

	KANSAS CITY MISSOURI POLICE DEPARTMENT	DATE OF ISSUE	EFFECTIVE DATE	NO.
	PROCEDURAL INSTRUCTION	4/7/2021	4/7/2021	21-05
SUBJECT			AMENDS	
Internally Recorded Digital Media Records				
REFERENCE		RESCINDS		
PI Unmanned Aircraft Systems (UAS) PPBM Retention Schedule RSMo 109.255; RSMo 590.700; RSMo 610.023		PI 13-5 SO 20-33		

I. INTRODUCTION

The purpose of this written directive is to address all recordings and reproductions of digital media generated on Department-owned equipment.

II. POLICY

- A. All recordings generated on Department-owned equipment are the property of the Kansas City Missouri Police Department (Department). Copying or reproduction of any digital media generated by the Department for use outside the Department is prohibited by any member not assigned to the Digital Technology Section (DTS). Distribution of digital media generated by the Department in any format or for any purpose must follow the rules in Annex D of this written directive.
- B. All digital media recordings will be retained as specified in the Missouri Police Clerks Records Retention Schedule. Non evidentiary video is held for 180 days and pre-check videos are held for thirty (30) days.
- C. A copy (for internal use only) of any digital media or segment of any digital media generated by the Department may be requested as outlined in Annex D of this written directive. Only DTS is authorized to reproduce or redact any digital media.
- D. Members are prohibited from recording any digital media footage using their own personal data devices (i.e., cell phone, tablet).
- E. Members equipped with both in-car and a Body Worn Camera (BWC) will utilize both systems.
- F. Members should remember to check that the BWC is not recording for personal business such as: routine business in the office, bathroom, lunch, personal phone calls, etc.
- G. Members will take measure not to activate the BWC in nonpublic areas of a Department facility, unless enforcement action is required.
- H. Members will refer to the current written directive entitled, "Code of Ethics and Rules of Conduct," with regard to recording Department members.

- I. Members will not modify, tamper with, dismantle, or attempt to make repairs to any digital media recording equipment or device unless specifically trained and authorized to do so.
- J. Members will not intentionally place items in front of any in-car video lens that may interfere with the recording.
- K. Members will remain cognizant of the placement of the BWC and ensure it is not obscured by their uniform, coat, molle vest, radio, etc.
- L. Any member who intentionally disables, damages or blocks any digital media recording equipment may be subject to disciplinary action.
- M. Members should not activate the BWC or shall use caution when entering a public locker room, changing room, restroom, doctor's office or other places where an individual would have a reasonable expectation of privacy.
- N. Unless for a direct law enforcement purpose, members will not record in restrooms, jails, daycares, K-12 education facilities and the interiors of medical, mental health, counseling, or therapeutic facilities. For example: responding for an administrative function (i.e., meeting, luncheon, sit-on etc.) as opposed to a call for service (i.e., disturbance call, a shooting victim at a hospital for treatment, etc.) Members will record in the interiors of an ambulance.
- O. When a member's in-car video or BWC is broken, malfunctions or lost they will contact their desk sergeant and immediately contact DTS. When an MDC/tablet is broken or malfunctions they will contact the Helpdesk.
- P. While task force officers are operating in their capacity as a federal officer, (meaning a federal agent has authorized the operation) members will adhere to the applicable federal agencies' BWC policy in regard to camera activation.

III. TERMINOLOGY

- A. **Activations** – Any process that causes digital media recordings to transmit or store digital media.
- B. **Advisement** – Statement made by a member at the outset of using a BWC to record a communication, conversation or interaction with a citizen. This statement is made for the specific purpose of informing the citizen that the communication or conversation is being recorded and the member is requesting permission from the citizen to discontinue the recording.
- C. **Body Worn Camera** – Camera system that captures audio and video signals, capable of being worn on a member's person that includes at minimum a camera, microphone, and recorder.

