

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 4.31
	Effective Date: 04/30/15
	Prv. Rev. Date: 07/16/21
	Revised Date: 12/19/22
Chapter: Uniforms and Equipment	Accreditation Standards: KACP: 17.13, 20.2, 20.5
Subject: Body-Worn Camera (BWC)	

4.31 BODY-WORN CAMERA (BWC)

4.31.1 POLICY

The Louisville Metro Police Department (LMPD) has adopted the use of wearable cameras to further the mission of the department and enhance service to the community by accurately documenting events, actions, conditions, and statements made during citizen encounters, traffic stops, arrests, and other incidents in order to promote member and public safety. The **Body-Worn Camera (BWC)** allows hands-free video and audio recording of important or critical incidents from the perspective of the user as they are occurring. This allows the member to record locations and activities that are not available to in-car recording equipment. The **BWC** may be used as a stand-alone recorder or in conjunction with, and to supplement, the Mobile Video System (MVS) (refer to SOP 4.1). All sworn members will be issued **BWCs**. Non-sworn members with a job-related need, as determined by the Assistant Chief of Police/Administrative Bureau, will be issued **BWCs**. Members will only utilize the **BWC** issued by the LMPD. The **BWC** will only be used by members who are working in an official law enforcement capacity. This policy does not govern the use of covert recording devices, such as those used in undercover operations.

4.31.2 PURPOSE

The LMPD has adopted the use of the **BWC** to accomplish the following objectives:

- Enhance member safety.
- Document statements and actions during the course of an incident.
- Enhance the member's ability to document statements and actions for both internal reporting requirements and for court preparation/presentation.
- Preserve visual and audio information for use in current and future investigations.
- Provide an impartial measurement for self-critique and field evaluation during officer training.
- Enhance the public's trust by preserving factual representations of member-public interactions in the form of video and audio recordings, strengthening departmental transparency, and reducing complaints.
- Allow for the supervisory review of member-public contacts, critical incidents, and other police operations.

4.31.3 DEFINITIONS

Body-Worn Camera (BWC): Body-worn camera system with secured internal memory for the storage of recorded video and audio.

BWC Audit Log: Form that will be completed by supervisors to verify compliance with **BWC** standards, departmental policy, and to assess overall member performance.

BWC Issue Tracking Form: Form that will be completed by supervisors, or acting supervisors, when notified of a malfunction with the member's **BWC**.

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4.31.3 DEFINITIONS (CONTINUED)

Law Enforcement Activity: Any activity performed by a member in an official capacity for the purposes of maintaining public order and enforcing the law, particularly the activities of prevention, detection, and investigation of crime and the apprehension of criminals.

4.31.4 TRAINING (KACP 17.13a)

Members will successfully complete **BWC** training regarding the activation, use, uploading of data, inspection, and storage for each device prior to being deployed with a **BWC**.

4.31.5 ASSIGNMENT AND USAGE

All sworn members will be issued, and are required to utilize, the **BWC** in accordance with this policy.

Non-sworn members with a job-related need, as determined by the Assistant Chief of Police/Administrative Bureau, will be issued **BWCs** and are required to utilize the **BWC** in accordance with the applicable sections of this policy.

4.31.6 PROCEDURES (KACP 17.13a-b)

BWC equipment is the responsibility of the individual member to whom it is assigned. **BWC** devices will only be stored in designated, secured locations at LMPD facilities, inside of the member's home, or in secured LMPD vehicles when they are not in use. Members are to exercise reasonable care and maintenance of the **BWC** equipment. During their tour of duty, or while engaged in uniformed law enforcement-related secondary employment, members will maintain their **BWC** in a constant state of operational readiness. The **BWC** will be used to record all calls for service and law enforcement activities/encounters (e.g. arrests, citations, stops, pursuits, Code 3 operations/responses, searches, seizures, interviews, identifications, use of force incidents, collisions, transports, warrants, **official conversations on departmental smartphones**, etc.).

