

Jacksonville Sheriff's Office

ORDER

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463	Body Worn Camera Policy		1
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I. Purpose of the Policy

- A. The purpose of this policy is to establish guidelines for the use, management, storage and retrieval of Body Worn Cameras (BWC) and video recordings. This order supports the Sheriff's Office Core Values of "Worthy of Trust," "Respect for Each Other," "Community Focused," and "Always Improving."
- B. This Agency has adopted the use of the BWC in order to accomplish several objectives. The primary objectives are as follows:
 - 1. Enhance accountability and public trust by preserving evidence of officer interaction with citizens;
 - 2. Capture digital audio-video evidence for criminal, civil and traffic-related court cases;
 - 3. Assist officers with recalling facts or other details captured by the equipment that will help them accurately articulate a chain of events when writing reports;

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- 4. Serve as a training tool for officer safety and best practices, and
- 5. Assist in the assessment of contacts between officers and citizens by reviewing procedures and interpersonal actions.
- C. In order to enhance the services provided to the community, it is the policy of the Jacksonville Sheriff's Office to provide all full time sworn police officers (To include recruits in the Field Training Program) and full time sworn police sergeants of the agency with a BWC designed to record both audio and video. The BWC shall be used to assist authorized personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident, thereby reinforcing the community's perception of our professionalism and transparency. This policy is intended to achieve an appropriate balance between the benefits of BWC devices and the community's' and officers' reasonable expectations of privacy.
- D. BWCs are not a substitute for an officer's reasonable beliefs and perceptions, and cannot account for an officer's physiological responses during critical incidents, such as visual tunneling and auditory exclusion. BWCs should not be viewed as the only measure of truth because they may show more or less than what the Officer sees, hears, and/or observes. BWCs, however, have an important, but limited, use as one of many policing tools.
- E. This policy does not govern the use of surreptitious recording devices used in undercover operations.

II. Procedures

A. **Definitions**

- 1. *Activation* Any process that causes the body camera to transmit or store video and audio data in an active mode;
- 2. *Advisement* Statement made by an officer at the outset of using a BWC to record a communication, conversation or interaction with a citizen. This statement is made for the specific purpose of informing the citizen that the communication or conversation is being recorded;
- 3. *Audio Recording* The electronic recording of conversation, spoken words, or other sounds;
- 4. *Body Worn Camera (BWC)* The camera system that captures audio and video signals, capable of being worn on an officer's person that includes at minimum a camera, microphone, and recorder;
- 5. *BWC Downloading* The act of transferring recorded data from the BWC to the storage server;

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- 6. *Classification Tags* A method to mark and store BWC recordings for a specific purpose and for which a predetermined retention period has been set;
- 7. *Consent* Consent to record shall be considered obtained when the recording party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is being recorded. The announcement also must be recorded;
- 8. *Deactivation* Any process or action that causes a mobile recording device to stop recording and storing both audio transmissions and visual images;
- 9. *Docking The BWC* The process by which an Officer places the BWC into a network-attached data transfer device, causing videos previously recorded onto the BWC to be downloaded to the storage server;
- 10. *Metadata* Information that is used to identify the Officer to whom the BWC is issued, the date and time each video was recorded, and Officer interaction/offense categorization of BWC recordings;
- 11. *Officer* Used in this directive to include full time police officers, police officers in the Field Training Program, police sergeants and any other personnel who wear, use, maintain, store, or release audio or video data recorded by body cameras;
- 12. *Recorded Media* Audio-video signals recorded and digitally stored on a storage device or portable media; and
- 13. *Video Recording* The electronic recording of visual images with or without audio component.

B. General

- 1. Failure to adhere to the recording requirements of this policy could subject an Officer to disciplinary action up to and including dismissal.
- 2. All issued BWC equipment and recordings are the property of JSO.
- 3. Officers are prohibited from using privately-owned BWC in an official capacity while on or off duty.
- 4. Officers will be in a uniform or have their badge prominently displayed when using a BWC.
- 5. BWC will only be worn on the uniform or part of the body for which it is intended and may not be moved to obstruct or change the intended view.

6. Officers should restrict recording to areas and persons necessary in order to obtain evidence and information relevant to the incident and should attempt to minimize collateral intrusion to those not involved.

