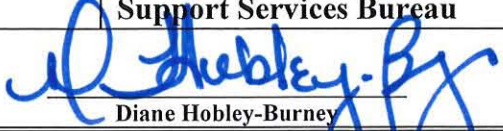


**CITY OF FORT PIERCE POLICE DEPARTMENT**  
**Policy and Procedure**

<b>Subject:</b> <b>Body Worn Camera</b>	<b>Effective Date:</b> <b>July 1, 2017</b>	<b>Number:</b> <b>83.130</b>
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<b>Authorized by:</b> <b>Chief of Police</b>  <b>Diane Hobley-Burney</b>		

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**A. 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 Fort Pierce Police Department to utilize the BWC System as a disciplinary tool.

**B. Policy:**

It is the policy of the Fort Pierce Police Department (FPPD) that BWCs are to be worn by sworn personnel during their tour of duty of the rank of sergeant and officer, assigned to uniform patrol functions, as well as specific specialized units as determined by the Chief of Police or designee based upon the availability of the equipment. 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. This policy does not govern the use of surreptitious recording devices used in undercover operations.

**C. Objectives:**

The FPPD 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.
- F. To promote and demonstrate transparency and openness in the police department's interactions with members of the community.

**D. Definitions:**

**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 in the course of the Officer performing his or her official duties and responsibilities.

**BWC Records Compliance Officer (RCO):** A position housed in the Department's Records Division. The RCO will be responsible for the receipt and tracking of all public records requests for BWC recordings and will process all requests in compliance with the requirements of Florida State Statute Chapter 119 involving the release of public records as well as any exemptions that might apply to those requests.

**BWC SYSTEM:** Includes the body-worn camera, microphone, battery pack, docking and charging equipment, video storage solution, evidentiary controls, and privacy redaction functions.

**COMPLIANCE REVIEW:** A process by which authorized members of the Department conduct reviews of the Data captured by the BWC Systems.

**DATA:** Audio, video, and metadata captured on the BWC.

**METADATA:** Summarizes basic embedded file information about a data file which can make finding and working with particular data files easier. For example, user, category, tags, event number (ID field), report number (Title field), date created and file size are examples of basic document metadata.

**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.

**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).

**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.

**OFFICER:** To include any and all FPPD personnel assigned a BWC.

#### **E. Body Worn Camera Procedures:**

1. The BWC and accessories will be assigned to BWC trained Officers. Individual Officers will be responsible for the maintenance and secure storage of the BWC. Officers who are assigned a BWC and accessories must use the BWC in accordance with policies unless authorized by their immediate supervisor as more fully set forth in these policies.
2. 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.
3. All Officers assigned a BWC will ensure the BWC is powered on and worn at all times while in uniform, including off-duty details. This includes tactical uniforms during tactical operations and detectives in plain clothes while wearing outer vests carriers conducting overt enforcement or serving search warrants.
  - a. The BWC will be powered on and worn at all times while operating department vehicles. This will include to and from job assignments unless the BWC has been placed in the docking station for uploading and charging.
  - b. Officers and Detectives assigned as a Federal Task Force Officer will follow their assigned Federal Agency's policy on body cameras while working under the authority of the Federal Agency.
4. 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. Equipment malfunctions will be reported by the Officer to the Information Technology Department (IT Department) with notification to the Officer's immediate supervisor. If the BWC is inoperable and a replacement is not available, an email will be sent by the officer to their immediate supervisor and shift commander documenting the circumstances. The Quality Assurance Manager will ensure the inoperable camera is returned to the manufacturer for replacement as soon as practical.
5. Prior to going into service with a BWC, Officers will ensure they are wearing an authorized uniform, clearly identifying them as an FPPD police officer, unless otherwise authorized by the Chief of Police or designee. This policy is not intended to cover undercover officers or hidden cameras.
6. 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 immediate supervisor and explain the reason for the non-activation. Additionally, the Officer will document the incident and reason for non-activation via E-mail to the shift commander by the end of the Officer's shift. The E-mail shall include the event number (ID field) and report number (Title field). The Office of Professional Standards will be cc. (carbon copied) on the email.