Members are mandated to adhere to the following procedures **in order to capture** law enforcement-related activity:

- When responding to any call for service, members will activate their **BWC** in recording mode prior to arriving on-scene and exiting their vehicle.
- Members will immediately activate their **BWC** in recording mode prior to engaging in all law enforcement activities or encounters. This includes law enforcement activities or encounters occurring when traveling to, and from, work in uniform, unless the member's assigned **BWC** is docked for uploading following a tour of duty (refer to SOP 4.31.12).
- Members will immediately activate their **BWC** anytime they initiate a Code 3 response.
- Members will record the transport of all prisoners in a departmental vehicle.

Members will verify their **BWC** is functioning in recording mode by listening for the audible tone and/or checking the visible light indicator. In extremely rare situations, an encounter may be sudden and unanticipated.

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4.31.6 PROCEDURES (CONTINUED)

If a member is involved in a sudden and unanticipated incident where exigent safety concerns prevent the immediate activation of his/her **BWC**, he/she will activate the **BWC** at the first opportunity, when it is safe to do so, in order to capture the immediate aftermath of the situation.

Members will utilize their **BWC** when assisting other law enforcement or governmental agencies engaged in official law enforcement activities, such as effecting an arrest or executing a search warrant, with the exception of the following:

- Certain non-enforcement-related activities of members or civilians on federal task forces at the request of the host agency, pursuant to the Memorandum of Understanding (MOU), and at the direction of the federal agent in charge, and with the approval of the Chief of Police, or his/her designee.
- Activities of the Bomb Squad, Dignitary Protection Team (DPT), Hostage Negotiating Team (HNT), and/or Special Weapons and Tactics (SWAT) Team command posts.
- Incidents where the Bomb Squad Commander, Hazardous Incident Response Team (HIRT) Commander, or chief fire official believes the use of the **BWC** may create a danger of fire, explosion, or other risk to public safety.
- In-custody interrogations, when the Axon Interview Room Recording System is available and operational. If the Axon Interview Room Recording System is confirmed operational, members may turn off their **BWC** until the conclusion of the interrogation.

If the member neglects to activate his/her **BWC** at a scene which requires recording, fails to record the complete incident, or interrupts the recording, he/she will notify his/her supervisor, prior to the end of his/her tour of duty, and complete a Failure to Activate Body-Worn Camera form, via DocuSign. The form can be found on the LMPD Intranet by clicking on the "Electronic Forms" link. If data is lost, the member will document the reason in a memorandum and forward it, through the appropriate chain of command, to his/her Bureau Commander by the end of the member's next tour of duty.

When a member activates his/her **BWC** and such activation is not required by policy and the circumstances do not require continued recording, he/she may use his/her discretion when deciding to deactivate the **BWC** (KACP 17.13c).

The **BWC** will not be used for non-law enforcement/personal use or to record personal activities. Members will not post recordings to any website, including social media websites (KACP 20.5b-c). Members will not use other devices (e.g. cell phones, cameras, etc.) to record video and/or audio from the **BWC**. Members will only access their own **BWC** recordings or those they have a legitimate purpose to review (e.g. review by detectives involved in the case, review by LMPD Video Records as a result of an open records request, etc.).

Supervisors will refer to SOP 4.31.14 and SOP 4.31.15 regarding **BWC** supervisory review procedures. The Evidence.com storage system maintains an audit log which documents the videos that have been viewed and any actions taken by LMPD members. Members are prohibited from using the **BWC** to record conversations of departmental members without their knowledge during routine, non-law enforcement-related activities. This includes, but is not limited to, the following:

- Casual conversations
- Roll calls

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4.31.6 PROCEDURES (CONTINUED)

- Meetings
- Training
- Supervisor reviews
- Performance evaluations
- Employee coaching
- Restroom areas
- Meals

Members are required to turn off their **BWC** prior to entering any juvenile detention facility. Recording inside of any juvenile detention facility is prohibited.

Members who are on elementary, middle, or high school property will only use their **BWC** to record legitimate law enforcement activities while on the property or during school-related events.

