

BODY WORN CAMERA (BWC)Section

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6.1 POLICY: The use of a body worn camera (BWC) system will provide documentation of the interactions between City of Miami Police Officers and the public by video recording evidence of actions, conditions and statements that may be used by judicial, internal review, or by the public through a formal public records request. The primary use of the BWC is to enhance officer safety, public safety, and promote accountability and transparency. The equipment will allow the Department to document statements and events during the course of an incident, enhance the police officer's ability to document and review statements and actions for internal reporting and preserve visual and audio information. The Department recognizes that the BWC will not capture exactly what an officer sees and/or hears or what an officer senses or experiences. Footage captured by BWCs is only a portion of the encounters between officer and individuals. The Department acknowledges that an officer's recollection of specific details may be different from what is captured by the BWC. Although the BWCs do not capture an officer's full knowledge of any particular situation, they are a valuable officer tool to capture and preserve data. **(CALEA 41.3.8 a)**

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

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

6.4 PROCEDURES:

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

6.4.2 AUDIO / VIDEO RECORDING:

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

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

a) An officer assigned a BWC must wear it at all times when on duty, in uniform and performing or likely to perform enforcement duties.

- b) BWCs are considered a tool in the performance of law enforcement duties.
- c) The Department recognizes that officer safety is paramount. Officers with a BWC who arrive on a scene or engage in an enforcement contact must start recording as soon as it is safe and practical to do so. If multiple officers are on scene with a BWC, all officers with a BWC will record.
- d) Officers with a BWC shall activate their BWC for all investigative or enforcement contacts including, but not limited to:
1. Responding to calls for service in an emergency mode
 2. All vehicle pursuits, or foot pursuits
 3. All traffic stops including the investigation of a vehicle and vehicle occupants
 4. All searches including, but not limited to, people, vehicles, and buildings
 5. All requests for a consent to search without a warrant, including searches of persons, buildings, or vehicles
 6. All requests for searches and deployments of drug detection canines involving vehicles, when practical
 7. All arrests and/or citations
 8. Statements from victims/witnesses
 9. Any incident upon the direction of a supervisor, at the request of another police officer, or anytime the officer deems it appropriate to activate the body camera
 10. Officers shall only use the Department issued BWC equipment to record official Departmental activities
 11. Any other legitimate law enforcement contacts

Officers responding to these types of incidents shall activate the BWC equipment prior to exiting their vehicle.

e) Officers assigned a BWC and with a prisoner in an MPD prisoner process area will record until either the detention officer releases the officer or the prisoner is put into a cell.

f) Recording at the Miami Dade Corrections facilities will cease upon entry to the facility unless approved by Miami Dade Corrections staff.

g) Once a BWC is recording, officers must continue to record until either the completion of the event or until they leave the scene and their involvement in the event ceases.

h) While **not required** by policy or state law, officers assigned a BWC may find it valuable to inform other parties that they are being recorded. This has proven to be influential in garnering cooperation of subjects and has been shown to reduce incidents of use of force.

i) A BWC is not specifically designed to log evidence or to be used for any situation where fine detail and resolution is necessary. Officers are encouraged, however, to use their assigned BWC to record crime scenes prior to the arrival of crime scene technicians or forensic investigators, especially if the scene may change or be compromised.

j) For efficiency, officers assigned a BWC can view and tag captured video via the smartphone application or by using computer program prior to uploading to the EMS.

k) Officers will activate or deactivate the BWC pursuant to this Department Order and not upon the request of a citizen.

6.4.3 EXCEPTIONS TO RECORDING:

6.4.3.1 Police officers shall deactivate BWCs during non-enforcement activities such as:
(CALEA 41.3.8 b)

a) Officer to officer conversations about crime charging issues or other general conversations.

b) Traffic control at fires, crime scenes, or crash scenes when the officer's likelihood of being involved in enforcement activities is low.

c) Lengthy hospital stays awaiting medical clearance (unless enforcement actions are likely, the likelihood of additional criminal activity or escape attempt is high, the suspect is making voluntary statements, or the officer is gathering additional evidence (e.g., DUI blood draws).

d) Officers shall make a verbal notation on the recording anytime he or she intentionally stops a recording prior to the completion of an event or incident. The verbal notation must include the reason why the officer is stopping the recording. Officers shall note on their worksheet the number of videos associated with each case due to the stops and restarts during a call. (e.g., Officer needs to confer with their sergeant and stops the BWC and restarts the BWC prior to clearing the call. In this particular circumstance the officer will generate two videos on the one call, therefore, the worksheet entry for the call shall reflect "2 BWC Videos".)

