

## CHAPTER 33 - PART 1 - BODY-WORN CAMERA SYSTEM

### I. PURPOSE:

The purpose of this policy is to establish guidelines for the use and management of the Body-Worn Camera (BWC) system. This policy is intended to create guidelines for the management and official use of the BWC system and provide personnel with instructions for usage. It is not the intent of the Department to utilize the BWC system as a disciplinary tool.

### II. BACKGROUND:

BWCs are to be worn by sworn personnel during their tour of duty of the rank sergeant and officer, assigned to uniform patrol functions, as well as specific specialized units as determined by the Director or designee. The primary use of the BWC is to enhance officer safety, public safety, and promote accountability and transparency while fostering positive relationships with the community.

The Department recognizes that the BWC will not capture exactly what an officer sees and/or hears, or what an officer senses or experiences. Footage captured by BWCs is only a portion of the encounters between law enforcement officers and individuals. The Department acknowledges that an officer's recollection of specific details may be different from what is captured by the BWC. Although the BWCs do not capture an officer's full knowledge of any particular situation, they are a valuable law enforcement tool to capture and preserve data.

**III. BWC ASSIGNMENT:** The Miami-Dade Police Department (MDPD) will equip members of the Department with a BWC system. This system will be used to capture data to be preserved in accordance with departmental policy and in compliance with applicable laws. Once captured, these original recordings cannot be altered in any way and are protected by multiple layers of security.

### IV. OBJECTIVES:

The MDPD has adopted the use of the BWC system to accomplish the following objectives:

- A. To enhance officer safety.
- B. To capture data and evidence during the course of police encounters with individuals.
- C. To enhance the law enforcement officer's ability to document and review data for both internal reporting requirements and for courtroom preparation/presentation.
- D. To preserve data for use in current and future investigations.

E. To provide a tool for self-critique and field evaluation during officer training.

## **V. DEFINITIONS:**

- A. Body-worn camera: A portable electronic recording device that is worn on a law enforcement officer's body and that records audio and video data in the course of the officer performing his or her official duties and responsibilities.
- B. Body-Worn Camera (BWC) System: Includes the body-worn camera, microphone, battery pack, docking and charging equipment, video storage solution, evidentiary controls and privacy redaction functions.
- C. Casual Encounter: An encounter where a law enforcement officer comes into contact with the general public, which may not be related to an official law enforcement matter.
- D. Compliance Review: A process by which authorized members of the Department conduct reviews of the data captured by the BWC systems.
- E. Data: Audio, video, and metadata captured on the BWC.
- F. 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 footage is further categorized by specific incident type, and the retention period is governed by evidentiary rules and applicable law.
- G. 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 perform while on duty (e.g., assisting a motorist or clearing a roadway).
- H. Official Law Enforcement Matter: An encounter where a law enforcement officer, acting in an official capacity, comes in contact with the general 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 in advance, officers are to use their training and experience when determining what may turn into an official law enforcement matter.
- I. Officer: To include any and all MDPD personnel assigned a BWC.

## **VI. OPERATIONAL GUIDELINES:**

- A. The BWC and accessories will be assigned to BWC trained officers. Individual officers will be responsible for the care and custody of the BWC.

- B. Officers shall follow existing officer safety procedures when conducting enforcement stops as outlined in Department policies and procedures. Officer safety shall not be compromised in order 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 MDPD police officer, unless otherwise authorized by the Department Director or his designee.
- E. Officers will make every effort to place the BWC in the "Record Mode" as soon as practicable when involved in an official law enforcement matter. 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 will document the incident and reason for non-activation via memorandum to the element commander by the end of the officer's shift.
- F. All BWC system data, including police involved shootings, shall be the sole property of MDPD and will be used for official purposes only.
- G. At the end of each tour of duty, the employee assigned a BWC or a supervisor, will place the BWC in the appropriate docking station where it will be downloaded and charged.
- H. The Crime Scene Investigations Support Section (CSISS) will be responsible for the assigning and maintenance of the BWC system. The CSISS will ensure BWC operators, supervisors, and investigators have "view only" access to the recorded data for legitimate law enforcement purposes or other official reasons.
- I. The BWC Records Section (BWCRS) will be responsible for all duplication and redaction of data, and will process all requests for public records relating to BWC recordings.
- J. BWC operators shall receive hands-on training prior to being issued and deployed with the system.

## **VII. USER GUIDELINES:**

- A. Personnel assigned to wear a BWC shall have the discretion to choose the placement of the device on their uniform as approved by the Department and consistent with vendor recommendations.

