

**METROPOLITAN POLICE DEPARTMENT – CITY OF ST. LOUIS
OFFICE OF THE POLICE COMMISSIONER
SPECIAL ORDER**

Date Issued: March 17, 2022 **Order No.:** SO 5-33

Effective Date: March 17, 2022 **Expiration:** Indefinite

Reference:

CALEA Standards: 41.3.8

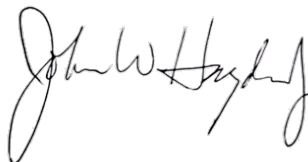
Cancelled Publications: SO 5-33, issued June 14, 2021

Subject: BODY WORN CAMERA AND IN-CAR CAMERA SYSTEM

To: ALL BUREAUS, DISTRICTS AND DIVISIONS

PURPOSE: To establish guidelines for the use of the Body Worn Camera and In-Car Camera System.

By Order of:

A handwritten signature in black ink, appearing to read "John W. Hayden, Jr.", written in a cursive style.

JOHN W. HAYDEN, JR.
Colonel
Police Commissioner

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Subject: BODY WORN CAMERA AND IN-CAR CAMERA SYSTEM

To: ALL BUREAUS, DISTRICTS AND DIVISIONS

POLICY: The St. Louis Metropolitan Police Department is committed to transparency, ensuring accountability, and enhancing public trust by effectively using a BWC/ICC system. The BWC/ICC system is designed to record law enforcement activity to preserve evidence used in criminal investigations, administrative investigations, civil litigation, and disciplinary actions. The BWC/ICC system may also be used to identify training, tactical, and policy improvements, and to address employee performance issues. SLMPD employees will maintain and use the BWC/ICC system in accordance with the procedures outlined in this policy and Department training. **(41.3.8.a)**

A. OPERATIONAL POLICIES

1. Only Department-issued BWC/ICC equipment will be used by employees who have been authorized by the BWC Unit to use such equipment.
2. All employees issued BWC equipment are required to wear and use this equipment while working in any uniformed assignment, as well as while working uniformed secondary employment.
3. Public safety and officer/employee safety take precedence over recording events.
4. Detailed incident reports still are required and are the appropriate place to document the totality of the circumstances for the incident. Incident reports will document the existence of associated BWC/ICC recordings and photos.
5. Employees will not tamper with or dismantle any hardware or software component of any BWC/ICC device.
6. Personal computers/digital devices and software will not be used to make copies of BWC/ICC recordings.
7. All functions performed on BWC/ICC equipment and on the cloud-based recording/evidence management platform, AVaiLWEB, are logged by the system, and any viewing of recordings or addition of metadata will not alter the original recording.
8. All employees issued BWC equipment will relinquish this equipment to the BWC Unit upon separation from the Department and upon transfer or detachment to an assignment in which BWC equipment is not allocated.

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B. PRIVACY CONCERNS (41.3.8.b)

1. Citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of a police officer's official duties, even when the contact is in a private residence.
2. Employees are not required to give citizens notice that they are being recorded, but employees are strongly encouraged to inform citizens they are being recorded to de-escalate potential conflicts.
3. If a citizen requests that an employee stop recording during an event for which policy requires recording, the employee will continue to record and explain that Department policy requires recording of the event.
4. If a citizen requests that an employee stop recording in a private residence or on other private property AND the employee has no other legal right to be present (e.g., warrant, exigent circumstances) AND the interaction is not contentious or confrontational, the employee will stop recording.
5. Any citizen request to stop recording will be recorded prior to stopping the recording.
6. Employees will verbally state the reason for stopping recording before recording is terminated.
7. If an interaction becomes contentious or confrontational after recording has stopped, employees will resume recording.
8. Employees and Supervisors involved in the investigation of a complaint against a member of the Department will inform complainants and complaint witnesses they are being recorded.

C. TRAINING (41.3.8.f)

1. All employees, including Commanders and Supervisors, using BWC/ICC equipment and/or accessing AVaiLWEB must complete mandatory training approved and/or provided by the Department to ensure proper use and operation, including refresher training for employees being re-issued BWC/ICC equipment.
2. Additional training may be required at periodic intervals to ensure continued effective use and operation of the equipment, as well as to convey changes, updates, or other revisions to policy and/or equipment.

