

# Boynton Beach Police Department

## Body Worn Camera

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|-----------------------------------------------------------------------------------|--------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|  | <b>Index Code:</b>                         | 1912                                                                                       |  |
|                                                                                   | <b>Scope:</b>                              | All Department Members                                                                     |                                                                                     |
|                                                                                   | <b>Effective Date:</b>                     | December 20, 2023                                                                          |                                                                                     |
|                                                                                   | <b>Proponent Unit:</b>                     | Administrative Services Division                                                           |                                                                                     |
|                                                                                   | <b>Rescinds:</b>                           | IC 1912 dated August 18, 2023                                                              |                                                                                     |
|                                                                                   | <b>Joseph DeGiulio<br/>Chief of Police</b> |                                                                                            |                                                                                     |
|                                                                                   |                                            | The original signed copy of this directive is on file in the Professional Standards Office |                                                                                     |
| <b>Related References/Accreditation Standards: CFA 32.02M</b>                     |                                            |                                                                                            |                                                                                     |

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### I. PURPOSE:

To establish guidelines and procedures for the use, maintenance, and management of the body worn cameras (BWC). BWC audio/visual recording equipment is to be utilized in accordance with this policy and only for legitimate law enforcement purposes.

### II. POLICY:

It is the policy of the Boynton Beach Police Department to utilize a body worn camera to document law enforcement interactions with the public by providing recorded evidence of actions, conditions and statements that could be used for judicial, internal review, or by the public through formal request. Officers have a legal right to capture and record footage during all official interactions. Users must also continue to follow all other guidelines governing the deployment of video recording systems as outlined in Index Code 1202 titled Collection, Processing, and Preservation of Digital Evidence and Index Code 1911 titled Mobile Audio/Visual Recording System.

### III. DEFINITIONS:

**Body Worn Camera (BWC)** - means a portable electronic recording device that is worn on a law enforcement officer's body and that records audio and video data in the course of the officer performing his or her official duties and responsibilities.

**Citizen interaction** - any call for service, consensual encounter, investigatory stop, traffic stops, arrest, pursuit, use of force, search, interview, or any other form of contact with, or observation of, a member of the public or person under investigation or detention.

**Critical Incident** – Any actual or alleged event or situation that creates a significant risk of substantial or serious bodily harm to include, but is not limited to, police officer involved shootings, in-custody deaths, and any use of force that can cause life-threatening injuries.

**Digital Evidence** - information of probative value stored or transmitted in digital form.

**EVIDENCE.com** - the online web-based digital media storage facility accessed at [www.EVIDENCE.com](http://www.EVIDENCE.com). The virtual warehouse stores digitally-encrypted data (photographs, audio and video recordings) in a highly

secure environment. The digital recordings are accessible to authorized personnel based upon a security clearance and the system maintains an audit of user activity.

#### **IV. PROCEDURE:**

##### **A. Assignment, Issuance and Operation:**

Officers and Sergeants, jointly referred to as “officers”, who are assigned body worn recording equipment will adhere to the following procedures:

