

BODY WORN CAMERA (BWC)Section

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6.1 POLICY: The use of a body worn camera (BWC) system will provide documentation of the interactions between City of Miami Police and Detention Officers and the public by video recording evidence of actions, conditions and statements that may be used by judicial, internal review, or by the public through a formal public records request. The primary use of the BWC is to enhance officer safety, public safety, and promote accountability and transparency. The equipment will allow the Department to document statements and events during the course of an incident, enhance the police officer's ability to document and review statements and actions for internal reporting and preserve visual and audio information. 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 officer 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 officer tool to capture and preserve data. **(CALEA 41.3.8 a)**

6.2 ORGANIZATION: This policy shall be applicable to all police and detention officers. The Chief of Police will decide which member will be issued a BWC. The issuance of BWC equipment, data access, and maintenance will be handled by the Virtual Policing Unit.

6.3 RESPONSIBILITIES: Any officers utilizing BWC equipment shall ensure the device is in working order prior to starting their tour of duty and shall activate the BWC at all times when they become involved in enforcement action, are in the custody of or transporting a detainee, or engage in any self-initiated interactions with citizens. In addition to the officer, Supervisors will be held strictly accountable, and subject to disciplinary action, for any failure on a subordinate's part to adhere to this policy. Violation of this policy will be addressed in accordance with progressive discipline. **(CALEA 41.3.8 b)**

6.4 PROCEDURES:

6.4.1 PRE-SHIFT INSPECTION: Prior to each shift, officers assigned a BWC will ensure the BWC is adequately charged. Furthermore, officers will inspect their BWC equipment to ensure there is no visible damage and the device is in good working order. Any visible damage or concerns about the functionality of any the BWC equipment will be brought to the attention of the officer's immediate supervisor without delay. **(CALEA 41.3.8 e)**

6.4.2 AUDIO / VIDEO RECORDING:

6.4.2.1 Wearing Position of the BWC: BWC will only be mounted on the chest.

6.4.2.2 Use of and Recording with the BWC: (CALEA 41.3.8 b)

- a) An officer assigned a BWC must wear it in the On/Standby Mode at all times when on duty while in uniform and operating a police vehicle to or from work/home or court, while performing or likely to perform enforcement duties, or while performing an extra-duty detail/ special event. Officers shall be in uniform while operating a marked police vehicle to and from work, extra-duty detail/ special event, or other function where the officer would otherwise be expected to report in police uniform or is travelling from a function where the officer had worked in uniform. Officers may turn off BWC equipment while in bathrooms, however, will resume On/Standby Mode upon exiting bathroom facilities
- b) BWCs are considered a tool in the performance of law enforcement duties. Officers assigned a BWC shall not erase, alter, modify, destroy, abuse, tamper with, or intentionally interfere with the capabilities of the BWC equipment, including any audio/video recordings or the device.
- c) The Department recognizes that officer safety is paramount. Officers are directed to activate their BWC immediately upon being dispatched to a call for service or engaging in a self-initiated call for service. In the event that an Officer cannot safely begin recording at the time of dispatch or upon initiating a self-directed call for service the Officer must start recording as soon as it is safe and practical to do so. If multiple officers are on scene with a BWC, all officers with a BWC will record. Likewise, if multiple Detention Officers are transporting detainees, all Detention Officers will activate the record mode during this task.
- d) Officers with a BWC shall activate their BWC for all investigative or enforcement contacts including, but not limited to:
 - 1. Responding to calls for service in an emergency mode
 - 2. All vehicle pursuits, or foot pursuits
 - 3. All traffic stops including the investigation of a vehicle and vehicle occupants
 - 4. All searches including, but not limited to, people, vehicles, and buildings
 - 5. All requests for a consent to search without a warrant, including searches of persons, buildings, or vehicles
 - 6. All requests for searches and deployments of drug detection canines involving vehicles, when practical
 - 7. All arrests and/or citations.

