


GAINESVILLE POLICE DEPARTMENT

GENERAL ORDER

	<p>TITLE Body Worn Camera Video Systems (BWC)</p>	<p>ACCREDITATION CALEA 17.5.2 and 41.3.8 (a-g)</p> <p>PRIOR REVISIONS: 05/23/2017, 07/03/2019, 09/29/21</p> <p>ATTACHMENT: None</p>	
<p>NUMBER</p>	<p>PROPOSER UNIT Patrol Operations</p>		
<p>40.14</p>	<p>ISSUE DATE 05/23/17</p>	<p>REVISION DATE 09/30/2024</p>	<p>TOTAL PAGES 12</p>

I. PURPOSE: This General Order establishes guidelines and procedures for the use of Body Worn Camera (BWC) systems and the handling, release, retention and storage of related digital files. The primary use of the BWC is to enhance officer safety and the safety of the public, and promote accountability and transparency. Footage captured by BWC's is only a small percentage of encounters between law enforcement officers and citizens, and the Department is committed to fostering its positive relationships with the community. [CALEA 41.3.8.a]

II. DISCUSSION: The BWC is a valuable tool for documenting criminal activity, identifying training needs, addressing complaints, recording interaction between members and the public, preparation of offense/incident reports, and preparation for court testimony. BWC's assist members in the performance of their duties by, providing recorded, unbiased accounts of an incident.

III. POLICY: It shall be the policy of the Gainesville Police Department (GPD) to provide all sworn and FST personnel with a Body Worn Camera (BWC) system designed to record both audio and video while in the performance of his or her official duties. Members shall activate the BWC when such use is appropriate and where the recordings are consistent with this policy and applicable laws. To maintain the integrity of evidence and related documentation, members must be trained in the operation of the BWC system before having authorization to use it. All images and sounds recorded by a BWC are the property of the Gainesville Police Department.

IV. DEFINITIONS:

A. BODY WORN CAMERA (BWC): A recording system that captures audio and video that is individually

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worn by officers and includes, at a minimum, a camera and recorder.

- B. BODY WORN CAMERA (BWC) SYSTEM:** Includes the body worn camera, microphone, battery pack, docking and charging equipment, video storage solution, evidentiary controls and privacy redaction functions.
- C. PRE-BUFFERING:** The sixty seconds of video only no audio prior to activation of the BWC event mode that is held in temporary storage.
- D. BWC SYSTEM ADMINISTRATOR:** Department member with full administrator rights to the BWC system who assigns and tracks equipment, controls passwords and acts as liaison with BWC representatives.
- E. DATA:** Audio, video and metadata captured on the BWC.
- F. EVIDENTIARY DATA:** Footage of an incident or encounter that could prove useful for investigative purposes (e.g., a crime, an arrest or citation, a search, a use of force or confrontational encounter with a member of the public). Evidentiary footage is usually further categorized by specific incident type, and the retention period is governed by evidentiary rules and applicable law.
- G. NON-EVIDENTIARY DATA:** Footage that does not necessarily have value to aid in an investigation or prosecution, such as footage of an incident or encounter that does not lead to an arrest or citation, or footage of general activities a member might perform while on duty (e.g., assisting a motorist or clearing a roadway). Non-evidentiary data will be retained up to 180 days.

V. PROCEDURES:

- A. Administration:** The Gainesville Police Department has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows [CALEA 41.3.8.c]:
 1. BWC's document police-public contacts, arrests and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
 2. Audio and video recordings also enhance the Department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for evaluation and training.
 3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. User Responsibilities:

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1. The BWC and accessories will be assigned to trained members of the Department. Individual members are responsible for the care and custody of the BWC.
2. Members shall use only BWCs issued by this Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Gainesville Police Department.
3. Members who are assigned BWC's and their supervisors must complete training provided by or approved through the Department's Occupational Skills Unit to ensure proper use and operation. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment. [CALEA 41.3.8.f]
4. BWC equipment is the responsibility of individual Department members and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor (in writing or via email and copied to the BWC System Administrator) as soon as possible so that a replacement unit may be procured. [CALEA 41.3.8.e]
5. Members shall inspect and conduct a test recording of the BWC at the beginning of each shift in order to verify proper functioning and shall notify their supervisor (in writing or via email) of any problems as soon as possible. BWC's shall be inspected and checked for proper functioning by supervisors during mandatory quarterly inspections. [CALEA 41.3.8.e]
6. Members shall turn on their BWC (place in the ready (buffering) mode) prior to starting their shift/OT assignment, and it shall remain in ready (buffering) mode for the entire shift/assignment unless the incident falls within the exceptions listed in Section D and E.
7. Members are responsible for docking and charging their BWC.
 - a) At least once every 7 days members shall dock their BWC at the police department docking station for no less than 10 minutes for firmware manufacturer recommended updates to occur.
 - b) Members shall ensure any video is uploaded as needed and shall dock their BWC for upload (ViewXL or docking at the station) and charging at the end of every shift.
8. Members shall download the Axon Device Manager app and conduct at minimum, semiannual firmware updates. Other necessary updates will be conveyed via email by the BWC Administrator. Members shall store their BWC in accordance with policy and the manufacturer's recommendations. [CALEA 17.5.2]
9. Members shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief or his or her designee.

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10. Members are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
11. Members using a body worn camera are permitted to review the recorded footage from the body camera, upon his or her own initiative or request, before writing a report or providing a statement regarding any event arising within the scope of his or her official duties. This does not apply to a Members' inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses.
12. Requests to delete portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police/designee in accordance with state record retention laws. All requests and final decisions shall be kept on file.
13. Members will document the use of a BWC in an incident, arrest, and related report narrative when recordings were made during the incident in question. BWC recordings are not a replacement for written reports and documentation; however, officers may review the video/audio recordings to verify identification, a vehicle license number or to review an incident for statement accuracy.
14. All members must activate their BWC regardless of whether another officer on scene has his or her BWC recording. Recordings of multiple angles of a situation may help clarify details that may be obstructed from one particular view. [CALEA 41.3.8.b]

C. Body Worn Camera Use:

1. Members issued BWC equipment shall record all contacts with citizens in the performance of official duties (exceptions listed in sections D and E). These contacts include response to calls for service, traffic enforcement, front-desk officers/FST's, and self-initiated enforcement activities. Although every encounter that may result in an official law enforcement matter cannot be identified in advance, members are to use their training and experience when determining what may turn into an official law enforcement matter. [CALEA 41.3.8.b]
 - a) SRO's, while on duty at a school, shall only utilize the record function when they reasonably believe they are about take police action involving a student. SROs shall wear their department issued BWCs at all times when on-duty and assigned as an SRO. SROs are restricted from activating their BWCs except in cases in which criminal activity is suspected, during Baker Act situations, or while assisting school personnel with matters that may result in disorderly or disruptive behavior. SROs shall not activate their BWCs when present during meetings between students and school personnel that are of an administrative nature and do not involve suspected criminal activity or the potential for disruptive behavior. SROs may turn off their cameras only when one or more of the conditions under the "Temporary Deactivation" section apply. Since SROs often assist patrol units in non-school related incidents, fill in for patrol officers under emergency circumstances and are often temporarily reassigned to other duties during the summer months, they shall be required to follow the same BWC general orders as listed above for uniformed, radio-responsive units at those times.

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b) During calls for service, members shall wear their BWC on their person and not remove it until the completion of the call.

c) During calls for service, BWC shall stay activated during the entire call with no reason for interruptions other than those mentioned in Section D (Temporary Deactivation of the BWC).

i. Once the recording has begun, the officer shall record the entire event, and shall not stop the recording until the event has concluded. The event is considered to be concluded when the officer has completed their part of the active investigation, and there is little possibility that the officer will have any further contact with any person involved in the event.

ii. If the event is not considered to be concluded at one address, all subsequent travel to other portions of an event shall be recorded without interruption, (i.e. hospital emergency rooms, other addresses, etc.).

iii. If additional officers arrive on the scene of an incident, they shall also record the incident consistent with this directive.

d) Only Shift commanders can authorize a recording to stop during an incident. If the camera is shut off at any time, members shall note the reason in any accompanying reports.

e) Members shall record the entire time with their BWC in areas in which large crowds tend to congregate i.e. Downtown, or Midtown.

f) Front desk officers/FST's shall record any citizen or public contact, especially any contact that results in a report being taken.

2. Members assigned to a plainclothes assignment shall only be required to wear and utilize them while working in any temporary uniformed capacity.

3. Members should be reminded that any incident captured on the BWC may become a public record. Members shall conduct thorough investigations and maintain a professional demeanor. No extraneous comments are to be made during recording; only supervisory conversations, instructions, and discussions pertaining to the investigation.