7. All BWC System Equipment and Data, including Data involving police involved shootings, shall be the sole property of FPPD and will be used for official purposes only.
8. At the end of each tour of duty, Officers will ensure that metadata has been added to all videos and the Data has been uploaded. The uploading of Data may be completed utilizing the Multi-Dock docking stations that will be maintained at the police department. Officers will ensure that the uploading of Data has been completed by the end of shift or as soon as practical with the shift commander's approval. On a voluntary basis, Officers may wirelessly upload the BWC via Wi-Fi. Officers will be responsible for ensuring the BWC system is stored securely and fully charged prior to their next tour of duty. Regardless of choice, Officers will ensure that metadata has been added to all videos and the data has been uploaded at the end of each tour of duty.
9. The Information Technologies (IT) Department will be responsible for the assigning and maintenance of the BWC System. The IT Department will ensure BWC operators, supervisors, and investigators have "view only" access to the recorded Data for legitimate law enforcement purposes or for other official reasons.
10. The RCO or approved designee will be responsible for all duplication and redaction of Data and will be responsible for providing BWC recordings to the Records Division for release in compliance with the law and City/Department policy which includes notification of the City Clerk's Office prior to release.
  - a. The RCO or approved designee will distribute copies of the video to comply with a defendant's right to discovery. The defendant's attorney must provide a copy of the Answers for Discovery document filed by the State Attorney Office on the case. Only those videos under the Fort Pierce Police Department report number(s) included on the Answer for Discovery will be released. All other requests not included in the same report number(s) or additional requests will be handled as a Public Records Request.
  - b. All videos released for the purposes of discovery will be shared through the BWC system via email link. The link will be set to be valid for only seven days and include the following warning on the restriction of release of body camera video:

*Law enforcement body camera recording is confidential and exempt from public disclosure when taken inside a private residence, inside a health care, mental health care or social services facility, or in a place that a reasonable person would expect to be private. F.S. Sec. 119.071(2)(l)*
11. Officers must complete the required block of instruction prior to being issued body worn recording equipment. Any department personnel involved in the use, maintenance, storage or release of audio or video Data recorded by the BWC System must also receive training. All training will be conducted through the training supervisor. The training will include, at a minimum:

- a. A review of the policy, relevant state and federal laws governing consent, evidence, privacy, and public disclosure.
- b. Hardware operation, charging, docking, malfunctions, lost or damaged equipment.
- c. Categorization, data transfer procedures, data access, security, retention guidelines, reporting improper recordings, and preparing and presenting digital evidence for court.
- d. Annual refresher training coordinated by the Department's Training Unit.

#### F. Body Worn Camera User Guidelines:

1. Personnel assigned to wear a BWC shall have the discretion to choose the placement of the device on their uniform in a location approved by the Department and consistent with vendor recommendations.
2. Officers will activate the BWC when responding to a call for service or engaging in any Official Law Enforcement Matter, as defined in Section D of this policy and as indicated below:
  - a. Traffic stops.
  - b. Citizen contacts related to Official Law Enforcement Matters.
  - c. Impaired driver investigations.
  - d. Vehicle pursuits/foot pursuits.
  - e. Traffic crash investigations, including officer involved crashes.
  - f. All calls-for-service.
  - g. Transportation of any prisoner(s) or citizen(s) for any reason.
  - h. All searches (persons, vehicles, structures, etc.)
  - i. All arrest situations or any in-custody Miranda rights advisements and interviews unless recorded by other means (i.e., in-car camera, interview room, etc.).
  - j. Other legitimate law enforcement contacts when the Officer believes it is in the best interest of the Department and the community.
3. When officers are assigned a call for service they will activate their Body Worn Cameras and advise dispatch, "Enroute, Body Worn Camera activated," or words to that effect. The dispatcher will acknowledge the Body Worn Camera has been activated or prompt the officer to activate the Body Worn Camera. For self-initiated activity, Officers will still be required to manually activate the Body Worn Camera as soon as practicable given the circumstances. In these instances, officers should notify dispatch "Body Worn Camera activated" or words to that effect once the camera is activated.
4. Once the BWC is turned on, Officers will continue to record until the conclusion of the event unless one of the following circumstances arise:
  - a. Officers may honor a victim's request to turn off the BWC in locations where victims have

a reasonable expectation of privacy, such as a residence, hospital, or place of worship. However, if the recording is being made pursuant to an investigation, arrest or search of the residence or the individual, the officer will continue to record.