- B. Officers should activate the BWC prior to exiting their assigned vehicles, or as soon as practicable, when responding to a call for service or prior to engaging in any official law enforcement matter, as defined in Section V. (H) and as indicated below:
1. Traffic stops
  2. Citizen contacts related to official law enforcement matters
  3. Impaired driver investigations
  4. Vehicle pursuits/foot pursuits
  5. All Calls-For-Service
  6. Transportation of any prisoner(s) or citizen(s) for any reason
  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
- C. Once the BWC is turned on, officers will continue to record until the conclusion of the event.
- D. Officers are not required to obtain consent to video/audio record. However, officers will always inform individuals that they are being recorded at the beginning of the contact unless it is not possible, safe, or practical to do so (e.g. "Ma'am/Sir, I am advising you that our interaction is being recorded.")
- E. Additional arriving units dispatched to a scene who are assigned a BWC will begin recording, and continue to record until the conclusion of the event.
- F. Officers, supervisors, and investigators may use data captured via the BWC system to assist with the investigation and/or completion of appropriate reports.
- G. Officers and supervisors may use data captured via the BWC system for training purposes, with proper and prior authorization from the District/Bureau Commander. Specific employees will not be identified.
- H. In locations where victims have a reasonable expectation of privacy, such as a residence, hospital, or place of worship, an officer may honor a victim's request to turn off the BWC unless the recording is being made pursuant to an arrest or search of the residence or the individuals. Supervisory notification must be made at the conclusion of the event when a request is honored.

- I. Officers should balance the need to capture data of non-evidentiary value with the dignity of individuals who may be experiencing matters of a personal nature, and may turn off their BWC as deemed appropriate. Supervisory notification must be made at the conclusion of the event.
- J. Officers may turn off the BWC for intelligence gathering or to obtain information for a criminal investigation when a citizen will not provide said information on video. Supervisory notification must be made at the conclusion of the event.
- K. BWC data may only be disseminated for official purposes or as otherwise permitted by applicable law.

**VIII. PROHIBITED CONDUCT:**

- A. The BWC will not be utilized to record under the following circumstances:
  - 1. To record other Department members unless it is during the course of an official law enforcement matter as defined in this policy;
  - 2. During employee meal and restroom breaks;
  - 3. While completing reports;
  - 4. During case discussions with other officers;
  - 5. During other administrative functions;
  - 6. During general or performance related discussions with employees/supervisors;
  - 7. During any court related matter, to include pre-file conferences, depositions, or any other activity within a courtroom; Only officers assigned to the Court Services Bureau are authorized to record inside a courtroom and only when handling an official law enforcement matter.
  - 8. While inside any police or County owned facility, unless the officer is in the process of handling an official law enforcement matter;
- B. Officers assigned a BWC shall not knowingly record confidential informants or officers working in an undercover capacity.
- C. 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.

- D. Employees will not access, review, copy, or facilitate the release of any recording obtained via the BWC, other than for official law enforcement purposes.
- E. 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.
- F. Employees will not use any other electronic devices, or other means, in order to intentionally interfere with the capability of the BWC system.
- G. Employees will not post BWC footage to any social media site, without prior written approval from the Department Director or his designee.
- H. Employees shall not erase, alter, modify or tamper with any original BWC data.
- I. Employees are not permitted to utilize any personal video recording device to capture any event while on duty.

**IX. MEDIA UPLOADING, STORAGE/EVIDENTIARY VALUE:**

- A. All BWC data shall be retained for at least the minimum period of time required by law, as provided in Section XIII.
- B. All BWC data may be considered evidence.
- C. The BWC user or a supervisor will ensure that the BWC is placed in the proper docking station at the end of each shift to facilitate the transfer of recordings.
- D. Once the data has been uploaded, the BWC operator shall be responsible for reviewing the footage and assigning data into categories in accordance with the data management system.
- E. If applicable, the officer will tag the segments of the recordings that have evidentiary value and label them according to event number, case number, officer's name, and badge number.
- F. Identification for the footage shall be the:
  - 1. MDPD case or event number, where no case number was issued.
  - 2. Officer's name, badge number, and date.
- G. Each data file shall be appropriately titled (i.e., date and time of the incident). Officers shall add the incident location after the date and time, and if applicable, the subject's name and date of birth (i.e., 2014/01/01 / 2215 / 129 Valor Boulevard / Doe, John / 01/01/1970).

- H. All footage shall be properly marked and identified as soon as practical.
- I. If evidentiary copies of BWC data are required, the BWCRS will be notified.

**X. SUPERVISORY INSPECTION AND AUDIT RESPONSIBILITIES:**

- A. Supervisors are responsible to ensure that the BWC is operated in accordance with established departmental policy.
- B. BWC recordings and data are kept in a closed, cloud based solution which is regularly managed and audited.
- C. When feasible, supervisors should review data captured via the BWC prior to the completion of any MDPD administrative reports, such as crash reports, Supervisor's Report of Response to Resistance, etc., where a BWC was utilized by any of the employees on the scene. With supervisory approval, BWC users may view recordings captured by others to assist with the investigations and the preparation of reports.
- D. BWC data will not be utilized indiscriminately for disciplinary purposes.
- E. Supervisors 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 the PCB Commander documenting the action taken and disposition.
- F. Personnel assigned to PCB will review BWC video when internal/external complaints are received.
- G. Supervisors will also review BWC data in response to an observed performance deficiency.
- H. The review of data contained in the BWC system shall be to assess training needs and to ensure compliance with departmental policy. Each entity commander with BWC systems will select supervisors to conduct compliance reviews. Supervisors will not conduct arbitrary compliance reviews.
- I. District/Bureau Commanders shall ensure the following:
  - 1. Quarterly compliance reviews are conducted on BWC systems under their respective command.
  - 2. Appropriate notifications are made when a departmental concern is discovered.
- J. BWC recordings may be utilized for training purposes after redaction of the involved employee's identity.

## **XI. CRITICAL INCIDENTS AND SPECIAL CIRCUMSTANCES:**

- A. During the course of a shift, officers equipped with BWC systems 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
  6. Officer suffers serious injury or death in the line of duty
- B. During these circumstances, officers equipped with BWC systems that captured the incident will stop recording by powering down the device at the conclusion of the event. The BWC system will remain affixed to the officer(s) in the same position as it was affixed throughout the event, and shall not be handled in any fashion unless emergency medical attention is necessary, requiring that the device be removed. 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 a CSISS supervisor, who will be responsible for the recovery and storage of all data evidence captured on the device.
- C. Officers equipped with BWCs should be cognizant that any conversations following the event will be captured. Therefore, protected conversations with appropriate counsel should not take place until the BWC is removed or completely powered down.

## **XII. DOCUMENTATION AND RECORDING:**

- A. Use of the BWC shall be documented on the appropriate official departmental record (i.e., Offense-Incident Report, Field Interview Report, or Uniform Traffic Citation) in all cases where a BWC is operational. Any use of the BWC will be documented on the Officer's Daily Activity Report.
- B. When preparing an official departmental record in connection with an investigation or police event, employees 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 events.

### **XIII. RETENTION AND PUBLIC RELEASE:**

- A. BWC data captured as part of a Department member's duties shall be the property of the MDPD and be considered an official public record of the Department.
- B. The release of BWC data through a public records request or other legal authority shall be governed by applicable law.
- C. Prior to releasing any BWC recordings, BWCRS staff will ensure that any and all redactions are in compliance with Florida's public record laws, consulting with the Police Legal Bureau as necessary.
- D. Non-evidentiary data shall be retained for at least 90 days, or as long as needed for administrative investigations or litigation.
- E. All data will be retained in compliance with the retention schedules published by the Department of State, Division of Library and Information Services.

### **XIV. ISSUANCE OF EQUIPMENT:**

- A. BWC systems will be issued to individual officers who have completed the approved BWC training.
- B. A record of the inventory will be maintained by the CSISS and the appropriate user district or bureau.
- C. CSISS shall coordinate the equipment transfer when removing a BWC system from one user to another or between Department entities.
- D. Officers are responsible for the proper care of all departmental property and/or equipment assigned to them. Officers will immediately report any loss of, or damage to, any part of the BWC equipment via their respective chain-of-command. Reports of damaged or lost BWC systems will be documented on a property loss report and forwarded to the CSISS via the chain of command.

### **XV. BWC Policy Review**

- A. The BWC Program and this policy will be reviewed annually or more frequently as needed to ensure compliance with current laws. Best practices as published by the law enforcement community will be considered in the review of this policy.

## Addendum

### **Retention Periods by Category:**

1. Traffic stops – 6 months.
2. Citizen contacts related to official law enforcement matters – 90 days.
3. Impaired driver investigations – 3 years.
4. Vehicle pursuits/foot pursuits – 1 year unless arrest, then the arrest retention applies.
5. All Calls-For-Service – 90 days.
6. Transportation of any prisoner(s) or citizen(s) for any reason – 6 months.
7. All searches (persons, vehicles, structures, etc.) – 90 days unless arrest, then the arrest retention applies.
8. Felony Arrests – 5 years or until final disposition of case, whichever is later.
9. Misdemeanor Arrests - 3 years or until final disposition of case, whichever is later.
10. Other legitimate law enforcement contacts when the officer believes it is in the best interest of the Department and the community – Until manually deleted.
11. Does not meet above criteria – 90 days.