POLICY 315	BODY WORN CAMERA (BWC) POLICY	
	12/17,11/18,12/18,10/19,11/19,**10/20**	RELATED POLICIES: **105.0**
	CFA STANDARDS: 32.02	REVIEWED: AS NEEDED

A. PURPOSE

The purpose of this policy is to provide department personnel who are equipped with Body Worn Cameras, guidelines for the use, management, storage, and retrieval of audio-visual media recorded by body worn camera systems. The use of body worn cameras may increase the ability of users to effectively enforce the law, obtain evidence for criminal prosecutions, protect department personnel from false allegations of misconduct, document interactions with the public, increase departmental transparency and improve conduct by all parties during police/public interactions.

BWC systems are not a substitute for department members' reasonable beliefs and perceptions and cannot account for the physiological responses during critical incidents such as visual tunneling and auditory exclusion. BWC recording systems should not be viewed as the sole measure of truth or as the totality of the circumstances, because such systems and their inherent limitations only capture video and audio evidence from the camera's physical position on the scene and not necessarily from the user's overall perspective.

B. POLICY

It is the policy of the Fort Lauderdale Police Department to utilize BWC to document law enforcement interactions with the public by capturing evidence of the actions, conditions and statements of all involved parties. Sworn staff members below the rank of lieutenant are required to use BWCs while engaged in field activities. All sworn staff, regardless of rank shall utilize BWCs while working off-duty details.

Exceptions to this policy may be granted by the Chief of Police or designee as deemed appropriate. Department members assigned to work undercover, or when the use of a BWC would be deemed impractical for the task assigned are exempted. Department members who are assigned to work in the Special Investigations Division (SID) or Task Force assignments with agencies prohibiting the use of BWC systems are exempted. Criminal Investigations Division (CID) and Street Crimes Division (SCD) detectives shall have the BWC immediately accessible for use at all times and shall be utilized in circumstances of actual or potential enforcement action as a situation dictates.

All department members will be indemnified and held harmless by the City of Fort Lauderdale for any civil liability resulting from their work related use of the BWC, in accordance with Section 2-42, Code of Ordinances of the City of Fort Lauderdale.

C. DEFINITION:

1. **Digital Evidence System Administrator (DESA)**: Department member with full administrator rights who assigns and tracks BWC equipment, controls passwords, acts as a liaison with equipment vendor representatives, manages the department's BWC devices, and is responsible for overseeing the retention and dissemination of all digital evidence stored in the digital evidence management system.

2. **Evidentiary Value:** A recording of an incident or encounter has evidentiary value if it could be considered useful for investigative or prosecutorial purposes, including, but not limited to, a crime, arrest, administrative investigation, a search, an inventory, response to resistance incident, pursuit, expedited or emergency response, or incidents involving injury or death.

3. **DEMS:** Cloud based digital evidence management system, containing all evidence captured, obtained, or imported into the database.

4. Powered On: The BWC is powered on in either an Activated or Deactivated state, i.e. the BWC is recording or ready to record immediately upon activation.

5. Activation: The BWC is powered on and recording.

6. Standby Mode (Deactivation): The BWC is powered, but is not recording. The BWC is maintaining a 30 second pre-recorded video buffer, in the event it is activated, the previous 30 seconds of video will be included in the recording without audio.

7. Live Mapping: Allows authorized users to review the real-time location of officers actively recording an incident under emergency circumstances.

8. Live Streaming: Allows authorized users to remotely view officers' BWC video while the officer is actively recording.

9. Axon Signal: Ability for the officer's BWC to be automatically activated upon a CEW being turned on by the same officer. This function will not turn on during a proper spark test.

D. GENERAL PROCEDURES

1. BWC placement on the user shall be in accordance with the BWC systems manufacturer's instructions using the issued camera mounts. The BWC must be worn on the front of the torso, between the collar bone and navel, and must be unobstructed.

2. Plain clothes personnel (CID/SCD) may wear their BWC on the dress shirt or polo shirt when engaged in law enforcement actions, there is a potential that law enforcement action will take place, or during interviews. The camera must be worn

so that its view is unobstructed and shall be worn using the issued camera mounts.

3. Any time the BWC is activated it shall be worn by using the issued camera mounts with the exception of utilization during the View Live function on the tablet or prisoner transport to capture activity in the prisoner compartment of the vehicle. It shall be incumbent upon the officer to return the BWC to the mount prior to exiting their vehicle. Station Report Officers are permitted to place the BWC on the desk to capture interactions with reportee.

4. General maintenance of the BWC shall be the responsibility of the department member issued the BWC. The equipment shall be operated in accordance with this policy, the manufacturer's recommended guidelines, and in compliance with the officer's training.