- D. **Digital Media** – Video, audio, software, or other content that is created, edited, stored, or accessed in digital form.
- E. **Digital Media Recording Equipment** – The in-car video system and/or the BWC system.
- F. **Digital Technology Section** – Personnel certified or trained in the operational use and repair of BWC, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

IV. PROCEDURE

This directive has been arranged in annexes for easy reference.

- Annex A Digital Media Recording Equipment
- Annex B Recording Custodial Interrogations
- Annex C Digital Media Purge
- Annex D Requests for Duplication of Digital Media



Richard C. Smith
Chief of Police

Adopted by the Board of Police Commissioners this 23 day of March, 2021.



Mark Tolbert
Board Vice President

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DIGITAL MEDIA RECORDING EQUIPMENT

A. General Guidelines

1. Members are responsible for the proper care of all Department-owned digital media recording equipment.
2. In-Car Camera systems and paired body worn cameras will automatically activate with the light bar in position #2 (overhead lights), lights and sirens (light bar position #3), activation of wireless microphone transmitter or BWC, speed over 80 MPH and from the crash sensor.
3. When a member's digital media recording equipment is broken/malfunction a commander may authorize the member to continue their tour of duty without the use of digital media equipment. The member will document the authorizing commander in their call notes.
4. Digital media recording equipment will be activated during all self-initiated activity and calls for service.
5. A recording may be stopped while working traffic control or a crime scene while the red lights are still functioning. Should a significant event arise while the camera is not in full recording mode, the officer should immediately turn on the camera via the transmitter or the record button on the overhead console.
6. Members will be required to state in the narrative of their primary report whether or not digital media of the event exists. If it is reasonably expected that digital media should exist and it does not, the officer must explain in the narrative as to why there is no digital media (e.g., no digital media system installed in vehicle).
7. Supervisors will ensure reporting requirements have been met prior to approving the report.

B. Pre-Check Procedures

1. The date and time is automatically set by the digital media recording system and cannot be altered by the member.
2. At the start of a shift an officer operating a vehicle with an in-car camera and BWC will conduct a video pre-check by activating one of the camera systems triggers to ensure all video equipment is functioning properly. Officers will record at minimum the date, time, officer name and serial number.

3. Members utilizing a BWC without an in-car camera system will conduct a BWC pre check before deploying the BWC. Members will manually activate the recording of the BWC at minimum record the date, time, officer name and serial number.

C. Operating Guidelines for In-Car Camera System

1. Any member operating a digital media equipped vehicle, will make every attempt to turn on the camera system while utilizing the vehicle whether on-duty or involved in any police action while off-duty or during off-duty employment.
2. Members will confirm the GPS coordinates are displayed, via the Arbitrator System®, in the lower right corner. If not displayed, contact the helpdesk.
3. The mute function may be used on the in-car microphone transmitter for private conversations, out of the auditory range of non-Department members.
4. Digital media is required to be recorded during all prisoner or citizen transports.
 - a. Patrol wagons should record front and back cameras simultaneously.
 - b. Members transporting prisoners or citizens in a police car will start the interior camera recording prior to placing the individual in the vehicle.
 - c. If the member pulls into a Department facility that is recorded, such as the headquarters garage or a division sally port, they may then turn off their in-camera system prior to exiting the vehicle.

D. Operating Guidelines for BWC

1. Members will only use the BWC assigned to them and must utilize that BWC while on-duty.
2. At the end of their tour of duty the members will place their BWC in the upload/charging dock at their assigned division.
3. Members will activate the BWC at the outset of each contact, whether or not the contact documents a significant incident, forms part of a criminal investigation or has any perceived evidentiary value to the member. Unless a member holds a legitimate belief that activating the BWC would be unsafe given the facts and circumstances, the BWC will be activated.

