

**Subject: Digital Recording and Control**

References: CALEA Chapter 41

By Order of the Chief of Police  
James Brown

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**PURPOSE**

The Department uses digital recording and control equipment for the following purposes:

1. To record encounters with citizens;
2. To document events or evidence;
3. To assist with reports;
4. To assist with court testimony;
5. To enhance training; and
6. To protect and defend against civil litigation and allegations of misconduct.

**DEFINITIONS**

- D1 Body Worn Camera (BWC)** – Digital video recording equipment worn on the officer's body.
- D2 Evidence.com** - Online web-based secure digital storage facility for BWC video that is accessible to personnel based upon a security clearance.
- D3 Evidence Transfer Manager (ETM)**- Docking station for the BWC that uploads data to Evidence.com and re-charges the battery.
- D4 Digital Recorder** – Department issued digital voice recorder.
- D5 iRecord** - Digital video/audio recording system used for recording interviews conducted in interview rooms.

**REGULATION****A. GENERAL GUIDELINES AND AUTHORITY FOR USE OF AUDIO AND VIDEO EQUIPMENT =41.3.8.b**

1. Department authorized digital recording devices and recordings are the exclusive property of the Topeka Police Department.
2. The use of privately-owned BWC systems is not authorized and shall not be permitted.
3. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without prior written authorization and approval of the Chief or his or her designee
4. Officers shall adhere to the operational objectives outlined in this policy in order to maximize effectiveness and protect the integrity of video and audio evidence and documentation.

**B. DEPARTMENT REVIEW**

Media recordings may be reviewed by supervisors under the following circumstances:

1. To investigate a complaint against an officer or a specific incident in which the officer was involved,
2. During the course of Departmental review of officer-involved pursuits, defensive actions, accidents.
3. While an officer is on a probationary period after being released by the Field Training Supervisor (FTS) board.
4. When authorized by the Chief of Police.

**C. ASSIGNED PERSONNEL**

1. All personnel who are assigned a BWC shall complete Department approved training in the operation of the BWC system.
2. All officers and supervisors assigned to the Field Operations Bureau, Bicycle or Motorcycle Units and the Response Team will be issued a BWC upon the

completion of approved training and shall be required to follow all procedures and protocols of this policy.

**D. OPERATING PROCEDURES**

1. Inspection of Equipment:
  - a. Each Officer who is issued digital recording equipment shall be responsible for maintaining all the assigned equipment.
  - b. Officers will inspect their recording equipment and ensure the camera is charged and operational prior to each shift. Cameras that are not functioning shall not be worn and shall be reported to a supervisor as soon as possible.
  - c. If audio or video equipment is not functioning properly the officer will notify a supervisor and either complete an I.T. help desk ticket or submit a request for replacement depending on the type of equipment.
2. Modes of Operation:
  - a. Normal (buffering) Mode - the BWC system continuously loops video for 30 seconds and records video only (no audio) while buffering.
  - b. Event Mode - when activated the BWC system saves the buffered video, and continues recording video and audio for approximately 8 hours depending on the settings and battery charge.

**E. RECORDING PROTOCOL**

1. Officers shall activate the BWC to record all calls for service and during all law enforcement related encounters and activities that occur while the officer is on duty except where doing so would be unsafe, impossible, or impractical.
2. Examples of "law enforcement related encounters and activities that occur while the officer is on duty" include:
  - a. Traffic stops,
  - b. Investigative detentions,
  - c. Arrests,
  - d. Searches,
  - e. Pursuits,
  - f. Execution of any warrant or forced entry into a residence or other structure,
  - g. Interviews or Interrogations,
  - h. 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. A BWC shall be used to record the victim's statement in all cases involving allegations of domestic violence.
5. Once activated, the BWC shall remain in Event Mode until the conclusion of the contact, the officer has left the scene, or a supervisor has authorized that a recording may cease.
6. If an officer fails to activate the BWC, 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 BWC may

- be turned off. The intention to stop the recording should be noted by the officer verbally on camera.
8. As soon as the private conversation is completed, the BWC should be returned to Event Mode. Officers should remember that when it is turned back on the prior 30 seconds of video will be saved but not the audio portion.
  9. Civilians shall not be allowed to review the recordings at the scene.

**F. EXCEPTIONS TO RECORDING PROTOCOL**

1. Officers may deactivate a BWC to record conversations with witnesses or members of the public who wish to report or discuss criminal activity or share information.
2. If a BWC is deactivated as described above, officers should note the reason on camera prior to deactivation.
3. No officer shall activate a BWC to record:
  - a. Personal activity by the officer,
  - b. Conversations with confidential informants or undercover officers,
  - c. Strip searches,
  - d. Conversations with Department personnel that involve tactics or strategy,
  - e. Places where an expectation of privacy exists, such as bathrooms or dressing rooms, where such areas are being used for the intended purpose,
  - f. Conversations of fellow employees without their knowledge during routine, non-enforcement related activities.

