



## KNOXVILLE POLICE DEPARTMENT KNOXVILLE, TENNESSEE



### General Order No. 2.16

Subject: Digital Audio/Video Recording Equipment	Effective Date: October 12, 1998	Revised Date: September 10, 2021
Title: Procedure for the Operation of the Digital Recording Equipment	Pages: 11	Distribution: All Members
Cross Reference: CALEA Standard 41.3.8	Chief of Police Approval:	

### **Purpose**

This general order establishes a guideline to provide for proper use, care and maintenance of Knoxville Police Department digital recording equipment and body cameras. The policy will outline its use for collecting and documenting evidence as well as to provide for security and uniform method of recording, storing and recycling audio/visual recordings. Additionally, the policy is intended to provide members with instructions on how to use body worn camera in conjunction with their in-car recording equipment so that members may reliably record their contacts with the public.

This directive shall consist of the following numbered sections:

- I. Policy
- II. Operational Prohibitions/Restrictions
- III. Identification and Storage of Audio/Video Recordings
- IV. Ownership, Custody, Control and Display of Generated Recordings
- V. Use of Recordings for Training Purposes
- VI. Supervisor Review
- VII. Complaints Received Review Policy
- VIII. Inspection, Maintenance, and Report
- IX. Demonstration of the Unit
- IX. Distribution of Audio/Video to Outside Agencies or Persons

## I. Policy

### A. General Use and Operations Guidelines

Officers and vehicles equipped with audio/video recording equipment shall be in a record mode at all times when there is potential for contact with a person in the community, whether on-duty, off-duty, or during secondary employment. Traffic stops, vehicle flight responses, crash scenes and other events, situations, and circumstances including but not limited to armed encounters, hostage situations, barricaded suspects, suicide attempts, acts of physical violence and felonious activity shall be recorded at all times.

1. Body Worn Cameras shall be assigned to Officers, with the rank of Lieutenant or below, who are assigned to Patrol and engage in routine patrol or call response assignments. All Officers must successfully complete required training prior to being assigned a body worn camera. Officers that are assigned a body worn camera must utilize them at all times while on duty in a patrol or traffic enforcement function. Additionally, (and as available), body worn cameras may be issued to Officers not assigned to Patrol and who have successfully completed required training where operational assignment would benefit from the use of a body worn camera.
2. Officers will not cease recording an event, situation, or circumstance at the demand of a person in the community.
3. Officers shall inform those who ask that audio/video recording equipment are in use.
4. Officers are to ensure that recording equipment is operating properly and in doing so they will ensure that:
  - a. The audio/video recorder's position is adjusted where necessary to record events.
  - b. The audio/video equipment is not deactivated until the recorded contact is completed.
  - c. The body camera is activated at all times during contact with a person in the community.
5. Officers shall position all cameras in a manner to facilitate optimum recording field of view, while also ensuring the ability to safely

activate the camera prior to, or during an incident. This will correspond to the best practices detailed in training provided by the Technical Services Unit.

6. Back up officers who arrive on the scene to assist another officer and who also have audio/video recording capabilities will continue to ensure their audio/video equipment is operating properly and recording events in accordance with the requirements of this policy.
7. Officers shall activate audio/video recording equipment prior to effecting a traffic stop and should attempt to provide narration with the audio/video recording prior to each stop. The intention of this narration is to assist them in necessary written documentation and to assist the officer in supporting probable cause for the stop. Example: 10-25 a 1995 Chevrolet, color white, Tennessee tag #123ABC, occupied by, at location, doing violation of.
8. Officers shall turn on their audio/video equipment when they are out of their patrol unit on a call-for-service in the event audio/video is needed to substantiate or assist with documentation of their law enforcement duties, i.e., domestic disturbance, etc. It should be remembered that the purpose of the audio/video equipment is to monitor all contacts with a person in the community in all situations possible.
9. The recording unit may be stopped for certain circumstances:
  - a. Officers may turn off the audio, or activate the "mute" function, of their recording only while speaking with other officers about the circumstances of an investigation. Prior to activating the "mute" function, officers should verbally state the reason for the audio being muted (ex: "I am muting my camera to discuss the circumstance of the investigation."). Officers may not turn off the video recording at any time during the interaction with the member of the community. Additionally, officers must re-activate the audio recording prior to interaction with the public.
  - b. Extended out of service times when the audio/video is not needed, when officers are not subject to dispatcher calls or contact with a person in the community.
  - c. In court.