4. If a safety issue has prevented activation of the BWC, the member shall document the details in an incident report and report it to their immediate supervisor. At no time should a member jeopardize their safety in order to activate a BWC. It is understood that rapidly evolving and complicated situations may delay BWC activation due to incident priority.
5. Once activated, the BWC should remain on until the incident has concluded. De-activation **may** occur in the following situations:
 - a. Citizen request.
 - (1) If the member determines that enforcement activity will not be required, the member may de-activate recording.
 - (2) The citizen request to “not record” must be captured by the BWC.
 - b. When the member deems the information they are about to receive should be kept confidential to ensure a person’s privacy in these instances the member must narrate on the recording their intention to stop recording and explain the basis for that decision. Members will also document the reason(s) in call notes.
 - c. When a supervisor or commander orders a member to stop recording the supervisor/commander will narrate their reasoning on the recording and instruct the member to document the order in either the appropriate report or in call notes.
6. If circumstances prevent an officer from recording a contact, it must be documented in any subsequent report and call notes.

E. Classifying Digital Media

1. Upon stopping a video the member will properly classify the digital media based on the classification of the report that was taken on the call/self-initiated activity. After the digital media is classified, the case report number (CRN) will be entered in the eight (8) digit format. If the member is wearing a BWC that captured the incident the member will make sure the “Body Worn Camera recording exist” field is checked.
 - a. All members are required to classify their digital media regardless of the role they played on the scene in accordance with the primary officer’s classification and/or CRN by the end of their tour of duty.
 - b. Classifying digital media ensures that the digital media is maintained in accordance with the records retention requirements set forth by the state of Missouri and Department policy.

2. Video classifications are designated by DTS.
3. Members that fail to classify their digital media before it is uploaded to the back-end server can classify the digital media by locating the video in Back-End Client and adding the classifications and CRN.

F. Case Detective Responsibilities

1. The case detective in any state or federal case or potential state or federal case will be responsible for determining whether any digital media recording equipment was operating at the scene or other digital media was recorded. The detective will consult DTS for all BWC activations at the scene.
2. If digital media recording equipment was operating, the case detective will determine whether the district officer has properly classified all digital media.
3. If the district officer has not properly classified the digital media the case detective will initiate a workflow in the Niche reporting system. The case detective will select start workflow in the original incident report and then select digital media holds. The case detective will describe what digital media needs to be classified and hit "ok". Detectives can add a CRN and classify any video directly in the Arbitrator System®.

G. Uploading Digital Media

1. At the end of their shift, officers at patrol divisions will park their patrol vehicle within the range of the Wi-Fi access points to ensure digital media uploads.
2. Officers will dock their BWC in the provided docks at the end of their tour of duty to ensure digital media upload and charging.
3. Officers with take home vehicles will periodically take their vehicle within the range of Wi-Fi access points to ensure digital media upload during their tour of duty at any of the patrol divisions.
4. Officers will contact DTS if video cannot be uploaded.

H. Replacement of Lost or Stolen Camera Equipment

The requesting division will forward the original request for replacement through the chain to their Bureau Office, and forward a copy of the request to DTS, via interdepartmental mail.

I. Desk Sergeant/Operation Sergeant Responsibilities

The desk sergeant/operation sergeant will ensure that new personnel transfers have been issued the appropriate equipment and received training on the current digital media recording equipment, prior to assignment on the daily roster.

J. Specialty Cameras

1. All helicopters in the Patrol Support Division, Helicopter Section, are equipped with a digital media recording system.
2. Tactical Response Teams (TRT) will record all search warrants with the Department's digital cameras after the building is secured.

