



# WICHITA POLICE DEPARTMENT

## POLICY MANUAL



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### POLICY 716

### BODY-WORN CAMERAS

#### I. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so they may reliably record their investigations and enforcement activity in accordance with the law and to provide accountability and transparency to the public.

#### II. PROCEDURES

##### A. Operational Objectives

The Wichita Police Department has adopted the use of BWC systems to accomplish the following objectives:

- a. To improve user accountability and transparency to the public they serve.
- b. To enhance officer and public safety.
- c. To accurately document statements and events during an incident.
- d. To enhance the user'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 user training or coaching and mentoring sessions.
- g. To enhance public trust by preserving factual representations of law enforcement-citizen interactions in the form of video and audio recordings.

##### B. Operational Use

1. BWCs shall be operated per the manufacturer's guidelines and Wichita Police Department training and policies.
2. The BWC shall be worn at all times during on-duty hours unless directed by a supervisor.
3. At the beginning of the shift, the BWC shall be inspected for any physical damage and to ensure the system is fully charged and operational. Only fully charged and operational systems shall be used, unless otherwise approved by a supervisor.
4. Malfunctions, damage, loss, or theft of any part of the BWC shall be immediately reported to a supervisor.

5. The BWC shall be worn in any of the approved head-mounted devices on either the left or right side of the body (i.e., helmet mount, hat mount, head mount, eyeglass mount). The BWC may be worn on or above the shoulder during times in which the user is not responding to or actively involved in an incident as outlined in Section B6 (i.e., completing paperwork at a police station, lunch breaks, or restroom breaks). Users shall wear the BWC in the manner described in this policy unless otherwise approved by a supervisor.
6. The decision to electronically record law enforcement-related encounters is mandatory, not discretionary, except where indicated; however, users are not expected to jeopardize the safety of themselves or others to activate their BWC. If a user is faced with an unexpected event preventing them from activating their BWC, the reason shall be documented in any related report. Users shall make every effort to activate the BWC to record citizen contact when law enforcement action is being or may be taken including, but not limited to:
  - a. Vehicle and pedestrian investigative detentions, stops, and searches, to include the observed violation; this would include both injury and non-injury accidents.
  - b. Observed unlawful conduct;
  - c. Forced entries, search warrants, warrantless searches, and other high-risk situations;
  - d. Statements received pertaining to an investigation and advising an individual of Miranda rights;
  - e. K-9 deployments;
  - f. Physical arrests of persons;
  - g. Any other circumstance where the user believes recording an incident would be appropriate, or when directed by a supervisor;
  - h. Surveillance when the suspect is observed.
  - i. Document voluntary consent from civilian witnesses to be transported to another location for investigative purposes.
  - j. While checking General and/or Hold-up Alarms.
  - k. Document consent for use of a push bumper.
7. A recording should be made during incidents where the user has reasonable suspicion to believe a crime has been committed, is being committed, or will be committed in the future.
8. Subject to the other provisions of this policy, citizens may make requests to users to activate BWCs. Citizen requests will not guarantee cameras will be activated but shall be considered in light of all factors and applicable policies.
9. Once a BWC is activated, it shall not be intentionally turned off until the incident has concluded. If it becomes necessary to discuss issues surrounding an investigation with a supervisor or officer in private, the user may turn off their BWC; thereby preventing their private conversation from being recorded.

10. Anytime a BWC recording is deactivated, the user shall state the intent to turn it off and the reason before turning the camera off.
11. The use of a BWC does not replace the need for required documentation. All incident/supplemental reports shall be completed, regardless of the video captured. This also includes the continued need for evidentiary photos.
12. Users are authorized and encouraged to wear their assigned BWC while working off-duty jobs. However, users shall ensure the use of the camera while working off-duty jobs will not interfere with the use of the BWC while on duty. Specifically, the camera will be fully charged and ready for use during on-duty hours.
13. When working Riverfest hours in an overtime capacity, personnel shall wear the BWC for the duration of their shift.
14. Once a video is captured, users shall identify the data file in the following manner:
  - a. By entering the case number (six-digit) or citation number followed by the user's ID within the Title field; If no case number or citation number was assigned, the Title field should include the address where the call originated.
  - b. The ID field may be used to notate a disposition or may be left blank.
  - c. Selecting the appropriate category. In the event more than one category is applicable, the category with the longer retention rate shall be selected.
  - d. If more than one video is recorded for the same incident, Users shall identify the videos by adding a 1, 2, 3...etc., chronologically, in the Title, after their ID.
15. Categories and associated retentions rates as implemented by the System Administrator:
  - a. **UNCATEGORIZED [Retention period based on category once assigned]:** Default setting, which shall not be intentionally selected.
  - b. **ADMINISTRATIVE INVESTIGATION [Indefinite as long as the video is labeled administrative otherwise it will be deleted as categorized]:** Only utilized by administrators/Professional Standards to re-categorize entries as needed.
  - c. **CAPTURE [Indefinitely]:** Photos, videos, or audio recordings submitted via the AXON Capture App.
  - d. **CRIMINAL INVESTIGATION/USE OF FORCE [10 Years]:** Videos involving any criminal investigation, arrest, Use of Force, or videos during Civil Unrest/Protests.
  - e. **DEADLY USE OF FORCE [Indefinitely]:** All incidents involving deadly use of force.

