

	OTTAWA POLICE DEPARTMENT POLICY DIRECTIVE		POLICY NUMBER: 41.3.8
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			Distribution: All
Title: In Car and Body Worn Audio/Video		Section: Patrol	
Issued: 05-13-2015	Effective: 05-13-2015	Revised: 05-28-2015, 01-06-2017, 02-03-2020, 03-10-2022, 11-21-2023, 05-08-2025, 06-19-2025	
Reviewed: 12-17-2014, 03-10-2022, 02-06-2023		Rescinds/Amends:	
CALEA References: 41.3.8, 41.3.10			
Review:		Authority: Chief Adam Weingartner	

- I. **Purpose:** The purpose of the policy is to provide guidelines for the deployment, management, storage and review of video recorded by Body Worn and In-Car cameras.
- II. **Policy:** It is the policy of the Ottawa Police Department that personnel use audio and video to record details of law enforcement operations and take necessary measures to ensure the integrity of digital evidence and privacy of those captured on recordings. (CALEA 41.3.8a)
- III. **Definitions:**
- A. Video-Can include Body-Worn (BWC), In-Car Camera (ICC) and in-building camera.
 - B. Body-Worn Camera- A device worn by employees that records and stores audio and/or video.
 - C. In-Car Camera- A device(s) mounted in a vehicle that records and stores video and/or audio.
 - D. In-Building Camera-Camera inside interview rooms to record video.
 - E. Video Program Administrator- Individual responsible for the video system(s) with full access to control user accounts, rights access and parameters.
 - F. Digital Evidence- BWC and ICC files, including photographs, audio recordings and video footage captured by both cameras and stored digitally.
 - G. Event Details– Case numbers, incident numbers, and other descriptors used to identify digital evidence.
- IV. **Program Objectives:** Law enforcement’s use of video has proven effective in de-escalating violent incidents and reducing complaints against police officers. Officer and public safety take precedence over recording events. Officers should follow existing officer safety policies when conducting enforcement stops and shall not compromise safety to activate video systems in any way.
- A. Audio and video shall be captured during enforcement encounters that can be used to:
 - 1. Enhance the officer’s ability to document and review past events for report writing and court preparation and,
 - 2. Act as a tool available to provide a clear picture of events. The video does not show the full story, nor does it capture an entire scene. The use of cameras does not reduce the requirement to provide thorough written documentation.
 - 3. Provide digital evidence to be used in investigations.
 - B. To provide an impartial measurement for self-critique and field evaluations during field training of new officers.

V. Procedures:

- A. Only authorized personnel shall use video recording devices.
- B. Authorized users shall receive training during orientation training, and further during field training for police officers. (CALEA 41.3.8f).
- C. Personnel working a uniformed assignment are required to use body-worn devices, and vehicles equipped with in-car video when available.
- D. All video recordings shall be transferred to a storage server by the end of an officer's duty shift. When circumstances arise to prevent this the officer will notate it in a report and notify a supervisor; and will complete the transfer as soon as possible but no later than the end of the next duty shift.
- E. Video equipment and all digital evidence are considered investigative records and are for official use only. Accessing, copying, or forwarding digital evidence except for official purposes is strictly prohibited.
- F. Video/audio shall automatically record when emergency lights are activated. In addition, devices may be activated manually at any time.
- G. Personnel shall not tamper with or dismantle any hardware or software component of any video device.
- H. The use of any other personal recording device for the same purpose is not authorized without the permission of the Chief of Police or designee.
- I. Personal computer equipment and software programs shall not be used when making copies of digital evidence. Using a secondary recording device such as video camera, cell phone or other device to record or capture digital evidence from storage systems is strictly prohibited.
- J. Public release of digital evidence is prohibited unless approved by the Chief of Police or designee, unless required by law or statute.

VI. Requirements and Restrictions for Activation: (CALEA 41.3.8b)

A. Privacy concerns:

- 1. Private citizens do not have a reasonable expectation of privacy when speaking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. Officers are not required to give notice they are recording. However, if asked, officers shall advise citizens they are being recorded.
- 2. Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.
- 3. Officers and supervisors actively involved in the investigation of a complaint against a member of the police department must inform complainants and complaint witnesses that they are being recorded.

B. Mandated Recordings:

- 1. Officers shall use issued devices to record enforcement-related activities, and the device should be activated prior to actual contact with the citizen, or as soon as safely possible thereafter, and continue recording until the contact is concluded.
- 2. Officers shall begin recording while driving to a call that has the potential to involve an enforcement contact.

