



# WEST PALM BEACH POLICE DEPARTMENT

## Standard Operating Procedure III-20

### BODY WORN CAMERA/MOBILE VIDEO RECORDER

Revised: September 24, 2015

#### I. PURPOSE:

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To establish guidelines and procedures for the use, maintenance and management of the body worn cameras. (BWC)

#### II. POLICY:

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It is the policy of the West Palm Beach Police Department to utilize a body worn camera to document law enforcement interactions with the public by providing recorded evidence of actions, conditions and statements. Employees have a legal right to capture and record footage during all official interactions.

The department recognizes there are facts and circumstances unique to each call for service or activity and sounds and images captured on digital recording devices can be valuable evidence material to the consideration of law enforcement officers' actions and that such recordings are one of many factors reviewed in determining the reasonableness of an officers' actions and judgment of law enforcement officers at the scene.

#### III. SCOPE:

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This Standard Operating Procedure (SOP) applies to all Department employees.

#### IV. DEFINITIONS:

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**Call for service** -- any dispatched or self-initiated activity by any employee to resolve, correct or assist a particular situation.

**Citizen interaction** -- any call for service, consensual encounter, investigatory stop, traffic stop, arrest, pursuit, use of force, search, interview, or any other form of contact with, or observation of, a member of the public or person under investigation or detention.

**Body Worn Camera (BWC)** -- means 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.

**Digital evidence** -- information of probative value stored or transmitted in digital form.

**System Administrator** -- evidence.com system administrator with full access to user rights who assigns and tracks equipment, controls passwords, acts as liaison with the BWC manufacturer representatives.

**Evidence.com** -- the online web-based digital media storage facility accessed at www.evidence.com. The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in a highly secure environment. The digital recordings are accessible to authorized personnel based upon a security clearance and the system maintains an audit of user activity.

**Personal representative** -- means a parent, a court appointed guardian, an attorney, or an agent of, or a person holding power of attorney for, a person recorded by a body camera. If a person depicted in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney or agent; or the parent or guardian of a surviving minor child of the deceased. An agent must possess written authorization of the recorded person to act on his or her behalf.

**Public Records Specialist** -- a person trained to perform clerical duties to retrieve and maintain records of City documents in accordance with Florida State Public Records laws.

## V. PROCEDURE:

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- A. Officers who are assigned body worn recording equipment will adhere to the following procedures.
- B. Operation and use of the BWC is mandatory for all employees working in a uniformed assignment as follows:
  - 1. Regular On-duty assignments: Police Officers, Sergeants, and Lieutenants,
  - 2. Off-duty Details: All sworn personnel working an off duty detail (in the capacity of a Police Officer, Sergeant, or Lieutenant) will use a BWC.
  - 3. Special events or any events deemed by the Chief of Police or designee.
- C. Issue and operational/ maintenance checks:
  - 1. At the start of an officer's shift or assignment, to include extra duty and or special events, they will ensure the recording system is receiving power and functioning properly. The officer will do the following:

- a. check the status light to ensure the system is ready,
  - b. inspect and test all associated equipment,
  - c. ensure the unit is fully charged prior to each shift or assignment,
  - d. during the course of their shift or assignment, the officer will check the status.
  - e. periodically check the lens and microphone to ensure the equipment is clear of any debris or obstruction which could hinder recording.
2. Officers who discover their issued equipment is not operating correctly must notify their supervisors immediately and arrange for a replacement device and this action will be documented by the supervisor in a memorandum.
  3. Any damage, malfunction or other operational problem will be reported to the supervisor and the system administrator.
- D. Supervisors when notified of any malfunctioning equipment will inspect the device and decide whether to continue use of the equipment or return for repair or replacement.
1. Supervisors will consider the extent of damage and the availability of spare or replacement equipment.
  2. All BWC equipment will be inspected during line inspections.
- E. Mounting options:
1. BWC mounting options will be determined by the user. The mounting options are:
    - a. headband,
    - b. collar mount,
    - c. issued sunglasses,
    - d. epaulet attachment, and/or
    - e. ball cap attachment.
  2. Officers are issued equipment for each of the mounting options. Once a configuration is determined, any unused mounting options will be returned to the Quartermaster.