D. BWC EQUIPMENT SECURITY AND STORAGE

1. Employees will always maintain security of BWC equipment.
2. BWC equipment will be stored in a secure and dry location when not in use.

E. PRE-SHIFT INSPECTION (41.3.8.e)

1. Employees will report to duty with fully charged BWC equipment.
2. Employees will inspect their BWC/ICC equipment (including cameras, holster sensor, and wrist control) daily to ensure there is no visual damage and the equipment is fully functioning.

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3. Employees will ensure that BWC/ICC equipment is properly worn/positioned.
4. Employees will ensure they are logged-on to any BWC/ICC device and logged-on to AVaiLWEB.
5. Depending on usage levels, employees may need to charge their BWC periodically during a shift, while not in use.

F. END-OF-SHIFT ACTIONS

1. Employees will ensure that each recording is properly classified for retention.
2. Employees will ensure that recordings are successfully uploading to the cloud-based storage system.
3. Employees will log out of AVaiLWEB to prevent unauthorized access.
4. Employees will charge their BWC equipment in accordance with training and manufacturer instructions.

G. SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for ensuring overall compliance with this Order by those they supervise, including the following:

1. Supervisors will ensure that employees are in possession of their assigned BWC equipment, and that all equipment is sufficiently charged, at the beginning of their shift.
2. At the conclusion of roll call or tactical briefings, Supervisors will ensure that each employee's BWC equipment is powered up and a test activation via the holster sensor is performed of a sufficient duration to require a classification in AVaiLWEB. This test activation will be classified as "TEST" in AVaiLWEB.

NOTE: Test activations at the conclusion of roll call or tactical briefings should not record any sensitive law enforcement information, per the recording prohibitions described in this Order.

3. Supervisors will ensure that employees activate their BWC/ICC equipment as required in this Order.
4. Supervisors will ensure that employees are not deactivating their BWC/ICC equipment prematurely.
5. Supervisors will ensure that employees properly classify any BWC/ICC recordings before the end of their shift.
6. Supervisors will ensure that employees fully upload BWC recordings before the beginning of their next shift.

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H. EQUIPMENT MAINTENANCE AND REPLACEMENT (41.3.8.e)

1. Employees with broken or damaged BWC/ICC equipment will complete their shift without the equipment. Under no circumstances will employees wear damaged or malfunctioning BWC equipment while on duty.
2. In the event of malfunctioning or inoperable BWC/ICC equipment:
 - a. During normal business hours, employees will notify their Supervisor and call the BWC Unit Supervisor.
 - b. Outside normal business hours, employees will call the Real-Time Crime Center (RTCC) to contact the BWC Unit. Employees also may contact the BWC/ICC Vendor 24/7 Help Line [REDACTED] Employees will email the BWC Unit [REDACTED] regarding the problem and outcome associated with any call to the Help Line.
3. Malfunctioning or inoperable equipment will be tagged and returned to the BWC Unit. If the BWC Unit is unavailable, repaired or replacement equipment will be returned by the start of the employee's next shift.
4. No maintenance will be performed on BWC/ICC equipment by anyone other than authorized personnel.
5. For loss or theft of BWC/ICC equipment, adhere to Section VIII (Lost, Stolen, or Damaged Department and Personal Property) of SO 2-05.

I. BWC POSITIONING

1. The BWC will be worn on the outer-most garment.
2. Employees will wear the BWC above the midline of their torso in the specially designed pocket of the duty uniform or in a manufacturer-authorized carrier.
3. Employees will ensure the BWC is in a position where the field of view provides for effective recording.
4. Employees will not intentionally obscure the view of their BWC, except in exigent circumstances (e.g., use of Threat Level IV Ballistic Plates or other specialized equipment for which a proper attached carrying device is not available).