- f. **DEATH INVESTIGATION/RAPE [Indefinitely]:** All investigations involving rape or death.
  - g. **NO POLICE ACTION [90 Days]:** Videos of incidents not resulting in police action and/or would not reasonably be considered as having evidentiary value
  - h. **NON-CRIMINAL/CITATION [2 Years]:** Citizen contact involving police action (i.e., traffic/pedestrian stops, knock & talks, push bumper use, etc.) resulting in either no case/citation number or non-criminal cases and citations.
  - i. **NUISANCE [10 years]:** Used by Community Policing Officers during the service of Nuisance Abatement Violations
  - j. **PENDING REVIEW [Retention period based on category]:** Utilized by users/administrators for entries to be kept beyond established retention rates.
  - k. **TASER [Indefinitely]:** Utilized by CEW Administrators for CEW Fire Logs.
16. At the end of a shift, users shall place the BWC into the Evidence.com dock to allow evidence to be transferred from the system to Evidence.com, and for the battery to be charged. The system should not be removed from the dock until the data has been uploaded, and the battery is fully charged.

### C. Specialty Units

1. SWAT Operational Use
  - a. The purpose of the BWC on a SWAT call is to record and document the contact and general enforcement action(s) with the suspect(s). Tactical operations involving SWAT are unique and present circumstances that can endure over extended periods of time that preclude continuous recording. Therefore, SWAT personnel shall record interactions including, but not limited to, the following when responding to a tactical SWAT incident:
    1. Arrests and detentions, or situations where an officer reasonably believes they will affect an arrest or detention;
    2. Officers assisting in an arrest or detention situation;
    3. Confrontational interactions with citizens;
    4. Forced entries, search warrants, and warrantless searches;
    5. Use of any lethal or less-lethal force;
    6. Any tactical maneuver requiring the movement from a point of cover towards the suspect to deploy chemical munitions, throw phones, diversionary devices, or any similar action;
    7. To document any action or interaction with the suspect or evidence to later assist with criminal prosecutions;
    8. The SWAT commander in charge of the operation may direct recordings to occur in any instance where they deem it necessary for the benefit of the Department and documentation purposes.
  - b. SWAT members will be responsible for ensuring the BWC is fully charged and ready for use at all times.

- c. Following a SWAT incident, members will download video on their next work day unless the immediate download of video is essential to any criminal or administrative investigation.

2. Federal Task Force Officers:

Any Wichita Police Department member, at the rank of Officer, assigned to or assisting a federal task force will utilize their issued BWC during any law enforcement contact. The BWC will not be turned off while assisting a federal task force or federal law enforcement officer unless it is allowed by this policy.

**D. Operational Prohibitions/Restrictions**

1. Users shall not modify, tamper, dismantle, or attempt to make repairs to the BWC. Violations of this nature are class E violations.
2. Users will typically not allow citizens to review recordings; however, discretion is allowed to replay the recording for citizens at the scene or at a Police Substation to mitigate possible minor complaints.
3. Users will not activate BWCs in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms except as required under section B6 of this policy.
4. The intentional recording of confidential informants and undercover officers is prohibited unless authorized by a supervisor.
5. Users will not record non-work-related or personal activity.
6. Under no circumstances shall any recording be used or shown for the sole purpose of bringing ridicule or embarrassment upon any person.
7. Members shall not use BWCs to make surreptitious recordings of other department members except as required under Section B6 of this policy.
8. Users shall not make copies of any recordings for their personal use and are prohibited from using a recording device (such as a camera phone or secondary video camera) to record media from Evidence.com or any device utilized to view data recorded on BWCs. (Refer to City of Wichita Acceptable Use Policy).
9. Users are prohibited from using their personal phone or smart device for BWC applications or audio recording applications unless authorized by a supervisor.
10. Any uploading or converting digital recordings for use on any social media is prohibited unless approved by the Chief of Police.

