

## **Technical Requirements**

1. Deployed body cameras should have the capacity, when turned on, to record at least a thirty second loop so that the previous thirty seconds are saved whenever the record button is activated.
2. Specific Department personnel should be designated as responsible for ensuring body cameras are charged and in proper working order, for reporting and documenting problems with cameras, and for reissuing working cameras to avert malfunction claims if critical footage is not captured.
3. Privately-owned body cameras should not be permitted.
4. Body cameras should be worn on chest or on the head.

## **Use Protocols**

5. Only officers with the authority to conduct searches and make arrests should be permitted to wear a body camera. The use of body cameras should be required for officers with such authorities.
6. Before each shift, officers should inspect and test their body cameras to verify that they are working properly and fully charged, and should notify their supervisor of any problems.
7. The camera's record function must be activated whenever an officer is interacting with the public. When responding to call for service, officers should activate the camera's record function before arriving on the scene. The only exceptions to this requirement are when circumstances would make such activation unsafe, impossible or impractical, or are specifically listed below. If such exceptions apply, the officer should activate the camera at the first reasonable opportunity to do so.
8. Once activated, the body camera should remain in recording mode until the conclusion of an incident/encounter and the officer has left the scene, or a supervisor has authorized (on camera) that a recording may cease.
9. As close to the inception of the encounter as is reasonably possible, an officer who is wearing a body camera should notify the subject(s) of the recording that they are being recorded by a body camera.

## **Privacy exceptions**

10. When beginning an interaction with crime victims, crime witnesses and members of the community who wish to report or discuss criminal activity, an officer should ask if they want the officer to discontinue use of the officer's body camera. If they respond affirmatively, the officer should immediately discontinue use of the body camera.
11. All law enforcement offers to discontinue the use of a body camera, and the responses, should be recorded by the body camera before discontinuing its use. Whenever

practicable, officers should give a full explanation on tape as to why they are turning a camera off. If this is not practicable, explanation should be given in writing.

12. Body cameras, as well as other devices that can record audio and video, should not be used surreptitiously to gather intelligence information based in whole or in part on First Amendment-protected speech, association, assembly, or religion.
13. Body cameras should be deactivated while on the grounds of any hospital, public, private, charter, or parochial elementary or secondary school, and officers should not use an off-site body camera intentionally to target such sites, except when responding to an imminent threat to life or health.
14. The following recordings should be prohibited:
  - a) conversations with confidential informants and undercover officers;
  - b) places where a reasonable expectation of privacy exists (e.g., bathrooms or locker rooms);
  - c) strip searches;
  - d) recordings of other agency personnel during routine, non-enforcement-related activities unless such personnel are inadvertently caught on tape during an encounter with the public, recordings required by a court order or authorized as part of an administrative or criminal investigation; and
  - e) conversations with other agency personnel that involve case tactics or strategy.

### **Data Retention**

15. All data should be retained by a non-law enforcement government agency. The contract for retention shall include:
  - a) upon consultation with prosecutors and legal advisors, an unimpeachable audit trail to preserve the chain of custody;
  - b) a legal contract that governs the agency/Department relationship so that the recorded data are owned by the Department and their use and access are governed by Department policy and any laws governing Department policy;
  - c) a system that meets prevailing government security standards and has a built-in audit trail to prevent data tampering and that thwarts unauthorized access or copying;
  - d) a system that has a reliable method for automatically backing up data, and automatically deleting data after the retention period expires; and
  - e) a requirement that the retention entity shall not be permitted to independently access, view, or alter any video footage, except as required to do necessary maintenance and to retrieve, delete or redact videos as required by law.
16. The officer is the person responsible for downloading recorded data from his or her body camera by the end of each shift in which the body camera was used. Downloading of recorded data shall include indications of incidents that require automatic flagging or for

which the officer wishes to request flagging. However, in circumstances involving officer-involved shootings, in-custody deaths, or other incidents involving the officer that result in a person's bodily harm or death, the officer's supervisor shall immediately take physical custody of the camera and should be responsible for downloading the data.

