



*Kern County Sheriff's Office*  
**Policies and Procedures**

<b>TITLE: Body Worn Cameras</b>		<b>NO: J-3600</b>	
<b>APPROVED: Donny Youngblood, Sheriff-Coroner</b>			
<b>EFFECTIVE:</b> <b>February 5, 2015</b>	<b>REVIEWED:</b> <b>9/20/2024</b>	<b>REVISED:</b> <b>9/20/2024</b>	<b>UPDATED:</b> <b>09/20/2024</b>

**PURPOSE**

To establish a policy for the Kern County Sheriff's Office to use, manage, store, and retrieve data captured on body-worn cameras (BWC's).

Body Worn Camera (BWC) systems are intended to assist members of the Kern County Sheriff's Office in the performance of their duties by providing an audio and/or video record of law enforcement related encounters. BWC's are useful in documenting citizen encounters, enhancing the Sheriff's Office's ability to review probable cause for arrest(s), reviewing interactions with members of the public, and use as evidence for investigative and prosecutorial purposes.

BWC's are an effective means by which to provide an enhanced perspective related to the public's perception of law enforcement professionalism and transparency, as well as provide factual representations of interactions with the public. BWC's can improve community relations, defend Sheriff's Office personnel against false allegations, increase Sheriff's Office accountability, and enhance training and evaluation. All Sheriff's Office personnel assigned BWC's shall utilize them in accordance with the provisions of this policy.

While recordings obtained from BWC's provide an objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individuals in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Specifically, it is understood that the BWC will capture information that may not have been heard and/or observed by the involved employee and that the involved employee may see and/or hear information that may not be captured on a recording.

## DEFINITIONS

- Activation:** When a camera is manually switched from Ready Mode or Sleep Mode to permanently recording audio and digital media.
- Deactivation:** When a camera is manually switched from permanently recording audio and digital media to ready mode.
- Mute Function:** Actively recording video but not the audio of the BWC.
- Recording Mode:** When a camera is actively recording video and audio.
- Ready Mode:** The camera continuously loops a video recording for up to 30 seconds before the camera is activated. While in Ready Mode, video (no audio) is being recorded.
- Sleep Mode:** When a camera is not actively recording or in Ready Mode, but in a condition that once the camera is activated, it begins recording from that point forward.
- Live Stream:** Allows someone to live stream a BWC from evidence.com. The BWC must be actively recording for this function to work.
- Watch Me Mode:** When the BWC user pushes a button to notify a supervisor, dispatcher, or command staff within their chain of command to live stream the user's camera.
- Bi-directional Communications:** Allows two-way communication with the BWC user and person live streaming the BWC.

## POLICY

### BODY WORN CAMERA SYSTEM

1. BWC equipment is used by uniformed personnel and assignments designated by the Sheriff's Office. Unless otherwise authorized by the rank of Lieutenant or above, all deputies who are assigned a BWC shall wear the device when working in any assignment where BWC's are deployed and will activate the BWC as provided in this policy. Deputies shall keep their BWC's in Ready Mode for their entire shift, except for those situations listed in the exceptions within this policy.

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2. Deputies equipped with a BWC will be trained in the operation of the equipment and the proper storage of video evidence prior to its use. The Training Section will maintain a comprehensive training program required for all new users. Deputies will use the BWC equipment in accordance with the Sheriff's Office training and the BWC manufacturer's operations manual.
3. Deputies shall use the approved and provided mounting hardware to position the BWC on the upper chest area of their uniform, attached to the outermost layer of clothing, and positioned forward-facing to facilitate an unobstructed field of view. Investigations personnel will wear the BWC on the support side of their belt. The BWC may be repositioned for additional uses as follows:
  - a. While conducting interviews, deputies may position their BWC in order to best capture the subject of the interview.
  - b. Deputies may reposition or mount their BWC to a static position in order to best capture a critical incident or for tactical reasons. This may include, repositioning if the camera view is obstructed or if a static position would allow for overall perspective of the incident.
4. While transporting prisoners, deputies may place the BWC in a position which best captures the rear compartment of the vehicle.
5. Deputies are responsible for the reasonable care, proper functioning, and maintenance of the BWC consistent with the training they received.
  - a. Prior to going into service, deputies shall inspect the BWC to ensure it is charged and perform a function check consistent with the training they received for use of the BWC.
  - b. Conducted Electrical Weapon (T7) will only activate the user's assigned BWC. Users should conduct a spark test of their CEW before turning on their BWC.
6. Deputies will immediately notify a supervisor if the BWC is not functioning properly and when practical, a replacement will be issued.
  - a. A deputy will be assigned a spare BWC by their supervisor.
  - b. The supervisor will assign the BWC to the deputy in Evidence.com before the deputy is allowed to deploy the camera.
  - c. The deputy will return the BWC to the Property Room and will notify staff why the BWC is not functioning properly
  - d. The Property Room will Return the BWC to the company for repairs and issue the deputy a new BWC. The Deputy will then return the spare BWC to the proper dock.
7. If a BWC is lost or damaged, the deputy shall document the incident in the appropriate report.

