

|   |                                 |                                    |                                |                     |   |
|---|---------------------------------|------------------------------------|--------------------------------|---------------------|---|
| <b>GENERAL OPERATIONS</b>   |                                 |                                    | 1224.00                        |                     |   |
|  |                                 | <b>BODY WORN CAMERA PROCEDURES</b> |                                |                     |  |
| <b>ISSUED:</b><br>07-08-2020  | <b>EFFECTIVE:</b><br>07-22-2020 | <b>REVISED:</b><br>01-01-2026      | <b>REVIEWED:</b><br>01-01-2026 | <b>PAGES:</b><br>21 |   |

## CONTENTS

This procedure consists of the following numbered sections:

- |   |   |
|---|---|
| I. EQUIPMENT                                  | VIII. UTILIZATION OF BWC FOR FIELD OPERATIONS |
| II. BWC SYSTEM ADMINISTRATOR RESPONSIBILITIES | IX. RECORDING AN INCIDENT                     |
| III. TRAINING                                 | X. STORAGE AND RETENTION                      |
| IV. OFFICER RESPONSIBILITIES                  | XI. REVIEW/RELEASE OF RECORDINGS              |
| V. ACTIVATIONS AND RECORDINGS                 | XII. AGENCY REVIEW                            |
| VI. BWC RESTRICTIONS                          |   |
| VII. SUPERVISOR RESPONSIBILITY                |   |

## PURPOSE

To establish guidelines and procedures for the use, management, storage, and retrieval of Body Worn Camera (BWC) video systems and their digital files. This policy only applies to BWCs which attach directly to a member's uniform or person.

The BWCs will be an additional law enforcement tool to document criminal activity, enhance investigations for prosecution, support victims, enhance the safety of members and civilians, and identify training needs.

This policy does not apply to the use of in-car audio/video recording systems which are permanently mounted in a vehicle. This policy does not apply to the use of surreptitious recording devices used in undercover operations.

## SCOPE

This order shall apply to all sworn law enforcement members and any civilian members who handle administration, disbursement, or maintenance of BWCs.

## DISCUSSION

This agency has adopted the use of BWCs in order to have accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance member reports, collection of evidence, and courtroom testimony. The BWC is a valuable tool for identifying training needs, protecting officers from false allegations, and recording interaction between officers and the public.

## DEFINITIONS

1. **Administrative:** Any recording which does not contain evidence of a criminal offense.
2. **Axon View:** A mobile application that pairs IOS devices with Body Worn camera devices. The application provides the user with instant replay, live video streaming and the ability to enter metadata.
3. **Body Worn Camera (BWC):** A portable electronic recording device that is worn on a law enforcement officer's person that records audio and video data of the officer's law-enforcement-related encounters and activities.
4. **Body Worn Camera Administrator:** The Administrative Services Section Supervisor. The position that manages the database, server, and software associated with storage of the audio and video recordings.
5. **Buffering:** The Body Worn Camera (BWC) function which allows the unit to continuously record when the unit is not placed in the recording mode. This feature depending on the camera type will add 60 seconds of pre-recorded data, with no audio, to the recording at the time the recording function is initiated.
6. **Buffering Mode:** When the Body Worn Camera (BWC) is powered on and actively buffering video with no audio.
7. **Event Mode:** When the BWC is powered on and no longer in buffering mode and is actively recording video with audio.
8. **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 protocol. The system also maintains an audit of user activity.

9. **Evidence Dock:** A docking station, physically installed at the police department, which simultaneously recharges the BWC while uploading all digitally encrypted data to Evidence.com.
10. **Evidence Sync:** A desktop application that allows authorized personnel to assign Body Worn equipment to individual officers. The application also allows authorized users to upload data captured on Body Worn devices to evidence.com. Through this application, the user can also view the current video stored on the Body Worn device as well as add metadata.
11. **Evidence Transfer Station:** A docking station that simultaneously recharges the Body Worn Camera and uploads all data captured to Evidence.com.
12. **Field Activities:** Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities.
13. **Metadata:** Case number, incident number, and retention category assigned to BWC video before upload to evidence.com.
14. **Mute (Muting):** Manually disabling the audio feature on the BWC, whereas to only capture video recording.
15. **Stealth Mode:** A camera setting that temporarily disables all lights and sounds from the BWC.