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- 7. BWC recordings are neither a replacement for written reports nor a replacement for recorded investigatory statements.
- 8. Officers equipped with BWCs who are on the scene of an incident and are not the primary reporting Officer shall inform the reporting Officer of their BWC recording so that the primary Officer may record this information in his report. The activation and deactivation of BWC will be documented in the General Offense report, Arrest report, Field Investigative Report, CAD notes, traffic citation, civil citations, or misdemeanor citations, as applicable.

C. Activation / Deactivation

- 1. There are many situations where the activation of the BWC is appropriate and/or required and this policy is not intended to describe every possible circumstance. It is understood that not all situations will clearly start out as necessitating documentation by the BWC nor will all recorded events have a clear ending for when the BWC is no longer required. Officers are expected to follow departmental policy and procedure, utilizing ethical and legal discretion as well as good judgment when activating and deactivating the BWC. When safe to do so, Officers who are assigned BWC's whether primary or back up will activate their BWC prior to exiting their vehicles to initiate any investigative or enforcement activity involving a member of the public to include:
 - a. Advising an individual of their Miranda rights (Not applicable if interactions occurs in an interview room where a recording device has been activated;
 - b. Arrests and transports;
 - c. Citizen contacts that become verbally/physically confrontational and may lead to the use of force;
 - d. Consent to Search/Search warrants;
 - e. Statements made by individuals in the course of an investigation or complaint;
 - f. Crowd control, protest or mass arrest incidents. Officers shall not record First Amendment assemblies for the purpose of identifying and recording the presence of individual participants who are not engaged in unlawful conduct;
 - g. DUI investigations including field sobriety exercises;
 - h. Emergency responses;
 - i. Enforcement related secondary employment;

- j. Foot pursuits;
- k. High risk encounters (e.g., Execution of an arrest warrants, barricade situations, and active shooter situations). Activation is not required during the tactical discussion;
- I. Inventorying of seized narcotics, money, or any high value property;
- m. Other investigative or enforcement activities where, in the Officer's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review;
- n. Pedestrian stops (To include Officer initiated consensual encounters);
- o. Statements made by suspects;
- p. Suspicious vehicle investigations;
- q. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance, and all criminal interdiction stops);
- r. Upon the order of a higher ranking Officer;
- s. Vehicle pursuits;
- t. Vehicle searches;
- u. While securing a perimeter on an active scene; and
- v. Witness or victim interviews (See Exceptions).

Officers may happen upon a situation requiring immediate action to prevent injury, destruction of evidence, or escape. In these situations, officers should activate the recorder if doing so does not place them or others in danger. Otherwise they shall activate the camera at the first available opportunity when the immediate threat has been addressed.

- 2. BWC activation is not required during the following circumstances:
 - a. While performing administrative functions, such as report writing, after the citizen/arrestee interaction has ended;
 - b. During non-enforcement activities such as when protecting a traffic crash scene (directing traffic) or assigned to a static post where he is not in contact with citizens, involved in an enforcement action or actively part of the investigation, then he may



deactivate the BWC to conserve battery life. The BWC will be reactivated if any of these fail to apply;

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- c. During court proceedings, unless an on-view incident occurs;
- d. When on break or otherwise engaged in personal activities; or in designated break areas unless an active pre-existing investigation is underway and authorized by law;
- e. When discussing a specific case or exploring investigative strategies or options with others;
- f. In situations when community members, witnesses, crime victims or other parties wish to share information related to criminal activity, but refuses to do so while being recorded, Officers will have the discretion to turn off the BWCS during the interview. The preference is to record such statements; however, it is recognized that such persons may be hesitant to provide information while being recorded due to a fear of retaliation, privacy concerns or a feeling that the information is sensitive. In these situations, Officer may decide that obtaining the information is more important than recording the conversation.
- g. When a prohibited use of the BWC is encountered during an active recording, Officers will deactivate their BWC when it is safe, practical, and possible to do so.
- 3. Deactivation
 - a. An Officer may deactivate his BWC when:
 - (1) Contact is completed;
 - (2) An incident is concluded;
 - (3) Instructed by supervisor (name) to end recording;
 - (4) Upon a LEO sensitive discussion; and/or
 - (5) Victim/Witness request.
 - b. Prior to deactivating the BWC, Officers will make a recorded announcement as to the reason the device is being deactivated.
 - c. After an Officer de-activates their BWC, it is his responsibility to ensure he re-activates his BWC should the circumstances require it.
 - d. Officers shall have the latitude to terminate a recording when there is no likelihood of anything else of evidentiary or law enforcement value occurring. 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 departmental policy.

