



Policy & Procedure Chapter 61

In-Car Video Policy

Effective Date: 3/1/2016

Reviewed: 3/30/2017

KACP Standards:

61.0 BOONE COUNTY SHERIFF VIDEO CAMERA POLICY

- A. The purpose of this policy is for the Boone County Sheriff's Department to utilize new technology to the fullest extent in the provision of the highest level of professional service to the community. This technology includes the use of in-car video equipment, which can be used as evidence in court, for training and for public relations. Its use can lead to better safety for deputies, for more detailed reporting, for resolution of citizen complaints and for increased cognizance of deputies' actions (thus more professional, safe, and thorough).

61.1 PROCEDURE:

- A. The program will be supervised by the Video Coordinator. The Video Coordinator will be responsible for issuing equipment, assisting in equipment setup, training personnel, maintaining the video evidence and making copies of master data files as needed.
- B. Video camera equipment installed in vehicles is the responsibility of the deputy assigned to that vehicle and will be maintained according to manufacturer's recommendations.
- C. Prior to each shift, deputies shall determine whether their in-car video camera equipment is working satisfactorily and that the wireless offload feature is working. All Deputies shall report any issues or problems regarding their video system to their supervisor prior to the start of their shift.

- D. In-car video cameras will automatically activate when the system's triggers have been activated. When it comes to the attention of the deputy that the automatic activation function is malfunctioning, it shall be the deputy's responsibility to ensure that the camera is turned on as required. The system triggers are:
1. Activation of emergency equipment; positions 2 and 3;
 2. Activation of the long gun release switch;
 3. Activation of the crash/inertia sensor;
 4. Manual activation;
 5. Activation by remote switch, microphone;
 6. Activation by travel speed, 95 MPH or greater.
- E. Deputies will ensure that the video camera is operating in order to record traffic stops or other enforcement actions. In so doing they will ensure that:
1. The video camera is positioned and adjusted to appropriately record events;
 2. The wireless microphone is stored in the charger located inside of the vehicle and is available if needed;
 3. The video camera and microphone are not deactivated until the action is complete.
 4. The correct date and time appear on the monitor.
- F. Deputies shall use their video camera equipment to record the following events:
1. All traffic enforcement activities, including traffic stops;
 2. All possible D.U.I. stops, including the subject's driving prior to the stop, when possible;
 3. Emergency driving situations, including vehicle pursuits;

4. When assisting another deputy or officer, regardless of the agency, with any of these activities;
 5. Any other time that the deputy believes a video recording of an event may be beneficial in either a judicial or administrative proceeding;
 6. Rear facing in-car video systems shall be activated and remain in use at all times when transporting a prisoner or civilian; or detaining a subject in a stationary vehicle.
- G. Deputies shall categorize their videos by utilizing the drop down boxes at the conclusion of each recording. It is important that the video is categorized correctly in order to manage data files while maintaining compliance with the appropriate retention schedule.
- H. Deputies shall not attempt to delete or alter data.
- I. Deputies shall not record personal conversations between deputies, and/or supervisors. The recording of counseling/guidance sessions and/or evaluations is strictly prohibited.
- J. Deputies are prohibited from utilizing any component of the video system when off duty for personal use.
- K. Deputies shall ensure that they are equipped with an adequate supply of data storage to complete their tour of duty.
- L. When a citation is written in conjunction with a recorded event, the deputy shall check the “evidence held” box on the Kentucky Uniform Citation.
- M. Deputies in need of a copy of a recorded event shall complete a “Request for Video” form. If a citation was written in conjunction with the event, a copy of the citation shall be attached to the request. All requests must be submitted to the Video Coordinator at least one (1) week prior to the time that the data is needed.
- N. Requests for a copy of a video from outside of the department shall be directed to the Video Coordinator, or a secretary with the department. Required information includes the name and date of birth of the subject involved, name of the charging

deputy, the date and time of day that the incident occurred. The date by which the video is required should be included.

- O. Requests in response to discovery in a criminal case should be coordinated with the Boone County Attorney's Office.
- P. Requests made under the Kentucky Open Records Act require an initial response within three (3) days of the receipt of the request. Requests taking longer than three (3) days will be handled in accordance with KRS 61.872(5).
- Q. Requests for video involving a motor vehicle DUI must comply with KRS 189A.100(2).
- R. If a deputy has reason to believe that a video may contain exculpatory evidence, the deputy shall notify the Boone County Attorney's Office.
- S. The Video Coordinator shall make a copy of the requested incident as soon as practicable. The incident shall be copied to a new DVD. The label on the DVD will contain the defendant's name, date of incident, the requesting attorney's name and the involved/arresting deputy's name. It shall be the responsibility of the video coordinator to inform the requesting party when the DVD is complete.

61.2

DATA CONTROL AND MANAGEMENT

- A. All recorded data shall be treated as evidence. Data will be subject to the same security restrictions and chain of custody safeguards as detailed in Boone County Sheriff Policy, Chapter 34 *Property Room/Evidence Management*.
- B. Video data will not be released to anyone other than bona fide criminal justice agencies or attorneys requesting copies for discovery purposes, unless otherwise approved by a commanding deputy of the Boone County Sheriff Department.
- C. Video from DUI related incidents are restricted to court and administrative review only. Unauthorized viewing or use of a DUI video can result in official misconduct charges (KRS 189A100(2)(g)).
- D. All data shall be maintained in a manner that allows efficient identification and retrieval. Data that is needed for court

proceedings or other adversarial or departmental uses shall be maintained for a minimum period of time as indicated below:

1. Eighty (80) years:
 - Felony Arrests/Reports/Investigations
 - Domestic Violence Arrests/Reports/Investigations
2. Ten (10) years:
 - Misdemeanor Arrests/Reports
 - Ordinance and Non-Traffic Violations
 - Non-Criminal Death Investigations
 - Motor Vehicle Collisions with Injuries, Possible Injuries or Fatality(s)
3. Up to Five (5) Years per KRS 189A.100(2)(f):
 - Dui Arrests/Investigations
4. Three (3) Years:
 - Motor Vehicle Collision with No Injuries
5. Two (2) Years:
 - Traffic Stops with a Citation Issued
6. Thirty (30) Days:
 - Traffic Stops with no Citation Issued
 - All Other Recordings

61.3 SUPERVISORY RESPONSIBILITIES

- A. Supervisory personnel who manage deputies with in-car video cameras shall ensure that:
 1. All deputies shall follow established procedures for the use and maintenance of video camera equipment, handling of video recordings and completion of proper documentation.
 2. Repairs and replacement of damaged or non-functional equipment is performed.