

Kentucky League of Cities

**Affidavit in Support of
Limited Release of Body-Worn Camera Recordings**

This packet contains a User Guide, a form affidavit for hand-writing, and examples. A separate word document for completion of the affidavit via word processor is also available.

This information is for general information purposes only. It is not intended to provide legal advice and should not be used as a substitute for legal guidance. Consult your city attorney for advice concerning specific situations and contact KLC Legal Services for additional information or assistance.

USER GUIDE

This User Guide is provided to assist cities and agencies in completing the affidavit for release of body-worn camera recordings. A separate affidavit form for use is available through KLC. Please consult with your city attorney or contact KLC Legal Services with any questions.

AFFIDAVIT IN SUPPORT OF LIMITED RELEASE OF BODY-WORN CAMERA RECORDINGS

Comes the Affiant, _____, and after being duly sworn, states as follows:

1. I am an attorney licensed to practice law in Kentucky. My bar admission number is _____.

Only licensed, practicing attorneys may receive body-worn camera recordings under KRS 61.169. Unless you personally know the attorney and know they are currently admitted to practice law, request to see their bar card displaying their admission number and a picture I.D.

2. I have not been disciplined under the Rules of Professional Conduct or have otherwise been found by a court of law to have violated an affidavit in support of limited release of body-worn camera recording under KRS 61.169.
3. I am the attorney representing [INSERT CLIENT'S NAME] in a matter directly related to an incident involving [CITY] Police Department on [DATE OF INCIDENT].
4. [CLIENT] is directly involved in the incident contained in the body-worn camera recording I requested.

If you have any questions or concerns about whether the client is directly involved, contact your city attorney or KLC Legal Services for assistance.

5. Pursuant to KRS 61.169, I am being provided a copy of a body-worn camera recording depicting [INSERT EVENT INFORMATION: LOCATION; TYPE OF ENCOUNTER; CITATION OR POLICE DEPARTMENT CASE NUMBER, IF ANY; DATE; TIME] from the following officer(s): [LIST ALL OFFICERS NAMES].

It is important to include a good description of the incident depicted in the body camera footage. This provides documentation of what is being provided. This becomes

particularly important if the footage is then inappropriately duplicated or distributed and a bar complaint or other remedies are sought. Examples include:

John Doe's arrest (MPD 2018-12345) at Main and First Street, Mayberry, Kentucky on 12/25/2018 at 9:00 p.m. from the following officer(s): Officer Andy Taylor (#1234) and Officer Barney Fife (#5678).

Jane Doe's encounter with Mayberry Police at 123 Main Street, Mayberry Kentucky on 12/25/2018 at 9:00 p.m. from the following officer(s): Officer Andy Taylor (#1234)

6. The recording has been provided to me in the following format: [DESCRIBE MEDIA (Ex: Three (3) DVDs; One (1) flash drive, etc.); NUMBER OF FILES; APPROXIMATE DURATION OF VIDEO RECORDING]

Documentation of the format of the videos provided provides additional information that will be helpful if the recording is then inappropriately duplicated or distributed and a bar complaint or other remedies are sought. Examples include:

Two (2) DVDs containing ten (10) files and approximately five (5) hours of video recording

One (1) 64 GB Lexar flash drive containing two (2) .wma files and approximately one (1) hour of video recording

7. I will only use the recording for the sole purposes of evaluating or preparing for an existing or potential court case or administrative proceeding or in consulting with insurance companies on matters related to insurance coverage of incidents that are depicted in the recording
8. I will not distribute duplicate copies of the recording except for the sole purpose of having an expert or other professional consultant provide analysis to the attorney for the purposes of evaluating or preparing for an existing or potential court case or administrative proceeding or with an insurance company for the purposes of accessing claims coverage, settlement or other matters involving an insurance contract
9. I will execute a contract with any expert, professional consultant or insurance company that is provided a duplicate copy of the recording that requires the expert or professional

consultant to be bound by the same limitations and requirements as the attorney for the care and custody of the recording

10. I will not allow individuals or others that are not under the attorney's control or supervision the ability to view the contents of the recording in any form except for the sole purpose of preparation for an existing or potential court or administrative proceeding, communications regarding matters related to insurance or for the purposes of displaying the recording as evidence in any court or administrative proceeding
11. I will destroy any copy of the recording when the recording is no longer used for the stated purpose or the court or administrative proceeding has been finally adjudicated to its conclusion
12. I acknowledge that as an officer of the court I may be subject to professional discipline or other legal liability for breach of this affidavit.
13. I acknowledge that under KRS 61.169, if I violate this affidavit, the [INSERT CITY/AGENCY NAME] shall refer the matter to the Kentucky Bar Association for it to consider any appropriate action under the Kentucky Rules of Professional Conduct. [INSERT CITY/AGENCY NAME] may take any additional legal action against an attorney for such a violation.

