

TOPEKA POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL
2.4 RECORDING DEVICES AND IMAGING EQUIPMENT

SUBJECT: Recording Devices and Imaging Equipment		
2.4	EFFECTIVE: 10/21/2019	<i>William Cochran</i> William Cochran, Chief of Police
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CALEA: 41.3.8		

2.4.1 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.

2.4.2 POLICY

Recording devices and imaging equipment are valuable tools for law enforcement officers to document department interactions with citizens and collect evidence. They will be used in accordance with established procedures and applicable laws.

2.4.3 PROCEDURE

- A. General guidelines and authority for the 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 of Police 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

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1. Media recordings may be reviewed by supervisors under the following circumstances:
 - a. To investigate a complaint against an officer or a specific incident in which the officer was involved;
 - b. During the course of Departmental review of officer-involved pursuits, defensive actions, accidents;
 - c. While an officer is on a probationary period after being released by the Field Training Supervisor (FTS) board; or
 - d. When authorized by the Chief of Police.
2. Media recordings may be reviewed by detectives during the course of a criminal investigation.

C. Assigned personnel

1. All personnel who are assigned a BWC shall complete Department approved training in the operation of the BWC system.
2. Officers, supervisors and field commanders who operate in a primarily uniformed capacity with focus on arrest & enforcement activities will be issued a BWC, as determined by the Chief of Police or his designee and shall be required to follow all procedures and protocols of this policy.
3. Officers working extra duty employment as defined in 3.2 (Secondary Employment and Law Enforcement Actions) will use a BWC. Officers whose primary on-duty assignment does not involve the use of a BWC will have one issued to them strictly for extra duty usage. Those officers assigned a BWC for their primary on duty assignment will be issued a secondary controller (Battery). The officer is responsible for the maintenance of this secondary battery for extra duty purposes.
4. Officers who leave their extra duty positions will be required to turn in the appropriate equipment issued whether the BWC or the secondary battery.

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.

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- 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 or during the course of extra 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 or during the course of extra duty” include:
 - a. Traffic stops;
 - b. Investigative detentions;
 - c. Arrests;
 - d. Searches;
 - e. Pursuits;
 - f. When operating a vehicle in emergency mode (lights and siren activated);
 - g. Execution of any warrant or forced entry into a residence or other structure;
 - h. Interviews or Interrogations; and
 - i. 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.

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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;
3. No officer should activate a BWC to record places where an expectation of privacy exists, such as bathrooms or dressing rooms, where such areas are being used for the intended purpose;
5. No officer shall activate any recording device with the intent to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.

G. Download and storage

1. All videos will automatically label by CAD/RMS Integration standards and will include a category and incident/case number for officers on dispatched calls. For officers who are not on a dispatched call, the officer shall mark each BWC video capture with the incident/case number and one of the categories available on the system.

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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. This also applies to extra duty officers who have used police powers. If there was no use of police powers the BWC can be uploaded at the officer's next shift.
 - b. The BWC should not be removed until media has been completely uploaded.
 - c. Officers who use force during extra duty assignments must upload BWC immediately after their extra duty.
7. Digital Photo and Evidence Operation:
 - a. At the start of each shift, FOB officers will ensure the cellular phone assigned is present in the vehicle. Officers will immediately notify a supervisor if the assigned phone is missing.
 - b. Officers will utilize the AXON Capture Application on Departmental phones to photograph crime scene photos where CSI is not utilized.
 - c. Personnel not assigned a BWC will utilize AXON Capture Application to audio record interviews utilizing a departmental phone. Detectives will also use AXON Capture Application to capture photos and videos of crime scenes or evidence.
 - d. All digital evidence processed with AXON Capture Application will be labeled and categorized with current practices. All evidence will be stored on Evidence.Com with BWC videos.
 - e. Digital photos may be downloaded and utilized by detectives through Evidence.com for criminal investigations.
8. Interview Room Recording
 - a. Any officer may choose to use the interview rooms and record interviews.

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- 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;
 - 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; and
 - c. Media retention schedule for each classification on Evidence.com will be set as follows:
 - 1) Non Evidence-3 years;
 - 2) Evidence - 5 years
 - 3) Homicide- Indefinitely or until such time digital storage is moved from current vendor to new solution
- 2. Media requests from District or City Attorney Offices.
 - a. 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.
 - b. 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

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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.