

DEPARTMENTAL GENERAL ORDER

**OLIVETTE POLICE DEPARTMENT
OFFICE OF THE CHIEF OF POLICE**

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Body Worn Cameras

BODY WORN CAMERAS

I. PURPOSE

The purpose of this General Order is to provide guidelines for the use of portable audio/video recording devices, specifically Body Worn Cameras (BWC) by officers of the Olivette Police Department while in the performance of their duties. This policy applies to all commissioned personnel.

II. POLICY

The Olivette Police Department may provide officers with access to BWC's 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.

III. 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.

IV. DEFINITIONS

A. Body Worn Camera (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.

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D. Evidence Docking Station (EDS) – a multi-ported docking station that simultaneously recharges the BWC while uploading all digitally encrypted data from the device. The docking station then transfers the digitally encrypted data to the server

E. 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

V. PROCEDURE

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

B. The Olivette Police Department will assign BWC's 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.

C. Only authorized personnel shall use or be in possession of a BWC device.

D. Officers shall not tamper with or dismantle any hardware or software component of any BWC device.

E. Officers will not intentionally obscure the view of their BWC.

F. The use of any personal recording device for the purpose of recording law enforcement encounters in lieu of a Department-owned BWC is not authorized without the permission of the Chief of Police.

F. All digital evidence collected using a BWC is considered a record of the Olivette Police Department and is for official use only.

G. 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 and is in compliance with pertinent state and federal law.

H. 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.

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I. All recorded event files shall be downloaded periodically and/or no later than the end of each employees shift.

VI. STORAGE

When not in use, the BWC devices will be stored in a secure location in the designated EDS. Officers will ensure the BWC is properly seated into the EDS to allow for proper downloading, charging, and updating.

VII. PRE-SHIFT INSPECTION

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 the BWC Damage/Malfunction form OPD – F1205.

C. Inoperable equipment shall be tagged and returned to the BWC Program Administrator or the Deputy Chief of Police through the appropriate chain of command.

VIII. EQUIPMENT REPAIR, REPLACEMENT AND MAINTENANCE

A. When a BWC malfunctions, the officer will notify his/her supervisor immediately.

B. The officer will note the nature of the malfunction on the BWC Damage/Malfunction form OPD – F1205.

C. Inoperable equipment shall be tagged and returned to the BWC Program Administrator or the Deputy Chief of Police through the appropriate chain of command.

D. If the device cannot be repaired by Department personnel, 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.

IX. RECORDING

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

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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 exhaustive of the following: calls for service, traffic stops, field interviews, detentions, arrests, persons present at radio calls who are accused of crimes, consensual encounters in which the officer is attempting to develop reasonable suspicion or probable cause and recording another officer (or in specific cases another City employee) during an enforcement contact.

D. Officers may stop recording when an arrestee is cooperative and safely secured inside a law enforcement facility where other video surveillance systems are operational. If an arrestee becomes uncooperative or if there is some evidentiary purpose, officers should resume recording.

E. Officers shall record suspect interviews in the field. Officers should not stop and start the recording during a suspect interview. If this occurs, the reason for stopping the recording must be documented

F. When recording interviews of suspects and such interview meets the legal requirements, officers shall ensure they record any advisement of the Miranda Warning.

G. Private citizens have a reasonable expectation of privacy in their homes; however, BWC recordings are permissible during lawful enforcement contacts. Release of these types of recordings shall adhere to state law.

H. Civilians shall not be allowed to review the recordings at the scene.

I. Officers should wear their BWC during special events as directed by supervisory or command personnel.

J. Officers shall have discretion with respect to providing advance notice to persons that a Body Camera is recording; however, if a citizen inquires as to whether a Body Camera is in use or whether a recording is being made, officers shall provide a prompt and truthful response.

X. WHEN AND WHERE NOT TO RECORD

A. BWC's will not be used to record non-work-related activity.

B. BWC's shall not be used to record in certain areas or during activities such as pre-shift conferences, Department locker rooms, exercise rooms, break rooms or other activities not related to official Department business involving the public.

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C. BWC's shall not be activated in places where persons have a reasonable expectation of privacy, such as locker rooms, dressing rooms or restrooms. This does not include inside a private citizen's home, business, etc. during a lawful enforcement contact.

D. BWC's shall not be used during Department administrative investigations unless instructed to do so by the Chief of Police.

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 will not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. Officers shall be aware of patients' rights of privacy when in a hospital or medical facility. Officers shall avoid recording persons not involved in an 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 decision will be at the discretion of the officer who is obtaining the statement or his/her supervisor.