5. At the beginning of each shift, the assigned department member shall perform an inspection to ensure that the BWC is functional and fully charged.

6. Malfunctions, damage, loss, or theft of the BWC must be immediately reported to the BWC user's supervisor. A police report shall be completed any time a BWC is damaged, lost, or stolen.

7. Replacement BWC equipment may be obtained from the DESA during normal business hours. During non-business hours, a supervisor shall contact the DESA or their designee via email at BodyCamAdmin@fortlauderdale.gov to resolve the issue.

8. The configuration of the BWC's capabilities shall be set for a 30 second pre-record buffering mode without audio.

E. BEHAVIORAL THREAT ASSESSMENT:

All BWC users have the discretion to activate their BWC when participating as part of a Behavioral Threat Assessment team with Broward County School employees/ officials.

However, BWC users shall activate their BWC if during the process they are in any encounter with:

1. Student(s) who is/are the subject of a Behavioral Threat Assessment.
2. Witness(s)/Victim(s) to a potential criminal act.
3. Parent(s).
4. Any individual(s) who is/are not part of the assessment team.

F. BODY WORN CAMERA PROCEDURES

1. Prior to engaging in law enforcement activity with the public, all BWC users shall activate their BWC, provided that the activation does not compromise their safety or the safety of others. The BWC user may, at their discretion, inform a member of the

public that the BWC has been activated.

2. All BWC users shall have their BWC powered on and in pre-recorded (buffer mode) while on duty, working off-duty details or while in uniform operating a marked vehicle.

3. All BWC users shall activate their BWC upon arrival to all calls for service.

4. All BWC users shall start and stop recordings by using the event button. Users shall not use the power ON/OFF switch to stop or start recordings. A hard stop using the power ON/OFF switch will damage the internal battery and control unit of the BWC.

5. Any time a BWC user has a member of the public in their care or custody, the BWC shall remain activated, for the duration of time that the member of the public is in the user's care or custody.

6. Any time an officer is involved in a fleeing vehicle/pursuit or driving in an emergency fashion (code 3 response), their BWC shall be activated if it is safe to do so.

7. BWC users shall activate their BWC during any encounter with an individual that may result in a Baker Act or Marchman Act.

8 Department members using a BWC during an interview, interrogation, statement, confession, and/or utterance shall:

   a. Document the existence of a BWC recorded statement on all related reports or citations.

   b. Properly record Miranda warnings, when given.

   c. Attempt to secure signed consent and/or waiver forms.

   d. Document all consents, waivers, and/or refusals on camera and in writing.

   e. Supplement the BWC with a digital recording via the supplied viewer tablet.

9. Once the BWC is activated to record an interaction, it shall remain on until the event has ended. If it becomes necessary to turn off the BWC prior to the conclusion of a recorded incident, the user shall verbally record the reason prior to the deactivation, if it is safe and practical to do so.

10. When BWC users are interacting with victims, witnesses and others from the community who request NOT to be recorded, department members shall:

   a. Use discretion in balancing the value of obtaining a recording with the victim's, witness', or community member's reluctance to provide information while being recorded.

b. If the suspect of a crime is present, the BWC user shall not turn off the BWC.

c. If the BWC user decides to deactivate the BWC at the request of a victim, witness, or community member, the reason for the deactivation shall be verbally recorded prior to the deactivation. Additionally, the BWC user should attempt to record the victim's/witness'/community member's refusal to being recorded.

11. BWC users are not expected to record casual interactions with the public, such as exchanging pleasantries, providing directions, or while attending community meetings.

12. BWC users providing assistance to, or receiving assistance from, an outside agency shall without compromising the safety of the user or others, notify such officer(s) that the incident is being recorded via a BWC.

13. BWC users may deactivate the BWC at the conclusion of a law enforcement interaction with the public.

14. If there is no evidentiary value, BWC users shall ensure their BWC is docked/uploaded at least once every shift.

15. If the BWC captures any media of evidentiary value, BWC users shall ensure their BWC data is uploaded before the end of their shift, or prior to the device reaching maximum storage capacity, whichever comes first. If a user is unable to upload their data prior to the end of their shift, they shall obtain approval from a supervisor who shall send an email to the DESA at BodyCamAdmin@fortlauderdale.gov advising of the reason for the delay.

16. The BWC shall not be used for the purpose of generating compensation through unnecessary or frivolous usage.

17. BWC users shall ensure that all captured videos are properly categorized and labeled with the proper retention categories and, when applicable, the properly formatted agency case number for all videos (for example, 34-1234- 567890).

