

City of Brentwood Police Department

General Order: 20-02

Title: Digital Body Camera Recording Equipment

Issue Date: 02-12-2020

Effective Date: 02-12-2020

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DIGITAL BODY CAMERA RECORDING EQUIPMENT

PURPOSE:

Digital Body Camera equipment has demonstrated its value in the evaluation and management of officer performance, the prosecution of illegal activities, and as a technical shield against unsubstantiated complaints and civil claims. As such, the following guidelines have been developed to govern the use of Body Camera video and audio recording equipment by officers of this command.

The body worn cameras are provided to our officers for the documentation of their duties.

NOTE: *This equipment is new, and as the capabilities and operational aspects of the equipment continue to evolve at a rapid pace, this policy is preliminary in nature and subject to suspension, revision or being superseded at any time without prior notice.*

DEFINITIONS.

Body Camera – A commercially produced Digital Video/Audio Equipment System worn on the body of the officer.

Case – A computerized record created under the associated report number of a particular incident. A case contains a collection of identifying information and video files.

File - Any video/audio incident recorded on the body camera.

Law Enforcement Activity – Any Law Enforcement Function in which an officer exercises their police authority or conducts any type of investigation, whether consensual or otherwise.

Law Enforcement Function – Any setting in which the officer engages the public, is acting in a uniformed capacity as a commissioned member of the Brentwood Police Department, and any other incident or event that warrants digital video documentation.

Officer Safety Role Play Training – POST Certified interdepartmental training involving commonly experienced scenarios during any given tour of duty, with a strict emphasis on six tenets (Safety in Numbers, Searching and Pat Downs, Reading Signals, Personal Preparedness, Safe Driving, and Self-Initiated Activity)

Record - Any recording medium used for retention and playback of recorded video and audio.

Scope of Command – That area of responsibility directly related to those under their direct control as supervisor of a squad or unit.

A. OBJECTIVES

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This agency has adopted the use of Body Camera video/audio recording equipment to accomplish the following objectives:

- 1) Enhance safety of both citizens and officers.
- 2) Increase the department's ability to review probable cause for arrests, arrest procedures, officer and suspect interaction, officer and citizen interaction, and training needs.
- 3) Provide a means to review the application and effectiveness of department policies and procedures.
- 4) Provide digital video documentation of events, actions, conditions and statements made during selected arrests and critical incidents, so as to enhance officer reports, the collection of evidence and investigative information, and subsequent court testimony.
- 5) Digitally document officer/citizen contacts.

B. OPERATIONAL PROCEDURES

Officers shall adhere to the following procedures when utilizing mobile body camera video equipment:

- 1) 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 manufacturers' placement guidelines. Officers working off-duty, in uniform, are required to wear a department issued functioning Body Camera in the same manner prescribed above.
- 2) Any improper use of the equipment including, but not limited to, inappropriate recordings, attempted or successful deletion of files, or any other alteration, attempted alteration or other misuse of any of the equipment related to the proper function and data retention of the Digital Video Body Camera system in its entirety, shall subject the offender to disciplinary action, up to and including termination. If the nature of the offense is so egregious that it constitutes a crime (such as Tampering with Evidence), prosecution will be sought.
- 3) Digital Body Camera equipment is the responsibility of the assigned user and will be operated in accordance with manufacturer's specifications and department policy. All officers utilizing the body camera will receive training in its operations and equipment prior to being assigned a camera for deployment under the specifications in this order.
- 4) Prior to each shift, officers shall determine if their Body Camera is working properly and will notify their supervisor of equipment malfunctions or other problems preventing the body camera equipment from operating properly prior to commencing patrol duty. Once it is determined the equipment is in proper working order, the officer shall operate the

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system in accordance with department policy. If the equipment cannot be made functional, a different, functional system will be assigned to the officer prior to their tour of duty. The supervisor will immediately notify, in writing, the Bureau of Community Policing Commander who will take immediate steps to correct the problem or fix the equipment.

- 5) At the end of the shift officers shall ensure the unit is engaged to recharge the battery in order to be ready for next shift usage. They will also ensure video files are downloaded in order for the unit to be ready for the next shift usage.
- 6) Body Cameras, when initially powered on, will record video data only when activated. Thirty (30) seconds of pre-event video (no audio) prior to the officer manually activating the record button will be retained. In addition, the system can be activated by pressing the record button on the exterior of the unit. This will engage both the video and audio capability of the unit.

Once the record function is triggered, the equipment will continue in record mode until the stop button is pushed, triggering manual deactivation.

- 7) Cameras will be activated for all traffic stops, criminal arrests, searches, interrogations, pursuits, and Law Enforcement Functions. The cameras will NOT be activated for motor vehicle crashes unless the scene involves a disturbance or criminal offense. The camera will typically remain on until the officer has secured from the scene. This includes both primary and assist units.

Recording should be stopped only at the conclusion of such an incident, and an officer shall avoid interrupting this recording process.

- 8) Officers will activate the BWC to record all contacts with citizens, both self-initiated and directed.
- 9) In the event an officer needs to respond to a confidential phone call, private discussion between themselves and a supervisor, etc. the officer shall articulate on camera the reason for the pausing of recording, pause it, and then start it again when the confidential need has passed.
- 10) Officers will not turn on cameras for informal contacts between officers or supervisors, or when it is unsafe, impossible, or impractical to do so.
- 11) If an officer needs to turn off the camera during a recording, due to valid articulable reasons, they should announce on camera the reason for turning it off, then do so. The camera should be turned back on after the reason has concluded and be kept on until the officer has secured from the scene/contact.

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- 12) If an officer is dealing with a distraught victim or witness the camera may be turned off if requested to do so by the victim or witness. The officer shall have discretion in all instances to deactivate the camera.
- 13) If the officer is invited into someone's home for a non-criminal event the camera may be turned off if requested to do so by the home owner or someone within the home. As indicated, the officer shall have discretion in these instances.
- 14) If an officer is responding to a crime scene or incident in progress, the body camera should be left on as spontaneous utterances may be captured on video, as well as the most pristine of crime scene video capture.
- 15) There may be situations in which a citizen may ask an officer to deactivate their BWC during the course of Law Enforcement Functions. Officers are under no obligation to comply with that request and are in fact encouraged to keep the device on and recording until they have secured from the scene. If the continued recording would pose as a detriment to obtaining critical information, the officer may choose to stop the recording, after verbally articulating the reason.
- 16) Generally, if in doubt, record the event until you have secured from the scene.
- 17) If an officer believes an event that was recorded may result in a complaint or will be of concern/importance, they shall bring it to the attention of their immediate supervisor as soon as practical.
- 18) If an officer becomes aware of recording a juvenile suspect, the officer shall notify their supervisor, so notation can be made to redact the face of the juvenile should a copy of the video need to be released.
- 19) When utilizing body cameras during a demonstration or other civil disturbance event, the use of the camera should be continuous with the following exceptions: Direction by a supervisor to switch to standby mode, or when tactical considerations are being discussed. Prior to placing the body camera on standby the officer shall state for the record (on camera) the reason for the stopping of the recording and then stopping it. As soon as the confidential portion has concluded the camera will be turned back on.
- 20) The camera should remain active when dealing with a demonstrator, protester, criminal suspect, or other Law Enforcement related contact unless approved by a unit commander. An example; a demonstrator advises they have important safety information and will not discuss it with the camera running. The officer will then state the reason for turning off the camera, which supervisor approved it, then turn it off.
- 21) Should a recording of a personal nature occur (ex: forgetting to turn the unit off while using a restroom facility, locker room, etc.) the officer shall notify the supervisor ASAP for deletion of the recording. Officers may request a person of the same gender to

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conduct the deletion. Upon completion of the deletion, the supervisor shall send written notification to the Community Policing Commander.

22) Under no circumstances, shall an officer/supervisor review any videos containing inappropriate recording of another member of the police department.

23) The priority marking of video files will be accomplished on a scale of 1-5, with 1 being the default setting for files that will be automatically deleted from the server after 30 days. Any file marked priority 2 will also be deleted after 30 days, but it will signify an incident that the officer believes may result in a complaint. Files marked priority 3-5 will be for DWI offenses, Misdemeanors, and Felonies, respectively. Any other video an officer captures that would be considered important, such as serious/fatal auto accidents or pursuits, should be classified as a priority 5 event. A separate classification for "Demonstrations" will be maintained for special events and dated to the event(s).

24) Officers will notify their supervisor as soon as practical of any recorded sequences that may be of value in criminal or complaint investigations, for future training sessions, or in conjunction with other enforcement activities. This shall be accomplished via email through the chain-of-command to the Community Policing Commander.

25) In arrest cases, where the file may be of value in a criminal proceeding, the supervisor will ensure the file has been assigned the proper priority level.

26) Officers should note in incident, arrest, and/or other related reports that video recordings were made during the event in question or provide a reason no recording was made.

27) Officers need to be aware that files required for court will be copied onto a CD containing archived material which may include numerous files not related to the actual case set for court. Therefore, all officer interactions during the recording period may come under court scrutiny. As such, officers are expected to conduct themselves in a professional manner.

28) Officers are prohibited from utilizing department recorders and recording media for personal use. Employees shall not obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information obtained by a video/audio recording. Employees shall not make personal copies or attempt to upload recordings to social networking sites (e.g., You-Tube, Facebook).

29) Officers using body cameras shall not record the faces of undercover officers who are known to them, nor shall they record the faces of confidential informants.

30) If an officer conducts or is present for a strip search, the camera will remain on, but shall be positioned away from the subject being searched.

