



SOUTH MIAMI POLICE DEPARTMENT

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CFA STANDARD: 32.02 SUBJECT: Body Worn Cameras	NEW () RESCINDS () AMENDS (XX) OTHER ()	By Order Of:  Reo Hatfield III CHIEF OF POLICE	

CFA STANDARDS: 32.02

SECTIONS:

- 18.13.1 Policy
- 18.13.2 Definitions
- 18.13.3 Procedures and Guidelines
- 18.13.4 Prohibited Actions and Conduct
- 18.13.5 Supervisor Responsibility
- 18.13.6 Documentation and Recording
- 18.13.7 Administration and Maintenance
- 18.13.8 Training
- 18.13.9 Retention and Release of Public Record
- 18.13.10 Discipline

18.13.1

PURPOSE: To establish guidelines and procedures for the use, maintenance, and management of the Body-Worn Camera (BWC) system.

POLICY: It is the policy of the South Miami Police Department that body worn recording equipment may be used in day-to-day operations. The purpose is to accurately document and record any incidents or events may encounter in an official capacity. All recordings shall be in accordance with state and federal laws and are subject to public information requests. The BWC system and all data, images, audio, and video captured, recorded, or otherwise produced by this equipment is the sole property of the South Miami Police Department.

18.13.2

DEFINITIONS:

- A. **Body-worn camera (BWC)** A portable electronic recording device that is worn on a law enforcement officer's body and that records audio and video data. (BWC) System: Includes the body worn camera, microphone, battery pack, docking and charging equipment, video storage solution, evidentiary controls, and privacy redaction functions.
- B. **BWC Administrator:** Administration Division Commander (Captain).
- C. **BWC Trainer:** Trainer selected by the BWC Administrator to conduct BWC training.
- D. **Call for Service (CFS):** Any dispatched or self-initiated activity by any employee to resolve, correct, or assist a particular situation.
- E. **Casual Encounter:** An encounter where a law enforcement officer encounters the public, which may not be related to the endorsement of the law or an official law enforcement matter.
- F. **Compliance Review:** A process by which authorized members of the Department conduct reviews of the data captured by the BWC systems.
- G. **Data:** Audio, video, and metadata captured on or by the BWC.
- H. **Pre-Event Buffering:** A set 2-minute period preceding the activation of a body worn camera which records video only.
- I. **Evidentiary Data:** Footage of an incident or encounter that could prove useful for investigative purposes, such as a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter with a member of the public. Evidentiary data is usually further categorized by specific incident type, and the retention period is governed by evidentiary rules and applicable law.
- J. **Intelligence Gathering:** process concerned with the collection, processing and dissemination of information relating to specific crimes, and criminal activities. These areas of concern typically include but are not limited to, organized crime, vice, illegal drug trafficking, terrorism, gangs, and civil disorders.
- K. **Non-Evidentiary Data:** Footage that does not necessarily have value to aid in an investigation or prosecution, such as footage of an incident or encounter that does not lead to an arrest or citation or footage of general activities that an officer might encounter or perform while in an official law enforcement matter (e.g., assisting a motorist or clearing a roadway).

L. **Official Law Enforcement Matter:** An encounter where a law enforcement officer, acting in an official capacity relating to the enforcement of the law, encounters the public. These contacts include response to calls for service, traffic enforcement, and self-initiated enforcement activities. Although every encounter that may result in an official law enforcement matter cannot be identified, officers are to use their training and experience when determining what may turn into an official law enforcement matter.

M. **UPD:** Uniform Patrol Division

18.13.3

PROCEDURE AND GUIDELINES:

I. Assignment

- A. Use of the issued BWC is mandatory for Police Officers and Police Sergeants assigned to UPD and working regular duty over time assignments, and extra duty details in the City of South Miami. (this excludes judicial proceedings, court, etc.)
- B. The BWC and accessories will be assigned only to BWC trained officers.
- C. Individual officers will be responsible for the care and custody of the BWC.
- D. Criminal Investigation Division detectives shall utilize the BWC when conducting a pre-planned raid, search warrants, and arrests.

