

**City of Bellefontaine Neighbors
Department of Police
General Orders Manual**

Title: Mobile Recording and Capturing Devices		General Orders:
Topic: Body Worn Cameras		00-00
Effective Date: 00/00/0000	Revision Date: TBD	Distribution: All Personnel
Cancelled Publications: NA		Number of Pages: 9
Index: Body Worn Cameras		

00-0. Body Worn Cameras.

- I. **Purpose.** This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law and the best interests of police-community relations. The use BWCs promote transparency and accountability for officers and the community through objective evidence.
- II. **Policy Statement.** It is the policy of this department that officers shall activate the BWC when such use is appropriate to the proper performance of their official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations. This policy will maintain compliance with applicable requirements of state law concerning the retention, storage, and release of BWC recordings and related information.
- III. **Definitions.**
 - A. **Mobile Video Recorder.** Any system or device that captures visual signals that is capable of installation and being installed in a vehicle or being worn or carried by personnel of a law enforcement agency and that includes, at minimum, a camera and recording capabilities. (RSMo 610.100)
 - B. **Mobile Video Recording.** Any data captured by a mobile video recorder, including audio, video, and any metadata. (RSMo 610.100)
 - C. **Metadata.** Information that is used to identify the officer to whom the BWC is issued, the date and time each video was recorded, and any other additional information related to the recording.
 - D. **Body Worn Camera (BWC).** A type of mobile video recorder that is capable of recording, or transmitting to be recorded remotely, video and audio; and worn on the person of a peace officer, which includes being attached to the officer's clothing.
 - E. **Digital Evidence.** Evidence that consists of video footage and audio recordings captured by the BWC and stored digitally.
 - F. **Law Enforcement Activity.** Any event during which an officer exercises their police authority or conducts any type of investigation, whether consensual or otherwise.

- G. **Nonpublic Location.** A place where one would have a reasonable expectation of privacy, including, but not limited to a dwelling, school, or medical facility. (RSMo 610.100) Furthermore, a reasonable expectation of privacy would extend to restrooms and locker rooms.
- H. **Video Evidence Management System (VEMS).** The repository for the video systems in use by the Department. The VEMS is a combination of hardware and software used to generate, collect, store, backup, retrieve, review, transmit and archive videos that are created from various departmental video sources including BWCs and mobile video equipment.

IV. Procedure.

- A. **Administration.** The Department has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:
 - 1. BWCs allow for documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
 - 2. Recordings enhance the department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
 - 3. BWCs may be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
- B. **Training.**
 - 1. **Initial Training.**
 - a. All officers who are required to wear and use BWCs will receive initial training by an approved training provider that will include, at minimum, an in-depth review of department policy, a course of instruction that addresses the technical operations, maintenance and inspection of the device and related equipment, and practical application demonstrating a satisfactory level of competency derived from the training process. Only officers who have completed the BWC training program may deploy a BWC for any legitimate law enforcement purpose consistent with this policy.
 - b. Any manager not required to wear and use BWCs will receive training on the general functionality, maintenance, and inspection of the device and related equipment, and an in-depth review of department policy.
 - 2. **Continuing Education.** Officers shall receive training refreshers as needed by an approved training provider.

C. Device Issue and Digital Recording Access.

1. BWC equipment is issued to uniformed personnel, detectives, and other personnel who experience a high citizen contact rate. Officers who are assigned BWC equipment will use the equipment in the manner expected unless otherwise authorized by the Chief of Police.
2. BWC equipment will be used by all officers working approved law enforcement related secondary employment within the department's jurisdiction.
3. Police personnel not mandated to use BWC equipment may utilize it if and when it is to the benefit of capturing an event that serves the Department's and the community's best interests.
4. When BWC devices are used, BWCs will be worn on the person in the manner prescribed by the device manufacturer and training curriculum.
5. The Chief of Police and Commanders will have access to BWC recordings produced by the entire department. Line-level supervisors will have access to their own recordings and the recordings of officers under their scope of control. Line-level officers will only have access to their own recordings. The viewing of recordings shall not be extended beyond those who have defined access, such as officers that are not employees of the Department and civilians unless approved by the Chief of Police.

D. Conditions of Use.

1. Mandatory Use.

- a. Officers will activate the BWC to record contacts with citizens during law enforcement activities, both self-initiated and directed.
- b. Police personnel shall use only BWCs issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
- c. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured and the malfunctioning equipment may be repaired or replaced.
- d. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
- e. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall make written document to their supervisor why a recording was not made, was interrupted, or was terminated.

2. Discretionary Use.

- a. Pursuant to RSMo 542.402, the State of Missouri recognizes that recorded communications requires only one-party consent, where that person is a party to

the communication. Therefore, officers have no duty to inform individuals that they are being recorded. However, if it is to the perceived benefit that notification may reduce conflict and potential use of force the officer will notify the individual(s) of the active recording, time and safety permitting.

