

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

Title: Mobile Recording and Capturing Devices		General Orders:
Topic: Body Worn Cameras		12-41
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12.41 Body Worn Cameras.

- I. **Purpose.** The purpose of this Order is 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 of BWCs promote transparency and accountability for officers and the community through objective evidence.

This Order establishes departmental policy regarding the issuance, use, training, care and maintenance of BWCs for commissioned police officers of the Department. The implementation of BWCs will enhance the evaluation and management of an officer's performance, the possibility of capturing evidence, public trust, the prosecution of illegal activities, and will help shield the Department against unsubstantiated complaints and civil claims.

The Department has developed a culture of high-level customer service, fair and impartial policing, and an environment where force is only used when necessary and in compliance with industry best practices and the law. As permitted by law, an officer's actions are a matter of public record and the Department welcomes the opportunity for increased transparency through the use of BWCs. This policy is intended to provide officers with guidelines on when and how to utilize body-worn cameras, so officers may reliably record their contacts with the public in accordance with Department needs, best practices, and the law.

The Department recognizes that BWC video does not always tell the full story, nor does it always capture exactly what an officer sees, or an entire scene. However, BWCs can serve as an additional data resource that can be used to assist in determining what may have occurred. Persons reviewing recordings must be cautious with respect to conclusions about what occurred from what can be seen on video. Implementing BWCs will provide another form of transparency to the public, which in turn will foster greater trust and a more positive relationship with the community.

- 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.

Recordings have been shown to reduce citizen complaints and civil litigation. To maximize the utility of body-worn camera equipment in these and related areas, officers shall follow the procedures for use set forth in this Order.

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. **BWC Activation.** When used in this written directive, the term "activation" refers to the turning on of the BWC recording device in its recording mode.
- G. **BWC Deactivation.** When used in this written directive the term "deactivation" refers to the turning off of the BWC recording device and stopping its recording mode.
- H. **Law Enforcement Activity.** Any event during which an officer exercises their police authority or conducts any type of investigation, whether consensual or otherwise.
- I. **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.
- J. **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 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 the Department's 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 the Department's policy.

2. **Continuing Education.** Officers shall receive training refreshers as needed by an approved training provider. This will include periodic roll call training and whenever new or updated equipment or technology is introduced or operational changes to this policy are made.

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. Based on job function, a mandatory user must wear a BWC as part of their issued uniform equipment and is subject to the operating procedures as set forth in this Order. The BWC must be worn on the front of the officer's outermost clothing garment in accordance with training, preferred at the chest level. Mandatory users shall be all line-level police supervisors and police officers assigned to the Bureau of Field Operations. Refer to General Order 01-02, Department Organization.
- b. Officers will activate the BWC to record contacts with citizens during law enforcement activities, both self-initiated and directed.
- c. 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.
- d. 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.
- e. 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.
- f. When the use of the BWC is necessary in accordance with this Order, if an officer fails to activate the BWC, fails to record an 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. Based on job function, a discretionary user is not required to wear a BWC as part of their daily wardrobe due to their personnel assignment. However, when engaging in patrol duties and/or activities where the use of the BWC would be prudent, such as protests, execution of search warrants, etc., the officer is

subject to the operating procedures as set forth in this Order. Discretionary users may wear or use the BWC in a manner consistent with their uniform/clothing and assignment requirements. Discretionary users shall be the Chief of Police, Bureau Commanders, Community Services Officer, and all police officers assigned to the Bureau of Special Operations. Refer to General Order 01-02, Department Organization.

- b. 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.
 - c. 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.
 - d. Officers shall inform their supervisor of any recordings that may be of value, to include, but 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. Refer to 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. This is to prevent distractions and interruptions during an investigation. This does not prevent a citizen from later making a record request pursuant to the record retention and release guidelines as identified in this Order and in state law.
- 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. All use of force incidents, time and safety permitted.
 - c. 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.
 - d. Upon the arrival at any non-emergency call for service.
 - e. During the start of any event when a police vehicle's lights and sirens are activated, such as an emergency call for service, crimes in progress, traffic stops, and pursuits.
 - f. During the transport of all prisoners and the conveyance of other civilians, such as witnesses.