D. Prohibitions / Restrictions

- 1. Officers are prohibited from using their BWC for any purpose other than their official law enforcement duties.
- 2. Officers shall not record a particular person based solely on the person's race, color, religion, national origin, gender, age, marital status, personal appearance, sexual orientation, identity or expression, family responsibility, homelessness status, physical disability status, matriculation, or political affiliation.
- 3. Officers shall not intentionally record juveniles not involved in criminal activity, or while in a person's residence. The recording of juveniles is for official purposes only.
- 4. BWC shall not be used to capture legally privileged communications as defined in F.S.S. 90 (e.g., sexual assault counselor-victim privilege, domestic violence advocate-victim privilege, attorney/client, doctor/patient, etc.).
- 5. BWC shall not be used surreptitiously.
- 6. BWC shall not be used to record undercover Officers and Confidential informants.
- 7. BWC shall not be utilized within 1000 feet of a bomb threat scene.
- 8. Officers shall not activate the BWC while inside any police or City owned facility, unless the officer is in the process of handling an official law enforcement matter.
- 9. BWC shall not be activated during roll call, during non-investigative staff meetings, hearings, and encounters with other Officers, supervisors, and command staff.
- 10. BWC shall not be used during an administrative investigation/interview.
- 11. Officers shall not use the BWC as a means to conduct a field show up of a suspect.
- 12. Officers shall not intentionally use the BWC recording functions to record any personal conversation of, or between another Officer/employee.
- 13. BWC shall not be activated when discussing strategic or tactical operations.
- 14. BWC shall not be activated during training (e.g., Firing Range, academy, roll call training, etc.).
- 15. Officers shall not make copies of any recording; disseminate any recording to the public, any media outlet, social media, or any other employee except in the course of official duties. The posting of BWC footage to any social media site, without prior written approval of the Sheriff or designee is strictly prohibited.

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- 16. Officers 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.
- 17. Officers will not use any other electronic devices or other means in order to intentionally interfere with the capability of the body camera.
- 18. Officers will not allow citizens to review the recordings.
- 19. Each BWC is configured for single use. Therefore, no Officer shall use a body camera not assigned to them.
- 20. Officers will not erase, alter, reuse, modify, or tamper with any recording.

E. Privacy Considerations / Citizens Advisement

1. The Fourth Amendment of the U.S. Constitution protects people, and provides them with a reasonable expectation of privacy from government intrusion. Guidance explaining protections against unreasonable search and seizure can be found in the case of Katz v. United States, 389 U.S. 347 (1967), which extends Fourth Amendment protection to all areas where a person has a "reasonable expectation of privacy." In summary, the court found that the government may not intrude into places, unwanted, when a person enjoys a reasonable expectation of privacy.

If an Officer is lawfully present (e.g., arrest warrant, search warrant, criminal investigation, exception to the warrant requirement) at a location where a person has a reasonable expectation of privacy (e.g., residence, restroom, dressing room, locker room, hospital, or mental health facility), there is no requirement that the Officer inform the person that video is being taken. Additionally, there is no requirement that the Officers shall inform victims of sexual assaults when they are being recorded and provide them with the option to not be recorded (e.g., "Ma'am/Sir, I am advising you that our interaction is being recorded)."

- 2. Officers who are invited into a location where a person has a reasonable expectation of privacy, and the Officer otherwise has no lawful right to occupy that space, shall inform the person they are being recorded. If the person requests the Officer not to record, the Officer shall discontinue use of the BWC. The Officer should attempt to capture the individual's request to stop recording prior to deactivating the BWC.
- 3. As a general rule, if the Officer must legally ask permission to enter a premise, he should also ask if the resident will allow the officer to record.
- 4. When an Officer is asked whether a BWC is being utilized, the Officer shall disclose that he is recording. Officer shall not lead a person to believe the BWC has been deactivated when in

fact, the BWC is left active. In addition, Officers are not required to play back BWC recordings to allow the public to review the video footage.