- b. Officers will be sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by adjusting the method in which the law enforcement activity is recorded. Methods of discontinuing recording will be used whenever it reasonably appears to the officer that such privacy may outweigh any legitimate law enforcement interest in recording. The following methods shall be used as circumstances dictate:

1. When video recording is reasonably inappropriate, the officer will continue to record the sensitive event by positioning the device's video recording lens in a manner not to video record the sensitive event. This method will allow the continuous recording of audio during the sensitive event. Time and safety permitting, the officer will vocalize the reason and intention for their actions so that it is audio recorded by the device. Requests by the citizenry to terminate a recording will be weighed in the same manner. Recording will resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.
2. When audio and video recording is reasonably inappropriate, the officer will deactivate the device to terminate audio and video recording of the sensitive event. Time and safety permitting, prior to device deactivation, the officer will vocalize the reason and intention for their actions so that it is audio recorded by the device. Requests by the citizenry to terminate a recording will be weighed in the same manner. Recording will resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

- c. Officers are encouraged to inform their supervisor of any recordings that may be of value, to include of not exclusive to potential citizen complaints and training purposes.

3. **Restricted Use.** Department-issued BWCs shall be used only in conjunction with official law enforcement duties.

- a. The use of privately-owned BWCs by members of the Department while on-duty for any reason is prohibited. Department members will only use Department-issued BWCs.
- b. All employees are prohibited from using recording devices for recording the conversation of another member of the department without that person's prior knowledge and permission, unless done in conjunction with a sanctioned investigation in which the surreptitious recording is authorized in advance by the Chief of Police (Source: General Order 03-02, Required Conduct and Duties).
- c. Recording of encounters with undercover officers or confidential informants is prohibited.
- d. Recording during an officer's work break or when the officer is otherwise engaged in personal activities is prohibited.

- e. Recording in nonpublic locations and other areas where individuals have a reasonable expectation of privacy is prohibited.
- f. Civilian review of BWC recordings at the scene where the recording was captured is prohibited
- g. Unless otherwise stated in this policy, an officer reviewing the BWC generated recordings from another officer is prohibited.
- h. All BWC recordings are considered digital evidence. Officers shall not edit, alter, erase, and tamper with recordings and their metadata. Officers shall not duplicate, copy, share, or otherwise distribute in any manner BWC recordings without expressed approval of the Chief of Police. Captured recordings will remain in the same state of capture in storage and when transferred to portable media.

E. Recording Capture.

1. **Activation.** BWCs will be activated pursuant to and during the following circumstances, which include but are not exclusive to:
 - a. All law enforcement activities, both self-initiated and directed.
 - b. During the start of any type of law enforcement activity or when the casual contact has transitioned to a law enforcement activity, such as field interviews.
 - c. Upon the arrival at any non-emergency calls for service.
 - d. During the start of any event when a police vehicle's lights and sirens are activated, such as an emergency call for service, traffics stops, and pursuits.
 - e. During the transport of all prisoners and the conveyance of other civilians, such as witnesses.
 - f. Pursuant to the order of a supervisor as long as the order does not conflict with policy, such as the respect for privacy and dignity of individuals pursuant to special circumstances.
 - g. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording.
2. **Deactivation.** BWCs may be deactivated when:
 - a. The contact moves into an area restricted by this policy unless it is a law enforcement activity and the deactivation does not outweigh any legitimate law enforcement interest in recording.
 - b. The recording of the contact and event are completed.

- c. The recording no longer serves a direct law enforcement purpose or is no longer capturing a law enforcement activity.

F. Reviewing and Documenting Recordings.

1. Reviewing.

- a. The Chief of Police and Bureau Commanders will have access to entire BWC database to review captures generated by all members of the Department.
- b. All officers will be afforded access to their own BWC generated recordings to review information pursuant to official reporting, including, but not exclusive to a formal report, use of force incidents, officer-involved shootings, vehicle pursuits, and traffic stops.
- c. When multiple BWC captures of an event occur, the supervisor will determine which officers will have permission to cross review other officer captures, such as the officer writing the original report and another officer writing a report supplement related to the event. The purpose of cross review may yield certain clarity and evidence where the review of one of multiple captures may not.
- d. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the Chief of Police reserves the right to limit or restrict an officer from viewing the video file.
- e. Pursuant to lawful process, court personnel are authorized to review BWC recorded evidence in a Department generated court case.
- f. Training personnel have the authority to review BWC captures to improve Department curricula and to assist with meaningful recommendations to management with the expressed permission of the Chief of Police.
- g. Supervisors will review BWC recordings in accordance with the guidelines on Supervisors Responsibilities as set forth in this policy.