- d. The audio/video system-is not to be operational while officers are inside the Safety Building or other police department facilities at any time.
- 10. Officers will be trained in the operation of the system by qualified personnel before engaging in the use of the audio/video system. Qualified departmental personnel are those persons trained by the representatives of the audio/video vendor or those trained by qualified KPD personnel.
- 11. The system shall be checked by the officer for proper operation before the start of each shift. Any issue with the equipment shall be noted by the supervisor on the vehicle inspection form. Any malfunction or related problems shall be reported immediately to the supervisor and immediate contact made with Technical Services to have the unit repaired.
- 12. Failure to activate or unauthorized de-activation of the recording equipment as outlined in this general order may be considered a violation of Code of Conduct 1.21 Unsatisfactory Performance. The initial offense may be punishable with a written reprimand and additional training on this policy.
- 13. The abuse and misuse of the recording equipment shall be deemed a violation of Code of Conduct 1.26 Abuse or Loss of Equipment (Degree of severity: B).
- 14. While operating a vehicle with a detainee in the vehicle, the backseat camera will be activated in order to get a recording of the detainee's actions.
- 15. Officers who do not have in-car uploading capability shall download all digital recordings prior to the end of shift, unless otherwise approved by a supervisor.
- 16. Officers shall review any digital recordings prior to filling out any Pursuit Reports, Use of Force Reports and Show of Force Reports.
- 17. Officers are authorized to review digital recordings after being involved in a critical incident or for routine purposes, such as report writing.

## II. Operational Prohibitions/Restrictions

- A. Recording equipment shall be used only in conjunction with official law enforcement duties. The recording equipment shall not generally be used to record:
  - 1. Communication with other police personnel without the permission of the Chief of Police;
  - 2. Encounters with undercover officers or confidential informants;
  - 3. Individuals engaged in personal activities;
  - 4. In any location where an individual has a reasonable expectation of privacy (ex: restroom or locker room).
- B. No recording shall be used or shown for the purpose of bringing ridicule or embarrassment upon any person.
- C. Officers shall not edit, alter, erase, duplicate or record, copy, share or otherwise distribute in any manner recordings without prior written authorization and approval of the Chief of Police, or designee.

### III. Identification and Storage of Audio/Video Recordings

- A. Audio/video clips, backup data storage and supply procedures will be the responsibility of the Technical Services Unit and will follow the below procedures.
  - 1. All audio/video recording will be stored in the cloud for at least three (3) years.
  - 2. Audio/video recordings will be retained in accordance with the records retention ordinances of the City of Knoxville. No audio/video identified as evidence, whether for a civil or criminal proceeding, shall be destroyed without verification by the district attorney or Law Department that any case involving the audio/video has been terminated.

### IV. Ownership, Custody, Control and Display of Generated Recordings

- A. It is the policy of the Knoxville Police Department that all recordings generated on departmental equipment are the property of the Knoxville Police Department.

B. Use of Recording

1. Recordings used as evidence shall be retained by the Knoxville Police Department and placed in the Technical Services storage area until adjudication. Display of evidentiary recording contents during this time shall be limited to Knoxville Police Department employees and those specifically designated by the prosecutor, unless ordered otherwise by a court of competent jurisdiction.
2. Unusual or exceptional incidents related to law enforcement activities generate the interests of many. However, officers shall not afford persons outside the perimeters of law enforcement the opportunity to review a segment of any video without prior authorization of the Chief of Police or her designee.