J. BWC/ICC ACTIVATION (41.3.8.b)

1. The BWC will automatically activate through any of the following:
 - a. CAD integration when near a Priority 1 OR Priority 2 call.
 - b. Vehicle-based triggers:
 - 1) Light bar activation.
 - 2) Vehicle speed (70 mph).
 - 3) Open driver's door when light bar is activated.
 - c. When the employee:

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- 1) Goes into a prone position over 15 seconds (Body Worn Down).
 - 2) Begins running (Accelerometer).
 - 3) Draws their primary service firearm (Holster Sensor).
2. The ICC will automatically activate through any of the following:
 - a. CAD integration when near a Priority 1 call.
 - b. Vehicle-based triggers:
 - 1) Light bar activation.
 - 2) Vehicle speed (70 mph).
 - 3) Shotgun removed from rack.
 - 4) Open driver's door when light bar activated.
 3. If the BWC and/or ICC does not automatically activate, employees will manually activate the equipment in the following circumstances:
 - a. Responding to dispatched calls, starting before the employee arrives on scene.
 - b. During traffic or other investigative stops.
 - c. Anytime the vehicle light bar is activated.
 - d. Making an arrest or seizure.
 - e. Questioning victims, suspects, or witnesses.
 - f. During vehicle or foot pursuits.
 - g. During a use-of-force incident or investigation.
 - h. Immediately after being involved in a vehicle crash.
 - i. Prior to transporting any citizen (except those participating in a ride along).
 - j. During all searches of people, vehicles, or premises conducted with or without a warrant.
 - k. When entering a private residence or business for law enforcement purposes.
 - l. Any time the employee believes the recording would be appropriate and beneficial to Department operations.
 4. If an automatic trigger fails to activate, or if one of the above incidents is not recorded, the employee will email their Supervisor and the BWC Unit [REDACTED] to include:
 - a. Which, if any, automatic triggers failed to activate the BWC/ICC, and
 - b. Why the employee was unable to manually activate their BWC/ICC.
 - c. The BWC Unit will review each situation to determine the cause of the failed activation and initiate appropriate corrective actions to prevent further failures.

K. TERMINATING RECORDINGS (41.3.8.b)

1. Employees will cease recording BWC/ICC once their involvement in the event has concluded. Conclusion occurs when:
 - a. All relevant communications with the public have ended;
 - b. The gathering of evidence is completed;
 - c. Transportation and/or transfer of custody is completed; and
 - d. The employee reasonably believes further recording will not capture pertinent activities.
2. For incidents in which the Force Investigation Unit (FIU) will be requested, recording by the directly involved employee(s) will be terminated only at the direction of FIU.

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- a. The first responding Supervisor must attempt to obtain a Public Safety Statement from the directly involved employee(s).
 - b. The first responding Supervisor is to request only the information needed for the Public Safety Statement (see MPD Form GEN-448) from the directly involved employee(s).
 - c. The responses to the Public Safety Statement questions, or a refusal to answer, will be captured on any BWC worn by the involved employee and by the first responding Supervisor, if applicable.
3. For all recordings, employees will verbally state the reason for stopping recording before recording is terminated.

L. PROHIBITED RECORDING (41.3.8.b)

1. BWC/ICC equipment will not be used to record non-work-related activity.
2. Unless for a necessary law enforcement purpose (e.g., ongoing criminal investigation, crime in progress), employees will not record in sensitive areas such as:
 - a. Restrooms, locker rooms, and dressing rooms.
 - b. Detention facilities (including the City Justice Center, unless processing a prisoner).
 - c. Mental health or counseling facilities.
 - d. Medical facilities (except to record dying declarations or cooperative statements).
3. Employees will not record:
 - a. Strip searches.
 - b. Tactical briefings (e.g., roll call, CompStat, etc.).
 - c. Coaching/training sessions.
 - d. Labor union activities.
 - e. Any privileged communications (e.g., attorney/client; doctor/patient).
 - f. Transport of victims to safehouses.
 - g. Contact with confidential informants.
 - h. Courtroom proceedings.
 - i. Department administrative investigations.
 - j. People engaged in First Amendment activities (e.g., marches, protests), unless CDT/BRT have been deployed (not simply staged) and:
 - 1) The employee has reasonable suspicion to believe unlawful activity is occurring; or
 - 2) Imminent risk to public safety or property destruction appears likely.
 - 3) In these situations, employees will have their equipment on and in pre-recording status.
4. Employees will notify the BWC Unit if they record an undercover officer, a confidential informant, or any of the above events. The BWC Unit will flag such videos for proper redaction.

