

DEPARTMENTAL GENERAL ORDER 23-121

ST. LOUIS COUNTY POLICE DEPARTMENT
OFFICE OF THE CHIEF OF POLICE

February 8, 2023

Index as:
BWC
Recordings

Cancels:
Special Order 20 - 394

RECORDING DEVICES

I. PURPOSE

- A. The purpose of this order is to establish guidelines regarding the use, management, storage, and retrieval of the recordings from in-car camera (ICC), body worn cameras (BWC), and similar devices.
- B. The purpose of this order is also to create balance, **by** policy, of three components:
 - 1. Privacy rights of members of the public; and
 - 2. Accountability and transparency; and
 - 3. Working conditions of Department employees.

II. POLICY

- A. Employees using a Department vehicle equipped with an ICC and/or employee issued a BWC shall use the devices to record interactions between employees and the public as described in this **policy**.
- B. The Department adopted the use of ICC and BWC to accomplish several objectives, including:
 - 1. The enhancement of employee safety; and
 - 2. To further enable accurate, comprehensive, and complete documentation of events, actions, conditions, and statements made during law enforcement operations; and
 - 3. The enhancement of the Department's ability to review arrest procedures, employee and suspect interactions, tactics employed, employee and program evaluation, and for training.
- C. The Chief of Police shall define which:
 - 1. Work elements shall be equipped with ICC and/or BWC.
 - 2. Rank(s) of employees in those work elements shall be equipped **with ICC and/or BWC, and**

Departmental General Order 23-121, "Recording Devices"

3. **Specific work functions or assignments where an ICC and/or BWC will not be used.**
4. An appendix of current assignments, subject to modification by the Chief of Police, shall be available via PowerDMS.

III. DEFINITIONS

- A. Administrative – Related to management functions and not inherently related to enforcement actions or use of law enforcement authority, e.g. conversations regarding which employee should convey a prisoner or whether a case is likely to be charged as a felony or a misdemeanor.
- B. **Allegated Employee – An employee who has been identified as the subject of an allegation of misconduct and has been notified of said allegation.**
- C. Body-Worn Camera (BWC) – An on-the-body recording system assigned to an employee for any length of time. The system may capture images and/or audio and may receive images and messages.
- D. CFS – A call for service.
- E. Camera System Administrator – The individual responsible for the overall maintenance and functioning of a camera system.
- F. **Camera System Technician – An individual assigned to the Camera Systems Unit who reports directly to the Camera Systems Administrator.**
- G. Critical Incident – Any incident where an employee uses deadly force directed at another person, by firearm discharge (OIS) or by means other than discharging a firearm, where serious physical injury or death may have occurred; or any incident where a suspect dies in the custody of an employee while conducting an arrest or shortly thereafter.
- H. Department Vehicle – Any vehicle owned, leased, or borrowed by the Department and/or any vehicle which is being used by an employee for Department purposes.
- I. Employee - All commissioned and professional staff members, chaplains, and any other individual operationally attached to the Department, to include contractors and task force members. This definition is solely used for convenience of reading this policy and is not meant to establish an employment relationship with any individual(s) where such a relationship does not otherwise exist.
- J. In-Car Camera (ICC) – One or more cameras affixed to a Department vehicle which captures video and audio outside of the vehicle and/or the interior of the vehicle.
- K. Metadata – Case numbers, incident numbers, and other Department descriptors used to identify and describe recorded data.
- L. **Officer Involved Shooting (OIS) – A discharge of a firearm during a hostile encounter while on duty or off duty, irrespective of injuries to suspects, officers, or third parties.**

Departmental General Order 23-121, "Recording Devices"

- M. **Police Action** – Contact with another person for the purpose of enforcement, investigation, arrest, detention, or detainment under the code of authority as a St. Louis County Police Officer. Included in this definition is verbal demands or commands made by a person self-identifying as a police officer while displaying a badge or other symbol of authority to any person. Community care-taking actions, i.e., administering CPR in a medical emergency or using emergency lights on a Department vehicle to stop traffic to clear debris from a roadway, are not considered police actions under this policy.
- N. **Public Safety Statement** – A brief statement on scene from the involved officer covering the information necessary to focus the initial police response and direct the preliminary investigation.
- O. **Recording Device or Device** – A generic term for an ICC and/or BWC. This definition also includes portable audio recording devices that may, depending on the work element, be issued for use when the use of a ICC is not practical.
- P. **Redact** – To select **and** obscure sensitive, **privileged, or** closed information, including **but not limited to text**, images, **videos**, and **audio** for publication or release.
- Q. **Retention Period** – The amount of time that a recording is **maintained by the Department**.
- R. **Upload** – The process that involves electronically providing recordings from Department devices to a specified digital location.