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

1. BWCs will not be activated in a place where a reasonable expectation of privacy exists, such as dressing rooms, locker rooms and restrooms unless while handling a legitimate call in one of these locations.
2. BWCs shall not be used to record a strip search or a body cavity search conducted in accordance with Florida Statutes 901.211.
3. BWCs will not be intentionally activated to record conversations of fellow officers without their knowledge during routine and non-enforcement activities. This includes while an officer is on a rest break, while report writing, attending roll calls, general discussions with

other officers, discussing a case with another officer, or performing other administrative functions.

4. BWCs will not be utilized to surreptitiously record conversations of the public and/or other members of the Department.
5. Officers utilizing a BWC will not knowingly record undercover officers or confidential informants.
6. BWCs will not be utilized to record any personal activity.

6.4.4 CRITICAL INCIDENT PROTOCOL:

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

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

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

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

6.4.5 DATA UPLOADING AND VIDEO CATEGORIZATION:

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

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

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

b) Title field:

1. Provide a brief explanation of what is recorded.

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

c) Category fields:

There are 17 category choices for each individual recording. If multiple categories apply to an event, officers shall apply the category with the highest retention period available to them.

1. Recording Management Categories

a. The following recording categories are to be used.

	Categories	Retention Duration
1	Uncategorized	180 Days
2	Crime Stoppers Tip	90 Days
3	Damage to MPD-City Property	1 Year
4	Death Investigations	Until manually deleted
5	DUI Investigation	3 Years
6	Felony Investigation	5 Years
7	Field Contact / Traffic Stop (No Citation)	90 Days
8	Baker Act	180 Days
9	IA Case	Until manually deleted
10	Misdemeanor Investigation	3 Years
11	Pending Review	180 Days
12	Police Involved Shooting	Until manually deleted
13	Response to Resistance	5 Years
14	Traffic Crash Investigations	5 Years
15	Traffic Stops (Citation Issued)	180 Days
16	Test/ Training Videos	90 Days
17	Vehicle Pursuits	5 Years

2. At the end of each shift, officers assigned a BWC will ensure that all videos have been ID and categorized before placing their BWC into the dock for automatic uploading of all recorded data from the BWC into the EMS. **(CALEA 41.3.8 g)**

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

6.4.6 REPORTING / DOCUMENTATION:

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

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

6.4.7 DEPARTMENT REVIEW / TRAINING:

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

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

- a) By a Department officer to ensure a BWC system is working properly.
- b) By a police officer viewing their individually assigned recordings to assist with writing a report, supplement, citation, memorandum or court case preparation.
- c) By authorized persons for the purpose of reviewing evidence and processing records requests.
- d) By a supervisor to investigate a specific act or allegation by another officer or by an officer of the public. While recorded data shall not be routinely or randomly viewed by supervisory officers for the sole purpose of enforcing policy violations, the Chief of Police or his/her designee may order periodic integrity inspections of recordings to be conducted by the Internal Affairs Division.
- e) By authorized Department personnel participating in an official investigation, such as a citizen complaint, administrative inquiry or criminal investigation.
- f) By others with permission of a supervisor if they are participating in an official investigation.

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

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

6.4.7.5 Discovery of Potential Misconduct during Authorized Review:

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

6.4.8 DATA PRIVACY / RETENTION OF RECORDINGS / RECORDS REQUESTS:

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

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

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

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

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

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

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

If a BWC accidentally or inadvertently makes a Prohibited Recording as described above, the member will submit a memorandum through the chain of command specifying the date, time, location and a summary of the unintentionally recorded event. This memorandum shall be forwarded to the Commanding Officer of the Virtual Policing Unit for evaluation and appropriate action.

6.5 GENERAL GUIDELINES:

6.5.1 TRAINING: Officers will receive prescribed training prior to being assigned a BWC. Officers will also go through a yearly refresher course for BWC to cover any new changes to, but not limited to, equipment or policy changes. **(CALEA 41.3.8 f)**

6.5.2 AUDITS: The Virtual Policing Unit and supervisors will be responsible for conducting at a minimum one audit a month to verify BWC performance and usage. **(CALEA 41.3.8 g)**

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

6.5.4 CARE AND EQUIPMENT:

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

6.6 REPAIR / REPLACEMENT:

6.6.1 Replacement cords and mounts will be available in the Virtual Policing Unit.

6.6.2 Any BWC that is lost, stolen, or damaged will be immediately reported to the officer's supervisor and a Request for Replacement of Lost or Damaged Equipment Form will be generated and sent through the officer's chain of command detailing the circumstances leading to the damage in a Lost or Damage Form per D.O.'s. A copy of the lost or damaged equipment form with a lieutenant's or command staff signature will be taken to the Virtual Policing Unit for equipment replacement.

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