## PROCEDURE

### I. EQUIPMENT

#### A. Issuance and Utilization

1. Officers shall use only those BWC's issued and approved by the Punta Gorda Police Department. The wearing of personally owned audio/video recorders is not authorized.
2. BWC's will be assigned to officers in the Uniform Patrol Section, Marine Enforcement Unit, Canine Unit, Community Engagement Unit and School Resource Officer Unit and shall remain the responsibility of each assigned officer. Spare BWCs will be available for members of the Criminal Investigations Section, Police Administration, Reserve Unit, etc. to be utilized in accordance with this policy.
3. Officers that are assigned to a patrol function and non-uniformed sworn officers engaged in field activities shall wear the BWC at all times while on-duty.

4. Officers performing tasks in which wearing the BWC would be impractical (Dive Team, Physical Fitness Training, etc.) or unsafe shall not wear the BWC while performing those tasks.
  5. Officers assigned to units whose primary duties are administrative (e.g. Police Administration) or investigative (e.g., Criminal Investigations Section) are not required to wear the BWC during the normal course of their duties, unless:
    - a. The officer anticipates participating in enforcement activity (e.g., serving an arrest warrant, executing a search warrant where a dynamic entry is needed to obtain evidence, etc.), or
    - b. The officer is detailed to work a uniformed assignment where citizen/police interaction is occurring, or is likely to occur (e.g., patrol, parade, uniformed extra-duty employment, etc.), or
    - c. The officer is directed to wear the BWC by a supervisor.
- B. Officers shall never attempt any repair of the equipment. Designated members of the Information Technology (IT) Section and the Body Worn Camera Administrator(s) shall be the only authorized members to repair or contract repair of any BWC.
- C. The officer will clean and maintain the equipment according to manufacturer's recommendations.
- D. Officers shall not intentionally damage, tamper with, or disable the BWC equipment.
- E. If an officer loses or damages their BWC, an interoffice memorandum shall be submitted to the Chief of Police by the officer that details the circumstances in which the BWC was lost or damaged. The officer shall also request a replacement BWC from the Body Worn Camera Administrator.
- F. If an officer's BWC malfunctions/does not record, the Watch Commander will be notified immediately. The officer shall document in the incident report (or CAD event if there is not an incident report) detailing the malfunction and lack of BWC footage. The Watch Commander will notify the Operations Commander and the designated BWC Administrator(s) of any needed repairs via e-mail prior to the end of shift. The BWC Administrator(s) shall be responsible for addressing the issue based on the agreement with Axon.
- G. Officers assigned a BWC shall ensure the system is operating properly by checking the functions (day/date/time recorder) and the security of the system (checking log in credentials) at the start of each tour of duty.

## II. BWC SYSTEM ADMINISTRATOR RESPONSIBILITIES

- A. The BWC System Administrator shall be the Administrative Services Section Supervisor. The BWC System Administrator or designee is responsible for performing the following duties:
1. Maintenance of BWC Units;
  2. Maintain a record of assigned BWC and related equipment;
  3. Be proactive, complete minor repairs, and repair/replace BWC components (cameras, docking stations, etc.);
  4. Arrange for the warranty and non-warranty repair of the BWC units;
  5. Maintain BWC equipment repair and maintenance records;
  6. Update software and system settings as necessary; and
  7. The storage and maintenance of all video files uploaded onto the server. Access to the server shall be limited to assigned members with administrative privileges.

## III. TRAINING (CFA 32.02 A)

- A. The Employee Development Coordinator will be responsible for the Body Worn Camera training program.
- B. To maintain integrity of evidence and related documentation, all personnel who wear, use, maintain, store, or release audio/video data must be trained in the operation of the BWC system before having authorization to use it.
- C. All officers and supervisors of members assigned a BWC shall be provided with adequate training and instruction by the Employee Development Unit or designee concerning BWC policy and proper use of the BWC equipment.
- D. The Employee Development Unit will have access to recordings to identify training needs.
- E. The Employee Development Unit shall ensure all BWC training is incorporated into the Field Training and Evaluation Program.
- F. The Employee Development Unit will maintain a current list of all members trained to operate the BWC.

- G. The Body Worn Camera training program will include, but not be limited to the following topics:
1. BWC operation (power on/event mode/functions);
  2. Proper placement of the BWC on the uniform;
  3. PGPD policy and relevant state and federal laws on BWC usage;
  4. Scenario-based exercises that replicate situations that officers might encounter in the field;
  5. Procedures for identifying, categorizing, and uploading recorded video;
  6. Procedures for accessing and reviewing recorded video; and
  7. Procedures for documenting and reporting any malfunctioning device or supporting system.

