
KANSAS CITY, KANSAS POLICE

GENERAL ORDER

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I. BACKGROUND, SCOPE AND PURPOSE

- A. Body-worn cameras are an effective law enforcement tool that can reduce violent confrontations and complaints against officers. Body-worn cameras provide additional documentation of police-public encounters and may be an important tool for collecting evidence and maintaining public trust.
- B. This policy is intended to provide officers with instructions on when and how to use body-worn cameras.
- C. The Department has adopted the use of body-worn cameras to accomplish several objectives, including:
 - 1. Body-worn cameras provide a unique perspective of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony.
 - 2. Audio and video recordings enhance the Department'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.
 - 3. Body-worn cameras may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
- D. 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.
- E. Continued review of this policy will adhere to General Order 1.01, Written Directives

II. OVERVIEW

- A. The body-worn cameras shall be utilized to (1) collect evidence that can be used in the prosecution of criminal offenses, (2) record contacts with the public in order to secure unbiased evidence in connection with investigations, (3) allow for supervisory review to ensure that department policies and procedures are followed, and (4) capture footage that would be helpful for training.
- B. Body-worn camera equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the property of the Department. The outside release of any information recorded by a body-worn camera shall only be pursuant to the prior approval of the Chief or their designee.
- C. Once the record function is initiated, the system is designed to capture one (1) minute of prior data, however up to 24 hours of video may be pulled from the device.

III. DEFINITIONS

- A. Body-worn cameras are systems designed to be worn by police officers to capture digital multimedia evidence.
- B. Digital Multimedia Evidence or DME consists of all digital recordings, to include but not limited to audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.
- C. Pre-Record – When manually activated, the body camera will save one minute of video only to the recorded file.
- D. After the fact recording – If an officer is unable to activate his camera, up to 24 hours of only video may be retrieved from the camera. After 24 hours the video is automatically rewritten over itself.
- E. Assigning categories – Officers will tag each video with a category in the evidence library. Categories will be labeled as Traffic, Misdemeanor, Felony, Etc. When tagging a video officers will use the final disposition to categorize the video. For example, if an officer conducts a traffic stop and makes a felony drug arrest, it will be tagged as a felony.

IV. PROCEDURES

- A. Officers and Sergeants will be issued body worn cameras depending on their assignment within the Department.
- B. Sworn personnel assigned to those positions whose primary duties are administrative (e.g., Administrative Support Division, Services Bureau, & Logistics Unit) or investigative (e.g., Criminal Investigations Division, CSI, Narcotics Unit, & Intel Unit) are not required to wear the BWC during their normal tour of duty, except when:
 - 1. The member is likely to participate in enforcement activity (e.g., proactively looking to locate, detain and/or arrest a suspect; conduct surveillance likely to lead to a citizen contact; execute a search warrant of any kind; etc.)
 - 2. The member is directed to wear a BWC by any ranking supervisor.
 - 3. Members are encouraged to wear BWC's during circumstances that they believe would capture media beneficial to any investigation or assignment.
- C. Officers working the Midtown and South Patrol Station report desks are provided a secured, non-contact area, which is recorded with both audio and video. Officers will not have to wear their body worn cameras except when leaving these secured areas with a citizen, e.g. to look at damage for an accident report.
 - 1. Officers working the report desk at Headquarters are not in a secured, non-contact area. Therefore, they are required to wear their body worn cameras, in compliance with this general order.
- D. Sworn personnel that have federal deputations and are assigned to a federal task force will adhere to their respective federal agency's Body Worn Camera policy and procedures when acting in the capacity of a task force officer (TFO). Any TFO, when acting solely in the capacity as a member of the Kansas City, KS Police Department, will adhere to Section IV (B) of this General Order
- E. Prior to using a body-worn camera, officers shall receive Department-approved training on its proper operation, care, and use. As technology changes, officers will be required to attend updated training on the body-worn camera.
- F. Body-worn cameras and equipment should be used with reasonable care to ensure proper functioning and that the battery is fully charged. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned. Officers shall inspect and test body-worn cameras prior to each shift to verify proper functioning, and shall notify their supervisor of any problems.
- G. In the event that a body-worn camera is lost, upon discovery the officer shall immediately notify his/her supervisor.
- H. Officers shall wear body-worn cameras in accordance with the manufacturer's recommendations.
 - 1. Body cameras will always be worn forward facing. Officers shall not block the camera at any time during duty hours.
- I. Officers shall not use personally-owned body-worn cameras or any other type of audio/video recorder while on duty.
- J. If an officer is assigned a body-worn camera, they may use the camera at approved off-duty employment, but only in connection with their Department duties. If used for this purpose, the officer shall download all Digital Media Evidence during their next regularly assigned on-duty shift unless the recording was a critical incident, a felony, or the immediate download is deemed necessary by a supervisor.