- g. During organized joint task force activities, regardless of command and location, all Department members using BWCs will comply only with this Order. These activities include, but are not exclusive to, civil disturbance and Code 1000 response situations. BWCs will be worn by all Department members during all organized joint task force activities. Those members assigned front-line responsibilities in a public setting during these events will activate their BWC and record all activities during said assignment until such assignment has been completed.
- h. During traffic accident investigations, BWCs will only be activated when the police officer exercises their police authorities, such as initiating an arrest; under circumstances where the capture of evidence is deemed necessary to support a criminal investigation (ex. person(s) suspect of driving while intoxicated); and when the supervisor / officer deems that the BWC capture serves the Department's and the community's best interests.
- i. 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.
- j. 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 of any type, 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 is involved in an officer-involved shooting or other serious use of force incident, the Chief of Police reserves the right to limit or restrict an officer from viewing any and all captures of the event.
- e. Pursuant to lawful processes, 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 Order.

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 and other necessary evidence collected during investigations.
- 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 preserve the recording.

G. **Data Transfer and Download.**

- 1. All BWC recordings will be data transferred to the video evidence management system prior to the end of the officer's tour of duty. All captures shall be identified by the following generally established categories:
 - a. *Homicide* – incidents that involve suspected criminal death.
 - b. *Violent Crime* – incidents involving suspected assaultive behavior, to include, but not exclusive to, all domestic violence situations.
 - c. *Use of Force* – incidents involving police officers' response to resistance and generally a use force which is beyond a cooperative level. Refer to General Order 10-01, Use of Deadly and Nondeadly Force.

- d. *Motorist Contact* – incidents involving the law enforcement activity of stopping vehicles, detaining motorists, conducting searches of vehicles and other property involving the stop. This includes any form of contact involving motorists, to include, but not exclusive to, such as a self-initiated activity involving a traffic violation and a directed activity involving the investigation of a suspicious vehicle.
- e. *Pursuit* – all incidents when a police officer initiates a traffic stop where the driver of the target vehicle gives indication of intentional noncompliance and otherwise fails to yield to the emergency vehicle. Refer to General Order 11-03, Pursuits.
- f. *General Contact* – all other mandatory and discretionary captures that complies with this Order and is not otherwise identified as a specific category, with the exception of the miscellaneous category.
- g. *Miscellaneous* – captures that include, but are not exclusive to, BWC equipment testing, accidental activations, personal recordings (ex. meal breaks, restroom / locker room, and other personal related activations, etc.).

The purpose of generally established categories is to ease in the facilitation of event identification. This is not meant to be a total representation or limitation of incidents captured by BWS. Although all BWC captures are accounted for in the video evidence management system, not all BWC captures can be specifically identified in the system as an independent classification.

- 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 the deletion of recordings and redaction of portions within 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 with the Bureau of Field Operations Commander.
- 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 are subject to permanent removal 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.

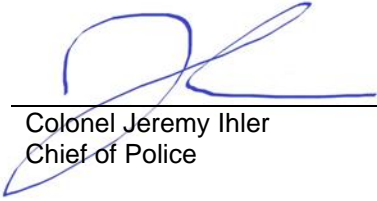
1. Supervisory personnel and employees under their command impacted by this policy will maintain compliance with the same.
2. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
3. On a monthly basis, supervisors 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, use of force incidents, 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 then that officer is not under that supervisor's scope of control, the supervisor made aware of the event shall review the event if immediate attention and expedience is deemed important as being in the best interest of the Department and the community. Notification to the officer's immediate supervisor and both Bureau Commanders will be made as necessary depending on the content and context of the event.

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 and any time there is a change in state law or best practice.

Adopted by Command Staff

By order of the Chief of Police



Colonel Jeremy Ihler
Chief of Police

August 26, 2020
Date