I. PURPOSE: The purpose of this regulation is to establish a policy for the use and management of both body-worn and vehicle cameras and a web-based digital media storage facility.

II. SCOPE: All Personnel Authorized by the Chief of Police

III. BACKGROUND: The Garden City Police Department (GCPD) adopts the use of body-worn and vehicle cameras to visually and audibly record specific interactions between officers and the public and to retain associated video for a period of time. The use of camera systems provides limited documentation, within the field of the camera's view of law enforcement interaction with the public by providing recorded evidence of actions, conditions, and statements that may be used for court proceedings, or internal review. Video cannot always show the full story nor does it capture an entire scene. Cameras provide additional documentation of police/public encounters and may be an important tool for collecting evidence and maintaining public trust.

IV. DEFINITIONS:

A. BODY CAMERA: A device that is worn by a law enforcement officer or other identified personnel that electronically records video and audio of such officer’s activities.

B. VEHICLE CAMERA: A device that is attached to a law enforcement vehicle that electronically records video and audio of law enforcement officers’ activities.

C. SYSTEM ADMINISTRATOR(s): System administrators will be assigned by the Chief of Police and will have full access to the web-based digital system to assign and track equipment; control passwords; conduct quality checks of uploaded data; coordinate data retention/destruction; and provide copies of requested data to requesting agencies.

D. END USER: Body-worn/Vehicle camera user with individual account access to the web-based digital media storage facility. An end user cannot alter or delete video recordings.

V. OBJECTIVES: Body-worn and vehicle cameras will be used to document events and capture limited data to be uploaded and preserved in a cloud-based digital storage facility and treated as evidence. The GCPD has adopted the use of body-worn and vehicle camera systems to accomplish the following objectives:
A. To improve officer accountability and transparency to the public they serve.
B. To enhance public and officer safety.
C. To accurately document statements and events during an incident.
D. To enhance the officer’s ability to document and review statements and actions for both internal reporting requirements and courtroom preparation/testimony.
E. To preserve visual and audio information for use in current and future investigations.
F. To provide an impartial measurement for self-critique and field evaluation during officer training and/or mentoring sessions.
G. To enhance public trust by preserving factual representations of officer-public interactions in the form of video and audio recordings.

VI. PROCEDURE:

A. The safety of the public and officers shall take precedence over recording events. Officer safety and the safety of the public shall be the primary considerations when contacting the public or conducting vehicle stops, not the ability to record an event.

B. Body-worn and vehicle cameras shall be used to capture visual and audio evidence for investigations and enforcement encounters. Officers shall not be required to provide narrations or dictate their actions to the camera, but may choose to do so in certain situations. Detailed police reports are still required and are the appropriate place to document the totality of the circumstances for the incident.

C. General
   1. Designated personnel who are not otherwise assigned a body-worn or vehicle camera may become required to wear one in certain circumstances. These circumstances include, but are not limited to, specialized assignments, disciplinary purposes, or as otherwise determined by Command Staff or the Chief of Police.
   2. The GCPD does not permit personnel to use personally owned cameras while on duty. All body-worn and vehicle recordings shall remain the property of the GCPD and constitute official records of the Department. Unauthorized access to, or use, duplication, and/or distribution of video/audio files is prohibited. Personnel shall not make copies of any video/audio file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record video/audio files.
   3. Inspection and general maintenance of camera equipment installed in department vehicles or assigned to officers shall be the responsibility of the officer.
a. Video camera equipment shall be operated in accordance with the manufacturer’s recommended guidelines and departmental training and policies.

b. Before beginning each shift, the assigned officer shall perform an inspection to ensure that the body camera and vehicle camera is performing in accordance with the manufacturer’s recommendations covering the following matters:
   1. Body-worn camera synced to vehicle camera;
   2. Windshield and camera lens are free of debris;
   3. The camera is facing the intended direction; and
   4. Equipment is capturing both video and audio information and plays back both.

4. Malfunctions, damage or theft of video camera equipment shall be reported to the System Administrator(s), via the chain of command before placing the unit into service.

