


# SPRINGFIELD POLICE DEPARTMENT

## Standard Operating Guideline

<b>Effective Date:</b> 12/02/2020	<b>Supersedes Policy Dated:</b> N/A	<b>Rescinds:</b>	<b>SOG Number:</b>  <b>413.6</b>
<b>Accreditation Index:</b>			
<b>Part Title:</b> Operations	<b>Chapter Title:</b> Evidence		
<b>Chief of Police:</b> 			

## Body Worn Cameras

### I Policy

The use of body worn cameras involves continuous recording of events as they occur. As such, these systems offer visual and audio evidence of events which may become the subject of criminal or administrative action. It is the policy of the Springfield Police Department to maintain effective chain of custody and evidence control consistent with court admissibility standards to protect the quality of information recorded.

### II Definitions

**Body Worn Camera** – Video and/or audio recording equipment that is affixed to an officer's uniform with the capability of continuous recording of events as they occur. Also referred to as BWC.

**Recording** – An authentic, unaltered, official copy of an event captured by a BWC system subsequently transferred by mechanical or electrical means to a medium for transporting or storing the recorded event.

**Activation/Deactivation** – For the purposes of this policy, activation and deactivation refers to the turning on or off of the BWCs recording function. Those terms do not refer to the turning on or off of the BWC itself since the BWC is to be powered on when being worn by department personnel, with certain exceptions defined in this policy.

### III Procedure

#### 1 SYSTEM ADMINISTRATION

##### 1.1 Assignment of BWCs (CALEA 41.3.8(e))

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- 1.1.1 The Fleet and Equipment Supervisor or designee shall be responsible for assigning and issuing BWCs and associated equipment.
- 1.1.2 Information Systems Network Technicians will be responsible for BWC software installation, routine maintenance, and upgrades recommended by the manufacturer.
- 1.1.3 The local factory representative is responsible for non-routine maintenance.
- 1.2 **Training (CALEA 41.3.8(f))**
  - 1.2.1 Personnel that are issued BWCs or may be required to use a BWC shall receive initial training in the use and function of the BWC and the supporting hardware/software prior to using a BWC.
  - 1.2.2 Newly-promoted sergeants will receive supervisor-specific training on the BWC during their mentoring period. This training shall be documented on the critical task checklist in the Sergeant Mentoring Guide.
  - 1.2.3 Field Training Officers are responsible for ensuring probationary officers receive training on the BWC prior to use. The FTO shall document this training on the Probationary Officer Skills Checklist (SPD Form #01-OP-0360) and ensure the checklist is filed in the officer's field training records.
- 1.3 **Technology**
  - 1.3.1 The BWC system maintains a brief, continuous recording history that becomes a part of any activated recording. The digital system is configured to record thirty seconds before and after each separate activated recording event.
  - 1.3.2 The issued Watch Guard V300 BWC features Record After The Fact technology (RATF). This technology allows the BWC, when powered on, to continuously record and store data for an extended period of time, depending on BWC settings, *even when the BWC is not activated*. System Administrators are able to retrieve this data from the BWC, until the BWC has been powered on for the length of time that the technology records over the existing stored data.
    - 1.3.2(a) System Administrators will be assigned by the Chief of Police or designee.
    - 1.3.2(b) Use of the RATF technology to retrieve recordings shall only be made at the authorization of the Chief of Police or designee.
- 1.4 **Digital File Management (CALEA 41.3.8(d))**
  - 1.4.1 Personnel shall not alter original BWC recordings.
  - 1.4.2 BWC recordings shall be uploaded to the vendor provided, cloud-based storage.
  - 1.4.3 Recordings can be accessed through a desktop application on any network computer terminal, subject to user profiles which restrict viewing, copying, and deleting files in the system.
    - 1.4.3(a) Any viewing, copying, or deletion of BWC recordings shall be done in accordance with the provisions of this policy.
    - 1.4.3(b) User profiles will be determined by the Chief of Police or Designee.
  - 1.4.4 The Investigative Services Specialist Supervisor or designee shall be responsible for the overall maintenance of BWC digital files in the cloud-based storage.