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8. Deputies shall not:
  - a. Attempt to override or bypass the BWC equipment.
  - b. Erase, alter, or delete any recording produced by the BWC.
  - c. Carry, mount, or otherwise utilize a private-owned BWC without the express permission of the Sheriff or his designee.
9. Deputies shall be properly trained in the use of the BWC and associated software programs prior to the deployment of a BWC.
10. Deputies shall not substitute BWC footage in place of photographs.
11. Deputies will not activate their BWC's inside a courthouse or areas designated for jury assembly or use; in accordance with California Rules of Court, Rule 1.150 and County of Kern Superior Court Standing Order No.STO-19-005: Use of Recording and Photography Devices in Courthouse Facilities.
  - a. This restriction does not apply to deputies responding to critical incidents, such as an active shooter or riots, at courthouses.
12. Absent exigent circumstances, deputies are not allowed to use their own personal electronic devices for documentation purposes in place of their issued BWC.

**WHEN ACTIVATION OF BWC SYSTEM IS REQUIRED**

**A. Law Enforcement Bureau Personnel**

1. This section is not intended to describe every possible situation where the BWC may be used. As soon as practical and safe, deputies shall make all reasonable efforts to activate their BWC's at the time they are dispatched to all calls for service and during all law enforcement related encounters that occur while on duty. (For deputies with an extended response time, the deputy shall active their camera no-less than three miles from the call for service, unless other factors are present which dictate the need for earlier BWC activation). Deputies shall keep their BWC's activated for the entirety of the call for service. Deputies assigned BWC's shall activate the BWC in the following situations, when practical and safe to do so:
  - a. All dispatched calls for service
  - b. All traffic stops.
  - c. All enforcement and investigative contacts (consensual, detention, or arrest), including reports taken over the telephone.
  - d. All self-initiated activities (e.g., patrol checks)
  - e. When serving all search or arrest warrants.
  - f. All Code 3 driving and/or responses.
  - g. When conducting the following: searches of one's person, property, or residence (incident to arrest, cursory, probable cause, probation/parole, consent, vehicle).
  - h. All vehicle pursuits.

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- i. Any foot pursuit.
  - j. All K-9 deployments or searches.
  - k. Crowd control situations.
  - l. All incidents involving use of force.
  - m. Witness and victim interviews.
  - n. Suspect interviews/interrogations.
  - o. While serving all civil processes.
  - p. All inmate/prisoner transports [exception for Detentions Bureau Transportation Unit noted in the Detentions Bureau section of this policy].
  - q. Any contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.
  - r. Anytime a deputy believes audio and/or video evidence would be of use.
  - s. At the direction of a supervisor.
  - t. The BWC will be activated when conducting photo-line ups pursuant to PC 859.7.
2. Deputies should make audio/video recordings of any event where the deputy reasonably suspects that an audio/video record could have value as evidence, limit liability, or resolve civilian complaints.
  3. Watch Lieutenants and Commanders are often times “dispatched” to calls for service for informational purposes only. They will only be expected to activate their BWC in the event they are responding to a call for service or as otherwise indicated above.