**G. DOWNLOAD AND STORAGE**

1. Officers shall mark each BWC video captured with one of the categories available on the system.
2. If there is a case number associated with the event that the officer has recorded video/audio, that number shall be attached to the video/audio clip.
3. Officers shall document in reports or citations if a BWC or other recording device was utilized during the incident.
4. Officers should review portions of a recording to assist with an investigation and complete reports. For a BWC, this can be done directly from the wireless smart phone or through Evidence.com.
5. When an incident arises that requires the immediate retrieval of BWC video media for chain of custody purposes (serious crime scenes, officer involved shootings, Department involved motor vehicle accidents or others as determined by supervisors) a supervisor shall respond to the scene and secure the BWC.
6. Media storage for the BWC:
  - a. At the end of shift officers shall place the BWC into the Evidence Transfer Manager (ETM) for charging and uploading of media to Evidence.com; and
  - b. The BWC should not be removed until media has been completely uploaded.
7. Digital Camera Operation:
  - a. At the start of each shift officers will ensure sufficient battery life for the shift. Officers will replace weak batteries with rechargeable batteries only, and place the low-level batteries in the charger.
  - b. Officers will verify a Digital Media Storage device (DMS) is in the camera and a spare DMS device is in the camera case.
  - c. Officers will photograph their name, date and case number on a piece of paper before each incident's photograph or series of photographs.
  - d. DMS cards will be submitted to CSI for evidence retention and placement on the department's intra net.
8. Interview Room Recording

- a. Any officer may choose to use the interview rooms and record interviews.
- b. Activation of the recording device is done by selecting the appropriate system for the interview room in use.
- c. The interviewer should confirm that the recording is active before the interview and that the recording has stopped upon completion.
- d. Prior to entry of legal counsel into an interview room, the interviewer will:
  - 1) Offer to take the attorney and his/her client to an alternate room that is not recorded; or
  - 2) Offer to turn the recording off for the attorney-client privileged conversations.
- e. If trained, it is the responsibility of the interviewer to copy the interview to disc. If not trained in copying the video to disc, the interviewer should contact trained personnel to request a disc be made.
- f. All detectives will be trained in the use of the recording system and copying of video to disc.
- g. A CD/DVD of evidentiary interviews will be submitted to TPD Property. With commander approval, other copies may be made to fulfill case investigation and prosecution requirements.

**H. MEDIA RECORDING CONTROL AND DISSEMINATION**

1. BWC video retention process: =41.3.8.c
  - a. BWC video/audio is retained on Evidence.com according to the classification assigned by the officer.
  - b. If BWC media requires copying to a disc it may be done through a work request to CSI or other administrative personnel with download rights.
  - c. Evidence.com will serve as the location to store the video/audio with the exception of certain circumstances in which the media must be copied to a DVD. Those would include:
    - 1) When a prosecuting attorney requests a DVD copy.
    - 2) All BWC video involving a homicide case will be copied to a DVD disc and placed into property by CSI personnel as soon as possible after being captured.
    - 3) Any other instance when directed by a Bureau Commander, Deputy Chief or Chief of Police.
  - d. Media retention schedule for each classification on Evidence.com will be set as follows:
    - 1) No Evidentiary Value - 90 days;
    - 2) Training - 90 days;
    - 3) Incident Report - 1 year;
    - 4) Mental Health (CIT) - 1 year;
    - 5) Traffic Stop - 1 year;
    - 6) Contacts and Detentions - 3 years;
    - 7) Pursuits - 5 years;
    - 8) DUI - 5 years;
    - 9) Arrests - 5 years;
    - 10) Defensive Actions - 5 years; and
    - 11) Evidence - 5 years
2. Media requests from District or City Attorney Offices.
  - a. Department media shall be considered "closed" records under the Kansas Open Records Act.
  - b. Requests for viewing or duplicating recordings should include specific information such as type incident, date, time, location, etc. and must come from the District or City Attorney offices.
  - c. CSI will make a copy of the specific segment recording requested and send it to the appropriate office. Duplicate recording labels will indicate

Topeka Police Department, the date of duplication, and a statement that further duplication or distribution without express written consent of the District or City Attorney offices is prohibited.

**I. SUPERVISOR RESPONSIBILITIES**

1. Enforce policy and procedure governing the use of all digital recording and control equipment.
2. Review video or audio recordings for officer-involved pursuits, defensive actions, accidents, etc.
3. Review video or audio recordings to address training needs and ensure policy compliance.
4. Will document on their activity sheet any system failures reported to them.

**BY ORDER OF THE CHIEF OF POLICE**

A handwritten signature in black ink, appearing to read 'J. B.', written in a cursive style.

**JAMES BROWN**