18. All BWC users shall ensure that all captured evidence taken in Axon Capture is properly categorized and labeled with proper retention categories and the properly formatted agency case number (for example, 34-1234-567890)

19. Authorized users shall only access BWC footage in accordance with their assigned duties.

20. A user MAY deactivate their BWC during non-enforcement activities including but not limited to:

a. When directing traffic

b. When remaining on an accident scene, where the BWC user is not interacting with a member of the public

c. Waiting for a tow truck

d. Meal breaks

e. Assigned to a static post, where a user is not in contact with citizens

f. When discussing a specific case or exploring investigative strategies or options with others.

g. Department members are not required to deactivate their BWC when in contact with the public if they feel it is in their best interest to continue recording.

21. Prior to deactivating the BWC, users shall make a recorded announcement as to the reason the device is being deactivated. After a BWC is deactivated, it is the user's responsibility to ensure they reactivate their BWC should the circumstances require it.

22. BWC Users shall promptly notify their immediate supervisor of any prohibited footage inadvertently captured by their BWC.

23. BWC users who fail to activate their BWC at the onset of an incident that requires recording shall activate the BWC as soon as it is safe to do so. If a user fails to activate, interrupts, or deactivates their BWC during any portion of a situation that requires recording, the user shall notify their supervisor and the DESA via email at BodyCamAdmin@fortlauderdale.gov as soon as possible, advising of the reason for the failure. In cases which require a police report, the BWC user shall document in the report the reason they failed to record the entire incident.

24. BWC users shall document in the narrative of their incident report, supplement, or probable cause affidavit that the incident was captured on their BWC.

25. BWC equipped department members and other employees involved in a recorded incident shall have the option to review recordings of an incident captured by a BWC when preparing written reports, supplements, or providing statements regarding any event arising within the scope of their official duties. However, if the BWC recording(s) is reviewed prior to authoring a report or supplement the following statement will be added to the report/supplement:

"The content of this document is based on information obtained during the course of my investigation, my observations of the incident and a review of the recording captured by a body worn camera system."

26. BWC users shall ensure that the BWC field in OSSI is marked yes (Y) when completing an incident report.

27. While completing the incident module, select one of the dropdown options in the Officer Narrative section. The dropdown options are:

    a. No BWC and Affidavit

    b. BWC, Viewed and Affidavit

    c. BWC and Affidavit

    d. Domestic Violence, Sexual Assault, BWC and Affidavit

28. Nothing contained in this section shall apply to an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses.

G. SUPERVISOR RESPONSIBILITIES

1. Supervisors may activate their BWC while handling phone complaints and the caller shall be advised the call is being recorded.

2. When notified of any prohibited footage inadvertently captured by a User's BWC, the supervisor will notify the DESA via email at BodyCamAdmin@fortlauderdale.gov so appropriate action can be taken.

3. In any incident where an employee alerts a supervisor of a failure to activate his/her BWC, the supervisor shall, as soon as practical, review the incident footage available from other employees' BWC, who were present at the incident/scene before determining if any further action is necessary.

4. Perform a periodic review of actual BWC practices, including but not limited to recorded media, to ensure conformity with the agency's policies and procedures, in accordance with § 943.1718, Florida Statutes

5. Performing an audit of the DEMS, to ensure users are in compliance with the BWC policy. This will include department members activating their cameras on calls for service and uploading their digital evidence as required.

H. AWARE AND LIVE STREAM PROCEDURES

1. Axon Body 3 cameras (BWC) have built-in capabilities, which will provide real-time alerts, real-time location, and live streaming of critical incidents to include, but not limited to, the following:

    a. Active shooters

    b. Officer involved shootings

c. Locating downed officer

d. Mass casualty event

e. Special Operations

f. Civil Unrest

2. Location and livestreaming are only available while the BWC is on and recording. Livestream can only be accessed by authorized users with proper permissions.

3. These are three features that will alert an officer the livestream function has been activated:

   a. The LCD display screen will show the "Livestream" icon while livestream is on.

   b. If the officer has the volume on, the camera will provide three short rising pitch tones and one long vibration.

   c. The Operation LED will change colors and blink purple.

4. Audit Trail

   When a livestream is accessed, the information is automatically logged in both the user and device audit trails. The user audit trail will show the date-time the livestream is accessed and closed, along with the serial number of the Axon Body 3 camera. The device audit trail shows the date-time the livestream was accessed and closed and shows which user accessed the stream.

