

# **METROPOLITAN POLICE DEPARTMENT – CITY OF ST. LOUIS**

## **Intra-Department Report and Correspondence Sheet**

**Date:** 10/15/2015

**To:** Colonel D. Samuel Dotson, Commissioner of Police

**From:** Dean Obermark, Police Planner I

**Subject:** Body-Worn Camera Policy Development

**Copies:** Lt. Col. Lawrence O'Toole, Assistant Chief of Police  
Lt. Michael McAteer, Executive Aide

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Commissioner Dotson:

I have assembled a list of key considerations to guide our Department in the development of a Body-Worn Camera policy. These considerations are culled from both research sources related to Body-Worn Camera Programs, such as the COPS/PERF report entitled Implementing a Body-Worn Camera Program, as well as from a review of other Departments' Body-Worn Camera policies.

Following this list of key considerations, I have attached two Body-Worn Camera policies specifically related to the operation of Body-Worn Camera pilot programs. These policies belong to the Seattle Police Department and the New York Police Department. These Departments have engaged in highly successful pilot programs, and thus their policies were selected as exemplars.

### **Key Policy Considerations**

Any body-worn camera policy must at a minimum address the following issues:

#### **I. Assignment of cameras**

- What Officers or categories of Officers will be required to make use of BWCs? (e.g., pilot deployment to specific employee groups, full-scale deployment involving virtually all commissioned officers, deployment to employees with certain functions (SWAT, CDT, etc.))

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### **2. Personal Cameras**

- Will Officers be allowed to make use of personally owned BWCs or other forms of digital recording equipment? An informal survey of major Departments' policies indicates that granting permission to Officers to use their own BWCs is extremely uncommon. Moreover, PERF specifically recommends against allowing Officers to utilize personally owned BWCs.

### **3. Data protection/storage/transfer**

- A critical IT issue: Should data be stored onsite or in the cloud? Is storage redundant? Will data be easily transferable between various storage media?

### **4. Data management/ tracking/ and analysis**

- Which employees may access BWC data and footage? How is employee access tracked and audited? Are analytical processes in place to extract useful insights from BWC data and footage?

### **5. Data request procedures**

- What procedures govern requests from the public to view BWC footage? In what circumstances will public access be denied?

### **6. Collaboration and coordination with associated agencies or organizations (e.g., police unions, prosecutors, courts)**

- Will the police unions be parties to the policy-making process? How will the CAO request/access evidentiary BWC footage? Are there other external organizations that should be partners in the policy-making and program development processes?

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### **7. Data retention**

- The Missouri Secretary of State mandates a retention period of at least 30 days for non-evidentiary police video/audio recordings. Should this retention period be expanded? Retention period expansion has major implications for data storage costs.

### **8. Data tagging**

- Will Officers be responsible for tagging and categorizing their own BWC footage?

### **9. Camera placement**

### **10. Documentation of camera usage/failure to use**

- In situations where Officers are reasonably prevented from using their BWC, how will their failure to use be documented? Should Officers be required to submit a report to explain the circumstances that prevented BWC use? Will Officers face discipline?

### **11. Recording guidance/recording discretion**

- This is perhaps the most controversial element of any BWC policy. Put simply, when should Officers record and when should recording be prohibited? Policies run the gamut between full Officer discretion to requiring that each and every citizen encounter be recorded. Typically, policies are built around a limited discretion model. Limited discretion policies mandate recording for specific types of enforcement encounters (e.g., Terry stops and traffic stops), while prohibiting the recording of situations where citizens have

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a reasonable expectation of privacy or victims explicitly request to not be recorded. Moreover, limited discretion policies often grant recording exemptions in situations where BWC use would negatively affect Officer safety.

### **12. Preserving video evidence**

- Procedures for the preservation, digital, physical or otherwise, of evidentiary video should be incorporated into the BWC policy, as well as possibly a broader digital evidence management policy.

### **13. Recording crime victims**

- Should victims and victim statements be recorded by default? How will victim requests to not be recorded be handled?

### **14. Recording statements from witnesses or citizen informants**

- For obvious reasons, CIs may be reluctant to have their encounters with police documented by BWCs. Should policy direct Officers to use BWCs during CI encounters unless CIs explicitly request otherwise? Similarly, should witness encounters be recorded unless witnesses explicitly request otherwise?

### **15. Prohibited recordings**

- Should specific situations be defined in which BWC use is prohibited? As was mentioned above, some Departments prohibit BWC use in situations where citizens have a reasonable expectation of privacy (e.g., within their homes), but frequently police work requires Officers to enter citizens' residences.

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Furthermore, BWC footage is potentially a useful tool for resolving complaints regarding Officers' actions while within citizens' residences.

### **16. Officer review of footage**

- May Officers review footage from their own BWCs? More particularly, should Officers be allowed to review footage to aid their recollection when writing incident reports?

### **17. Supervisor review of footage**

- Mandating regular supervisory review of BWC footage may erode Officers' trust. However, supervisory review is also useful to reveal and remedy Officers' deficiencies, as well as to identify genuine wrongdoing.

### **18. Internal audit review of footage**

- Should footage be reviewed en masse by an auditory body at regular intervals?

### **19. Review procedures for investigating complaints**

- How will the use of BWC footage be incorporated into our existing IAD processes?

### **20. Training**

- How should training be structured for existing as well as new Officers? As with the implementation of any new technology, proper training is crucial to ensure Officers are knowledgeable users. BWC training curricula are becoming widely available as BWC usage grows.