II. Operation and Use

- A. All BWCs shall be worn on the outer most garment of the chest area of the body (clipped onto the uniform or exterior vest carrier pursuant to vendor specifications). The officer shall ensure that the position permits recording, as closely as possible to an officer's perspective during an interaction.
- B. Officers shall follow existing officer safety procedures when conducting enforcement stops as outlined in Department policies and procedures. Safety shall not be compromised to record an event.

- C. At the beginning of each tour of duty, the officer will inspect the BWC system for any physical damage, ensure it is fully charged, and in proper working order.
- D. Prior to going into service with a BWC, officers will ensure they are wearing an authorized uniform, clearly identifying them as an SMPD police officer, unless otherwise authorized by the Chief of Police or his/her designee.
- E. All officers are required to power on their BWCs and place them in “Standby” mode as soon as they exit the station. This ensures that the device is ready to record any interaction outside of the station.
- F. Upon entering the station, officers are to power off the BWC, unless they respond for a station report, in which case the device should remain powered on.
- G. Officers will place the BWC in the “Record Mode” as soon as practicable when involved in an official law enforcement matter [CFA 32.02M(B)]. Officers who fail to activate the BWC when involved in an official law enforcement matter are required to immediately notify their supervisor and explain the reason for the non-activation. Additionally, the officer shall prepare a written report documenting the incident and the reason why the BWC was not in record mode. The report shall be sent via email to the bureau commander (the police administration group must be cc’d in email) by the end of the officer’s shift.
- H. Officers will activate the BWC immediately upon being dispatched to a call for service in any official law enforcement matter, as defined in 18.3.2 (I) and including the following incidents [CFA 32.02M(B)]:
 - 1. Traffic Stops
 - 2. Citizen contacts related to official law enforcement matters.
 - 3. Impaired driver investigations
 - 4. Vehicle/foot pursuits
 - 5. All calls for service
 - 6. Transportation of any prisoner(s) or citizen(s) for any reason. **Excluding police explorers and/or ride along observers.**
 - 7. All searches (persons, vehicles, structures, etc.)
 - 8. Arrest situations
 - 9. Other legitimate law enforcement contacts when the officer believes it is in the best interest of the Department and the community; and/or
 - 10. Encounters with the public that may become adversarial.

- I. Officers are not legally obligated to advise the public that they are being recorded by the BWC. If asked, officers shall acknowledge that their BWC is recording.
- J. Once the BWC is turned on, a pre-event buffering will be available. Officers will continue to record until the conclusion of the event, or their supervisor has authorized (on camera) the BWC to be turned off.
- K. Officers may mute the BWC audio if the member is not interacting with the public (i.e. speaking with a supervisor or another officer when discussing a specific case or exploring investigative strategies, tactics, or options with others. Prior to the use of the mute function, officers shall verbalize the reason for muting or deactivating the BWC and reactivate the audio capability immediately upon conclusion.
- L. Officers, supervisors, and investigators may use data captured via the BWC system to assist with the investigation and/or completion of appropriate reports and/or documents. Recording should be viewed to ensure the accuracy and consistency of their documentation. Recordings may be accessed:
 - 1. Immediately, via a portable media player; or
 - 2. By accessing the archived media once all the data has been uploaded
- M. Officers shall accurately categorize and identify BWC recordings at the conclusion of each incident, but no later than the end of their tour of duty [CFA 32.02M(d)].
 - 1. BWC recordings may document the discovery and/or collection of evidence. Officers, investigators, or supervisors shall categorize BWC recordings to preserve footage of evidentiary value.
 - 2. Officers shall identify each recording with the appropriate CAD incident, case, or ticket number generated, and the officer's name and court identification number.
 - 3. Officers shall contact their supervisor if they need assistance with categorization or identification of recordings or retention guidelines. The supervisor may contact the BWC Record Supervisor (Services Supervisor) for further assistance if needed.
- N. BWC devices shall be placed in the Evidence Transfer Manager Dock (ETMD) at the conclusion of each officer's tour of duty (regular and/or overtime). Once docked, the BWC shall not be removed until the uploading process has been completed. BWC devices will remain in the ETMD until the next tour of duty (BWC will not be taken home or with officer at the end of their shift).

- O. All BWC system data, including police involved shootings shall be the sole property of SMPD and will be used for official purposes only or as deemed appropriate by the Chief of Police or his/her designee.

