

Key West Police Department

Respect – Integrity – Fairness – Service

General Order

Body Worn Cameras

Directive No: **06.28**
This Version Date: 04.25.2016
Date Posted: 05.10.2016
Date Effective: **05.24.2016**
Supersedes: 05.20.2015
Number of Pages: 5



Chief Donald J. Lee, Jr.

COLOR CODING DENOTING LEVEL OF LIABILITY:

WHITE: Low Risk / Discretionary Time

PURPOSE

The purpose of this directive is to establish guidelines for the use and management of body worn cameras so that officers may reliably record their interactions with the public in accordance with the law.

DISCUSSION

The Key West Police Department is committed to the use of body worn cameras to protect the rights of police officers and citizens while balancing privacy interest. It is the policy of the Key West Police Department to use body worn cameras to enhance the public's perception of our professionalism and commitment to service. The Department recognizes that video images cannot always show the full story nor do the video images capture the entire scene. The use of equipment to capture video images does not reduce the requirement to provide thorough written documentation of an incident. This policy does not govern the use of surreptitious recording devices used in undercover operations.

SCOPE

All persons assigned to, or performing official functions for the City of Key West - Department of Police, whether sworn or non-sworn, temporary or permanent, shall be governed by this directive. Specific responsibilities and requirements are contained in this Directive for:

- All Sworn Personnel
- System Administrator(s)

DEFINITIONS

Body Worn Camera (BWC) – A camera system with video and audio recording capabilities, that is affixed or worn by an officer.

BWC System Administrator(s) – Department personnel assigned to coordinate the maintenance of BWC equipment, manage the storage of audio and video recordings and facilitation of training for the body worn camera system.

DIRECTIVE

06.28.01

BODY WORN CAMERA PROCEDURES

The BWC system allows for accurate documentation of police-public encounter, arrests, and critical incidents. It also serves to enhance the accuracy of officer reports and testimony in court. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.

06.28.01.01 Operation

- A. The BWC equipment issued is the responsibility of each individual officer and will be used with reasonable care to ensure proper functioning.
- B. Officers shall activate the BWC prior to each shift in order to verify proper functioning. Equipment malfunctions shall be documented in writing, via an email sent to the officer's supervisor, as soon as possible.
- C. Officers shall position the camera on their uniform to facilitate optimum recording field of view.
- D. Officers shall dock their issued BWC for automatic upload periodically and no later than the end of each shift to ensure storage capacity is not exceeded.

06.28.01.02 Approved Uses

There are many situations where the use of the BWC is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, officers should activate the BWC any time they feel its use would be appropriate and/or valuable to document an incident. Unless it is unsafe, officers shall activate their BWC in any of the following incidents:

- A. Mandatory Recording:
 - 1. Traffic stops
 - 2. Suspicious persons/vehicles
 - 3. Person/Vehicle searches
 - 4. Confrontational citizen contacts
 - 5. Use of force situations
 - 6. Foot pursuits
 - 7. Advising an individual of their Miranda rights
 - 8. All encounters where the subject is believed to be involved in criminal activity.
- B. Any circumstances where the officer, through training and experience, believes that a recording of an incident would be appropriate.
- C. Any citizen contact that becomes adversarial after the initial contact which did not otherwise require recording.
- D. It shall be deemed a violation of this policy for an officer to fail to activate the BWC or intentionally terminate a recording in order to commit a violation of law or department policy. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or terminated.
- E. Officers shall document the use of their BWC in all incident reports, arrest affidavits, citations, Field Interview Cards, etc. Officers shall review their BWC recordings before preparing written reports to ensure accuracy.
- F. If someone requests to be recorded, the officer will activate the BWC and make a verbal note that the subject requested to be recorded.

- G. Officers are encouraged to advise someone they are being recorded if the advertisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.

06.28.01.03 Restrictions

- A. Unauthorized use, duplication, and/or distribution of BWC files are prohibited. Personnel shall not make copies of any BWC file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWC files.
- B. All recorded media, images and audio from the BWC are property of the Key West Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the approval of the Chief of Police or designee.
- C. Officers shall not use the BWC recording functions to record any personal conversation of or between another department member/employee without the recorded member's/employee's knowledge or permission.
- D. The BWC shall not knowingly be used to record confidential informants.
- E. The BWC shall not be used to record non-work related activity and shall not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms.
- F. Officers should be aware of certain circumstances when operating the BWC may not be appropriate such as:
 - 1. In a hospital emergency room where privacy of patients, including patients not part of the officer's call, should be considered.
 - 2. Anytime a person's private health information is being discussed.
 - 3. Ambulance responses to injuries or illnesses when victims are not involved in any criminal activity.
 - 4. When the use of a BWC causes emotional distress to a victim of a crime.
- G. Officers should be aware of other privacy issues relating to a person's place of residence and/or other areas where there could be an expectation of privacy.
 - 1. Upon initial contact with persons at a private residence, officers shall make a reasonable attempt to notify them that the BWC is present before entering the residence unless the officer enters the residence because of a warrant or exigent circumstance.
 - 2. If the person objects to the use of the BWC inside a private residence, the officer may turn off the device in accordance with this policy, unless the subject is believed to be involved in criminal activity.
- H. Personnel will use only the BWC system issued and approved by the Key West Police Department. The wearing of any other BWC system is not authorized.
- I. Personnel shall not remove, dismantle, or tamper with any part of the BWC or any hardware and/or software component of the BWC.

06.28.02 RESPONSIBILITIES

A. System Administrator(s)

The System Administrator(s) are designated by the Chief of Police and have oversight responsibilities to include, but not limited to, the following:

1. Operation and user administration of the BWC system.
2. BWC system evaluation.
3. Training.
4. Policy of procedure review and evaluation.
5. Coordination with IT regarding system related issues.
6. Ensure BWC files of evidentiary value are secure and retained per this policy.
7. Ensure BWC files are reviewed and released in accordance with federal, state, and local laws.

B. Supervisors

It is incumbent on supervisors to ensure that officers utilize the BWC as defined in this policy.

1. Supervisors will regularly ensure the BWC equipment assigned to their personnel is operational and functioning properly through personnel inspections and reviews of recorded activity.
2. Supervisors shall ensure their personnel are documenting their recordings in incident reports, citations, Field Interview Cards, etc.
3. Supervisors will have the ability to resolve citizen complaints by reviewing video captured by the BWC. In the event that a complaint is associated with a recorded event or a supervisor knows or reasonably should know that an incident may generate a complaint, the supervisor shall flag the video for retention.

06.28.03 STORAGE AND RETENTION

All BWC recorded files will be securely stored on a server maintained by the City of Key West Information Technology Department (IT). These recordings are retained in adherence with this written directive and state records retention laws pertaining to the storage of video/audio evidence. BWC recordings considered to be evidence shall be processed in accordance with all departmental policies pertaining to evidence collecting and processing.

06.28.04 PUBLIC RECORDS REQUESTS

All recordings collected using the BWC system are considered records of the Key West Police Department. Accessing, copying, or releasing any recordings for reasons other than official law enforcement purposes is strictly prohibited, except as required by law.

Requests for BWC recordings which extend outside the agency or other law enforcement agencies shall be subject to the provisions of F.S. Chapter 119.

REFERENCES

- I.A.C.P. National Law Enforcement Policy Center
Body Worn Cameras – Model Policy, April 2014
- Rialto Police Department
Policy 451 – Body Worn Video Systems
V09/22/2014

- Orlando Police Department
Policy 1140.0 – Mobile Video Recording Systems
V02/03/2014
- City of Sanford Police Department
Policy 13-02 – TASER AXON Flex Video System
V05/06/2013
- Flagler County Sheriff's Office
General Order 493 – Mobile Video Recorder (Body Worn Cameras)
V09/26/2014
- Ocala Police Department
General Order 7.16 – Video System Procedures
V10/07/2014
- Tallahassee Police Department
General Order 16 – MAVRICS (Body Worn Police Camera)
V11/29/2012
- 2016 Legislation
House Bill 93 – Law Enforcement Body Cameras

EVOLUTION

- New Policy
- General Order 06.28 – Body Worn Cameras v052015