D. Training
   1. The Department shall ensure that each officer is trained in the use of the body-worn/vehicle camera before issuance and deployment. The training shall include:
      a. Training on operation (including when to activate and deactivate), maintenance and care;
      b. Training on mandatory, discretionary and non-permissible uses of body-worn/vehicle cameras;
      c. Periodic training on significant changes in the law pertaining to body-worn/vehicle cameras;
      d. Additional training at periodic intervals to ensure continued effective use of the body-worn/vehicle camera equipment, performance, and to incorporate changes, updates or other revisions in policies and equipment.

E. Operational Use
   1. Designated personnel who are assigned a body-worn camera should wear the camera on their uniform at a location that will facilitate an optimum recording field of view. Officers shall not deliberately remove, dismantle or tamper with any hardware and/or the evidence management software component of the camera.
   2. 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 may inform the person they are being recorded.
   3. Designated personnel who activate the body-worn or vehicle camera while on duty will be required to note the existence of the recording in the official incident report, citation, or CAD event if no incident report exists.
a. The primary officer at an incident will have the responsibility to document in their report any assisting officer that responds in a back-up/secondary role that otherwise would not necessarily generate a report. The documentation should include the officer's name and whether or not video was captured.

4. Designated personnel who utilize body-worn and vehicle cameras are required to articulate in the official incident report, citation, or CAD event if no incident reports exist, their reasoning if they fail to record or deactivated the camera during an activity that is required by department policy to be recorded.

5. There are many situations when an officer should activate the body-worn or vehicle cameras, however; this policy is not intended to describe every possible circumstance. There may be times when an officer fails to record an event or activity that is otherwise required by agency policy to be recorded. The safety of officers and members of the public is the highest priority, and the department acknowledges there may be situations in which operation of the device is impractical or may be an impediment to public and officer safety. Additionally, the department recognizes human performance limitations during particularly stressful, critical situations. In these such circumstances, officers will notify their direct supervisor and document the circumstances in their official incident report, citation, or CAD event if no incident report exists.

6. Sound judgment and discretion shall dictate when a body-worn/vehicle camera is activated; however, officers shall make every effort to activate the body-worn/vehicle camera to record public contact when law enforcement action is being or may be taken including, but not limited to:
   a. All enforcement encounters where there is at least reasonable suspicion the person(s) has committed, is committing or may be involved in criminal activity. This includes, but is not limited to:
      1. Detentions, vehicle stops, pedestrian stops and consensual encounters
      2. Probation, parole, post-release community supervision, mandatory supervision or consent searches, 'knock and talks.'
   b. Observed unlawful conduct;
   c. Response to complaints or calls for service;
   d. High-risk situations;
   e. Statements received pertaining to investigations and advising an individual of Miranda rights;
   f. K-9 deployments;
g. Taking or attempting to take a person into custody (e.g., arrests, protective custody of mentally disturbed persons, etc.);

h. All incidents involving arrest resistance;

i. All public interaction, regardless of context, that escalates and becomes adversarial;

j. Service of search and arrest warrants;

k. Pursuits;

l. Any other circumstances where the officer believes recording an incident would be appropriate, or when directed by a supervisor.

7. A recording should generally be made during incidents that create reasonable suspicion in the mind of a reasonable officer that a crime has been committed, is being committed, or will be committed.

   a. Subject to other provisions of this regulation, individuals encountered may make requests to officers to activate body-worn/vehicle cameras. Public requests will not guarantee that cameras will be activated, but shall be considered in light of all factors and applicable policies.

8. If it becomes necessary to discuss issues surrounding an investigation with a supervisor or another officer in private, the officer may turn off their camera; thereby preventing their private conversation from being recorded. The officer will document why the camera was intentionally turned off either through narration on camera prior to turning the camera off, or within the incident report, citation, or CAD.

9. Once video is captured, officers shall identify the data file in the following manner:

   a. By entering the report number or event number in the applicable title field.

   b. Selecting the appropriate category. In the event more than one category is applicable, the category with the longer retention rate shall be selected.