17. All data shall be retained for three months from the date it was recorded; thereafter the footage shall be permanently deleted, except as excepted below.
18. Notwithstanding the retention and deletion requirements above:
  - a) Recorded data shall be automatically retained for no less than three years if the data is flagged. Flagging shall occur automatically for any incident:
    - 1) Involving any use of force above verbal commands;
    - 2) that leads to detention for more than five minutes, detention that results in a search greater than a pat down, or arrest; or
    - 3) where a complaint has been registered.
  - b) Recorded data shall also be flagged if:
    - 1) the officer whose body camera recorded the data reasonably asserts that the data has evidentiary or exculpatory value, either in a criminal investigation or investigation of misconduct;
    - 2) any officer who is a subject of the recorded data reasonably asserts that the data have evidentiary or exculpatory value, either in a criminal investigation or investigation of misconduct;
    - 3) any superior officer or member of the Internal Affairs Division reasonably asserts that the recorded data have evidentiary or exculpatory value, either in a criminal investigation or investigation of misconduct;
    - 4) any superior officer or other officer involved in officer training, asserts that the recorded data are being retained solely and exclusively for police training purposes, provided that such footage shall be redacted to obscure the identity of any civilian appearing therein;
    - 5) any member of the public who is a subject of the recorded data requests that it be flagged;
    - 6) any parent or legal guardian of a minor who is a subject of the recorded data requests that it be flagged;
    - 7) a deceased subject's family within the first degree of consanguinity or affinity or legally authorized designee requests that the data be flagged; or
    - 8) a third party requests that the data be flagged, provided he reasonably asserts that misconduct may have occurred.
    - 9) the recorded data is being used for academic research under a contract binding the researcher to the same confidentiality required in this ordinance.

- c) any member of the public who is a subject of recorded data, the parent or legal guardian of a minor who is a subject of the recorded data, or a deceased subject's family within the first degree of consanguinity or affinity or legally authorized designee, shall be permitted to review the specific recorded data in which the subject appears in order to make a determination as to whether they will voluntarily request the data be flagged, and shall be entitled to a copy of the recorded data upon request.
19. Retention policies should be posted online on the Department's website.
  20. If any useful evidence is obtained during an authorized use of recorded data (see below), the data would then be retained in the same manner as any other evidence gathered during an investigation.
  21. Recorded data which has been retained for use in an investigation where charges have been issued or are being considered by the prosecuting attorney, should be placed into evidence and a copy delivered to the prosecuting attorney.
  22. With the exception of copies delivered to other law enforcement agencies, regardless of who else holds copies of the recorded data, the Custodian of Records of the non-law enforcement government agency should remain the sole Custodian of Records.

### **Access to data**

23. The use of recorded data should be allowed only in internal and external investigations of misconduct, where the police have reasonable suspicion that the recorded data contain evidence of a crime and for any review, investigation or audit conducted by the Civilian Oversight Board as authorized in City Ordinance 69984. Limited exceptions should be allowed for supervisory or research purposes, with written documentation to show that:
  - a) a supervisor is identifying and/or using recorded data for training purposes;
  - b) a supervisor is selecting recorded data to be used by an established academic researcher bound by the same confidentiality requirements in this ordinance; or
  - c) a supervisor not in the subject officer's chain of command is insuring compliance with policies and protocols under the following circumstances:
    - 1) when an officer is still in a probationary period or is working under a field training officer;
    - 2) when an officer has a pattern of allegations of verbal or physical abuse;
    - 3) when an officer, as a condition of his being given his current assignment, agrees to a more intensive review; or
    - 4) when an officer is identified through an early intervention system.
24. The Department's internal audit unit, rather than the officer's direct chain of command, should periodically conduct a random review of body camera footage to monitor compliance with the program and assess overall officer performance.

