

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

Index as:

Body-Worn Camera

In-Car Video Recording

OFFICER AUDIO AND VIDEO RECORDING EQUIPMENT

481.01 POLICY:

The Department provides body-worn camera(BWC's) recording devices to all officers and has installed mobile video recording systems in patrol cars with the expectation that this equipment will be used to provide a "record" of various citizen encounters occurring during a tour of duty and to assist in the gathering of evidence against a suspect. Failing to record incidents or any early termination of any recording may cast doubt on the actions of the officer. Deliberate or repeated failure to record incidents when mandated or tampering with any recording is prohibited.

481.02 PURPOSE:

The purpose of this Order is to provide officers with guidance for the use of available recording devices.

481.03 DEFINITIONS: None

481.04 BODY-WORN CAMERA RECORDINGS

A. Body-worn camera recorders provide the means for:

1. Video/audio recording evidentiary or copious notes
2. Recording incidents or contacts
3. Protecting officers against false complaints or allegations

B. Body-worn camera recorders shall be used in a professional manner at all times and shall not be used to record personal conversations between officers of the department, other City employees or officials. Electronic surveillance of a non-consenting two-party conversation of which the officer is not a part of said

conversation, or is not within normal hearing range of said conversation, is prohibited by Federal law.

481.05 USE OF BODY-WORN CAMERA RECORDERS

- A. Body-worn camera recorders will be used at all times to record contacts with the general public by:
 - 1. An officer performing his/her official patrol duties (e.g. motorist and pedestrian contacts, field interviews, calls for service, etc.), or
 - 2. A detective performing his/her official duties (e.g. interviews, interrogations, investigations, etc.)
- B. Patrol officers/detectives have the responsibility of carrying body-worn camera recorders for the reasons outlined above. To ensure immediate accessibility, body-worn camera recorders will be carried on the officer as standard equipment. At the beginning of each duty shift the officer shall narrate: name, DSN, date, shift hours, and watch commander's/supervisor's name.
- C. Patrol officers/detectives shall be responsible for the downloading and storage of recordings at the end of their shift so that the recordings are available for review. Officers/detectives shall ensure that they have sufficient media space to record the duty day's contacts.
- D. Recordings of evidentiary value should be packaged as evidence and held until final case disposition.
- E. Any officer who becomes involved in a controversial conversation or public contact/confrontation shall bring the incident to the attention of his/her supervisor or the Watch Commander as soon as practical prior to the end of the officer's shift.
 - 1. The Watch Commander shall review the recording and determine if it may lead to a complaint or if it contains audio/conversations of evidentiary value. If so, the Watch Commander shall send a notification electronically to the Patrol Commander including the day, date, time, officer's name, and nature of

the incident. The recording in question shall be retained and made available for immediate access by the Patrol and Support Services Division Commander and the Chief of Police.

2. The Department reserves the right to request and retain any recordings believed to be of value to an administrative investigation. Recordings will be stored in a secure area along with a record of the recording's chain of custody.

481.06 IN-CAR VIDEO RECORDERS

- A. In-car video recorders are automatically powered on when the vehicle is started. At the beginning of the officer's shift he/she shall test/verify that the in-car video recorder is working properly. Officers shall notify their supervisor of any deficiency as soon as possible. Officers shall not attempt to repair malfunctioning in-car video equipment.
 1. Officers shall ensure that the in-car video system is recording whenever the vehicle is being operated in any situation where a video or audio recording may be of evidentiary value. Some examples are:
 - a. Emergency vehicle operation (including accidents involving police vehicles)
 - b. Pursuits
 - c. Traffic stops
 - d. Arrests (including any use of force)
 - e. Whenever suspects are in the police vehicle (making statements or confessions)
 2. An audio recording may be of value even if the officer is out of view of the video camera. Therefore, the remote microphone shall be activated whenever the camera is recording. The officer must use either his/her department issued body-worn camera recorder or the in-car video microphone or the audio recording.
- B. The in-car video system is continually recording and captures activity 30 seconds before the emergency lights or remote microphone is activated. If an officer is involved in an auto accident or other noteworthy incident not already being recorded, the officer should activate the emergency lights or

remote microphone as soon as possible in order to capture the prior 30 seconds.

C. Terminating Recording

1. Turning off the emergency lights does not stop the Digital Video Recorder (DVR) from recording. The officer must manually stop the recording at the conclusion of the incident being recorded. Officers shall not turn the recording or camera off before the conclusion of the incident unless nothing useful is being recorded. Some examples are:
 - a. Stable accident scenes
 - b. Waiting for a tow truck
 - c. Road closings
 - d. Routine traffic direction assignments or traffic control
2. Officers will be held strictly accountable if events indicate that the in-car video recorder should have been activated or continued recording but the officer manually terminated the recording.

