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		Distribution: All
Title: MOBILE VIDEO RECORDERS & BODY CAMERAS		Section: Organization
Issued: 06/08/2010	Effective: 06/16/2010	Revised: 05/22/2020
Rescinds: All Previous	Amends:	
CALEA References: LE 41.3.8 a-f		
Review: Annual	Authority: Chief Michael A. Keller	

## I. Purpose

The purpose of this General Order is to establish guidelines for the use, management, storage, and retrieval of audio-visual media recorded by In-Car Mobile Video Recorders (MVR) and Officer Worn Body Cameras (OWBC).


## II. Policy (LE 41.3.8a)

The use of an MVR or OWBC provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the recording devices and the integrity of evidence and related video documentation.

## III. Definitions

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- A. Formal Encounters with Citizens:** All calls or citizen contacts where a police report or police action is possible, and includes any contact with a citizen where the officer is acting within their official capacity as a law enforcement officer.
- B. In-Car Mobile Video Recorder (MVR):** In-Car video and audio recording system consisting of an external viewing camera assembly, an internal viewing camera assembly, recording mechanism, associated recording medium and in-car microphone.
- C. MVR System Manager:** Personnel trained in the operational use and repair of MVRs and OWBC's, duplicating methods, storage and retrieval methods and procedures, and who possesses a working knowledge of video forensics and evidentiary procedures.
- D. Officer Worn Body Cameras (OWBC):** Portable audio and video cameras issued by the department and worn on the officer's person.
- E. Recording Media:** Audio-video signals recorded on any of several storage devices, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV), or other portable digital storage devices (CD, DVD, hard drive, etc.).

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#### **IV. Regulations**


- A. Officers operating vehicles equipped with a functioning MVR or issued an OWBC will use the recording devices to record audio and video of incidents as prescribed in this policy [B].
- B. Officers in uniform and operating in field assignment, and who have been issued an OWBC, will wear the OWBC [B].
- C. Officers will perform system checks to ensure all recording devices are functioning at the start of their shift and report any malfunctions immediately to a supervisor [B].
- D. Supervisors who are made aware of a malfunctioning MVR will ensure the MVR System Manager is notified of the malfunction if the supervisor is unable to correct the problem, and assign the officer to a car with a functioning MVR if one is available [B].
- E. Supervisors who are made aware of a malfunctioning OWBC will ensure the MVR System Manager is notified of the malfunction if the supervisor is unable to correct the problem, and assign the officer a functioning OWBC if one is available [B].
- F. Digital recordings will not be altered, manipulated, deleted or destroyed unless specifically permitted within this General Order [D].
- G. The use of privately-owned OWBC or other electronic systems are not authorized and shall not be permitted unless authorized by a supervisor [B].

#### **V. Procedures**

##### **A. Program Objectives (LE 41.3.8a)**

- 1. The agency has adopted the use of recording devices to accomplish the following objectives:
  - a. To enhance officer safety.
  - b. To accurately capture statements and events during the course of an incident.
  - c. To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
  - d. To provide an impartial measurement for self-critique and field evaluation.
  - e. To capture visual and audio information for use in current and future investigations.

##### **B. Inspection and Preparation**

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1. Officers will inspect all equipment to ensure the MVR is performing correctly at the beginning of the officer's shift.
2. The inspection shall include:
  - a. Test of the system's overall function to include audio and video;
  - b. Test of the emergency light bar activation of the MVR; and
  - c. Playback of the test video to ensure the MVR is properly recording both audio and video and cameras are pointed in the correct direction.
3. The on-duty supervisor shall be notified by the officer if any portion of the MVR system is not operating properly prior to the patrol unit being placed into service. The on-duty supervisor, when possible, will reassign the officer to another patrol vehicle with an operating MVR, place the vehicle with the non-operational MVR out of service, and notify the MVR system manager.
4. The MVR will be set to automatically begin recording audio and video from the external viewing camera when the overhead emergency light bar is activated.
5. Officers will inspect OWBCs to ensure they are operating correctly at the beginning of the officer's shift, include proper function of audio, video and visual LED indicators. If an OWBC is not operating correctly, the officer will notify a supervisor and a replacement, if available, will be provided. The MVR system manager will be notified of the malfunctioning device.
6. Supervisors will inspect officers issued OWBC for the OWBC's presence and operation during quarterly line inspections (LE 41.3.8e).