M. BWC/ICC RECORDING CLASSIFICATION AND RETENTION (41.3.8.d)

1. Retention of each recording in the AVaiLWEB cloud-based recording/evidence management platform is tied to its assigned classification.

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2. Prior to returning to service after a call, employees will ensure that call/incident information for the recording is correct and that the appropriate classification category is selected.
3. All recordings are retained in accordance with the State of Missouri's, "Police Clerks Records Retention Schedule," as described in SO 9-08.
4. Requests for redactions of portions of recordings (e.g., in the event of an inadvertent recording of an employee using the restroom) must be emailed to the employee's Commander.
5. Supervisors will only review enough of the content to ensure items of evidentiary value/disciplinary concern are not redacted. The Supervisor performing this review can be a gender preferred/specified by the employee.
6. It is the responsibility of the BWC Unit to code retention levels, such that employees may select from a list of types of events in order to satisfy the classification requirement of this policy.

N. REVIEWING BWC/ICC RECORDINGS (41.3.8.c)

1. Recordings will be accessed only for legitimate law enforcement purposes.
2. The review of any BWC/ICC recordings will occur out of public view.
3. Employees will review their BWC/ICC recordings before testifying in court for a criminal case.
4. For incidents not investigated by FIU, employees may review their own BWC/ICC recordings, and recordings shared by fellow employees, in preparation of any incident report or BlueTeam entry for which they are responsible.
5. For incidents investigated by FIU, involved employees are prohibited from viewing BWC/ICC recordings until after providing a Voluntary Statement (see SO 1-01, Section X) to FIU. Officers may be requested to view BWC/ICC recordings by the Circuit Attorney's Office (CAO) prior to being interviewed for a Voluntary Statement by FIU. Any viewing of BWC/ICC recordings by involved employees will occur in the presence of FIU investigators. This policy seeks to ensure a statement based on the involved employee's memory and perception, without the influence of camera-captured information. Involved employees may provide additional information after viewing BWC/ICC recordings.
6. Investigators may review BWC/ICC recordings, when necessary, for an official criminal or administrative investigation.
7. Supervisors will review BWC/ICC recordings:
 - a. Related to non-FIU BlueTeam-reportable incidents;
 - b. Related to vehicle pursuits;
 - c. Related to an employee's on-duty injury; or
 - d. To help determine discipline when:
 - 1) There is a complaint of misconduct; or
 - 2) The Supervisor witnesses misconduct.

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8. Supervisors are not expected to review all BWC/ICC recordings prior to approving an incident report.
9. While BWC/ICC recordings can be used by Supervisors to examine actions for the purpose of improving job performance, Supervisors are prohibited from reviewing BWC/ICC recordings for the sole purpose of searching for violations of Department policy not related to a specific complaint or incident.
10. Field Training Officers (FTO) may review BWC/ICC recording of an employee in their District during that employee's probationary period.
11. Training Academy staff may review BWC/ICC recordings to assess the value for training purposes:
 - a. Recordings may be shown for training purposes.
 - b. Employees depicted in these recordings will be notified when they will be used for training.
 - c. If an employee depicted in a recording opposes showing the recording for training purposes, they should email their Commander stating their opposition.
 - d. The Commander or designee will determine if the employee's opposition outweighs the training value.
12. The BWC Unit may review any recording and will:
 - a. Conduct daily audits to ensure that recordings are properly classified.
 - b. Flag recordings capturing sensitive or normally prohibited content.
 - c. Review 15 random recordings daily to ensure proper functioning and use of BWC/ICC equipment and to perform a general quality review of agency operations. **(41.3.8.g)**

O. EXPORTING BWC/ICC VIDEOS

Unless a unit assigned BWC/ICC equipment is authorized to do so by the BWC Unit, the BWC Unit will export BWC/ICC videos upon request.

