

CITY OF TOWN AND COUNTRY
POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

Policy Topic: Body Worn Cameras

Policy Number: 326

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Certification:

326.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices, specifically Body Worn Cameras (BWC) by officers of the Town and Country Police department while in the performance of their duties. This policy applies to all commissioned personnel.

326.2 POLICY

The Town and Country Police Department may provide officers with access to BWC for use during the performance of their duties. The use of BWC is intended to enhance the mission of the Department by accurately capturing contacts between officers of the Department and the public.

326.3 OFFICER PRIVACY EXPECTATION

All recordings made by officers acting in their official capacity shall remain the property of the Department. Officers shall have no expectation of privacy or ownership interest in the content of these recordings.

326.4 DEFINITIONS

A. Body Worn Cameras (BWC)- A camera worn on an individual officer's person that records and stores audio and video.

- B. Digital Evidence- BWC files, including photographs, audio recordings and video footage, captured by a BWC and stored digitally.
- C. Metadata- Case numbers, incident numbers and other descriptors used to identify digital evidence.
- D. One Party State- The state of Missouri is categorized as a one-party state in reference to the required announcement of an active audio or video device. In one-party consent states, parties are not legally required to notify another party when they are recording. The recording is deemed to be lawful as long as one party of the encounter is aware of the operation of the recording device. In some instances announcing the camera is recording promotes better behavior and defuses potentially confrontational encounters. RSMO 542.402

326.5 PROCEDURES

Officers shall follow existing officer safety protocols when conducting enforcement activities as outlined in Department policies and procedures. Officer safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.

- A. The Town and Country Police Department will assign BWC for the purpose of recording law enforcement encounters. All officers are required to wear a BWC in a manner prescribed by the manufacturer that allows for the optimal recording.
- B. Only authorized personnel shall use or be in possession of a BWC device.
- C. Officers shall not tamper with or dismantle any hardware or software component or any BWC device.
- D. The use of any personal recording device for the purpose of recording law enforcement encounters in lieu of the department owned BWC is not authorized without the permission of the Chief of Police or his / her designee.
- E. All digital evidence collected using the BWC is considered a record of the Town and Country Police Department and is for official use only.
- F. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this policy is strictly prohibited. Public release of digital evidence is prohibited unless approved by the Chief of Police or his / her designee and is in compliance with pertinent state and federal law.

- G. Personal computer equipment and software programs shall not be used when making copies of digital evidence. Using a secondary recording device such as a video camera, cell phone or other device to record or capture digital evidence from storage is strictly prohibited.

326.6 STORAGE

When not in use BWC devices shall be stored in a designated and secure location.

326.7 PRE-SHIFT INSPECTIONS

- A. Officers shall inspect their assigned BWC device before their shift to ensure there is no visual damage and the device is in working order.
- B. Visual damage shall be reported to the officer's immediate supervisor via an interdepartmental memo.
- C. Inoperable equipment shall be tagged and returned to the officer's Platoon Commander through the chain of command.

326.8 EQUIPMENT REPAIR REPLACEMENT AND MAINTENANCE

- A. When a BWC malfunctions, the officer will notify his supervisor immediately.
- B. The officer will note the nature of the malfunction in an interdepartmental memo.
- C. The inoperable equipment will be taken to the BWC program administrator for repair as soon as possible.
- D. If the BWC program administrator cannot repair the device, the manufacturer will be contacted to facilitate the repair. Repair and replacement of damaged or nonfunctional BWC equipment is coordinated through the BWC program administrator and performed by an authorized service provider.

326.9 RECORDING

- A. Each uniformed patrol officer and patrol supervisor while on-duty is required to wear a department issued functioning Body Camera. The Body Camera will be worn on the officer as outlined by the manufacturer's placement guidelines. Officers working off-duty, in uniform, are required to wear a department issued functioning Body Camera in the same manner prescribed above.