10. Categories and associated retention rates as implemented by the GCPD:

    a. **UNCATEGORIZED:** Default setting, which shall not be intentionally selected (Administrator Only).

    b. **TRAINING (90 days):** Videos deemed appropriate for training aids and approval by System Administrator(s) only.

    c. **TEST (7 days):** Intentional activation of the camera by an officer in order to test either the body camera or vehicle camera prior to shift.

    d. **SUPERVISORY (120 days):** Videos deemed by supervisors of having no evidentiary value. (Example: Response to a scene in order to check the status of personnel and conduct supervisory tasks.)
e. **NO ACTION (120 days):** Incidents which do not result in enforcement action; arrest, report number, citation, etc. These may include:
   1. Vehicle/Pedestrian stops, consensual, or based on probable cause or reasonable suspicion, knock and talks, or calls for service, which does not result in a report number, arrest, or citation, but may have resulted in a pat-down, or search of a vehicle or person.

f. **CITATION/TRAFFIC INFRACTION (2 years):** Vehicle/Pedestrian stop resulting in a citation.

f. **MISDEMEANOR/CITY ORDINANCE ARREST (3 years):** Criminal offenses pursuant to City ordinance and Kansas Statute.

h. **FELONY INVESTIGATION/ARREST (10 years):** Felony criminal offenses.

i. **SEXUAL ASSAULT (Indefinitely):** All incidents involving felony criminal sexual assaults.

j. **HOMICIDE (Indefinitely):** Any unlawful killing of another person, other than vehicular manslaughter.

k. **DEATH INVESTIGATION (2 years):** Non-criminal deaths.

l. **IN CUSTODY DEATH (Indefinitely):** All incidents involving the death of individual while in police custody.

m. **ARREST RESISTANCE (10 years):** All incidents involving the use of force.

n. **ADMINISTRATIVE INVESTIGATION (10 years):** Only utilized by administrators to re-categorize entries as needed per the Office of Professional Standards.

o. **COURT HOLD (Completion of the case):** Videos that may require additional retention due to court appeals or other determining factors.

11. Each officer is responsible for ensuring that their assigned body camera or vehicle camera is uploaded during their shift as needed or at the completion of their shift, or at any time the device's memory is deemed to be full. Actual time spent uploading the video files at the completion of an officer's shift shall be regarded as time worked.

12. Supervisors will ensure that officers utilize the body and vehicle cameras according to these policy guidelines. Supervisors may require certain recordings to be uploaded as soon as possible following an event. Supervisors completing an Arrest Resistance investigation where a camera was used should review the video and follow procedures outlined in the Regulation Manual.

13. All video recordings shall remain the property of the GCPD and constitute official records of criminal investigations of the GCPD.

14. Unauthorized access to, or use, duplication, and/or distribution of video files are prohibited. Personnel shall not make copies of any video footage file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record video files.
15. In the event of accidental activation of the body-worn or vehicle camera where the resulting recording is of no investigative or evidentiary value, the recording officer may request that the camera file be deleted. The officer will submit a request for deletion via email to the System Administrator(s) through the officer’s chain of command, with sufficient information to locate the recording.

16. The System Administrator(s) are the only personnel capable of deleting any recordings. Any requests for deletion must be approved by a Captain or the Chief of Police. Approvers must not be the subject of the recording.

F. Operational Prohibitions/Restrictions

1. Officers shall not modify, tamper, dismantle, or attempt to make repairs to the body-worn or vehicle cameras. Violations may result in disciplinary actions.

2. To respect the dignity of others, officers utilizing body-worn/vehicle cameras will make reasonable efforts to avoid recording persons who are nude, or when sensitive areas are exposed.

3. Body-worn cameras shall not be activated in places where a reasonable expectation of privacy exists unless police action is being taken:
   a. Such as locker rooms, dressing rooms, or restrooms;
   b. Doctor’s or lawyer’s offices;
   c. Medical or hospital facilities;
   d. During tactical briefings or the discussion of safety and security procedures; and/or
   e. The intentional recording of confidential informants and undercover officers is prohibited unless authorized by a supervisor.