V. OPERATION OF BODY-WORN CAMERAS

- A. Except as otherwise provided in this policy, officers shall activate body-worn cameras to record all contacts with citizens in the performance of official duties.
 - 1. Any division and/or unit assigned a body-worn camera shall wear the body-worn camera while on duty.
- B. Officers are encouraged to narrate their calls, whenever feasible, to give context to their calls and actions.
 - 1. Officers should also narrate anytime the camera is being turned off.

- C. Officers have no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, lawful search, or the circumstance clearly dictates that continued recording is necessary. However, officers should evaluate the situation and when appropriate, honor the citizen's request. The request to turn the camera off should be recorded, as well as the officer's response.
 - 1. It is generally implied that words and/or actions performed in the presence of a police officer have no expectation of privacy. If asked, the officer will inform the person they are being recorded. This shall be documented in the officer's report.
- D. Deactivation of the body-worn camera shall occur when:
 - 1. The event has concluded;
 - 2. Victim and/or witness contact has concluded;
 - 3. All persons stopped have been released;
 - 4. Once an arrestee has been placed into a vehicle to be transported to a detention facility. However, the officer transporting the arrestee to the detention facility shall keep the officer's body-worn camera activated until custody of the individual is transferred to the detention facility.
 - 5. If it becomes necessary to discuss issues surrounding an investigation with a supervisor or another officer in private, the officer may turn off their BWC; thereby preventing their private conversation from being recorded. The officer shall state prior to turning the camera off that the camera is intentionally being turned off, and the reason for turning the camera off.
 - 6. Officers will be afforded some discretion when deciding to turn off their body camera. Examples include non-enforcement activities such as traffic direction or incidents that have no evidentiary or law enforcement value.
 - 7. Officers will document the use of the BWC in all reports including the notation on all traffic or warning citations.
- E. If an officer fails to activate a body-worn camera, or fails to record the entire contact, the officer shall document the reasons for doing so.
- F. The use of BWC does not replace the need for required documentation. All incident/supplemental reports shall be completed, regardless of the video that has been captured. This also includes the continued need for evidentiary photos.
- G. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner body-worn camera images and information without the prior written approval of the Chief or the Chief's designee.
- H. Officers who use deadly force, or officers who witness officer(s) involved in uses of deadly force will not review body-worn camera video until they are interviewed by criminal investigators, and a commander gives the approval for the review of the video. However, prior to the conclusion of the interview, the investigator will review the body-worn camera video with the involved officer or witness officer and allow for additional statements or clarification to be documented in a distinct section of the investigator's report.
 - 1. Involved or witness Officers will only review the body worn camera video with the investigator. After this time, only a case adjudication or an expressed written consent from the Chief will allow an officer or officer witness to view the video.
 - 2. In any incident that the Critical Incident Team is paged out, the body camera will be immediately recovered by the first non-involved supervisor. The camera will be turned over to a representative from IT to be downloaded.
- I. Officers shall be allowed to review the recordings from their officer-worn body cameras at any time, subject to any restrictions in Section V, H. To help ensure accuracy and consistency, officers are encouraged to review recording prior to preparing reports. If the officer is giving a formal statement about the use of force or if the officer is the subject of a disciplinary investigation, the officer shall have the option of reviewing the recordings in the presence of the officer's attorney or labor representative;
- J. A Division or Unit commander should periodically review the Body Camera of personnel under their command, to keep themselves apprised of circumstances and or conditions that may benefit further training or policy development in this area.
 - 1. Supervisors will be allowed to review the BWC on complaints of Use of Force, and other contacts that may demonstrate performance problems.
- K. Officers shall not modify, tamper, dismantle, or attempt to make repairs to the BWC.
- L. Body-worn camera restrictions
 - 1. To respect the dignity of others, BWC shall not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms unless it is required to capture evidence for a criminal investigation.
 - 2. The intentional recording of confidential informants and undercover officers is prohibited, unless authorized by a supervisor.
 - 3. Non-work related personal activity shall not be recorded.
 - 4. Under no circumstances shall any recordings be used or shown for the sole purpose of bringing ridicule or embarrassment upon any person.
 - 5. Officers shall not use the BWC to make surreptitious recordings of other department members,