D. Any officer who becomes involved in a noteworthy incident that was recorded or should have been recorded shall bring the incident to the attention of the Watch Commander prior to the end of the officer's shift. The officer may be directed to immediately respond to the station and park the vehicle in the video downloading area.

E. The Watch Commander can view and flag for future reference any video deemed to be significant. Flagged files may be copied to a portable media device and saved or packaged as evidence.

F. Video recordings shall be spot checked on an internal basis by immediate supervisors or commanders to confirm proper police behavior, tactics, and adherence to Department policy/procedure.

G. In-car video recordings are downloaded from the vehicle electronically to the server where they are stored. System programs prohibit the altering or deleting of video files. The system allows "view only" and is maintained in a secure area of the police department. If a video file is not flagged for reference, it will automatically be purged at the pre-determined interval (normally 90

days).

481.07 VIDEO RECORDING ARRESTED SUBJECTS

- A. Statements or confessions may be recorded at the booking counter, in the booking interview room, or in the Support Services Division interview room. Recordings of interrogations may be conducted with or without the knowledge or consent of the suspect.

- B. RSMo. 590.701, mandates that custodial interrogations of persons suspected of committing or attempting to commit the following crimes be recorded, when feasible, through the use of audiotape, videotape, motion picture, or digital recording:
 - 1. Murder in the first degree
 - 2. Murder in the second degree
 - 3. Assault in the first degree
 - 4. Assault of a police officer in the first degree
 - 5. Domestic Assault in the first degree
 - 6. Elder abuse in the first degree
 - 7. Robbery in the first degree
 - 8. Arson in the first degree
 - 9. Forcible rape
 - 10. Forcible sodomy
 - 11. Kidnapping
 - 12. Statutory rape in the first degree
 - 13. Child abuse
 - 14. Child kidnapping

- C. Recording custodial interrogations is NOT required in the following circumstances:
 - 1. Situations in which a person voluntarily agrees to meet with an officer/detective
 - 2. Detention that has not risen to the level of an arrest
 - 3. Routine arrest-processing questions
 - 4. Questioning pursuant to the completion of an Alcohol Influence Report
 - 5. Questioning during the transportation of a suspect

6. When the suspect requests the interrogation not be recorded
 7. Interrogation occurring outside the state
 8. During exigent public safety circumstances that prevent recording
 9. When a suspect makes spontaneous utterances
 10. When recording equipment fails
 11. When recording equipment is not available at the place of interrogation
- D. Officers/detectives will note in the report if a video recording was made of the booking process, chemical breath test, or interrogation and if the video recording was placed in evidence. Officers/detectives shall review the video recording prior to packaging as evidence in order to ensure that the DVD contains a quality recording.

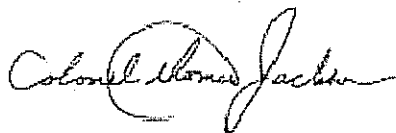
481.08 SECURITY/HANDLING OF VIDEO FILES

- A. Video recordings shall not be viewed by anyone outside this department, without approval of the Chief of Police. Copying, releasing, altering, erasing, or allowing unauthorized viewing of a department video recording (or portion thereof) shall be grounds for disciplinary action and may expose an employee to personal liability. Internal requests for copies of in-car video recordings will be directed to the Watch Commander.
- B. If a copy of a video recording is made for evidentiary purposes, it shall be packaged, and handled as evidence. If a copy of a video recording is made for administrative review it shall be securely maintained by the Patrol and Support Services Division Commander. Additional copies of audio or video recordings will not routinely be made.
- C. If an external request for a copy of a video or audio recording is received from an authorized person, the request must be in writing and approved by the Chief of Police. Upon Chief's approval, a copy of the recording will be sent and the original video will be maintained by this Department. The requesting person/agency must acknowledge that the recording will be used for law enforcement purposes only. The Ferguson City Attorney, Ferguson Prosecuting Attorney, St. Louis County Prosecuting Attorney, and U.S. District Attorney are exempt from this requirement.

D. Disposal/Destruction of Audio/Video Recordings

1. Audio/video recordings entered into evidence shall be retained until final court disposition. The Investigations Supervisor is responsible for directing the destruction and disposal of any recordings no longer needed as evidence.
2. Copies of audio or video recordings that are no longer needed to resolve citizen complaints or for training purposes will be turned over to the Commander of the Division of Support Services who shall be responsible for directing the destruction and disposal.

By order of:

A handwritten signature in cursive script that reads "Colonel Thomas Jackson". The signature is written in black ink and is positioned above the printed name and title.

COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel

MPCCF Reference 6.5