IV. **PROCEDURES**

A. **Training**

All employees using a recording device must complete **an initial**, mandatory training approved and provided by the Department to ensure proper use and operations. Additional training may be required at periodic intervals to ensure effective use and operation of the equipment in order to incorporate changes, updates, or other revisions to policy and/or equipment.

B. **General Operating Procedures**

Employees **must follow these** procedures when **using** recording devices:

1. **Only Department issued recording devices may be used; and**
2. **Employees are responsible for the recording devices at all times that the devices are in the employee's possession; and**
3. **Employees must use recording devices in accordance with Departmental policy; and**
4. **Employees are prohibited from using Department issued recording devices for personal use; and**

Departmental General Order 23-121, "Recording Devices"

5. **Employees are prohibited from making personal copies of recordings; and**
6. **Employees shall only wear the BWC mounted in one of the Department approved locations on the body; and**
7. **Employees are not required to wear devices during ceremonial functions; and**
8. If an employee is assigned a device but is working in a role where device use is not **required**, then the employee shall be excused from device use; **and**
 - a. Example: A Field Training Instructor who is wearing plain-clothes during a sanctioned observation duty day is not required to wear the BWC.
 - b. Example: A police officer assigned to the Bureau of Transit Police is on limited duty and is detached to the Property Control Unit. That employee is not required to wear the BWC while performing duties in the Property Control Unit.
 - c. Example: A police officer assigned to escort the mayor of a municipality to a charitable breakfast is not required to wear the BWC when performing those duties.
 - d. Example: A police officer is attending a function where the wearing of the Class A Uniform is appropriate. That police officer is not required to wear the BWC as any event where a Class A Uniform is appropriate is inherently ceremonial.
9. It is the responsibility of the employee to ensure any recording devices are activated, operating, and positioned to record events as specified in this **policy**; **and**
10. Employees are not authorized to, nor shall they attempt to, edit, alter, erase, duplicate, copy, share, disseminate, or otherwise distribute any recordings without prior written authorization and approval of the Chief of Police or the Chief's designee; **and**
 - a. Dissemination which is authorized by another policy, e.g. as part of a warrant application package, shall be understood to be pre-authorized by virtue of inclusion in Department policy.
 - b. Employees who are unsure about whether release of information is permitted shall contact a supervisory employee for clarification prior to the release of information. Should the supervisory employee require additional information, the Camera System Administrator and/or the Commander of the Bureau of Central Police Records shall be contacted for guidance.
11. Employees shall not, nor attempt to, physically alter any recording devices; **and**
12. Employees working secondary employment while wearing Department uniform who are issued a BWC and/or are **using** a Department vehicle equipped with ICC shall initiate recordings should a circumstance arise that meets the criteria of required recordings as noted below; **and**

Departmental General Order 23-121, "Recording Devices"

- a. Employees who make a recording while working secondary employment shall ensure that their recording(s) are uploaded by the conclusion of their first regular duty day after the completion of the recording, **except in emergency circumstances.**
 - b. In certain emergency circumstances, **e.g., an OIS**, a supervisor may mandate that a recording made while working secondary employment be uploaded immediately.
13. Certain circumstances may arise during an emergency **that** may delay and/or prevent recording initiation, e.g., officer-in-need-of-aid while BWC is recharging. All facts surrounding the delay or prevention shall be documented **so it can be determined** whether policy has been violated and if any discipline shall be imposed by the Chief of Police; **and**
 14. **Upon reasonable anticipation of litigation, relevant documents and data, including video, audio and photographs shall be retained and destruction under the records retention schedule shall be suspended until the legal hold associated with that litigation is released; and**
 15. **Employees may use the recording devices to record interviews with suspects in a police vehicle or at a precinct station or other location when the facility does not have recording equipment, or it is unavailable.**

C. Start of Shift Responsibilities

1. **An officer assigned a BWC shall set their BWC "on-duty" and leave it "on-duty" mode during their shift. Exceptions to this rule are outlined in sections IV., F., and IV., H. of this order; and**
2. Prior to, and **periodically** throughout each shift, employees shall ensure that all components of any recording device are working satisfactorily; **and**
3. A pre-shift audio and video recording test shall be conducted according to manufacturer guidelines and testing procedures; **and**
4. Damaged or nonfunctional recording devices shall be reported to an immediate supervisor as explained in Section IV, Q of this policy.