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8. While in custody of a detainee
 9. Statements from victims/witnesses
 10. Any incident upon the direction of a supervisor, at the request of another police officer, or on any incident where the officer deems it appropriate to activate the body camera
 11. Officers shall only use the Department issued BWC equipment to record official Departmental activities
 12. Any other legitimate law enforcement contacts
- e) Officers assigned a BWC and with a detainee will record until the detention officer takes custody of the detainee and the completed paperwork associated with the arrest and the officer proceeds to clear the location. Detention Officers shall initiate recording immediately upon taking custody of a detainee and shall continue recording until arrival at the Miami Dade Corrections facilities, or other destination where detainee(s) are delivered into the custody of another authority.
 - f) Recording at the Miami Dade Corrections facilities, or any court facility will cease upon entry to the facility unless approved by Miami Dade Corrections, or court staff, or unless the officer is responding to a call for service at the facility. In the event that the officer is responding to a call for service at the facility the BWC recording shall continue until the officer concludes the call, or the officer is directed by a supervisor to cease recording.
 - g) Once a BWC is recording, officers must continue to record until their involvement in the event ceases and they leave the scene.
 - h) While **not required** by policy or state law, officers assigned a BWC may find it valuable to inform other parties that they are being recorded. This has proven to be influential in garnering cooperation and has been shown to reduce incidents of use of force.
 - i) A BWC is not specifically designed to log evidence or to be used for any situation where fine detail and resolution is necessary. Officers are encouraged, however, to use their assigned BWC to record crime scenes prior to the arrival of crime scene technicians or forensic investigators, especially if the scene may change or be compromised.
 - j) For efficiency, officers assigned a BWC can view and tag captured video via the smartphone application, iPod, or by using the computer program prior to uploading to the evidence management system (EMS).
 - k) Officers will activate or deactivate the BWC pursuant to this Department Order and not upon the request of a citizen.

- l) **EXTRA-DUTY DETAILS (Extra-Duty Details/Special Events):** An officer assigned a BWC must wear it in the On/Standby Mode at all times when working an extra duty detail or special event. Officers are to initiate recording while working extra-duty/ special event assignments and take any action(s) that would otherwise require the activation of the BWC as if the officer was on-duty. When the BWC activation becomes necessary, the officer is to tag and categorize the video immediately upon the completion of the incident and dock the

BWC upon their next regular scheduled work day. The officer must notify a supervisor working the same extra duty detail or special event if one is assigned (to include Special Events Supervisors) if the officer is involved in an arrest, response to resistance, injury to an officer or other, including arrestee/detainee, vehicle pursuit (even if it was cancelled/concluded), a complaint against the officer is made, or any serious incident. The supervisor will determine if there is a need for the officer to dock and upload the BWC prior to the officer's next regular scheduled work day. If the officer is working an extra-duty detail/ special event assignment where there is no supervisor assigned, the officer must notify Communications and request that an on-duty supervisor be notified. The supervisor will determine if there is an immediate need for the officer to dock and upload the BWC prior to the officer's next regular scheduled work day. Officer(s) that are directed by a supervisor to immediately dock the BWC will be compensated accordingly. Officers shall be in uniform while operating a marked police vehicle to and from an extra-duty detail/special event assignment.

- m) **PORTAL to PORTAL TRAVEL:** An officer operating a city vehicle and who is assigned a BWC must wear it in the On/Standby Mode when traveling portal to portal in uniform and is to initiate recording if they take any action(s) that would otherwise require the activation of the BWC if the officer was on-duty. When the BWC activation becomes necessary, the officer is to tag and categorize the video and dock the BWC upon their next regular scheduled work day. The officer must notify Communications and request that an on-duty supervisor be notified if the officer becomes involved in an arrest, response to resistance, injury to an officer or other including arrestee/detainee, vehicle pursuit (even if it was cancelled/concluded), a complaint against the officer is made, or is involved in a serious incident. The supervisor will determine if there is an immediate need for the officer to dock and upload the BWC prior to the officer's next regular scheduled work day. Officer(s) that are directed by a supervisor to immediately dock the BWC will be compensated accordingly. Officers shall be in uniform while operating a marked police vehicle to and from work, extra-duty detail/ special event, or other function where the officer would otherwise be expected to report in police uniform or is traveling from a function where the officer had worked in uniform.

6.4.3 EXCEPTIONS TO RECORDING: While it is the intent of this policy to require the BWC recording of any incident, interaction, investigation or enforcement contact not be interrupted prior to its conclusion and the officer clears the scene, or has completed the transport of a detainee, the Department recognizes that there will be times when private conversation prior to the conclusion of the incident may be necessary. An example of such instances when private conversation may be necessary is during strategy discussions with a supervisor or other officer. Prior to such discussion Officers may activate the Mute function on the BWC. Prior to activating the Mute function on the BWC the officer is to indicate the reason for muting the video. Officers shall not activate the Mute function while actively engaged or interacting with a member of the public, suspect or detainee. Officers

shall not deactivate the recording unless specifically directed to do so by a supervisor. In such instance the officer is to indicate the supervisor's name who authorized deactivating the recording prior to doing so.

6.4.3.1 Supervisors may authorize an officer to deactivate BWCs during non-enforcement activities such as:
(CALEA 41.3.8 b)

- a) Traffic control at fires, crime scenes, or crash scenes when the officer's likelihood of being involved in enforcement activities is low.
- b) Lengthy hospital stays awaiting medical clearance (unless enforcement actions are likely, the likelihood of additional criminal activity or escape attempt is high, the suspect is making voluntary statements, or the officer is gathering additional evidence, e.g., DUI blood draws).
- c) Officers shall make a verbal notation on the recording anytime they are directed by a supervisor to stop a recording. The verbal notation must include the reason why the officer is stopping the recording and the name of the supervisor who authorized the halting of the recording. Officers shall note on their worksheet the number of videos associated with each case due to the stops and restarts during a call. (e.g., Officer is directed by a supervisor to stop the BWC and restarts the BWC prior to clearing the call. In this particular circumstance the officer will generate two videos on the one call, therefore, the worksheet entry for the call shall reflect "2 BWC Videos".)
- d) When in close proximity to a suspected explosive device or package.

6.4.3.2 PROHIBITED RECORDINGS: In keeping with the Department's core values of respect and integrity, officers assigned a BWC will adhere to the following guidelines: **(CALEA 41.3.8 b)**

- 1. BWCs will not be activated in a place where a reasonable expectation of privacy exists, such as dressing rooms, locker rooms and restrooms unless while handling a legitimate call in one of these locations.
- 2. BWCs shall not be used to record a strip search or a body cavity search conducted in accordance with Florida Statutes 901.211.
- 3. BWCs will not be intentionally activated to record conversations of fellow officers without their knowledge during routine and non-enforcement activities.
- 4. BWCs will not be utilized to surreptitiously record conversations of the public and/or other members of the Department.
- 5. Officers utilizing a BWC will not knowingly record undercover officers or confidential informants.
- 6. BWCs will not be utilized to record any personal activity.

7. BWCs will not be utilized to record roll call activities.
8. BWCs will not be utilized in DUI processing rooms where a Breath Testing Instrument is located. (Due to radio frequency interference)

6.4.4 CRITICAL INCIDENT PROTOCOL:

6.4.4.1 A critical incident for the purpose of this departmental order is any police action or activity that directly or indirectly results in serious bodily injury or death to an officer and/or a citizen.