Violations of the affidavit shall be reported to the Kentucky Bar Association. It is recommended that the entity releasing the footage also be responsible for reporting it to the KBA. Determine who will be responsible for reporting this to the KBA in your city and list the entity here. Note, you are listing an entity, not an individual (The City or The Police Department).

Further Affiant Sayeth Naught.

Affiant Signature

Affiant Printed Name

STATE OF KENTUCKY
COUNTY OF FAYETTE

Subscribed and sworn to before me by _____ this the ____ day of
_____, _____.

My Commission Expires: _____

NOTARY, PUBLIC
STATE AT LARGE

If using the typed version, make sure to keep the entirety of the notary block on the same page.

AFFIDAVIT IN SUPPORT OF
LIMITED RELEASE OF BODY-WORN CAMERA RECORDINGS

Comes the Affiant, _____, and after being duly sworn, states as follows:

1. I am an attorney licensed to practice law in Kentucky. My bar admission number is _____.
2. I have not been disciplined under the Rules of Professional Conduct or have otherwise been found by a court of law to have violated an affidavit in support of limited release of body-worn camera recording under KRS 61.169.
3. I am the attorney representing _____ in a matter directly related to an incident involving _____ Police Department on ___/___/___.
4. _____ is directly involved in the incident contained in the body-worn camera recording I requested.
5. Pursuant to KRS 61.169, I am being provided a copy of a body-worn camera recording depicting _____

on ___/___/___ at ___:___ a.m./p.m. from the following officer(s):

_____.
6. The recording has been provided to me in the following format: _____
_____.
7. I will only use the recording for the sole purposes of evaluating or preparing for an existing or potential court case or administrative proceeding or in consulting with insurance companies on matters related to insurance coverage of incidents that are depicted in the recording
8. I will not distribute duplicate copies of the recording except for the sole purpose of having an expert or other professional consultant provide analysis to the attorney for the purposes of evaluating or preparing for an existing or potential court case or

administrative proceeding or with an insurance company for the purposes of accessing claims coverage, settlement or other matters involving an insurance contract

9. I will execute a contract with any expert, professional consultant or insurance company that is provided a duplicate copy of the recording that requires the expert or professional consultant to be bound by the same limitations and requirements as the attorney for the care and custody of the recording
10. I will not allow individuals or others that are not under the attorney's control or supervision the ability to view the contents of the recording in any form except for the sole purpose of preparation for an existing or potential court or administrative proceeding, communications regarding matters related to insurance or for the purposes of displaying the recording as evidence in any court or administrative proceeding
11. I will destroy any copy of the recording when the recording is no longer used for the stated purpose or the court or administrative proceeding has been finally adjudicated to its conclusion
12. I acknowledge that as an officer of the court I may be subject to professional discipline or other legal liability for breach of this affidavit.
13. I acknowledge that under KRS 61.169, if I violate this affidavit,
_____ shall refer the matter to the Kentucky Bar Association for it to consider any appropriate action under the Kentucky Rules of Professional Conduct. _____ may take any additional legal action against an attorney for such a violation.

Further Affiant Sayeth Naught.

Affiant Signature

Affiant Printed Name

STATE OF KENTUCKY
COUNTY OF FAYETTE

Subscribed and sworn to before me by _____ this the ____ day of
_____, _____.

My Commission Expires: _____

NOTARY, PUBLIC
STATE AT LARGE

AFFIDAVIT IN SUPPORT OF
LIMITED RELEASE OF BODY-WORN CAMERA RECORDINGS

Comes the Affiant, Jane Smith, and after being duly sworn, states as follows:

1. I am an attorney licensed to practice law in Kentucky. My bar admission number is 123456.
2. I have not been disciplined under the Rules of Professional Conduct or have otherwise been found by a court of law to have violated an affidavit in support of limited release of body-worn camera recording under KRS 61.169.
3. I am the attorney representing John Doe in a matter directly related to an incident involving Mayberry Police Department on 12/25/2018.
4. John Doe is directly involved in the incident contained in the body-worn camera recording I requested.
5. Pursuant to KRS 61.169, I am being provided a copy of a body-worn camera recording depicting John Doe's arrest (MPD 2018-12345) at Main and First Street, Mayberry, Kentucky on 12/25/2018 at 9:00 p.m. from the following officer(s): Officer Andy Taylor (#1234) and Officer Barney Fife (#5678).
6. The recording has been provided to me in the following format: Two (2) DVDs containing ten (10) files and approximately five (5) hours of video recording.
7. I will only use the recording for the sole purposes of evaluating or preparing for an existing or potential court case or administrative proceeding or in consulting with insurance companies on matters related to insurance coverage of incidents that are depicted in the recording
8. I will not distribute duplicate copies of the recording except for the sole purpose of having an expert or other professional consultant provide analysis to the attorney for the purposes of evaluating or preparing for an existing or potential court case or administrative proceeding or with an insurance company for the purposes of accessing claims coverage, settlement or other matters involving an insurance contract
9. I will execute a contract with any expert, professional consultant or insurance company that is provided a duplicate copy of the recording that requires the expert or professional

consultant to be bound by the same limitations and requirements as the attorney for the care and custody of the recording