D. End of Shift Responsibilities

1. All files shall be uploaded prior to the end of the shift on which they were recorded. Each file which is deemed to have relevance to an investigation shall be flagged and contain information related to the following:
 - a. Date, **and**
 - b. Time, **and**
 - c. Classification Type, **and**

Departmental General Order 23-121, "Recording Devices"

- d. Media type, **and**
 - e. Recording device identifier/serial number, **and**
 - f. Assigned employee's name, **and**
 - g. DSN, **and**
 - h. Precinct/bureau/unit, **and**
 - i. Car/unit number, **and**
 - j. **Report** number, and, if applicable,
 - k. Charge(s).
- 2. If a circumstance arises where the employee cannot upload the recordings before the end of the employee's shift, the employee must **notify the Camera Systems Unit by email, with their immediate supervisor cc'd on the email, of the circumstances preventing the video being uploaded prior to the end of the shift.**
 - 3. The employee who has a delayed upload shall note that fact on the employee's daily activity log (or similar).

E. Required Recordings

- 1. In general, a circumstance must fall into at least one of the three following categories in order to mandate recording:
 - a. **Police** action(s); **or**
 - b. Use of law-enforcement authority; **or**
 - c. Liability protection.
- 2. Employees must activate recording devices in the performance of all **police** actions. **Employees must also activate recording devices while present during all police actions performed by other Department employees.**
- 3. **Police** actions include, but are not limited to:
 - a. Traffic stops (to include, but not limited to, traffic violations, and investigative stops), employees shall activate the ICC when following a vehicle they intend to stop; or
 - b. Investigations of suspicious vehicles or persons, to include pedestrian checks or stops; or
 - c. Detention of any individual(s); or

Departmental General Order 23-121, "Recording Devices"

- d. Service of any warrant in the field. Administratively serving a warrant at the County Jail is not a required recording; or
- e. Conducting any search, to include forced-entry search warrants, consent searches, administrative consent searches of educational facilities conducted by the Police Canine Unit, exigent circumstance searches of persons, vehicle **searches, to include inventory searches**, buildings, and other places; or
- f. Forcing entry into any structure; or
- g. Issuing a citation or arrest notification; or
- h. **Making an arrest or taking into custody of any person(s); or**
- i. Uses of force; or
- j. **Firearms discharge to destroy an animal; or**
- k. When operating a Department vehicle as an emergency vehicle or in pursuit situations (as defined in GO 003, *Emergency Vehicle Operations and Pursuits*); or
- l. **Calls for service (CFS)** involving weapons or violence, unless the CFS is for a report-only; or
- m. CFS for disturbances where violence has been threatened or used or is imminent; or
- n. CFS for domestic violence; or
- o. CFS identified as "in progress"; or
- p. CFS related to a Gunshot Detection System activation; or
- q. K-9 tracks, K-9 deployments, and K-9 building searches; or
- r. When requested by a citizen during an interaction with an employee; or
- s. DWI investigations, including field sobriety tests; or
- t. **Crash investigations; or**
- u. During the inventorying of seized monies or any high value property (e.g., firearms and currency); or
- v. During the entirety of the transportation of any arrestee or detainee **both the ICC and BWC shall be used. When transportation involves more than one officer, each officer shall activate their BWC in addition to the ICC.** Recording may end when the prisoner is within a precinct building or correctional facility; or

Departmental General Order 23-121, "Recording Devices"