The **BWC** will not be used in places where an exceptional expectation of privacy exists (e.g. restrooms, locker rooms, dressing rooms, etc.) unless the recording is required for a specific law enforcement activity. Members have the right to record if they have a legal right to be at, or in, the location (e.g. responding to a call for service, pursuant to a valid search warrant, consent of the resident, etc.).

Members may be required to turn off their **BWC** at any hospital or medical facility at the request of the medical staff, unless they are engaging in a law enforcement activity or encounter (e.g. active shooter, unruly patient/visitor, etc.). **Members will not use their BWC to record interviews of victims, following a sexual assault, at any hospital or medical facility.**

The **BWC** will routinely be positioned to record video and audio from the member's point of view. Members will not routinely record undercover officers or confidential informants in order to protect their identities; however, this is at the discretion of the member in control of the **BWC**. If it is necessary to record a confidential informant, a member may wish to record the audio portion only by positioning the camera away from the informant. Members will categorize video containing recordings of confidential informants as both the type of crime being investigated (e.g. felony, misdemeanor/violation) and as "Special Circumstances" in Evidence.com.

Members will use their **BWC** to record all consent searches in their entirety. This includes recording the subject who is giving consent to the search.

When conducting full body strip searches or under clothing searches, members will video and audio record a 360 degree view of the location where the full body strip search or under clothing search is taking place.

However, members will only record the audio portion of the actual full body strip search or under clothing search by positioning the camera away from the person on whom the full body strip search or under clothing search is being conducted (refer to SOP 8.3).

Members will not intentionally obstruct the view of the **BWC**, except in the situations outlined above.

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4.31.7 OPERATION (KACP 17.13a)

Members will inspect their **BWC** to verify it is fully-charged and does not contain any recordings from a prior tour of duty. Members will immediately upload any prior recordings. Members will inspect their **BWC** and its components for damage and verify it is functioning properly prior to, and during, their tour of duty. Members should refer to SOP 4.31.13 regarding the procedures for handling any lost, stolen, defective, damaged, or malfunctioning **BWC** component.

The **BWC** will be positioned on the collar of the member's shirt or worn on the member's head, chest, or external vest carrier, using only the departmentally-issued mounting equipment. The **BWC** will be donned at the beginning of the member's tour of duty and will be worn throughout his/her tour of duty. Members will not wear the **BWC** on the same side as their radio microphone. Members will maintain their **BWC** in a constant state of operational readiness. When recording any law enforcement activity or encounter, members will make certain their **BWC** ~~WVS~~ is not pointed excessively high or low so that the activity or encounter is recorded from the officer's point of view. Members will not remove, dismantle, or tamper with any hardware/software component or part associated with the **BWC**.

When using the MVS, if the audio portion of a law enforcement activity or encounter is captured by the **BWC**, the use of the member's MVS microphone to capture the audio is not necessary.

Members will not discontinue recording based solely on a person's verbal request, unless the person wishes to submit an anonymous tip, in which the decision to record is at the discretion of a member. The member may contact his/her commanding officer/supervisor for further guidance in these situations, if needed. Members will not be required to discontinue recording an event, situation, or circumstance for anyone other than a commanding officer/supervisor.

All members will be required to activate their **BWC** for all law enforcement activity as outlined above. Pursuant to Louisville Metro Code of Ordinances (LMCO) 39.178, when executing a search warrant, the **BWC** will be activated no later than five (5) minutes prior to the execution of the warrant and will not be deactivated any sooner than five (5) minutes following the completion of the execution of the warrant. Members will not routinely record undercover officers or confidential informants in order to protect their identities; however, this is at the discretion of the member in control of the **BWC**. If it is necessary to record a confidential informant, the member may wish to record the audio portion only by positioning the camera away from the informant.

If a member is on an extended scene with a low likelihood of taking law enforcement action (e.g. downed power lines, downed tree, blocking intersection, etc.), a commanding officer/supervisor may authorize him/her to discontinue recording. He/she will reactivate his/her **BWC** during any public contact at the scene.

If a division or unit is equipped with an interview room camera system, members may utilize that system to document interviews instead of the **BWC**.