3. Enforcement-related activities requiring video recording include the following:
 - a. Traffic stops.
 - b. Interviews
 - c. Detentions and arrests
 - d. Searches
 - e. Warrant Service
 - f. When confronting a violent or assaultive suspect, or in an anticipated use of force instance
 - g. Transporting Prisoners
 - h. At calls for service where individuals are accused of crimes, and consensual encounters in which the officer is attempting to develop reasonable suspicion.
 - i. Assisting another City employee or law enforcement officer during an enforcement contact, including but not limited to Animal Control, Parking Enforcement, Codes Enforcement, etc.

C. Discretionary recordings:

1. When necessary to obtain cooperation, officers may position the device, so they capture only audio of the person making the statement.
2. As a rule, department personnel should refrain from video recording or photographing peaceful demonstrations. If officers witness crimes occurring among the demonstrators and/or believe enforcement action is likely, they should begin recording.

D. Restricted Recordings:

1. Video shall not be used to record another member of the department when a reasonable expectation of privacy exists such as pre-shift conferences or roll calls, department locker rooms, break rooms, restrooms, or other activities not related to an enforcement contact or a criminal investigation.
2. Videos recorded during department administrative investigation interviews shall be segregated from any evidentiary storage systems and require prior authorization from the Chief of Police, or City Manager. (41.3.8.c)
3. Recording contacts with confidential informants or intelligence gathering is prohibited without authorization from the Chief of Police, or the City Manager.
4. Video shall not be used during non-enforcement encounters with any City employee, elected or appointed officials.
5. Video shall not be activated during court proceedings.
6. Video shall not be used to capture privileged communications (e.g., attorney/client, doctor/patient, victim/advocate, etc.).
7. Patient Privacy: When recording in hospitals and other medical facilities, officers shall be careful to avoid recording individuals other than the suspect.

VII. Retention of Digital Evidence: (CALEA 41.3.8d)

- A. Retention of digital evidence in cloud-based systems follow [state retention schedules](#) and is determined by the type of recording. Videos of non-evidentiary nature stemming from calls for service, public assists, etc. will be retained for 90 days. Recordings that are

tagged as evidence will be kept for the duration of the statute of limitations of the crime, or the disposition of the court case-whichever comes first.

- B. Video recordings can be viewed or copied by anyone with access to cloud-based video servers. (41.3.10.b.c.)
- C. Supervisors will ensure all videos are transferred and categorized with the appropriate event details as part of the case approval process. All videos that are uncategorized will be immediately corrected by the officer. The supervisor will then re-inspect the video to confirm the corrections were made.
- D. Videos given to an officer from an outside source, such as surveillance video from a store or doorbell camera on a disc, USB, or other storage medium can be checked in to the evidence room as physical evidence.

VIII. Criminal and Administrative Use of Video Evidence: (CALEA 41.3.8.c)

- A. Officers may review digital evidence prior to completing reports to assist their recollection. (41.3.10.a) Officers are encouraged to review digital evidence prior to providing testimony at hearings, trial, or depositions.
- B. Copies of digital evidence will be forwarded to the respective prosecutor's office with the corresponding narrative or report.
- C. It is not the intent of the department to review video recordings for the purpose of preparation of performance review, or to discover policy violations except during field officer training or a documented complaint, however videos may be viewed for administrative purposes, including criminal and non-criminal investigations. (41.3.10.d)
- D. Videos resulting from certain types of calls will be reviewed by a supervisor, specifically: calls resulting in the use of force, pursuit or citizen complaint.
- E. The CEO must approve the request to review videos not covered by this procedure. Each situation will be evaluated on a case-by-case basis.

IX. Discovery of Misconduct: Employees reviewing videos should remain focused on the incident or incidents in question and review only those recordings relevant to their investigative scope. (41.3.10 c) If improper conduct is suspected during any review of video, the person who discovered the conduct in question has a duty to intervene and shall immediately notify a supervisor per policy [1.2.10](#) (Duty to Intervene)

X. Documented Equipment Inspections and Review of Video:

- A. Officers are responsible for inspecting video equipment to ensure it is in working order at the start of each shift. When the equipment is not working properly, they should notify a supervisor and/or the video administrator as soon as possible. (41.3.8e)
- B. Supervisor's Responsibilities:
 - 1. Supervisors are required to review at least three videos per user, per quarter. Videos should be reviewed from the digital evidence system, with the understanding that certain types of videos must be reviewed (use of force, pursuits, citizen complaints). Reviews are completed to ensure that video is documented in the system correctly and used to record contacts and other incidents set forth in this directive. Review

results shall be documented on form 41.3.10 and forwarded to the respective division commander for review. (CALEA 41.3.10.e)