- w. Any other situation that the employee deems reasonably necessary for legitimate law enforcement purposes, **including any** circumstance when an employee anticipates that an individual may file a complaint regarding the employee's conduct or speech; or
 - x. When conveying a non-employee in a Department vehicle when the individual is not in custody, e.g., a motorist whose vehicle was disabled in a traffic accident. Recordings are not required solely for a non-department employee participating in the Ride-On-Patrol program as explained in General Order 032, *Ride-on-Patrol Program*.
4. If feasible, employees shall make every effort to activate the recording device to record an unexpected or significant event that an employee witnesses (e.g., employee involved traffic accident, moving traffic violation, etc.).
- a. The recording devices will capture the video that is in the camera's view 30 seconds prior to the activation of the system.
 - b. Audio is not recorded during the 30 seconds as described in Section IV, E, 4, a.
 - c. Employees are responsible to activate recording devices as circumstances change.
 - 1) Example: An employee is working a detail where they are parked in an interstate construction zone in a police vehicle with emergency lights activated. For this situation, no recording is required. If the employee observes a traffic violation and begins to follow the violator's vehicle to conduct a traffic stop, then the recording devices must be turned on. Once the enforcement action has concluded and the employee returns to the stationary assignment, the recording device can be stopped.
 - 2) Example: An employee who is assigned a BWC is working a police-community-relations detail where the employee is meeting citizens in a local restaurant for coffee and conversation. The BWC does not need to be recording during the coffee consumption and conversation. Suddenly, a disturbance starts where one restaurant worker threatens to punch another restaurant worker. The employee is responsible to activate the recording device at that point because use of authority is likely, and a crime of violence is likely to occur.
5. If a citizen requests that an employee stop recording during an event that is required to be recorded by policy, the employee shall continue to record and explain to the citizen that Department policy requires recording of the event.

F. Terminating Recordings

- 1. Employees shall deactivate the recording function of the recording device once:
 - a. The **police** action has concluded; or

Departmental General Order 23-121, "Recording Devices"

- b. The employee has determined that a recording is no longer required by policy (e.g., A "Call for Police" CFS is determined to be a sick case of an elderly person with chest pains); or
 - c. When **lawfully** directed to end the recording by a supervisor; **or**
 - d. When the scene of the incident is safe and/or secure.
- 2. In the case of an officer-involved critical incident, for the involved officer, **the recording function shall be deactivated once the police action has concluded.**
 - a. In an officer-involved critical incident, circumstances may arise where the originally involved officer may end **their** recording and other employees may be required to continue their recordings.
 - b. As with all recordings, employees involved with an officer-involved critical incident who terminate their recordings are responsible to be able to articulate the particular reason that their recording was terminated.
- 3. **Termination of a recording shall be prohibited except under the aforementioned circumstances that are defined in IV., H., 4. of this order.**
- 4. **Termination of a recording includes muting the audio recording capabilities of the device.**

G. Documenting Recordings

- 1. Employees shall review recordings when preparing written reports to ensure the accuracy, comprehensiveness, and consistency of accounts.
- 2. Employees shall note in the CARE report, and/or arrest report, when recordings were made during an incident.
 - a. For arrest reports where no CARE report is written, the employee shall note the existence of recordings in the "Other" section of the report.
 - b. Recordings shall not serve as replacement(s) for written reports.
- 3. If an employee believes that a recorded event may lead to a citizen complaint, the employee shall notify the employee's immediate supervisor as soon as possible.

H. Restrictions on Recordings

1. **General**

To aid in the protection of the right to privacy, recording devices shall be used only in conjunction with official law enforcement duties. The cameras shall not generally be used to record:

- a. Patient care areas of a healthcare or psychiatric facility, unless the patient becomes adversarial with the employee or others, or as otherwise mandated above as a required recording **defined in IV., E.** If so, the employee shall record

Departmental General Order 23-121, "Recording Devices"

for law enforcement purposes only, but not intentionally record any doctor/patient privileged conversations; or

- b. Communications protected by attorney/client privilege; or
- c. Activity in schools unless mandated as a required recording **defined in IV., E.**, or
- d. Administrative encounters with undercover employees or confidential informants; or
- e. When discussing administrative, investigative, or law enforcement sensitive information, including unit meetings, periodic performance evaluations, and roll calls; or
- f. Autopsies; or
- g. Strip searches of any person detained or arrested, or
- h. When inside of the St. Louis County Justice Center, except in the designated police interview room in the Law Enforcement Lobby of the facility; or
- i. While on break or otherwise engaged in personal activities; or
- j. In any location where individuals have a reasonable expectation of personal privacy, such as a restroom or locker room (unless for investigative or enforcement activities and with a valid and reasonable law enforcement purpose); or
- k. Other Department Employees:
 - 1) No employee shall use the BWC and/or ICC for the sole purpose to electronically record the speech of nor image of another employee without the other employee's prior knowledge and permission.
 - 2) Employees should expect to be recorded by audio, video, or both when in physical proximity to an employee on an on-view incident or work assignment. In those situations which are mandated recordings per this policy, no prior permission from any other employee is required.