- B. Officers shall record enforcement related contacts and calls for service. The recording should be activated prior to the actual contact with the citizen, or as soon as safely possible thereafter and continue recording until the contact has concluded.
- C. Enforcement related contacts include but are not inclusive to the following: calls for service, traffic stops, field interviews, detentions, arrests, persons present at radio calls who are accused of crimes and consensual encounters in which the officer is attempting to develop reasonable suspicion or probable cause.
- D. Recording another officer (or in specific cases another city employee) during an enforcement contact.
- E. Officers may stop recording when the arrestee is cooperative and safely secured inside a law enforcement facility. If an arrestee becomes uncooperative or if there is some evidentiary purpose, officers should resume recording.
- F. Officers shall record suspect interviews. Officers should not stop and start the recording during a suspect interview. If this occurs, the reason for stopping the recording must be documented
- G. When recording interviews of suspects and such interview meets the legal requirements, officers shall ensure they record any advisement of the Miranda Warning.
- H. Private Citizens have a reasonable expectation of privacy in their homes. When officers are lawfully present in a home (warrant, consent or exigent circumstances) in the course of official duties, there is no reasonable expectation of privacy. In general, when an officer enters a home they document the condition of the home, especially in the case regarding a child or involve domestic violence or physical injury.
- I. Officers should wear their BWC during special events as directed by supervisory or command personnel.

326.10 WHEN AND WHERE NOT TO RECORD

- A. BWC will not be used to record non-work related activity.
- B. BWC shall not be used to record in areas or during activities such as pre-shift conferences, department locker rooms, exercise rooms, break rooms or other activities not related to a criminal investigation.

- C. BWC shall not be activated in places where persons have a reasonable expectation of privacy, such as locker rooms, dressing rooms or restrooms.
- D. BWC shall not be used during department administrative investigations unless instructed to do so by the Chief of Police or his / her designee.
- E. When possible, officers should avoid recording exposed areas of the body that could cause embarrassment or humiliation, such as exposed breast, groin, etc.
- F. Officers shall be aware of patient's rights of privacy when in a hospital or medical facilities. Officers shall avoid rerecording persons not involved in the investigation.
- G. Victim and witness interviews will generally be recorded unless a request is made otherwise. To better capture evidence, it is recommended that officers record statements made by witnesses and people sharing information. If a person will not talk unless the camera is turned off, officers may decide that obtaining the information is more important than recording the statement. This is the discretion of the officer who is obtaining the statement or the supervisor.
- H. Domestic violence victims often recant statements. Victims may also make their children unavailable for investigators or court to avoid their providing statements. For these reasons, domestic violence victims with serious injuries should be recorded if the victim is willing. Officers should also record the statements of children of domestic violence victims who are witnesses, if the children are capable of consenting.
- I. Generally, officers are not required to record informal or casual encounters with members of the public. Officers should consider that recording people in some circumstances may inhibit the sharing of information or developing strong ties between members of the community and the department.

326.11 DOCUMENTATION OF RECORDED EVENTS

- A. All evidentiary recording shall be documented in a CARE report or in CAD remarks.
- B. Officers are required to document the reasons why they deactivated a camera or failed to activate a camera in a situation in which they are required to record the encounter. If a recording was not activated or was terminated prior to the completion of the event, the officer is required to document the cause in a CARE report, CAD remarks or on the video prior to terminating the recording.

326.12 ENTERING METADATA

Each recorded segment requires metadata to be entered, even if the segments are of the same event. Metadata should be added at the conclusion of the event. In a case of as delay, metadata should be added as soon as possible.

326.13 ACCESSING DIGITAL EVIDENCE

- A. Employees who have been granted permission by the Chief of Police may review digital evidence.
- B. Employees will be assigned a unique identifier to access digital evidence from the storage location.

326.14 RETENTION OF DIGITAL EVIDENCE AND NON-EVIDENTIARY VIDEO

- A. All recordings related to any criminal proceeding, claim filed, pending litigation or a personnel complaint, shall be preserved until such time the matter is resolved and / or in accordance with applicable laws and department evidence retention policy.
- B. All non-evidentiary video shall be retained for no less than 30 days.
- C. All internal affairs related recordings will be retained for an unlimited time period.
- D. All arrests will be retained for 5 years
- E. Any Use of Force will be retained for 5 years.
- F. Any Attorney preservation request will be retained for 5 years.
- G. All traffic stops will be retained for 1 year.
- H. All recordings marked as miscellaneous will be retained for 90 days. Miscellaneous includes but is not limited to possible review, pedestrian check, suspicious person or auto, peace disturbance, assist other agency, training, system test or no tag.
- I. All sensitive video (accidental bathroom/locker room activation) will be retained for 30 days and will only be viewable by the Chief.

