

OVIEDO POLICE DEPARTMENT POLICY & PROCEDURE	EFFECTIVE DATE: 03-30-2015 AMENDED: 05-23-2017	APPROVAL: Jeffrey Chudnow Chief of Police	NUMBER: P&P 410-B
SUBJECT: BODY-WORN VIDEO CAMERAS		REFERENCE: CFA Chapters 27 & 32 F.S.S. 943.1718	
AMENDS: 03-02-2017		RESCINDS: P&P 410 VIDEO SYSTEMS	

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I. PURPOSE

The purpose of this directive is to provide members with guidelines in the use and management of body-worn video cameras.

II. POLICY

It shall be the policy of the Oviedo Police Department to record events using Department issued body-worn video cameras as outlined in this policy and current State and Federal laws.

III. DEFINITIONS

- A. **Body-worn video cameras** – Camera systems issued by the Department designed to be worn by sworn members to capture video evidence.
- B. **Digital Multimedia Evidence (DME)** – All digital recordings, to include but not limited to audio, video, still photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.

IV. DISCUSSION

- A. Body-worn cameras are an effective law enforcement tool intended to help reduce violent confrontations and complaints against members. Body-worn cameras provide additional documentation of police-public encounters and are an important tool for collecting evidence and maintaining public trust.
- B. The Department has adopted the use of body-worn cameras to accomplish several objectives:
 - 1. Body-worn cameras allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of members' reports and testimony.
 - 2. Audio and video recordings enhance the Department's ability to review probable cause for arrest, member and suspect interaction, evidence for investigative and prosecutorial purposes, and to provide additional information for members' evaluation and training.
 - 3. Body-worn cameras may be used to document crime scenes and accident scenes or other events that include the location, confiscation, and documentation of evidence or contraband.
- C. The Department recognizes that video images cannot always show the full story, nor do video images necessarily capture an entire incident or scene. The use of body-worn cameras does not reduce the requirement to ensure thorough written documentation of an event. Persons reviewing recordings must be cautious about reaching conclusions based on less than the totality of all evidence, a portion of which being what the recordings show.

- D. Body-worn camera equipment and all related data and video/photographs remain the property of the Oviedo Police Department. This includes all images, video and metadata captured, recorded or otherwise produced by the DME equipment. All personal access to or use of information recorded by body-worn cameras may be authorized only by written approval of the Chief of Police.
- E. Use of body-worn cameras for any purpose, other those than in accordance with this directive, is prohibited.

V. PROCEDURES

- A. Prior to any member being issued and utilizing a body-worn camera, members shall receive Department-approved training on its proper operation and care and Department policy with respect to the use of the body-worn camera. It will be the responsibility of the Training Coordinator or designee to ensure member training is completed prior to the equipment being issued. As appropriate, additional training shall be provided to incorporate changes, updates, or other revisions in directives or equipment.
- B. Body-worn cameras should be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the member's supervisor as soon as possible. Members shall inspect and test body-worn cameras prior to each tour of duty to verify proper functioning and shall notify their supervisor of any issues noted.
- C. In the event a body-worn camera is lost or damaged, the member shall immediately notify their supervisor. The appropriate paperwork shall be completed and submitted via the member's chain of command.
- D. Members shall wear body-worn cameras above the midline of their torso and in a position designed to produce an effective recording.
- E. While in an On Duty status or working off duty law enforcement details, members shall not use personally-owned devices to record unless approved by a supervisor.
- F. Members assigned a body-worn camera may use the camera at approved off-duty employment/assignments, but only in connection with law enforcement duties.

VI. OPERATION OF BODY-WORN VIDEO CAMERAS

- A. Members shall ensure their body-worn camera is activated and in standby mode at the start of every shift.
- B. Members shall activate their body-worn camera to record while responding to and during calls and law enforcement related encounters. *Any member on-duty and responsible for responding to calls and law enforcement related encounters is to utilize a body-worn camera. In the event the member is providing temporary road coverage, that member is to utilize a spare body-worn camera (when available) if they have not been issued one.* Each use of a body-worn video camera shall be documented in associated reports.

Law enforcement related calls and encounters include but are not limited to:

- 1. Vehicle pursuits;
- 2. Emergency police responses, whether or not emergency equipment is employed;
- 3. Traffic stops;
- 4. In-progress crimes;
- 5. Contacting suspicious persons;
- 6. On calls for service when a member comes in contact with a person in a law enforcement capacity either as a primary or back-up officer;
- 7. Driving Under the Influence (D.U.I.) investigations;
- 8. Vehicle searches;
- 9. Arrests;
- 10. Any encounter with the public that becomes adversarial after the initial contact; and
- 11. Any other legitimate law enforcement contacts at the discretion of the member when the recording would further the Mission of the Department.