5. Axon Aware and Role Permissions

   The department's Digital Evidence System Administrator (DESA) shall enable the appropriate permissions for the Roles authorized to utilize the Axon live mapping and live streaming function. The Axon Aware capability permissions will be granted to the rank of Lieutenant or higher and can only be used for the listed incidents in H. 1. or exigent circumstances.

I. INCIDENTS INVOLVING DEATH OR SERIOUS BODILY INJURY

1. Department members equipped with a BWC may encounter situations where critical incidents or special circumstances are captured on video. These situations require an immediate response from investigative units and include, but are not limited to, the following:

   a. Officer-involved shootings.

   b. Officer use of force resulting in serious injury or death.

c. Officer-involved traffic crashes with fatalities or serious injuries.

d. Serious injury or death of an officer in the line of duty.

During these circumstances department members equipped with a BWC that captured the incident shall notify a supervisor as soon as possible. The BWC shall be deactivated when the officer's interaction with the public has concluded.

2. The BWC shall remain affixed to the user in the same position it was worn throughout the event and shall not be removed unless necessary to render emergency medical attention. The lead investigator or designee will coordinate the response of the DESA or designee, who will retrieve the BWC from the user(s) and process it according to the agency's evidence handling standards. The DESA will be responsible for the recovery and storage of all evidence captured by the BWC.

J. PROHIBITIONS/ RESTRICTIONS:

1. The BWC shall not be used to record personal activity.

2. The BWC shall not be intentionally activated to record conversations of fellow employees without their knowledge during routine non- enforcement activities.

3. Except in the course of an active criminal investigation, the BWC shall not be activated in places where a reasonable expectation of privacy exists.

4. The BWC shall also be turned off ("powered down") when the user enters a restroom, locker room, and medical facilities for personal reasons.

5. Department members shall not make copies of any BWC recordings.

6. Department members shall not capture a screen shot of BWC recordings for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record such.

7. Department members shall not erase, alter, or tamper with any BWC recording.

8. No BWC recordings shall be posted on any social media site without prior approval from the Chief of Police or designee and the City Manager or designee.

9. Department members assigned a BWC shall not allow members of the public to review the recordings unless supervisory approval is obtained from a lieutenant or higher. Reviewing supervisor should take into account the individual's, who is captured on BWC, privacy rights, i.e. video obtained from inside a residence, medical/mental health facility, etc. when determining if the video should be shown to a member of the public.

10. Department members are prohibited from using any BWC that is not assigned to them. If a department member accidentally uses the wrong BWC for their shift, they must contact the DESA via email at BodyCamAdmin@fortlauderdale.gov and their shift supervisor to have the data reassigned to their profile.

11. Department members shall not have other personnel dock their camera, with the exception of a DESA, when necessary.

12. Department members shall not intentionally obstruct the lens or microphone, or otherwise compromise the functionality of a BWC.

13. Supervisors shall not review recordings without cause or for the sole purpose of searching for violations of departmental policy not related to a specific cause, complaint or incident.

14. BWC users shall not activate the BWC while inside any police or City of Fort Lauderdale owned/leased facility in areas not accessible to the public, unless the user is in the process of handling an official law enforcement matter.

    a. BWC shall not be activated during roll call, during non-investigative staff meetings, hearings, and encounters with other officers, supervisors, and command staff.

    b. BWC shall not be used during an administrative investigation/interview.

    c. BWC shall not be activated during training (e.g., Firing Range, Academy, Roll Call Training, etc.).

15. Department members shall not use any other electronic recording devices.

16. Department members shall not use any devices or employ any means to intentionally interfere with the capability of the body camera.

17. BWC users shall not intentionally terminate a recording or fail to activate the BWC in order to commit a violation of departmental policy.

18. BWC users shall not activate the BWC in the vicinity of a breath test instrument, to include, but not limited to, the DUI Breath Testing Facility (B.A.T.) and DUI Unit vehicles, while conducting breath tests.

K. OFF-DUTY DETAILS

All sworn personnel, regardless or rank, shall adhere to all aforementioned guidelines and procedures regarding the BWC. While engaged in off-duty details, BWC users shall upload their BWC footage at the beginning of their next regularly scheduled shift.

The exceptions requiring immediate uploading are as follows:

1. Make or capture an arrest
2. Response to resistance
3. Incidents involving injury or death
4. Absence longer than the BWC users regular days off
5. Searches of individuals, vehicles or property

L. OFF DUTY

It is recognized that off-duty officers may have to take enforcement action. This action may result in incidents not being recorded. When this occurs, department members shall document their actions and reason for not having their BWC in the incident report.