1. The officer will explain the reason for denying the request to discontinue recording to the requestor, i.e. the need to capture statements or record other evidence.
  - b. Officers should balance the need to capture Non-evidentiary Data with the dignity of individuals who may be experiencing matters of a personal nature and may turn off their BWC as deemed appropriate.
  - c. 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. Officers will state on the record that they are stopping the BWC and upon reactivation will state that the BWC was reactivated to avoid accusations of editing after the fact.
  - d. Officers will contact their immediately supervisor for approval prior to turning off their BWC, in any of the above listed circumstances, unless the lack of expediency in obtaining such approval would hinder the investigation/assistance. In such cases, Officers will notify their immediate supervisory as soon as practical.
  - e. The circumstances surrounding the termination of the recording will be documented in the incident report and the comments area of the file details for the video. If no report is written, the circumstances surrounding the termination of the recording will be documented in the notes area of the file details for the video.
  - f. The supervisor will review the video of the incident to ensure compliance with this policy by the end of their shift.
5. Officers are not required to obtain consent from individuals to video/audio record. Officers are not required to inform individuals that they are being recorded. If, however, the Officer determines that informing an individual may de-escalate a situation, or if asked whether a BWC is being utilized, the Officer should disclose that he/she is recording.
6. 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.
7. BWC Data may only be disseminated for official purposes or as otherwise permitted by applicable law.
8. The Department and individual Officers are likely to be scrutinized whenever there is no video of an incident where video would have been helpful. Officer discretion and documentation will be paramount in explaining his or her actions.
9. Officers, supervisors, and investigators may use Data captured via the BWC System to assist with the investigation and/or completion of appropriate reports.
10. Officers and supervisors may use Data captured via the BWC System for training purposes, with proper and prior authorization from the Chief of Police or designee. The employee(s) who were

captured on the BWC System, wherein the video will be used for training purposes, will not be identified. The BWC System's redaction tools will be used to conceal identities.

#### **G. Prohibited Conduct:**

1. The BWC will not be utilized to record under the following circumstances:
  - a. To record other Department members unless it is during the course of an Official Law Enforcement Matter as defined in this policy;
  - b. During employee meal and restroom breaks;
  - c. While completing reports;
  - d. During case discussions with other Officers;
  - e. During other administrative functions;
  - f. During general or performance related discussions with employees/supervisors;
  - g. During any court related matter, to include pre-trial conferences, depositions, or any other activity within a courtroom;
  - h. While inside any police or county owned facility, unless the Officer is in the process of handling an Official Law Enforcement Matter;
2. Officers assigned a BWC shall not knowingly record confidential informants or officers working in an undercover capacity.
3. The Fort Pierce Police Department recognizes that BWC footage may contain sensitive and restricted information that must remain secure to protect the privacy of our citizens. Therefore, officers and employees are prohibited from participating in and will ensure that no one else participates in any of the following associated with the BWC or BWC Data:
  - a. Allowing citizens to review recordings on the scene. The Officer's immediate supervisor shall be notified if a citizen insists on viewing the recording on the scene. The immediate supervisor will explain the public records request procedure to obtain or view a copy of the footage.
  - b. Accessing, reviewing, copying, or facilitating the release of any recording obtained via the BWC without their immediate supervisor's approval and other than for official law enforcement purposes.
  - c. Making copies of any recordings for personal use and using any recording device (such as a phone, camera, or secondary video camera) to record any Data captured by the BWC System.
  - d. Using any other electronic devices, or other means, in order to intentionally interfere with

the capabilities of the BWC System.

- e. Posting BWC footage to any social media site, without prior written approval from the Chief of Police or designee.
  - f. Erasing, altering, modifying or tampering with any original BWC Data.
4. Employees are not permitted to utilize any personal video recording device to capture any event.
  5. Failure to activate the BWC System as outlined in this policy, properly retain and store recordings, or the abuse or misuse of the system may result in disciplinary action.
  6. Intentionally turning off the system in anticipation of a use of force incident or other confrontational citizen contact is absolutely forbidden, and will result in discipline up to and including termination.
  7. In cases where an Officer has captured restricted/prohibited footage, the Officer will mark the video restricted, notify his or her immediate supervisor and provide details of the incident. The immediate supervisor will notify the Support Services Bureau Commander or his designee via email with the circumstances for marking the video as restricted with the file number, the event number (ID field) and report number (Title field). The Support Services Bureau Commander or designee will review the video, gender specific when necessary, to determine the validity of the circumstances. The final decision of the status will be determined by the Chief of Police or designee. Once approval for the video to remain restricted is received from the Chief of Police or Designee, the email chain will be scanned and uploaded into the system. If a portion of the video is of evidentiary value, a copy of the video will be made with the restricted/prohibited portion redacted and unloaded to the system under the same event number (ID field) and report number (Title field).