C. School Resource Officer (SRO) Operation of Body-Worn Video Cameras

1. SROs shall activate their body-worn camera when responding to and during calls and law enforcement related encounters and as stated below:
 - a. In the performance of any non-routine SRO duties, such as any encounters with students, faculty, or parents that become adversarial after the initial contact, or any other non-routine encounter with citizens.
 - b. During any other legitimate law enforcement contact at the discretion of the member when the recording would further the mission of the department.
 - c. In any instance where a member believes that a recording made with their body-worn camera would be beneficial for prosecution, completion of a report, etc. (i.e. CPS/CPI children's interviews) unless otherwise prohibited or discouraged.
2. SROs are not required to activate their body-worn camera while in the performance of routine SRO duties (i.e. routine interactions with students, faculty, parents; classroom teaching/instruction, etc.)
3. SROs may on occasion have a student request to speak to them privately. On those occasions, the officer may mute the audio on their body-worn camera if the officer deems it appropriate and safe to do so. SROs shall consider various factors prior to deciding to mute their body-worn camera. These factors include but are not limited to, the juvenile's age, previous contacts with the juvenile, gender of the juvenile, as well as the content of discussion.

D. Members should utilize their body-worn cameras:

1. To record spontaneous statements made by witnesses, subjects, and victims;
2. To record advising Miranda warnings;
3. Any time a member believes that a recording made with a body-worn video camera would be useful for prosecution, completion of a report, etc., unless otherwise prohibited or discouraged.

E. The body-worn camera should remain in recording mode once activated until the conclusion of an incident/encounter or until the member has left the scene, unless otherwise exempted.

- F. When a member believes cooperation and/or information may be gained by not recording an individual the member shall have discretion to mute the audio on the video camera, but not before stating the reason why the recording is being turned off. However, as soon as practical the member shall resume recording.
- G. Members have discretion to mute the audio on the camera to discuss operational procedures, tactical decisions, legal discussions, or procedure questions with their supervisor. Members opting to mute the audio are to notate in the recording that the audio is being turned off and the reason why. Members will need to start recording again once the discussion is complete and prior to law enforcement action being taken.
- H. Prohibited uses include:
 - 1. Recording conversations of fellow members without their knowledge during routine, non-law enforcement related activities unless the recording is required by a court order or is authorized as part of an administrative or criminal investigation;
 - 2. Recording a member on break or otherwise engaged in personal activities;
 - 3. Recording any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room.
- I. Members shall not use a body-worn camera assigned to another member unless approved by a supervisor.

VII. REVIEW OF DIGITAL MULTIMEDIA RECORDINGS

- A. Members are permitted to review video footage of an incident in which they were involved to ensure the camera is recording and functioning properly, *and upon the member's own initiative or request before:*
 - 1. *Writing a report; or*
 - 2. *Providing a statement regarding an event arising within the scope of his or her official duties.*

However, the authorization to review body camera footage does not apply to an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses.

- B. Supervisors may review a member's body-worn camera recording(s) at any time:
 - 1. To investigate a complaint against a member or a specific incident in which a member was involved;
 - 2. To identify videos for training purposes and for instructional use;
 - 3. When members are still in a probationary period or are with a field training officer;
 - 4. When members have had a pattern of allegations of verbal or physical abuse.
- C. For each member assigned a body camera, the supervisor will randomly review body-worn camera recordings to monitor functionality of the camera and to verify compliance with the program.
- D. Agency personnel are explicitly forbidden from accessing recorded data for personal use of any kind unless approved in advance by the Chief of Police.
- E. The Department Public Information Officer (PIO) shall be responsible for coordinating the release of appropriate DME to the media or upon a public records request.

VIII. PROCESSING OF DIGITAL MULTIMEDIA EVIDENCE (DME)

- A. Members should upload DME from their body-worn camera at the end of their shift unless authorized otherwise by a supervisor.
- B. If a report is written (i.e. Offense, CJIS, IT, etc.) DME will be documented by case number within the "Title" section to retain the video in Evidence.com. This may be done prior to or after uploading. Multiple case numbers may be listed as necessary within the "Title" section. The type of case shall be documented within the "Category" drop down (Example: Traffic Stop, Arrest, Complaint, etc.) Videos of non-evidentiary value may be marked by entering the event number as the "Title" by the member to ensure the video is retained in Evidence.com.
- C. All DME of evidentiary value which is captured by a body-worn camera will be uploaded, labeled, and stored on Evidence.com.
- D. The Evidence Specialist shall be responsible for handling any requests for video from the State Attorney's Office.

- E. Evidence.com maintains a chain of custody for all DME stored on their server and will record the user, date, and time of anyone who accesses the DME.

IX. PROHIBITIONS ON DISPLAY/RELEASE OF DATA CAPTURED ON A BODY-WORN CAMERA

- A. Original or copied DME obtained as a result of a Department member's law enforcement position, including individual image(s) captured from data files, are and remain the property of the Oviedo Police Department.
- B. Original or copied DME obtained as a result of a Department member's law enforcement position, including individual image(s) captured from DME files, may only be displayed and/or released to the Office of the State Attorney, other law enforcement agencies, or pursuant to a lawful Public Records Request. Other dissemination outside the Department is strictly prohibited without the authorization of the Chief of Police or designee.

X. RETENTION OF DATA

- A. Data obtained from Department body-worn cameras shall be retained in accordance with state and federal requirements and Department policy.
- B. Data will be stored for a minimum of 90 days.

/S/ JAC

07-17-2017

JEFFREY CHUDNOW
CHIEF OF POLICE

DATE