326.15 REVIEWING DIGITAL EVIDENCE

- A. Officers may review their own recordings.

- B. Detectives are responsible for reviewing, updating and tracking digital evidence associated with their assigned cases.
- C. Digital evidence captured by the BWC is not all inclusive. The system captures a less broad and less detailed image than the totality of the human senses. An officer's recollection of specific details may be different than what is captured in digital evidence. Officers should review digital evidence prior to completing reports when necessary to ensure accuracy. Officers shall review digital evidence prior to providing testimony at hearings, trials or depositions.
- D. Digital evidence may be viewed for administrative purposes. The following is not an all-inclusive list of reasons digital evidence may be reviewed:
1. Any incident in which a member of the department is injured or killed during the performance of their duties.
 2. Any incident involving the use of force by a member of the department, which results in injury or death.
 3. Any in-custody death.
 4. Any police pursuit.
 5. When any member of the department intentionally or unintentionally discharges a lethal (e.g. firearm), less-lethal (e.g. Taser including a drive stun) or non-lethal (e.g. pepper spray) weapon at a person regardless whether an individual is struck.
 6. Officer involved traffic collisions.
 7. Prior to the release of recordings in response to a proper legal request.
 8. In preparation for a civil disposition or responding to an interrogatory where the incident arises from the employee's official duties.
 9. For investigations undertaken by the department, for the purpose of proving or disproving specific allegations of misconduct.
 10. For administrative proceedings, when digital evidence is used by the department for the purpose of proving or disproving allegations of misconduct, only digital evidence relevant to the investigation scope shall be viewed and retained by investigators. Information relevant to the recordings viewed and seized as

evidence by investigators shall be documented as part of the chronological summary of any investigation undertaken by the department.

11. In situations where there is a need to review digital evidence not covered by this procedure, a Command Officer must approve the request. Each situation will be evaluated on a case by case basis.

326.16 COPYING AND RELEASING DIGITAL EVIDENCE

Digital evidence captured by a BWC shall be treated as official records and handled pursuant to existing department policies and procedures.

326.17 USE OF DIGITAL EVIDENCE FOR TRAINING PURPOSES

Officers and supervisors may find it useful, and are encouraged, to review recordings of incidents of which they were involved when beneficial for the purpose of conducting a tactical debrief. When an incident is recorded which may be of value as a training aid for a broad section of the department, the recording officer should contact their supervisor who will review the digital evidence to determine the value of the incident for training. If the Platoon Commander determines the incident would be an appropriate training aid, the Lieutenant shall obtain approval of the Chief of Police or his / her designee.

326.18 BWC PROGRAM ADMINISTRATION RESPONSIBILITIES

- A. Maintain and troubleshoot the BWC units.
- B. Maintain a record of assigned BWC and related equipment.
- C. Be proactive and able to complete minor repairs.
- D. Arrange for the warranty and non-warranty repair of the BWC units.
- E. Repair or replace BWC components (cameras, docking stations, etc)
- F. Maintain BWC equipment repair and maintenance records.
- G. Update software and system settings as necessary.
- H. Train officers on current policy and the proper use of BWC units.

326.19 TRAINING

Before agency personnel are equipped with body worn cameras, they must receive all mandated training. Personnel who receive training will be instructed on the following:

- A. All practices and protocols covered by the agency's body-worn camera policy.
- B. An overview of relevant state laws governing consent, evidence, privacy and public disclosure.
- C. Procedures for operating the equipment safely and effectively.
- D. Scenario-based exercises that replicate situations that officers might encounter in the field.
- E. Procedures for downloading and tagging recorded data.
- F. Procedures for accessing and reviewing recorded data.
- G. Procedures for requesting data for court or to be included in evidence.
- H. Procedures for documenting and reporting any malfunctioning device or supporting system.
- I. This training will be offered to the City of Town and Country Prosecuting Attorney in order to better understand the limitations of the technology and how the data may be used in court.

326.20 SUPERVISORS to TAKE CUSTODY of CAMERA IN CRITICAL INCIDENT

In the event of certain circumstances, (such as an officer involved shooting, in custody death or other incidents involving the officer that result in a person's serious bodily harm or death), the on-duty supervisor should immediately take physical custody of the camera and should be responsible for downloading the data.