C. SUPERVISORY RESPONSIBILITIES

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Supervisory personnel responsible for the activities of officers assigned body cameras shall ensure that:

- 1) Officers follow established policy and procedures for the use and operation of body camera equipment.
- 2) Officers notify any available supervisor/commander if any equipment is determined to be defective.
- 3) Proper notifications are made regarding archived/retained video files, and that such files are properly marked according to the priority system identified in Section 4-8 above. Notification will be made to their shift supervisor and bureau commander regarding any vehicle pursuit, use of force incident, officer injury, department vehicle accident, or complaint against an officer that was captured on video. This applies to primary and all assist officers. Both the supervisor and bureau commander will review all video of any of the above incidents as soon as practical.
- 4) Ensure that written notification is emailed to the Bureau of Community Policing and the Detective Bureau Supervisor.
- 5) The rooms housing the work station and the server are properly secured to protect the integrity of the media files.

D. VIDEO DATA CONTROL AND MANAGEMENT

- 1) All video data files shall be maintained in a computerized storage mode that allows for efficient identification and retrieval. This is accomplished via the management software, proprietary to the system.
- 2) Video data files will be uploaded, via hardwire transmission, to a secure server within the police building. In the event there is a failure of the transmission written notification will be made to the Commander of Community Policing.
- 3) Any record file of value for case prosecution or in any adversarial proceeding shall be retained. Examples of such records include DWIs, arrests, uses of force and resisting arrest cases. Any file marked at priority levels 3-5, as previously explained, and tagged case files will remain on the server for a period of (2) two years, and all cases involving felonies will remain on the server for (5) five years at which time they will be downloaded to digital media storage and removed from the server. Any files marked priority level 1 (default priority) or 2 will automatically purge from the system after ninety (90) days.
- 4) Officers requesting a file be retained, copied, reclassified or deleted shall do so by filling out the "Video/Audio Request for Disposition of Record" form and submitting the form to a supervisor.

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- 5) All images and sounds recorded by the camera are the exclusive property of the Brentwood Police Department and will be maintained by the police Department. Redaction of video will be completed by the Evidence Custodian, with permissions to the Command Staff and Senior Law Enforcement Analyst in the event an expeditious request is made for release.
- 6) When a prosecutor requests a record for a court proceeding, the officer shall make a request utilizing the "Video/Audio Request for Disposition of Record" form. This request will be forwarded through the chain of command to the Bureau of Community Policing Commander. A DVD will then be made for the prosecutor. Additionally, requests made by a defense attorney will be at the advice of the prosecutor when a discovery has been made.
- 7) In those instances where the request is from someone other than a prosecutor for purposes of criminal prosecution or civil litigation, or for another purpose, such requests shall be directed to the, Bureau of Community Policing Commander and Detective Bureau Supervisor to ensure compliance with department policy and procedures and Missouri Open Records Law (Missouri Sunshine Law), respectively.
- 8) A redacted copy will be provided as soon as practical to any requesting party listed in paragraph 7.
- 9) The server and workstation shall remain secure at all times. No record is to be uploaded/downloaded and no maintenance shall be performed on video/audio recording equipment by anyone other than authorized personnel. Personnel will be authorized according to specific levels of security that are password protected.
- 10) In order to maintain record security, access levels will be identified as follows:
 - a) Main System Administrators - access to all system functions.
 - b) Supervisors - ability to view any record as well as the ability to create, edit, and to download records for personnel in the scope of their command.
 - c) Officers-ability to view their own records.
- 11) It will also be the system administrator's responsibility to confirm that the video data is successfully uploading to the server.
- 12) DVR files will be stored on the server, which shall remain secured at all times. Access to the system will be gained according to the levels of security established in this Order, via the work station, and file retention/ deletion will occur based on the priority level given to each file and/or at the discretion and direction of the system administrator.

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13) Command and supervisory personnel will review DVR files as follows:

- d) To assess officer safety practices as they pertain to the Officer Safety Role Play Training.
- e) For Use of Force reviews.
- f) In regard to a complaint against an officer.
- g) Following a vehicular pursuit.
- h) For evidentiary purposes.
- i) Following a department vehicle accident.
- j) To review on-duty injuries sustained by officers.

14) Any officer wishing to view their video, or another officer's video, may request to do so, and the decision to allow it will be made by the Detective Sergeant or Bureau of Community Policing Commander.

15) The Chief of Police, or his designee, shall conduct an annual review of this General Order and Body Camera program to determine if revisions are necessary.

E. TRAINING

All officers who are authorized to use Body Worn Camera equipment must complete mandatory training approved and/or provided by the department to ensure the continued effective use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, and to incorporate changes, updates, or other revisions in policy and equipment.

- 1) At least bi-annually, the Community Policing Commander will meet with all police supervisors to discuss requirements for the reviewing of all Body Worn Camera video/audio captured data. The training will include the frequency and quantity of the video/audio to be reviewed concerning citizen and traffic contacts by patrol officers.
- 2) Training will be documented with a sign-in sheet which will include the date and time of review, and any training for new equipment regarding the Body Worn Camera systems.

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This General Order supersedes all prior directives and orders inconsistent therewith.

By order of:

Col. Joseph L. Spiess, Jr.
Chief of Police

Distribution: All Sworn Police Personnel