2. Federally Deputized Task Force Officers

Task Force Officers (TFOs) may wear and activate their recording equipment for the purpose of recording their action during task force operations per DOJ policy. However, the recording devices shall not be used to record:

- a. **Undercover personnel; or**
- b. **Confidential informants or sources; or**
- c. **On scene witness interviews prior to or after the operation; or**

Departmental General Order 23-121, "Recording Devices"

- d. **Personnel using specialized or sensitive investigative techniques or equipment; or**
- e. **An operation occurring in a sensitive area; or**
- f. **Personnel working undercover or covert status on behalf of the federal task force or federal agency as determined by the federal agency sponsoring the task force; or**
- g. **On scene actions by non-law enforcement persons who are assisting law enforcement personnel prior to or after the operation; or**
- h. **Any activities relating to an investigation involving public corruption, medical facilities, national security, or other sensitive investigations.**

3. Remote activation of BWC and ICC

BWC and ICC shall not be remotely activated by the Bureau of Communications, Camera Systems Unit, **or Regional Information and Intel Center (RIIC)** at the request of a supervisor solely for verifying policy compliance or to inquire on a user's current location or actions. **Except:**

- a. This provision does not prohibit the Bureau of Communications, Camera Systems Unit, **or RIIC** from using technological capabilities to locate an employee who is feared to have been harmed and/or incapacitated and who may need immediate aid.
- b. Use of the remote activation features shall be employed judiciously and solely for employee safety or in circumstances when employees would likely know their devices are being activated, e.g., active threat incident at an educational facility or civil disturbance detail at a courthouse.

4. Exceptions to Restrictions

- a. There will inevitably be times where employees are in places or circumstances where they generally will not record, but specific events occur that require a recording.
- b. Mandatory recordings trump general exceptions in this policy.
 - 1) Example: While employees shall not generally record inside of the St. Louis County Justice Center, if an employee observes a crime that would be best captured on a recording device, e.g., an unrestrained inmate at the St. Louis County Justice Center shoving a corrections officer, then the employee may activate the device inside of the Justice Center as recording the ensuing handcuffing would constitute a mandatory recording under this policy.
 - 2) Example: While employees shall not generally record inside of educational institutions, if the employee is assigned a CFS for a fight in progress at a high school, that employee shall initiate a recording as the employee is

Departmental General Order 23-121, "Recording Devices"

likely to take enforcement action and/or exert their authority as a peace officer in order to quell the fight.

- 3) Example: While employees shall not generally record inside of patient care areas of a medical center, if the employee is called to the medical center for an irate patient who may be armed with a knife, the employee shall initiate a recording as the incident is likely to yield an arrest or detention, is a crime of violence, and other actions may occur which would trigger a mandatory recording.
- 4) **Example: While employees shall not generally record inside of patient care areas of a medical center, when an arrestee/detainee is in the custody of an officer(s) and is being evaluated to determine if they are fit for confinement, the employee shall initiate/maintain a recording while they are in the immediate presence of the arrestee/detainee. Recordings may be deactivated when necessary but shall be reactivated in accordance with policy and procedures as defined herein.**

I. Supervisory Responsibilities

1. Supervisory personnel who manage employees equipped with recording devices shall ensure that:
 - a. Any employees who **use** recording devices do so in accordance with policy and procedures defined herein; and
 - b. Damaged or nonfunctional recording devices are properly reported so that coordination for repairs can be made by authorized personnel; and
 - c. All recordings are uploaded daily; and
 - d. All recordings are tagged with the appropriate **classification**; and
 - e. All recorded events are documented by the employee in the associated report(s) and/or citation(s)/summons.
2. Supervisors may audit or inspect system metadata to ensure compliance with the provisions of this policy.
3. Supervisors may only access recordings with a valid and reasonable purpose. Such purposes include, but are not limited to:
 - a. When reviewing incident reports as part of the report-approval process; or
 - b. When investigating an allegation of misconduct as part of a preliminary investigation prior to a possible administrative investigation; or
 - c. To ensure a device is operating properly; or
 - d. As part of conducting or assisting with a bona-fide criminal investigation; or

