, if the recording depicts the actual happening of an accident involving a motor vehicle.
- After all appeals have been exhausted, arising from any criminal or traffic case filed as a result of the recording.
- At the conclusion of any civil case, arising from the events depicted on the recording.
- At the conclusion of all appeals from any law enforcement agency's administrative proceedings, arising from events depicted on the recording.

Officers utilizing, or showing, recordings of DUI arrests, other than as permitted in this section, or permitting others to do so, are in violation of KRS 189A.100(2)(g).

## 4.31.8 COURT/CIVIL PROCEEDINGS (KACP 17.13d)

The WVS shall not be used to record any court proceedings or conferences with prosecutors or defense attorneys. The WVS shall not be used to record any civil depositions or proceedings.

## 4.31.9 SPECIAL EVENTS (KACP 17.13b)

The use of the WVS for recording official activities at special events shall be at the discretion of the Support Bureau Commander, Community Services Division Commander, Special Events Unit Commander or the commander of the special event. The commander shall instruct officers on the types of activities that shall be recorded. Officers shall record citizen contacts as described in SOP 4.31.5.

## 4.31.10 SECONDARY EMPLOYMENT (KACP 17.13b)

Officers who are issued a WVS and wear an official departmental uniform while working secondary employment shall record official law enforcement activities with the WVS pursuant to this SOP.

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## 4.31.11 UPLOADING VIDEO

Officers shall turn off and recharge their controller/power pack at the end of their tour of duty. The WVS shall not be removed from the charger until the video and audio has been uploaded. All WVS recordings shall be uploaded prior to, or at the beginning of, the officer's next tour of duty, including when an officer is working secondary employment. The use of overtime may be authorized for situations other than the normal, routine uploading of WVS video. WVS recordings should be uploaded immediately following a critical incident or use of force incident. A commanding officer may order an officer to upload WVS recordings at any time during his/her shift or following a critical incident or use of force incident.

## 4.31.12 LOST/STOLEN/DEFECTIVE/DAMAGED/MALFUNCTIONING WVS COMPONENTS (KACP 17.13a, c)

Officers shall inspect their WVS for damage and verify that it is functioning properly, prior to, during and after, their tour of duty. Any WVS component that needs to be replaced due to being lost, stolen, defective, damaged or malfunctioning shall immediately be reported to his/her commanding officer. The officer is required to complete a Report of Lost/Stolen/Defective/Damaged Uniform Articles and Equipment form (LMPD #03-04-0180). The officer will forward the original form through his/her chain of command, to the appropriate Bureau Commander. The officer will then take a copy of the form and the WVS component, if not lost or stolen, to the Property Room for replacement.

A Uniform Incident Report will be completed when a WVS has been lost, stolen or damaged as a result of criminal activity. If criminal charges are filed, damage to any property will be notated in the arrest/citation narrative (refer to SOP 4.18). Officers will complete the report using violation code *03024 Property Lost* or the appropriate theft charge report. The report will be forwarded to the National Crime Information Center (NCIC) Unit for entry pursuant to SOP 8.11.

If the WVS eyewear is lost, stolen or damaged, the officer will complete a Report of Lost/Stolen/Defective/Damaged Uniform Articles and Equipment form and forward it to the Technical Services Lieutenant for replacement.

If the WVS camera or controller/power pack is damaged/malfunctioning, the officer will notify his/her supervisor who will complete the WVS Issue Tracking form on the LMPD Intranet Homepage documenting the circumstances surrounding the time of the damage/malfunction and if any video has been captured on the damaged/malfunctioning WVS. Technical Services will attempt to retrieve any captured video from the damaged/malfunctioning WVS.

If the captured video is unable to be retrieved from the damaged/malfunctioning WVS, officers are required to forward a memorandum, through the appropriate chain of command, to the Technical Services Lieutenant by the end of the officer's next tour of duty. This memorandum will include a description of the activity that was captured by the video that was unable to be retrieved. This will verify that evidentiary standards are met (refer to SOP 4.31.15). If the captured video was successfully downloaded from the damaged/malfunctioning camera, the officer is responsible for the proper categorization of the video.

# Louisville Metro Police Department

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## 4.31.12 LOST/STOLEN/DEFECTIVE/DAMAGED/MALFUNCTIONING WVS COMPONENTS (CONTINUED)

If the WVS camera is lost or stolen, officers are required to forward a memorandum, through the appropriate chain of command, to the Technical Services Lieutenant by the end of the officer's next tour of duty. This memorandum will include a description of the activity that was captured by the lost or stolen WVS and the circumstances surrounding its loss or theft.