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## **2 BWC OPERATION**

- 2.1 Personnel who have completed training and been issued a BWC shall wear and use the BWC while on duty or while working in an extra-duty capacity.
  - 2.1.1 Personnel who have not completed training in the BWC system shall not wear or operate a BWC.
- 2.2 Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning. (CALEA 41.3.8(e))
- 2.3 Officers shall only use BWCs that are issued by the Springfield Police Department.
- 2.4 Personnel shall not tamper with or attempt to modify any BWC equipment or recording.
- 2.5 Officers shall utilize the BWC to record the following events: (CALEA 41.3.8(b))
  - 2.5.1 Dispatched or self-initiated calls for service;
  - 2.5.2 Public contacts that are not solely casual or public relations in nature;
  - 2.5.3 All detentions of individuals while in the field;
  - 2.5.4 All arrests, arrest attempts and prisoner transports;
  - 2.5.5 All searches or frisks of persons and searches of vehicles, structures or property;
    - 2.5.5(a) Strip searches shall not be recorded with the BWC;
  - 2.5.6 Vehicle and foot pursuits;
  - 2.5.7 Checks of suspicious persons or vehicles;
  - 2.5.8 Traffic Direction;
  - 2.5.9 While interviewing victims, witnesses and suspects in the field;
    - 2.5.9(a) If a victim or witness refuses to talk while being recorded, the officer may decide that obtaining information from that person is more important than recording the interview. In such cases, the officer shall give a verbal explanation on camera as to why the recording is being terminated, prior to deactivating the camera.
  - 2.5.10 Any contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording;
  - 2.5.11 All use of force incidents.
- 2.6 Intentionally obstructing, shielding, or committing any act meant to interfere with the BWC equipment is not permitted.
- 2.7 When the BWC is operating, officers shall not use the in-car AM/FM radio or other non-department-issued radio equipment as the noise may distort the BWC audio recording.
- 2.8 Officers shall inform those who ask that the BWC equipment is in use.
- 2.9 The intentional stopping of recording when the use of BWC equipment is required shall be cause for disciplinary action. (CALEA 41.3.8(b))
- 2.10 Officers may deactivate the recording function of the BWC when one, or more of the following criteria have been met:

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- 2.10.1 The incident reasonably appears to have been concluded;
  - 2.10.2 The officer's involvement in the incident has concluded;
  - 2.10.3 For reasons documented in other sections of this policy.
  - 2.11 Officers shall properly classify each BWC recording.
  - 2.12 Officers may upload BWC recordings by docking the camera in the provided docking cradles at any time during their shift, but the BWCs shall be docked and recordings uploaded at the completion of a work shift. (CALEA 41.3.8(d))
  - 2.13 If an officer becomes aware that the BWC is not functioning properly, they shall do the following:
    - 2.13.1 Notify their immediate supervisor;
    - 2.13.2 Send an e-mail message detailing the problem to the Information Systems Help Desk and the appropriate Quartermaster.
- 3 INTERNAL REVIEW OF BWC RECORDINGS (CALEA 41.3.8(c))**
- 3.1 Officers may review their own recordings and are encouraged to do so prior to completing any related reports.
  - 3.2 Supervisors and commanders may review BWC recordings of their subordinates at any time.
    - 3.2.1 Supervisors are encouraged to use BWC recordings to assist in preparation for performance appraisals and for training purposes.
    - 3.2.2 Minor infractions discovered during the review of any BWC recordings should be viewed as training opportunities and not as a venue for routine disciplinary action. Should the behavior or action continue, after the incident was discussed with the officer, the appropriate discipline or corrective action shall be taken.
    - 3.2.3 Incidents discovered during the review of BWC recordings involving serious misconduct or criminal behavior shall be handled consistent with the SOGs of the Springfield Police Department.
  - 3.3 Supervisors of an officer who has utilized the BWC at any time during their annual evaluation period shall review two randomly selected BWC recordings from the officer for that period. The review shall be documented on an Annual Summons Audit / MVS/BWC Review form (SPD Form #13-AD-0635). (CALEA 41.3.8(g))
  - 3.4 Supervisors or commanders may conduct additional BWC recording audits to determine training needs and policy compliance.
  - 3.5 Supervisors, commanders, and IIAU personnel may select random BWC recordings from calls for service associated to CAD events and verify corresponding video of those events.
  - 3.6 Supervisors, commanders, and IIAU personnel should review BWC recordings, as necessary, in connection with complaint investigations, in review of pursuits and response to resistance situations, or as otherwise directed by a Bureau Commander or the Chief of Police.