M. DOCKING / STORAGE AND SECURITY PROCEDURES

1. At the end of a BWC user's shift, they shall securely upload the media contained on their BWC utilizing the approved upload procedures (docking station). At no time will a user utilize the SYNC cable to upload media from their MDT or other device. BWC media will be stored utilizing a secure storage server. All media will be stored utilizing approved security methods in compliance with Criminal Justice Information Services (CJIS) standards.

2. By the end of a BWC user's shift, all evidence on their tablet shall be uploaded. The user shall utilize the authorized Wi-Fi access points in city buildings or their marked vehicle, if equipped.

3. At no time shall any department member, other than the user issued the BWC touch, handle, or remove the BWC from the docking station. The only exception is removal by the DESA for a maintenance related issue. If an investigator is working an administrative or criminal investigation where the BWC contains evidence related to an active investigation, the investigator will contact the DESA to have the BWC removed from the docks.

4. Files will be securely stored in accordance with state records retention laws. However, files may be retained for longer than state record retention laws require if there is an investigative, prosecutorial, or training need for the files.

5. Each video recording shall have a chain of custody audit trail which documents all events associated with the digital evidence.

N. RETENTION AND DISSEMINATION

1. All video recordings collected using a BWC system are official records and the

exclusive property of the City of Fort Lauderdale.

2. BWC recordings shall have any captured Criminal Justice Information (CJI) redacted prior to public release, in accordance with public records laws.

3. In the event of an accidental recording, a case number will be assigned and the video will be marked "pending review." Email notification will be made to **BodyCamAdmin@fortlauderdale.gov** advising of the accidental capture.

4. BWC recordings shall be maintained, at a minimum, in accordance with Section 119.071(2)(1)1-8 of Florida Statutes and the State of Florida General Records Retention Schedules.

5. A department member's request to delete recordings of a personal nature must be submitted in writing to the DESA and approved by the Chief of Police or designee, after consultation with the City Attorney or designee. All applicable public records and records retention laws shall be taken into account before a decision is reached regarding the deletion of a BWC recording. All requests and final decisions shall be kept on file.

6. Digital media collected by a body worn camera system may be a public record as defined by Florida Statutes and federal laws. As such, the applicable Florida Statutes and federal laws will govern the handling of all public records request.

7. All BWC recordings shall be uploaded to the contracted vendors cloud server. 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.

8. Approved Lieutenants, Sergeants, and Detectives will be given download rights for accessing Body Worn Camera audio and video recordings. These downloads are for investigative purposes only and are not to be disseminated to the public without approval from the Chief of Police or designee.

O. DIGITAL EVIDENCE SYSTEM ADMINISTRATOR (DESA)

The DESA is responsible for the BWC systems' overall maintenance, management, and retention of data, and acts as the technology liaison to the Forensics Unit and associated vendors. The DESA also has the following duties:

1. Ensuring that all users are trained in the use of the BWC system and equipment prior to being issued their equipment.

2. Configuration of the evidence storage system and assigning access roles under direction of the Chief of Police or designee.

    a. BWC users have access only to their recordings

b. Detectives can access all videos for investigation purposes.

c. The DESA has access to all recordings on the system.

d. Media Relations has access to all files.

3. Managing BWC inventory, issuing devices, training, and updating device settings.

4. Assisting with manual uploads to the external cloud server.

5. Managing recordings to include restricted/prohibited footage pursuant to direction from the Chief of Police. Notifying the Chief of Police when video evidence software logs indicate deleted, copied, and/or edited recordings.

6. Managing the list of retention categories and notifying supervisors when users fail to categorize their BWC recordings or otherwise fail to properly use, store, or maintain their issued BWC.

7. Providing support to department employees in all aspects of the BWC system.

8. Ensuring that all evidence categories have the correct records retention settings according to the applicable records retention schedules and Department Policy.

9. Conducting forensic reviews, when directed by the Chief of Police or designee to determine whether BWC equipment and/or recorded data have been tampered with.

10. Continuously monitoring this policy with a documented analysis to identify necessary modifications and/or continuations. The documented analysis shall be forwarded to the Chief of Police via the Chain of Command for the purposes of evaluating the effectiveness of using the BWCs.

P. TRAINING

Department members shall only be issued BWCs after they have received agency approved training. The DESA will ensure all BWC training meets current laws, manufacturer guidelines, and specifications, as well as department policy. Initial training shall include:

1. A thorough review of this policy, relevant state and federal laws governing consent, rules of evidence, privacy, and public disclosure.

2. Hardware operation, charging, docking, malfunctions, lost or damaged equipment.

3. Categorization, video upload procedures, video access, security, retention guidelines, reporting improper recordings, and presenting digital evidence in court.

4. Hands-on exercises that replicate operating the BWC.