6.4.4.2 In the event of a critical incident, an officer assigned a BWC shall refrain from viewing the recorded data until the investigative entity responsible for the investigation arrives on scene and authorizes the officer to do so. This section does not prohibit officers in critical incidents with ongoing exigency from viewing BWC recordings that may aid the present investigation (e.g., suspect descriptions, suspect vehicles, direction of travel). **(CALEA 41.3.8 c)**

6.4.4.3 If there are BWCs in use during a critical incident, a police supervisor or an investigator assigned to the Internal Affairs Section and not involved in the actual critical incident will immediately take physical custody of any BWC's that may have captured the incident. The investigator will contact the Virtual Policing Unit to have an officer respond and facilitate with the video uploaded from the BWC into the evidence management system (EMS) without delay and provide copies as authorized.

6.4.4.4 Officers will be able to review video before giving any statements. **(CALEA 41.3.8 c)**

6.4.5 DATA UPLOADING AND VIDEO CATEGORIZATION:

6.4.5.1 Prior to docking their BWC, officers on an FTO rotational phase shall use the smart phone application, issued iPod, or computer program to assign the appropriate category, ID and Title to each individual recording. For efficiency, officers are to ID and categorize their videos throughout their shift using the mobile application, iPod, or computer program. Instructions for categorizing, titling and identifying each individual recording follow: **(CALEA 41.3.8 d)**

a) ID field: Enter the CAD number (when applicable).

1. Officers shall use the following formats in the ID field:
170103-123456

b) Title field:

1. Provide a brief explanation of what is recorded, including final signal and outcome (e.g., "signal 55, with 1 arrest").

a. Examples: DV, suspect interview, T.S., arrest for POCS, FI, etc.

c) Category fields:

There are 20 category choices for each individual recording. If multiple categories apply to an event, officers shall select the category with the highest retention period available to them.

1. Recording Management Categories

a. The following recording categories are to be used.

	Categories	Retention Duration
1	Uncategorized	180 Days
2	Crime Stoppers Tip	90 Days
3	Damage to MPD-City Property	1 Year
4	Death Investigations	100 anniversary years after crime was committed
5	DUI Investigation	3 Years
6	Felony Investigation	5 Years
7	Field Contact /Traffic Stop (No Citation)	90 Days
8	Baker Act	180 Days
9	IA Case	5 years after complaint disposition
10	Misdemeanor Investigation	3 Years
11	Pending Review	180 Days
12	Police Involved Shooting	100 anniversary years after date of incident
13	Response to Resistance	5 Years
14	Traffic Crash Investigations	5 Years
15	Traffic Stops (Citation Issued)	180 Days
16	Test/ Training Videos	90 Days
17	Vehicle Pursuits	5 Years
18	Homeless Encounter	1 Year
19	Detention Officer Transport (No Incident)	90 Days
20	Detention Officer Transport (Incident)	1 Year

2. At the end of each shift, or extra-duty detail/ special event officers assigned a BWC will ensure that all videos have been ID'd and categorized before placing their BWC into the dock for automatic uploading of all recorded data from the BWC into the EMS. Any evidence recorded by a back-up officer shall be ID'd and categorized the same as the primary officer, to include signal, case number, disposition, etc. **(CALEA 41.3.8 g)**

3. Upon upload to the EMS, the BWC will be cleared of existing data and ready for use during the officer's next shift.

6.4.5.2 Officers on Solo 1 phase and beyond are not required to categorize or ID each video prior to docking their BWCs if docking occurs within 8 hours from the end of their scheduled shift as CAD information will be automatically uploaded and used to categorize and ID the individual videos recorded during that shift. However, officers in this status are to afterwards review the entries in Evidence.com and validate that each of the videos previously uploaded were correctly categorized and ID'd by the system. In the event that the information on any given video is not correct, officers must manually make the necessary corrections. Officers are encouraged to use the Title field to enter brief descriptions of the incident recorded, including final signal and outcome as this information as it will serve as a reminder and assist officer in locating a particular video in the future. Any officer in Solo 1 phase and beyond who docks the BWC after 8 hours from the end of their scheduled shift shall manually input the information as required in 6.4.5.1.