### **C. Use and Documentation of MVR**

1. The MVR may be used to record audio and video on all calls but will be used during the following events (LE 41.3.8b):
  - a. All traffic stops;
  - b. All motor vehicle accidents;
  - c. All vehicle pursuits;
  - d. All prisoner transports (internal viewing camera);
  - e. All responses to crimes and disturbance in progress;
  - f. Any situation or event that the officer, through his/her training and experience believes should be recorded.
2. The audio or video of the MVR will not be turned off during any incident until such incident is determined complete, unless (LE 41.3.8b):
  - a. The incident or event is of such duration that the MVR may be deactivated to conserve recording times; and
  - b. The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and
  - c. The intention to stop the tape has been noted by the officer either verbally or in written notation.


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3. With the exception of police radios, officers shall ensure the volume from other electronic devices within the police vehicle do not interfere with MVR recordings.
- Rev. 05222020 4. At the conclusion of incidents where the MVR was used and if the MVR is so equipped, officers will make the appropriate entries into the MVR data entry screen, including case or citation number and a notation of the type of entry from the list provided. Any recordings marked "junk/test" will be deleted following the mandatory 90 day storage requirement.
5. Recordings of incidents involving arrests, assaults, physical or verbal confrontations, vehicle pursuits, vehicle searches where contraband is recovered, prisoner transports or other situations that are evidentiary in nature will be noted as to the type of entry from the list provided.
- Rev. 05222020 6. Officers shall note in their police reports and on citations that the MVR was used.
- Rev. 05222020 7. Officers shall note on citations and reports if video or audio was not available, and the reason why.
8. Officers should review the MVR recordings when preparing written reports to help ensure accuracy (LE 41.3.8c).
9. If an officer becomes aware of a reason that a recording previously marked for deletion should be preserved prior to its deletion, the officer will immediately notify the MVR System Manager to preserve the recording.

**D. Use and Operation of OWBC**

- Rev. 05222020 1. Officers shall activate the OWBC to record all calls for service and during all formal and/or law enforcement related encounters and activities with citizens that occur while the officer is on duty except where doing so would be unsafe, impossible, or impractical. Upon activation of the OWBC the officer will verify that the operation of the visual red LED indicator (LE 41.3.8b).
- Rev. 05222020 2. Examples of "formal and/or law enforcement related encounters and activities with citizens that occur while the officer is on duty" include at a minimum:
  - a. All Traffic stops;
  - Rev. 05222020 b. All Motor vehicle accidents;
  - Rev. 05222020 c. All Formal encounters with citizens;
  - d. All Investigative detentions;
  - e. All Arrests;
  - f. All Searches;
  - g. All Pursuits;
  - h. Execution of any warrant or forced entry into a residence or other structure;
  - i. Interviews or Interrogations;

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j. Any encounter with the public that becomes adversarial in nature after the initial contact.

3. Obtaining the subject's consent to the recording is not required.
4. An OWBC shall be used to record the victim's statement in all cases involving allegations of domestic violence.
5. Once activated, the OWBC shall remain in Record Mode until the conclusion of the contact, the officer has left the scene, or a supervisor has authorized that a recording may cease (LE 41.3.8b).
6. If an officer fails to activate the OWBC, fails to record the entire contact, or interrupts the recording, the officer shall document either on camera or in their report why a recording was not made, was interrupted, or was terminated.
7. If it is necessary to discuss issues or concerns with another officer or supervisor in private, the OWBC may be turned off. The intention to stop the recording will be noted by the officer verbally on camera.
8. As soon as the private conversation is completed, the OWBC shall be returned to Record Mode.
9. Prior to the end of the officer's shift, officers will download the data from the OWBC into the video management system, and make the appropriate entries into the data entry screen, including case or citation number and a notation of the type of entry from the list provided. Any recordings marked "junk/test" will be deleted following the mandatory 90 day storage requirement.
10. Recordings of incidents involving arrests, assaults, physical or verbal confrontations, vehicle pursuits, vehicle searches where contraband is recovered, prisoner transports or other situations that are evidentiary in nature will be marked with case or citation number and a notation of the type of entry from the list provided.
11. Officers shall note in their police reports and on citations that the OWBC was used.
12. Officers should review the OWBC recordings when preparing written reports to help ensure accuracy (LE 41.3.8c).
13. If an officer becomes aware of a reason that a recording previously marked for deletion will be preserved prior to its deletion, the officer will immediately notify the MVR System Manager to preserve the recording.


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**E. Data Storage, Retention and Retrieval**

1. Officers are responsible for downloading their OWBC recordings into the video management system.
2. The Chief of Police will designate a patrol supervisor as the MVR System Manager, which includes oversight of the MVR and OWBC video management systems.

