

# Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 4.31
	Effective Date: 12/xx/13
	Accreditation Standards: CALEA: 83.2.2 KACP: 20.2
Chapter: Uniforms and Equipment	
Subject: Wearable Video System	

## 4.31 WEARABLE VIDEO SYSTEM (WVS) (CALEA 83.2.2)

### 4.31.1 POLICY

The Louisville Metro Police Department (LMPD) has adopted the use of wearable, on-officer cameras for the purpose of documenting official actions taken by officers of the department. The 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/to supplement the Mobile Video System (MVS) (refer to SOP 4.1).

### 4.31.2 PURPOSE

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

- To enhance officer safety.
- To document statements and events during the course of an incident.
- To enhance the officer's ability to document statements and actions for both internal reporting requirements and for court preparation/presentation.
- To preserve visual and audio information for use in current and future investigations.
- To provide an impartial measurement for self-critique and field evaluation during officer training.
- To enhance the public's trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.

### 4.31.3 DEFINITIONS

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

**TASER AXON Flex Camera:** The video and audio camera that can be mounted on the officer's collar, epaulet or mounted on a fitted head bracket/glasses.

**Controller/Power Pack:** Supplies power to the WVS, via the "On/Off" button, and is worn on the user's belt, in a holster or on a shirt pocket. The system's activation button and indicator lights are also located on the controller/power pack.

**Buffering Mode:** The default mode in which the WVS remains after being powered on. In this mode, the WVS continuously loops 30 seconds of video recording only.

**Event Mode:** The mode in which the WVS must be placed in order to record both video and audio. The WVS "Event" mode is activated by pressing the "Event" button on the controller/power pack two (2) times within one (1) second. The indicator light on the controller/power pack will begin blinking red, giving officers a visible indicator that the WVS is now recording video and audio. An audible tone will also alert users that the unit has

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## 4.31.3 DEFINITIONS (CONTINUED)

been activated. Activating the “Event” button also places markers on the media segment for later viewing/review.

**Privacy Mode:** The mode in which the WVS is placed into sleep status and video and audio recording is not taking place. The WVS “Privacy” mode is activated by pressing the “Privacy” button on the controller/power pack. A green light and audible tone will alert the officer that the WVS has been placed into “Privacy” mode.

**Evidence Transfer Manager (ETM):** The docking unit used to recharge the controller/power pack and upload the encrypted recorded video and audio from the WVS. The ETM then transfers the encrypted data digitally to Evidence.com.

**Evidence.com:** The online web-based digital storage medium facility accessed at <https://www.evidence.com>. This virtual warehouse stores the digitally encrypted data in a highly secure environment accessible to personnel based on their security clearance.

## 4.31.4 PROCEDURES

Officers shall be trained in the operation of the WVS, as required by the department, before engaging in the use of the equipment. The WVS shall be used to record official actions, including, but not limited to:

- Driving Under the Influence (DUI) cases.
- Traffic stops.
- Pedestrian stops.
- Foot pursuits.
- Vehicle pursuits.
- Vehicle searches.
- Searches and seizures.
- Field interviews.
- Knock and talks.
- Search warrants.
- Drug interdiction activities.
- Use of force incidents.
- Disorderly individuals.
- Encounters with mentally or emotionally disturbed subjects.
- Domestic violence (DV) situations.
- Acts of physical violence.
- Civil disturbances.
- Crimes or events in-progress or have just occurred, where fleeing suspects or vehicles may be captured on video leaving the scene.
- Advising an individual of his/her Miranda rights.
- Obtaining consent from person(s).

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## 4.31.4 PROCEDURES (CONTINUED)

- At crime or accident scenes, or other events, where video and audio evidence can be captured to help document, enhance and support officers, written reports, evidence collection, investigations and court testimony.
- Any law enforcement activity that the officer deems appropriate.

The WVS shall not be used for non-law enforcement/personal use and shall not be used in places where a reasonable expectation of privacy exists (e.g. restrooms, locker rooms, dressing rooms). The unauthorized duplication of recordings is prohibited. Officers shall not use other devices (e.g. cell phones, cameras, etc.) to record video and/or audio from the WVS.

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. 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. Exceptions may be made with the permission of a commanding officer.

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 inspect their WVS for damage and ensure that it is functioning properly prior to the start of their tour of duty. If the WVS is damaged or is not functioning properly, the officer shall immediately inform his/her supervisor.

Officers shall recharge their WVS at the end of their tour of duty, via the ETM. The WVS shall not be removed from the ETM until the battery has been fully charged.

## 4.31.5 OPERATION

The activation and the deactivation of the WVS is performed by the control buttons located on the controller/power pack. The WVS shall remain in "Buffering" mode upon being powered on, which allows for continuously-looping, video-only recording in 30 second intervals. Officers shall maintain the WVS in "Buffering" mode so that it can be activated in "Event" mode throughout their tour of duty for the capture of both video and audio evidence.