1. The only BWC equipment worn by the officer shall be issued to the officer by the department.
  - a. The Training Section will issue all BWC equipment for the Department. New hire officers should be issued BWC equipment at the beginning of the PTO phase, prior to public interactions.
  - b. The following will be documented when BWC equipment is issued or reissued:
    - i. Officer’s name and ID number
    - ii. Issue or reissue date
    - iii. All BWC equipment serial number(s)
2. Operation and use of the BWC by officers is mandatory while working any uniformed assignments as follows:
  - a. Regular On-duty
  - b. Off-duty Details
  - c. Special events or other events as directed by the Chief of Police or designee
  - d. SWAT operators issued BWC during SWAT Operations
3. Operational maintenance checks:
  - a. Officers, at the start of a shift or assignment, to include extra duty details and special events, will ensure the recording system is receiving power and functioning properly. The officer will do the following:
    - i. ensure the unit is fully charged prior to each shift or assignment start,
    - ii. check the status light to ensure the system is ready,
    - iii. inspect and test all associated equipment,
    - iv. re-check the status during the course of their shift or assignment,
    - v. periodically check the lens and microphone to ensure the equipment is clear of any debris or obstruction which could hinder recording.
  - b. Officers who discover their issued equipment is not operating correctly, must notify their supervisor immediately and arrange for a replacement device. This action will be documented by the supervisor in an electronic email to Technological Services.
  - c. Every officer will be assigned two body worn cameras. One camera will remain in the charger, while the other charged camera will remain in the officer’s possession.
4. Supervisors when notified of any malfunctioning equipment will inspect the device and determine if the problem can be resolved or returned for repair or replacement.
  - a. Supervisors will consider the extent of damage and the availability of a spare or, replacement equipment.
  - b. Any damage or loss of the BWC will require a supervisory investigation.
  - c. The inspection of BWC equipment will be documented during monthly inspections. BWC equipment serial numbers must be noted during inspections.
5. Mounting options:
  - a. The only authorized mounting option is for the camera to be worn on the front of the uniform shirt or vest.
  - b. Officers will be issued equipment for and trained in the use of the mounting procedures.

##### **B. Deployment: (CFA 32.02)**

Members shall endeavor to achieve an appropriate balance between the benefits of BWC and/or civilian’s reasonable expectation of privacy. Although this index code identifies those situations in which activation of the BWC is required, a member has discretion to manually activate the system any time the member believes it would be appropriate or valuable to document an incident.

1. Criteria for activation:
  - a. The BWC will be activated prior to arrival as a primary or backup to all calls for service.
    - i. Officers have discretion whether to record informal interactions with the public.

- ii. The BWC will be activated if an involved party or bystander becomes a suspect or confrontational.
  - b. The BWC will be activated by all officers involved in all lawful performance of duties.
  - c. Use of the BWC will be documented in all applicable offense reports. (CFA 32.02)
  - d. When there is doubt, the BWC should be activated.
  - e. If there is an inability to activate the BWC in any of the above listed situations, at a minimum, a written report or CAD notes will document the lack of a BWC recording.
  - f. Officers who fail to activate the BWC when required will notify their immediate supervisor as soon as practicable, but no later by the end of the shift in which the failure occurred, and will document the failed activation in the report.
  - g. Upon initial contact and when reasonable, the officer will make an attempt to notify any citizen of the use of the BWC and the officer will acknowledge the BWC is recording, when asked.
  - h. The Department recognizes there are certain circumstances where officers may happen upon a situation requiring immediate action to prevent injury, destruction of evidence, or escape, in these types of situations officers should activate the BWC if doing so would not place them in harm.
  - i. At the conclusion of any encounter that may generate a complaint, officers will notify their supervisor so the supervisor may view the video.
2. Criteria for deactivation:
- a. The BWC may only be deactivated once the interaction or incident is completed, or when the officer can articulate a valid reason to stop recording. The following circumstances may be considered when making a decision to terminate/mute a recording:
    - i. When doing so would be detrimental to other agency priorities such as:
      - a. interviewing victims, victims of sex crimes, witnesses and others who refuse to talk unless the camera is turned off, upon request from a victim and/or
      - b. intelligence gathering.
    - ii. The recording of strip searches is prohibited.
    - iii. When used in an event that has an extended non-citizen contact, i.e. holding a perimeter and/or standing by on a prolonged event, such as a stable crime scene, the officer will use discretion on whether to operate or not operate the BWC.
    - iv. Body Worn Cameras need to be activated once custody is taken of a prisoner and must remain recording until entry is physically made into the county jail.
  - b. Prior to muting/deactivating the BWC, officers will record the reason the device is being muted/deactivated for all reasons other than end of police activity (e.g. supervisory direction, when discussing investigative or enforcement options, conference with legal counsel, unrelated phone conversations, and strategic or tactical operations planning). Officer must resume recording at the conclusion of the conversation exempted by policy and FSS 119. BWC shall not be muted/deactivated during the initial response. It is recommended that officers use the muting feature during these exempt periods, if practical.
    - i. After an officer mutes/deactivates their BWC, it is their responsibility to ensure they reactivate their BWC should a subsequent police activity occur in which the officer is involved.
3. Prohibitions:
- a. Unless conducting authorized official law enforcement business, the BWC operator is prohibited from using the system to:
    - i. Record personal activities.
    - ii. Record conversations with fellow agency employees without their knowledge during routine non-enforcement activities.
    - iii. Record in places where there is a commonly held expectation of privacy, such as locker rooms, dressing rooms, or restrooms.
  - b. Officers will not release, post, or share any BWC footage unless authorized by the Chief of Police or designee.
  - c. Officers will not make copies of any BWC recordings for personal or any other use without prior approval from the Chief of Police or designee.

- d. Tampering with the BWC or intentionally interfering with the operation of the BWC is prohibited. Willful negligence by an officer may result in disciplinary action up to and including termination.
  - e. Using a personal or privately-owned BWC while on duty is prohibited.
  - f. BWC operators will not allow citizens to review the recordings unless an official inquiry or investigation is made and such review would be consistent with governing rules, regulations, and laws. These types of requests also require supervisory approval.
  - g. Information recorded at some locations is likely to include highly sensitive personal information.
  - h. In cases where an officer has captured restricted/prohibited footage, the officer will notify their immediate supervisor and provide the details of the incident.
4. Viewing, Data Transfer, and Categorizing BWC Recordings:
- a. Recordings may be viewed by authorized employees when preparing and categorizing incident reports to ensure the accuracy and consistency of the incident documentation.
  - b. Recordings may be accessed immediately, via the department issued laptop computer, mobile device app, or by accessing the storage server after the data has been uploaded.
  - c. Authorized employees will ensure their BWC recordings are accurately categorized and labeled, no later than the end of their tour of duty or detail (only needed if CAD/RMS integration is not complete). Markers will be added to index recordings according to case filing requirements set forth by prosecutors (in section VI).
    - i. Officers will contact their supervisor when they need assistance with the categorization of recordings.
    - ii. Officers will categorize BWC recordings to preserve footage of evidentiary value.
    - iii. Officers will label each recording with a CAD incident number or the generated case number.
  - d. The BWC devices will be returned to the docking station at the conclusion of each shift.
    - i. Once the BWC is docked, it should remain docked.
    - ii. When the BWC is receiving firmware update (flashing red/yellow lights) it will not be removed from the docking station.
    - iii. Any exceptions to this procedure will be authorized, in writing, by a Shift Commander.
  - e. Officers who are issued a BWC, who will be working in official police related tasks (city overtime or extra-duty details), are required to wear their cameras at all times.
    - i. Officers are responsible for ensuring their BWC is fully charged.
    - ii. The BWC will be docked, downloaded, and charged daily, if activated.
  - f. Supervisors may review video footage to document exemplary performance, heroic actions, or other praiseworthy service for appropriate recognition and commendation.
  - g. Any use of a BWC video for training purposes must be approved by the Support Services Division Assistant Chief.
  - h. The Chief of Police or designee may authorize the release of BWC footage in specific instances.

## **V. SUPERVISOR RESONSIBILITIES**

### **A. Supervisors will:**

- 1. Ensure officers comply with all BWC related training.
- 2. Investigate circumstances where an officer improperly terminates a recording. When this occurs, a Blue Team will be submitted to the officer's Patrol Commander detailing the findings. The Patrol Commander will determine if the action was intentional or avoidable, and will direct any further action.
- 3. In cases where officers have captured restricted/prohibited footage, the supervisor will investigate the circumstances and submit a memorandum to the Patrol Commander detailing the findings.
  - a. If the Patrol Commander determines the recording was inadvertent or unavoidable, the details of the incident will be provided to the BWC System Administrator for redaction.