III. Critical Incidents and Special Circumstances

- A. Officers and supervisors equipped with BWC may encounter situations where critical incidents or special circumstances are captured on video. Those situations require an immediate response from investigative units and include, but are not limited to, the following:
 - 1. Contact police shootings
 - 2. Non-contact police shootings
 - 3. In-custody deaths
 - 4. Officer-involved traffic crashes with fatalities or serious injuries
 - 5. On-scene complaints of excessive force; and
 - 6. Serious injury or death of an officer in the line of duty
- B. During critical incidents officers equipped with BWC that captured the incident shall only stop recording and power down the device at the direction of a supervisor and upon the conclusion of the individual officer's role in the event as determined by a supervisor. A supervisor shall aid if the officer is unable to stop the recording.
- C. The BWC shall remain affixed to the employee in the same position as it was affixed throughout the event and shall not be handled unless emergency medical attention is necessary and requires that the device be removed.
- D. The lead investigator from the investigative unit or agency will retrieve the BWC device from the officer(s) and process it according to agency standards for handling evidence. In addition, the lead investigator or designee will also coordinate the response of SMPD Internal Affairs, who will be responsible for the recovery and storage of all data evidence captured on the device. Each transfer of custody should be documented pursuant to the chain of custody policy.
- E. Internal Affairs shall upload and download the BWC video in the presence of the lead investigator. The download shall be performed in a secure location.
- F. Officers equipped with BWC devices should be cognizant that any conversations following the event will be captured on the device. Therefore, protected conversations with counsel, clergy, or family should not take place until the device is completely powered down and/or removed.

18.13.4

PROHIBITED ACTIONS AND CONDUCT [CFA 32.02M(c)]:

A. It shall be prohibited to use the BWC to record under the following circumstances:

1. To record other department members without their knowledge unless it is during an official law enforcement matter as defined in this policy.
2. Confidential informants or undercover officers.
3. Strip searches
4. During meal or restroom breaks.
5. In places where there is a commonly held expectation of privacy (e.g. locker room, dressing room, and restroom facilities) unless responding to call for service at that location.
6. While completing reports or departmental documents.
7. During general or performance related discussions with employees/supervisors.
8. While inside any police or municipal owned facility unless the officer is on a call for service or taking a personnel complaint.
8. In a DUI testing room during the testing process. BWCs utilize technology that interferes with breath testing instruments; and
9. The prohibitions set forth in this section do not apply in circumstances where the BWC is recording conduct pursuant to a specific law enforcement action approved by the Chief of Police or designee.

B. Officers will not allow citizens to review recordings on the scene. A supervisor shall be notified if a citizen insists on viewing the recording on the scene. The supervisor will explain the procedure to obtain or view a copy of the footage.

- C. Officer and/or employees will not access, review, copy, or facilitate the release of any recording obtained via the BWC, other than for official law enforcement purposes and in compliance with the appropriate state law and departmental policy.
- D. Officers and/or employees will not make copies of any recordings for personal use and are prohibited from using any recording device (such as a phone, camera, or secondary video camera) to record any data captured by the BWC system.
- E. Officers are prohibited from tampering with or using any other electronic devices, or other means to intentionally interfere with the capability of the BWC system.
- F. Officers are prohibited from posting BWC footage to any social media site, without prior written approval from the Chief of Police or his/her designee.
- G. Officers shall not erase, alter, modify, or tamper with any original BWC data.
- H. Officers are not permitted to utilize any personal or privately owned video recording devices to capture any event while on duty.
- I. Officers must receive supervisory approval prior to viewing another officer's BWC recording.

18.13.5

SUPERVISORY RESPONSIBILITY:

- A. Supervisors are responsible for ensuring that officers comply with all BWC policies, procedures, and training.
- B. Supervisors shall document circumstances in which an employee failed to activate BWC, improperly deactivated the BWC or captured restricted/ prohibited video in violation of departmental policy. Supervisors shall submit a memorandum to their division commander detailing the findings.
 - 1. The division commander shall direct further action if he/she determines that an employee's acts were intentional or avoidable; and
 - 2. If the division commander determines that a restricted/ prohibited recording was inadvertent or unavoidable, the details of the incident shall be provided to the Chief of Police (via chain of command), who shall provide further direction.
- C. BWC data will not be utilized indiscriminately for disciplinary purposes.

