

Open Government in a Digital World – 2017 KLC Conference

Chris Johnson – KLC Member Legal Services Attorney

October 6, 2017



www.londonky.gov

City of London, Kentucky

City of London, Welcome Home!

Local Time: 10:59 am
Latitude: 37.1290° N
Longitude: 84.0833° W

EVENTS

- SEP 21 28th Annual World Chicken Festival
- OCT 4 Coffee With A Cop with the London Police Department

See All Events

FEATURED GALLERY

See All Galleries

City Government Community

City of London, KY
@cityoflondonky

Visit beautiful London, Kentucky and enjoy the best that Southeastern Kentucky has to offer!

London, Kentucky, USA
cityoflondonky.org
Joined October 2009

Tweets 1 Following 2 Followers 343

Tweets Tweets & replies

City of London, KY @cityoflondonky · 1 Oct 2009
You can now follow the City of London, KY on twitter! Get up to date info about road closures, public announcements and much more!

The City of London
@cityoflondonky

501 South Main Street | London, KY 40741 | 606.864.6995 | www.londonky.gov

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Posts

The City of London shared World Chicken Festival - Official Facebook Page's video.
10 hrs · 📺

The World Chicken Festival has finally hit the big time!

859 Views

World Chicken Festival - Official Facebook Page is with Kelseys.
10 hrs · 📺

Mother and daughter from Canada "egg-cited" about

Government Organization

Community
10,270 people like this
10,331 people follow this

About
501 South Main Street
London 40741
+60 6-864 4169
www.londonky.gov
Government Organization

People
10,270 likes

People Also Like
Laurel County Sheriff's Office
Government Organization

London Police Department, KY @londoncitypd

Home Services About Events Posts Videos Photos issue Community

[Create a Page](#)

LONDONPD.COM
606.878.7004 | 9-1-1
#LONDONPOLICEKY
503 S. MAIN ST., LONDON, KY 40741
MON-FRI 9AM-5PM

"Give Me A Reason" Drug Test Kits
FREE
The London Police Department has teamed up with Appalachia HIDTA and Operation UNITE to provide these free 10-panel SalivaScan drug test kits to parents of teens. Pick one up Mon-Fri 9am-5pm.

Law Enforcement Agency in London, Kentucky
4.5 ★★★★★ - [Open Now](#)

Community
14,960 people like this
14,904 people follow this
194 people have visited

About
503 S Main St
London, Kentucky, KY 40741
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www.londonpd.com
Law Enforcement Agency - Government Organization

LONDON POLICE
CITY OF LONDON, KENTUCKY

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To report criminal activity, call us, dial 9-1-1, call Laurel Co. Crime Stoppers at (606) 878-2746 or submit a tip anonymously through e-mail.
[Contact us](#)

ACCIDENT REPORTS
Visit us Mon - Fri from 9am to 5pm at 503 S. Main Street or visit www.buycrash.com to obtain your accident report.
[Visit Buycrash.com](#)

COMMUNITY PROGRAMS
Discover a variety of free educational programs we provide for the community throughout the year.
[Find out more](#)

Welcome to the 21st Century of City Government

Ashland

KENTUCKY

City Commissioners Meeting

WILL BEGIN SOON

My Town TV HD was live.
Like This Page June 22 · Edited

Ashland City Commissioners Mtg part 1
We will return after the executive session.
#futureofcal #futureisnow

579 Views

Adum Stevens, John Kaut, Jill York and 10 others like this.

1 Share 9 Comments

My Town TV HD · 20:59 HELLO Commissioner Clark! We are so honored to be able to provide the service!
June 22 at 3:16pm

My Town TV HD · 50:19 We will return after the executive session.
1 · June 22 at 3:55pm

My Town TV HD · 41:40 Melinda, it may Please tell those friends!
June 22 at 3:37pm

My Town TV HD · 14:45 Share with us where you're watching from!
1 · June 22 at 3:10pm

Chris Pullem · 0:00 Great job!!

