

**METROPOLITAN POLICE DEPARTMENT – CITY OF ST. LOUIS
OFFICE OF THE POLICE COMMISSIONER
SPECIAL ORDER**

Date Issued: December 10, 2015 **Order No.:** SO 5-34

Effective Date: December 10, 2015 **Expiration:** Indefinite

Reference:

CALEA Standards:

Cancelled Publications:

Subject: SUPERVISOR PILOT BODY WORN CAMERA PROGRAM

To: ALL BUREAUS, DISTRICTS AND DIVISIONS

PURPOSE: To provide guidelines and procedures for the Department's Body Worn Camera (BWC) pilot program.

By Order of:



D. SAMUEL DOTSON
Colonel
Police Commissioner

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PURPOSE: To provide guidelines and procedures for the Department’s Body Worn Camera (BWC) pilot program.

A. INTRODUCTION

1. The Department’s BWC pilot program is a limited deployment of BWCs to Department Sergeants that is designed to explore BWC usage. In other police departments, BWCs have proven effective in reducing violent confrontations and complaints against officers. Cameras provide additional documentation of police/public encounters and may be an important tool for collecting evidence and maintaining public trust.
2. Failure to properly follow the procedures contained in this Order, to include the intentional or accidental misuse of the equipment and recordings, could result in the loss of valuable evidence in a criminal prosecution and/or a significant risk to the Department. Failure to comply with these directives will be reviewed and subject to disciplinary action.

B. DEFINITIONS

1. *Body-Worn Camera (BWC)* – A camera worn on an individual officer’s person that records and stores audio and video.
2. *Buffering Mode* – A standby mode in which the camera is on but not activated to record. When in buffering mode, the camera is not saving any captured video to permanent memory. No audio is captured when the camera is in buffering mode.
3. *Event Mode* – The mode in which the camera is activated to record to permanent memory. Event mode is activated by pushing the Event button on the BWC. When in event mode, the camera records both audio and video. The buffered video (not audio) captured directly before the event will be saved and attached to the event in permanent memory. Repeated pressing of the Event button turns the recordings on and off and creates separate media segments.
4. *Digital Evidence* – BWC files, including photographs, audio recordings, and video footage, which are captured by a BWC and stored digitally.
5. *Evidence.com* – A digital evidence management service. The service stores digitally encrypted data in a highly secure environment that is accessible only to personnel granted access.

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6. Evidence Docking Station (EDS) – A multi-ported docking station installed at Area Stations and various Headquarters locations. The EDS simultaneously recharges the BWC while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to Evidence.com.

C. GENERAL PROCEDURES

1. Public safety and officer safety take precedence over recording events.
2. Officers will follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Officer safety and the safety of the public will be the primary considerations when contacting citizens or conducting vehicle stops, not the ability to record an event.
3. BWCs will be used to capture audio and visual evidence for investigations and enforcement encounters. Officers will not provide narration or dictate their actions to the camera. Detailed police reports are still required and are the appropriate place to document the totality of the circumstances for the incident.
4. Only authorized personnel will use or be in possession of a BWC device.
5. All officers issued a BWC are required to wear and use their BWC while working in any uniformed assignment. This applies to overtime assignments, out of class assignments and special details.
6. BWC equipment is for official use only and will not be utilized for personal use.
7. Officers will not tamper with or dismantle any hardware or software component of any BWC device.
8. The use of any other personal recording device for the same purpose is not authorized without permission of the Commissioner of Police or designee.
9. All digital evidence collected using the BWC is considered an investigative record for the SLMPD and is for official use only.
10. Accessing, copying, forwarding or releasing any digital evidence for other than official law enforcement use and contrary to this procedure is strictly prohibited. Public release of digital evidence is prohibited unless approved by the Police Commissioner or designee.
11. Personal computer equipment and software programs will not be utilized when making copies of digital evidence. Using a secondary recording device such as video camera, cell phone or other device to record or capture digital evidence from Evidence.com is strictly prohibited.

D. STORAGE

When not in use, the BWC devices will be stored in the designated EDS. Officers will ensure the BWC is properly seated into the EDS to allow for proper downloading, charging, and updating. Other BWC-related equipment, such as Axon Flex mounts, should be stored in the cases provided.

E. PRE-SHIFT INSPECTION

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1. Officers will inspect their assigned BWC devices daily to ensure there is no visual damage and the device is in working order.
2. Visual damage will be documented in a police report.
3. Inoperable equipment will be tagged and returned to the Project Coordinator assigned to the Special Projects Unit. If the Project Coordinator assigned to the Special Projects Unit is unavailable, the equipment will be returned by the start of the officer's next work day.

F. CAMERA POSITION

1. Officers will wear the BWC above the midline of their torso. Officers using Axon Flex units may utilize whatever mounting system (e.g., glasses) they find most practical.
2. Officers will ensure the BWC is in a position where the field of view provides for effective recording.
3. Officers will not intentionally obscure the view of their body worn camera.

G. EQUIPMENT REPAIR, REPLACEMENT, AND MAINTENANCE

Any and all concerns regarding equipment repair, replacement, and maintenance will be directed to the Project Coordinator assigned to the Special Projects Unit.

H. PRIVACY CONCERNS

1. Private citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. 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. Therefore, officers are not required to give notice they are recording. However, if asked, officers will advise citizens they are being recorded.
2. Officers are not required to initiate or cease recording an event, situation, or circumstance solely at the demand of a citizen.
3. Officers and supervisors involved in the investigation of a complaint against a member of the Department must inform complainants and complaint witnesses they are being recorded.

I. MANDATED RECORDING

1. Enforcement Related Contacts
 - a. Officers will use the event mode to record enforcement related contacts. The event mode should be activated prior to actual contact with the citizen, or as soon as safely possible thereafter, and continue recording until the contact is concluded or the contact transitions from an enforcement contact into intelligence gathering.
 - b. Officers are strongly encouraged to inform citizens they are being recorded in an effort to de-escalate potential conflicts.
 - c. Enforcement related contacts include the following:
 - 1) Traffic stops,

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- 2) Field interviews,
 - 3) Detentions,
 - 4) Arrests,
 - 5) Persons present at radio call, who are accused of crimes, and
 - 6) Consensual encounters in which the officer is attempting to develop reasonable suspicion on the subject of the encounter.
- d. Assisting another City employee or law enforcement officer (ie. Parking Enforcement, Park Rangers, etc.) during an enforcement contact.
2. Arrests
- a. Officers may stop recording in the event mode 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 in the event mode.
 - b. If an officer resumes recording in the event mode, the camera will remain in event mode until the officer no longer has contact with the subject.
3. Searches
- a. When searching a prisoner and without sacrificing officer safety, it is advantageous to position the search so that it is captured on camera. This starts the chain of custody by allowing any contraband or weapons found to be documented on the BWC recording.
 - b. Officers should record during the execution of a search warrant, an arrest warrant, a Fourth Amendment waiver search, knock and talk, or a consent search in which the officer is looking for a suspect, evidence or contraband.
 - c. During searches of commercial buildings or residential dwellings when there is a strong indication of encountering a suspect, while keeping officer safety as the primary concern, officers should activate their body worn cameras prior to making entry into the building. The recording of a suspect confrontation normally outweighs tactics potentially shown in the recording.
4. Transporting Prisoners
- a. Officers equipped with BWC will record all prisoner or passenger transports, regardless of the gender of the prisoner or passenger. The entire transport will be recorded. Two officer units will be required to record with at least one BWC during transports.
5. Suspect Interviews
- a. Officers are encouraged to fully record suspect interviews. Officers will not stop and start the recording during a suspect interview. The only exception to recording a suspect interview would be if the suspect declines to make a statement due to the body worn camera being activated.
 - b. When recording interviews, officers will ensure they record any admonishments prior to the start of an interview.

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6. Special Events

Officers assigned BWCs will occasionally assist specialized investigative units and agencies in sensitive operations where confidentiality is imperative to the operation. If there is a specific reason in the interest of the investigation for officers involved in the operation to not activate their BWCs, the supervisor in charge must give his or her approval. Absent any specific reason to not activate the BWC approved by the supervisor in charge, officers will record any instances listed in this procedure.

J. DISCRETIONARY RECORDING

1. Victim and witness interviews will generally not be recorded.
2. Domestic violence victims often recant their statements as early as the following morning after a crime. Some victims go so far as to testify that the officer fabricated their statement. Victims may also make their children unavailable for investigators or court to avoid their providing statements. For these reasons, domestic violence victims of violent felonies such as strangulation, assault with a deadly weapon, or anything requiring hospitalization should be recorded. Officers should also record the statements of children of domestic violence victims who are witnesses in these types of cases.
3. BWCs will not be used during Sex Crimes or Child Abuse investigations to include statements of victims, witnesses, and interactions with parents of victims.
4. Officers occasionally respond to dynamic and chaotic crime scenes. The initial encounters with the victim, and witnesses, including their location and any spontaneous statements made, can be important to the overall investigation. Therefore, officers may use their BWCs to record these types of scenes for evidentiary purposes.

K. PROHIBITED RECORDING

1. BWCs will not be used to record non-work related activity.
2. BWCs will not be used to record in areas or activities such as pre-shift conferences, Department locker rooms, break rooms, restrooms, or other activities not related to an enforcement contact or a criminal investigation.
3. BWCs will not be used during Department administrative investigations.
4. BWCs will not be used during line-ups or briefings.
5. BWCs will not be used during major crime briefings, homicide briefings, or during a homicide walk-through.
6. BWCs will not be used during contact with confidential informants.
7. Patient Privacy
 - a. Officers will not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. Officers will be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers will be careful to avoid recording persons other than the suspect.

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- b. Officers will not record while in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a radio call involving a suspect or taking a suspect statement.
 - c. Officers will not regularly record while inside jail facilities.
 - d. However, in any setting, if confronting a violent or assaultive suspect, or in an anticipated use of force instance, officers will, when reasonably able to do so, activate their BWCs to record the encounter.
8. Demonstrations
- a. As a general policy, Department personnel should refrain from video recording or photographing peaceful demonstrations.
 - b. When there is reason to believe that a planned event has the potential for unlawful activity, Commanding Officers should make the determination whether visual recording or photographing is appropriate.
 - c. During demonstrations, officers should operate cameras in the buffering mode. If officers witness crimes occurring among the demonstrators and/or believe an arrest is likely, they should begin recording in the event mode.
9. Officers will not record informal or casual encounters with members of the public. Officers should consider that recording people in some circumstances may inhibit sharing neighborhood information or developing strong ties between members of the community and officers.

L. DOCUMENTATION OF EXISTENCE OF RECORDINGS IN INCIDENT REPORTS

1. I/LEADS reports will clearly indicate the presence of BWC video, both in the narrative section and by clicking the “In-Car Video Available” field.
2. All BWC video file numbers associated with an event that is documented in an I/LEADS report must be entered into the relevant field or narrative in I/LEADS.
3. If a video is generated and there is no corresponding event that requires an I/LEADS report, the file will remain in the Evidence.com cue until at least the end of the pilot program.

M. UPLOADING PROCEDURES

Officers will place the BWC into a slot on the EDS and ensure it is properly seated at the end of their shift. This will allow for the battery to recharge. The data will automatically be transferred from the BWC through the EDS to Evidence.com. The data is considered impounded at this point.

N. ENTERING EVENT DATA

1. Each recorded segment requires metadata be entered after uploading, even if the segments are of the same event. All officers are required to add metadata after the video has been uploaded to Evidence.com.
 - a. Metadata consists of an identification field, retention category, and recording title.
 - b. Officers will add their DSN to the end of the recording title.

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- 1) The default recording title will be in the format: Axon Body Video YYYY-MM-DD HHMM (eg. Axon Body Video 2015-12-02 0815).
 - 2) The final recording title after the officer adds a DSN will be in the format: Axon Body Video YYYY-MM-DD HHMM DDDDD (eg. Axon Body Video 2015-12-02 0815 01234).
- c. Officers will select the retention category that most accurately fits the recording.
2. Viewing or adding metadata will not alter the video recording as it is protected with multiple layers of encryption on the aforementioned devices, the BWC itself and at Evidence.com.
- O. BWC FILE RETENTION
1. Recordings generated on Departmental equipment will be retained for at least ninety (90) days.
 2. The officer must complete the Video File Request form and notify his supervisor of the need to retain the video as soon as practicable in order to prevent valuable evidence from being lost.
- NOTE: The BWC file number will need to be put in the “REMARKS” section of the Video Request Form.
3. BWC files that have been designated as evidence, needed for investigative purposes, or needed for civil litigation purposes will be exported to a physical data storage device (for example a DVD, CD, USB flash drive, VHS tape, etc.) and will be submitted to the proper repository and handled in accordance with existing evidence handling procedures.
- P. ACCESSING DIGITAL EVIDENCE
1. Officers given permission associated with Evidence.com may review digital evidence.
 2. Using a Department computer, enter <https://stlouismetropd.evidence.com/> in the browser.
 3. Enter assigned user name and password. For help with problems, contact the Project Coordinator assigned to the Special Projects Unit.
 4. Depending on given permissions, digital evidence can be viewed and/or copied from this location.
- Q. REVIEWING DIGITAL EVIDENCE
1. Officers may review their own digital evidence. Digital evidence can provide a cue to an officer’s memory to recall more facts and greater detail of an incident.
 2. Detectives are responsible for reviewing, updating and tracking digital evidence associated with their assigned cases.
 3. BWCs have a field of vision of either 75 degrees for the Flex or 130 degrees for the Axon. While human beings have a field of vision of 180 degrees, the human brain has a field of attention of 50-60 degrees. Under stress, this field can narrow down to a ½ degree. Stress

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also induces auditory exclusion and prevents the brain from analyzing and remembering all the stimuli that it takes in through the senses.

- a. Officers make decisions based on the totality of the human senses. An officer's recollection of specific details may be different than what is captured in digital evidence since BWCs only capture audio and video.
 - b. Officers should review digital evidence prior to completing reports to assist in priming their recollection.
4. Officers will write their reports to what they remember and note any discrepancies from what the recording shows. Officers will not write their reports based solely on what they viewed from the BWC recording.
 5. Officers will review digital evidence prior to providing testimony at hearings, trial, or depositions.
 6. It is NOT the intent of the Department to review digital evidence for the purpose of general performance review, for normal preparation of performance reports, or to discover policy violations.
 7. Digital evidence may be viewed for administrative purposes limited to the following:
 - a. Any incident in which a member of the Department is injured or killed during the performance of their duties.
 - b. Any incident involving the use of force by a member of the Department, including canines, which results in injury or death.
 - c. Any in-custody death.
 - d. Any police pursuit.
 - e. When any member of the Department intentionally or unintentionally discharges a firearm at a person regardless of whether an individual is struck.
 - f. When any member of the Department not involved in training intentionally or unintentionally discharges a Conductive Energy Weapon at a person, including the application of a drive stun.
 - g. Officer involved traffic collisions.
 - h. Prior to the release of recordings in response to a proper legal request (e.g., in response to a subpoena or other court order).
 - i. In preparation for a civil deposition or responding to an interrogatory where the incident arises from the employee's official duties.
 - j. When preparing to testify in a criminal, civil, or administrative proceeding arising from the employee's official duties.
 - k. For investigations undertaken by the Department, for the purpose of proving or disproving specific allegations of misconduct.

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1. 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 investigative scope will be viewed and retained by investigators. Information relevant to the recordings viewed and seized as evidence by investigators will be documented as part of the chronological summary of any investigation undertaken by the Department.
 - m. Supervisors should review BWC recordings to assist citizen's complaints. Supervisors have discretion to show BWC recordings to a complainant when it relates to his or her complaint, to assist in clarifying the complaint, resolving the complaint, or having the complaint withdrawn.
8. In situations where there is a need to review digital evidence not covered by this procedure, a Captain or higher must approve the request. Each situation will be evaluated on a case by case basis.

R. DISCOVERY OF MISCONDUCT

Employees reviewing event recordings should remain focused on the incident or incidents in question and review only those recordings relevant to their investigative scope. If improper conduct is suspected during any review of digital evidence, the person who discovered the conduct in question will immediately notify a supervisor. The supervisor will report the conduct to the officer's commanding officer through the chain-of-command. Nothing in this procedure prohibits addressing policy violations.

S. COPYING AND RELEASING DIGITAL EVIDENCE

1. Digital evidence captured by BWC during the Pilot Program will be treated as an investigative record and handled in a similar fashion as In-car Camera VPU Files and pursuant to existing Department policies and procedures.
2. In cases where an arrest has been made and a warrant has been issued for a felony or non-traffic misdemeanor, the corresponding BWC file shall be considered evidence and handled in accordance with existing evidence handling procedures.
3. BWC files may be requested for IAD for investigations and by Legal Division for civil litigation.
4. In all criminal cases where a BWC file is to be retained as evidence, the Primary Investigating Officer (PIO) or other Department personnel will send the electronic Video Request Form through channels to InCarVideo@SLMPD.org indicating a BWC file is to be retained as evidence.

NOTE: The BWC file number will need to be put in the "REMARKS" section of the Video Request Form.

5. When the In-Car Video Project Coordinator is notified a BWC file exists and is needed as evidence, the In-Car Video Project Coordinator will ensure a physical video recording (for example a DVD, CD, USB flash drive, VHS tape, etc.) of the BWC file is secured as evidence, packaged and delivered to the proper repository, and prepare a supplemental police report indicating such.
6. For criminal court cases:

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- a. a physical video recording of the BWC File will be produced;
 - b. a supplemental report will be written;
 - c. the physical recording will be submitted to Property Custody Division; and
 - d. the physical recording will be handled in accordance with Property Custody Division policy and procedure.
7. For IAD investigations:
- a. a physical video recording of the BWC File will be produced;
 - b. the physical video recording will be submitted to IAD;
 - c. a property receipt will be signed and retained by the In-Car Video Project Coordinator; and
 - d. the physical recording will be handled in accordance with IAD policy and procedure.
8. For civil litigation cases:
- a. a physical video recording of the BWC File will be produced;
 - b. the physical video recording will be submitted to Legal Division;
 - c. a property receipt will be signed and retained by the In-Car Video Project Coordinator; and
 - d. the physical recording will be handled in accordance with Legal Division policy and procedure.
9. For any questions or clarification contact the BWC Project Coordinator assigned to the Special Projects Unit during normal business hours.

T. USE OF DIGITAL EVIDENCE FOR TRAINING PURPOSES

Officers and supervisors may find it useful, and are encouraged, to review recordings of incidents in 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 or that officer's supervisor should receive approval from their commanding officer to contact the Commander of the Academy who will review the digital evidence to determine the value of the incident for training. If the Commander of the Academy determines the incident would be an appropriate training aid, the Commander of the Academy will obtain approval from the Commander of the Bureau of Operations.

U. BWC PROJECT COORDINATOR, IT/HELP DESK, AND PLANNING AND RESEARCH RESPONSIBILITIES

1. The BWC Project Coordinator assigned to the Special Projects Unit is responsible for performing the following duties:
 - a. Maintain a record of assigned BWC and related equipment.
 - b. Arrange for the warranty and non-warranty repair of the BWC units.
 - c. Maintain BWC equipment repair and maintenance records.
2. The IT/HELP DESK is responsible for performing the following duties:
 - a. Maintain and troubleshoot the BWC units.
 - b. Be proactive and able to complete minor repairs.

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- c. Repair or replace BWC components (cameras, docking stations, etc.).
 - d. Update software and system settings as necessary.
 - e. Provide official copies of digital media when properly subpoenaed.
3. PLANNING AND RESEARCH is responsible for performing the following duties:
- a. Training officers on current policy and the proper use of BWC units.
 - b. Provide official copies of any recording audit trail when properly requested.

DSD/wcw/edo
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