4. In cases where the immediate retrieval of BWC footage is required, supervisors will collect the BWC from the officer and follow data transfer procedures. Upon completion of the data transfer, the BWC will be returned to the officer.
  5. The BWC footage will be reviewed by the supervisor in all cases where there was a response to resistance, pursuit, injury to officer, injury to prisoner, citizen complaint, or any other circumstance where the recording may clarify events.
- B. When an officer is involved in a critical incident, a supervisor will immediately respond to the scene and secure all cameras and handheld devices until the incident investigators arrive on scene. A representative from Internal Affairs will respond to the scene and take custody of the cameras and handheld devices, and ensure all video is promptly uploaded to Evidence.com. The Professional Standards Supervisor will then ensure that all video is placed in a restricted viewing status.
- C. An officer may upon his or her own initiative or request, review the recorded footage from the body camera prior to writing a report or providing a statement, regarding any event arising within the scope of his or her official duties. This provision is provided per FSS 943.1718.
- D. Citizen Complaints:
1. The supervisor receiving the complaint, upon determining the nature of the complaint, will initiate the recording or documenting of the complaint on the complaint form, and any or all subsequent detailed statements should be attached per Index Code 300 titled Complaint Procedures and Internal Investigations.
  2. Once the complaint is taken, the receiving supervisor shall review and mark any BWC video in EVIDENCE.com as being involved in a complaint.
  3. Any recorded incident which is likely to have a serious adverse impact upon the Police Department will be reported, without delay, through the chain of command to the Chief of Police.
  4. Any complaint which may result in the arrest of the complainant, based on the BWC video evidence, must be routed through the chain of command.

## **VI. STATE ATTORNEY PROCEDURES**

Due to the vast increase in digital evidence as a result of PBSO implementing a Body Worn Camera program, the State Attorney's Office has amended their Body Worn Camera Policy.

1. In order for a case to be reviewed, all evidence must be provided to the SAO at the time of filing. For arrests, the case must be presented for filing within 10 days of the arrest. For warrant cases, all evidence must be provided at the time the packet is sent in for review.
2. All digital evidence must be shared to the SAO Evidence.com platform (SA15) at the time of filing. If the evidence has not been shared, the case will be summarily no filed.
3. All items shared to the SAO Evidence.com platform must be clearly titled allowing the prosecutor to easily identify which items contain important evidence.
4. There are no exceptions for backup officers. All BWC's must be titled.
5. Videos containing multiple items of evidence must be bookmarked. Videos containing evidence that is not immediately identifiable, must be bookmarked allowing the attorney to locate each item of evidence immediately upon review. This applies to BWC videos as well as in-car and surveillance videos.
6. BWC recordings do not take the place of supplemental reports. All officers who participate in an investigation must provide a supplement detailing their involvement.
7. The following items must continue to be uploaded into STAC: offense reports (or any report necessary to identify and contact the victim), citations (when required), SAO filing packet cover sheet. All other evidence may be provided via Evidence.com.
8. If items are added to Evidence.com after the case has been shared to the SAO Evidence.com platform, it is the responsibility of the arresting officer to make sure that the case is re-shared.
9. If the evidence provided is voluminous and/or in a Zip format, it must be extracted and converted into a PDF document ready to be selected and viewed. The SAO is not downloading large documents or making conversions in order to view evidence. Prosecutors will no longer send Further Information Required requests, make requests for evidence, or reach out to officers before no filing a case. Failure to comply with the above requirements will result in cases being summarily no filed. The SAO does not have the resources to handle the influx of digital evidence without enforcement of this memo.