**E. Deletion of Unintentional Recordings**

In the event of unintentional activation of the BWC during non-enforcement or non-investigative activities, e.g., restroom or meal breaks, or other areas where a reasonable expectation of privacy exists, users may request recording deletion or redaction. An Officer's Report detailing the circumstances of the unintentional recording will be forwarded through channels to the user's Bureau Commander. If approved, the deletion or redaction requires two-party authorization. One of those parties will be the Bureau Commander, and the other will be a BWC administrator. The deletion or redaction will only occur after the recording has been reviewed by the Bureau Commander and the BWC administrator.

**F. Accountability, Review, and Security**

1. Users authorized under this policy may review their video in review-only mode as it relates to:
  - a. Their involvement in an incident to complete a criminal investigation and prepare official reports (other than officer-involved use of deadly force incidents)
  - b. Before courtroom testimony or for courtroom presentation.
  - c. Providing a statement pursuant to an administrative inquiry/investigation
  - d. For training purposes.
2. Users who use deadly force, or who witness another user(s) use deadly force will not review BWC video until they are interviewed by criminal investigators, and a supervisor in the Person Crimes Bureau approves the review of the video. However, before the conclusion of the interview, the investigator will review the BWC video with the focus user or witness user and allow for additional statements or clarification to be documented in a distinct section of the investigator's report.
3. A supervisor may review a specific incident contained on digital media for training, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulated reasons.
4. All digital media collected using BWCs is considered a record of the Wichita Police Department. Access to recordings shall be granted to authorized users only. System Administrators will grant individual access to Evidence.com. It is the responsibility of authorized users to keep their user names and passwords confidential. Accessing, copying, or releasing any recordings for any purpose other than official law enforcement purposes is strictly prohibited, except as required by law.
5. The release of requested digital media through written public records request will be subject to the same statutory exemptions from disclosure as any other department records classified under Kansas State Statute.

6. Upon receiving notice of unpaid Administrative Leave/Suspension or termination of any Wichita Police Department Member, a Field Clerk with appropriate permissions will promptly deactivate the Member's Evidence.com account effective as of the suspension or termination date given.
7. The Wichita Police Department's Evidence.com administrator will conduct quarterly audits to verify and deactivate users who are no longer authorized.
8. The Wichita Police Department's Local Agency Security Officer (LASO) shall verify AXON's Evidence.com CJIS compliance annually.

#### **G. Supervisory Responsibilities**

1. Supervisory personnel shall ensure users equipped with BWCs utilize them per policy and the procedures defined herein.
2. Watch commanders or a designee will serve as the BWC /Evidence.com manager/administrator.
  - a. The Watch Commanders or a designee will ensure users utilize BWCs according to policy guidelines.
  - b. The Watch Commanders or a designee will periodically review Evidence.com to ensure videos are not uncategorized.
3. Should circumstances require the immediate retrieval of a digital recording (e.g., serious crime scenes agency shootings, department-involved accidents), a supervisor shall respond to the scene to secure the BWC system and maintain chain of custody.
4. When taking a citizen complaint, the supervisor will record the interaction with their BWC, if applicable. The video will be titled with the address where the complaint was taken which, if necessary, will be notated within the Blue Team report.

#### **H. Submit Request for Release of Video**

Requests for BWC video will be made to the Wichita Police Department Records Bureau Video Section either in person, by mail, email, or online through the City of Wichita website Open Records request form. The requests will be reviewed per the Kansas Open Records Act.

#### **I. Media Release of Video for Law Enforcement Purposes**

If it is determined the release of BWC video, or any portion thereof, for disclosure to the general public may be necessary for the furtherance of a legitimate law enforcement purpose, requests for such release shall be reviewed to determine if such disclosure is consistent with all applicable state and/or federal law.

**J. Issuance and Return of Equipment**

Equipment will be assigned to users and signed out on a designated log. It will be returned to the user's respective Bureau Commander under the following circumstances:

- a. When the employee terminates or has employment terminated with the Wichita Police Department;
- b. If the employee is assigned to a position that will no longer require the use of the BWC system (i.e., a promotion from Officer to Detective).

**K. External Complaints**

The complainant of an external complaint may contact the Professional Standards Bureau to request to review the video with a member of Professional Standards.