At the conclusion of a recorded event, members will choose the appropriate storage category for their **BWC** recording in order to allow for later review and appropriate retention. Members will also complete the "ID" field with the report number (if applicable) or the Computer Aided Dispatch (CAD) number.

The proper categorization of recordings determines how long the recordings are retained, to whom access is granted, and whether the recording can be released to the public/media. The recordings will be reviewed by a

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4.31.7 OPERATION (CONTINUED)

sergeant/supervisor in order to verify they have been properly placed into the appropriate tagging categories in the **BWC** software.

BWC recordings are not a replacement/substitution for written reports. Members will notate that a recording was made in the narrative section of the Administrative Incident Report (AIR) in BlueTeam, Uniform Incident Report, Kentucky Uniform Citation, or Kentucky Uniform Collision Report. The notation will state "**BWC** activated."

Members should refer to SOP 4.31.12 regarding the procedures for recharging the **BWC** and uploading recordings.

4.31.8 STATUTORY PROVISIONS FOR DUI CASES (KACP 17.13b-d)

Kentucky Revised Statutes (KRS) 189A.100 specifically addresses the procedures for securing, reviewing, maintaining, and destroying video and audio evidence in DUI cases.

Recordings of field sobriety tests, administered at the scene of an arrest, for a violation of KRS 189A.010 (DUI) or such tests at a police station, jail, or other facility will be subject to the following conditions:

- The testing is recorded in its entirety (except for blood alcohol and analysis testing); and
- The recording will be used for official purposes only, which includes:
 - Viewing in court;
 - Viewing by the prosecution and defense in preparation for a trial; and
 - Viewing for purposes of administrative proceedings.

Recordings will otherwise be considered confidential records.

Recordings taken as a result of a DUI will, upon order of the District Court, be destroyed after the latter of any of the following:

- 14 months, if there is no appeal of any criminal or traffic case filed as a result of the recording, or if the recording does not depict the actual happening of an accident involving a motor vehicle.
- 14 months after a decision has been made not to prosecute any case upon which an arrest has been made or a citation has been issued as a result of the recording, if the recording does not depict the actual happening of an accident involving a motor vehicle.
- 26 months, if there is no appeal of any criminal or traffic case filed as a result of the recording, if the recording depicts the actual happening of an accident involving a motor vehicle.
- After all appeals have been exhausted, arising from any criminal or traffic case filed as a result of the recording.
- At the conclusion of any civil case, arising from the events depicted on the recording.
- At the conclusion of all appeals from any law enforcement agency's administrative proceedings, arising from the events depicted on the recording.

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4.31.8 STATUTORY PROVISIONS FOR DUI CASES (CONTINUED)

Members who are utilizing, or showing, recordings of DUI arrests, other than as permitted in this section, or permitting others to do so, are in violation of KRS 189A.100(2)(g).

4.31.9 COURT/CIVIL PROCEEDINGS (KACP 17.13d)

The **BWC** will not be used to record any court proceedings or conferences with prosecutors or defense attorneys. The **BWC** will not be used to record any civil depositions or proceedings.

4.31.10 SPECIAL EVENTS (KACP 17.13b)

The use of the **BWC** for recording official activities at special events will be at the discretion of the Support Bureau Commander, Special Operations Division Commander, Special Events Unit Commander, or the commander of the special event. The commander will instruct members on the types of activities that will be recorded. Members will record citizen contacts as described in SOP 4.31.6.

4.31.11 SECONDARY EMPLOYMENT (KACP 17.13b)

Members will wear the **BWC** while working any secondary employment that requires them to be in uniform. Members who are working any law enforcement-related secondary employment that requires them to be in plainclothes will keep the **BWC** with them and operationally ready. All members will record official law enforcement activities with the **BWC** pursuant to this SOP.

4.31.12 UPLOADING VIDEO

Members will turn off and recharge their controller/power pack at the end of their tour of duty. The **BWC** will not be removed from the charger until the video and audio has been uploaded. All **BWC** recordings, including when a member is working secondary employment as described in SOP 4.31.11, will be uploaded prior to, or at the beginning of, the member's next **regular** tour of duty.