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- 3.7 BWC recordings related to criminal events may only be viewed by employees as needed, for the purpose of investigation and prosecution.
  - 3.8 BWC recordings may be utilized by training staff for department wide training.
- 4 EXTERNAL RELEASE OF RECORDINGS (CALEA 41.3.8(c))
- 4.1 No employee shall release a recording to or allow it to be viewed or heard by any person outside the Springfield Police Department without the specific authorization of the Chief of Police or designee.
    - 4.1.1 Any such release or use of a recording representing an incident under active prosecution shall also require specific, written authorization by the prosecuting attorney with jurisdiction for the case. (CALEA 41.3.8(c))
    - 4.1.2 Any officer presenting such a recording without proper authorization may assume legal liability for violation of privacy statutes resulting in criminal or civil action.
  - 4.2 Dissemination of recordings shall be according to applicable state law and city ordinance. (RSMo. 610.021 & 610.100, City Ordinance 2-2.)
    - 4.2.1 All copies of recordings shall be documented and tracked using the RMS task workflow. This record should include authorization, purpose, and recipient information.
  - 4.3 Investigative Services Specialist personnel shall be responsible for duplicating BWC media.
  - 4.4 Applicable fees shall be collected for copies of recordings with the money being transferred to the City of Springfield Finance Department per SOG 104.2 – Fiscal Management.
  - 4.5 Release of recordings for purposes of training must be specifically approved by the Chief of Police or designee.
- 5 EVIDENCE MANAGEMENT
- 5.1 When a BWC recording relates to a criminal offense, the officer shall: (CALEA 41.3.8(c))
    - 5.1.1 Properly classify the event in the BWC;
    - 5.1.2 If completing a report, assign a case number to the event and enter the case number and any comments into the notes section for that recording;
    - 5.1.3 Document the existence of the recording in the narrative of their RMS report.
      - 5.1.3(a) The digital recording shall be listed in the property tab to ensure proper tracking and evidence management.
  - 5.2 Unless for purposes of prosecution, recorded evidence shall only be released at the direction of the Chief of Police or designee.
  - 5.3 The Investigative Services Specialist Supervisor will be responsible for purging video from the cloud-based storage upon receipt of a disposition from court and/or release

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from an investigator. Evidence related to unassigned cases will be handled according to the following guidelines. (CALEA 41.3.8(d))

- 5.3.1 Evidence on unassigned misdemeanor cases can be purged after 13 months.
- 5.3.2 Evidence on unassigned felony cases can be purged after the expiration of the statute of limitation.
- 5.3.3 Evidence on all unassigned Class A felony cases will be retained permanently.

## **6 DIGITAL STORAGE (CALEA 41.3.8(d))**

- 6.1 Retention periods for digital recordings are set up according to their classification. Recordings will be automatically purged from the cloud-based storage at the conclusion of their respective retention period.
  - 6.1.1 No Event and Other Non-Criminal event recordings will be stored for 45 days.
  - 6.1.2 Unclassified recordings will be stored for 180 days.
  - 6.1.3 Traffic Stop and Drug recordings will be stored for a period of 5 years.
  - 6.1.4 DWI and Other Criminal event recordings will be stored for a period of 7 years.
- 6.2 The Investigative Services Specialist Supervisor can reclassify recordings as necessary for criminal or administrative purposes to be retained indefinitely.
- 6.3 The ISS Supervisor will conduct a weekly review of recordings in the cloud-based storage with upcoming purge dates to determine if any need to have their retention period extended.
- 6.4 The ISS Supervisor will manually purge criminal event recordings as necessary according to the guidelines set forth in section 5.3 of this policy.

## **8 PRIVACY**

- 8.1 Recording inside private residences or other locations where there is an increased expectation of privacy requires balancing a person(s) right to privacy and the need for government intrusion into the space.
  - 8.1.1 If a person with a right to privacy inside a residence or other location requests that the recording be stopped and the situation/incident is not listed in 2.5.3, 2.5.4, 2.5.5 and 2.5.11, the officer should deactivate the BWC.
- 8.2 Officers should not record in the following locations or the following activities:
  - 8.2.1 Conversations with other agency members, unless contemporaneous with a call for service or unless expressly authorized by the Chief of Police or designee;
  - 8.2.2 Encounters with undercover officers or confidential informants;
  - 8.2.3 When on break or otherwise engaged in personal activities;
  - 8.2.4 Persons undergoing a medical evaluation, procedure or treatment;
  - 8.2.5 Places where a heightened expectation of privacy exists such as restrooms, locker rooms or hospitals, unless for a direct law enforcement purpose such as a crime or incident in progress or the recording location is material to a criminal investigation.

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8.2.5(a) Due to the RATF technology in the issued BWC, officers must completely turn off the BWC when entering locker rooms, restrooms and similar locations.

8.3 BWCs shall not be activated during initial interviews with sexual assault victims.

**IV Attachments**