**B. Detentions Bureau Personnel**

1. This section is not intended to describe every possible situation where the BWC may be used. Deputies working inside a jail facility shall activate their BWC while performing the following duties:
  - a. Processing a new arrestee when it is believed or apparent the arrestee is uncooperative.
  - b. All incidents involving use of force.
  - c. Searches of a cell, dormitory housing, or holding area.
  - d. Searches of visitors and vehicles.
  - e. During the on-loading and off-loading of Transportation vehicles.
  - f. During the transport of inmates to and from medical treatment by a solo Deputy.
  - g. Cell extractions.
  - h. Placing inmates into special housing locations and/or the restraint chair (i.e., sobering, safety, suicide watch).
  - i. Forced dress out

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- j. Any contact that becomes adversarial and/or where the deputy believes video record would be of use
  - k. Witness and victim interviews.
  - l. Suspect interviews/interrogations.
  - m. Any movement of a High-Risk Inmate classified with an orange band.
  - n. Response to “code yellow” or “code red” situations until the situation reaches conclusion.
  - o. The BWC will be activated when conducting photo-line ups pursuant to PC 859.7.
  - p. Any law enforcement action or involvement outside the facility.
2. Deputies shall not record inmates while conducting strip searches, conducting a classification or medical interview, or during the inmates’ use of a toilet or shower, unless the circumstances which dictate the need for BWC activation are present, such as the inmate becoming uncooperative or resistive, or the deputy’s believes an allegation of misconduct could arise from the contact.
  3. Deputies should make audio/video recordings of any event where the deputy reasonably suspects that an audio/video record could have value as evidence, limit liability, or resolve civilian complaints.

**C. Investigations Bureau Personnel**

1. This section is not intended to describe every possible situation where the BWC may be used. Investigations Bureau personnel will use their BWC to assist with their overall investigations. This section will not apply to undercover personnel assigned to or working in the Investigations Bureau.
  - a. The BWC will be used in conjunction with the requirements of the Law Enforcement Bureau section with the exception of activation at the time of dispatch, unless dispatched to a call unrelated to detective duties.
  - b. The requirements and exceptions for activation and recording will apply during in-person interviews, any dispatched or self-initiated follow-up investigation, as well as any planned operations.
  - c. Due to crime scenes being documented by photographs and the physical evidence seized, Investigations Bureau personnel assigned to process crime scenes will not be required to activate their cameras, unless in direct contact with the public, required by their supervisor, or if needed in the collection of evidence.
  - d. The BWC will be activated when conducting photo-line ups pursuant to PC 859.7.

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## **SPECIALIZED UNIT ACTIVATION**

BWC's will be issued to all members of the Special Weapons and Tactic Teams (SWAT), Crisis Negotiations Team (CNT), and Bomb Squad that are not already assigned a BWC. Each member shall carry the camera while deployed on a callout or scheduled operation.

1. This section is not intended to describe every possible situation where the BWC may be used by a Specialized Unit. As soon as practical and safe, deputies shall make all reasonable efforts to activate their BWC's at the following situations, when practical and safe to do so:
  - a. During an arrest of any subject involved in the incident.
  - b. Any action by the team that might provoke a response by the subject.
  - c. Any entry into a location where the subject involved might be located.
  - d. While responding to the callout
  - e. At the order of the SWAT Commander
2. Deputies may reposition or mount their BWC to a static position in order to best capture a critical incident or for tactical reasons. This may include, repositioning if the camera view is obstructed or if a static position would allow for overall perspective of the incident.
3. Specialized Units may mute or deactivate their BWC for the following reasons only:
  - a. During briefings of the incident
  - b. During tactical planning of the incident
  - c. While moving into fixed position if the action is not expected to provoke a reaction from the involved subject.
  - d. When Specialized Unit members are being debriefed by relieving personnel, and operation tactics are being discussed.
  - e. When deemed unsafe by the Bomb Squad Personnel when approaching a suspicious device or rendering the device safe.
  - f. At the order of the SWAT/BOMB Commander

## **COMPUTER AIDED DISPATCH ACTIVATION**

1. As a failsafe measure, the BWC system has the ability to activate the camera based on a status change in the Computer Aided Dispatch system (CAD). It will still be the responsibility of the user to activate the camera per this policy. In the event the user does not activate their BWC, the system will start the recording when the unit's CAD status changes to Arrive. When activated an audible signal will sound unless the user placed the device in silent mode.