V. Use of Recordings for Training Purposes

Training: When unusual, exceptional or felony incidents are recorded and are perceived to be of value as a training aid, the following procedure will be followed:

- A. Periodically audio/video recordings from departmental vehicles capture events which may prove useful as training aids. Therefore, when unusual, exceptional or felony incidents are captured (excluding where the audio/video is used for evidence unless the case is concluded) and the incidents recorded are perceived to be of value as a training aid, this may be done so by permission of the Chief of Police or designee.
- B. If the audio/video is determined to be of training value, the supervisor will notify the District Lieutenant and/or Captain for review.
- C. Upon approval from the Chief of Police or designee, a copy of the audio/video will be forwarded to the Director of Training or designee for review as a training aid.
- D. The audio/video files will be maintained by the Technical Services Unit.
- E. Only audio/video files on closed cases may be used.

VI. Supervisory Review

- A. The officer's immediate supervisor shall review at least two recordings, per officer, per month from the digital recording system and document the

review.

- B. Documentation of the review shall be noted on the Monthly Video Review log located on the Department's L:// drive in the Audio/Video Review Folder.
- C. The Division Commander or designee shall review the Monthly Audio/Video Review form to ensure compliance with this order and any policy violations have been addressed.
- D. Audio/Video files may be periodically reviewed by the officer's immediate supervisor to assist with evaluations.
- E. Audio/Video files may be periodically reviewed by the F.T.O. Coordinator to assist with daily and weekly evaluations and to allow for follow-up remedial training.

## VII. Complaints Received Review Policy

Whenever a complaint alleging misconduct involving an officer assigned an audio/video recording device is made, the following procedures shall be followed:

- A. When the complaint is received:
  - 1. The supervisor, Division Commander or I.A.U. shall review the audio/video of the contact in question as soon as possible of receipt of the complaint to determine if there was any misconduct as alleged in the complaint.
  - 2. If no misconduct is determined, the supervisor, Division Commander or I.A.U. shall contact the complainant, and advise them an audio/video recording was made of the contact and no misconduct was observed by the reviewer.
  - 3. The supervisor, Division Commander or I.A.U. investigator shall then offer to let the complaining party review that portion of the audio/video which contains only the contact in question.
    - a. The review should be made during regular daytime office hours.
    - b. No copies shall be released without written authorization from the Chief of Police and a remittance fee is paid.

4. If potential misconduct is determined, the reviewer shall ensure a copy of the audio/video containing the contact in question shall be forwarded to Internal Affairs in compliance with policy and procedures.
  - a. The Internal Affairs Commander may request the supervisor or Division Commander to review the recorded contact in question to determine disposition of the complaint.
  - b. If the audio/video included the recording of an event that needs to be saved, the officer, supervisor, or I.A.U. shall submit a "Request to Hold An Audio/Video Clip" form (See Appendix A) to the Technical Services Unit.
5. Complaints received in writing shall be forwarded to Internal Affairs as per policy.

#### VIII. Inspection, Maintenance, and Repair

- A. Care and maintenance of all recording equipment shall be in compliance with the manufacturer's recommendations.
- B. Audio/video equipment should be treated as a sensitive piece of electronic equipment. As with any piece of electronic equipment, fluids, dirt or foreign material will affect the function of the equipment. It shall be the responsibility of the officer who is assigned digital recording equipment to ensure that the area around the unit is free of any material, which may cause damage.
- C. At the beginning of each officer's shift, the officer will inspect all recording equipment to ensure that it is working properly.
- D. Officers shall make daily inspections of all audio/video equipment. Supervisors shall make note on the Vehicle Inspection form of any issues found with the audio/video equipment.
- E. Equipment failure shall be reported to the officer's supervisor immediately. The supervisor shall make arrangements with Technical Services for the digital recording equipment to be repaired.
- F. Equipment failure shall also be reported to E-911 dispatch via police radio in order to document the failure and to ensure that a record exists of the inability to utilize the digital recording equipment.