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Officers are reminded, they may inform the victim or others present at the scene, that BWC recordings taken inside a personal residence, medical, mental, or social service facility, places where there is a reasonable expectation of privacy or related to an incident involving domestic violence, stalking, or sexual assault will be withheld from release to the public (F.S.S. 119 Records Request).

F. Accidental Recordings

- 1. In the event of an accidental activation of their BWC where the resulting recording has no investigative or evidentiary value, Officers shall report the incident to the BWC System Administrator.
- 2. Officers will mark the video, "Pending review." If a public records request is received for a video marked "pending review", such request will be forwarded to the BWC System Administrator who will review the video and determine whether the recording, or a portion thereof, is a public record and whether any public records exemptions apply.
- 3. Officers shall ensure the request contains sufficient information (e.g., date, time, Officer's ID#, and the CCR#) to assist with locating the recording.

G. Secondary Employment

- 1. Officers issued a BWC shall adhere to all aforementioned guidelines and procedures regarding the BWC while performing enforcement type secondary employment duties.
- 2. Any video captured must be downloaded when the Officer returns to their regular assignment. The Officer will complete the download at the beginning of the shift, unless otherwise directed by a supervisor.
- 3. Any critical incident: Officer-involved shootings, In-Custody deaths, Response to Resistance incident (Resulting in a serious or alleged serious injury), Officer involved traffic crashes/Pursuits with fatalities or serious injuries, serious injury or death of an Officer in the line of duty, captured by the BWC must be downloaded in the same manner as if the data had been collected while the Officer was on duty.

H. Off Duty

1. It is recognized that off duty Officers not in uniform may have to make enforcement stops or respond to a law enforcement need while off duty, which may result in incidents not being recorded. When this occurs the Officer shall document their actions and reason for not having their BWC via the applicable report, document, or CAD notes.

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2. However, off duty Officers in uniform are required to adhere to the rules and regulations outline in this policy as if they were on duty.

Officer Responsibilities Equipment Inspection Maintenance and Repair Ι.

- 1. Officers are responsible for the proper care of the body camera used by and/or issued to them.
- 2. Prior to each shift, the Officer will perform the following steps:
 - a. Ensure that the equipment is fully charged and working properly. Officers will test the body camera's operation in accordance with manufacturer specifications and department operating procedures and training.
 - b. Officers are to attach the BWC directly to the Officer's uniform or person in a manner that allows the optimum recording of video and audio.
 - c. If the BWC is malfunctioning, Officers shall immediately replace the BWC with their assigned back up BWC. As soon as possible, the Officer shall have the BWC replaced by the BWC Unit.
- 3. Malfunctions, damage, loss, or theft must immediately be reported to the Officer's immediate supervisor as soon as practical. A General Offense/ Incident report must be completed when a BWC is damaged, lost or stolen.
- 4. Officers shall notify their immediate supervisor of any BWC recording believed to have captured any employee of JSO involved in misconduct or criminal activity.
- 5. Officers are required to provide a written explanation for failing to activate the BWC prior to initiating a law enforcement or investigative contact when required, and when the Officer fails to record the entire contact. Documentation shall be provided in at least one of the following reports, as appropriate: Traffic citation, civil citation, misdemeanor citation, and General Offense Report, Arrest Report, Field Investigative Report, and/or CAD notes.
- 6. Officers are responsible for properly applying a classification tag to all recordings with the appropriate category to ensure proper retention periods apply to each recording in accordance with agency policy and state law.
- 7. Officers will use the most appropriate and highest level classification tag as determined by involvement, response, and/or arrest and place appropriate event and/or case numbers in the classification notes section. This classification should be done shortly after the recorded incident is concluded, but must be done prior to download at the end of the Officer's shift.