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**DOCUMENTATION REQUIRED FOR FAILING TO ACTIVATE A BWC OR RECORDING THE DURATION OF AN INCIDENT**

1. As in all enforcement and investigative activities, the safety of the deputies and members of the public is the highest priority. There may be instances where it is unsafe, impractical, or unreasonable for a deputy to activate their BWC before taking enforcement action. If a deputy is unable to activate their BWC prior to initiating any of the required activities, the deputy shall activate the BWC as soon as it is practical and safe to do so.
2. If a deputy is unable to activate or fails to activate the BWC prior to a required situation, fails to record the entire situation, fails to unmute the audio, or interrupts the recording for any reason, the deputy shall document the reason for such actions in a LERMS or JMS incident report or if a report is not written, in the comments field of the incident located in the Computer Aided Dispatch (CAD) System.

**ADVISEMENT AND CONSENT:**

Deputies are not required to advise or obtain consent from a person(s) to record or utilize the BWC when they are in a public place or at a location where the deputy is lawfully present.

**SURREPTITIOUS RECORDINGS**

During any lawful investigation and within the normal scope of duties, no member of the Sheriff's Office will intentionally secretly record with a BWC any confidential communication as defined by Penal Code 632. Prohibited recordings would include other members of the Sheriff's Office, other law enforcement agencies, or the public, except as provided for in Penal Code 632 and 633.5.

**VICTIM AND WITNESS STATEMENTS**

During an investigation, deputies shall attempt to record the crime victim and/or witness statements with the BWC. If the witness or victim refuses to provide a statement on camera, the option of an audio or written statement may be used. Deputies may still accomplish an audio recording of the statement by angling the camera away from the victim or witness or using an audio recorder.

**CIVILIAN COMPLAINT STATEMENTS**

If the supervisor uses their BWC to record a civilian complaint, the supervisor must categorize the video as a complaint. Further, any administrative interviews require consent prior to recording per Penal Code 633.5.

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**WHEN THE MUTE FUNCTION OF THE BWC IS AUTHORIZED**

1. Once activated, the BWC shall remain activated and in recording mode, with audio, for the entirety of the call for service. When the deputy clears the call for service they may stop recording and return their BWC to Ready Mode. If the enforcement contact resumes, the deputy shall re-activate the BWC and continue in Recording Mode.
2. Deputies may mute their BWC for administrative reasons only. Deputies will do the following:
  - a. While in the recording mode (activated), state the reason for the muting of audio prior to the deactivation of the audio; and
  - b. Unmute the BWC once the purpose for muting has concluded.
3. For the purpose of this policy section, “administrative reasons” includes;
  - a. Discussion of tactics related to an incident.
  - b. Training related discussions between the trainee and training officer.
  - c. Any reason a supervisor may authorize. Prior to muting the audio of the BWC, the deputy will identify the authorizing supervisor.
  - d. Consultation with other deputies or employees of the Kern County Sheriff’s Office, or consultation with a supervisor regarding the call for service or enforcement.
  - e. During non-call or incident related conversations with other deputies or employees of the Kern County Sheriff’s Office, or other law enforcement personnel while not in near proximity with members of the public. Deputies are required to be mindful of the appearance of such interactions and use discretion when choosing where and when to exercise this privilege.

In any event in which the audio mute is enabled, personnel shall verbalize and articulate the reason for muting prior to initiation. For example, "Admin" is an insufficient justification, whereas it should be something like, "I am muting my BWC for an administrative discussion with Sergeant Smith." Failure to verbalize the reason for muting and/or abuse of the mute function can result in disciplinary action. Failure to reactivate the audio function of the camera when required can result in disciplinary action.

Deputies who fail to reactivate audio recording, that is "unmute" their BWC as required, shall document in the related report the reason why and when the device was not used. If no report has been generated, the reason and circumstances for not recording audio with the BWC shall be documented in the comments section of the CAD call. Failure to do so is subject to disciplinary action.

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**WHEN SLEEP MODE IS AUTHORIZED**

Deputies may place their BWC’s in Sleep Mode when involved in a non-work-related activity (i.e., using the restroom or when using a telephone for personal reasons). Deputies should conduct personal phone calls between calls for service.