10. I will not allow individuals or others that are not under the attorney's control or supervision the ability to view the contents of the recording in any form except for the sole purpose of preparation for an existing or potential court or administrative proceeding, communications regarding matters related to insurance or for the purposes of displaying the recording as evidence in any court or administrative proceeding
11. I will destroy any copy of the recording when the recording is no longer used for the stated purpose or the court or administrative proceeding has been finally adjudicated to its conclusion
12. I acknowledge that as an officer of the court I may be subject to professional discipline or other legal liability for breach of this affidavit.
13. I acknowledge that under KRS 61.169, if I violate this affidavit, Mayberry and/or the Mayberry Police Department shall refer the matter to the Kentucky Bar Association for it to consider any appropriate action under the Kentucky Rules of Professional Conduct. Mayberry and/or the Mayberry Police Department may take any additional legal action against an attorney for such a violation.

Further Affiant Sayeth Naught.

Jane Smith, Affiant

STATE OF KENTUCKY
COUNTY OF FAYETTE

Subscribed and sworn to before me by Jane Smith this the _____ day of _____, _____.

My Commission Expires: _____

NOTARY, PUBLIC
STATE AT LARGE

AFFIDAVIT IN SUPPORT OF
LIMITED RELEASE OF BODY-WORN CAMERA RECORDINGS

Comes the Affiant, Jane Smith, and after being duly sworn, states as follows:

1. I am an attorney licensed to practice law in Kentucky. My bar admission number is 123456.
2. I have not been disciplined under the Rules of Professional Conduct or have otherwise been found by a court of law to have violated an affidavit in support of limited release of body-worn camera recording under KRS 61.169.
3. I am the attorney representing John Doe in a matter directly related to an incident involving Mayberry Police Department on 12/25/2018
4. John Doe is directly involved in the incident contained in the body-worn camera recording I requested.
5. Pursuant to KRS 61.169, I am being provided a copy of a body-worn camera recording depicting John Doe's arrest (MPD 2018-12345) at Main and First Street, Mayberry, Kentucky

on 12/25/2018 at 9:00 a.m. (p.m.) from the following officer(s):

Officer Andy Taylor (#1234) and Officer Barney Fife (#567)

6. The recording has been provided to me in the following format: two (2) DVDs containing ten (10) files; approximately five (5) hours of video recording
7. I will only use the recording for the sole purposes of evaluating or preparing for an existing or potential court case or administrative proceeding or in consulting with insurance companies on matters related to insurance coverage of incidents that are depicted in the recording
8. I will not distribute duplicate copies of the recording except for the sole purpose of having an expert or other professional consultant provide analysis to the attorney for the purposes of evaluating or preparing for an existing or potential court case or

administrative proceeding or with an insurance company for the purposes of accessing claims coverage, settlement or other matters involving an insurance contract

9. I will execute a contract with any expert, professional consultant or insurance company that is provided a duplicate copy of the recording that requires the expert or professional consultant to be bound by the same limitations and requirements as the attorney for the care and custody of the recording
10. I will not allow individuals or others that are not under the attorney's control or supervision the ability to view the contents of the recording in any form except for the sole purpose of preparation for an existing or potential court or administrative proceeding, communications regarding matters related to insurance or for the purposes of displaying the recording as evidence in any court or administrative proceeding
11. I will destroy any copy of the recording when the recording is no longer used for the stated purpose or the court or administrative proceeding has been finally adjudicated to its conclusion
12. I acknowledge that as an officer of the court I may be subject to professional discipline or other legal liability for breach of this affidavit.
13. I acknowledge that under KRS 61.169, if I violate this affidavit, Mayberry and/or Mayberry Police Dept. shall refer the matter to the Kentucky Bar Association for it to consider any appropriate action under the Kentucky Rules of Professional Conduct. Mayberry and/or Mayberry Police Dept. may take any additional legal action against an attorney for such a violation.

Further Affiant Sayeth Naught.

IS/
Affiant Signature

Jane Smith
Affiant Printed Name

STATE OF KENTUCKY
COUNTY OF FAYETTE

Subscribed and sworn to before me by Chae Smith this the 18th day of

July, 2019.

My Commission Expires: X

IS
NOTARY, PUBLIC
STATE AT LARGE