Home Moments

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LEXINGTON

Tweets 3,080 Following 143 Followers 12K Likes 499 **Follow**

City of Lexington Ky @LexingtonKyGov
Official account of the Lexington-Fayette Urban County Government. Public comment policy: bit.ly/2roPZPv
Lexington, KY
lexingtonky.gov
Joined August 2009
422 Photos and videos

Tweets Tweets & replies Media

City of Lexington Ky @LexingtonKyGov · 1h
We're looking to fill a couple of #jobs with folks that have their CDL. Interested? See open positions: bit.ly/2tb5f2o

New to Twitter?
Sign up now to get your own personalized timeline!
Sign up

You may also like · Refresh

- DLC @DowntownLexCorp
- Mayor Jim Gray @JimGrayLexKY
- Commerce Lexington @CommerceLex
- VisitLEX @VisitLEX

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Mayor Jim Gray
@JimGrayLexKY
Official Twitter account for Lexington Mayor Jim Gray. Comment policy: bit.ly/7z0PZPv
lexingtonky.gov
Joined May 2009
554 Photos and videos

Tweets 3,568 Following 700 Followers 21K Likes 95 Lists 3 Follow

Tweets Tweets & replies Media

Mayor Jim Gray @JimGrayLexKY · 2h
Jacobson Park will be closed tomorrow morning as @LexKYEM & other agencies conduct disaster exercises as part of National Preparedness Month

Mayor Jim Gray @JimGrayLexKY · 22h
Families will enjoy the new sprayground at Masterson Station Park with over a dozen spray features, water cannons & even a giant dump bucket

City of Lexington Ky @LexingtonKyGov
Check out our AWESOME new splashground at Masterson Station Park. @SpiderMan loves it. You will too. Open 9 am - 8 pm. @lexkygov

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Sign up now to get your own personalized timeline!
Sign up

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65.8811 Membership of bo... MyKLC - City Activity Database Kentuckians sue Gov. Matt Bevin for blocking them on Twitter and Facebook/527358001

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Kentuckians sue Gov. Matt Bevin for blocking them on Twitter and Facebook

Morgan Watkins and Phillip M. Bailey, The (Louisville) Courier-Journal Published 6:29 p.m. ET July 31, 2017

How Many "Concerned Citizens" In Your City...

Are Dying To File This Against You?

Public records obtained by the Courier-Journal show that the governor has blocked nearly 600 accounts from accessing his official Facebook or Twitter pages. Mary Ann Gerth/Courier-Journal/USA TODAY Network/Wochit

LOUISVILLE — Two Kentucky residents are suing Gov. Matt Bevin for blocking them from his official Facebook and Twitter pages, claiming it violates their constitutional rights and demanding that their accounts — along with roughly 600 others — be unblocked.

TRAP. LOCK. DONE. Swiffer SWEEPER

65.8611 Membership of bo... MyCLC - City Activity Database Annapolis mayor forbids post...

www.capitalgazette.com/news/annapolis/ph-ac-cn-trump-statement-0805-20170804-story.html

Capital Gazette

TUESDAY SEP 19, 2017

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News / Annapolis

Is This The Right Approach ?

Annapolis mayor forbids posting about national issues on city social media accounts



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Mayor Mike Pantelides MAY 10, 2017

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www.chicagotribune.com/news/local/breaking/ct-twitter-peoria-mayor-lawsuit-20150902-story.html

Chicago Tribune

TUESDAY SEP 19, 2017

SPORTS BREAKING HOY MOST POPULAR OPINION SUBURBS ENTERTAINMENT ADVERTISING

Police raid over fake Twitter account costs Peoria \$125,000

I Will Take: "What Not To Do" for \$1000, Alex



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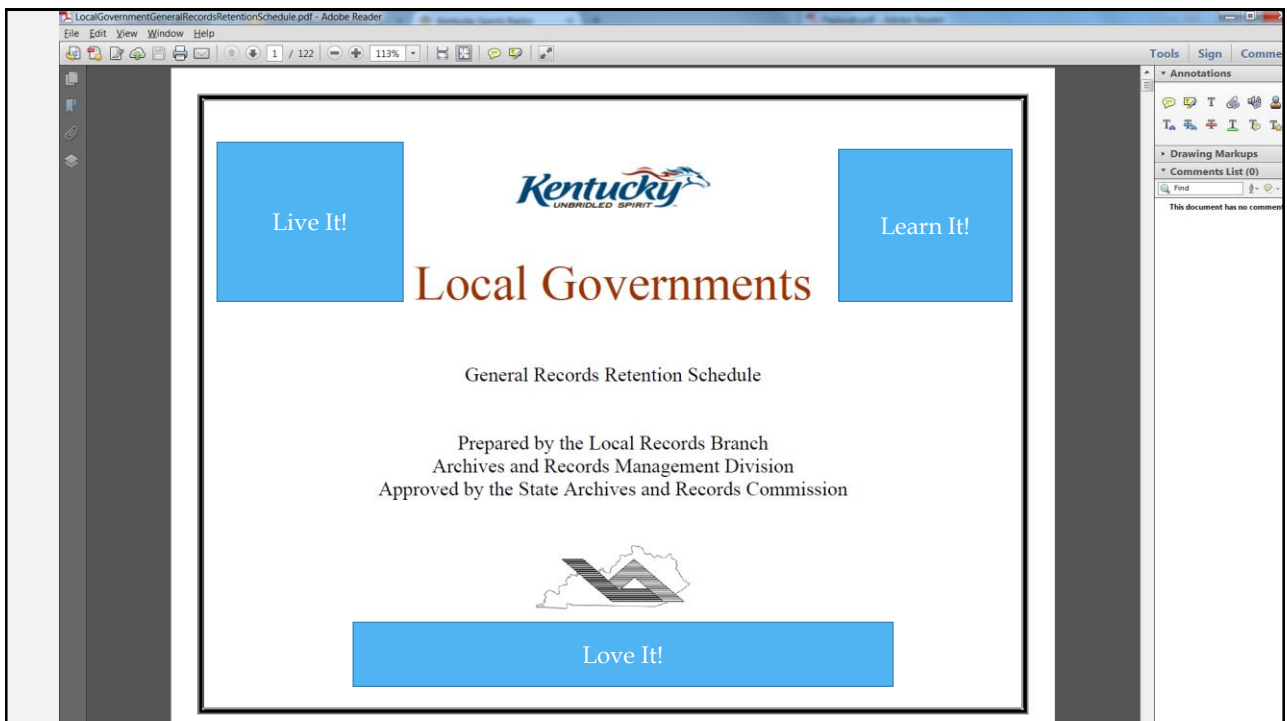
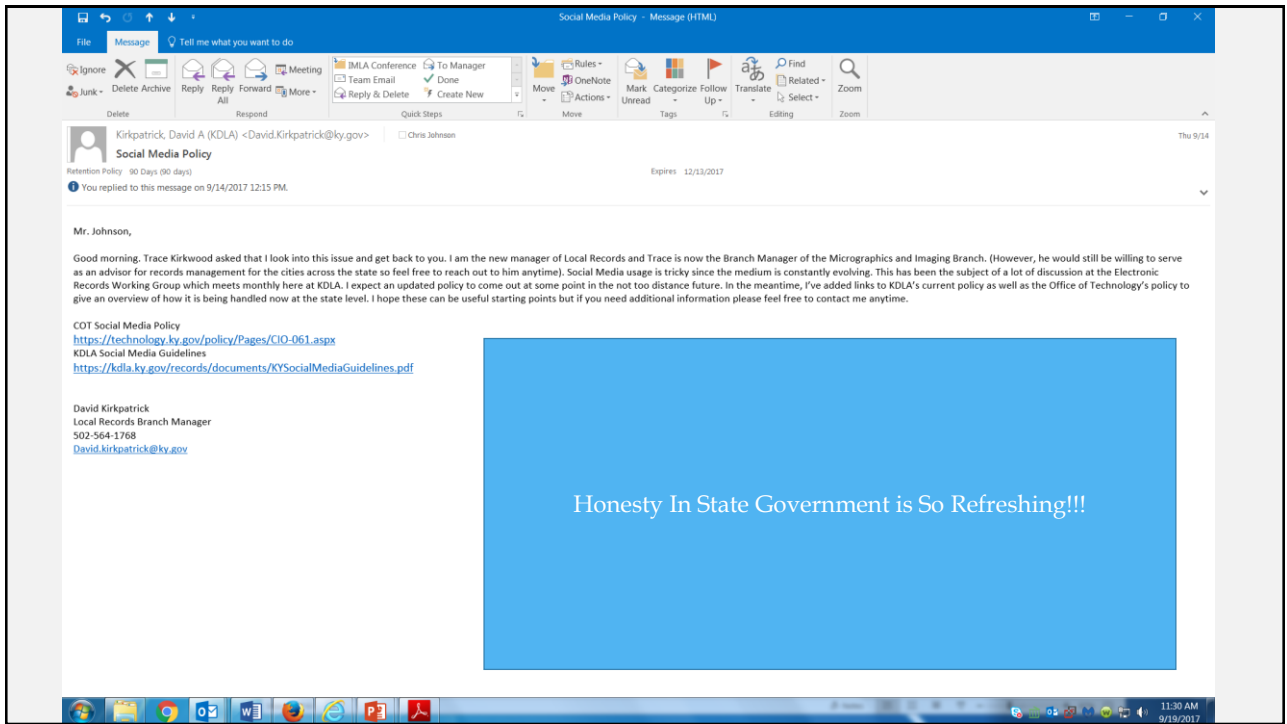
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By Dawn Rhodes - Contact Reporter Chicago Tribune

www.chicagotribune.com/news/local/breaking/ct-twitter-peoria-mayor-lawsuit-20150902-story.html

11:26 AM 9/19/2017



So What Sort Of Policy Should My City Have?

- The City's goal is to have a web presence that offers visitors multiple ways to receive agency updates and information.
- Social media platforms offer many advantages and help open up government to encourage citizen participation, strengthen democracy and support a civic culture.
- All plans for new social media sites and accounts should be approved by the [mayor; mayor and council; commission; city manager] and the social media provider's terms of service should be reviewed by the agency's legal staff.

What Will Having A Social Media Presence Accomplish?

- Agencies should first identify what goal they are trying to achieve
 - Would a social media account help achieve that goal?
 - Do not set up a social media account unless you have a legitimate purpose to do so.
- Develop a communications plan, including the best communications vehicles to use, by consulting with people in city government with this expertise or those outside of government willing to help

What Will Having A Social Media Presence Accomplish?

- If the communications plan includes social media, consider if existing platforms or accounts could be used instead of establishing new ones
- Some cities already have well-established, successful social media presences and the knowledge and experience from these efforts should be leveraged whenever possible
- The city must designate someone who will control and approve social media accounts and retain information related to those accounts (i.e., name, password, etc.)

What Will Having A Social Media Presence Accomplish?

- This authority ensures that the credentials for updating and controlling agency social networking accounts are available in the event of an emergency, employee termination or retirement, etc.
- This information must be safeguarded against compromise
- Content included on social media accounts should be subject to city approval standards prior to posting

City Official and Employee Responsibilities

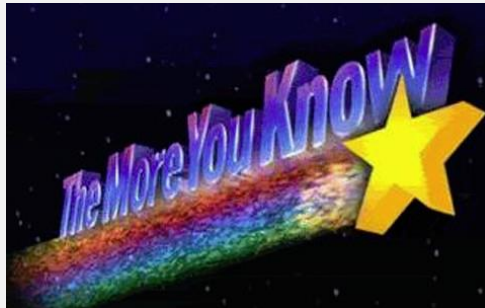
- **Use official accounts for official business**
- Only official city business should be conducted via official city accounts
- Be sure to use city email address, not personal email, for official business related to social media accounts
- Official city accounts should not be used to publish personal opinions
- Officials and employees wishing to publish personal comments should use their personal social media accounts to do so on their own personal time

City Official and Employee Responsibilities

- **Exercise caution when accessing social networking accounts**
- Cyber criminals are increasingly using social networking sites as attack vectors to spread malware and lure users to malicious websites
- Agencies using social networking sites should caution their staff accordingly and assign the updating duties to experienced, savvy staff members who will not be easily tricked into falling for phishing schemes and other forms of cyber trickery
 - **DO AS I SAY AND NOT AS I DO!!! Chris's Cautionary Tale...**

City Official and Employee Responsibilities

- **Write what you know**
- Ensure city postings center on appropriate areas of expertise as it relates to the city



City Official and Employee Responsibilities

- **Be transparent**
- Honesty, or dishonesty, will be quickly noticed in social media environments
- When blogging or commenting about work, individuals should use their real name, identify that they work for the city, and be clear about their role



City Official and Employee Responsibilities

- **Perception is reality**
- In online social networks, the lines between public and private, personal and professional can be blurred
- Postings from official city accounts create perceptions about the city
- Be sure all content associated with an official account is consistent with the city's values and professional standards

City Official and Employee Responsibilities

- **Post deliberately and carefully**
- All statements must be true and not misleading and all claims must be substantiated before posting
- Statements posted online may continue to be visible for a long time, possibly even for years, so consider the content carefully
- If you are unsure about any item you are considering to post, ask for supervisor approval first before doing so

City Official and Employee Responsibilities

- **Disclaimer**
- Social Media pages established by agencies should contain the following disclaimer:
 - Any posting to this page may be subject to disclosure to third parties. The [City of _____] reserves the right to address or remove any posts or comments at its discretion. The [City of _____] has not evaluated and does not endorse any products advertised or opinions expressed on this page

**YOU HAVE
BEEN WARNED.
READ AT YOUR
OWN RISK.**

Content Accountability

- **Your responsibility**
- What is written is ultimately the responsibility of the author
- Participation in social computing on behalf of the Commonwealth is not a right and it therefore needs to be taken seriously and with respect
- When responding to the public, be sure you are the correct person in the city to do so
- Employees and Officials whose official duties do not include the monitoring of social media sites should be careful to limit the time they spend on such sites

Content Accountability

- **Be open**
- One of the great benefits of social media is the interaction between state government and its customers
- Share relevant feedback and input with relevant colleagues
- When in doubt, talk to city management or communications officials



Content Accountability

- **Add value**
- There are millions of words published on the Internet
- The best way to get a city message read is to present information that citizens will value
- Communication should help city residents, staff members and others within the community (daytime workers that commute, etc.)
- Postings should be thought-provoking and build a sense of community

Content Accountability

- **Handle mistakes professionally**
- If a mistake is made, admit it
- Be upfront and quick with corrections
- If posting to a blog, it may be possible to modify an earlier post but make it clear that a correction has been made



Content Accountability

- **Follow the rules**
- Staff members who fail to comply with these policies are subject to disciplinary action, up to and including dismissal

The directors of the firm hired to continue the credits after the other people had been sacked, wish it to be known that they have just been sacked.

The credits have been completed in an entirely different style at great expense and at the last minute

Prohibited Activities

- Social media sites and resources created on behalf of the city shall not contain any of the following:
 - Information that may tend to compromise the safety or security of the public or public systems
 - Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability (*or sexual orientation*)
 - *Do Not Shoot The Messenger - This Is Verbatim From The State Policy!!!*
 - Disparaging or threatening comments about or related to anyone
 - Defamatory, libelous, offensive or demeaning material. Don't engage in a combative exchange

Prohibited Activities

- Social media sites and resources created on behalf of the city shall not contain any of the following:
 - Nonpublic information of any kind
 - Personal, sensitive or confidential information of any kind
 - Items involved in litigation or potential litigation
 - Illegal or banned substances and narcotics
 - Sexual content or links to sexual content, pornography or other offensive illegal materials
 - Profane language or content
 - Solicitations of commerce

Prohibited Activities

- Social media sites and resources created on behalf of the city shall not contain any of the following:
 - Conduct or encouragement of illegal activity
 - Comments not topically related to the particular site or blog article being commented upon
 - Violations of copyright, fair use and other applicable laws
 - Any other content that would violate any statute, regulation, or internal procedure

Disney Will Sue You Until Your
Children's Children's Children
Have No Money



Other Considerations

- Departments are ultimately responsible for establishing, publishing and updating their pages and content on social media sites
- If possible, city departments should provide a link to the main city website and include the city logo. Content should link back to the primary city website for more information if possible
- The city may monitor content on social media sites to ensure adherence with the guidelines in this policy and ensure a consistent government wide message



Record Retention In The Digital Age

- L 4954 – Official Correspondence
 - This record series documents the major activities, functions, events and programs of a local government and in addition helps in the establishment of an administrative history
 - It provides a record of policy evolution and formulation, how and why decisions are made, and how these decisions impacted the local government and the public at large
 - This series is usually created by the chief administrative officer of the local government and also by administrative heads of official departments, commissions, boards and agencies within the local government
 - The series provides adequate and proper documentation of agency matters, as required in KRS 171.640
 - Official correspondence has traditionally been in paper format (handwritten or typed) but is increasingly found in electronic format such as email

Record Retention In The Digital Age

- L 4954 – Official Correspondence – Contents
 - Official correspondence is incoming and outgoing correspondence that may consist of:
 - Letters
 - Notes
 - Memoranda
 - Directives
 - Policy statements
 - Other information commonly found in the body of the message and/or any attachments to the message

Record Retention In The Digital Age

- L 4954 – Official Correspondence – Contents
 - Electronic mail messages also contain transactional information (sender, recipient, date, subject, etc.) in the header of the message and in the properties field of the electronic file

- **Retain Permanently**



Record Retention In The Digital Age

- L 4955 – Routine Correspondence
 - This record series can be found at all levels of an organization and documents business related correspondence that is not crucial to the preservation of the administrative history of an agency
 - It consists of correspondence that is of a non-policy nature and deals only with the day-to-day, general operations of an agency
 - Routine correspondence has traditionally been in paper format (handwritten or typed) but is increasingly found in electronic format such as email

Record Retention In The Digital Age

- L 4955 – Routine Correspondence – Contents
 - Routine correspondence is incoming and outgoing correspondence that may consist of:
 - Letters
 - Notes
 - Postcards
 - Memoranda
 - Announcements
 - Other information commonly found in the body or the message and/or any attachments

Record Retention In The Digital Age

- L 4955 – Routine Correspondence – Contents
 - Electronic mail messages also contain transactional information (sender, recipient, date, subject, etc.) in the header of the message and in the properties field of the electronic file
 - General correspondence does not include:
 - Non-business related messages
 - Spam and junk mail
 - Duplicate copies of general announcements
- Retain for 2 years, then destroy

Record Retention In The Digital Age

- L 4956 – Information and Reference Material – Contents
 - Information and reference material may include published and/or non-published material (usually external to the agency) such as:
 - Periodicals
 - Books
 - Brochures
 - Reports
 - Some logs and other tracking tools
 - Copies of memoranda and general announcements (that require no action on part of the recipient)
 - Professional literature not related to day-to-day activities (such as postings on a professional listserv)
 - Voice mail
 - Casual email and other correspondence not related to official duties
 - Duplicate copies of records retained for reference purposes only
 - **Destroy when obsolete, or no longer needed**

Record Retention In The Digital Age

- L 4957 – Publications Created By Local Government
 - This record series documents publications created and published by local government
 - These may in the form of:
 - Surveys
 - Informational material for the public
 - Promotional material (tourism)
 - Statistical reports
 - Periodicals
 - Plans

Record Retention In The Digital Age

- L 4957 – Publications Created By Local Government – Contents
 - This record series may contain all published material produced by a local government and related material
- Retain one copy permanently.
- Excess copies may be destroyed when no longer needed.