4. Members are not required to obtain consent from individuals to video/audio record. Members are not required to inform individuals that they are being recorded. If, however, the member determines that informing an individual may de-escalate a situation or if asked if calls are being recorded, the member should disclose that he/she is recording.

5. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by section (Sections D and E) of this policy.

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6. The BWC must be worn in a position that permits recording, as closely as possible, to that which the member is looking at during an encounter where the member is involved or present. It must be worn on the outermost uniform shirt or jacket and not worn on the duty belt.

7. If a member fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the member shall document why a recording was not made, was interrupted, or was terminated. The only acceptable reasons for de-activation are mentioned in Section D (Temporary Deactivation of the BWC).

8. Members of the public shall not be allowed to review the recordings at the scene.

9. Members assigned to the Criminal Investigations Division have the discretion to record duties associated with the criminal investigations function i.e. follow up investigations, interviews, and crime scene processing. Members shall record any duties associated with the patrol function i.e. traffic stops, suspicious persons, and immediate response to in-progress calls.

10. Command Staff assigned Body Worn Cameras shall follow the uniformed general orders while in the presence of the general public. Command Staff shall record pertinent situations for evidentiary retention based on training and experience or an articulable circumstance.

D. Temporary Deactivation of the BWC: Members may temporarily deactivate their BWC units under the following circumstances [CALEA 41.3.8.b]:

1. When on breaks or otherwise engaged in personal activities.

2. **Special Victims:** When encountering victims of sexual assault, members should consider the sensitive nature of the situation as well as the rights of the victim and, when practical, members should deactivate the BWC recording function once it has been determined that the victim has been sexually assaulted.

3. When interviewing an individual in a hospital room, BWC recording is allowed as long as medical treatment is not ongoing. Once medical treatment occurs, video must stop or offer to leave the treatment room.

4. When in a particular location that is not to be recorded e.g. airport TSA area, any location in which medical treatment may be actively occurring.

5. When coming into contact with a potential bomb. Axon recommends deactivating the BWC if a bomb or incendiary device is within a potentially explosive environment. Axon devices and sensors which are used in wireless communications are not certified intrinsically safe and should be treated with the same care as a cellphone and powered off (Axon Enterprise 2021).

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6. Whenever BWC equipment is manually deactivated as explained in subsections above, the member shall:

- a) Record a verbal comment such as “stopping the recording” followed by a brief explanation for the deactivation prior to turning off (or stopping) the equipment.
- b) Members shall also note the reason for discontinuing the recording in any accompanying reports.

E. Prohibited Recordings and Actions: Members are strictly prohibited from using the BWC to record any activity in a place or manner not related to official police duties, to include:

1. Locations where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or similar facility unless such use is necessitated by exigent circumstances or an active crime in progress
2. Encounters with undercover officers or confidential informants (if requested).
3. Members shall not secretly record another department member, nor shall a member use the BWC in such a manner to discredit a member, the Department or the City of Gainesville unless permitted by the Chief of Police/Designee.
4. During any court related matter, to include pre-trial conferences, depositions, or any other activity within a courtroom.
5. Members will not use the BWC to record a particular person based solely on the person’s race, color, age, sex, marital status, sexual orientation, gender identity, creed religion, ancestry, national origin or disability.
6. In patient care areas of medical facilities unless the recording is for official police business such as a criminal investigation, dying declaration, a formal statement from a victim, witness or suspect, or a specific call for police service.
7. Members shall not make copies of recordings for their own personal use and are prohibited from using a recording device, such as a personal phone camera or personal secondary video camera, not including a dash camera, to record media captured from the BWC recording system or to act as a secondary recording device.
8. BWC operators shall not use any other electronic devices or other means in order to intentionally interfere with the capability of the BWC recording system.
9. Posting of BWC footage to **ANY** social media site, without prior written approval from the Chief of Police or his designee, is strictly prohibited.

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10. A member may not view a recorded incident for the purpose of entertainment or amusement. A log of each time a recorded incident is viewed or downloaded will be maintained on the server and reviewed periodically.