#### **H. Media Uploading, Storage/Evidentiary Data:**

1. All BWC Data shall be retained for at least the minimum period of time required by law, as provided in Section L.
2. All BWC Data may be considered as evidence.
3. The Officer assigned the BWC or his or her immediate 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.
4. Officer assigned the BWC shall be responsible for reviewing the footage and entering the Metadata in accordance with the Data management system. The Metadata will be added using department issued computers. Officers may opt to use the mobile application to add Metadata on a voluntary basis. This should be completed after each call, if practical, or by the end of his or her shift. This requirement may be waived if exigency exists and is approved by the shift commander; however, it must be completed as soon as practical.

Metadata entered for identification of footage shall include the following:

- a. The CAD event number will be entered in the "ID" field with no dashes.

- b. All FPPD case numbers will be entered in the "Title" field with no dashes.
- c. Selection of the proper category.
- d. Selection of the appropriate "tags" when applicable.
- e. Unless the information is available through other means such as Computer Aided Dispatch record, written report, citation, etc, officers shall add the incident information into the "notes" field. This will include, at minimum, the incident address, the name of the victim and name of the suspect. For example:

Location of event

Suspect's name

Victim's name

5. If applicable, the Officer will mark the segments of the recordings that are Evidentiary Data and label them according to the contents of the marked section (i.e. victim's statement, suspect's statement, Miranda warning, etc.). This should be completed after each call, if practical, or by the end of his or her shift. This requirement may be waived if exigency exists and is approved by the shift commander; however, it must be completed as soon as practical.
6. If BWC Evidentiary Data is required, the RCO must be notified within a suitable time prior to the need. The RCO will ensure proper dissemination of video evidence.

#### **I. Supervisory Inspection and Audit Responsibilities:**

1. Supervisors are responsible for ensuring that the BWC is operated in accordance with established departmental policy.
2. BWC recordings and Data are kept in a closed, cloud based solution which is regularly managed and audited. These features ensure the integrity of the Data uploaded to the cloud. The IT Department will maintain custody of this cloud based system.
3. When feasible, supervisors should review Data captured via the BWC prior to the completion of any FPPD administrative reports, such as crash reports, Supervisor's Use of Force Report, etc., where a BWC was utilized by any of the Officers on the scene.
4. BWC Data will not be utilized indiscriminately for disciplinary purposes, meaning random searches of videos looking for policy violations will not be conducted.
5. 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 documenting the action taken to the appropriate Bureau Commander for disposition.
6. Personnel assigned to Office of Professional Standards will review BWC video when internal/external complaints are received.
7. Supervisors will also review BWC Data in response to an observed performance deficiency.
8. The review of Data contained in the BWC System shall be used to assess training needs and to

ensure compliance with departmental policy.

9. Bureau Commanders shall ensure the following:
  - a. All supervisor(s) with subordinates who carry the BWC System shall complete a Monthly Compliance Inspection by randomly picking at least two of his or her employees and randomly viewing at least three of their videos to ensure compliance with this policy. The results of the review will be documented on the BWC Monthly Compliance Report and forwarded to the appropriate Bureau Commander for review.
  - b. Appropriate notifications via the chain-of-command are made when a departmental concern is discovered (i.e., FPPD Training Unit for training issues, Office of Professional Standards for policy violations, etc.).

