

**WINTER PARK POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

Title:	Body Worn Cameras	SOP #: 393
Rescinds:	NEW	Amends:
Effective:	March 3, 2020	Pages: (09)

Attachments:

393-1 PURPOSE:

This policy provides guidelines for the use, maintenance, storage, and management of body worn video recorders by members of the Winter Park Police Department.

393-2 DISCUSSION:

Mobile body worn video recorders provide Department members with the ready ability to capture their encounters with the public by recording audio and video onto a device worn by the member. Such recordings can provide valuable evidentiary information for situations including arrest, use of force, or the investigation of complaints against a member. The Department recognizes the importance of using body worn video recorders to enhance trust and openness with the public, while also safeguarding the privacy of individuals.

Due to their placement and the technology used, body worn video recorders may capture images and audio that are not observed by the member, or may not fully capture what the member sees and hears. The Department recognizes that body worn video recorders document a single viewpoint, and should be used to supplement investigations rather than relied upon as a definitive proof of what occurred.

393-3 DEFINITIONS:

- A. Body Worn Camera (BWC) – A mobile body worn audio and video recording device, positioned to record activity from the general point of view of the wearer.
- B. BWC Recording – The recorded activity from the body worn camera which can take the form of video, audio, or still photos, and may also include digital bookmarks and/or GPS information.
- C. Digital Server – A cloud-based computerized storage system that is used to securely store uploaded BWC recordings. User access and read/write privileges to the digital server are restricted to the minimum level necessary to accomplish each user's job function.

- D. Docking Cradle – A device provided by the BWC manufacturer which downloads BWC recordings from the member's body worn camera, and uploads the recordings to the digital server. The docking cradle will also charge one or more BWCs.
- E. Activate – Placing the BWC in "record" mode to capture audio and/or video.
- F. Deactivate – Pausing or stopping the BWC from capturing audio and/or video.
- G. Body Worn Camera Program Administrator – A command staff member designated by the department to supervise the body worn camera program.
- H. System Administrator – A person designated by the Department to maintain all BWC recordings in compliance with Department policy and Florida State Statutes. The system administrator oversees all equipment comprising the mobile body worn video recorders, and is responsible for coordinating the proper release of BWC recordings for court and in response to public records requests. The system administrator sets access privileges for all BWC users based on their roles within the Department.
- I. BWC Software – Program supplied by the body worn camera manufacturer/vendor, used to manage BWC recordings and retention periods. This may include smart phone applications, programs installed on a computer, and web-based applications.
- J. Label – Digital marker in the BWC software used to link a BWC recording to a certain event type, event ID, or other keyword. These markers are used to help determine file retention periods and to identify the type of recording that is stored on the digital server.
- K. Category – A specific label within the BWC software that identifies a video as evidence, non-evidence, or restricted. The category label is used to set retention schedules for BWC videos.
- L. Records Retention Schedule – State of Florida General Records Schedule GS2 for Law Enforcement which defines how long body worn camera video/audio recordings must be retained.

393-4 PROCEDURE:

- A. The Department shall provide body worn cameras to selected Uniform Patrol officers, Traffic Unit officers, and other members designated by the Department. Only Department-issued BWCs are approved for use.
- B. Each member who is issued a BWC shall be assigned a specific, serialized unit. The BWC shall be worn so that the camera lens faces in front and ahead of the member.
- C. No member shall utilize any BWC equipment or related software until they have completed training on its proper use.
- D. Members shall utilize their BWC in full compliance with all parts of this policy.

- E. Members issued a BWC shall inspect their BWC at the beginning of each work shift for any damage, and will ensure that the BWC is fully charged and in proper working order. If a member discovers that their BWC is damaged or malfunctioning, they shall immediately report this to their supervisor. The supervisor shall notify a system administrator via email so that a functioning BWC can be issued to the member.
- F. The BWC program administrator shall be responsible for coordinating repairs to all BWC equipment.
- G. Body worn cameras and other BWC equipment shall be maintained in accordance with the instructions provided by the manufacturer.
- H. When not in use, all body worn cameras and equipment shall be stored in a secured location.
- I. Members are not required to inform the public when they are recording with the BWC, but shall acknowledge that they are recording if asked.
- J. Members have the right to review their own BWC recordings, and may do so prior to writing a police report or providing an official statement. However, this does not apply when immediate disclosure of information is necessary to secure an active crime scene or identify suspects or witnesses.
- K. Supervisors shall view all BWC recordings that are related to any use of force, as a part of their official review of use of force incidents.

393-5 TRAINING:

- A. All training to Department members shall be from a standardized and approved lesson plan. All BWC training shall be documented and retained by the Training Section.
- B. Initial training on BWCs shall minimally include:
 - 1. Department policy and procedures regarding BWCs.
 - 2. Basic operation of the BWC and function of buttons/switches.
 - 3. Standard care and security of the BWC equipment.
 - 4. Field operation of the BWC.
 - 5. How to review, label, and download recorded footage using the docking cradle and BWC software.

393-6 CRITERIA FOR ACTIVATION:

- A. The protection of life and property is the first priority of the Winter Park Police Department and takes precedence over every other part of this policy. No member shall

delay their response to a call for service or delay providing lifesaving measures due to the operation of their BWC.

- B. Members shall ensure that their BWC is recording under the below circumstances.
 - 1. All searches of vehicles, dwellings, and structures
 - 2. Under the direction of a Department supervisor
 - 3. Other legitimate law enforcement operations at the member's discretion, where recording is in the best interests of the Department and the community.
- C. Additionally, members shall ensure that their BWC is recording during all **citizen encounters** under the below circumstances. If practical, members should consider activating their BWC prior to making initial contact with the citizen(s).
 - 1. In-progress emergency calls
 - 2. All dispatched calls for service
 - 3. Verbal or physical disturbance calls
 - 4. Traffic stops
 - 5. DUI investigations
 - 6. Investigative stops/interviews (Terry stops)
 - 7. All searches of persons
 - 8. Any physical arrest or when in contact with/transporting an arrestee
 - 9. Vehicle or foot pursuits
 - 10. Any encounter with the general public or a citizen that may become adversarial.
- D. Members shall activate their BWC as soon as they can safely and reasonably do so when recording encounters.
 - 1. If the member does not activate their BWC or if the device fails to record, the member shall notify their supervisor immediately upon discovery.
 - 2. The member shall document the reason they did not record the event, either in their report narrative or in written CAD notes if the event does not result in a Department report.
- E. If time permits, members may state the type of call and any events that led to their activation of the BWC.

- F. The BWC may be used to obtain sworn recorded statements from victims, witnesses, and suspects. In such situations, members should activate their BWC, then have the interviewee state their full name and answer that they swear, under penalty of perjury, that the statement they are about to give shall be true.
- G. Members are not required to obtain consent to activate their BWC as long as they are conducting a legitimate law enforcement function.
- H. Activation Exceptions: Members may deactivate their BWC under the below circumstances.
 - 1. When performing routine law enforcement functions during an incident, away from the involved parties (e.g. researching driver licenses or tags at a crash scene, gathering paperwork, processing a crime scene).
 - 2. When performing routine law enforcement functions during an incident, away from any suspect or arrestee, and the situation is non-confrontational (e.g. perimeter location, collecting written statements from a victim or witness).
 - 3. After an arrestee has been secured in a Department holding facility cell. Members shall re-activate the BWC for any subsequent interaction with the arrestee.
 - 4. While discussing operational or strategic information with other members or supervisors and not engaged with confrontational subjects.
 - 5. Inside the secure areas of a county correctional facility or DUI testing facility.
 - 6. If a victim or witness refuses to provide information or a statement with the BWC activated, and the situation is non-confrontational. The member shall verbalize that they are stopping recording and the reason, prior to deactivating the BWC.
 - 7. If, in the member's opinion, the continued use of the BWC would be detrimental to gathering information due to a subject's physical or emotional condition, age, or other sensitive situations. The member shall verbalize that they are stopping recording and the general reason, prior to deactivating the BWC.

NOTE: If a member deactivates their BWC under sections 6 or 7 above, the member shall document the reason, either in their report narrative or in written CAD notes if the event does not result in a Department report.

393-7 RESTRICTIONS ON USE:

- A. Members shall not purposely damage, disable, or modify their issued BWC in any way.
- B. No member shall use a BWC other than the one issued to them.
- C. The BWC shall not be used in place of taking crime scene photos using a department issued camera.

- D. BWCs shall only be activated during official law enforcement operations or during training.
- E. Unless there is an overriding safety concern, members **shall not** use their BWC to record in the following situations:
 - 1. Communications with other City or Department members that are not part of a call for service.
 - 2. Conversations with the Department general counsel or other legal counsel.
 - 3. Inside the Public Safety Building when not on a call for service.
 - 4. Encounters with undercover officers or confidential informants.
 - 5. During a strip search of an arrestee. Refer to SOP #: 250, Handcuffing, Searching, and Transporting Persons for officer safety procedures during an authorized strip search.
 - 6. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

393-8 VIEWING, LABELING, AND TRANSFERRING BODY WORN CAMERA RECORDINGS:

- A. All BWC recordings remain the exclusive property of the Winter Park Police Department unless they are publicly released by the Department. No member shall copy or distribute a BWC recording without first obtaining permission from the Department.
- B. At the conclusion of an event but no later than before the end of their shift, members shall download each of their BWC recordings by placing their BWC in a docking cradle and ensure that all recordings are downloaded from the BWC.
 - 1. If a charging/download port is not working, the member shall immediately notify their supervisor.
 - 2. Once notified, the supervisor shall place a note on the malfunctioning equipment and shall email the BWC program administrator of the malfunction.
- C. Members shall add labels to all their BWC recordings before finishing their shift, unless approved by the on-duty supervisor. In such cases, the on-duty supervisor shall email the system administrator(s) to inform them which BWC recordings have not yet been labeled, and when the labeling is expected to be completed.
- D. All BWC recordings shall be labeled to include:

1. Title – The CAD event final disposition (i.e. Battery, False Alarm, Overdose, Traffic Stop). No CAD codes shall be used.
 2. ID – Case/event number associated with the BWC recording.
 3. Category Type.
 - a. Evidence – Any BWC recording that is part of a criminal case (an RMS offense report) or an arrest, whether custodial or non-custodial.
 - b. Non-Evidence – Used for encounters such as traffic stops that do not result in an arrest, traffic crash investigations that are not criminal in nature, alarm calls, field contacts, etc.
 - c. Restricted – This applies to a BWC recording that has been flagged to hold due to an agency internal investigation, upon direction of the Department general counsel, or for another legitimate agency purpose. This category type may be set by the BWC user but will most often be set by a system administrator or supervisor.
- E. If the BWC recording is associated with a police report, the member shall note in the proper field(s) of their Cafe police report that body worn camera video is included.
1. On the Incident tab, the member will select Yes for the LEO Camera field.
 2. Contact information for each member with associated BWC video/audio shall be included in the Business/LE/Others tab of the police report.
 - a. Within the Business/LE/Others tab of the police report, the member shall select the appropriate box(es) for the type of BWC recording associated with that report.
 - b. Within the comments section, the member shall include the number of BWC videos they have associated with that case.
 - c. The member may also include a brief description of each specific video segment in the comments section if they choose (e.g. arrest, transporting prisoner, photo lineup).

393-9 MAINTENANCE AND RETENTION OF BWC RECORDINGS:

- A. A system administrator is responsible for maintaining all BWC recordings once they are uploaded to the digital server.
 1. During each shift, a system administrator shall verify that BWC recordings which were uploaded from the previous shift(s) have been properly labeled. A system administrator may correct improperly labeled recordings or else shall contact the submitting member to have them make the appropriate corrections.

2. Only a system administrator may delete BWC recordings off the digital server, and only after consulting with the Department general counsel. This does not apply to BWC recordings which are purged in accordance with records retention schedules.
- B. A system administrator shall set and maintain access levels for all users within the BWC software system.
 - C. Members may only directly access their own BWC recordings within the BWC software, unless their position requires additional access privileges (e.g. supervisor, evidence custodian, etc.).
 - D. BWC recordings released to the public shall follow the Florida Constitution, State Statutes, and agency policies regarding public records and victim rights. No one shall release a BWC recording to the public unless they have first completed training on public records laws and this policy.
 - E. A system administrator shall create and follow an internal process for the retention of BWC recordings.
 1. BWC recordings labeled and submitted as evidence shall be held according to the records retention schedules and agency policies for criminal cases.
 2. Non-evidentiary BWC recordings shall be retained for at least 90 days per records retention schedules for "video/audio recordings: body camera".
 3. BWC recordings from vehicle pursuits, any event involving injury to a member or civilian, or any other event that could reasonably lead to litigation shall be categorized as Restricted and held for a minimum of four years.
 - F. A system administrator shall purge BWC recordings following the end of their retention periods.
 1. BWC recordings categorized as Evidence shall be purged according to the procedures in SOP #: 390 and Florida State Statutes.
 2. A system administrator shall create and follow an internal process for purging all non-evidentiary BWC recordings.
 3. BWC recordings categorized as Restricted shall not be purged without consulting the Professional Standards lieutenant and the Department general counsel.

393-10 BWC AUDITS:

- A. FSS 943.1718 requires that the Department perform a periodic review of actual agency body camera practices to ensure conformity with the Department's policies and procedures. Winter Park Police Department shall accomplish this through quarterly inspections.

- B. The Department shall develop a method to pull random samplings of calls for service for members who are issued body worn cameras, and generate an audit list for those members.
- C. Each supervisor shall be responsible to review the audit list for the employees under their direct supervision, and shall note whether the event had an associated BWC recording, whether the recording was properly labeled and categorized, and whether the member's body worn camera was activated during the proper portions of the call for service.
- D. Once completed, the audit log will be returned to the body worn camera program administrator, who shall retain the log according to Florida records retention schedules.

Drafted: KWR02-20 /Filed: 393.docx



Timothy Volkerson
Chief of Police