

## **609.9 BODY WORN RECORDING EQUIPMENT**

- I. **PURPOSE:** The purpose of this Standard Operating Procedure is to establish guidelines for the proper use, care, and maintenance of body worn recording equipment. It also provides an outline for collection and documentation of evidence.
- II. **SCOPE:** The procedure shall apply to all department employees who are issued the Taser Axon Flex Video System or body worn camera recording equipment designed to record both audio and video.
- III. **DISCUSSION:** Body worn recordings have been demonstrated to be of value in the prosecution of traffic and criminal offenses, gathering of evidence, protecting officers from false accusations, training, and ensuring transparency of police activity. In order to maximize the utility of this equipment in these and related areas, officers shall follow the procedures for body worn recording equipment.
- IV. **PROCEDURES:** Body worn recording equipment will be issued to officers based on the availability of the equipment. Officers who are assigned body worn recording equipment will adhere to the following procedures:
  - A. Training
    1. Officers must complete the required block of instruction prior to being issued body worn recording equipment. The training will include a familiarity with all aspects of the device and the upload process as recommended by the manufacturer.
  - B. Issue & Operational Checks
    1. Officers will fully charge the unit immediately prior to each shift or assignment.
    2. At the start of an officer's shift or assignment, to include Extra Duty and/or Special Events, they will ensure that the recording system is receiving power and functioning properly. They will also check to make sure the ready status light is on.
    3. The officer will frequently ensure the status light on the device is on during their shift.
    4. Officers who discover their issued system is not operating correctly must notify their direct supervisor immediately and arrange for a replacement device and document this action.

C. Operation

1. The body worn camera shall be located on the epaulet, glasses, collar, hat clip, or other accessories made available. They will not be worn on the center of the officer's chest.
2. The department and individual officers are likely to be scrutinized whenever there is no video on an incident where video would be helpful. Your discretion and documentation will be paramount in explaining your actions.
3. The body worn recording system SHALL be utilized to gather and record the following types of events, whenever possible, by all officers involved:
  - a. Traffic stops
  - b. Pursuits- vehicle or foot
  - c. Potentially confrontational citizen contacts
  - d. Physical arrests
  - e. Use of force situations
  - f. Suspicious vehicle/person calls
  - g. In-custody *Miranda* rights advisement and interviews (unless recording by other means inside police facilities)
  - h. Alarm responses and building checks
  - i. Any other law enforcement activity which the officer feels could benefit from use of the body worn recording system. If there is any doubt the system should be activated. The inability to do so, and lack of recording of video in any of the above instances, must be justified in writing.
4. A **victim** should be informed that the interview will be recorded unless the victim objects. The refusal should be stated on the video by the victim, the video turned off and documented in the report.
5. The Tampa Police 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 body worn recording system if doing so does not place them or others in danger. If immediate activation is not feasible, the officer will activate the camera at the first available opportunity, when the immediate threat has been addressed.
6. The body worn recording system may be manually deactivated by officers when they reasonably believe doing so will not result in the loss of critical documentary information, to protect tactical or confidential discussions or briefings, or when directed to do so by a supervisor. The deactivation will be documented on the video and in the report.

7. The body worn recording system SHALL NOT:
  - a. Be activated in police facilities unless in an official capacity, as part of an investigation.
  - b. Be used to record any personal activity. As a reminder, there is potential criminal and civil liability if this restriction is violated.
  - c. Be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.
  - d. Be used to record confidential informants or undercover officers unless approved by a Sergeant or above.
8. Failure to activate the body worn recording system as outlined in this SOP, properly retain and store recordings, or the abuse or misuse of the system may result in disciplinary action.
9. Intentionally turning off the system in anticipation of a use of force incident or other confrontational citizen contact is absolutely forbidden, and will result in discipline up to and including termination.
10. Officers shall not erase, alter, reuse, modify, or tamper with original audio/video recordings.
11. When video is recorded during an incident requiring a report, the study field box on the MRE report should be tagged as Body Camera Video Available.

D. Uploading & Storage of Files

1. To charge and upload the system place the camera and battery pack in a docking station that is connected to the Internet. This will start the upload process and begin to charge the system.
2. The video will be uploaded at the end of the officer's shift as soon as practical.
3. At-home docking and uploading may be done on a voluntary basis. The requirement is to have a high speed internet connection that the provided single docking device can plug into with a Cat 5 wire and a power source. The docking station will automatically establish an encrypted connection to Evidence.com.