**IV. OFFICER RESPONSIBILITIES:** The care and security of the BWC equipment is the responsibility of the officer assigned a BWC, and the equipment shall be maintained, operated, and stored according to manufacturer's recommendations. All officers assigned to wear a BWC system will adhere to the following:

- A. The BWC is designed to be worn on the officer's outermost garment, at chest level, in the best position to maximize the BWC field of view and facilitate ease of BWC operation based on the clothing/equipment worn by the officer. When using the flexible magnet mount, the BWC shall be placed at lower chest center mass to avoid obstruction.
1. Officers shall not intentionally obscure the view of their BWC.
  2. The BWC shall not be utilized off-body as a surveillance tool.
- B. Prior to beginning each shift, officers assigned a BWC shall ensure it is charged and functioning properly.
- C. Officers assigned a BWC shall ensure the system is turned on and operationally accessible.
- D. Officers permanently assigned a BWC shall upload their BWC to Evidence.com at the end of every shift, or when reasonably possible as approved by a supervisor. Officers with permanently assigned BWCs may use Evidence Sync or Axon View to enter their metadata.

- E. Officers temporarily assigned a BWC shall submit the BWC to the Evidence Unit along with their name at the end of every shift for uploading, or when reasonably possible as approved by a supervisor. Officers temporarily assigned a BWC are only able to use Axon View to enter their metadata.
1. Officers shall be responsible for reviewing the footage and assigning the appropriate Video Storage Category (Retention Categories) in the Evidence.com system. All appropriate retention categories shall be selected for each file. Retention is based upon the highest retention category selected. Officers are only authorized to utilize the OFFICER categories. Categories shall be selected as defined in [SOP 803.00 – Digital Media \(Photo, Audio and Video\)](#).
  2. The vast majority of submissions should have an ID number. Any submission that has a corresponding ID number shall be documented. Identification (ID) for the footage shall be the complete incident report number (i.e. 23-01940). If an incident report number does not exist then a Computer Aided Dispatch (CAD) event number shall be used (i.e. 2023-024743). Video Storage Category OFFICER - Test / Training / Accidental / Personal Break will receive an ID number of the incident year followed by five (5) zeros. (i.e. 2023-00000).
  3. Once all videos are categorized, the BWC shall be placed in an Evidence dock, so videos can be uploaded to Evidence.com at the end of shift. BWCs must be powered off before being placed in a dock. BWCs shall be picked up the next day when officers report for duty at the beginning of shift and/or off-duty details.
  4. Temporarily Assigned BWC: Once all videos are categorized, the BWC shall be submitted to evidence, so videos can be uploaded to Evidence.com com by the Evidence Technician via Evidence Sync. BWCs shall be checked out via the on duty Watch Commander
  5. All metadata must be added to an officer's BWC video prior to docking the BWC (or submitting the BWC to Evidence if appropriate) at the end of shift.
- F. Officers shall ensure use of the BWC is documented in written reports, including citations. In the event a BWC malfunctions, does not record, or has an audio malfunction officers shall document this in the incident report (or CAD event if an incident report is not generated) and immediately notify their supervisor. [CFA 32.02D]
- G. Officers may review the incident recordings when preparing written reports to help ensure the accuracy and consistency of the incident. Start times and end times of victim, witness and suspect statements should be noted in the incident report.
- H. Officers may review the incident recordings to prepare for court testimony, including, but not limited to, motions, hearings, depositions, and trials.

- I. In accordance with Section 943.1718, Florida Statutes, a law enforcement officer using a body camera must be permitted to review the recorded footage from a body camera before writing a report or providing a statement regarding any event arising within the scope of his or her official duties. In accordance with Chapter 112, Florida Statutes, a law enforcement officer under investigation must be permitted to review body camera recorded footage related to an internal affairs investigation before beginning the investigative interview.
- J. Officers shall not show videos to non-agency members unless it is in the course of their duties, such as assisting in prosecution or assisting another law enforcement agency. All requests from non-agency members shall be treated as a public records request pursuant to [Central Records – SOP 1103.00](#).