The use of overtime may be authorized for situations other than the normal, routine uploading of **BWC** video. **BWC** recordings should be uploaded immediately following a critical incident or use of force incident. A commanding officer/supervisor may order a member to upload **BWC** recordings at any time during his/her shift or following a critical incident or use of force incident.

4.31.13 LOST/STOLEN/DEFECTIVE/DAMAGED/MALFUNCTIONING **BWC** COMPONENTS (KACP 17.13a, c)

Members will inspect their **BWC** for damage and verify it is functioning properly prior to, during, and after their tour of duty. Any **BWC** component that needs to be replaced due to being lost, stolen, defective, damaged, or malfunctioning will immediately be reported to the member's commanding officer/supervisor. The member is

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4.31.13 LOST/STOLEN/DEFECTIVE/DAMAGED/MALFUNCTIONING BWC COMPONENTS (CONTINUED)

required to complete a Report of Lost/Stolen/Defective/Damaged Uniform Articles and Equipment form (LMPD #03-04-0180). The member will forward the original form, through his/her chain of command, to the appropriate Bureau Commander. The member will then take a copy of the form and the BWC component, if it is not lost or stolen, to the Evidence and Property Unit (EPU) for replacement.

A Uniform Incident Report will be completed when a BWC has been lost, stolen, or damaged as a result of criminal activity. If criminal charges are filed, damage to any property will be notated in the arrest/citation narrative (refer to SOP 4.18). Members will complete the report using violation code *03024 Property Lost* or the appropriate theft charge report. The report will be forwarded to the National Crime Information Center (NCIC) Unit for entry pursuant to SOP 8.11.

If the BWC eyewear is lost, stolen, or damaged, the member will complete a Report of Lost/Stolen/Defective/Damaged Uniform Articles and Equipment form and forward it to the Technical Services Lieutenant for replacement.

If the BWC or controller/power pack is damaged/malfunctioning, the member will notify his/her supervisor, who will complete the BWC Issue Tracking form documenting the circumstances surrounding the time of the damage/malfunction and if any video has been captured on the damaged/malfunctioning BWC. This form is located on the LMPD Intranet. Click on the "Administrative" button and click on the "BWC Issue Tracking" link. Technical Services will attempt to retrieve any captured video from the damaged/malfunctioning BWC.

If the captured video is unable to be retrieved from the damaged/malfunctioning BWC, members are required to forward a memorandum, through the appropriate chain of command, to the Technical Services Lieutenant by the end of the member's next tour of duty. This memorandum will include a description of the activity that was captured by the video that was unable to be retrieved. This will verify evidentiary standards are met (refer to SOP 4.31.16). If the captured video was successfully downloaded from the damaged/malfunctioning camera, the member is responsible for the proper categorization of the video.

If the BWC is lost or stolen, members are required to forward a memorandum, through the appropriate chain of command, to the Technical Services Lieutenant by the end of the member's next tour of duty. This memorandum will include a description of the activity that was captured by the lost or stolen BWC and the circumstances surrounding its loss or theft.

4.31.14 SUPERVISOR RESPONSIBILITIES (KACP 17.13a)

Supervisors will verify the BWCs of members under their command are operating properly. Supervisors will also verify members are wearing their camera in a manner to capture incidents and their BWC is not pointed excessively high or low. This will be included in the supervisor's monthly personnel inspection (refer to SOP 4.18).

If a member is involved in a critical incident, the commanding officer who responds to the scene will verbally inform the involved member to turn off his/her BWC after the scene is safe and the incident is under control. This command will be captured by the BWC prior to the BWC being turned off.

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4.31.14 SUPERVISOR RESPONSIBILITIES (CONTINUED)

At least quarterly, commanding officers/supervisors will be notified, via reports downloaded from the **BWC** Issue Tracking form, of members under their command who fail to activate their **BWC** and were not in compliance with this policy.