J. Data Access And Responsibility / Review

- 1. Access
 - a. All Officers who are authorized to wear, use, maintain, or store body cameras will be trained in the BWC policy and procedures prior to obtaining access to BWC System. Additionally, all Officers who use maintain, store, or release audio or video data recorded by body cameras will be trained in the BWC policy and procedures prior to obtaining access to BWC System. Authorized Officers shall only access BWC footage under the following conditions in accordance with their assigned duties:
 - b. Officers shall be allowed to review the recorded footage from their BWC, upon his own initiative or request, before writing a report or providing a statement regarding any event arising within the scope of his official duties. Any such provision may 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.
 - c. By an Officer to make sure the BWC is working properly.
 - d. By members of the BWC Unit for processing public record request. Request for video or audio recordings will be handled in accordance with Chapter 119 of the Florida Statutes.
 - e. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the BWC System Administrator or his designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
 - f. For Data Analysis and Program Evaluation: The effectiveness of the BWC Program will be evaluated at least annually by the BWC System Administrator. The findings of the evaluation will be forwarded to the Undersheriff for review.
- 2. Supervisor Responsibilities
 - a. To ensure that this program maintains its integrity, it is imperative that supervisors ensure that Officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
 - b. Upon receipt of randomly selected recordings from the BWC System Administrator, the supervisor shall review the recording to ensure that the equipment is operating properly and that Officers under their command are using the devices appropriately in accordance with policy and to identify any areas in which additional training or guidance is required. The review should be documented in the Performance Mastery System.
 - c. Supervisors are also required to review all BWC media under the following circumstances:
 - (1) A Response to Resistance Report is generated ;

- (2) Upon the completion of a Pursuit Report;
- (3) The supervisor is investigating a specific act of an officer's alleged misconduct ; or
- (4) The Officer has been placed on a performance improvement plan to address identified behavioral or performance deficiencies.

Supervisors shall contact the BWC Unit to request access to the applicable BWC footage.

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- d. When a supervisor is notified of a malfunctioning camera, the Supervisor will ensure the Officer responds to the BWC Unit to have the BWC replaced.
- e. Ensure prior to the end of the shift, Officers download their assigned BWC.
- f. When an Officer does not activate or de-activate his BWC as required, supervisors shall determine if the delayed or non-activation was reasonable, based upon the circumstances. The Supervisor will take the appropriate action in accordance with Code of Conduct Policy Order 501.
- g. Supervisors who are made aware of minor infractions of policy or procedure may handle the incident as a training issue. Supervisors should use the opportunity to counsel with employees to ensure no future violations occur. However, the recordings may be used as evidence in any administrative, judicial, legislative, or disciplinary proceeding. **During the Testing and Evaluation period, failures to activate or deactivate the BWC will be handled as training opportunities.**
- h. Supervisors who are made aware of serious infractions of policy or procedure shall immediately report the incident to the either the Internal Affairs Unit or the Integrity Special Investigative Unit as applicable.
- i. Commanding Officers have the same responsibilities as those listed for Supervisors.

K. Critical Incidents and Special Circumstances

- During the course of a shift, Officers equipped with BWC may encounter situations where critical incidents or special circumstances are captured on video. Those situations require an immediate response from supervisors and Commanding Officers to include, but not limited to, the following: Officer-involved shootings, In-Custody deaths, Response to Resistance incident (Resulting in a serious or alleged serious injury), Officer involved traffic crashes/Pursuits with fatalities or serious injuries, serious injury or death of an Officer in the line of duty.
- 2. During one of these critical incidents or special circumstances the following actions will be taken:

a. Recordings related to a criminal or administrative investigation will be treated as any other digital evidence. To ensure proper chain of custody, the BWC shall remain in the sole possession of the assigned Officer until the designated investigator take custody of the BWC.

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- b. Under no circumstances will an Officer record a conversation with legal representation.
- c. Officers who are assigned as a "Buddy Officer" will ensure his BWC is deactivated during the entire time he is with the involved member.
- d. Supervisors shall ensure that prior to an Officer going back in service the Officer is equipped with a BWC.