## V. POWERING ON AND RECORDINGS

### A. BWC Recording

1. The officer shall activate the Event Mode of the BWC while enroute to a call for service, or as soon as practical. If the BWC is not able to be activated while enroute to a call for service, it shall be documented in the incident report (or CAD event if no incident report was generated). The BWC continuously captures a “pre-event” of 60 seconds prior to the start of recording. If an officer witnesses a law enforcement event (i.e. crash) they should manually activate event mode BWC in order to record the 60 seconds of “pre-event.” The BWC equipment has two modes of operations.
  - a. Event Mode: To activate, press the event button two times within one second. When the event button is activated, the system saves the buffered video and continues recording the video until turned off device memory is full. An alert will occur every two minutes to remind the officer that the device is recording. Officers may choose to lower the volume or silence this alert through the settings in Axon View.
  - b. Buffering Mode: The BWC continuously loops video only recording for 60 seconds. The camera will capture video but no audio, and will not record permanent memory while in buffering mode.
2. Officers, including primary and secondary units, shall activate the event mode of their BWC units to record during all of the officer’s law enforcement-related encounters and activities. Examples include, but are not limited to, the following:
  - a. Citizen encounters related to an official law enforcement duty/action. This includes calls for service involving criminal/civil activity and public service requests;
  - b. Enforcement/arrest actions, including transports;

- c. Dispatched calls for service, which includes activation prior to arrival on scene;
- d. Self-initiated contacts/activities where reasonable suspicion and/or probable cause exists that a crime is being committed, has been committed, or is about to be committed, or evidence of a crime is present;
- e. Phone calls that are dispatched to an officer. Officers must advise the caller that they are being recorded.
- f. Traffic stops;
- g. Investigative stops/field interviews;
- h. Traffic crashes, while conducting the investigation;
- i. Emergency responses;
- j. Incidents involving mentally ill persons;
- k. Crimes in progress;
- l. When emergency lights are activated;
- m. Death investigation under suspicious circumstances;
- n. Vehicle pursuits;
- o. Vehicle searches;
- p. DUI investigations;
- q. During hostile or disorderly groups or crowds;
- r. Circumstances in which the officer reasonably believes that use of force is or may become necessary;
- s. Accident scenes or other events that include the confiscation and documentation of evidence or contraband; and
- t. Other events where the officer believes it would further the police mission and where the individuals being recorded have either consented to the recording or where there is no reasonable expectation of privacy. For example. Suspect interviews and/or admissions to committing or involvement in a crime.

3. When an officer carrying the Taser 7 activates the Conducted Energy Weapon body cameras within 30 feet will automatically enter event mode if the BWC is in buffering mode.
    - a. When a Taser 7 is deployed, all BWCs within 30 feet that are not already in event mode will begin recording.
  4. When an officer carrying the Taser 7 activates the Conducted Energy Weapon body cameras within 30 feet will automatically enter event mode if the BWC is in buffering mode.
  5. Prior to activating event mode, officers shall turn off the police vehicle AM/FM radio to prevent interference with the BWC audio.
  6. When an officer is present at a scene, or during a vehicle stop where music or other loud noise is present and may interfere with the BWC audio, the officer shall ask the person responsible for making, or having control of, the noise to turn it off.
  7. Officers shall utilize their BWC during extra-duty assignments and shall activate event mode of their BWC units to record during all official law enforcement duties/actions and calls for service. An officer who utilizes their BWC during an extra-duty assignment will ensure the unit is charged and functioning properly before the assignment and will upload their BWC at the conclusion of their extra-duty assignment, or when reasonably possible as approved by a supervisor, in accordance with this Standard Operating Procedure.
  8. Requests for deleting any recordings (i.e. Officer makes a personal recording, etc.) must be submitted in writing and submitted to the Administrative Services Section Supervisor through the chain of command for approval. All requests and decisions shall be kept on file.
- B. Notification of Recordings: When the BWC is in event mode for any official law enforcement duty or action, officers making initial contact with the involved party/parties on-scene should inform them, upon arrival, the situation is being recorded unless circumstances exist which jeopardize member safety upon arrival (i.e. a fight in progress, tactical operations, armed subject, etc.). In such cases, the party/parties should be informed as soon as practical.
- C. Recording Duration
1. Once the BWC event mode is activated, it shall remain on until the incident/investigation has reached a conclusion or the officer has cleared from the call. Exceptions to this are as follows:

- a. If an officer is assigned a static post where they are not in contact with involved citizens or actively part of the investigation (i.e. perimeter security, extended traffic control, parade routes, etc.)
  - b. Areas with reasonable expectations of privacy and a person with apparent authority over the location asks to turn off the BWC, unless there exists reasonable suspicion or probable cause that a crime is being committed, has been committed, or is about to be committed, or evidence of a crime is present.
2. Temporary Power Down: During their tour of duty officers assigned a BWC are authorized to power off the BWC unit, due to buffering. Officers may temporarily power off their BWC units when:
- a. Conducting breath testing, due to electronic interference;
  - b. Conducting restroom/personal hygiene breaks;
  - c. Entering a potentially explosive environment; or
  - d. Directed by a supervisor.
3. The BWC shall be powered off under the following circumstances:
- a. If requested by a citizen when there is a reasonable expectation of privacy, such as a home, and the officers have no lawful right to be there other than owner's consent.
  - b. For intelligence gathering or to obtain information or a criminal investigation when a citizen will not provide said information on video. Supervisory notification must be made at the conclusion of the event.
  - c. Prior to discussing a case on scene with other officers or during on scene tactical planning where video could be detrimental to the planning.
  - d. Covert law enforcement operation. (Requested by the Supervisor on-scene).
  - e. While a breath test is being conducted.
4. If a camera is powered off at any time prior to the conclusion of an event, the officer shall document on camera and in the incident report (or CAD event if no incident report was generated), the reason for the power down. If at any time, the circumstances listed above change, and recording of the incident becomes mandatory, officers shall power on the BWC.
5. Muting

- a. The BWC shall be muted under the following circumstances:
    - i. Crime Scenes, Forensic processing.
    - ii. Conducting conversations with CARE or domestic violence victims regarding CARE;
  - b. The BWC may be muted under the following circumstances:
    - i. In the event of a critical incident, and the involved officers need to discuss what immediately has transpired (quick tactical debrief).
    - ii. To confer with another officer and/or supervisor about details of an incident when necessary to determine scope of investigation or to discuss tactics where video will not harm the planning, but audio would be detrimental.
    - iii. Facilitating discussion of training issues or operation strategies;
    - iv. Conducting personal conversations, which includes sharing personal information with another officer;
    - v. Conducting conversations containing privileged information (i.e. communication with Clergy, Attorneys, etc.);
    - vi. As with powering off, if a camera is muted at any time prior to the conclusion of an event, the officer shall document on camera the reason for the muting. If the officer does not state the required information on camera they shall enter the reason for muting in the incident report (or CAD event if an incident report is not generated).
    - vii. Muting is preferred rather than powering off for debriefing, tactical planning and investigative discussions with fellow officers and supervisors. This assists in protecting the officer from false allegations that can be made against them while powered down by continuously recording video to record proper conduct.
- D. Exiting Event Mode (Stop Recording): Recording can be stopped by manually pressing and holding the event button for approximately four seconds after the incident has concluded. An audible “beep” indicates the system has stopped recording.
- E. Failure to Activate or Unmute:
- 1. If an officer fails to activate event mode or unmute their BWC during a required situation, part of a required situation, or interrupts/terminates the recording without cause, they shall notify their supervisor and document it in the incident report (or CAD event if an incident report is not generated) prior to the end of their shift. The

- written explanation shall advise of the incident and the reason for failing to activate event mode or interrupting/terminating the recording.
2. Officers engaged in an incident who realize they failed to activate the event mode of their BWC at the onset shall activate the camera as soon as safely practical.
  3. BWC equipment failure or officer error resulting in system deactivation shall not prevent officers from taking appropriate law enforcement action.
- F. **Areas with Reasonable Expectation of Privacy:** Officers who are lawfully present in an area protected by the 4th Amendment (i.e. private residence, health care facilities, locker rooms, or other location where there is a reasonable expectation of privacy, etc.) and determine there is no reasonable suspicion that a crime is being committed, has been committed, is about to be committed, must turn off the BWC if asked to do so by a person with apparent authority over the constitutionally protected area.
- Example: If an officer is dispatched to a disturbance call at a private residence, activates the BWC, informs the person of the recording and once inside determines no crime has been committed, if the resident or person with apparent authority over the residence asks the officer to cease recording, the member must do so.
- G. **Sensitive Victims:** After making contact with victims of offenses which are sexual in nature (i.e. child abuse, sexual battery, lewd and lascivious, etc.) and advising them the situation is being recorded, officers shall ask them if they consent to the recording. If they refuse or request the BWC be shut off, officers will comply and power off the camera, after stating the reason for turning off the BWC. This shall be documented in the incident report (or CAD event if an incident report is not generated).
- H. **Juvenile Encounters:**
1. **Recording at Schools:** An officer shall record if an active law enforcement action is being conducted.

## **VI. BWC RESTRICTIONS (CFA 32.02 C)**

- A. Accessing files for non-law enforcement use or copying, editing, altering or releasing files is prohibited and will result in disciplinary action, except for official use by Records Unit members.
- B. Officers are strictly prohibited from using the BWC to record any activity which is not related to official law enforcement duties or actions. Specific examples of situations where officers may not use the BWC system unless related to an official duty or action include but are not limited to:

1. Intentionally recording conversations of citizens or fellow employees without their knowledge.
  2. Intentionally recording confidential informants or undercover members. If an officer unintentionally records a confidential informant or an undercover member, the officer shall notify a supervisor when the information becomes known to the officer.
  3. Intentionally recording fellow employees where a reasonable expectation of privacy exists (i.e. a locker room, restroom, etc.).
  4. Recording in any Police Department buildings, at roll call, and/or other agency meetings, except to record official law enforcement duties/actions and calls for service.
  5. Recording in courtrooms, including while in the courtroom gallery and on the witness stand.
  6. Create recordings in patient care areas of medical or receiving facilities unless the recording is for official law enforcement business such as a criminal investigation, dying declaration, a formal statement from a witness, victim, or accused, field sobriety exercises on impaired drivers, or a specific call for law enforcement service.
- C. Officers are prohibited from using a recording device, such as a phone camera or secondary video camera, not including a dash camera or cameras in interview rooms, to record media captured from the BWC recording system or to act as a secondary recording device.
- D. Officers shall not use any other electronic devices or other means in order to intentionally interfere with the capability of the BWC recording system.
- E. Under no circumstances will an officer use a BWC camera assigned to another officer, unless approved in writing by the BWC Administrator beforehand.
- F. Posting, distributing, or publishing BWC footage or digital images, in part or whole, to a social media site or any other communication platform shall be in accordance with [SOP 1109.00 - Social Media](#).
- G. No officer shall access BWC files which are not recorded by them unless authorized by the Chief or designee, except for the purpose of doing a follow up criminal investigation or for the purpose of conducting an internal affairs investigation. This does not prevent the officer from reviewing videos or cases shared with them for the purposes outlined in Section IV of this Standard Operating Procedure.
- H. An officer may not view a recorded incident for the purpose of entertainment or amusement. A log of each time a recorded incident is viewed or uploaded will be maintained on the server and reviewed periodically.

- I. Officers will not interrupt the recording of citizen contacts in order to allow the citizen to review the recording.
- J. Officers will not record conversations with supervisors.
- K. Violations of this Standard Operating Procedure will be handled in accordance with [SOP 202.00 Professional Standards](#).

## VII. SUPERVISOR RESPONSIBILITY

- A. Supervisors will ensure members utilize BWC's according to policy guidelines.
- B. A monthly officer video inspection of BWC audio and video recordings will be reviewed by supervisors and forwarded to the Operations Commander. This shall be completed using Form *Admin 282*. This will be to ensure the equipment is operating properly
  - 1. If a complaint is associated with a recorded event, the immediate supervisor shall categorize the video as "Administrative (Admin Only)" and document the action in the complaint paperwork.
  - 2. The BWC footage will be reviewed by the supervisor in all cases where there is a use of force, pursuit, injury to officer, officer vehicle crash, injury to prisoner, a subject, citizen complaint, or any other circumstance where the recording may clarify events.
- C. Supervisors shall conduct quarterly officer video evaluations of BWC audio and video. This shall be completed using form *Admin 281*. A minimum of one review per officer on the squad shall be conducted, with at least one being an arrest. This will be to ensure that officers are using the devices appropriately in accordance with policy.
- D. Supervisors and/or Internal Affairs personnel investigating an inquiry or complaint may view BWC files relevant to their investigation.
- E. Supervisors who are on-scene of a critical incident (i.e. shooting, gross negligence, unnecessary force, etc.) shall seize the BWC from the involved officer(s) when the scene is secure.
- F. Supervisors shall not conducting "fishing expeditions" or "trolling" of officers' recordings in an attempt to discipline for policy violations or evaluating officer productivity.
- G. Supervisors will investigate circumstances where an officer improperly terminates a recording,

1. A memorandum will be submitted to the Operations Division Commander detailing the findings.
  2. The Operations Division Commander will determine if the action was intentional or avoidable and will direct any further action.
- H. Supervisors are prohibited from reviewing an officer's BWC video outside the scope of this policy and without cause.