E. Video Review

1. The recorded video will be reviewed periodically during an officer's shift to ensure the video is properly tagged in Evidence.com. This can be accomplished by many different methods. The more common method would be to view and tag the video on the officers' MDT laptop, utilizing the Evidence Sync software and the provided USB cable. The video can also be tagged directly in Evidence.com after it is uploaded into the system. Another optional method, which is strictly voluntary, would be to use a personal bluetooth-enabled device to link the camera to the Axon Mobile application installed on the device.
2. The video should be reviewed prior to writing a report to ensure consistency. Although the video is a reference in a report it shall not exclude the writing of the details in the report. As an example the term "see video" should be avoided and a detailed description of what the video observed and what may have been out of view should be described in the report.
3. Any video that is uncategorized or tagged as non-event will be kept in the system a minimum of 90 days. All video that is tagged will follow a standard retention period based on the video tagging in conjunction with the rules under F.S. Chapter 119 for retention of records.

F. Turn In

1. Devices will be assigned and tagged to an individual officer and registered to that officer in Evidence.com. If the officer changes to an assignment where a body worn camera is not used, the device needs to be downloaded first and turned into the designated Captain in their division. Officers may not loan their assigned camera to another officer or to any other person.

V. SUPERVISORY RESPONSIBILITIES: To ensure that this program maintains its integrity, it is imperative that supervisors adhere to the following procedures:

- A. Supervisors will perform random checks, at least once per month, on all body worn recording systems assigned to their squads. If a system is found inoperable and the officer did not notify his/her supervisor, then the supervisor will investigate and report the findings. The supervisor will notate the inspection in the Inspection Log.
- B. Supervisors will ensure that repairs and replacement of damaged or nonfunctional body worn recording systems are scheduled. The inoperable unit will be turned into the designated district Captain to arrange for a replacement device.

- C. Once a scene is stabilized and if there are numerous officers assigned to the scene who have assigned BWC devices activated, it is recommended the Supervisor evaluate each officer with the devices activated to ascertain if there is any value to what is being recorded. If there is no investigative value the supervisor should instruct the officers on the video to turn off their video with the reasoning for this request. The officer should immediately turn off the video. This will help prevent unnecessary accumulation of video that has no value to the case.
- D. In the event that an officer captures and records a sequence that may be of value for training purposes, the supervisor will review the incident. If the supervisor feels the recorded event would prove useful for training purposes, he will email the report number of the recording in Evidence.com to the Training Unit. The Training Unit may tag the video as "video demo" if they feel that there is value to make sure it is retained. The original tag will also be retained and handled like any other recording.
- E. It is Supervisors' responsibility to ensure that the report regarding the video recording is properly documented.
- F. Professional Standards Quality Assurance will be conducting periodic checks on recorded video through Evidence.com.

VI. SYSTEM MAINTENANCE:

- A. The body worn recording system is an expensive and delicate piece of equipment. It will be the responsibility of the assigned officer to ensure that the system is operated and maintained according to the manufacturer's instructions.
- B. If any part of the body worn recording system is lost or damaged, officers must immediately notify their supervisor and document the incident in writing.

VII. RELEASE OF RECORDINGS:

- A. It is the policy of the Tampa Police Department that all recordings generated on departmental equipment are the property of the Tampa Police Department. Copying, transmitting or other reproduction of any digital recording segment generated by the Tampa Police Department body worn recording system, or removing such recordings outside the Tampa Police Department, without authorization from the Chief of Police is prohibited.
- B. Requests for copies of digital recordings by persons or agencies outside the Tampa Police Department or State Attorney's Office shall be directed to the Public Records Office and subject to the provisions of Florida Statutes Chapter 119. The requesting person will be responsible for the cost of duplication pursuant to state statute.

- C. Officers or other employees shall not retain, or distribute to any person or entity, any original or copy of any recording except as specified in the S.O.P. or as expressly approved by the officer's or employee's supervisor.
- D. Posting of footage to any social media site without prior written approval from the Chief or designee is strictly prohibited.
- E. If another assisting law enforcement agency is recorded in a video that is requested for release or administrative investigation purposes, the affected agency should be notified of the request and a copy provided to them free of charge by the Public Records Coordinator or the Professional Standards Bureau as applicable.

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