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3. The MVR System Manager will be trained on the use and maintenance of the MVR, OWBC and Video Management Systems (LE 41.3.8f).
4. The MVR System Manager will be responsible for long term storage and retrieval of MVR and OWBC recordings and maintenance of the recording equipment (LE 41.3.8d).
5. The MVR System Manager will also:
  - a. Maintain a recordings database using the Video Management Systems (LE 41.3.8d);
  - b. Maintain all evidentiary and non-evidentiary recordings for a period of 90 days prior to their removal from the databases (LE 41.3.8d);
  - c. Maintain non-evidentiary recordings for a period of 90 days prior to their removal from the databases (LE 41.3.8d);
  - d. Ensure officers and supervisors are trained in the use of the MVR and OWBC and management systems (LE 41.3.8f);
  - e. Be responsible for any additional task found to be necessary but not covered in this General Order.

**F. Data Security and Integrity**

1. Only Chief of Police, Operations Commander, and MVR Manager have “administrative” access to video management system with deletion and edit capabilities.
2. Only department Supervisors, Records Custodian, and Accreditation Manager have “supervisory” access to video management system with viewing and copying capabilities.
3. Officers will only be given “viewing” access to video management system with viewing capabilities of their own videos. Only authorized department employees will have access to the OWBC storage media and Video Management System via a software password issued by the MVR System Manager.
4. Employees are not permitted to make copies of MVR or OWBC recordings for themselves or anyone else, including other law enforcement officers, without the prior approval of the Chief of Police.
5. Duplication of MVR or OWBC recordings is only authorized in response to a court subpoena or at the request of a prosecuting attorney (LE 41.3.8c).

**G. Dissemination and Open Records Requests for In-Car or Body-Worn Camera Videos: (LE 41.3.8c)**


1. Requests for In-Car or Body-Worn camera video files will be subject to regulations and process set forth by law and the City of Andover’s Open Records policy.

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2. Kansas Open Records Act (KORA) K.S.A. 45-215 through 45-223 and K.S.A. 45-254:
  - a. "Criminal Investigation Records," as defined in K.S.A. 45-217, are records of an investigatory agency or criminal justice agency, compiled in the process of preventing, detecting or investigation violations of criminal law.
  - b. Pursuant to K.S.A. 45-254, every audio or video recording made and retained by law enforcement using a body camera or vehicle camera shall be considered a "Criminal Investigation Record."
  - c. "Criminal Investigation Records," per K.S.A. 45-221, subsection a, 10, are exempt from open records requests, except the district court, in an action brought pursuant to K.S.A. 45-222, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that discloser is in the public interest.
3. Video files associated with a criminal case can only be disseminated through the court system. Files are evidence in a criminal case and will be handled in the same manner as common evidence such as fingerprints, DNA, etc.
4. Video files not associated with a criminal case will not be released, except when it has been ordered/subpoena from the court, or it has been determined by the Chief of Police to be in the best interest of the public.
5. Pursuant to K.S.A. 45-254, any audio and/or video files requested by a subject portrayed in the audio or video file, their guardian, attorney or heir, will be afforded the opportunity to listen to any requested audio recording(s) or to view requested video recording(s) within 20 days of the request, but will not be provided a copy of the video file(s).
6. The Chief of Police can authorize the release or viewing of any video file if he/she deems it beneficial for the City of Andover or the Andover Police Department.
7. Duplication of MVR or OWBC recordings in response to an Open Records Request must be approved by the Chief of Police.
8. Video files subject to an open records request and approved by the Chief of Police to be released will be redacted at the cost of the requesting party.
9. Any duplication or dissemination of any MVR or OWBC recording not previously listed is strictly prohibited without prior authorization from a Division Commander or the Chief of Police.
10. All MVR and OWBC recordings are the property of the Andover Police Department.

**H. Quality Control (LE 41.3.8g)**

1. Supervisors at a minimum, are responsible for reviewing at least three MVR or OWBC recordings per officer every month and will document the

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accomplishment of these reviews on their CALEA tracking sheet. Behavior and or actions that are above or below department expectations should, as soon as possible, be brought to the officer's attention and documented appropriately. Supervisor reviews should also be included in the officer's annual performance evaluations. Monthly reviewing of the MVR and OWBC recordings are for the purpose of:

- a. Ensuring satisfactory officer performance
  - b. Auditing officer activation rates through a random selection of calls/videos;
  - c. Ensuring the equipment is functioning properly;
  - d. Ensuring the equipment is being used properly; and
  - e. Identifying material that may be appropriate for training.
2. Minor infractions discovered during the review of MVR or OWBC recordings should be viewed as training opportunities and not as a venue for routine disciplinary actions. Should the behavior or action continue after being informally addressed, the appropriate disciplinary or corrective action shall be taken.
  3. Incidents discovered during the review of MVR or OWBC recordings involving serious misconduct or criminal behavior involving an officer will be handled consistent with the General Orders of this department.

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