L. Criminal / Administration Investigation of an Officer

Investigators are responsible for requesting BWC recordings only relevant to cases they are assigned. Investigators conducting criminal or administrative investigations against an Officer shall:

- a. Obtain a listing of each Officer, including the subject Officer, present at the incident, and documentation of whether that Officer was equipped with a BWC, and whether the BWC was activated.
- b. Ensure that all related BWC recordings have been downloaded to the storage database.
- c. Request and view all available BWC footage to determine whether the BWC file is of evidentiary value and process it in accordance with established protocols.
- d. Request that the BWC Administrator add a category (i.e., Internal Affairs or ISIU) to the recordings related to their investigations.
- e. Request that the BWC System Administrator restricts access to all BWC recordings related to the criminal or administrative allegations.
- f. Request that the BWC System Administrator restricts public disclosure of the BWC file in criminal or internal investigations, as necessary, in accordance with the public record laws.
- g. Investigators shall notify the BWC System Administrator to remove the access restriction when the criminal/internal investigation is closed or the BWC footage is no longer protected under the provisions of the public record laws.

M. Docking / Storage and Security Procedures

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- At the end of the Officer's shift, Officers will securely down load the media contained on their BWC utilizing the approved download procedures (wireless, docking station, etc.). BWC media will be stored utilizing a secure storage server and backed up for redundancy purposes. All media will be stored utilizing approved security methods in compliance with Criminal Justice Information Standards (CJIS) standards.
- 2. At no time shall any Officer other the Officer issued the BWC touch, handle, or remove the BWC from the docking station. The only exception to this is: Removal by ISM for a maintenance related issue, or by an investigator working an administrative or criminal investigation where the BWC contains evidence related to an active investigation.
- 3. Files will be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution.
- 4. Each video recording shall have a chain of custody audit trail which documents all events associated with a file.

N. BWC System Administrator

The BWC System Administrator is designated as the Custodian of Record for all BWC data files and has oversight responsibilities to include, but not limited to, the following:

- a. Ensuring that officers are trained in the use of the BWC system and equipment prior to issuance.
- b. Ensuring access level and roles to users in the BWC system as directed and/or approved by the Chief of Service or his designee.
 - (1) Officers have access only to their recordings;
 - (2) Assistant Chiefs and above have access to all recordings captured by Officers under their command;
 - (3) Authorized State Attorney Users have access to BWC recordings that contain evidentiary data related to a prosecutorial criminal case; and
 - (4) BWC Administrator has access to all recordings.
- c. Assigning passwords to authorized users.
- d. Ensure officers are assigned a fully functional BWC. Malfunctioning BWCs shall be replaced immediately.
- e. Maintaining an accurate listing of all BWC users.



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- f. Providing technical support for malfunctioning BWC equipment and facilitate all warranty repairs with the vendor.
- g. Policy and procedure review and evaluation.
- h. Management of the digital data storage management system.
- Ensure BWC files are secured and retained in accordance with record retention laws. i.
- j. Ensure BWC files are reviewed and released in accordance with federal, state, local statutes, and Departmental polices.
- k. Responsible for making copies of BWC files for presentation, court criminal/administrative investigations.
- I. Responsible for the disposal of copied BWC media not admitted as evidence in court or part of an administrative investigation.
- m. Providing administrative support with regard to the BWC system.
- n. Assigning personnel for the purpose of "sharing" BWC digital media evidence with the States Attorney's Office.
- o. Responding to requests from the Public Records Unit.
- p. Redacting or deleting any video in accordance with local, state, and federal laws governing the release of such materials. Any video redacted shall be documented and filed for recording purposes.
- q. The BWC System Administrator shall review accidental recordings and determine whether or not the recording had an official purpose. If the recording had no official purpose, the BWC System administrator shall document this in the recording notes and delete the recording. An audit log on the history of every recording will be maintained in the storage database.

O. Audits of BWC Recording Data

- 1. The BWC System Administrator shall be responsible for conducting audits of BWC footage, and shall ensure accountability and compliance in accordance with the guidelines and procedures in this directive.
- 2. Monthly the BWC System Administrator shall randomly select BWC footage to be reviewed by the Officers' supervisor.
- 3. The BWC System Administrator shall conduct a random audit of BWC data on a semi-annual basis and generate a report documenting the findings. The audit should be reflective of the

department and include multiple samples for review. The report shall further address any training or written directive issues resulting from the audit, and provide recommendations regarding compliance and accountability. The report shall be submitted to the Director of Personnel and Professional Standards for review.

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4. Any violations regarding this written directive, as it pertains to local, state, or federal laws shall be documented and submitted to the Internal Affairs Unit Commanding Officer for further review.