## VI. OPERATION:

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### A. Criteria for activation:

1. The BWC will be activated prior to all citizen interactions or as soon as possible upon initiation of a citizen interaction.
  - a. employees have discretion whether to record informal non-law enforcement related interactions with the public.
  - b. the BWC will be activated if an involved party or bystander becomes a suspect or confrontational.
2. The BWC will be activated by all officers involved in but not limited to:
  - a. traffic stops,
  - b. pursuits both vehicle and foot,
  - c. potentially confrontational citizen contacts,
  - d. physical arrests,
  - e. use of force situations,
  - f. suspicious vehicle/person calls,
  - g. in custody Miranda rights advisement and interviews, unless the incident is recorded by another means,
  - h. alarm responses and building searches, and
  - i. any other law enforcement activity which the officer feels could benefit from the use of the BWC.
3. The use of the BWC will be documented in all offense reports
4. When there is any doubt the system should be activated or there is an inability to do so in any of the listed situations, a report will document the circumstances.
5. Upon initial contact and when reasonable the officer will make an attempt to notify any citizen of the use of the BWC.

- a. when asked the employee will acknowledge the BWC is recording.
6. Employees who fail to activate the BWC when required will:
- a. notify their immediate supervisor as soon as practicable, and
  - b. document the lack of a BWC recording on all written reports or on CAD notes if no report was written (an incident number will be generated each time the BWC is not activated).
7. The department recognizes there are certain circumstances where officers may happen upon a situation requiring immediate action to prevent injury, destruction of evidence, or escape. In these types of situations officers should activate the BWC if doing so would not place them in harm.
8. Employees using the BWC during interviews, interrogations, statements, confessions, and/or utterances will:
- a. document the existence of a recorded statement on all applicable reports,
  - b. record and document on camera and in writing when Miranda warnings are issued.
    - i. statements, confessions and utterances captured by BWC video may supplement but do not replace the police department's requirement officers obtain, signed consent or waiver forms.
9. Employees will only use their issued BWC.
10. At the conclusion of any encounter that may generate a complaint employees will notify their supervisor so the supervisor may view the video immediately.
- B. Criteria for deactivation:**
- 1. The BWC may only be deactivated once the interaction or incident is completed, or when the employee can articulate a valid reason to stop recording. The following circumstances may be considered when making a decision to terminate a recording:
    - a. when doing so would be detrimental to other agency priorities such as:
      - i. interviewing victims, victims of sex crimes, witnesses and others who refuse to talk unless the camera is turned off, and/or
      - ii. facilitating intelligence gathering.

2. The recording of strip searches is prohibited.
- C. When used in an event that has an extended non-citizen contact, i.e. perimeter and/or standing by on a prolonged event, i.e. a medical clearance, the officer will use discretion on whether to operate or not operate the BWC.
  - D. Unless conducting authorized official law enforcement business the BWC operator is prohibited to use the system to:
    1. Record personal activities.
    2. Record conversations with fellow agency personnel without their knowledge during routine non-enforcement activities.
    3. Record in places where there is a commonly held expectation of privacy, such as locker rooms, dressing rooms or restrooms.
  - E. Officers will not release, post, or share any BWC footage on any social media sites or any site on the internet unless authorized by the Chief of Police or designee.
  - F. Officers will not make copies of any BWC recordings for personal or any other without prior approval from the Chief of Police or designee.
  - G. Tampering with the BWC or intentionally employing any device which interferes with the operation of the BWC is prohibited.
  - H. Using a personal or privately-owned BWC while on duty is prohibited.
  - I. BWC operators will not allow citizens to review the recordings unless an official inquiry or investigation is made and such review would be consistent with governing rules, regulations, and laws.
  - J. Information recorded at some locations is likely to include highly sensitive personal information. When responding to calls for service or working overtime details at the following locations officer discretion will be utilized:
    1. Schools during the school hours,
    2. Health care facilities,
    3. Mental health care facilities,
    4. Social service facilities,

5. Inside private residences, and/or
  6. Any areas where a reasonable person would expect to be private.
- K. In cases where an officer has captured restricted/prohibited footage, the officer will notify their immediate supervisor and provide the details of the incident.
- L. Viewing, Data Transfer and Categorizing BWC Recordings
1. Recordings may be viewed by employees when preparing and categorizing incident reports to ensure the accuracy and consistency of the incident documentation.
  2. Recordings may be accessed immediately, via the issued portable media player (PMP), or by accessing the storage server once all the data has been uploaded.
  3. Employees will accurately categorize and label BWC recordings at the conclusion of each incident, but no later than the end of their tour of duty or detail.
    - a. employees will contact their supervisor when they need assistance with the categorization of recordings.
    - b. employees, investigators or supervisors will categorize BWC recordings to preserve footage of evidentiary value.
    - c. employees will label each recording with a CAD incident number or the generated case number. Traffic officers may use uniform citation numbers to classify traffic stops
  4. The BWC devices will be returned to the docking station at the conclusion of each shift.
    - a. once the BWC is docked, it should remain docked.
    - b. when the BWC is receiving firmware update (flashing red/yellow lights) it will not be removed from the docking station.
    - c. any exceptions to this procedure will be authorized in writing by a Division Captain.
  5. Employees who will be working in official police related task (city overtime or contract overtime) may take their assigned BWC with them over their days off.
    - a. employees are responsible for charging their BWC with the supplied charging cord, and are to report to duty with a fully charged BWC upon their first day back to work.
    - b. K-9 officers may take their assigned BWC home daily to allow for call out purposes.

- c. the BWC will be docked, downloaded, and battery charged daily.
- 6. Supervisors may review video footage when requested by an employee to document exemplary performance, heroic actions or other praiseworthy service for appropriate recognition and commendation.
- 7. Any use of a BWC video for training purposes must be approved by the Professional Standards Division Commander.
- 8. The Chief of Police or designee may authorize the release of BWC footage in specific instances.
- 9. BWC recordings may be used for training purposes with the consent of the identifiable officer. If in the discretion of the Chief of Police or his designee use of the recording without the officer's consent is outweighed by the good to the City or the police department, the City will black out or otherwise obscure the identity of the member during any training where the video is displayed.

## VII. SUPERVISOR RESONSIBILITIES:

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### A. Supervisors will:

- 1. Ensure employees comply with all BWC related training,
- 2. Investigate circumstances where an officer improperly terminates a recording,
  - a. a memorandum will be submitted to the officer's Division Captain detailing the findings.
  - b. the Captain will determine if the action was intentional or avoidable and will direct any further action.
- 3. In cases where officers have captured restricted/prohibited footage, the supervisor will investigate the circumstances and submit a memorandum to their Division Captain detailing the findings.
  - a. if the Captain determines the recording was inadvertent or unavoidable, the details of the incident will be provided to the BWC System Administrator for editing or deletion.
  - b. any deletions will be done using a two party deletion method and must be authorized by the Chief of Police or designee.



4. In cases where the immediate retrieval of PVR footage is required, supervisors will collect the BWC from the employee and follow data transfer procedures. Upon completion of the data transfer, the BWC will be returned to the officer.
5. The BWC footage will be reviewed by the supervisor 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 recording may clarify events.
6. When an officer is involved in a critical incident a supervisor will immediately respond to the scene and secure all recordings until the incident investigators arrive on scene,
  - a. involved officer(s) will not be afforded the opportunity to review the recordings prior to participating in a walk through, however their representative will be allowed to review the recordings prior to the involved officer participating in a walk through.

**B. Citizen Complaints:**

1. The reviewing supervisor will utilize the Citizens Complaint Inquiry Form (CCIF) and provide the complainant with a Statement of Complaint Form per SOP IV-22 section IV.
2. Once the complaint is taken the receiving supervisor (lieutenant or designee) shall review and mark any BWC video in evidence.com as being involved in a complaint.
3. Any recorded incident which is likely to have a serious adverse impact upon the Police Department will be reported, without delay, through the chain of command to the Chief of Police.
4. Any complaint which may result in the arrest of the complainant, based on the BWC video evidence, must be routed through the chain of command to be reviewed by the Internal Affairs Commander prior to any enforcement activity.

## VIII. SYSTEM ADMINISTRATOR:

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- A.** Under direction of the Chief of Police or designee the BWC system administrator is responsible for setting and maintaining user and group authority levels, passwords, and any other required configuration of the evidence storage system, to include:
1. Update device settings,
    - a. Quartermaster will issue all BWC equipment
  2. Assist with manual downloads to the storage server,

3. Remove restricted/prohibited footage pursuant to direction from the Chief of Police or designee,
    - a. documentation of all viewed, edited, and deleted video is maintained as an audit trail on Evidence.com.
  4. Manage the list of categories and notify supervisors when users fail to categorize their BWC recordings, or otherwise fail to properly use, store or maintain their issued BWC,
  5. Provide support to Department employees in aspects of the BWC and evidence storage system,
  6. The maintenance of the audit system that monitors access to recorded data (e.g. who, what, when, and why),
  7. Maintenance of a system for the management of data retention and data purging, and
  8. Conduct forensic reviews when directed by the Chief of Police or designee to determine whether BWC equipment and/or recorded data have been tampered with.
- B. The BWC System Administrator will evaluate all devices turned in due to damage or malfunction.
1. The BWC System Administrator will make any repairs they are trained and qualified to perform.
  2. Devices which cannot be repaired by the System Administrator will be sent for repair or disposed of appropriately, upon written approval of Command Staff.
  3. Any device found to be damaged due to willful negligence by an officer may result in disciplinary action up to and including termination of employment.

## IX. TRAINING:

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- A. Employees will receive hands-on training prior to being issued a BWC. The initial training will include at a minimum:
1. A review of the policy, relevant state and federal laws governing consent, evidence, privacy, and public disclosure.
  2. Hardware operation, charging, docking, malfunctions, lost or damaged equipment.
  3. Categorization, data transfer procedures, data access, security, and retention guidelines, reporting improper recordings, and preparing and presenting digital evidence for court.

4. Hands-on exercises that replicate operating the BWC.
- B. Annual refresher training will be provided by the Staff Services Section.
  - C. The BWC system administrator will ensure all BWC training meets current manufacturer guidelines and specifications.

## X. DATA RETENTION AND PUBLIC REQUESTS:

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- A. All digital recordings collected using the BWC system are official records and the exclusive property of the West Palm Beach Police Department.
- B. The release, dissemination, copying, broadcasting, or distributing of any portion of any BWC recording without the express prior approval of the Chief of Police, or his/her designee, is strictly prohibited.
- C. BWC Video Retention Guidelines:
  1. Unless otherwise specified below, all recordings shall be retained for ninety (90) days
  2. Recorded evidence associated with an arrest, use of force, criminal investigation, or Internal Affairs investigation and/or complaint against an employee shall be retained pursuant to the Florida State Statutes Public Records laws.
  3. Vehicle crashes involving an employee, pursuits, and events involving injury to an employee and/or citizen, or any recording of an event or public interaction the officer reasonably believes could lead to litigation against the officer or the City of West Palm Beach shall be retained for a minimum of four (4) years and disposed thereafter only with approval from the professional Standards Commander or his or her designee.
- D. All BWC recordings will be uploaded to the contracted storage service provider's system.
  1. 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.
- E. Release of BWC recordings will be governed by Florida State Statutes Public Records laws.
- F. The Records Retention Specialist will redact exempt footage, pursuant to state statute, prior to release.

## XI. DISCIPLINE:

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- A. Failure to comply with this policy may result in discipline up to and including termination of employment.

## XII. MVR EQUIPMENT:

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- A. As designated by the Field Operations Commander MVR equipment is installed in vehicles assigned to the DUI Unit.
- B. Officers responsible for operating MVR equipment will inspect the equipment prior to use and monitor its performance throughout their tour of duty.
  - 1. Any deviations in operating condition, appearance, or suitability for its intended use will be reported immediately to a supervisor.
- C. Any MVR video captured in conjunction with the use of a BWC video of the same investigation will be moved into evidence.com to be stored together.

## XIII. REFERENCE:

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- [FSS 119.071](#), Public Records
- FSS 943.1718, Law Enforcement Body Worn Cameras

**Approved:**

*Signature on file*

**Bryan Kummerlen, Chief of Police**

*September 24, 2015*

**Date:**