Departmental General Order 23-121, "Recording Devices"

- e. In order to identify recordings that may be appropriate to enhance training programs; **or**
 - 1) When a recording is selected for training purposes, the criminal case must be completed, or the investigation must be inactive.
 - 2) There shall be written approval of both the Chief of Police and the employee(s) depicted prior to usage of any recording(s) for training purposes. The written approval documentation shall be retained by the Camera System Administrator.
- f. To conduct performance evaluations of employees on appointment probation.
 - 1) Recordings used to document employee performance as part of the probationary review process must be marked as Level 2 retention by the supervisor who intends to use the recording as part of a performance evaluation.
 - 2) The supervisor who intends to use a recording as part of a probationary performance evaluation may select up to three (3) recordings as part of a single performance evaluation.
 - a) The recording's identifying information must be noted in the performance evaluation narrative for cross-referencing purposes.
 - b) The employee being evaluated may recommend up to an additional three (3) recordings to be considered as part of their performance evaluation, if they so desire.
- 4. Supervisors shall not review recordings for the sole purpose of detecting misconduct without an already-identified specific allegation.
- 5. When viewing recordings, supervisors shall create a note on the file indicating the reason for viewing the recording, e.g., "BPS case 18-3220" or "Suspect ID for 18-3846."
- 6. When an incident arises that requires the immediate retrieval of a recording (e.g., officer-involved critical incident, Department vehicle auto accident, use of force review, etc.) a supervisor from the involved employee's chain of command or the assigned investigator **shall notify the Camera Systems Administrator, or designee, to** respond to the scene to secure the device and maintain chain of custody.
- 7. **A supervisor who detects potential employee misconduct during their review of the recording shall take appropriate supervisory action. When the potential misconduct involves a failure to activate a recording device when required, the supervisor shall attempt to determine the cause for such disobedience.**
 - a. **If the conduct appears to be an unintentional violation of this policy as it pertains to the initiation of a required recording, the supervisor may**

Departmental General Order 23-121, "Recording Devices"

choose to counsel the employee about the matter in lieu of referral to the Bureau of Professional Standards (BPS).

- b. If the supervisor elects to counsel the employee, the supervisor shall document the counseling via Evaluation Performance Record (EPR).**
- c. If a similar violation occurs after the employee has been counselled, a referral to BPS shall be required.**
- d. Any violation without valid justification requires a referral to BPS.**

J. Complaints

- 1. When a supervisor is notified, either by BPS or a citizen, of a complaint against an employee, the supervisor shall **ensure the video is properly classified, a BPS complaint is added to the recording for tracking purposes, and further action is taken by following the procedures** described in General Order 005, *Complaint Review Procedure*, or subsequent replacement policy.
- 2. Supervisors and BPS personnel may access recordings for administrative investigations.
 - a. The scope of the review of the recordings shall be limited to the specific allegation(s) against the employee.
 - b. Inadvertent discovery of other misconduct during this review requires the supervisor to articulate the purpose of expanding the scope of the review. Written permission to investigate inadvertently identified misconduct must be provided by the Commander of the Bureau of Professional Standards **and** the Deputy Chief of Police.
- 3. If an employee makes a supervisor aware of a recorded event which may lead to an allegation of misconduct, the supervisor shall review the recording for any possible misconduct and if necessary, act as described in General Order 005, *Complaint Review Procedure*, or subsequent replacement policy.
- 4. **Employees shall have access to their recordings at all times unless the video pertains to an employee who is the subject of a criminal investigation or charge.**

K. Statements for Administrative Investigations

If the employee is the subject of an administrative investigation, the employee shall:

- 1. Have the option of reviewing the relevant recordings in the presence of the employee's attorney or labor representative or uninvolved supervisor in the employee's direct chain of command; and
- 2. Have the option to review recordings from other recording devices capturing the employee's image or voice during the incident; and