## 4.31.13 SUPERVISOR RESPONSIBILITIES (KACP 17.13a)

Supervisors shall verify that the WVSs of officers under their command are operating properly. Supervisors will also verify that officers are wearing their camera in a manner to capture incidents and their WVS is not pointed excessively high or low. This shall be included in the supervisor's monthly personnel inspection (refer to SOP 4.18).

If an officer is involved in a critical incident, the commanding officer who responds to the scene will verbally inform the involved officer to turn off his/her WVS after the scene is safe and the incident is under control. This command will be captured by the WVS prior to the WVS being turned off.

At least quarterly, commanding officers will be notified, via reports downloaded from the WVS Issue Tracking form, of officers under their command who fail to activate their WVS and were not in compliance with this policy.

## 4.31.14 REVIEW (KACP 17.13c)

Supervisors shall review the WVS recordings of officers under their command in the following situations:

- The investigation of a complaint against an officer or to review a specific incident (e.g. critical incident) in which the officer was involved.
- Obtaining videos for training purposes/instructional use.
- The evaluation of a probationary officer by a Police Training Evaluator (PTE) during his/her probationary period.
- WVS video will be reviewed during the performance evaluation process to provide feedback (positive and negative).
- The investigation of an officer who has a pattern of allegations of misconduct or poor performance.
- When an AIR is required to be completed, via the BlueTeam link, located on the LMPD Intranet homepage (refer to SOP 3.1).
- On a routine basis in order to verify compliance with WVS standards, departmental policy and to assess overall officer performance. These reviews will be documented on the WVS Review Log, located on the LMPD Intranet homepage.

Officers shall be permitted to review their WVS footage of any incident in which they were involved prior to making a statement or report regarding the incident.



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Chapter: Uniforms and Equipment	
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## 4.31.15 RETENTION/DISTRIBUTION (KACP 17.13d)

Officers shall not delete/erase, destroy, copy, reuse, alter/modify or tamper with WVS recordings. Recordings generated on departmental equipment are the exclusive property of the LMPD and shall be available for departmental use in accordance with applicable legal restrictions, or upon direct authority of the Chief of Police, or his/her designee (Deputy Chief of Police or Assistant Chief of Police). WVS recordings shall be used for official law enforcement purposes only.

WVS recordings that include exculpatory evidence (*Brady* material) shall be retained and turned over to the appropriate prosecutor (refer to SOP 11.7).

WVS recordings that contain a record of a confidential informant will be labeled as "Special Circumstances" on the disk given to the officers and the prosecutors. LMPD Open Records shall notify the Jefferson County Attorney's Office and the Office of the Commonwealth's Attorney of any open records requests for a video containing a confidential informant prior to any release.

Copying or reproducing any recording, or segment of any recording, generated by the LMPD, or the removal of any recording outside of the LMPD, without the written authorization of the Chief of Police, or his/her designee (Deputy Chief of Police or Assistant Chief of Police), is prohibited.

Open records requests for copies of recordings, from persons or agencies outside of the LMPD, shall be directed, in writing, to LMPD Open Records. Open records requests submitted by the media shall be directed, in writing, to the Media and Public Relations Office (KACP 20. b). Anyone may request a copy of a WVS recording by emailing a completed Video System Request form (LMPD #15-0013) to "LMPD Video System Request, located in the department's email distribution list. Any parts of a recording that infringe on an individual's privacy rights or may compromise an investigation may be redacted.

Recordings provided to persons or agencies outside of the LMPD shall be duplicated on new tapes or discs and will be provided by the department for a reasonable fee. The unauthorized duplication of recordings is prohibited.

Only that portion of a recording which contains a specific contact in question may be reproduced.

Nothing in this section prevents officers from securing, or releasing, copies of WVS recordings to the United States Attorney's Office, Jefferson County Attorney's Office or Office of the Commonwealth's Attorney for official purposes.

WVS recordings shall be retained for a minimum of 30 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, AIR, etc.), litigation or open records request. These recordings shall be maintained until all investigative or legal activity is completed, pursuant to KRS or applicable records retention schedules. Recordings containing DUI video evidence shall be maintained and destroyed pursuant to KRS 189A.100.