4.31.15 REVIEW (KACP 17.13c)

Supervisors will review the **BWC** recordings of members under their command in the following situations:

- On a recurring monthly basis, in order to verify compliance with BWC standards, departmental policy, and to assess overall member performance, sergeants will review two (2) BWC videos, per officer under their command, each month. These reviews will be documented on the BWC Audit Log on the LMPD Intranet. Click on the "Administrative" button and click on the "BWC Audit Log" link. Reviewing videos for AIRs or complaints will not count as routine reviews.
- The investigation of a complaint against a member or to review a specific incident (e.g. critical incident) in which the member was involved.
- Obtaining videos for training purposes/instructional use.
- The evaluation of a probationary officer by a Police Training Evaluator (PTE) during his/her probationary period.
- **BWC** video will be reviewed during the performance evaluation process to provide feedback (positive and negative).
- The investigation of a member who has a pattern of allegations of misconduct or poor performance.
- When an AIR is required to be completed, via the BlueTeam link, located on the LMPD Intranet (refer to SOP 3.1).
- A lieutenant will review recordings when a canine search is conducted for the search of a vehicle where the canine sniff generates the probable cause for a search. The lieutenant will document the review on the **BWC** Audit Log.

Members will be permitted to review their **BWC** footage of any incident in which they were involved prior to making a statement or report regarding the incident.

4.31.16 RETENTION/DISTRIBUTION (KACP 17.13d)

Members will not delete/erase, destroy, copy, reuse, alter/modify, or tamper with **BWC** recordings. Recordings generated on departmental equipment are the exclusive property of the LMPD and will be available for departmental use in accordance with applicable legal restrictions, or upon direct authority of the Chief of Police, or his/her designee (Deputy Chief of Police or Assistant Chief of Police). **BWC** recordings will be used for official law enforcement purposes only.

BWC recordings that include exculpatory evidence (*Brady* material) will be retained and turned over to the appropriate prosecutor (refer to SOP 11.7).

BWC recordings that contain a record of a confidential informant will be labeled as "Special Circumstances" on the disk and given to the members and the prosecutors. **LMPD Video** Records will notify the Jefferson County

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4.31.16 RETENTION/DISTRIBUTION (CONTINUED)

Attorney's Office and the Office of the Commonwealth's Attorney of any open records requests for a video containing a confidential informant prior to any release.

Copying or reproducing any recording, or segment of any recording, generated by the LMPD, or the removal of any recording outside of the LMPD, without the written authorization of the Chief of Police, or his/her designee (Deputy Chief of Police or Assistant Chief of Police), is prohibited.

Open records requests for copies of recordings, from persons or agencies outside of the LMPD, will be directed to Metro Open Records at the following link: <https://louisvillemetrogov-ky.nextrequest.com/>. Open records requests submitted to Metro Open Records by the media will be directed to the Media and Public Relations Office (KACP 20.2b). Evidence/discovery requests requiring a copy of a BWC recording may be submitted to LMPD Video Records by emailing a completed Video System Request form (LMPD #15-0013) to "LMPD Video System Request," located within the department's email distribution list. Any parts of a recording that infringe on an individual's privacy rights or may compromise an investigation may be redacted.

Recordings provided to persons or agencies outside of the LMPD will be duplicated on discs and will be provided by the department for a reasonable fee. The unauthorized duplication of recordings is prohibited.

Only the portion of a recording which contains a specific contact in question may be reproduced.

Nothing in this section prevents members from securing, or releasing, copies of BWC recordings to the United States Attorney's Office, Jefferson County Attorney's Office, or Office of the Commonwealth's Attorney for official purposes.

BWC recordings will be retained for a minimum of 30 days (non-evidentiary recordings), with the exception of those recordings which need to be retained longer (evidentiary recordings) due to an investigation (including criminal, administrative, AIR, etc.), litigation, or open records request. These recordings will be maintained until all investigative or legal activity is completed, pursuant to KRS or applicable records retention schedules. Pursuant to LMCO 39.178, all BWC recordings containing search warrant video evidence will be retained for a period of five (5) years. Recordings containing DUI video evidence will be maintained and destroyed pursuant to KRS 189A.100.