- D. Supervisor may access applicable BWC data to verify and address complaints received in response to an internal (from the Department) or external (from the public) source and prepare a memorandum to Internal Affairs documenting the action taken and the disposition.
- E. Supervisors will also review BWC data in response to an observed performance deficiency. Supervisors shall address and document the deficiency accordingly to improve performance. The review of data contained in the BWC system shall be to assess training needs and to ensure compliance with departmental policy.
- F. Except for officer involved shootings, or other incidents that result in serious bodily harm or death, supervisors shall review BWC video in all cases where there was a use of force, pursuit, injury to officer, injury to prisoner, citizen complaint or any other circumstance where the video may clarify events.
 - 1. Supervisors shall document their reviews in the report appropriate to the incident (e.g. Use of Force Report, Vehicle Pursuit Report, etc.); and
 - 2. Supervisors shall notify their chain of command of instances where a controversial citizen/ police encounter has occurred.
- G. Supervisors have an obligation to confer with officers at the end of each tour of duty to provide guidance and ensure that BWC recordings are categorized/ identified and preserved consistent with policy and applicable laws.
- H. Operations Division Commander (Captain) will ensure that supervisors and commanders are conducting BWC inspections, reviews, and are making the appropriate notification/ memorandums when a departmental concern is discovered.

18.13.6

DOCUMENTATION AND RECORDING:

- A. Use of the BWC shall be documented on the appropriate official departmental report (i.e., Offense-Incident Report, Field Interview Reports, Uniform Traffic Citations, Arrest Forms-
- B. When preparing an official departmental record in connection with an investigation or police event, officers shall indicate on the last line of the report that a BWC was utilized.
- C. Data recordings are intended to supplement departmental reports. Submitted written reports are still required to comprehensively capture the totality of the events.
- D. Use of the BWC is authorized during Internal Affairs, Personnel Complaint Investigations and any other necessary administrative investigations.

18.13.7

ADMINISTRATION AND MAINTENANCE:

I. Administration

- A. The BWC Administrator (Administration Division Commander) shall be responsible for the following:
1. Setting and maintaining user and group authority levels, passwords, and any other required configuration of the evidence storage under the direction of the Chief of Police or designee.
 2. Managing inventory, issuing devices, training, and updating device settings.
 3. Assisting with manual uploads to the archival location including external cloud server, when necessary.
 4. Handling recordings to include restricted/ prohibited footage pursuant to direction from the Chief of Police. Handling the report within the video evidence software which logs all deleted, copied, and/or edited recordings.
 5. Providing support with IT to Departmental members in all aspects of the BWC and video storage system.
 6. Maintenance of an audit system that monitors and logs access to recorded data.
 7. Maintenance of a system for the management of video retention and video purging.
 8. Conducting forensic reviews when directed by the Chief of Police or designee to determine whether BWC equipment and/or recorded data have been tampered with; and
 9. Any other administrative function deemed necessary by the Chief of Police.
- B. The UPD Lieutenant from each shift is responsible for conducting quarterly audits/ compliance reviews of the BWC system.
1. The UPD Administrative Lieutenant will review video in a random order to ensure compliance with departmental policies; and

2. A memorandum of the review will be submitted to the Chief of Police (via chain of command). If any departmental concern is discovered, the details shall be included in said memorandum.

II. Maintenance:

A. Users

1. Officers shall inspect their BWC and all associated equipment at the beginning of their shift to ensure that it is fully operational.
2. Any damage, malfunction or other operational problem shall be reported immediately to the officer's supervisor and the BWC System Administrator in an email and verbally when applicable.

B. Supervisor

1. When notified that a BWC is damaged or malfunctioning, the supervisor shall inspect the device and decide whether to continue using the BWC or return it to the BWC Administrator for replacement and/or repairs.
2. If a BWC is inoperable, the supervisor shall provide the officer with a spare/ temporary BWC and document the camera number, date, and time in the spare sign out log.
3. BWC equipment shall be inspected during the monthly line inspections.

- C. BWC Administrator or designee shall evaluate all devices turned in due to damage or malfunction.