6.4.6 REPORTING / DOCUMENTATION (Self-Reporting and Supervisor Compliance Audit Forms):

6.4.6.1 The use of a BWC will be documented at the end of the paragraph of an incident or supplemental report.

6.4.6.2 When a BWC records an incident resulting in either an arrest or citation, the use of the BWC will be documented in the citation and/or the arrest report narrative. If a citation is issued, the words "BWC utilized." will be written in the lower right hand corner of a paper citation or typed in the arrest form. The officer's worksheet will also reflect "BWC utilized."

6.4.6.3 Any officer who fails to activate their BWC and or record an incident as directed by this policy is to complete and submit a BWC Self-Reporting Form to their immediate supervisor explaining the circumstances prior to the officer's end of shift. The supervisor will review the report and determine if the failure to record was warranted. In the event that the supervisor determines that the failure to activate the BWC in accordance with policy is not justified, the supervisor shall initiate the appropriate disciplinary action in accordance with progressive discipline and document action taken on the form. The form shall be submitted through channels to the Field Operations Division Chief with a copy submitted to the Virtual Policing Unit.

6.4.7 DEPARTMENT REVIEW / TRAINING:

6.4.7.1 All recordings made with a BWC are the property of the Miami Police Department.

6.4.7.2 Recordings may be reviewed: **(CALEA 41.3.8 c)**

- a) By a Department officer to ensure a BWC system is working properly.
- b) By a police officer viewing their individually assigned recordings to assist with writing a report, supplement, citation, memorandum or court case preparation.
- c) By authorized persons for the purpose of reviewing evidence and processing records requests.

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- d) By a supervisor to investigate a specific act or allegation by another officer or by a member of the public. However, recorded data shall not be randomly viewed by supervisors for the sole purpose of enforcing policy violations, except as directed in 6.5.2 Audits.
- e) The Chief of Police or designee may order periodic integrity inspections of recordings to be conducted by the Internal Affairs Section.
- f) By authorized Department personnel participating in an official investigation, such as a citizen complaint, administrative inquiry or criminal investigation.
- g) By others with permission of a supervisor if they are participating in an official investigation.

6.4.7.3 BWC recordings may be used for the purposes of training. Officers aware of BWC recordings that may serve as a training aid for other officers should notify a supervisor who will review the recording to determine its feasibility as a training aid.

6.4.7.4 BWC recordings will never be used with the intent of belittling, ridiculing or embarrassing any officer of the Department, notwithstanding the potential use of BWC recordings in disciplinary matters.

6.4.7.5 Supervisory personnel shall review all BWC video relevant to a serious incident involving an officer, including any response to resistance, vehicle pursuit, officer involved crash, firearm discharge, complaint against officer(s), injury to officer or others, etc., prior to completing any supervisory report of the incident.

6.4.7.6 Discovery of Potential Misconduct during Authorized Review:

1. Members reviewing recordings should remain focused on the incident captured in the BWC and should review only those recordings relevant to the investigative scope. If a member discovers potential misconduct during any review of the BWC, the member shall report the potential misconduct to a superior officer. The superior officer shall adhere to the provisions of Departmental Order 2. Nothing in this procedure prohibits addressing Department Order violations.

6.4.8 DATA PRIVACY / RETENTION OF RECORDINGS / RECORDS REQUESTS:

6.4.8.1 All digital media that is captured with a BWC is the property of and will be retained by the Miami Police Department for a minimum of 90 days following the date it is recorded. Captured video may be retained for longer periods in the event the video is the subject of a litigation hold, a criminal case, part of discovery, etc. **(CALEA 41.3.8 d)**

6.4.8.2 Unauthorized accessing, copying, or releasing captured video without the approval of the Chief of Police or his/her designee is strictly prohibited. Officers are prohibited from making copies of a BWC audio/video recording by using another recording device such as a cell phone.

6.4.8.3 With the proper EMS permission level, recordings may be duplicated or shared with criminal justice agencies or when otherwise authorized by the Chief of Police or his/her designee.