P. Training

All Officers who have access to the BWC System must complete an agency approved training program to include:

- a. Camera operation (Activation and Deactivation);
- b. Proper placement of the camera on the uniform;
- c. Department policy and relevant state/federal laws on camera usage;
- d. Review of procedures for recordings to be used as Evidence;
- e. Basic maintenance;
- f. Procedures for documenting and reporting malfunctioning to their issued BWC;
- g. Procedures for downloading and classifying recorded data;
- h. Procedures for accessing and reviewing recorded data; and
- i. Annual In-service BWC refresher training.

Q. BWC Recordings Used for Training

- 1. Officers are encouraged to notify the Director of the Northeast Florida Criminal Justice Training and Education Center of any recordings that may be of value for Department-wide training purposes.
- 2. Officers recommending the use of a BWC recording for Department-wide training purposes shall submit the request through their chain of command to the Director of the Northeast Florida Criminal Justice Training and Education Center.
- 3. Prior to approving the use of a BWC recording for Department wide training, the Director of the Northeast Florida Criminal Justice Training and Education Center shall:



a. Take into consideration the identity of the persons involved, the sensitivity of the incident, and the benefit of using the file versus other means.

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- b. Notify the involved officers that his captured BWC recording will be used for training.
- c. Confirm with the BWC Administrator that appropriate redactions are made to recordings prior to them being used in training.
- d. The Director of the Northeast Florida Criminal Justice Training and Education Center shall ensure that recordings authorized for training are categorized as "Training" in the JSO approved storage database.

R. Record Requests

- 1. Authority governing the release of reports containing criminal investigative information and criminal history information is found in various State and Federal Statutes, local ordinances, and Administrative rules and directives including, but not limited to:
 - a. Section 37.111, Municipal Ordinance;
 - b. Florida State Statute (F.S.S.) Chapters 39.119, 257, and 943; and
 - c. Chapters, 1B-24, 26, and 27, Florida Administrative Code.
- 2. Public Records requests shall be accepted and processed, in accordance with the provisions of federal law, state law, (F.S.S. 119), local statutes, and Public Information Unit Order 586. The request shall be forwarded to the BWC System Administrator for processing.

S. Retention and Disposal of Body-Worn Camera Video / Audio Recordings

- 1. The retention of BWC recordings will be in accordance with the General Records Schedule as published by the Secretary of State for Law Enforcement Agencies GS2 is the publication consulted for guidelines when planning records disposal.
- Recordings are managed for retention by software applications. Recordings are retained in accordance with this directive and statutory requirements addressing the storage of evidence. The software is programmed to perform automated purges to delete recordings set to expire as provided in this directive.
- 3. A non-event classification tag is defined as a recording that was a result of accidental activation of a BWC device. A non-event classification tag may also be a recording wherein the Officer had no contact with a citizen and no law enforcement action was warranted.
- 4. Recordings must be retained according to the mandates or retention periods established by local, state, or federal law, the statute of limitations, and if applicable, Sheriff's Office policy.



Recordings that do not qualify for retention beyond the default and minimum retention periods may be deleted by the BWC System Administrator.

- 5. If a recording does not meet the criteria for retention, but an Officer or supervisor believes a recording may be worthy of retaining based on the circumstances of the event, they shall consult with the BWC System Administrator.
- 6. BWC recordings may only be deleted by the BWC System Administrator or approved employees authorized by the Sheriff or his designee.
- 7. It is the responsibility of the BWC System Administrator (or other authorized designee) to extend the retention rate if it is determined the recording should be archived for future court proceedings, administrative access, or otherwise may serve to support criminal and civil statute of limitations (capital or life felonies, evidence preservation requests, DNA evidence, etc.), and if applicable, that copies are stored on DVD, or other media approved by ISM, in support of such extension.
- 8. Only the Public Information Unit may satisfy requests for public copies. Recordings obtained on agency systems shall not be released to the public without prior approval from BWC System Administrator (or their designee). Request for copies of recordings that extend outside the agency or the Office of the State Attorney shall be subject to the provisions of Chapter 119, Florida Statutes. The BWC System

Mile Will.

Sheriff

Version Number:

1

References: