

Body Cam Policy—A Comparison by ACLU of Missouri, Don't Shoot Coalition and Drone Free St. Louis

Body Cam Coalition Recommendations	Pilot Program Policy	Comparison/Critique
Body cameras must be worn on chest, shoulder or head.	Body cams worn above midline of torso	Both policies are the same
The camera's record function must be activated whenever an officer is interacting with the public. When responding to call for service, officers shall activate the camera's record function before arriving on the scene.	Cams used whenever in uniform for investigations and "enforcement encounters": traffic stops, field interviews, detentions, arrests, persons accused of crimes, consensual interactions when officer is attempting to develop reasonable suspicion, execution of searches, entering building with likely encounter, prisoner transports; turned off when contact becomes "intelligence gathering" Officer discretion: victim and witness interviews except should record victims of violent domestic abuse	Police policy does not record encounters that unexpectedly go wrong. Police policy also quite complex; allowance for officer discretion allows for inconsistencies and gray areas where best practices are not followed.
Safety Exception--Turn cam on at earliest possible safe opportunity.	Safety Exception--Safety is primary concern, not recording.	Both policies are the same
Notification of subject required.	Notification required only if asked (though officers are "strongly encouraged" to notify); Exception: required to notify complainants and complaint witnesses	Required notification is best policy--it is in the interests of subject privacy, data legitimacy in situations where reasonable expectation is fuzzy, and promotes better behavior

Exception: Crime victims, crime witnesses or potential reporters asked if they want recording discontinued.	Officers never required to turn cameras off upon request of subject. Suspect interviews: "strongly encouraged to record but then required to record unless suspect declines to make statement.	Giving power to turn off cameras to victims and witnesses will better promote cooperation
Reason for turning off cams recorded.		Police policy missing in this area. Need to make sure there is proper reason for camera being off
Exception: hospitals and schools	Exception: no recordings of medical treatment or evals; no recordings in medical facilities unless responding to call or confronting aggressive subject	Both policies are similar but police do not cover schools.
Prohibited: recordings of confidential informers and undercover officers; places where there is a reasonable expectation of privacy; strip searches; other agency personnel during routine non-enforcement activities; case tactics or strategy	Prohibited: recordings of victims and witnesses of Sex Crimes and Child Abuse unless a "dynamic and chaotic crime scene." Also prohibited: non-work activities, work areas not related to enforcement contact or investigations, administrative investigations, briefings or homicide walk throughs, confidential informants	Both policies are similar, but police policy misses strip searches. Does non-video of "administrative investigations" mean there is no video when misconduct is not criminal? This denies info to COB.
Retention by non-law enforcement government agency (with specific requirements for quality, security, chain of custody etc); they do access and copying	Retention by Enforcement.com--third party server	Police policy does not envision the situation beyond the pilot program. We would recommend a non-law enforcement gov. agency to create a firewall with clearer standards of access and an ability to have officer requests for info vetted.
Requirement that data is downloaded with indications of automatic or requested flagging	Officers with permission can access and copy	Police policy does not set standards for permission. See also the comment immediately above.

Data deleted after three months unless flagged	Data retained for at least 90 days; evidence exported and kept elsewhere-- deleted from main storage?	Police policy too vague.
Automatic flagging: use of force above verbal commands; detention for more than five minutes; search greater than pat down; arrest; filed complaint	Mention of retention categories but no description of what the categories are	Police policy needs more clear and precise flagging system.
Requested flagging: evidentiary value; for training purposes; request by any subject; request by third party alleging misconduct; academic research	No flagging by subjects or complainants	Police policy needs to acknowledge and allow for rights of subjects to see own videos and needs to ensure data can be used in complaint system.
Subjects allowed to review data and obtain copy		See above
Clear Custodian of Records--Retention Agency		Police policy too vague given copies that go to other agencies
Access: for evidence (reasonable suspicion), investigation of misconduct; COB investigations and audits; limited supervisory and research purposes; random auditing for compliance	Officers with permission can access;	Police policy has no description of standards for permission; no allowance for random compliance audits or academic research though permission can be granted
Viewing only after writing of initial report and interviews	Officers should review data before reports to prime their recollection; should note discrepancies between memory and data	Police policy undermines accountability, ignores fact that review of tape will alter memory and erases capture of officer perceptions which are the basis of the law.

Data considered incident reports or parts of incident reports	Data considered investigative record; for official use only; public release only with Chief's approval	This data seems to fit exactly into State statute definition of incident report. It is good for transparency to be as open as possible (this required by Sunshine law) and redactions can take care of privacy concerns.
Data not required in incident reports shall be visually and auditorially redacted to obscure identity; these shall be open records		Sunshine Law and relevant court case allow for this redaction without changes in State law
Subject can permit unredacted (except for required redactions) release		
Unredacted flagged data will be open when redaction would destroy the evidentiary value		This is a question of balancing the public interest and privacy.
Training regarding law, technical aspects, flagging, scenario based exercises, accessing etc.; required training manual	Training on current policies and proper use	Greater training is necessary than seems to be provided for the pilot program.
Required annual report		
Enforcement: 1) appropriate discipline; 2) mandatory suspension; 3) termination or pattern of non-compliance; presumption against officer for non-compliance	Subject to disciplinary action	Police policy on discipline is too vague and does not answer public skepticism that cameras will be inappropriately turned off