10. The following are examples of “critical evidence,” which shall or will be labeled on a BWC/In car video, and bookmarked with the video:

- Sworn statements
- Defendant’s statement/Miranda
- Initial contact at scene
- Consent to search
- Locating evidence (type)
- Lineups/ Show ups
- Recording of the crime itself (usually battery, resisting, or fleeing)
- Field sobriety exercises
- Transport only (nothing of evidentiary value)
- Perimeter only (nothing of evidentiary value)
- Backup (present for security only, took no part in investigation)
- Medical clearance only (nothing of evidentiary value)

11. Because of these changes, it is critical that supervisors review the video for labeling and bookmarks prior to the officer filing the packet into STAC.
12. BWC recordings must be redacted when appropriate, such as undercover officers’, C.I.’s, or other private info, **prior** to it going to the SAO.
13. SAO requires the BWC within 15 days.

## **VII. SYSTEM ADMINISTRATION**

- A. Administration of the BWC system will be the responsibility of the Tech Services and the Training and Recruiting Unit.
  1. Tech Services and the Training and Recruiting Unit responsibilities:
    - a. Configuration, issuance, and maintenance of all BWC authorized camera equipment,
    - b. Updating device settings,
    - c. Assisting with manual downloads to the storage server,
    - d. The Tech Services will make repairs they are trained and qualified to perform.
      - i. Devices which cannot be repaired by Tech Services will be sent for repair or disposed of appropriately.
      - ii. Any device found to be damaged due to willful negligence by an officer, shall be reported to the Uniform Services Division Commander, immediately.
    - e. 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.
  2. The Training and Recruiting Unit responsibilities:
    - a. Setting and maintaining user and group authority levels, passwords, and other required configuration of the evidence storage system.
    - b. Ensure documentation of all viewed, edited, and deleted video are maintained as an audit trail on EVIDENCE.com.
    - c. Managing the list of categories and notifying supervisors when users fail to categorize BWC recordings, or otherwise fail to properly use, store or maintain their issued BWC;
    - d. Providing support to Department employees in aspects of the BWC and evidence storage System;
    - e. Maintaining the audit system that monitors access to recorded data (e.g. who, what, when, why);
    - f. Maintaining a system for the management of data retention and data purging.

## **VIII. TRAINING (CFA 32.02)**

- A. Officers and Supervisors will receive hands-on training prior to being issued a BWC. The initial training will include at a minimum:
  1. A review of the policy, relevant state and federal laws governing consent, evidence, privacy, and public disclosure.
  2. Hardware operation, charging, docking, malfunctions, lost or damaged equipment.
  3. All mounting options.
  4. Categorization, data transfer procedures, data access, security, retention guidelines, reporting improper recordings, and preparing and presenting digital evidence for court.
  5. Hands-on exercises that replicate operating the BWC.

- B. Annual refresher training will be provided by the Training Section.
- C. The Training Section will ensure all BWC training meets statutory requirements, current manufacturer guidelines and specifications.

**IX. DATA RETENTION AND PUBLIC REQUESTS (CFA 32.02)**

- A. All digital recordings collected using the BWC system are official records and the exclusive property of the Boynton Beach Police Department.
- B. The release, dissemination, copying, broadcasting, or distributing of any portion of any BWC recording without the express prior approval of the Chief of Police, or his/her designee, is strictly prohibited, as governed by the Florida State Statutes Public Records Law.
- C. BWC Video Retention Guidelines:
  - 1. Unless otherwise specified below, all recordings shall be retained for ninety (90) days.
  - 2. Recorded evidence associated with an arrest, response to resistance, criminal investigation, or Internal Affairs investigation and/or complaint against an employee shall be retained pursuant to Florida State Statutes Public Records laws.
  - 3. Vehicle crashes involving an employee, pursuits, and events involving injury to an employee and/or citizen, or any recording of an event or public interaction the officer reasonably believes could lead to litigation against the officer or the City of Boynton Beach shall be retained for a minimum of four (4) years and disposed thereafter only with approval from the Chief of Police or designee.
- D. All BWC recordings will be uploaded to the contracted storage service provider's system. 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.
- E. Only personnel who received training on department purchased redaction software, will redact exempt footage, pursuant to state statute, prior to release.