P. EXPORTING BWC/ICC PHOTOS

The Laboratory will provide evidentiary photos taken with BWC equipment upon request.

Q. DISCOVERY OF MISCONDUCT (41.3.8.c)

Employees reviewing recordings should remain focused on the incident(s) in question and review only those recordings relevant to their investigative scope. If potential misconduct is identified, the employee will immediately notify a Supervisor. The Supervisor will report the potential misconduct to the employee's Commander/Manager through the chain of command. Nothing in this procedure prohibits a Supervisor/Commander/Manager from addressing policy violations.

R. RELEASE OF BWC/ICC RECORDINGS

1. All BWC/ICC recordings are considered a record and are the exclusive property of the Department. Accessing, copying, or releasing recordings for non-law enforcement purposes is prohibited, unless otherwise required by law or in conformance with other provisions of this policy

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2. Public release of Department records, including BWC/ICC recordings, is regulated by Chapter 610 *et. seq.* of the Revised Code of the State of Missouri, commonly referred to as the Sunshine Law. The Sunshine Law Unit is responsible for ensuring these recordings are released in accordance with this law, including making the determination whether a recording is subject to disclosure or if any redactions are required. In making this determination, the Sunshine Law Unit may consult with any necessary specialized unit, including the City Counselor's Office – Police Division.
3. Any BWC/ICC recording which occurred in a non-public location, as defined in 610.100.1(8), will be closed for public release to the extent authorized in 610.100.2(4), unless disclosure is authorized by the Police Commissioner.
4. Public Information is responsible for release of BWC/ICC recordings to any media outlet, in accordance with SO 6-03 (Public Information Policy).
5. Prior to media release of any BWC/ICC recording relative to a critical incident, portions of the recording will be redacted to protect the identity of any involved employee(s) or others, including the employee's image, voice, or other identifying details, to the extent authorized by law.
6. Release of any BWC/ICC recording to the Circuit Attorney's Office, or any other law enforcement agency, is authorized under Section 610.120 RSMo. for use in the administration of criminal justice, as described in Section 43.500 RSMo.

S. REMOTE ACTIVATION AND LIVE STREAMING (41.3.8.b)

1. AVaiLWEB offers Remote Activation and Live Streaming as tools to help manage incidents of concern.
 - a. Remote Activation allows designated users to turn on all cameras in a selected area, simultaneously.
 - b. Live Streaming allows designated users to turn on and monitor live footage from an employee's activated camera, which also initiates a recording.
 - c. Live Streaming will not be utilized as an audit tool.
2. Lieutenants and above, SWAT Supervisors, and the BWC Unit will have access to these features.
3. Use of this feature by SWAT Supervisors will be limited to monitoring high-risk search warrants, SWAT operations, and crowd management related to CDT/BRT deployment.
4. Use of this feature by Lieutenants and above will be limited to officer/employee safety circumstances.
5. In officer/employee-safety circumstances, employees whose cameras may be affected by Remote Activation or Live Streaming will be contacted by radio prior to these features being activated.
6. Any viewing of live-streamed video by members of outside agencies must be approved by a Deputy Chief.

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T. INTERAGENCY TASKFORCES

Notwithstanding anything to the contrary stated in this Order, the Police Commissioner may approve employees' participation in interagency taskforces whose rules or orders governing BWC systems for use in taskforce operations differ from this Order, provided the taskforce rules or orders are substantially similar in material respects to this Order. Employees who are assigned either taskforce BWC equipment or utilizing Department-issued BWC equipment, and participating in taskforce operations, will utilize such equipment as outlined by either the taskforce agency BWC policy, if any, or by the guidelines provided by this Order. Specific policy conflicts will be evaluated on a case-by-case basis.

JWH/jb
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Redaction Log

Total Number of Redactions in Document: 3

Redaction Reasons by Page

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