6. An officer shall not be required to record medical treatment related to an on duty injury
7. Officers shall not make copies of any recording for their personal use and are prohibited from using a recording device (such as a camera phone or secondary video camera) to record media or data from the BWC.
8. Any uploading or converting digital recordings for use on any type of social media is prohibited, unless approved by the Chief of Police.

VI. HANDLING OF DIGITAL MULTIMEDIA DATA

- A. All files from body-worn cameras shall be securely downloaded no later than the end of the officer's shift.
- B. Body-worn camera equipment periodically records events that may prove useful as training aids. When these incidents are captured by a body-worn camera system, including an unusual or an exceptional incident, and the incident is perceived to be of value as a training aid, the following procedure will apply:
 1. The officer that generated the recording will notify his or her supervisor and arrange to review the video with the supervisor. If the supervisor concurs, the supervisor will notify the division commander or unit commander through the chain of command and advise the commander that the recording may be submitted for training. Recommendations for the use of a recording for training purposes will be forwarded to the Operations Bureau Director for consideration.
 2. If the Police Academy Commander becomes aware of an incident that has been recorded, he or she will contact the Operations Bureau Director to request a duplicate of that specific segment of video.
 3. No body-worn camera video recording being held as evidence will be used as training material until after the case has been adjudicated, to include the appeals process.

VII. RETENTION AND DESTRUCTION OF DIGITAL MULTIMEDIA DATA

- A. The retention/Destruction of BWC digital media shall adhere to the following criteria;
 1. No evidentiary value/investigative value – 120 Days
 2. IA complaints – Refer to general order 50.06 (Internal Investigations)
 3. Misdemeanor/Traffic Incident – One (1) year unless requested by legal or the courts.
 4. Felony Incident – Five (5) years or until the cases is completed, whichever is greater.
 5. Homicides, Rape, and Agg. Criminal Sodomy – Indefinitely
 6. Civil Lawsuits – when requested by the Legal Dept., held indefinitely until such point the Legal Dept. determines otherwise.
- B. If an officer determines that an incident may have evidentiary value (administrative or criminal) he or she must submit a BWC Evidence Library request for service using the Help Desk by selecting "I'm facing an issue," "Body Worn Camera," then "Evidence Library Request." If an officer has reason to believe a complaint or problem is likely to arise from a vehicle stop or other incident that he or she is involved in, the supervisor will be notified.
 1. When a BWC user has finished recording they will be prompted to categorize the call and supply an incident number. The number will be supplied using the last two digits of the year followed by a hyphen then the incident number. This will assist Evidence Library personnel in locating the video for the creation of video cases when a request is made for the preservation of the video for evidentiary or administrative purposes.
 2. Agencies requesting video evidence will supply the incident number and relevant detail to the Evidence Library via Evidencelibrary@kckpd.org. The request will be logged into the help desk and a link for the requested video data will be provided to the email provided by the requesting agency.
- C. Detectives and supervisors will have the ability to review Digital Media Evidence recordings directly from the system in order to determine if it has any evidentiary value, either criminally or administratively.
 1. If it is determined that an incident needs to be preserved for administrative or criminal prosecution purposes a Help Desk request will be completed as noted above.
- D. If the Wyandotte County District Attorney's Office, Municipal Prosecutor's Office, or another law enforcement agency requests a copy of the incident captured by a Digital Media System the requesting agency will submit a request for the video via department email as above.