#### **J. Critical Incident and Special Circumstances:**

1. During the course of a shift, Officer's 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:
  - a. Contact police shootings.
  - b. Non-contact police shootings.
  - c. In-custody deaths.
  - d. Officer involved traffic crashes with fatalities or serious injuries.
  - e. On-scene complaints of excessive force.
  - f. Officer suffers serious injury or death in the line of duty.
2. During these circumstances, Officer's 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 Criminal Investigative Division or Office of Professional Standards 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 the IT Department, who will be responsible for the recovery and storage of all Data evidence captured on the device. The RCO will provide copies to any authorized outside agencies that may need one upon request.
3. Officers involved in a critical incident may review the recorded footage from the body camera, upon officer's own initiative or request, before writing a report or providing a statement regarding any event arising within the scope of the officer's official duties. Any such provision may not apply to an officer's inherent duty to immediately disclose necessary public safety information.
4. Officers equipped with BWCs should be cognizant that any conversations following the event will be captured. Therefore, protected conversations with appropriate counsel or union representative should not take place until the BWC is removed or completely powered down (for example, an Officer wearing a BWC involved in an officer-involved shooting should not have a conversation

with his attorney while still wearing the BWC system).

**K. Documentation and Recording:**

1. 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 to indicate that BWC footage is available for a particular event. This will be completed by including the phrase "BWC Footage Available" as the last line of the narrative on all corresponding reports.
2. When preparing an official departmental record in connection with an investigation or police event (i.e., Use of Force, Employee Injury, or Citizen Complainant), Officers shall indicate on the last line of the report that a BWC was utilized and footage is available by including the phrase "BWC Footage Available" as the last line of the narrative.
3. If a malfunction of the BWC occurs and video is not able to be retrieved from the camera, the officer will include in all reports explanation of why BWC footage is not available for all cases affected.
4. Data recordings are intended to supplement departmental reports. Submitted written reports are still required to comprehensively capture the totality of events.
5. When a report is not written and the information is not available through other means such as Computer Aided Dispatch record, written report, citation, ect., the event details will be documented in the notes file for the video.

**L. Retention and Public Release:**

1. BWC Data captured as part of an Officer's duties shall be the property of the FPPD and be considered an official public record of the Department.
2. The release of BWC Data through a public records request or other legal authority shall be governed by applicable law.
3. Prior to releasing any BWC recordings, the Records Division will ensure that any and all redactions are in compliance with Florida's public record laws, consulting with the City Clerk's Office as necessary.
4. Non-evidentiary Data shall be retained for at least ninety (90) days, or as long as needed for administrative investigations or litigation.
5. All Data will be retained in compliance with the retention schedules published by the Department of State, Division of Library and Information Services.
6. Retention Periods by Category:
  - a. Traffic stops – six (6) months.
  - b. Citizen contacts related to Official Law Enforcement Matter – ninety (90) days.

- c. Impaired driver investigations – three (3) years.
- d. Vehicle pursuits/foot pursuits – one (1) year unless arrest, then the arrest retention applies.
- e. All Calls-For-Service – ninety (90) days.
- f. Transportation of any prisoner(s) or citizen(s) for any reason – six (6) months.
- g. All searches (persons, vehicles, structures, etc.) – ninety (90) days unless arrest, then the arrest retention applies.
- h. Felony Arrests – five (5) years or until final disposition of the case, whichever is later.
- i. Misdemeanor Arrests – three (3) years or until final disposition of the case, whichever is later.
- j. Other legitimate law enforcement contacts when the Officer believes it is in the best interest of the Department and the community, such as contacts involving death, serious bodily injury, or other critical incidents or special circumstances as outlined in Section J, - until manually deleted.
- k. Does not meet above criteria – ninety (90) days.
- l. Litigation Hold – until litigation hold is lifted.

**M. Issuance of Equipment:**

1. BWC Systems will be issued to individual Officers who have completed the approved BWC training.
2. A record of the inventory will be maintained by the IT Department and the Quality Assurance Manager.
3. IT Department shall coordinate the equipment transfer when removing a BWC System from one user to another user.
4. Officers will immediately report any loss of, or damage to, any part of the BWC equipment, by e-mail to their immediate supervisor. The officer will cc. the email to their respective chain-of-command, I.T Department and Professional Standards.

**N. Body Worn Camera Policy Review:**

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.

**O. Authority and Reference:**

F.S.S. 119.07

F.S.S. 119.071

F.S.S. 943.1718

Policy #53 .100 Inspections

Policy #54.110 Public Records Request

Policy #84.100 Property Management & Evidence Handling

I.A.C.P. National Law Enforcement Policy Center, Body Worn Cameras, April 2014

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