Upon being placed into "Event" mode, the last 30 seconds of video shall be officially recorded with the addition of audio. To place the WVS in "Event" mode, the officer shall press the "Event" button two (2) times within one (1) second. The indicator light on the controller/power pack will begin blinking red, giving the officer a visible indicator that the WVS is now recording video and audio. An audible tone will also alert the officer that the unit has been activated. Activating the "Event" button also places markers/tags on the media segment for later viewing/review.

After the WVS is placed into "Event" mode, the officer shall record the incident or encounter in its entirety and not deactivate the WVS until the incident or encounter has been concluded.

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## 4.31.5 OPERATION (CONTINUED)

Backup officers with a WVS, who arrive on scene to assist other officers, shall place their WVS into "Event" mode in order to record the event, in its entirety, from their perspective.

Officers shall document the reason why their WVS was placed into "Event" mode and is then returned to "Buffering" mode or shut off completely. Documentation shall take the form of making a recorded announcement on the WVS (e.g. "Contact completed," "Ordered by supervisor (name) to end the recording," "Incident concluded," etc.).

Upon being placed into "Privacy" mode, the WVS video and audio recording is in sleep mode and not recording. A green light will display, which alerts the officer that the WVS is in "Privacy" mode and an audible alert will advise of the inactive condition. Officers shall only use this mode when in an area where a reasonable expectation of privacy exists or having a private conversation that should not be recorded. Officers shall maintain the WVS in "Buffering" or "Event" mode at all other times.

Officers using a WVS are not required to advise a person that a recording is taking place unless he/she specifically asks for this information. Officers shall not discontinue recording based solely on a person's verbal request. Officers shall not be required to discontinue recording an event, situation or circumstance for anyone other than the officer in control of the camera, or upon the instructions of a commanding officer.

At the conclusion of a recorded event, officers shall choose the appropriate storage category (e.g. DUI, DV, etc.) for their video and audio in order to allow for later review/retention.

## 4.31.6 STATUTORY PROVISIONS/DUI ONLY

Kentucky Revised Statutes (KRS) 189A.100 specifically addresses the procedures for securing, reviewing, maintaining and destroying video or 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 shall include:
  - 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.

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

- 26 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, and there is no appeal of any criminal or traffic case filed as a result of the recording; or

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## 4.31.6 STATUTORY PROVISIONS/DUI ONLY (CONTINUED)

- All appeals have been exhausted, arising from any criminal or traffic case filed as a result of the recording; or
- At the conclusion of any civil case, arising from the events depicted on the recording; or
- 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, shall be in violation of KRS 189A.100(2)(g).

## 4.31.7 UPLOADING VIDEO

The ETM acts as a charger for the controller/power pack of the WVS and also allows the encrypted recorded video and audio from the WVS recordings to be uploaded digitally into Evidence.com. Officers shall recharge their controller/power pack at the end of their tour of duty so the video and audio can be uploaded. The WVS shall not be removed from the ETM until the battery has been fully charged and the video and audio has been uploaded.

The video and audio recordings can be accessed at <https://www.evidence.com>. This online site stores the digitally encrypted data in a highly secure environment accessible to personnel based on their security clearance. Only authorized personnel shall be able to access the recorded video and audio.

## 4.31.8 SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure that the WVS, of the officers under their command who are issued a WVS, is operating sufficiently. This shall be included in the supervisor's monthly personnel inspection (refer to SOP 4.18).

## 4.31.9 RETENTION/DISTRIBUTION

Officers shall not erase, destroy, alter 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.

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, is prohibited.

Open records requests for copies of recordings, from persons or agencies outside of the LMPD, shall be directed, in writing, to the Open Records Coordinator's Office. Open records requests submitted by the media shall be directed, in writing, to the Media and Public Relations Office (KACP 20.2b).

Recordings provided to persons or agencies outside of the LMPD shall be duplicated on new tapes or compact discs (CDs) and shall be provided by the department for a reasonable fee.

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## 4.31.9 RETENTION/DISTRIBUTION (CONTINUED)

Only that portion of a recording which contains a specific contact in question shall be reproduced. When any recording, or any portion of a recording, is to be reproduced for use by an outside person or agency, the officer who generated the video shall be notified, in writing, by the Chief of Police, or his/her designee, of the planned reproduction.

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

WVS recordings shall be retained for a minimum of 90 days, with the exception of those recordings which need to be retained longer, pursuant to KRS or applicable records retention schedules. Recordings containing DUI video evidence shall be maintained and destroyed pursuant to KRS 189A.100.