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6.4.8.4 Officers will not allow citizens to review video captured by a BWC unless there is an investigative reason to do so and such viewing has been approved by a supervisor. Officers shall advise citizens that they may request a copy of the recording through the public records process.

6.4.8.5 The release of video requested through a public records request will be handled in accordance with existing policy. The City of Miami Police Department will follow the Public Records Law Chapter 119. Reproduction fees for duplication of recordings will be established by the City of Miami Records Unit.

6.4.8.6 Prior to the release of any BWC recording to the public, the Virtual Policing Unit will ensure that proper redactions have been made in accordance with state law.

6.4.8.7 Accidental recordings may be deleted prior to the standard 90-day retention period only after a Redline Memorandum is submitted through the officer's chain of command and approved by the officer's Division Chief. Approved Redline Memorandum will then be forwarded to the Virtual Policing Unit for deletion.

6.4.8.7.1 If a BWC accidentally or inadvertently makes a prohibited recording as described above, the member will submit a memorandum through the chain of command specifying the date, time, location and a summary of the unintentionally recorded event. This memorandum, once approved by the officer's Division Chief shall be forwarded to the Commanding Officer of the Virtual Policing Unit for appropriate action.

6.5 GENERAL GUIDELINES:

6.5.1 TRAINING: Officers will receive prescribed training prior to being assigned a BWC. Officers will also go through a refresher course for BWC as needed to cover any new changes, affecting the use of the BWC. **(CALEA 41.3.8 f)**

6.5.2 AUDITS: First-line supervisors will be responsible for conducting at a minimum one compliance audit of one full incident a month per subordinate officer to verify officer compliance with policy, BWC performance and usage. Compliance audit efforts, including any violations detected and disciplinary action taken shall be documented on BWC Supervisor Compliance Audit Form (see 6.4.6) and submitted through channels to the Field Operations Division Chief with a copy submitted to the Virtual Policing Unit. Additionally, the Virtual Policing Unit will conduct compliance audits as determined by the Administration Division Chief. **(CALEA 41.3.8 g)**

6.5.3 POLICY REVIEW: BWC policies will be reviewed yearly or when a major change is made related to BWC.

6.5.4 CARE AND EQUIPMENT:

- a) The only BWCs authorized by the City of Miami Police Department is the Department-issued BWC. Personal video recording devices are prohibited.
- b) All BWC's and related equipment will be issued to individual officers by the Virtual Policing Unit.
- c) A record of inventory will be maintained by the Virtual Policing Unit.
- d) Only officers that have received the prescribed training will be assigned or permitted to wear a BWC.
- e) Officers assigned a BWC are responsible for the proper care of the equipment.
- f) Officers will not deface or alter BWC. This includes, but is not limited to painting, engraving, and any other permanent markings.
- g) Officers are responsible for turning in BWCs to the Virtual Policing Unit when transferring to a unit not requiring a BWC.

6.6 REPAIR / REPLACEMENT: (CALEA 41.3.8 e)

6.6.1 Replacement BWC equipment will be available in the Virtual Policing Unit.

6.6.2 Any BWC equipment, including mounts, cameras, cords, iPods, etc., that is lost, stolen, or damaged will be immediately reported to the officer's supervisor and a Request for Replacement of Lost or Damaged Equipment Form will be generated and sent through the officer's chain of command detailing the circumstances leading to the damage in a Lost or Damage Form per D.O.'s. A copy of the lost or damaged equipment form with a lieutenant's or command staff member's signature will be taken to the Virtual Policing Unit for equipment replacement. Officers shall be financially responsible for replacing equipment lost or damaged as a result of the officer's carelessness.

6.6.3 BWC replacement parts and/or systems are available by contacting the Virtual Policing Unit, Monday thru Friday from 0600 hours to 1600 hours. The proper documentation, outlined above, must have been submitted along with a copy made available for review by the Virtual Policing Unit Commander or designee before replacement parts or systems will be issued.