Deputies are authorized to place their BWC in Sleep Mode while they are performing administrative duties within their assigned workstation and not in view of or in areas accessible by the public (i.e., briefing, writing reports, Code-7, recharging their BWC and other actions not meeting the requirements for a BWC Activation or Ready Mode).

Deputies shall place their BWC’s back in Ready Mode when these activities are concluded.

**WHEN ACTIVATION OF THE BWC IS PROHIBITED**

Deputies will not use the BWC in the following circumstances:

1. BWC’s shall not be used to record non-work-related personal activity.
2. A potential witness who requests to speak to a deputy confidentially or desires anonymity.
3. A victim or witness requests that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation.
4. During tactical briefings, or the discussion of safety and security procedures.
5. Public or private locker rooms, changing rooms, and restrooms, unless taking enforcement action.
6. Doctor’s or lawyer’s offices, unless taking enforcement action.
7. Medical or hospital facilities, unless taking enforcement action.
8. At a school, where minor children are present, unless taking enforcement action.
9. During Sheriff’s Office or supervisory meetings.
10. Situations where recording would risk the safety of a confidential informant, citizen informant, or undercover personnel.
11. Any incident a deputy believes the recording would interfere with their ability to conduct an investigation, or may be inappropriate, because of the victim or witness’s physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault).

**LIVE STREAM/ WATCH ME FUNCTION**

The Sheriff’s Office recognizes the importance of being able to Live Stream critical incidents to help with the response and deployment of personnel on a call for service. BWC’s have the ability to stream live footage via a desktop application or a mobile device. Supervisors can only Live Stream an event if the deputy is actively recording. Live Stream access will be limited to the rank of Sergeant or higher and Dispatcher Supervisors.

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Supervisors may use Live Stream under the following circumstances:

1. Supervisors shall consider battery life and type of call before activating the Live Stream function on a BWC, since the operation can affect the device's battery life.
2. The on-duty dispatch supervisor will only use the function for confirming a deputy's status if they fail to respond to the radio traffic to confirm they do not need assistance or at the direction of the Watch Lieutenant.
3. Supervisors shall only activate Live Stream for the following reasons:
  - a. If the deputy requests the supervisor by pressing the "watch me" button
  - b. If the deputy is on a critical incident
  - c. If the deputy is on a Priority 1 call for service,
  - d. To confirm a deputy's status when not answering radio traffic.
4. To eliminate the distractions to the deputy from the BWC, anyone activating the Live Stream function will notify the deputy over the radio that the function will be activated.
  - a. The radio code 10-25 will be used to notify the deputy that a supervisor will start the Live Stream function on his camera.
  - b. Once the supervisor has completed the Live Stream, he will use the radio code 1025A to notify the deputy. The BWC will give the deputy no indication that the supervisor has stopped the Live Stream and will continue to function normally.
5. Supervisors will not use the function for routine calls for service or to harass an employee.

**BI-DIRECTIONAL COMMUNICATION:**

The feature can only be used during the live stream function and its use will be governed by the live stream/watch me function section of this policy. This feature can be used to communicate with a supervisor, dispatcher, or command staff. Up to 25 respond viewers can participate in a single conversation. All conversations are recorded. This function shall only be used for professional purposes and all communications shall be professional in nature.

**DOCUMENTATION AND STORAGE**

1. Required Classification of BWC Recordings
  - a. For each incident recorded on a BWC, deputies shall ensure incident recordings have the event type and other information using the BWC equipment and software that best describes the content of the video (i.e., arrest, traffic stop, report). Each incident captured on the BWC shall be tagged with the corresponding incident/case number. BWC recordings; however, are not a replacement for written reports or other required documentation. This shall be completed within one week of the video's recording.
    - i. The system is programmed to auto-tag the BWC video, to the units call for service. This process will only occur after the camera is docked and the videos have been uploaded to the storage database. If the deputy chooses to use the auto-tagging feature, no manual entries should be made on the video prior to docking. It is the responsibility of each deputy to confirm all the

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videos were properly auto-tagged by the system within one week of uploading.