Departmental General Order 23-121, "Recording Devices"

3. Have the option to review recordings prior to being interviewed as part of an administrative investigation; and
4. The review, at the request of the employee, may be conducted outside the sight and sound range of any investigator(s); **and**
5. There is no prescribed limit as to the number of times an employee may review the recordings prior to being interviewed or interrogated nor is there a time limit on how much time an employee may spend in consultation with their attorney or labor representative or uninvolved supervisor in their direct chain of command while reviewing recordings, however the amount of time spent shall be reasonable in relation to the length of the recordings to be reviewed.
 - a. The Chief of Police or Deputy Chief of Police, on a case by case basis, shall be the arbiter of how much time is reasonable, however the amount of time permitted for reviewing said recordings shall not be less than three times the length of time of all videos to be reviewed combined.
 - b. Any time used for viewing recording(s) shall not be counted against the time maximums as prescribed in any extant collective bargaining agreements.

L. Officer-Involved Critical Incidents

1. An employee who provides a formal statement about an Officer-Involved Critical Incident shall, prior to making the statement, have the option of reviewing the relevant recording(s) in the presence of the employee's attorney or labor representative or uninvolved supervisor in the employee's direct chain of command.
2. The review, at the request of the employee, may be conducted outside the sight and sound range of any investigator(s).

M. Camera System Administrator Responsibilities

The Camera System Administrator or designee shall:

1. Coordinate overall maintenance of the camera system including all equipment; and
2. Maintain an accurate list of all users in the system and digital storage management system; and
3. Assign permissions and roles to users in the system based on transfers, promotions, demotions; and
4. Redact or delete any video with proper **legal** authorization; and
5. Ensure that all metadata fields are populating correctly; **and**
6. **Quarterly conduct regular documented audits of one percent of each work element that uses BWC or ICC. All selected videos will be chosen at random.**

Departmental General Order 23-121, "Recording Devices"

N. Record Control and Management

1. Recordings may only be accessed with a valid and reasonable purpose.
2. All functions performed on the camera equipment and software are logged by the system.
 - a. Employees are responsible for any actions they take on the system, to include viewing and/or sharing recordings made by others.
 - b. Unauthorized dissemination of any recording is prohibited.
3. Access levels for recordings/devices are:
 - a. Camera System Administrator – All system functions.
 - b. System Technician – Access to troubleshooting functions on recording equipment. Ability to view, retain, redact, copy, tag, flag, upload/download, and share records.
 - c. Supervisor – Ability to view, retain, tag, flag, share, and upload any records to case file only. **Designated Crimes Against Persons supervisors will also have the ability to copy records.**
 - d. User – ability to view, retain, tag, flag, and share records **internally** made by that user.
4. Non-Department personnel shall not be allowed to review recordings unless specifically authorized by the Chief of Police or designee, unless otherwise provided by law, except:
 - a. In the case of a criminal investigation where an image from a recording is used as an identification tool, e.g., confirmation that the person depicted is the person who committed an offense; or
 - b. In an emergency circumstance, as a means to identify a victim or other party; or
 - c. In order to satisfy the needs of prosecution and/or representation by staff of the County Counselor's Office and/or Prosecuting Attorney's Office.
5. All images and sounds recorded by the recording devices are the exclusive property of the Department. Accessing, copying, or releasing files for non-law enforcement purposes is prohibited unless otherwise required by law or in conformance with other provisions of this policy.

O. Retention Periods and Tagging

1. All recordings shall be tagged into one of three (3) retention categories:
 - a. Level 1:

Departmental General Order 23-121, "Recording Devices"

- 1) The retention period for Level 1 is infinite.
- 2) Level 1 includes:
 - a) Critical incidents; or
 - b) Uses of Force; or
 - c) Recordings related to A, B, or Unclassified felony offenses; **or**
 - d) Any circumstance where a civil lawsuit has been filed or is reasonably anticipated.
- b. Level 2:
 - 1) The retention period for Level 2 is seven (7) complete calendar years from the end of the recording.
 - 2) Level 2 includes:
 - a) Any felony offense circumstance not covered as a Level 1; or
 - b) Any misdemeanor or ordinance violation circumstance where a charge has been filed, will be sought, or may be issued, to include traffic citations, warrant arrests, and prisoner conveyances; or
 - c) Any recording regarding a current or pending Bureau of Professional Standards complaint.
- c. Level 3:
 - 1) The retention period for Level 3 is **one (1) year** from the end of the recording.
 - 2) Level 3 includes:

All other recordings which are not classified as Level 2 or Level 1 recordings.
2. Requests for deletion and/or redactions of portions of recordings (e.g., in the event of an inadvertent recording of an employee using the restroom) must be submitted through the chain of command by ATS directed to the employee's Division Commanding Officer.
 - a. All requests and final decisions shall be retained for at least seven (7) calendar years from the date of the decision. The documentation shall be retained by the Camera System Administrator.
 - b. Supervisors shall solely review **all** the content in a request for deletion and/or redaction to ensure items of evidentiary value/disciplinary concern are not deleted.

Departmental General Order 23-121, "Recording Devices"

- 1) The supervisor who completed the review to ensure that the deleted recording is not of evidentiary value/disciplinary concern shall be of the same gender as the person who was recorded.
 - 2) The gender of the person recorded and the supervisor who conducted the review under this subsection shall be noted in the narrative of the ATS.
 - 3) **The reviewing supervisor shall document reason(s) for removal in the "Notes" section of the Info page that is located on the video. The notation will become part of the permanent metadata stored in AVAILWEB.**
3. It shall be the responsibility of any employee who learns that a retention level requires changing to **immediately** modify the retention level, e.g., a lawsuit is filed regarding a Level 3 incident, a citizen complaint is filed on a Level 3 incident, or a victim previously thought to have been a victim of Assault 4th Degree dies of their injuries (requiring a change to Level 1).
 4. It shall be the responsibility of the Camera Systems Unit, or successor work element, to code retention levels such that employees may select from a list of types of events in order to satisfy the tagging requirement of this policy.

P. Public Access to Video/Audio Recordings

1. In instances when it is not a prosecutor/county counselor requesting a copy of a record from an employee, the Bureau of Central Police Records shall **be** solely responsible for the release of the record, unless the record is released by the Public Information Office at the direction of the Chief of Police or designee.
 - a. Any release of a recording by the Public Information Office shall be coordinated with the Bureau of Central Police Records.
 - b. If the Chief of Police or designee elects to disseminate a recording **by** the Public Information Office regarding a Critical Incident and portions of the recording may be lawfully redacted to protect the identity of involved employee(s) or others, the recording shall be redacted regarding the employee's image, voice, etc., in conformance with prevailing law.
2. Release of records by the Bureau of Central Police Records shall conform to prevailing federal and/or state and/or local law.

Q. Repair of Equipment

1. Employees shall always maintain security of the equipment.
2. No maintenance shall be performed on camera equipment by anyone other than specifically authorized personnel.
 - a. Damage, loss, theft, or malfunction of recording equipment shall be reported immediately by the assigned employee to the employee's immediate supervisor **by email and then by** telephone or in person.

Departmental General Order 23-121, "Recording Devices"

- b. The employee shall electronically submit a Helpdesk ticket and copy the ticket initiation email to the employee's immediate supervisor and the Precinct Aide or designee.
 - 1) In the Subject Line of the email, include the reason for the issue and the ICC **and car number** or BWC **and** serial number (For example: "BWC-Damage, SN123456", "BWC-Loss, SN 123456", "BWC-Theft, SN123456", or "BWC-Malfunction, SN123456").
 - 2) The **device requiring repair** shall be made available by the employee **to a technician from the Camera Systems Unit once a Help Desk ticket has been assigned.**
 - 3) **Until the device can be replaced, the precinct will use a spare.**
3. For system software problems, users may contact the 24/7 Help Hotline from the system vendor. The hotline number is (800) 597-4707 **option 1 for law enforcement tech support.**

Attachments: [Appendix A](#)
[DOJ TFO BWC Policy](#)

By order of:

COLONEL KENNETH GREGORY
Chief of Police

KG:mw

Approved at the regular Board Meeting of Police Commissioners dated February 8, 2023.

COMMISSIONER
Chair

COMMISSIONER
Secretary

Distribution
All Department Personnel

CALEA Reference
17.5.3; 41.3.8