VIII. BWC AUDIT

- A. Every officer will have at least one (1) file from their Body Worn Camera audited each month.
- B. The Division Commanders and Specialized Unit Commanders will conduct random checks on top of the mandatory officer audit.

- C. The purpose of the audit is not to issue discipline but rather ensure compliance of policy. Attention should be directed towards identifying training concerns, officer safety measures, or needs that require policy changes.
- D. Commanders shall complete a monthly report in memorandum format that will be submitted to the respective Division Commander and the Bureau of Operations.
 - 1. The report will articulate the videos (Officers) for the month.
 - 2. Any concerns or issues noted during the review and recommend action needed or corrective action taken as needed.
 - 3. If discipline is imposed, the commander will include any documentation and ensure the discipline is in compliance with General Order 20.01.
- E. The Bureau of Operations shall conduct bi-annual audits of the system.

IX. Public Access

A. Requests to View

- 1. KSA 45-217(c) "Criminal investigation records" means: (1) Every audio or video recording made and retained by law enforcement using a body camera or vehicle camera as defined by K.S.A. 45-254, and amendments thereto; and (2) records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701, and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 21-5406, and amendments thereto.
- 2. KSA 45-254(b) The following individuals may request to listen to an audio recording or to view a video recording made by a body camera or a vehicle camera. The agency shall allow the person to listen to the requested audio recording or to view the requested video recording within 20 days of making the request, and may charge a reasonable fee for such services provided by the law enforcement agency.
 - a. A person who is the subject of the recording
 - b. A parent or legal guardian of a person under 18 yoa who is a subject of the recording
 - c. An attorney for a person described above
 - d. An heir at law, an executor or administrator of a decedent, when the decedent is the subject of the recording

*For the purposes of this policy, a "subject" of a recording shall be a person whose image or voice is in the recording. When disclosing the recording, only those portions of the recording that contain the image or voice of the person shall be disclosed.

- 3. A person who requests disclosure pursuant to this subsection shall do so in writing. Police Department personnel must be present at all times during viewing and the requester shall not in any manner record or copy the video being viewed.
- 4. In consideration of the above, videos which identify the victim of any sexual offense, videos which the release 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. See KSA 45-221(a)(3), (a)(30), (a)(47).

B. Requests for Release of Video

- 1. Requests for BWC video or Vehicle camera video shall be made in writing.
- 2. Once the written request has been submitted, the multimedia unit will determine if the video is available and subject to release. If it is available, a fee will be applied. If redaction is required or allowed pursuant to law, a redaction fee will be assessed. All fees must be paid by the requester in advance. If and when the request is made, and it is immediately recognizable that the video cannot be released, the requestor will be notified and no fee will be collected.
- 3. Infractions or No Criminal Charges

*Absent the application of other legal exceptions, videos recorded during citizen contacts may be released upon proper request when such contact results in the issuance or investigation of a traffic infraction or warning only.

4. Release Restrictions

A. In addition to the restrictions set forth above, the following videos are not subject to disclosure:

- (1) Videos involving the arrest or investigation of offenses by juveniles, unless ordered to be released by the court, pursuant to KSA 38-2310.
- (2) Videos involving the investigation of a Child In Need of Care, unless ordered to be released by the court, pursuant to KSA 38-2212.
- (3) Criminal investigation records as defined by KSA 45-217, when the release of the video would:
 - (a) Not be in the public interest;

- (b) Interfere with any prospective law enforcement action, criminal investigation or prosecution;
- (c) Reveal the identity of any confidential source or undercover agent;
- (d) Reveal confidential investigative techniques or procedures not known to the general public (VCTF, Narcotics, SOU);
- (e) Endanger the life or physical safety of any person;
- (f) 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 the Kansas Criminal Code.

C. Media Release of Video for Law Enforcement Purposes

1. If it is determined that the release of video, or any portion thereof, for disclosure to the general public may be necessary for the furtherance of a legitimate law enforcement purpose, requests for such release shall be reviewed by the Chief or his/her designee, and the City Attorney or his/her designee to determine if such disclosure is consistent with all applicable State and Federal laws.