## VIII. UTILIZATION OF BWC FOR FIELD OPERATIONS (CFA 32.02 B)

### A. Traffic Enforcement:

1. The BWC shall be set to event mode prior to or at the same time as the activation of the vehicle's emergency lighting system.
2. The BWC shall remain in event mode until such time as the officer involvement has been terminated.

### B. Emergency Response and Vehicle Pursuits

1. The BWC shall be set to event mode prior to or at the same time as the activation of the vehicle's emergency lighting system.
2. The BWC shall not be turned off until the officer's response and/or involvement has been terminated.

### C. DUI Investigations:

1. The BWC shall be set to event mode prior to or at the same time as the activation of the vehicle's emergency lighting system.
2. The BWC may be manually set to event mode upon the initial observation of an infraction or safety concern, which may be prior to the activation of the vehicle's emergency lighting system.
3. A safe area shall be utilized, whenever possible, to conduct field sobriety evaluations and recording by the BWC.
4. Whenever possible, officers shall record advisements given to the offender, such as implied consent, Miranda warnings, or other legal instructions.

### D. Vehicle Searches:

1. The officer shall manually initiate the recording function of the BWC to record any actions pertaining to the incident involving the search.
2. When a consent search is conducted the verbal and/or signing of the written waiver shall, if possible, be recorded via the BWC.
3. The officer conducting the search shall utilize the BWC to articulate their findings and locations as the search is conducted.
4. Evidence and/or contraband located during the vehicle search shall, when possible, be recorded on the BWC.

E. Arrests and Prisoner/Detainee Transports:

1. The BWC shall be placed in event mode during an arrest (when safe to do so) and during the transfer of prisoner custody from one member to another.
2. When possible, the reading of Miranda warnings and other advisements shall be recorded.

F. Stealth Mode: Officers shall only activate stealth mode in tactical situations that require concealment. Upon the conclusion of the tactical situation, officers shall deactivate stealth mode.

**IX. RECORDING AN INCIDENT:** Guidelines for using the BWC when recording incidents:

- A. Recordings shall be incident specific: Officers shall not indiscriminately record entire duties or patrols and must only use the recording device to capture video and audio pursuant to this procedure.
- B. Inform: Recording shall commence prior to arrival at the scene of an incident. Whenever possible, the officer should inform individuals that they are being recorded. Knowledge of being recorded at times, can assist in calming a potential volatile situation. It is understandable that the user will not always be able to advise persons when recording is taking place, especially in high-stress situations, safety concerns, or crimes in progress. Specific words for this announcement have not been prescribed in these guidelines; however, users shall use straightforward speech that can easily be understood by those present, such as, "I am wearing and using Body Worn Camera video," or "This is being recorded."
- C. Private Dwellings: If an incident in a private dwelling is being recorded pursuant to this policy, e.g., domestic disturbance and an officer determines the BWC shall not be powered off, despite the objection of the occupants, officers shall continue to record and explain the reasons for recording. These could include:

1. That an incident has occurred requiring police to attend;
  2. That the officer(s) presence might be required to prevent a Breach of the Peace or injury to a person;
  3. The requirement to secure best evidence of any offense that has occurred, whether in writing or on video; the evidence will be more accurate and of higher quality on video and therefore in the best interest of all parties;
  4. Continuing to record would safeguard both parties with true and accurate recording of any significant statement made by either party;
  5. An incident having previously taken place may reoccur in the immediate future;
  6. Continuing to record will safeguard the user against any potential allegations from either party.
- D. Unwarranted or unauthorized Intrusion: In so far as practicable, officers shall restrict recording to areas and persons necessary to obtain evidence and intelligence relevant to the incident and shall attempt to minimize collateral intrusion to those not involved.
- E. Sensitivities connected with faith: The filming in domestic circumstances could be an issue with some faiths (example: a situation in which the female may not have a face covering within the home). Officers shall be aware of and be sensitive to the wishes of those involved.
- F. While recording officers shall add markers to their video by utilizing the function button to mark important points in the video that can be easily referenced later. If an officer is unable to add markers while recording, they shall be added in evidence.com at a later time. All markers shall be noted in an officer's incident report with the time and marker description.
- G. Concluding filming: It is considered advisable that the officer continues to record for a short period after the incident to demonstrate clearly, to any subsequent viewer, that the incident has concluded and the user has resumed other duties or activities.
- H. Retention: Once a recording has been completed it becomes police information and shall be retained and handled in accordance with the policies and procedures of the City of Punta Gorda and State of Florida Public Records Retention Schedule. All body camera files shall be maintained for a minimum of 90 days.