2. The Accreditation Manager shall complete an annual review of the in-car and body-worn camera program to be reviewed by the CEO. (CALEA 41.3.10.f)

XI. Video Program Administrator Responsibilities: (CALEA 41.3.8e) Video Program

Administrator(s) are responsible for performing the following duties:

- A. Establish equipment maintenance and inspection procedures.
- B. Maintain a record of assigned video and related equipment.
- C. Be proactive and able to complete minor repairs.
- D. Arrange for the warranty and non-warranty repair of the video units.
- E. Repair or replace video components (cameras, docking stations, etc.).
- F. Maintain video equipment repair and maintenance records.
- G. Update software and system settings as necessary.
- H. Train officers using devices.
- I. Provide official copies of any recording audit trail when requested.

XII. Public Access:

A. Requests to View:

1. [KSA 45-217](#) “Criminal investigation records” means: (1) Every audio or video recording made and retained by law enforcement using a body camera or vehicle camera as defined by [K.S.A. 45-254](#), and amendments thereto; and (2) records of an investigatory agency or criminal justice agency as defined by K.S.A. [K.S.A 22-4701](#), and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405, prior to its repeal, or [K.S.A. 21-5406](#), and amendments thereto.
2. [KSA 45-254\(b\)](#) The following individuals may request to listen to an audio recording or to view a video recording made by a body camera or a vehicle camera. The agency shall allow the person to listen to the requested audio recording or to view the requested video recording within 20 days of making the request, and may charge a reasonable fee for such services provided by the law enforcement agency.
 - a. A person who is the subject of the recording
 - b. A parent or legal guardian of a person under 18 years old who is a subject of the recording
 - c. An attorney for a person described above
 - d. An heir at law, an executor or administrator of a decedent, when the decedent is the subject of the recording

***For the purposes of this policy, a “subject” of a recording shall be a person whose image or voice is in the recording. When disclosing the recording, only**

those portions of the recording that contain the image or voice of the person shall be disclosed.

3. A person who requests disclosure pursuant to this subsection shall do so in writing. Police Department personnel must be present at all times during viewing and the requester shall not in any manner record or copy the video being viewed.
4. In consideration of the above, videos which identify the victim of any sexual offense, videos which the release would constitute an unwarranted invasion of personal privacy, videos within the interior of a facility that offers health care, mental health care or social services, videos within the interior of a private residence, and videos within a place that a reasonable person would expect to be private, shall not be subject to disclosure, unless otherwise required by State or Federal Law. See [KSA 45-221\(a\)\(3\), \(a\)\(30\), \(a\)\(47\)](#)

B. Requests for Release of Video:

1. Requests for BWC video or Vehicle camera video shall be made in writing.
2. Once the written request has been submitted, the Chief of Police and/or a designee will determine if the video is available and subject to release. If it is available, a fee will be applied. If redaction is required or allowed pursuant to law, a redaction fee will be assessed. All fees must be paid by the requester in advance. Once the request is made, and it is immediately recognizable that the video cannot be released, the requestor will be notified and no fee will be collected.
3. Infractions or No Criminal Charges

*Absent the application of other legal exceptions, videos recorded during citizen contacts may be released upon proper request when such contact results in the issuance or investigation of a traffic infraction or warning only.

4. Release Restrictions: In addition to the restrictions set forth above, the following videos are not subject to disclosure:
 - a. Videos involving the arrest or investigation of offenses by juveniles, unless ordered to be released by the court, pursuant to [KSA 38-2310](#).
 - b. Videos involving the investigation of a Child In Need of Care, unless ordered to be released by the court, pursuant to [KSA 38-2212](#).
 - c. Criminal investigation records as defined by KSA 45-217, when the release of the video would:
 - i. Not be in the public interest;
 - ii. Interfere with any prospective law enforcement action, criminal investigation or prosecution;
 - iii. Reveal the identity of any confidential source or undercover agent;
 - iv. Reveal confidential investigative techniques or procedures not known to the general public (Drug investigations, etc);
 - v. Endanger the life or physical safety of any person;

- vi. Reveal the name, address, phone number or any other information which specifically and individually identifies the victim or alleged victim of any sexual offense in the Kansas Criminal Code.

C. **Media Release of Video for Law Enforcement Purposes:** If it is determined that the release of 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 by the Chief or his/her designee, and the City Attorney or his/her designee to determine if such disclosure is consistent with all applicable State and Federal laws