RECORDING CUSTODIAL INTERROGATIONS

- A. Recordings include any form of audio, video, motion picture, or digital media. Detectives will record custodial interrogations in accordance with state law.
- B. Detectives may record an interrogation with or without the knowledge or consent of a suspect.
- C. Detectives that respond to an outside agency for an interrogation will use the host agency's equipment, when possible. The detective will follow the host agency's recording policies and request a copy of the recording.
- D. Detectives will not be required to record interrogations when:
 - 1. Exigent public safety circumstances prevent recording.
 - 2. The suspect makes spontaneous statements.
 - 3. The recording equipment fails and good faith reasonable efforts were made to locate alternative equipment, such as a body camera.
 - 4. Recording equipment is not available at the location where the interrogation takes place after good faith reasonable efforts were made to locate alternative equipment, such as a body camera.
- E. A detective that decides to digitally record questioning of a noncustodial suspect must ensure any recordings are properly preserved and stored with the applicable case file.
- F. Detectives will record the interrogation in its entirety. If the detective is made aware that recording equipment is turned off or malfunctions during the interrogation, detectives will document the reasons and notify a supervisor.
- G. If a detective makes a recording of a victim, suspect, witness, and/or arrestee, the recordings will be recovered as evidence in accordance with current Department recovered property procedures. Detectives will make copies of the recording to remain in the case file or to provide to a prosecutor.
- H. If required, the applicable Prosecutor's Office will handle transcription of recorded interrogations.

DIGITAL MEDIA PURGE

- A. Classified digital media will be evaluated for deletion and will be purged in accordance with Missouri Secretary of State's Local Records Retention Schedule, as authorized by Missouri Revised Statutes Chapter 109 Section 255.
 - 1. The Arbitrator System® will send out an automated email with digital media scheduled to be deleted in the next two weeks. The email will have basic information such as the CRN and the classification tag.
 - 2. All Department elements are required to assign at least one designee the task of checking the element's "digital media to expire" e-mail account and respond prior to the two week deletion deadline.
 - 3. The designee will determine if the digital media is able to be purged or needs to be retained and will select one of the following two options:
 - a. [YES] - I have verified that this case is no longer active and you may release all digital media on this CRN.
 - b. [NO] - I have verified that this case is still active and the digital media needs to be retained.
- B. All un-held non evidentiary media is automatically deleted after 180 days.
- C. All video classified as pre-check is automatically deleted after thirty (30) days, as provided by Missouri Secretary of State's Local Records Retention Schedule.

REQUESTS FOR DUPLICATION OF DIGITAL MEDIA

A. General Requirements

All copies of digital media will be produced by DTS personnel or designee. A copy is defined as a reproduction of the digital media recording of the "event".

B. Types of Requests

1. Federal, State, and Ordinance Violation Prosecutorial Request and State and Federal Public Defenders.
 - a. Must be submitted directly to DTS.
 - b. There will be no charge for these copies.
2. Federal, State, and Ordinance Violation Defense Attorney Requests
 - a. Defense attorneys representing clients for ordinance violations and/or state and federal criminal cases must submit requests directly to DTS.
 - b. If the request is for a state or federal level case, the copy must be obtained from the appropriate prosecutor. Only requests for city level cases will be filled by the Department, unless pursuant to a subpoena or court order..
 - c. The Accounting Section will make copies of source documents and file them by the requestor's name.
3. Civil Case Requests
 - a. Must be submitted directly to DTS.
 - b. Generally, requests for copies to be used in civil cases will only be provided after all criminal charges have been resolved.
 - c. The OGC should be consulted when an attorney or any party requests digital media for use in cases where criminal charges are pending and/or digital media that would otherwise be a closed record.
 - d. The Accounting Section will make copies of source documents and file them by the requestor's name.
 - e. The cost will be calculated by DTS, per the current Department fee schedule.

- f. Department member requests for copies of recordings related to civil matters for their own personal use should follow the above procedures under this section. This paragraph does not apply to internal investigations.
- 4. Department member requests for copies of recordings for criminal cases must be submitted directly to DTS on the current form.
- 5. If a recording is part of an internal investigation, it may be made available to the Department member and/or his representative in accordance with the current CBA.
- 6. Other Law Enforcement Agency Requests
 - a. Must be submitted directly to DTS.
 - b. There will be no charge for these copies.
- 7. All other requests for the release of digital media will follow RSMo 610.023.