F. **BWC System Administrator Responsibilities:** The BWC System Administrator shall be a member of Property and Evidence. The BWC System Administrator is responsible for performing the following duties:

1. Maintain and troubleshoot the BWC units.
2. Maintain a record of assigned BWC and related equipment.
3. Complete minor repairs.
4. Arrange for the warranty and non-warranty repair of the BWC units.
5. Repair or replace BWC components (cameras, docking stations, etc.).
6. Maintain BWC equipment repair and maintenance records.
7. Update software and system settings as necessary.
8. Monitor and report to the Police Major with any performance related uses regarding BWC use and tagging issues.
9. Grant access to EVIDENCE.COM for all officers assigned a BWC. EVIDENCE.COM is a cloud based service through Axon that is responsible for the secure storage of recorded media captured by a BWC.
10. The BWC System Administrator will be responsible for making copies of recorded media.
11. Recorded media containing evidence shall be safeguarded as other forms of records and evidence. As such, these recording media shall be subject to the Department's security restrictions and chain of custody/evidence safeguards.
12. The BWC System Administrator shall maintain a control log documenting the flow of recorded media into and out of the secure storage area. For each transaction, an entry shall be made documenting the name of the person responsible for the transaction, the date of the transaction, the identification of the media involved in the transaction, and the reason for the transaction.
13. The BWC System Administrator shall produce all duplicates from the affected original.

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- i Upon the request by the State Attorney's Office or for Public Records Requests.
- ii Public Records Requests will be provided in accordance with F.S.S. Chapter 119 and Marsy's Law:
 - a) All BWC public records requests shall be processed through the Public Records Department.
 - b) For BWC public records requests pertaining to schools, all juveniles uninvolved in the situation should be redacted from the video.
 - c) GPD will follow all public records redaction laws pertaining to juveniles per F.S.S. Chapter 119.

14. The BWC System Administrator shall monitor stored media for compliance with retention requirements. Once retention requirements have been satisfied, media are to be completely erased.

15. The BWC System Administrator shall complete an annual administrative review of the BWC and In-car camera program that will be sent to the Chief of Police for review.

G. Supervisor Responsibilities:

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein. Supervisors shall also inspect members' BWC's to ensure proper care and functioning during any mandated equipment inspections.
2. On a monthly basis, immediate supervisors, including FST supervisors, will randomly review at least two BWC recordings per officer, and one in car camera review to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required. These reviews will be documented in Evidence.com [CALEA 41.3.8.g]
 - i Supervisors are responsible for notifying the BWC Administrator when changes to of personnel occur in their chain of command for video review purposes.
 - ii Anyone who wears a BWC should have at least two reviews completed each month. If you are in a position that does not use a BWC, or have no recordings, no review is necessary.

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3. Live streaming shall only be accessed for official purposes. Supervisors, unless exigent circumstances exist, shall make some attempt to inform a member when they are viewing a live stream of the member's BWC.

H. Public Records Requests/Exemptions:

1. All digital recordings collected using the BWC system are official records and the exclusive property of the Gainesville Police Department.

2. All requests for public viewing of BWC recorded video shall be handled according to the public record request guidelines established by Florida State Statutes.

3. As referenced in [FSS 119.071](#), a body camera recording, or a portion of the recording is considered confidential and exempt from public records law [FSS119.07\(1\)](#) and [s.24 \(a\), Article 1 of the State Constitution](#) if the recording takes place in the following places;

- i Within the interior of a private residence.
- ii Within the interior of a facility that offers health care, mental healthcare, or social services (i.e., NFRMC, Shands, Meridian, etc.).
- iii In a place that a reasonable person would expect to be private.

I. Redaction of Records: Footage captured by a member's BWC that is considered confidential and exempt from public records per F.S.S. Chapter 119 shall be redacted by the BWC System Administrator prior being copied and released to the public.

J. Retention of Recordings: [CALEA 41.3.8.d]:

1. Retention of evidentiary recordings shall be for a period of time no less than that prescribed in the State of Florida Law Enforcement Records Retention Schedule.

2. Retention of non-evidentiary recordings shall be for a period of up to one hundred and eighty (180) days.

K. Storage [CALEA 41.3.8.d]:

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1. All files shall be securely downloaded and properly tagged/classified no later than the end of each shift. Each file shall contain the date, BWC identifier, assigned member and member ID number.
2. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Chief of Police/designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Members shall not intentionally damage, tamper with or disable the body-worn cameras.
5. Members shall not make or attempt to make unauthorized repairs to the BWC equipment.
6. Files should 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. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

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By Order of

*Signed Original on File in the
Accreditation Unit*

**Nelson Moya
Chief of Police**