H. Domestic violence victims often recant statements. Victims may also make their children unavailable to officers to avoid them having to provide 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.

J. Officers are not required to initiate or cease recording an event, situation, or circumstance solely at the demand of a citizen.

K. 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.

XI. DOCUMENTATION OF RECORDED EVENTS

A. 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

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officer is required to document the cause in a CARE report, CAD notes, or on the video prior to terminating the recording.

C. 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 the reason for muting or pausing the recording, pause it and then start it again when the confidential need has passed.

D. In the event an accidental recording of non-evidentiary content is made (e.g. while using the bathroom), the officer should contact his supervisor and request the recording be limited access or deleted. The supervisor will review the recording for other content that may be of evidentiary value. Decisions on retention/redaction/deletion will be on a case-by-case basis and forwarded through the chain of command to the Chief of Police for decision. All requests and final decisions shall be kept on file.

E. Unless there is reasonable suspicion to believe that criminal activity is occurring or will occur, officers shall not intentionally record: people who are lawfully exercising their freedom of speech, press, association, assembly, religion, or the right to petition the government for redress of grievances.

XII. ENTERING METADATA

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

B. 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 be released. The officer should note juvenile suspect in the video's metadata.

C. Shift supervisors are responsible for ensuring metadata is entered by officers under their supervision.

XIII. 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.

C. With approval of the shift supervisor, employees may review the recordings of other employees.

D. Under no circumstances shall an employee with access to BWC media or data files be allowed to use, show, reproduce or release recordings for the purpose of ridicule or

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embarrassment of any officer or individual or for other non-law enforcement related purposes. This includes submission of any portion of a BWC recording to a media organization unless release has been approved in advance by the Chief of Police.

XIV. RETENTION OF DIGITAL EVIDENCE AND NON-EVIDENTIARY VIDEO

A. All video shall be retained for no less than 30 days.

B. 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.

XV. 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. If an officer is subject to an administrative or criminal investigation, the Chief of Police reserves the right to limit or restrict an officer from viewing a recording. The restriction can be imposed at any time, including prior to the Officer making statements because of the investigation.

D. Digital evidence captured by a 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.

E. Digital evidence may be viewed for administrative purposes. The following is not an exhaustive 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 response to resistance or aggression by a member of the Department.
3. Any in-custody death.
4. Any police pursuit and/or deployment of tire-deflation device.

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5. When any member of the Department intentionally or unintentionally discharges a lethal or less-than-lethal weapon at a person regardless of 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 deposition or responding to an interrogatory where the incident arises from the employee's official duties.
9. For investigations undertaken by the Department regarding specific integrity, administrative, or criminal allegations. In these situations, 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.
10. 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.

XVI. COPYING AND RELEASING DIGITAL EVIDENCE

Digital evidence captured by a BWC shall be treated as an official record and handled pursuant to existing Department policies and procedures.

XVII. 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 Watch Commander determines the incident would be an appropriate training aid, he/she shall obtain approval of the Chief of Police.

XVIII. BWC PROGRAM ADMINISTRATOR'S 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.

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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.

XIX. TRAINING

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

A. All practices and protocols covered by the Department's BWC 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 Olivette Prosecuting Attorney so that he/she may better understand the limitations of the technology and how the data may be used in court.

XX. SUPERVISORS' RESPONSIBILITIES

A. 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 BWC and should be responsible for downloading the data.

B. Upon receipt of a complaint concerning an officer of this Agency, information about an incident of potential liability to the Department, or any other critical incident,

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supervisors should determine if the incident is recorded and, if so, add a category to the video to “Do Not Purge.” The supervisor will forward an email through the chain of command to the Chief of Police documenting the specifics of the complaint or incident..

C. At least monthly, Patrol Commanders will review at least one (1) randomly chosen BWC video of each patrol officer under their command. The purpose of this review is to assist with the periodic assessment of officer performance, identify material that may be appropriate for training and to ensure that the BWC equipment is operating properly and that officers are using the BWC equipment appropriately. An email will be sent to the Bureau of Support Services Commander with the results of the review.

XXI. ANNUAL REVIEW

A. The Support Services Commander will conduct a documented annual administrative review of the in-car and body-worn camera program to assess that the General Orders, training requirements, operational procedures and agency equipment, are consistent with the agency’s mission, vision, and values. The results of the review will be forwarded to the Chief of Police.

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

BY ORDER OF:

Signature on File

Beth M. Andreski

Chief of Police

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