- b. Deputies shall ensure their BWC is docked and downloading by the completion of their shift.
  - i. If a deputy is scheduled to work an overtime shift on a Regular Day Off, and they are not issued a second BWC, they may take a BWC home to avoid the necessity to respond to a Sheriff’s Office facility to retrieve a BWC. The BWC shall be fully charged prior to the beginning of the scheduled overtime shift.
- c. Unless involved in a use of force, an arrest, or directed by a supervisor, deputies that were authorized to use their BWC while working overtime or away from their primary assignment are permitted to download and classify their recordings during their next regularly scheduled workday.
- d. Incidents captured on BWC within a jail facility may or may not be associated with an incident/case number. For this reason, the following will apply:
  - i. For footage that will require a crime/incident report, you will use the incident/case number in the ID heading and the appropriate Category will be selected. The TITLE will be optional but is recommended and should reflect the call type.
  - ii. For footage that only requires a CJIS report you will type CJIS followed by the CJIS report number in the ID heading (SO23-XXXXX) and the appropriate Category will be selected. The TITLE will be optional, but is recommended and should be labeled as “CJIS Incident”
  - iii. For footage that does not require a crime/incident report or CJIS report, the ID heading will be labeled with “JAIL” and the facility name where the incident occurred, the Inmates name, booking number, or the activity that occurred (e.g. AM Loading, KM Transport). The appropriate Category will be selected, and the TITLE will be optional but it is recommended you provide the type of incident for the recording (e.g. PC 415, cell search, or transport).
  - iv. All incidents captured on BWC within the jail will be categorized appropriately. For those that do not fit within a criminal categorization, the “Jail Incident” category will be used.

2. Non -BWC Digital Evidence

- a. Only evidence will be uploaded to the BWC storage system.
- b. Non -BWC evidence can be uploaded into the BWC storage system. This includes but is not limited to, crime scene photographs, audio recordings, non -BWC videos from third-parties, and other forms of digital media.
- c. Each incident uploaded within the system shall be tagged with the corresponding incident/case number. Each entry should contain the Case Number for the “ID” and “Category” that matches the BWC footage for the case.

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- d. The title does not need to be changed for non -BWC evidence, but if changed, the title should represent the evidence being uploaded. These entries, however, are not a replacement for written reports or other required documentation.
- 3. Deputies are required to document any portion of an incident captured on the BWC system under the heading “Physical Evidence” in all investigative/supplemental reports. If a citation is issued, a notation will be placed on the back of the Deputy’s copy indicating the incident was recorded.
- 4. BWC recordings may be reviewed by the deputy that captured the video evidence pursuant to KCSOPPM J-3650.

**RETENTION OF BWC RECORDINGS**

BWC data will be retained in compliance with governmental standards, guidelines, and applicable laws. All video/audio media will be maintained in a secured data storage medium for a minimum period of 25 months. After that period, the data may be destroyed, unless other conditions (described herein) would preclude destruction. Exceptions to this purge criteria are data associated with civil or criminal cases that have not been adjudicated, or if the Sheriff’s Office has sufficient notice of potential litigation that could involve particular BWC data; sustained Internal Affairs investigations; the request of the District Attorney’s Office or other law enforcement agency; and/or at the discretion of the Sheriff’s Office. The purging of data files will be completed in a manner consistent with all statutory requirements and County and Sheriff’s Office policies.

**SUPERVISOR RESPONSIBILITIES**

- 1. Sergeants may conduct reviews of deputy’s BWC recordings pursuant to KCSOPPM J-3650.
- 2. In the event of an officer involved shooting, use-of-force involving significant injury or death, or pursuit involving great bodily injury or death, supervisors shall take possession of the BWC of the involved deputy/deputies after the safety briefing and before the deputies are removed from the scene. The supervisor or his designee will dock the BWC or perform a priority upload from the BWC, in the field, if there is appropriate cell service. The chain of evidence shall be documented according to established policy and procedures. Supervisors will ensure data relating to these critical incidents are downloaded as soon as possible following the incident.

**REVIEW OF BODY WORN CAMERA POLICY**

The Sheriff’s Office will continually review this policy to maintain effectiveness and adherence to local, State, and Federal laws, pursuant to Sheriff’s Office Policy and Procedures Section A-0200.

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