2. Documenting.

- a. Officers shall note in incident, arrest, and other related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
- b. The use of BWCs will be documented in the following reports, which include but are not exclusive to CARE reports, use of force reports, vehicle pursuit reports, and on documentation issued to drivers and passengers of traffic stops. Device malfunctions and premature termination of recordings will be documented in the same fashion.

- c. If a BWC captured event is not associated with any type of police report but is perceived as having value to the Department, such as an event that may prompt a potential citizen complaint, the officer identifying the recording as such will make a request through the chain of command to maintain the recording.

G. Data Transfer and Download.

1. All BWC recordings will data transferred to the video evidence management system prior to the end of the officer's tour of duty and all captures will be identified by established categories.
2. All evidentiary downloads from the video evidence management system will be conducted prior to the end of the officer's tour of duty. All downloads will be transferred to portable media and entered into evidence during this same period.
3. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police in accordance with state record retention laws. All requests and final decisions shall be kept on file.
4. Data transfers and downloads for personal use are prohibited.

H. Storage.

1. Devices, Hardware, and Accessories.

- a. All devices, hardware, and accessories will be stored at the Department. All officers mandated to use BWC equipment, and others who use it for authorized law enforcement purposes pursuant to this policy, will obtain the necessary equipment prior to the beginning of their tour of duty. All BWC equipment will be returned to the Department prior to the end of the officer's tour of duty. The Department will be subject to Criminal Justice Information Service (CJIS) rules and regulations concerning the protection of information produced by BWCs.
- b. Other hardware and software will be stored jointly, as agreeable and appropriate, at the Department and the Regional Justice Information Service (REJIS). The Department and REJIS will be subject to CJIS rules and regulations as it concerns access and protection protocols of information produced by BWCs.

2. Digital Recordings and Related Data.

- a. All images and sounds recorded by the BWC are the exclusive property of the Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
2. All data acquired through BWC recordings will be transferred to the video evidence management system located on the storage server prior to the end of the officer's tour of duty.

I. Record Retention and Release.

1. **Retention.** Recordings will be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency. The Department will abide by the guidelines as set forth by the State of Missouri.

Missouri Revised Statutes Chapter 109 (Public and Business Records) Section 255 authorizes the Local Records Board to establish minimum retention periods for the administrative, fiscal and legal records created by local governments.

Pursuant to the Police Clerks Records Retention Schedule, the following is pertinent:

- a. POL 011, Audio/Video Recordings, which are also referred to as Car Audio/Video recording; Booking Surveillance; Surveillance; Body Camera video; License Plate Reader.
- b. Retention 30 Days—Evaluate--Managers should extract significant information that may impact criminal or major case investigation prior to deleting video/re-using the tape. Extracted video must be retained until administrative/judicial proceedings are complete. This retention does not apply to interrogation videos which are by their nature evidentiary and should be part of the investigative files.

For the purposes of retention and management of BWC recordings, all recordings that remain on the storage server after 30 days will be permanently removed from the video evidence management system.

2. **Release.** The release of mobile video recordings, including BWC recordings, external to that of the Department will be done so in accordance with RSMo 610.100 and any other state laws that impact the release of these types of records. For a comprehensive understanding of the release of mobile video recordings, state law and other validated resources on such matters will be reviewed and considered prior to the release of any BWC recordings. The Chief of Police reserves the authority to approve the release of all BWC recordings.

J. Supervisors Responsibilities.

1. Supervisory personnel and employees under their command impacted by this policy will maintain compliance with the same.
2. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
3. On a monthly basis, supervisors will randomly select and review BWC recordings of each officer under their scope of control to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

4. Supervisors will review the BWC recordings of each officer under their scope of control when circumstances dictate. This includes, but is not exclusive to, citizen complaints, internal reports of improprieties, critical incidents, events that would be considered as a training tool, and situations that dictate close performance monitoring and evaluation of an officer's performance.
5. When a supervisor is notified of an event that prompts a review of an officer's BWC recording and that officer is not under that supervisor's scope of control, the supervisor made aware of the event will make notification to the officer's immediate supervisor and both Bureau Commanders. The purpose of multiple notifications ensures the timeliness of the BWC recording review.

K. Audits and Policy Review.

1. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Chief of Police and all access is to be periodically audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes. The devices, hardware, accessories, software and its use will be audited annually and documented in a report to the Chief of Police.
2. Policy and procedure concerning BWCs will be reviewed, at minimum, annually in conjunction with the audit and any time there is a change in state law and best practice.

Adopted by Command Staff

By order of the Chief of Police

Colonel Jeremy Ihler
Chief of Police

[Month, Day, Year]
Date