18.13.8

TRAINING: {CFA32.02M(a)}

- A. Officers shall receive BWC training by a BWC Trainer prior to being issued a BWC. The training shall include but not be limited to the following:
 - 1. Thorough review of the departmental policies, procedures, relevant state, and federal laws governing evidence, privacy, and public disclosure.
 - 2. Hardware and software operation, charging, docking, malfunctions, lost or damaged equipment.
 - 3. Categorization, video transfer procedures, video access, security, retention, guidelines, reporting improper recordings, and preparing and presenting digital evidence for court.
 - 4. A general PoliceOne.Com overview of BWC; and
 - 5. Practicum exercises that replicate operation of the BWC.
- B. Periodic refresher training shall be provided by the BWC Team.
- C. All new officers shall be provided BWC training during their orientation week prior to commencing the Field Training Program.
- D. The BWC System Administrator or designee is responsible for ensuring that all BWC training meets current manufacture guidelines and specifications.

18.13.9

RETENTION AND RELEASE OF PUBLIC RECORDS [CFA 32.02M(e)]:

- A. BWC data captured as part of a Department member's duties shall be the property of SMPD and be considered an official public record of the Department.
- B. The release of BWC data through public records request or other legal authority shall be governed by applicable law and departmental policy.
- C. Prior to releasing any BWC recording, the BWC Record Supervisor will ensure that all redactions follow Florida's public record laws and departmental policy.

- D. If any departmental concern is discovered while reviewing the footage requested, the BWC Record Supervisor will submit a memorandum with the details to the Chief of Police (via chain of command).
- E. All non-evidentiary video requested as part of a public record request shall be marked and retained.
- F. Non-evidentiary data shall be retained for as long as required by law but in no event less than 90 days, or as long as needed for administrative investigations or litigation. All data will be retained in compliance with the retention schedules published by the Department of State and Division of Library and Information Services, and instructions from the City Attorney. In the event of criminal prosecution, the data shall be retained until all criminal proceedings have been concluded and all appellate review has been exhausted or time for review has expired and thereafter the data may be deleted in compliance with the retention schedules published by the Department of State and Division of Library and Information Services unless ordered otherwise by a court of competent jurisdiction.
 - 1. BWC data associated with an arrest, use of force, pursuit, criminal investigations, Internal Affairs investigation and/or complaints against an employee shall be retained pursuant to retention schedules published by the Department of State and Division of Library and Information Services, and instructions from the City Attorney.
 - 2. In the event of the recording of any activity involving bodily injury or property damage which may have been caused by someone working for or representing the City, including vehicle crashes involving an employee and/or events involving injury to an employee and/or any recording of an event or public interaction that the officer or his/her supervisor reasonably believes could lead to litigation against the City, City employee or representative of the City, the data shall be kept for 5 years and, provided no lawsuit has been filed by that time, the data may be deleted in compliance with the retention schedules published by the Department of State and Division of Library and Information Services. If a civil suit or criminal prosecution has been timely filed relating to that incident, the data shall be retained until all civil, criminal, and appellate proceedings have been exhausted and the time for further review has expired. Thereafter, the data may be deleted in compliance with the retention schedules published by the Department of State and Division of Library and Information Services unless ordered otherwise by a court of competent jurisdiction.

3. Police interactions or delivery of police services that may be perceived as controversial shall be reviewed by the Operation Division Commander. The commander shall set the appropriate category for retention with the approval of the Chief of Police.
- G. The Department shall withhold disclosure when appropriate when the data is confidential or exempt from disclosure set forth in Florida Statutes, Chapter 119, or any other statutory provision limiting or restricting access to the data, video or metadata, including but limited to, cases involving police shootings, serious use of force, officer misconduct, or any other circumstances as determined by the Chief of Police or designee.
1. This section shall not be read to obstruct or interfere with an employee's rights as provided by Florida Statutes or Department Policy.
- H. All BWC data shall be uploaded to the contracted archival vendor. The Department reserves the option to utilize alternative storage methods on a case-by-case basis at the discretion of the Chief of Police or designee.
- I. The release of BWC data shall be governed by Chapter 119 of the State of Florida or other Florida or Federal Law.

18.13.10

DISCIPLINE:

- A. An employee who fails to comply with this General Order may be subject to progressive disciplinary action up to and including termination.