- G. Officers shall not attempt to remove any recording equipment from the police vehicle. Officers shall not attempt to make any repairs or modifications to the digital recording equipment.
- H. All maintenance and repair of the digital recording equipment shall be made in accordance to the manufacturer's recommendations by a trained audio/video equipment technician as designated by the manufacturer and by the Chief of Police or his designee.
- I. If any recording equipment is lost or damage due to officer negligence, the officer may be held responsible for the replacement cost of the equipment.

IX. Demonstration of the Unit

- A. The unit will be first demonstrated by the recording equipment vendor representative or Technical Services personnel to all field supervisors.
- B. Supervisors (field sergeants) will be responsible for ensuring all officers under their command have been properly trained in the operation of the recording equipment.
- C. No officer will be allowed to operate or demonstrate any recording equipment prior to receiving training with the equipment. Additional training may be provided as needed to ensure proper use and operation of the equipment proper calibrations and performance, and to incorporate changes, updates or other revisions in policy and equipment.
- D. The supervisor will schedule exhibits and/or displays, as needed, to demonstrate equipment to interested parties upon request and at a time and place convenient to the interested parties.
- E. Recording equipment may be demonstrated to prosecutors, judges and other persons affected by its use. Every effort shall be made to ensure that this demonstration is positive and thorough.

X. Distribution of Audio/Video to Outside Agencies or Persons

- A. It is the policy of the Knoxville Police Department that recordings generated on department owned equipment are the property of the Knoxville Police Department. Copying or the reproduction of any recording or segment of any recording generated by the Knoxville Police Department, or the removal of any recording outside the Knoxville Police Department, without the written authorization of the Chief of Police, or

designee, is prohibited, except as otherwise specified in this General Order or as required by law.

- B. The requesting party shall fill out an Audio/Video Request form (Appendix A) for copies of any digital recording.
- C. All requests for copies of recorded audio/video recordings from persons or agencies outside of the Knoxville Police Department shall be directed, in writing, to the Technical Services Unit. Requests for copies of digital recordings by attorneys shall be made through the Knoxville Police Departments' Technical Services Unit and a copy of the reproduction will be forwarded to the Knox County Attorney General's Office. Requests for digital recordings on civil cases against members of the Knoxville Police Department shall be made through the Technical Services Unit. These requests will be given approval for release by the City of Knoxville Law Department.
- D. Recordings provided to persons or agencies outside the Knoxville Police Department will be generated by the Knoxville Police Department.
- E. A reasonable fee will be charged for the reproduction of a recording.
- F. Only that portion of a recording containing a specific contact in question shall be reproduced, unless otherwise specifically requested.
- G. When any recording, or any portion of a recording, is to be reproduced for use by an outside person or agency, the officer who generated the recording shall be given a copy of the requested reproduction.
- H. All recordings are subject to being redaction pursuant to law (Refer to TCA 10-7-504(u)).

## APPENDIX A



### Knoxville Police Department Audio/Video Request Form

800 Howard Baker Jr. Ave, Knoxville, TN 37915 : (865) 215-7000



Requests are completed in the order in which they are received (**minimum of 10 working days**). A payment of **\$50.00** for each request, is required at time of completion in order to receive the media.

Requests can be emailed to: [techservices@knoxvilletn.gov](mailto:techservices@knoxvilletn.gov) or faxed to 865-215-8648.

Mailed requests are sent to: Knoxville Police Department, Video Request,  
800 Howard Baker Jr. Ave, Knoxville, TN 37915

Agency/Business: \_\_\_\_\_ Date: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone#: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**\*Required Fields (Requests must contain this information.  
Forms without this information may be returned.)**

**\*Officer's Name:** \_\_\_\_\_

**\*Date & Time of Incident:** \_\_\_\_\_

**\*Type of Incident (i.e. DUI, Accident):** \_\_\_\_\_

**\*Citation/ Warrant/Case Number:** \_\_\_\_\_

**\*Client /Defendant Name:** \_\_\_\_\_

**\*Is the person involved a Juvenile? YES \_\_\_\_ NO \_\_\_\_**

**Incident Details (i.e. Location, Description of Vehicle):** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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