## **X. STORAGE AND RETENTION (CFA 32.02 E)**

- A. All imagery submitted to Evidence.com shall be retained according to the guidelines (minimum of 90 days) established in compliance with the State of Florida General

Records Schedule for Law Enforcement Agencies (GS-2), the State of Florida General Records Schedule for State and Local Government Agencies (GS1-SL) and/or Florida Statutes. If multiple categories are selected, the highest retention rate applies.

1. 90 Days: Other, Test/Training/Accidental/Personal Break, Traffic Stop, Traffic Crash, Welfare Check (Baker/Marchman Act).
  2. 180 Days: Death Investigations (Non-Evidentiary), Investigation (Non-Evidentiary).
  3. 1 Year: Taser Log (Admin Only).
  4. 14 Months: Trespass.
  5. 5 Years: Field Interviews, Pursuit / Use of Force / Officer Injury.
  6. Manually Deleted: Minimum of 90 Days –Administrative (Admin Only), Documents (Non-Evidentiary), Evidence, Statements (Non-Evidentiary). All imagery classified as Evidence will be stored and retained in accordance with the needs of prosecution, agency use, and Florida Statutes.
- B. Video related to an investigation shall be treated as evidence and therefore its collection, chain of custody, storage, distribution, and disposal will be processed in accordance with this Standard Operating Procedure.
- C. The Administrative Services Section Supervisor, is responsible for ensuring that recorded video files will remain on the secure Body-Worn server for a period consistent with Florida records retention requirements.
- D. If other law enforcement agencies were involved with the Police Department in a joint operational investigation, the agencies shall be contacted prior to the destruction of the recordings to ensure they do not need the recording(s).
- E. BWC file access shall be periodically audited by the BWC administrator to ensure only authorized officers are accessing the data for legitimate purposes.
- F. BWC files shall be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or use in an investigation.
- G. Corrupted evidentiary BWC files discovered by the Evidence Unit will require notification by the Property/Evidence Custodian to the affected officer via the chain of command. The State Attorney's Office shall also be notified of any video file found to be corrupted involving any criminal case. Evidence files in the OSSI Evidence Management System will be updated by the Property/Evidence Custodian to reflect this information. The officer shall supplement the incident report (or CAD event if no incident report was generated) detailing this information.

H. Any tampering, copying, or deletion of BWC data is prohibited.

## XI. REVIEW/RELEASE OF RECORDINGS

- A. All requests for public viewing of BWC recorded video shall be referred to the Administrative Services Supervisor and handled according to the public record request guidelines established in [Central Records – SOP 1103.00](#).
- B. No video shall be released for any reason by an officer or employee. The Records Unit shall be responsible for making copies of digital video. No other persons are authorized to produce copies of digital video without written authorization of the Administrative Services Section Supervisor.
- C. For BWC public record requests, only Records Unit or Public Information Officer shall have access to redact and/or release video in accordance with Florida's Public Records Law, F.S.S. 119.
1. The State Attorney's Office for the 20<sup>th</sup> judicial circuit will have access to evidence.com for viewing of evidentiary tagged videos.
- D. If an officer(s) is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict officers from viewing the video file, except for the subject officer(s).
- E. Requests for copies of video by persons or agencies outside the department, or the State Attorney's Office, including exemptions, shall be subject to the provisions of Florida's Public Records Law, F.S.S. 119.
- F. Officers are encouraged to inform supervisors of any video/audio sequences that may be of value for training purposes.

XII. **AGENCY REVIEW:** Police Administration will conduct a periodic review of this policy to ensure best practices. The Operations Captain will conduct a periodic review of agency practices to ensure it conforms to this Standard Operating Procedure.

## APPROVED



**PAMELA R. SMITH, CHIEF OF POLICE**

**STAFF REVIEW DATES:** 07-13-2021, 02-15-2023, 12-28-2023, 01-01-2026

**REVISION DATES:** 07-28-2020, 09-16-2020, 10-29-2020, 11-25-2020, 12-30-2020, 10-28-2021, 12-14-2021, 01-13-2022, 01-31-2022, 02-15-2023, 09-25-2023, 10-24-2023, 12-28-2023, 12-10-2024, 01-01-2026