Record Retention In The Digital Age

- L 4966 – Itineraries/Schedules of Meetings
 - This record series documents the time and place of meetings and the agendas for those meetings.



agenda

Record Retention In The Digital Age

- L 4966 – Itineraries/Schedules of Meetings – Contents
 - This record series may contain:
 - Time
 - Date
 - Place of meeting
 - The subjects to be covered
- Retain for one year, then destroy

Record Retention In The Digital Age

- L 4968 – Press Releases
 - This record series documents press releases and is used to inform the public about the activities and programs of the local government and its agencies
 - They may be concerning a single item, or may be general in nature
 - They may be promotional, or information-seeking



Record Retention In The Digital Age

- L 4968 – Press Releases – Contents
 - This record series may contain:
 - A narrative of time
 - Place
 - Event
 - Activity
 - Item being publicized
 - Information sought
- Retain for one year, then destroy

Record Retention In The Digital Age

- L 4940 – Audio/Video Recordings of Official Meetings
 - This record series documents the actual proceedings of public meetings held by any local government body or its entities
 - The audio tapes are generally used by the recording secretary as a transcribing aid
 - The video tapes are generally made available to local access television stations for public broadcast
 - Minutes usually contain the date, time, place, attendance, approval of prior meeting's minutes, motions made, votes, and actions taken, however, according to KRS 61.835, minutes need only contain an accurate record of votes and actions
 - Because additional discussion need not be included as part of the official record, after the minutes are formally accepted at the following meeting, the tapes can be destroyed or used again

Record Retention In The Digital Age

- L 4940 – Audio/Video Recordings of Official Meetings - Contents
 - This record series may contain audio/video recording of proceedings
- Destroy or re-use 30 days after minutes have been transcribed and approved, unless challenged
- Note: If minutes are challenged, recordings should be retained until resolution

Record Retention In The Digital Age

- L 5229 – Video/Audio Recording Log (Patrol Cars)
 - This record series documents the pursuit, the traffic stop, field sobriety tests administered at the scene or such tests at a police station, jail, or suitable facility
 - The recordings are done for all traffic stops
 - The traffic stops and pursuits may be for criminal activity, traffic violations, DUI violations and any other reasons for the stopping of a vehicle
 - A tape may last a week or more for each officer

Record Retention In The Digital Age

- L 5229 – Video/ Audio Recording Log (Patrol Cars)
 - Access Restrictions – KRS 189A.100(2)
 - Law enforcement agencies may record on film or videotape or by other visual and audible means the pursuit of a violator or suspected violator, the traffic stop, or field sobriety tests administered at the scene of an arrest for violation of KRS 189A.010 or such tests at a police station, jail, or other suitable facility subject to the following conditions:
 - The testing is recorded in its entirety (except for blood alcohol analysis testing); and
 - The entire recording of the field sobriety tests and the entire recording of such portions of the pursuit and traffic stop as were recorded is shown in court unless the defendant waives the showing of any portions not offered by the prosecution; and
 - The entire recording is available to be shown by the defense at trial if the defendant so desires regardless of whether it was introduced by the Commonwealth; and
 - The defendant or his counsel is afforded an opportunity to view the entire recording a reasonable time before the trial in order to prepare an adequate defense; and

Record Retention In The Digital Age

- L 5229 – Video/ Audio Recording Log (Patrol Cars)
 - The entire recording is available to be shown by the defense at trial if the defendant so desires regardless of whether it was introduced by the Commonwealth; and
 - The defendant or his counsel is afforded an opportunity to view the entire recording a reasonable time before the trial in order to prepare an adequate defense; and
 - Recordings shall be used for official purposes only, which shall include:
 - Viewing in court
 - Viewing by the prosecution and defense in preparation for a trial
 - Viewing for purposes of administrative reviews and official administrative proceedings. Recordings shall otherwise be considered as confidential records