4. Non-work related personal activity shall not be recorded.

5. Under no circumstances shall any recordings be used or shown for the sole purpose of ridicule or embarrassment upon any person or used for non-police related activities.

6. Officers shall not use body-worn cameras to make surreptitious recordings of other department members without their consent, a court order, or unless lawfully authorized by the Chief of Police or designee for the purposes of an internal or criminal investigation.

G. Accountability, Review, and Security

1. Officers authorized under this policy may review their video in the review-only mode as it relates to:
   a. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports;
   b. Before courtroom testimony or for courtroom presentation;
   c. Before providing a statement pursuant to an administrative investigation; and/or
   d. For training purposes.

2. A supervisor may review a specific incident contained on digital media for the purpose of training, critique, early intervention inquiries, civil claims,
administrative inquiry, or other articulable reasons. Supervisors are encouraged to review randomly selected videos on a monthly basis for purposes as described above. Field Training Officers (FTO’s) and the FTO Coordinator may view camera video files to evaluate the performance of an officer in the Field Training Program.

3. It is not the intent of the GCPD to review camera video files for the purpose of proactively discovering policy violations. However, supervisors are authorized to review footage in the following circumstances:
   a. When a supervisor needs to investigate a complaint against an officer or a specific incident in which the officer was involved;
   b. When a supervisor needs to identify videos for training purposes and for instructional use;
   c. When officers are still in a probationary period or are with a field training officer; and/or
   d. When officers have had a pattern of allegations of abuse or misconduct;

4. Supervisors will select, at random, one video every 60 days that is recorded by each officer under their command and will review that video. Captains will randomly review a selection of videos from each team.

5. Supervisors who discover minor, non-criminal policy violations will have the discretion to resolve the violation. Should the violation rise to the level of more formal discipline, the supervisor will adhere to departmental policies regarding discipline.

H. Open Records
   1. The GCPD is committed to the public policy of the State of Kansas as set forth in the Kansas Open Records Act (KORA), that public records shall be open for inspection unless otherwise provided in the KORA, and that this policy, like KORA, shall be liberally construed to promote transparency.

2. The release of body-worn/vehicle camera footage will be released pursuant to KORA and Kansas statute. Unless otherwise stated in KORA or Kansas statute, individuals viewing video shall not make copies of any video/audio file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record video/audio files.

I. Release of Video – Pursuant to Court Order and/or Subpoena
   1. The prosecuting attorney may make a request via email or phone to the System Administrator for release of video(s) for court purposes. Information should include the name of the officers involved, date, and case number associated with the video(s). Links will be shared to the prosecutor through the cloud-based storage allowing access to the requested video(s) for viewing or download.
2. Camera videos will be released in criminal prosecutions to the defendant and/or the defendant’s attorney, with the approval of the prosecuting agency and/or subpoena or order of the court pursuant to discovery procedures as set forth by Municipal Court, State or Federal law.

3. Camera videos may be released in non-criminal court proceedings pursuant to subpoena and/or court order pursuant to state and federal law and after review by the City Attorney’s Office.

J. Release Restrictions

1. The following videos are not subject to disclosure under this policy:
   a. Videos involving the arrest or investigation of offenses by juveniles, unless ordered to be released by the court, pursuant Kansas Statute and amendments thereto;
   b. Videos involving the investigation of an alleged Child in Need of Care, unless ordered to be released by the court, pursuant to Kansas Statute and amendments thereto;
   c. Criminal investigation records when the release would:
      1. Not be in the public interest;
      2. Interfere with any prospective law enforcement action, criminal investigation or prosecution;
      3. Reveal confidential investigative techniques or procedures not known to the general public;
      4. Reveal the identity of any confidential source or undercover agent;
      5. Endanger the life or physical safety of any person; and
      6. Reveal the name, address, phone number or any other information, which specifically and individually identifies the victim or alleged victim of any sexual offense as defined by Kansas Statute, or any amendments thereto.
   d. Videos that the release of which would violate state or federal law or orders of a court or agency having lawful jurisdiction.