25. No officer should review or receive an accounting of any body-camera-recorded data before completing any required initial reports, statements, and interviews regarding the recorded event. After any required initial reports, statements, and interviews are completed, a supervisor may review the recorded data when necessary to evaluate the accuracy of the officer's reports and statements, the merits of a complaint by a subject of the recorded data or a specific allegation of misconduct.
26. Under no circumstance should body camera data be subject, either in real time or after the footage is captured, to any automated analysis, or analysis of biometric indicators of any kind, including but not limited to iris or retina patterns or facial characteristics.
27. Data recorded by body cameras shall be considered as incident reports, or parts of incident reports if such reports are filed by police or as citizen complaints, as defined in Missouri Statute 610.100. As such, the data should be open records but any information not specifically included in that statutory definition is subject to permissive redaction. It should be the policy of the police department that redaction of recorded data shall be used when legally permissible to obscure the distinguishing physical and auditory characteristics of subjects in all circumstances, and any information regarding details of background setting when in a non-public space. No greater redaction should be used beyond that required to achieve this purpose. If recorded data are redacted, they should be deemed by police department policy to be open records.
28. It should be the policy of the police department that the subject of the recorded data, the parent or legal guardian of a minor who is a subject of the recorded data, a deceased subject's family within the first degree of consanguinity or affinity or legally authorized designee may authorize the public release of unredacted, unflagged recorded data. With such authorization, the police department shall deem the entire record as an open record, except for those portions of the recorded data that require redaction by law.
29. It should be the policy of the police department that unredacted flagged recordings shall be deemed open records when redaction of flagged recordings is impossible without damaging their evidentiary or exculpatory value. Decisions in such cases shall be made by the non-law enforcement government agency in consultation with the prosecuting attorney
30. The non-law enforcement government agency's personnel should be explicitly prohibited from accessing recorded data for personal use and from uploading recorded data onto public and social media websites unless complying with a requirement or discretion under the Missouri Sunshine law and authorized by the police department to do so.

### **Training and Evaluation**

31. Body camera training should be required for all police department and non-law enforcement government agency personnel who may use or otherwise be involved with body cameras. All training should be completed before Department personnel are

equipped with body cameras or allowed to request access to body camera data. Such training should include:

- a) an overview of relevant state and city laws, and Department policies, governing body cameras, consent, evidence, privacy, and public disclosure;
  - b) procedures for operating the equipment safely and effectively;
  - c) scenario-based exercises that replicate situations that officer might encounter in the field;
  - d) procedures for downloading, tagging and flagging recorded data;
  - e) procedures for requesting access and reviewing recorded data (only for personnel authorized to request access to the data);
  - f) procedures for preparing and presenting digital evidence for court; and
  - g) procedures for documenting and reporting any malfunctioning device or supporting system.
32. A body camera training manual should be created in both digital and hard-copy form and shall be readily available at all times to agency personnel.
33. Agencies should collect statistical data concerning body camera usage, including when recorded data is used in criminal prosecutions, by internal affairs, and when/how often it is released to the public or used for training or academic purposes. Statistics should be publicly released annually.

### **Enforcement**

34. If any police department officer, employee or agent knowingly interferes with a body camera's ability to accurately capture data, then the following enforcement mechanisms should apply unless exigent circumstances made the officer's compliance impossible:
- a) Appropriate disciplinary action should be taken against the officer, employee, or agent. Suspension without pay should be mandatory for a second offense. Termination should be the consequence for any pattern of such violations.
  - b) The police department should support a rebuttable evidentiary presumption in favor of any criminal defendant or civil plaintiff who reasonably asserts that, due to the noncompliance or interference described in this subsection, body camera footage favorable to that defendant or plaintiff was destroyed or not captured.
  - c) In cases where misconduct is alleged, there should be an evidentiary presumption against the officer.
35. Body camera data recorded in violation of this policy or any other applicable law should be immediately destroyed, unless it is being retained as evidence against the officer who recorded it. The police department, its officers and the prosecuting attorney's office should not seek to introduce improperly recorded data as evidence in any criminal or civil legal or administrative proceeding against a civilian.