Record Retention In The Digital Age

- L 5229 – Video/Audio Recording Log (Patrol Cars)
 - The videotape or film taken in accordance with this section shall, upon order of the District Court, be destroyed after the later of the following:
 - Fourteen (14) months, if there is no appeal of any criminal or traffic case filed as a result of the videotape or film, or if the videotape or film does not record the actual happening of an accident involving a motor vehicle
 - Fourteen (14) months after a decision has been made not to prosecute any case upon which an arrest has been made or a citation issued as a result of the videotape or film, if the videotape does not record the actual happening of an accident involving a motor vehicle
 - Twenty-six (26) months, if there is no appeal of any criminal or traffic case filed as a result of the videotape or film, if the videotape or film records the actual happening of an accident involving a motor vehicle

Record Retention In The Digital Age

- L 5229 – Video/Audio Recording Log (Patrol Cars)
 - After all appeals have been exhausted arising from any criminal or traffic case filed as a result of the videotape
 - At the conclusion of any civil case arising from events depicted on the videotape or film; or
 - At the conclusion of the exhaustion of all appeals arising from any law enforcement agency administrative proceedings arising from events depicted on the videotape or film; and
- Public officials or employees utilizing or showing recordings other than as permitted in this chapter or permitting others to do so shall be guilty of official misconduct in the first degree.

Record Retention In The Digital Age

- L 5229 – Video/Audio Recording Log (Patrol Cars) – Contents
 - This record series may contain:
 - Name of the officer
 - Date
 - Time
 - Action taken at the scene



Record Retention In The Digital Age

- Retain all recorded DUI related incidents for fourteen (14) months if there is no appeal or if it does not document the actual happening of an accident involving a motor vehicle or after a decision has been made not to prosecute.
- Destroy upon order from District Court.
- If the actual happening of an accident is recorded, retain twenty-six (26) months if there is no appeal.
- Destroy upon order from District Court.
- Retain all other recordings for thirty (30) days, then destroy or reuse.

Record Retention In The Digital Age

- L 6707 – Body Worn Camera Recordings (Audio/Video)
 - This record series documents by body-worn audio/video, incidents and happenings that occur while a person is acting in his/her capacity as a law enforcement officer
 - Footage produced by body-worn cameras may be:
 - Used as evidence in civil or criminal investigations
 - Reviewed administratively for officer compliance with department policies
 - Used as a tool in law enforcement training
 - Utilized as a reference in incident documentation
 - To improve evidence collection
 - To strengthen officer performance and accountability
 - To enhance agency transparency
 - To document encounters between police and the public
 - To investigate and resolve complaints and officer involved

Record Retention In The Digital Age

- L 6707 – Body Worn Camera Recordings (Audio/Video) – Contents
 - This record series may contain:
 - Time
 - Date
 - Statement by officer and others (witness etc.)
 - Video of scene
 - Audio of involved persons
 - Other incidental recordings

Record Retention In The Digital Age

- L 6707 – Body Worn Camera Recordings (Audio/Video)
 - Retain all recordings of DUI-related incidents for fourteen (14) months if there is no appeal or if they do not document the actual happening of an accident involving a motor vehicle or after a decision has been made not to prosecute
 - Destroy upon order from District Court
 - If the actual happening of an accident is recorded, retain twenty-six (26) months if there is no appeal
 - Destroy upon order from District Court
 - Retain non-evidentiary recordings for thirty (30) days, then destroy
 - Evidentiary recordings used in any investigation, pending investigation, litigation or open records requests must be kept until all investigative or legal activity is completed
 - Then destroy the original and all copies of the recording.

Chris Johnson – 859.977.3709 – cjohnson@klc.org

